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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department of Forestry
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC10-20
VAC Chapter title(s)	Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law
Date this document prepared	3/7/23

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*.

Acronyms and Definitions

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

DBH – Diameter at Breast High means the diameter of the stem of a tree measured at breast height (4.5 feet or 1.37 meters) above the ground.
Stocking.- Normal stocking is the number of trees three inches and larger in diameter at breast high required to equal a total basal area of 75 square feet per acre.
Basal area – The cross-sectional area of a stem, including the bark, measured at breast height.

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 or 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.

DOF has regulatory authority under Chapter 11. Forest Resources and the Department of Forestry in the Code of Virginia. No regulatory changes were made, this was a periodic review of this chapter for Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives were considered as part of this periodic review, Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law. According to the specific authority and responsibility conveyed by §§ 58.1-3230, 58.1-3233 and 58.1-3240, the State Forester is directed to provide a statement of the standards which shall be applied uniformly throughout the state to determine if real estate is devoted to forest use. No regulatory changes were made, this was a periodic review of this chapter for Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
	No public comments were received	

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The purpose of this chapter is for the State Forester to adopt these Standards for Classification of Real Estate As Devoted to Forest Use under the Special Assessment for Land Preservation to: 1. Encourage the proper use of real estate in order to assure a readily available source of agricultural, horticultural, and forest products, and of open space within reach of concentrations of population. 2. Conserve natural resources in forms that will prevent erosion. 3. Protect adequate and safe water supplies. 4. Preserve scenic natural beauties and open spaces. 5. Promote proper land-use planning and the orderly development of real estate for the accommodation of an expanding population. 6. Promote a balanced economy and ease/lessen the pressures which force the conversion of real estate to more intensive uses. The regulation is necessary to define and direct standards which shall be applied uniformly throughout the state to determine if real estate is devoted to forest use.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Regulation was retained as is without making changes, amending the regulation, or repeal the regulation. The ORM will be completed.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

- 1) Continued need for the regulation is necessary in order to provide standards which shall be applied uniformly throughout the state to determine if real estate is devoted to forest use. 2) DOF did not receive any comments or complaints during the 21 day public comment period. 3) The regulation is not complex 4) The regulation does not overlap, duplicate or conflict with any other federal or state laws or regulations. 5) The regulation is evaluated annually, consideration was given to current conditions of technology, economic conditions, and other factors and it was determined that no change was needed. DOF determined there was no effect to the economic impact of small businesses, this regulation directs the State Forester to provide a statement of the standards which shall be applied uniformly throughout the state to determine if real estate is devoted to forest use.
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