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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Forestry
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	4 VAC10-30
<b>VAC Chapter title(s)</b>	Virginia State Forest Regulations
<b>Date this document prepared</b>	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.*

Virginia Department of Game and Inland Fisheries – Renamed the Virginia Department of Wildlife Resources on July 1, 2020. The name change reflects the wide range of wildlife conservation responsibilities and opportunities that the agency has, from hunting and fishing, to wildlife watching, public lands, boating, and outdoor recreation.

## 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 Virginia State Forests Regulations.

**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 this periodic review. This chapter defines the Virginia State Forests Regulations and provides an overview of acts prohibited by Virginia State Forests Regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do. No regulatory changes were made, this was a periodic review of this chapter for Virginia State Forests Regulations.

**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.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Alan Stein	I try to go camping and hiking in Virginia when I have the opportunity. I have camped in other States, and our Parks and facilities are much better in my opinion. We have a beautiful State and whatever we can preserve of its beauty for appreciation and recreation also add to its commercial benefits.	DOF did not respond to this comment, this was for informational purposes and is geared toward the Department of Conservation and Recreation.

**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 for the Virginia Department of Forestry to define and provide an overview of acts prohibited by Virginia State Forests Regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do. This chapter provides the interpretation of the regulations, the territorial scope, permits required, preservation of the forest, pollution, disposal, conduct, gambling, alcohol, picnicking, camping, bathing, dressing, explosives, fires, smoking, hunting, fishing, boating, dogs and other animals, sports, vehicles, meetings, advertisements, contributions, aviation and sale of forest products. The regulation is necessary to define and provide overview of what is prohibited in state forests.

**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.*

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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 provide what is prohibited in Virginia State Forests. 2) DOF received one comment, however the comment was informational and was directed at the Virginia Department of Conservation and Recreation. 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, consideration was given to current conditions of technology, economic conditions, and other factors and it was determined that no change was needed. DOF determined there was no effect to the economic impact of small businesses, this regulation provides an overview of acts prohibited by Virginia State Forests Regulations.