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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 15-390
VAC Chapter title(s)	Watercraft: Safe and Reasonable Operation of Vessels
Action title	No wake zone near emergency vessels with lights on
Final agency action date	August 18, 2022
Date this document prepared	October 11, 2022

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.

This regulatory change requires that boaters encountering an emergency vessel with its lights on reduce their speed to a “no wake” speed if they are going to pass within 200 feet of the emergency vessel. This is similar to the “move over” law applicable to emergency vehicles on roadways, and is intended to provide for the safety of law enforcement and emergency services personnel, as well as the boating public.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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 these regulatory changes is the Board’s biennial periodic review of its Boating regulations. Internal staff review and consideration of subsequent public comment through the Board’s regulatory development process found this change advisable based on goals to promote safety of law enforcement and emergency services personnel on the water, as well as the safety of all boaters.

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.

The Board of Wildlife Resources adopted these final amendments to regulations found in 4VAC15-390 (Watercraft: Safe and Reasonable Operation of Vessels) at its meeting held on August 18, 2022.