

**Unified Regulatory Plan of the Department of Wildlife Resources for State Fiscal
Year 2023**

Prepared on September 29, 2022



Description of Agency or Boards

The Department of Wildlife Resources is the Commonwealth's lead agency for matters of terrestrial wildlife management, freshwater fisheries, and boating regulation. The Department is overseen by the Board of Wildlife Resources, which is a supervisory board. Regulations relevant to the aforementioned subject areas are promulgated by the Board; enabling legislation for all of the Board's regulations is found in Title 29.1 of the Code of Virginia. Regulatory actions are exempt from the Administrative Process Act, but through combination of basic law requirements, ORM process, and agency procedures and practice, follow a public input and review structure that is similar to the APA in several respects. The Department operates under the supervision of the Secretary of Natural and Historic Resources.

Title of Proposed Regulatory Action or Guidance Document Biennial Review of Aquatics Regulations	
Brief Overview At its August 18, 2022 meeting, the Board of Wildlife Resources finally adopted its biennial review of Aquatics Regulations, pertaining to freshwater fishing regulations and other regulations impacting freshwater aquatic species management. The action also contains a provision allowing for late renewal of certain wildlife permits upon payment of a late fee. This regulatory action affects 4VAC15-20, 4VAC15-320, 4VAC15-330, 4VAC15-350, 4VAC15-360, and 4VAC15-370. Submission of final regulations on the Virginia Regulatory Townhall and publication in the Virginia Register remains to be completed and is expected by December 19, 2022.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <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	This action provides clarity and timeframes applicable to the Department for issuance of fish stocking authorizations, eliminates a historically unused minnow and chub collection permit, and allows for late renewal of certain wildlife permits upon payment of a late fee (no late renewal had previously been authorized).
Expected Date	Submission to the Office of the Attorney General expected by November 1, 2022

Title of Proposed Regulatory Action or Guidance Document Biennial Review of Boating Regulations	
Brief Overview At its August 18, 2022 meeting, the Board of Wildlife Resources finally adopted its biennial review of Boating Regulations, pertaining to equipment and operation requirements for recreational boats in the Commonwealth. This regulatory action affects 4VAC15-390, 4VAC15-430, and 4VAC15-440. These amendments largely conform boating equipment terminology and requirements to recent amendments to the federal Code of Federal Regulations, action that is required of the Department as	

Virginia’s recreational boating law agency. The action also includes a requirement for boaters passing within two hundred feet of a stopped emergency vessel with emergency lights on to reduce speed in the interest of safety. Submission of final regulations on the Virginia Regulatory Townhall and publication in the Virginia Register remains to be completed and is expected by December 19, 2022.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" 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 brings Virginia into conformity with federal boating regulations, thereby avoiding confusion and keeping Virginia’s recreational boating program consistent with federal requirements.
Expected Date	Submission to the Office of the Attorney General expected by November 1, 2022

Title of Proposed Regulatory Action or Guidance Document Biennial Review of Wildlife Regulations	
Brief Overview The Department reviews all of its regulations on a rotating 2-year schedule, with Wildlife regulations in odd years, and Freshwater Fisheries and Boating regulations in even years. 2023 will mark the next Wildlife regulations review. During this process, issues such as hunting seasons and bag limits, lawful methods for hunting and trapping, response to wildlife disease, and general wildlife conservation regulations will be reviewed in light of species management goals, public input, and any changes to the Code of Virginia enacted by the 2023 General Assembly. While all wildlife regulations are open for review, typically this includes the following chapters: 4VAC15-20 (Definitions: In General); 4VAC15-30 (Definitions: Import, Possession); 4VAC15-40 (General); 4VAC15-50 (Bear); 4VAC15-90 (Deer); and 4VAC15-240 (Turkey). Though not typical, if any specific emergency matters related to freshwater fisheries or boating require an immediate response, they may be individually be considered through this process as well. Public comment on any proposed amendments to the regulations is solicited during the “scoping period” held during fall 2022 (in practice, similar to public comment on a NOIRA), upon proposal by the Board at its March 2023 meeting and during a formal public comment period that follows that meeting, and prior to final adoption by the Board at its May 2023 meeting (note that while the agency’s process include both the scoping period and a proposed rule, similar to the APA NOIRA and proposed stages, these actions are not technically within the APA process and the agency’s rulemakings are known as “exempt/final” actions for APA purposes).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action

	<input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	Unknown at this time. The biennial review process will review opportunities for streamlining and regulatory reduction during the course of this comprehensive periodic review, with potential topics to be determined.
Expected Date	Submission to the Office of the Attorney General expected within two weeks following the May 25, 2023 Board of Wildlife Resources meeting.