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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 15-20
VAC Chapter title(s)	Definitions and Miscellaneous: In General
Action title	Elimination of permit fee; establishment of late fee; reference updates
Final agency action date	August 18, 2022
Date this document prepared	October 11, 2022

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory change removes fees associated with special use permits for Department-owned or operated boat ramps. "Special uses" consist of organized events held at the boat ramps, where notification to the Department is desirable to ensure that any event or gathering is held in a manner that does not impede the use of the ramp by the general public. While the permit itself is therefore useful, the existing fees were low in amount, sporadically enforced, and insubstantial in total revenue to the Department (it is estimated that less than \$1000 was being collected annually statewide). Therefore, the regulatory change eliminates this unnecessary fee from 4VAC15-20-200.

A late fee is also established for certain permittees of the Department, including wildlife rehabilitator permits and commercial and education/scientific use exhibitor permits. These permits are all issued for a term, and those who wish to continue to either rehabilitate or exhibit wildlife beyond those terms need to

renew their permits by the time of the expiration of their current permit. While most do so, at times, one of these permittees is late with their renewal, or forgets to renew. Past practice of the agency has ranged from allowing renewal at any time after expiration, which creates no incentive to comply with renewal timeframes, to considering not allowing a renewal until the next permit cycle, which is viewed as unnecessarily punitive. In order to try to create a reasonable compliance process, fair to those permittees who meet deadlines but reasonable in response to those who are late (and incentivizing them to comply), the action creates modest late fees in 4VAC15-20-200 ranging from \$10 to \$25. No more than a handful of permittees are expected to be late in any given year; this will allow them to renew late, while giving them some incentive to meet renewal timeframes.

This regulatory change also updates references to the List of Native and Naturalized Fauna of Virginia found in 4VAC15-20-50. The current regulation references the 2020 list; the amendment simply updates this reference to the 2022 list.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for these regulatory changes is the Board's biennial periodic review of regulations. Internal staff review and consideration of subsequent public comment through the Board's regulatory development process found these changes advisable.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Board of Wildlife Resources adopted these final amendments to regulations found in 4VAC15-20 (Definitions and Miscellaneous: In General) at its meeting held on August 18, 2022.