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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Soil and Water Conservation Board
Virginia Administrative Code (VAC) citation	4 VAC 50 - 10
Regulation title	Regulatory Public Participation Procedures
Action title	Amend the Virginia Soil and Water Conservation Board's Regulatory Public Participation Procedures to address changes in Code and changes in Practices and Procedures
Final agency action date	July 22, 2003
Document preparation date	July 22, 2003

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Department of Conservation and Recreation is amending the Virginia Soil and Water Conservation Board's Regulatory Public Participation Procedures regulations (4 VAC 50-10-10 et seq.) that provide additional guidance to the general public on how the Department will solicit and receive the input from interested persons in the formation, development, amendment or repeal of regulations. The Virginia Soil and Water Conservation Board authorized the Director of the Department of Conservation and Recreation to take this action on May 15, 2003. This regulatory action addresses changes to the Code of Virginia in Chapter 844 (SB1098) of the 2001 Acts of Assembly which revised and recodified Titles 2.1 and 9 and thus changed referenced section numbers; changes in Chapter 241 (HB725) of the 2002 Acts of Assembly which clarified steps a petitioner must take to perfect a petition for rulemaking and agency responsibilities and provided for publication of petitions in the Virginia Register of Regulations;

and changes in Chapter 717 (HB1473) of the 1995 Virginia Acts of Assembly changed this requirement which removed the requirement to publish regulatory notices in the newspaper. The amendments also address the change in regulatory nomenclature which became effective January 1, 1996 when the Commonwealth moved from the VR numbering system to the VAC numbering system.

In addition to the changes made to conform the regulations to changes in Virginia Statutory Law, other amendments to the regulations relate to other exempt actions allowed for in § 2.2-4006 A including actions relative to updating the regulations to reflect changes in Department internal practices and procedures, changes in style or form, and to correct technical errors. Changes to the regulation were found to be exempt from the operation of article 2 of the Administrative Process Act by the Office of the Attorney General on July 16, 2003.

The Secretary of Natural Resources on July 16, 2003 approved the Department to proceed with submitting this regulation to the Virginia Register for publishing as an exempt final action provided Board approval was received.

On July 17, 2003, the Virginia Soil and Water Conservation Board authorized the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to publish the final regulatory amendments to their Regulatory Public Participation Procedures.

Accordingly, the Acting Director of the Department of Conservation and Recreation certifies this final action to the regulation entitled "Regulatory Public Participation Procedures" (4 VAC 5-10-10 et seq.) on this day, July 22, 2003. Although exempt, pursuant to § 2.2-4006.B the agency will receive, consider and respond to petitions by any interested person at any time with respect to consideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The Regulatory Public Participation Procedures do not directly impact the institution of family and family stability but do offer additional guidance to the public on how to participate in the regulatory process so that their concerns and opinions may be considered during regulatory actions.