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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department of Conservation and Recreation
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 5-11
VAC Chapter title(s)	Public participation guidelines
Date this document prepared	September 18, 2025

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.

There are no acronyms or definitions used in this report.

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.

Section 2.2-4007.02 requires all agencies to develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 10.1-

104(A)(4) of the Code of Virginia provides that the Department of Conservation and Recreation shall have the power “to prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law.”

This periodic review was conducted pursuant to §2.2-4017, Executive Order 19 (2022) and procedures from the Office of Regulatory Management for the Review of State Agency Regulations (August 2022).

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.

There are no alternatives to adopting 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
Mary-Carson Stiff, Wetlands Watch; Renee Grebe, Nature Forward; Faith Harris, Virginia Interfaith Power & Light; Karen Forget, Lynnhaven River NOW; Pat Calvert, Virginia Director of Conservation American Rivers; Mary Rafferty, Virginia Conservation Network; Glenda Booth, Friends of Dyke Marsh	“Maintaining this regulation in its current form will ensure that the public continues to play an integral role in shaping policies that affect their communities and environments.”	The Department agrees with these comments and will retain these regulations as is without making any changes.

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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 regulation meets the criteria set out in Executive Order 19 (2022) as it is necessary for the protection of public health, safety and welfare of the citizens and visitors to the Commonwealth. The Board is conducting a period review of the regulations.

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.

Retain the regulation in its current form without modification.

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.

The regulations do not have an adverse impact on small businesses and do not overlap, duplicate or conflict with any known federal or state law or regulation.
