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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department of Forestry (DOF)
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC10-11
VAC Chapter title(s)	Public Participation Guidelines
Date this document prepared	3/7/23

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

APA – Administrative Process Act means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

DOF - Department of Forestry

NRP – Negotiated rulemaking panel means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

RAP – Regulatory Advisory Panel means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the

promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

DOF has regulatory authority under Chapter 11. Forest Resources and the Department of Forestry in the Code of Virginia. No regulatory changes were made, this was a periodic review of this chapter for Public Participation Guidelines.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives were considered as part of the this periodic review, Public Participation Guidelines were developed to define and guide the public that are interested in an opportunity to submit data, views, and arguments, either orally or in writing, to the agency. No regulatory changes were made, this was a periodic review of this chapter for Public Participation Guidelines.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
	No public comments were received	

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Department of Forestry. The regulation is necessary to define and guide the public that are interested an opportunity to submit data, views, and arguments, either orally or in writing, to the agency. The regulation is written clearly and easily understandable by outlining the purpose, definitions, how notifications are guided. The regulations define procedures on public comment, rulemaking, appointment of regulatory advisory panel and negotiated rulemaking panel, how meetings are conducted, public hearings on regulations and periodic review of regulations.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Regulation was retained as is without making changes, amending the regulation, or repeal the regulation. The ORM will be completed.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

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- 1) Continued need for the regulation is necessary in order to promote public involvement in the development, amendment or repeal of the regulations of the Department of Forestry. 2) DOF did not receive any comments or complaints during the 21 day public comment period. 3) The regulation is not complex 4) The regulation does not overlap, duplicate or conflict with any other federal or state laws or regulations. 5) The regulation is evaluated annually, it does not rely on technology, economic conditions, or any other factors due to the nature of public participation. This regulation outlines Virginia Regulatory Town Hall as the mechanism for notification, registration and meeting procedures for public participation. DOF determined there was no effect to the economic impact of small businesses, this regulation promotes public involvement in the development, amendment or repeal of the regulations of the Department of Forestry
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