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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department of Forestry
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC10-40
VAC Chapter title(s)	Reforestation of Timberlands Regulations
Date this document prepared	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.

All technical terms have been defined, no acronyms are used in this chapter.

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 Reforestation of Timberlands 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 provides guidance in the construction and scope of regulations, qualifying and nonqualifying species, type of land cover, land area and practices, seed trees, equipment, personnel, expenditure of taxes, and assistance to damaged replant areas in the Reforestation of Timberlands. No regulatory changes were made, this was a periodic review of this chapter for Reforestation of Timberlands 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.

Commenter	Comment	Agency response
	No public comments were received	

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 the Reforestation of Timberlands Regulations. Reforestation assistance includes the funds, material, personnel or other assistance made available to a landowner pursuant to § 10.1-1173 of the Reforestation Act and these Reforestation of Timberlands Regulations. This chapter provides guidance in the construction and scope of regulations, qualifying and nonqualifying species, type of land cover, land area and practices, seed trees, equipment, personnel, expenditure of taxes, and assistance to damaged replant areas in the Reforestation of Timberlands. The regulation is necessary to define and provide overview of what reforestation of timberlands means.

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.

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.

- 1) Continued need for the regulation is necessary in order to provide what is meant by reforestation of timberlands. 2) DOF did not receive any public comments for this review. 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 reforestation of timberlands.
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