

Unified Regulatory Plan of the Department of Conservation and Recreation for State Fiscal Year 2024

Prepared on June 6, 2023

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, on the designation of recreational sites eligible for recreational access road funds, on master plans and substantial acquisition or improvement amendments to master plans, and on 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)		
Title of Proposed Regulatory Action or Guidance Document Virginia Community Flood Preparedness Fund (CFPF) Grant Manual (Grant Round 4)		
Brief Overview: Virginia Community Flood Preparedness Fund (CFPF) was established to provide support for regions and localities across Virginia to reduce the impacts of flooding. The updated manual will include CFPF Grant Round 4.		
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 checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	July 2023 – Issued for public comment	

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document The Resilient Virginia Revolving Fund (RVRF) Manual		
Brief Overview: The Resilient Virginia Revolving Fund (RVRF) was established to provide loans or to refinance projects for local governments or to give grants to them and provides that local governments may use the Fund for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes.		
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 checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	July 2023 – Issued for public comment	

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Clinch River State Park Master Plan	
Brief Overview: Subsection 10.1-200 of the Code of Virginia requires that master plans be written for existing and proposed Virginia State Parks. The plans cover the size, types, locations of facilities, and the site's special features and resources. Plans also cover infrastructure, such as roads and utilities. They also outline phased development and costs for operations, maintenance, and staffing.	
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 type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	August 2023

Action/Stage or Guidance Document Forum ID (if available) Periodic Review 2366	
Title of Proposed Regulatory Action or Guidance Document Amend 4VAC5-20 (et seq.) -Standards for Classification of Real Estate as Devoted to Open Space Use under the Virginia Land Use Assessment Law.	
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.	
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 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. If additional opportunities for deregulation occur, the agency will amend the regulatory stage if applicable.
Expected Date	August 2023

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 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Virginia Flood Risk Management Standards	
Brief Overview: Code of Virginia § 10.1-603 codified Executive Order 45 (2019), establishing Floodplain management requirements and planning standards for state agencies, institutions, and property. To remain in compliance with the National Flood Insurance Program (NFIP), Virginia is required to formally adopt development standards for state agency buildings and facilities in flood-prone areas. Participation in the NFIP provides Virginia's citizens with lower-cost flood insurance.	
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 type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	September 2023

Action/Stage or Guidance Document Forum ID (if available) DCR-NH-064	
Title of Proposed Regulatory Action or Guidance Document Third Quarter (2023)- Update of DCR-NH-064 - Natural Heritage Resources of Virginia – Rare Animal Species	
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.	
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Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	September 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Third Quarter (2023) - Update of DCR-NH-075 -Natural Heritage Resources of Virginia – Rare Plants List	
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.	
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Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	September 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Amend 4VAC50-70 (et seq.) regulations related to Resource Management Plans.	
Brief Overview: The Board plans on conducting a periodic review of the regulations in July and anticipates that a standard regulatory action will be necessary in response to comments received, as well as recognition that amendments and clarifications may be needed. The Board will also utilize this action to address the potential reduction of regulatory requirements. The Board will ensure that the regulations represent a balanced process by which farmers may voluntarily implement a high level of BMPs that are protective of water quality and that may be applied towards necessary nutrient and sediment reductions associated with the Chesapeake Bay Watershed Implementation Plan and other TMDLs	
Regulatory Stage (check one box)	<input checked="" 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	The agency will attempt to eliminate or reduce regulatory requirements during this action if possible.
Expected Date	October 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Fourth Quarter (2023) Update DCR-NH-064 - Natural Heritage Resources of Virginia – Rare Animal Species	
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.	
Regulatory Stage (check one box)	<input checked="" 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 checked="" type="checkbox"/> Exempt Action
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	December 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Fourth Quarter (2023) Update DCR-NH-075 - Natural Heritage Resources of Virginia – Rare Plants List	
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.	
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Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	December 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Amend 4VAC50-20 (et seq.) -Impounding Structure Regulations	
Brief Overview: The Board plans on conducting a periodic review of the regulations in July and anticipates that a standard regulatory action will be necessary in response to comments received, as well as recognition that amendments and clarifications may be needed. The Board will also utilize this action to address the potential reduction of regulatory requirements.	
Regulatory Stage (check one box)	<input checked="" 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 type="checkbox"/> Fast-Track
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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	January 2024

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document First Quarter 2024 - Update DCR-NH-064 - Natural Heritage Resources of Virginia – Rare Animal Species		
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.		
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Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action	
Deregulatory Component	None	
Expected Date	March 2024	

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document First Quarter (2024) - Update DCR-NH-075 - Natural Heritage Resources of Virginia – Rare Plants List		
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.		
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Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action	
Deregulatory Component	None	
Expected Date	March 2024	

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Southwest VA Museum State Park Master Plan	
Brief Overview: Subsection 10.1-200 of the Code of Virginia requires that master plans be written for existing and proposed Virginia State Parks. The plans cover the size, types, locations of facilities, and the site's special features and resources. Plans also cover infrastructure, such as roads and utilities. They also outline phased development and costs for operations, maintenance, and staffing.	
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Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	May 2024

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Second Quarter (2024) -Update DCR-NH-064 - Natural Heritage Resources of Virginia – Rare Animal Species	
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.	
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 type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	June 2024

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Second Quarter (2024) Update DCR-NH-075 - Natural Heritage Resources of Virginia – Rare Plants List		
Brief Overview: The first step in conservation is identifying and prioritizing what needs protecting. DCR-DNH identifies Natural Heritage Resources (NHR) which need conservation attention. NHR are defined in the Virginia Natural Area Preserves Act of 1989 (Section 10.1-209 through 217, Code of Virginia) as the habitat of rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and other natural features of the Commonwealth. This document is updated quarterly.		
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Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	June 2024	

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Update DCR-NH-074 - Virginia's Precious Heritage: <i>A Report on the Status of Virginia's Natural Communities, Plants and Animals</i>		
Brief Overview: The Virginia Natural Heritage Plan provides a comprehensive description of the Virginia Natural Heritage Program, the condition of the state's biodiversity, and its goals for protecting the Commonwealth's natural communities and rare species.		
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 type="checkbox"/> Fast-Track
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Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	June 2024	