



Economic Impact Analysis Virginia Department of Planning and Budget

4 VAC 5-30 – Virginia State Parks Regulations
Department of Conservation and Recreation
November 24, 2009

Summary of the Proposed Amendments to Regulation

The Department of Conservation and Recreation (Department) proposes to amend the Virginia State Park Regulations by: 1) striking sections which are redundant to language in the Code of Virginia, 2) clarifying existing language without changing requirements, and 3) changing some language to be consistent with the Code of Virginia. Additionally, the Department proposes to amend the regulations to allow the Director of the Department to prohibit the importation of firewood or allow the entry of firewood into state parks when such firewood may be infected or infested with a species of concern.

Result of Analysis

The benefits exceed the costs for all proposed changes.

Estimated Economic Impact

When language in regulations and the Code of Virginia conflict, the Code of Virginia applies. Thus the proposal to change language in the regulations to be consistent with the Code will have no effect on requirements. Striking redundant language and clarifying existing language without changing requirements will of course not affect requirements either.

The proposed regulations specify that “The Director of the Department of Conservation and Recreation may prohibit the importation of firewood or certain types of firewood into any park or allow such entry only under specified conditions when such firewood may be infected or infested with a species of concern.” When such a determination has been made, firewood to be used by any person within a park must be either: 1) purchased from the park, 2) be from a

certified source, or 3) be collected from within the confines of the park in accordance with park policy. The proposed regulations specify the conditions under which firewood may be certified.

The purpose of the proposed ability to ban the importation of firewood under specified circumstances is to address a potential threat to park forests and habitats from an infesting species of concern, such as an emerald ash borer. One of the primary ways infecting species are spread is through the sale and delivery of firewood. According to the Department firewood importation bans would be rare. Since such bans would only occur when doing so would likely reduce damage to the health of park forests and habitats, and park visitors would still in most cases likely have access to alternate firewood, this proposal likely produces a net benefit for the Commonwealth.

Businesses and Entities Affected

Virginia state parks, sellers of firewood, and park visitors are affected by these regulations.

Localities Particularly Affected

These regulations and the proposed amendments particularly affect localities where state parks are situated.

Projected Impact on Employment

The proposed amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

In the rare occasions¹ that a firewood ban may be necessary, some businesses which collect and sell firewood could possibly be negatively affected if the importation of firewood was curtailed to address a threat. However, firewood retailers which have been certified might benefit by a commensurate increased demand.

Small Businesses: Costs and Other Effects

In the rare occasions that a firewood ban may be necessary, some small businesses which collect and sell firewood could possibly be negatively affected if the importation of firewood was

¹ According to the Department of Conservation and Recreation, firewood bans would occur only infrequently.

curtailed to address a threat. However, firewood retailers (likely small businesses) which have been certified might benefit by a commensurate increased demand.

Small Businesses: Alternative Method that Minimizes Adverse Impact

There is no alternate method that would reduce the small potential adverse impact on a small number of firewood retailers that would also meet the desired policy goal of reduced risk to the health of park forests and habitats.

Real Estate Development Costs

The proposed amendments will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.