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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Conservation and Recreation
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	4 VAC5-30
<b>VAC Chapter title(s)</b>	Virginia State Parks Regulations
<b>Action title</b>	Amendments to the Virginia State park Regulations
<b>Date this document prepared</b>	07/14/2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.*

The Virginia State Park Regulations (4VAC5-30) govern the behavior of all individuals visiting Department-owned or Department-operated properties including all state parks, historical and natural areas, natural area preserves, and other recreational areas in the Commonwealth. The regulation also controls the types of activities allowed on those properties.

The intent of this regulatory action is to amend the regulations to address current practices, update terminology and remove and replace outdated requirements. The goals are to refine existing language to clarify the intent and expectations for individuals visiting Department properties or using Department facilities.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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There are no acronyms used in this document. All terms are defined within the regulation.

## 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, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “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.”*

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This regulatory action updates definitions to ensure consistency with the Code of Virginia, modernizes procedures to reflect current technologies and policies, and refines existing language to clarify the intent and expectations for individuals visiting Department properties or using Department facilities.

## 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 and 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.*

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Section 10.1-104 A.4 of the Code of Virginia authorizes the Department of Conservation and Recreation "to prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law". Additionally, § 10.1-104 B authorizes the Department to promulgate regulations, pursuant to the Administrative Process Act, as necessary to carry out the purposes and provisions of the subtitle. Section 10.1-104 B also establishes that any violation of the Virginia State Park Regulations shall constitute a Class 3 misdemeanor.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.*

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The Virginia State Parks Regulations (4VAC5-30) govern the behavior of all individuals visiting Department-owned or Department-operated properties including all state parks, historical and natural areas, natural area preserves, and other recreational areas in the Commonwealth. The regulation also controls the types of activities allowed on those properties.

This regulatory action updates definitions to ensure consistency with the Code of Virginia, modernizes procedures to accurately reflect current technologies and policies, and refines existing language to clarify the intent and expectations for individuals visiting Department properties or using Department facilities.

Many sections of this regulation use out-of-date terms and technologies. For example, 4VAC-5-30-400 (Aviation) currently prohibits the use of "flying machine" within a park; however, there is no reference to drones or other types of unmanned aerial systems. The specific inclusion of "drones" and "unmanned aerial system" clarifies the prohibition for the public. Similarly, 4VAC5-30-230 (Smoking) prohibits smoking but is silent on the use of electronic vaporizing devices; amendments to this section will now prohibit the use of vaporizing devices.

Section 4VAC5-30-150 (Camping) is being amended to accurately reflect the Department's policies and procedures. Individual parks still manage reservations and overnight stays through the park office or the honor system, but amendments reflect the increased reliance by the public on the Department's electronic reservation system. An additional amendment expands the prohibition on the use of combustion generators in a campsite. Currently, the use of generators is prohibited during quiet hours (from 10:00 p.m. until 6:00 a.m.); the amendment prohibits the use of generators at all times.

A new section (4VAC5-30-95) has been added to the regulation prohibiting public urination or defecation. This section does not prohibit an individual from public urination or defecation when out on a trail or backcountry as long as they are a minimum of 200 feet from a trail or waterway and not observable by the public.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

1. Revises definition section for clarity, amends outdated terminology and adds definitions for "Immediate family", "Electric power assisted bicycle", "Power-driven mobility device" and "Wheelchair".
2. Revises the construction, territorial scope and general sections to reference the laws set out in the Code of Virginia, includes the Breaks Interstate Park to reflect current statutory authority and revises potential penalties of failing to comply with these regulations reflected in Title 18.2 of the Code of Virginia.
3. Includes an additional prohibition regarding the removal or destruction of certain materials, adds a provision to allow for the collection of edible materials. Includes natural areas and natural area preserves in the list of locations for special permitted scientific collection.
4. Creates a new section (4VAC5-30-95) to address public urination or defecation. Currently, the only option available to address public urination or defecation (when appropriate) is to issue a summons for indecent exposure under § 18.2-387, that if convicted would result in a Class 1 misdemeanor. The concern is that while a conviction of § 18.2-387 does not require mandatory registration for the Virginia Sex Offender and Crimes Against Minors Registry, under § 9.1-902 (B), it may be required under the laws of the jurisdiction where the offender was convicted (§ 9.1-202 A. 5). Including this in the regulation would allow the Department to charge an individual with a lower Class 3 misdemeanor (the penalty for this regulation as set out in § 10.1-104 of the Code of Virginia) and more appropriate to address this issue.

5. Expands the prohibition on the use of combustion generators in a non- electrical campsite. Amends language to reflect current reservation practices and policies, clarifies the number of camping units allowed per campsite, adds language to allow for special permit provisions and includes language regarding damage liability.
6. Includes language addressing the use of electronic vaporizing devices, power-driven mobility devise, electric power assisted bicycles and unmanned aerial systems.

**Issues**

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

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The primary advantage of the proposed amendments is to clarify the activities and behaviors that are limited or prohibited within facilities and properties owned or operated by the Department. The revisions reflect current terminology, technology, and procedures used by the public and the Department. There are no disadvantages to the public or the Department.

**Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

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There are no applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

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There are no other state agencies, localities or other entities particularly affected by the proposed regulation. The regulation is only applicable on Department owned or operated properties and facilities.

**Economic Impact**

*Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact,*

specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures;                  and                  c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>The Department currently implements and enforces the regulation through existing general fund and nongeneral funds sources. There is no expected increase in implementation costs to the Department with this regulatory action.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>N/A</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>N/A</p>

**Impact on Localities**

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>Localities do not implement or enforce the regulation. There is no cost to localities in response to this regulatory action.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>N/A</p>

**Impact on Other Entities**

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>This regulation addresses the use of Department facilities and behavior of visitors on Department owned or managed property. As many of the amendments to these regulations are clarifying or technical in nature, it is anticipated that most visitors will be unaffected by the action.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:                  a) is independently owned and operated and;                  b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Many of the revisions to the regulation are to clarify terms or current procedures of the Department. It is anticipated that most park visitors will be unaffected by this action. No small businesses are projected to be impacted</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:                  a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</p>	<p>There are no increased costs anticipated with the regulatory revisions.</p>

b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	
Benefits the regulatory change is designed to produce.	This regulatory action is expected to clarify the intent and expectations for individuals visiting Department owned or managed properties and utilizing Department facilities there.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

There are no viable alternatives to this proposal. This regulatory action revises an existing regulation to ensure clarity, conformance with current operating procedures, and to reflect technological advances. This regulatory action does not impact small businesses.

**Regulatory Flexibility Analysis**

*Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

There are no viable alternative regulatory methods for this proposal. This regulatory action revises an existing regulation to ensure clarity, conformance with current operating procedures, and to reflect technological advances. Elimination of this regulation would compromise the safety and experience of visitors. This regulatory action does not impact small businesses.

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

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small*

*businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

N/A

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

Commenter	Comment	Agency response
<b>General Comment</b>		
J Nations	Does not oppose any of the suggested changes or amendments to the regulations, however offers the following statement, "... not addressed was the problem of campers booking all the weekends and then there's no availability for those wishing to stay longer than a week. Parks are often ghost towns during the week – please make provisions for availability for retirees wanting to come for a longer stay."	The Department acknowledges high campground occupancy during peak season weekends. Department campsites are available for reservation 11 months in advance and are not limited by length of stay. Those wishing to stay for extended periods have the same opportunity for reservation as those reserving only a weekend stay.
<b>4VAC5-30-50 Flowers, plants, minerals, etc.</b>		
27 individuals provided comment in opposition of the proposed changes to 4VAC5-30-50	The comments reflect an opposition to the Department's recommendation to prohibit the removal of fungi. Commenters requested that fungi be included in the listing of edible fruits, berries or nuts that may be collected for personal or individual use. The Department was asked to consider this as the foraging of fungi does not cause any harm, helps to spread the spores and mushrooms are the fruiting body of fungi and no different than other edible fruits, berries or nuts.	<p style="text-align: center;"><b><u>Department Response Regarding 4VAC5-20-50</u></b></p> <p>The Department considered the comments regarding the proposal to prohibit the collection of fungi and <b>concurs</b> that it not be prohibited. The Department has included fungi to the list of fruiting bodies that will be allowed for personal collection and consumption.</p>

4VAC5-30-95 Public urination or defecation		
1 Comment in support of VAC5-30-95	Suggested that the public urination regulation be clarified to avoid undue confusion as to what it really intends to do and asks if the purpose of the regulation was to lower the charge. Also requested consideration be given to the vast areas where reaching a bathroom would be impossible for many and indicates that the facilities in state parks are inadequate to cover the needs of the public. Requests bathrooms be provided all over the park or rethink this rule.	<p><b>Department Response Regarding 4VAC5-30-95</b></p> <p>The inclusion of this section would prohibit urination or defecation except in designated areas or facilities such as restrooms, portable toilets, bathhouses, camping units or cabins, but does allow for an exception when out on trails and in the back country.</p> <p>Currently, the only option available to address public urination or defecation (when appropriate) is to issue a summons for indecent exposure under § 18.2-387, that if <u>convicted</u> would result in a Class 1 misdemeanor. A conviction of indecent exposure under § 18.2-387 does not require mandatory registration for the Virginia Sex Offender and Crimes Against Minors Registry, under § 9.1-902 (B). However, it may be required under the laws of the jurisdiction where the offender was convicted (§ 9.1-202 A. 4).</p> <p>Including this in the regulation would allow the Department to charge an individual with a lower Class 3 misdemeanor (the penalty for this regulation as set out in § 10.1-104 of the Code of Virginia) and more appropriate to address this issue.</p>
21 comments in opposition of 4VAC5-30-95	<p>Many of the comments reflected an opposition to charging an individual under § 18.2-387 or that individuals would be required to register as a sex offender. Some commenters requested that the Department provide additional bathrooms and facilities.</p> <p>Additional comments seemed to suggest that individuals believed the Department was implementing a regulation that would prohibit an individual from urinating or defecating while out in the woods or similar situations.</p>	
4VAC5-30-150 Camping		
Tara Cason	Supports the ban on the use of generators in state parks and gross emission smells, noise and potential sparks.	The Department appreciates your support.



<p>36 Comments were received in opposition to 4VAC5-30-150</p>	<p>The comments reflect an opposition to the prohibition of generator usage. Concerns included how this would affect visitors who have a need for generators for medical reasons. Comments requested that DCR consider allowing quieter generators, solar generators or allowing during certain times or at certain campsites. Many felt that this would keep them from visiting Virginia State Parks.</p>	<p><b>Department Response Regarding 4VAC5-30-150</b>                  The prohibition of generator usage was added to 4VAC5-30-150 in response to user conflicts in DCR campgrounds. User conflicts occur when campers utilizing campsites operate generators that impact the visitor experience of others due to the noise. DCR believes there is an adequate inventory of electric campsites to satisfy the needs of individuals requiring electricity for medical or preference needs. Currently, DCR operates 1225 electric campsites and 650 non-electric campsites in 26 state parks.</p>
<p><b>4VAC5-30-230 Smoking</b></p>		
<p>A Van Lear</p>	<p>Opposes the ban on vaping and offers that when you exhale the product is water vapor and is harmless. Believes that is not feasible to limit the use of vaping for those who want to enjoy their time in state parks.</p>	<p><b>Department Response Regarding 4VAC5-30-230</b>                  Scientific studies show that the secondhand aerosol that is emitted from electronic smoking devices contains nicotine, ultrafine particles and low levels of toxins. Inclusion of electronic smoking devices is consistent with the purpose of banning smoking in State Parks for the protection of employees and visitors.</p>
<p><b>4VAC5-30-276 Bicycle Path Use</b></p>		
<p>Mick Braz</p>	<p>Opposes the authorization of Ebikes on trails because he believes that it is dangerous due to the bikes being heavier and faster than regular bikes. Suggests that the parks consider speed limit on trails for Ebikes.</p>	<p><b>Department Response Regarding 4VAC5-30-276</b>                  Permitting the use of e-bikes enhances and promotes outdoor recreation. In 2012, as a result of changes to the federal Americans with Disabilities Act of 1990, the General assembly amended §10.1.204 permitting the Department to allow the use of electric power-assisted bicycles and electrical personal assistive mobility devices. Based on the legislative amendments to §46.2-100 during the 2020 General Assembly session, the Department limited the use of e-bikes to Class one and Class two bikes which do not exceed a top assisted speed of 20 mph.</p>
<p>Gary Smith</p>	<p>Agrees with the regulation and sees it as reasonable. But, suggests that the parks consider speed limit on trails for Ebikes. Also not to allow electric scooters or electric skateboards on trails.</p>	
<p><b>4VAC5-30-400 Aviation</b></p>		
<p>Jordan Gross, DJI Technology 4VAC5-30-10</p>	<p>Does not support the proposed amendments prohibit the use of unmanned aircraft systems in state parks. Offers that this prohibition is unreasonable and not a risk based approach that accounts the existing federal and state laws in place concerning the safety and security of this technology and that this policy will undoubtedly have</p>	<p><b>Department Response Regarding 4VAC5-30-400</b>                  The proposed regulation clarifies the current restriction of “flying machine” as helicopter, unmanned aerial system or drone. The use of drones has been prohibited in state parks unless under a special use permit and this amendment establishes a restriction of unlawful operation in relation to federal guidelines.</p>

	a number of unintended consequences. DJI believes that Virginia state parks are ideal places for recreational unmanned aircraft systems pilots to learn to fly safely, as they provide wide open spaces and clear sight line for safe operations.	
<b>Other</b>		
Jennette B.	“The new bill proposal for park”	It is not clear as to what the commenter is supporting or objecting to.

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

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The Department of Conservation and Recreation is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Lisa McGee, Policy Director, 600 East Main Street, Richmond, Virginia 23219, Phone number: 804-786-4378, Fax number; 804-786-6141, Email: [lisa.mcgee@dcr.virginia.gov](mailto:lisa.mcgee@dcr.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

## Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

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*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

Table 1: Changes to Existing VAC Chapter(s)

Current chapter section number	New chapter section number if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
4VAC5-30-10 (Definition of term)		This section defines the terms utilized in the regulation.	Revisions to this section include: 1. amending the term "bathing area" to "swimming area"; 2. including trail in the definition of "bicycle path" for clarification; 3. including the definition of "immediate family"; 3. including the definitions of "electric power-assisted bicycle", "other power-driven mobility device", and "wheelchair" to reflect definitions in §46.2-100 and §10.1-204; and 4. amending the definition of park to include areas <i>managed</i> by the Department such as Natural Bridge State Park. All revisions reflect updated usage of terms (bathing versus swimming) or definitions used in the Code of Virginia that refine the prohibitions contained in this regulation.
4VAC5-30-20 (Construction of regulations)		This section sets out the interpretations of the regulation.	The section has been revised to reference the laws set out in the Code of Virginia and has removed specific reference to the state vehicle and traffic laws. Department law enforcement officers utilize the civil and criminal provisions in the Code including under Title 18.2 (Crimes and Offenses Generally), rather than specific vehicle and traffic laws.
4VAC5-30-30 (Territorial Scope)		This section specifies where the regulations are effective.	Breaks Interstate Park has been specifically included in the jurisdictions subject to these regulations; the park was established pursuant to the Breaks Interstate Park Compact of 1954 (§10.1-205.1 of the Code of Virginia). This amendment reflects current statutory authority and operational practice.
4VAC5-30-32 (General)		The potential penalties for failing to comply with this regulation has been set out in this section.	Citation and arrest have been included as possible consequences for failure to comply with these regulations. These additions reflect current possible consequences established in Title 18.2 of the Code of Virginia.
4VAC5-30-50 (Flowers, plants, minerals, etc.)		The prohibition on the removal or destruction of certain materials including	An additional prohibition for defacing items within a park has been included. A provision has been added which allows

		trees, minerals, historical artifacts, rocks, and plants is contained in this section.	edible fruits, fungi, berries, or nuts to be collected for personal use. Language has been added including a natural area or a natural area preserve in the list of locations a special permit is needed for scientific collection. Outdated addresses have been stricken. These amendments are technical and reflect current procedures and policies of the Department.
New	4VAC5-30-95 (Public urination or defecation)	This section will prohibit urination or defecation except in designated areas or facilities such as restrooms, portable toilets, bathhouses, camping units or cabins.	The Department believes that, in some situations, charging an individual with a Class 3 misdemeanor (the penalty established for this regulation in §10.1-104) is more appropriate for this type of behavior than charging an individual under §18.2-387. Any more significant or serious violation will be charged in accordance with other sections of the Code of Virginia.
4VAC5-30-150 (Camping)		This section prescribes the rules that must be observed while camping at a park including limits on occupancy, camping units, camping periods, and motor vehicles.	Amendments have been made to reflect the public's increased use of the online reservation center. The regulation has been amended to refer to a "camping reservation" rather than camping permit; this reflects the terms used by the reservation center and the individual parks. Use of generators in a campground or campsite has been amended to prohibit the use of combustion generators at all times rather than just during the quiet hours (between 10:00 p.m. and 6:00 a.m.). The Department receives numerous complaints concerning the use of generators. A majority of park campgrounds offer campsites with electricity and the Department is working to ensure all park campgrounds offer such campsites. Language has been included regarding damages, not considered normal wear and tear, of any campground or campsite. Currently, a person procuring the camping reservation authorizes the Department to recover the costs for damages during the reservation process. This amendment reflects that current operating policy and procedure.
4VAC5-30-160 (Cabins)		The section governs the use of cabins in parks.	Amendments have been made that reflect the increased lodging options available at parks. Camping cabins, lodges and yurts

			are now available at certain parks and are considered cabins under current reservation and operating procedures. Under the advice of the Office of the Attorney General, the Department intends to repeal 4VAC5-36, so the reference to that regulation has been stricken. Language has been included regarding damages, not considered normal wear and tear, of any cabin, camping cabin, or yurt. Currently, a person procuring the reservation authorizes the Department to recover the costs for damages during the reservation process. This amendment reflects that current operating policy and procedure.
4VAC5-30-170 (Swimming, where permitted)		This section allows swimming only during times and areas designated by the Department.	The term bathing has been revised to swimming. Additional clarification has been added with the inclusion of department-owned. Many parks have water access that the Department is unable to designate as appropriate for swimming. Only on those waters that are department-owned will designated swimming times and swimming areas be established. This amendment reflects current operating procedures.
4VAC5-30-180 (Dressing)		Limits dressing and undressing to specific areas	This section is being repealed.
4VAC5-30-190 (Boating)		Boating in any swimming area is prohibited by this section.	There are no changes to the requirements of the section. The only change is that the term bathing has been revised to swimming consistent with the revision to the definition.
4VAC5-30-220 (Fires)		This section prescribes the limitations on using fire on parks.	Charcoal has been included as a substance that must be thoroughly extinguished before being discarded. Charcoal is used frequently by visitors and should be subject to the same public safety provisions as other lighted materials. Ensuring that charcoal is thoroughly extinguished before discarding ensures public safety and protects the natural resources of the area.
4VAC5-30-230 (Smoking)		Smoking is prohibited by this section.	The inclusion of electronic vaping devices has been included to reflect new technology.
4VAC5-30-250 (Fishing)		This section prescribes the limitations on fishing in parks.	The Department of Game and Inland Fisheries has been amended to the Department of Wildlife Resources.

<p>4VAC5-30-260 (Animals at large)</p>		<p>This section requires all animals brought by their owner to the park to be on a leash.</p>	<p>There are no changes to the requirements of the section. The only change is that the term bathing has been revised to swimming consistent with the revision to the definition.</p>
<p>4VAC5-30-274 (Foot path or trail use)</p>		<p>This section governs the use of paths and trails in parks.</p>	<p>Language has been included that allows the use of wheelchairs and other power-driven mobility devices on trails, paths, and other areas designated by the Department as appropriate for such use. This language clarifies where such devices will be allowed in parks.</p>
<p>4VAC5-30-276 (Bicycle path use)</p>		<p>This section governs the use of bicycle paths in parks.</p>	<p>An amendment has been made which prohibits the use of electric power-assisted bicycles except for on designated bicycle paths. This language clarifies where such devices will be allowed in parks.</p>
<p>4VAC5-30-280 (Bridle path use)</p>		<p>This section governs the use of bridles paths in parks.</p>	<p>An amendment has been make to replace trail safety sign with park rules and regulations.</p>
<p>4VAC5-30-290 (Vehicles; where prohibited)</p>		<p>This section prescribes the limitations of vehicle use.</p>	<p>An amendment has been made to replace fire control to fire management.</p>
<p>4VAC5-30-300 (Parking)</p>		<p>This section governs parking in parks.</p>	<p>A clarifying amendment has been added to this section. Current language regarding the discharge or receiving of passengers is confusing. The amended language would allow passengers to be picked up or discharged in a reasonable amount of time from any area that does not prohibit standing vehicles; this expands the areas in the park that are allowed to be used as pick-up and discharge locations. Additional language has been included that prohibits parking in designated parking spaces for camping sites or cabins except by the registered occupant or visitor of such site or cabin.</p>
<p>4VAC5-30-370 (Advertising)</p>		<p>This section prohibits advertising of all exhibitions.</p>	<p>An amendment has been added which allows advertisements for services, programs, and events that are approved by the park management. This reflects current operating procedures. There are events, programs, and services that parks would like to advertise including local fairs and festivals.</p>
<p>4VAC5-30-390 (Alms and contributions)</p>		<p>This section prohibits the solicitation or contribution of any person in a park.</p>	<p>Organization has been included in the prohibition; this is a technical amendment. Language has been added that allows for the solicitation or contribution to persons</p>

			or organizations within parks if the action is approved by park management. There are organizations, such as "Friends of" groups, that do receive contributions at parks. This amendment reflects current policy allowing for the soliciting of donations or contributions when approved by park management.
4VAC5-30-400 (Aviation)		This section prohibits the use of aircraft in parks.	Helicopters, unmanned aerial systems, and drones have been included in the items that are prohibited. Currently, these types of aircraft are prohibited from being used in a park. This amendment reflects technological advances and clarifies the restriction of landing on park land or unlawful operation in accordance with federal guidelines. An exemption has been included for all rescue and evacuation aircraft as well as training exercises. Many law enforcement agencies use parks for training exercises; this amendment reflects current policy allowing these types of exercises.
4VAC5-30-410 (Importation of firewood)		The section prohibits the importation of certain quarantined firewood into parks.	An amendment to this section allows for the prohibition of wood product packing materials as determined by the director in addition to the current restriction on wood pallets. An additional amendment removes specific reference to ash tree material and instead references quarantined tree species. Ash trees are not the only tree species that has been quarantined. The Department must prohibit the importation of quarantined firewood into parks in a responsive manner to protect the trees and other natural resources in parks.
4VAC5-30-420 (Release of animals)		This section prohibits the release of animals or wildlife on park property.	An amendment has been added to clarify the prohibition of releasing domestic animals as well as fish on a park property and includes an exception if approved by park management.
FORMS		This section lists the forms that are required to be used in conjunction with this regulation.	This section is being repealed. The forms are outdated and, in many instances, are now submitted through online processes.