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Exempt Action: Proposed Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-20-50, 4VAC15-20-130
VAC Chapter title(s)	Chapter 20. Definitions and Miscellaneous: In General
Action title	(1) Updated Native & Naturalized Fauna list; (2) adding cornsnake morphs to domestic animals definition, (3) updates date references to Federal Threatened & Endangered Species list
Date this document prepared	June 5, 2024

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.

Section 50:

(1) *Adoption of the updated "List of Native and Naturalized Fauna of Virginia" and associated reference date:* Maintaining the currency of the Board's adoption of this list is essential to clarifying the status of wildlife known from Virginia, to inform our authority for their protection and management.

(2) *Adding cornsnake morphs to the definition of "domestic animal":* The red cornsnake is one of a few native reptile species for which the DWR permits limited sales of animals as pets. Breeders have created numerous colorful and highly patterned varieties of these animals, which are clearly distinguishable from those in the wild. Adding these animals that are clearly different from those found in the wild to the definition of domestic animal negates the need for DWR to regulate possession and/or breeding of this

animal, reduces regulatory burden on breeders and sellers, and simplifies enforcement of possession and sales regulations and laws by Conservation Police Officers.

Section 130:

(3) Adoption of the updated and modified federal list of endangered and threatened wildlife species:

Maintaining the currency of the Board's adoption of the federal list is essential to clarifying the state and federal status of each affected species, ensuring compliance with our Cooperative Agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding interagency management of these species and maintaining regulatory certainty about the status of the species in Virginia.

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."

Section 50:

(1) Adoption of the updated "List of Native and Naturalized Fauna of Virginia" and associated reference date: changes the reference to the date of the current List maintained by the department for request by the public. Necessary to direct public to the appropriate list.

(2) Adding cornsnake morphs to the definition of "domestic animal": Adds cornsnake morphs to the list of species defined as domestic animals to avoid confusion by the public as to which types of cornsnakes that can be possessed, sold, or purchased within the Commonwealth. Necessary for public informational purposes to avoid having the wrong type of cornsnake in possession, which would be a violation of this section.

Section 130:

(3) Adoption of the updated and modified federal list of endangered and threatened wildlife species:

Directs public to the current list of Threatened and Endangered Species list maintained by the U.S. Fish and Wildlife Service to properly keep the public informed of the current list of species.