

Unified Regulatory Plan of the Department of Conservation and Recreation for State Fiscal Year 2025

Prepared on June 24, 2024

Description of Agency or Boards

The **Department of Conservation and Recreation (DCR)** is the state's lead natural resource conservation agency. DCR protects what Virginians care about - natural habitat, parks, clean water, dams, open space, and access to the outdoors. The Department of Conservation and Recreation is empowered to prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law, pursuant to the Administrative Process Act. The department and its boards operate under the supervision of the Secretary of Natural and Historic Resources.

The **Board of Conservation and Recreation** provides recommendations to the director on grants and loans pertaining to outdoor recreation, the designation of recreational sites eligible for recreational access road funds, master plans and substantial acquisition or improvement amendments to master plans, and designations for scenic rivers, scenic highways, and Virginia Byways.

The **Virginia Soil and Water Conservation Board's** responsibilities are related to funding, collaboration, and cooperation between and oversight of programs by the soil and water conservation districts. The board shall promulgate regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained, and operated. The board shall adopt regulations that include criteria relating to the development of nutrient management plans, qualifications, and standards for individuals necessary for individuals preparing nutrient management plans, and fees for individuals enrolling in the training and certification programs. Title 10.1, Chapter 1, Article 1.

Action/Stage or Guidance Document Forum ID (if available) Action 6456 / Stage 10316	
Title of Proposed Regulatory Action or Guidance Document Amend Regulations Following Periodic Review- 4VAC5-20 (et seq.) - <i>Standards for Classification of Real Estate as Devoted to Open Space Use under the Virginia Land Use Assessment Law.</i>	
Brief Overview: Following the close of a periodic review, technical amendments are needed to update statutory codes, correct administrative code references, and remove unnecessary language for clarity. This action is currently pending DPB Fast Track Authorization.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency Rule or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	There were no options available to reduce the regulatory requirements.
Expected Date	August 2024

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Repeal 4VAC5-36 (et seq.) Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services.	
Brief Overview: DCR has traditionally promulgated state park fees as regulations. This practice is unnecessary and can be safely ended. State Park-related fees are not subject to the APA or the Virginia Register Act and are under the authority of the agency's Director.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency Rule or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Fully deregulate fees for facilities, programs and services and establish through agency publication.
Expected Date	September 2024

Action/Stage or Guidance Document Forum ID (if available) - Action 6454 / Stage 10314	
Title of Proposed Regulatory Action or Guidance Document Amend Provisions of Impounding Structure Regulations Following Periodic Review (4VAC50-20 (et seq.)	
Brief Overview The Virginia Soil and Water Conservation Board is considering amendments to its Impounding Structure Regulations. This regulatory action is being taken in response to comments received during a periodic review, and the Board recognizes that certain areas of the regulation may need amendments and clarifications. Specifically, the Board authorized this regulatory action to consider concerns related to: (i) roadways on or below an impounding structure for hazard potential classifications; (ii) the incremental damage analysis process; (iii) the potential expansion of special criteria low hazard dams; and (iv) simplifying the emergency preparedness plan requirements	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency Rule or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	The agency will attempt to eliminate or reduce regulatory requirements during this action if possible.
Expected Date	December 2024

Action/Stage or Guidance Document Forum ID (if available) - Action 6454	
Title of Proposed Regulatory Action or Guidance Document Amend Provisions of Impounding Structure Regulations Following Periodic Review (4VAC50-20 (et seq.)	
Brief Overview The Virginia Soil and Water Conservation Board is considering amendments to its Impounding Structure Regulations. This regulatory action is being taken in response to comments received during a periodic review, and the Board recognizes that certain areas of the regulation may need amendments and clarifications. Specifically, the Board authorized this regulatory action to consider concerns related to: (i) roadways on or below an impounding structure for hazard potential classifications; (ii) the incremental damage analysis process; (iii) the potential expansion of special criteria low hazard dams; and (iv) simplifying the emergency preparedness plan requirements	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency Rule or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	The agency will attempt to eliminate or reduce regulatory requirements during the proposed action.
Expected Date	June 2025

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document DELETE - DCR-BCR-001 DRAFT Community Flood Preparedness Fund Guidelines DELETE - DCR-PRR-001 2018 Virginia Outdoors Plan DELETE - DCR-PRR-003 Land and Water Conservation Fund Application Manual DELETE - DCR-VLCF-002 Virginia Land Conservation Foundation's Grant Manual	
Brief Overview: Proposed elimination of Guidance Documents that are outdated.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency Rule or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Action
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action will further delete our original guidance baseline wordcount by 19.3%.
Expected Date	September 2024

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Amend 7672 – 2024 Dam Safety, Flood Prevention and Protection Assistance Fund Grant Manual	
Brief Overview: This grant manual provides guidance regarding the policies, criteria, conditions, and procedures for determining project eligibility and awarding grants from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities for specified dam safety issues. Amend Guidance Document: 2024 Grant Manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund for the 2025 Grant Round.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency Rule or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Action
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	It is anticipated that this action will have minimal effect on the agency's guidance document baseline.
Expected Date	October 2024