

**Unified Regulatory Plan of the Department of Conservation and Recreation for State Fiscal Year 2023**

Prepared on September 30, 2022

## **Description of Agency or Boards**

The **Department of Conservation and Recreation (DCR)** is the state's lead natural resource conservation agency. DCR protects what Virginians care about - natural habitat, parks, clean water, dams, open space and access to the outdoors. The Department of Conservation and Recreation is empowered to prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law, pursuant to the Administrative Process Act. The department and its boards operate under the supervision of the Secretary of Natural and Historic Resources.

The **Board of Conservation and Recreation** provides recommendations to the director on grants and loans pertaining to outdoor recreation, on the designation of recreational sites eligible for recreational access road funds, on master plans and substantial acquisition or improvement amendments to master plans, and on designations for scenic rivers, scenic highways, and Virginia Byways.

The **Virginia Soil and Water Conservation Board** responsibilities are related to the funding of, collaboration and cooperation between, and oversight of programs by the soil and water conservation districts. The board shall promulgate regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained and operated. The board shall adopt regulations which include criteria relating to the development of nutrient management plans, qualifications and standards for individuals necessary for individuals preparing nutrient management plans, and fees for individuals enrolling in the training and certification programs. Title 10.1, Chapter 1, Article 1.

<b>Title of Proposed Regulatory Action or Guidance Document</b> Repeal 4VAC5-36 (et seq.) Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services.	
<b>Brief Overview:</b> DCR has traditionally promulgated state park fees as regulations. This practice is unnecessary and can be safely ended. State Park related fees are not subject to the APA or the Virginia Register Act and are under the authority of the Director of the agency.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Fully deregulate fees for facilities, programs and services and establish through agency publication.
<b>Expected Date</b>	December 2022

<b>Title of Proposed Regulatory Action or Guidance Document</b> Amend 4VAC5-20 (et seq.) -Standards for Classification of Real Estate as Devoted to Open Space Use under the Virginia Land Use Assessment Law.	
<b>Brief Overview:</b> The agency wishes to promulgate technical amendments and to conduct a periodic review and small business impact review of this regulation pursuant to Va. Code § 2.2-4007.1. Public comment will be sought on the review of any issue relating to this regulation.	
<b>Regulatory Stage (check one box)</b>	<input checked="" type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	
<b>Expected Date</b>	January 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Southwest VA Museum State Park Master Plan	
<b>Brief Overview:</b> Subsection 10.1-200 of the Code of Virginia requires that master plans be written for existing and proposed Virginia State Parks. The plans cover the size, types, and locations of facilities as well as the site's special features and resources. Plans also cover infrastructure, such as roads, and utilities. They also outline phased development and costs for operations, maintenance and staffing.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
<b>Deregulatory Component</b>	
<b>Expected Date</b>	December 2022

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Machicomoco State Park Master Plan	
<b>Brief Overview:</b> Subsection 10.1-200 of the Code of Virginia requires that master plans be written for existing and proposed Virginia State Parks. The plans cover the size, types, and locations of facilities as well as the site's special features and resources. Plans also cover infrastructure, such as roads, and utilities. They also outline phased development and costs for operations, maintenance and staffing.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
<b>Deregulatory Component</b>	
<b>Expected Date</b>	February 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Mayo River State Park Master Plan	
<b>Brief Overview:</b> Subsection 10.1-200 of the Code of Virginia requires that master plans be written for existing and proposed Virginia State Parks. The plans cover the size, types, and locations of facilities as well as the site's special features and resources. Plans also cover infrastructure, such as roads, and utilities. They also outline phased development and costs for operations, maintenance and staffing.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
<b>Deregulatory Component</b>	
<b>Expected Date</b>	April 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Lake Anna State Park Master Plan	
<b>Brief Overview:</b> Subsection 10.1-200 of the Code of Virginia requires that master plans be written for existing and proposed Virginia State Parks. The plans cover the size, types, and locations of facilities as well as the site's special features and resources. Plans also cover infrastructure, such as roads, and utilities. They also outline phased development and costs for operations, maintenance and staffing.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
<b>Deregulatory Component</b>	
<b>Expected Date</b>	May 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Virginia Community Flood Preparedness Fund (CFPF) Grant Manual (Grant Round 4) was established to provide support for regions and localities across Virginia to reduce the impacts of flooding. The Resilient Virginia Revolving Fund (RVRF) was established to provide loans or to refinance projects for local governments or to give grants to them, and provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes	
<b>Brief Overview:</b> Virginia Community Flood Preparedness Fund (CFPF) was established to provide support for regions and localities across Virginia to reduce the impacts of flooding. The updated manual will include CFPF Grant Round 4, as well as the new Resilient Virginia Revolving Fund.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
<b>Deregulatory Component</b>	
<b>Expected Date</b>	April 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Virginia Flood Risk Management Standards	
<b>Brief Overview:</b> Executive Order 45 (2019) established Floodplain management requirements and planning standards for state agencies, institutions, and property. In order to remain in compliance with the National Flood Insurance Program (NFIP), Virginia is required to formally adopt development standards for state agency buildings and facilities in flood prone areas. Participation in the NFIP provides Virginia's citizens with lower-cost flood insurance.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA/Periodic Review <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute (EO45)
<b>Deregulatory Component</b>	
<b>Expected Date</b>	June 2023