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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC14-390
VAC Chapter title(s)	Watercraft: Safe and Reasonable Operation of Vessels
Action title	May 2026 – Ch. 390
Final agency action date	8/20/2026
Date this document prepared	8/26/2026

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.

Note: There were no changes in language between proposed and final stages.

Section 10:

Final adopted amendment revises the current regulation related to safe and efficient operation of vessels and in particular the application of navigation rules, specifically by incorporating United States Coast Guard (USCG) navigation rules by reference.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Section 10:

Amendments to the current language of this section were adopted because the existing regulation has led to cases being dismissed when tried in court. In 2023, the Department revised this chapter to remove the specific USCG Inland Navigation Rules and instead reference those rules directly in the applicability section. This was done because a wording change in the federal USCG rules made the DWRs regulation unenforceable. To resolve the ongoing enforceability issue, staff recommended revising the regulation again. This revision incorporates the USCG navigation rules by reference and clearly states that any violation of those federal rules is also a violation of this regulation.

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) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On August 20, 2026, the Board of Wildlife Resources adopted final amendments to Chapter 390.