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Fast-Track Regulation Agency Background Document

Agency name	Department of Forestry
Virginia Administrative Code (VAC) Chapter citation(s)	__ 4 __ VAC __ 10 __ - __ 30 __
VAC Chapter title(s)	Virginia State Forests Regulations
Action title	Proposed Regulatory Reduction Action under Executive Order 19
Date this document prepared	5/21/25

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*.

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.

This change examines each code section of the Virginia State Forests Regulations and puts forward proposed changes. These include, terminology updates, language clarifications, redundancy eliminations, section consolidations, section eliminations, and section additions. Together these changes will result in a 25% reduction in State Forests Regulations. Many sections that featured language redundant to existing Virginia law are proposed to be eliminated. Additionally, four new sections are proposed to be added that will address emerging State Forest uses.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

APA – Administrative Process ACT
DOF – Department of Forestry

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

4/23/2025

Department of Forestry

Proposed Regulatory Reduction Action for 4 VAC 10-30 under Executive Order 19

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, 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."

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

Under Executive Order 19, state agencies were instructed to seek a 25% reduction in regulatory requirements. This rulemaking is expected to be noncontroversial because it primarily eliminates regulations which are duplicative in nature to other sections of the Virginia code and modernize language for State Forest users, allowing them a clearer understanding of the State Forest regulations.

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 and 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.

The Virginia Department of Forestry, an Executive Branch Agency, under the guidance of the Office of Regulatory Management is promulgating this proposed Fast-Track Action. The legal basis for this action can be found in the Administrative Process Act of the Code of Virginia § 2.2-4013.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

In order to unencumber citizens from unnecessarily complex or duplicative regulations, DOF has put forth these proposed changes to the State Forest Regulations. These proposed changes should eliminate unnecessary overlap between DOF's regulations and those already established in the Code of Virginia, clarify and simplify language to increase ease of use, and address new emerging issues which heretofore are unregulated on our State Forests.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

In the proposed changes, 12 sections of the code have been eliminated due to redundancy with existing Virginia law. Multiple sections have been updated with concise and clarifying language. Where possible, sections have been consolidated together to reduce overall length. Additionally, four new sections have been proposed to address horses, hours of operation, rock climbing, and target shooting.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage of the proposed regulatory change to the public will be the ease of use individuals have when reading and interpreting the regulation. By undertaking this reduction, the regulatory burden will be decreased by 25%. No disadvantages to the public are anticipated.

Regarding the Commonwealth, these proposed changes are anticipated to reduce confusion amongst forest users and thus improve rule following behavior and as a result, reduce negative interactions between employees and the public, including citation writing.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

N/A

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

DWR – Reference to DWR code have been proposed

Localities Particularly Affected

Counties in which State Forests are present

Other Entities Particularly Affected

N/A

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	DOF sees no projected costs, savings, fees or revenues resulting from the regulatory changes.
For other state agencies: projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	DOF sees no projected costs, savings, fees or revenues resulting from the regulatory changes to other state agencies.
For all agencies: Benefits the regulatory change is designed to produce.	The regulatory changes will not economically impact the DOF or any other agency.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	DOF sees no projected costs, savings, fees or revenues resulting from the regulatory changes.
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Benefits the regulatory change is designed to produce.	The regulatory changes will not economically impact the DOF or any other locality.
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	NA
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	NA
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	NA
Benefits the regulatory change is designed to produce.	The regulatory changes will not economically impact the DOF or any other locality.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Per Executive Order 19, DOF has prepared a unified regulatory plan and thus put forward the proposed changes. The only alternative to this regulatory reduction would be to leave the State Forest Regulations as they are currently, which would not be in congruence with the aforementioned Executive Order.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

These proposed regulatory changes constitute alternative methods in that they do establish less burdensome regulatory frameworks for users of the Commonwealth's state forests.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The **[Department of Forestry]** is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to **Nathan Thomson, 900 Natural Resources Dr Charlottesville VA 22903, 434 977 6555**, nathan.thomson@dof.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of

the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
4VAC10-30-10		This section provides definitions for words and terms used within the context of the regulation.	Multiple changes were made to definitions within this section. Additions, aimed at addressing modern use issues, included adding terms related to Bicycles and E-Bicycles, Unmanned aerial systems, and other terms. Modifications were made to existing definitions related to Permits, Persons, and other terms in order to make the language more concise and understandable.
4VAC10-30-30		This section provides where Virginia State Forests Regulations shall be effective.	The language was amended to add lands, buildings, and trails into the territorial scope of what may be under the jurisdiction of the Department. Additionally, language around specific designated areas was removed in order to combat redundancy. Finally, a sentence was added that outlines the penalties applicable for failure to comply with the chapter.
4VAC10-30-40		This section defines when a state forest special use permit will be required and the liabilities associated with violations of said permit.	The language in this section was amended significantly in order to provide clearer definitions of permits and provide users with more understandable language. The new language puts forth three separate permits: Use, Conditional Activity, and Organized Event. Additionally, the new language clearly states the grounds for permit revocation by the department and the penalties in such a case.
4VAC10-30-50		This section notes what actions person using the forest cannot due in order to preserve the forest.	The requirements in this chapter have been updated to address modern issues encountered within the state forest.

			The collection of edibles for personal use has been put forward in order to address the harvest of matter from the state forest for business purposes. Additionally, a clause has been put forward to provide clarity regarding silvicultural activities, which are foundational to the operations of State Forests.
4VAC10-30-60		Prohibits the injury, defacement, disturbance, destruction, or disfigurement of any part of the forest, including any buildings, signs, equipment, or other property located therein.	Changes in this section include expanding and enumerating what consists of damages to the forest, what kind of structures qualify as temporary or permanent, and relieving the Department of liability related to damage or injury. The rational behind these changes is to provide clear definitions of what kind of structures qualify, what constitutes harm, and to make the user aware that the Department shall not be responsible for any said damage.
4VAC10-30-70		Mandates the proper disposal of all refuse and rubbish.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-80		Forbids any action that would lead to the pollution of waters within state forests.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-90		Prohibits disorderly conduct and any activities that would constitute a public nuisance.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-100		Forbids gambling activities within state forests.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.

4VAC10-30-110		Regulates the possession and consumption of alcoholic beverages and prohibits unlawful drugs.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-120		Details fees that may be imposed for the use of state forest facilities.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-130		Outlines the proper use of designated picnic areas.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-140		Specifies the regulations and conditions for camping within state forests.	The language in this section has been updated to reflect the updated definitions in the regulation including Conditional Activity and State Forests Superintendent.
4VAC10-30-150		Regulates swimming and bathing, restricting these activities to designated areas.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-160		Sets forth rules concerning Dressing and Undressing.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-170		Governs the possession and use of explosives and firearms within state forests.	Per recommendation from OAG, language in this section was updated to provide reference to the definition of explosive in the Code of Virginia. Additionally, language was added that deals with the discharge of firearms in relation to hunting activities, as defined by DWR.
4VAC10-30-180		Establishes rules concerning the setting of fires and the	Changes made in this section include replacing outdated permit language to

		handling of lighted materials like cigarettes to prevent wildfires.	conform to the updates in Section 30-40 and expand the scope of objects that must be entirely extinguished to include campfires and cooking fires.
4VAC10-30-190		Restricts smoking in certain areas.	Wordsmithing was undertaken to change the language from "No person shall" to "A person shall not." This should simplify and provide clarity for users.
4VAC10-30-200		Provides rules regarding the hunting, trapping, and taking of game species within the State Forests, including fishing.	Sections 30-200 and 30-210 were combined into this section to provide a simpler and more concise regulation for users of the state forest. Changes include updating the name of the Board of Game and Inland Fisheries to the Virginia Department of Wildlife Resources, updating the term State Forests Superintendent, and incorporating language regarding fishing.
4VAC10-30-210		Provided rules on where fishing was allowed in each forest and the necessary licensing, permits, and regulations user needed to comply with.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-220		Outlines the rules and regulations for operating boats on waters within state forests.	Updates to this chapter include making reference to the applicable rules and regulations of the Department of Wildlife Resources, clarifying the need for a State Forest Use Permit, and prohibiting the use of gasoline fueled motors. The prohibition on the use of gasoline fueled motors is necessary to preserve water quality within the state forest and also due to the small size of the majority of the boatable waters within the state forests.
4VAC10-30-230		Sets forth the rules for bringing dogs or other pets into state forests, including leash laws and waste disposal requirements.	Changes made in this section include simplifying the language regarding custody, removing the arbitrary limit on leash length, and exempting owners of service animals from the regulation.
4VAC10-30-240		Regulates the playing of organized sports or other recreational games in the State Forests.	This section has been changed to align the language definitions of Organized Event Permit and State Forests Superintendent.
4VAC10-30-250		Restricts the use of vehicles to designated roads.	Updated language has been provided in this section to address specific use issues which have occurred regarding Vehicles in the State Forests. These include:

			1. Prohibiting persons from operating motorized vehicles except in areas open to motorized traffic. 2. Prohibiting the use of a motorized vehicles on gated roads except as provided under the updated Conditional Activity Permit guidelines. 3. Exempting integral silvicultural activities from this section, except in specific cases. 4. Prohibiting specific class three e-bikes on gated roads and trails. 5. Restricting where bikes and e-bikes can cross water bodies, in order to prevent erosion and damage.
4VAC10-30-260		Prohibits any action that would obstruct the flow of traffic.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-270		Establishes maximum speed limits for vehicles operating within state forests.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-280		Requires that the interior of vehicles be visible at all times.	This section has been eliminated to allow the agency to reach compliance with Executive Order 19. It was determined that its inclusion in the State Forests Regulations was redundant with existing Virginia Code Section and thus was duplicative and possibly confusing to forest users.
4VAC10-30-290		Provides general regulations for the safe and appropriate use of roads within state forests.	This section has been updated to make the language regarding Use of roads more concise and to update certain terminology. The Term Forest Superintendent has been replaced with State Forests Superintendent in order to conform to updated language within the code section. Additionally, the language has given the Superintendent the additional authority to close trails and areas of public use at any time, in addition to forest roads.

4VAC10-30-300		Provides regulations relating to business activities and services on state forest property.	This section has been updated with more concise language to provide for easier understanding for State Forest users. Additionally the title has also been updated to reflect those changes accordingly.
4VAC10-30-310		Prohibits or restricts the placement of advertising materials within state forests.	This language has been simplified and updated in order to provide a regulation for users that is easier to understand and follow and to conform with the updated definitions regarding Conditional Activity and Organized Event Permit which are put forth in the updated code.
4VAC10-30-330		Regulates or prohibits the solicitation of alms or contributions.	This language has been updated to replace the term Alm with Gift in both the title and the body. Additionally, the section now requires written permission by the State Forests Superintendent for the solicitation of said gifts.
4VAC10-30-340		Prohibits or restricts the landing and takeoff of aircraft within state forest boundaries.	This section has been updated to expand the terminology for aviation apparatuses to include more modern aircraft. Additionally, the language has been simplified to incorporate the operation of said aviation apparatuses and the need for written permission of the State Forests Superintendent has been incorporated.
4VAC10-30-350		Governs the conditions and procedures for the sale of timber or other forest products from state forest lands.	Changes include the elimination of the phrase, "From time to time," and the incorporation of the term agricultural crops, in order to address the complete scope of forest products available from State Forest lands.

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
4VAC10-30-420	Requires persons to only ride/drive horses on designated roads/trails. Requires user to remove horse residues including manure from parking areas.	N/A	The intent of this section is to keep horse users on the areas of the State Forests of which they are intended, thus minimizing damage to areas of the state forest from horse traffic and minimizing potential encounters between horses and other wildlife. Additionally, this section should minimize the amount of

			manure that can be left behind by horse owners, which will not properly decompose in parking areas.
4VAC10-30-430	This requirement clarifies that users who are engaged in lawful hunting may use the State Forest beyond daylight hours.	4VAC-15 Various	This section seeks to clarify that users engaged in lawful hunting may remain on the state forest beyond daylight. In certain circumstances, lawful hunting takes place beyond sunset, per DWR guidelines.
4VAC10-30-440	This requirement limits the areas where rock climbing and rappelling can take place to designated areas and the need for a permit for such activity.		This section is needed in order to preserve the State Forests and to properly regulate the activity of Rock climbing, which has grown in popularity since the State Forest regulations where most recently adopted.
4VAC10-30-450	This requirement outlaws the practice of target shooting on the State Forest.	<u>18.2-308.2:2</u>	The state forests are not equipped with target shooting facilities and thus the practice of using them for such should be enumerated as unlawful. The intent of this section is to prevent any sort of bodily injury or destruction of forest that may occur from such activity.

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage