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Exempt Action: Proposed Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-20
VAC Chapter title(s)	Definitions and Miscellaneous: In General
Action title	Access permit requirements; threatened & endangered species list
Date this document prepared	April 13, 2023

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.

The existing regulation specifying when a department-issued access permit is required to access department-owned lands includes language requiring this permit when accessing department-owned boat ramps. The Code section (§29.1-113) which authorizes the department to issue an access permit was amended during the 2022 General Assembly session, at which time, department authorization to require an access permit for department-owned boat ramps was removed. The regulation amendment would bring the existing regulation in line with the current Code section (§29.1-113) with the intent that no access permit would be required to access a department-owned boat access site.

Maintaining the currency of the Board's adoption of the federal endangered and threatened species list is essential to clarifying the state and federal status of each affected species, ensuring compliance with our Cooperative Agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding interagency management of these species and maintaining regulatory certainty about the status of the species in Virginia. The regulation amendment ensures that the administrative code is in

line with the most recent federal list by citing the date reference for the most recent version of the federal endangered and threatened species list and removing the sickle darter and Atlantic pigtoe mussel from the state list as those two species are now included on the federal list.

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 this regulatory amendment is the Board's biennial periodic review of its hunting, trapping, and wildlife-related regulations. Internal staff review, wildlife management and recreation goals, and consideration of public input through the Board's regulation review and amendment process deemed these amendments advisable.