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Exempt Action: Proposed Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-390
VAC Chapter title(s)	Watercraft: Safe and Reasonable Operation of Vessels
Action title	Incorporation of Inland Navigation Rules
Date this document prepared	April 13, 2023

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.

These amendments come as a result of a change to the Inland Navigation Rules found in 33 CFR, Chapter 1, Subchapter E, Part 83 through 86 and as established by the U.S. Coast Guard from which the department's current Virginia Administrative Code requirements are derived. Because of a previous field preemption that was inserted and subsequently removed, it was discovered that by incorporating the CFR by reference, it would mitigate any issues of confusion between the two and would simply allow officers to enforce the CFR by reference. Incorporation of the CFR enables the repeal of 12 current regulation sections which would no longer be necessary.

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.”

The impetus for this regulatory amendment is the Board’s biennial periodic review of its hunting, trapping, and wildlife-related regulations during which these boating regulation amendments can be included. Internal staff review and consideration of public input through the Board’s regulation review and amendment process deemed these amendments advisable.