

**Unified Regulatory Plan of the Department of Wildlife Resources for State Fiscal
Year 2024**

Prepared on June 22, 2023



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.

Action/Stage or Guidance Document Forum ID: 9981, 9982, 9983, 9985, 9987, 9988, 9994	
Title of Proposed Regulatory Action or Guidance Document Biennial Review of Wildlife Regulations	
Brief Overview At its May 25, 2023 meeting, the Board of Wildlife Resources finally adopted its biennial review of Wildlife Regulations. This overall regulatory action affects 4VAC chapters 20, 40, 50, 90, 110, 230, 240, and 260. Issues such as hunting seasons and bag limits, lawful methods for hunting and trapping, response to wildlife disease, conformance to the Code of Virginia, and general wildlife conservation regulations were taken up, which is the end result of a process that began with an initial solicitation of public comment during a scoping period held in fall 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 checked="" 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	This action resulted in a net discretionary mandate reduction of 21% (119 mandates prior to the action; 94 after).
Expected Date	July 17, 2023

Action/Stage or Guidance Document Forum ID: 9990, 9991	
Title of Proposed Regulatory Action or Guidance Document: Boating Regulations Review	
Brief Overview At its May 25, 2023 meeting, the Board of Wildlife Resources finally adopted amendments to its Boating Regulations, pertaining to equipment and operation requirements for recreational boats in the Commonwealth. This regulatory action brought the Commonwealth into conformance with federal U.S. Coast Guard regulations (33 CFR Parts 83-86) and repealed state requirements that differed from those federal standards; one allowance for types of public safety lights that qualify an emergency vessel for no wake protection was also included. Involved chapters included 4VAC15- 390 and 420.	

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	<p>This action resulted in the repeal of 4 discretionary requirements, which represents all of the discretionary requirements that had been contained in the affected sections. Most requirements of these sections are federally mandated.</p> <p>In all, 15 regulatory sections were repealed and replaced by two sections simply referencing the federal requirements found in the Code of Federal Regulations pertaining to boat lighting, operation, and other matters. This avoids duplication and the potential for differing language being used among the state and federal regulations on the topic.</p>	
Expected Date	July 17, 2023	

Action/Stage or Guidance Document Forum ID: TBD		
Title of Proposed Regulatory Action or Guidance Document Biennial Review of Aquatics Regulations		
Brief Overview <p>The Department reviews its Aquatics (freshwater fisheries) regulations every two years, and the next review will begin this FY. Regulations affecting this portion of the Department's work are found in 4VAC Chapters 20, 30, and 310-360. Specific chapters/sections to be amended will be determined following staff review and a scoping period that will be commenced in January 2024. Staff recommendations will be developed and proposed amendments presented to the Board of Wildlife Resources in May 2024, followed by a public comment period. Consideration of final adoption by the Board is anticipated to occur in the next fiscal year (projected for August 2024).</p>		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input 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"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action will specifically consider deregulatory opportunities and priorities that have been adopted since the last biennial review.	
Expected Date	May 2024	

Action/Stage or Guidance Document Forum ID: TBD		
Title of Proposed Regulatory Action or Guidance Document Elk Conservation License		

Brief Overview	
<p>4VAC15-90-550 establishes the Elk Conservation License program, by which allows one conservation organization to be awarded an elk hunting license that is then raffled off to support a wildlife or outdoor recreation project in Southwest Virginia. This license is applied for and organizations compete based on their project proposals. Currently, the license is awarded annually. Experience with the program has indicated that greater interest in applications could be generated from multiyear proposals and that fundraising capabilities (and thus conservation benefits) would likewise be greater. The Department intends to propose technical amendments to the regulation in order to allow the discretion to award the license on a multiyear basis.</p>	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input 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	Allowing multiyear proposals increases flexibility for potential applicants.
Expected Date	October 2023

Action/Stage or Guidance Document Forum ID: TBD	
Title of Proposed Regulatory Action or Guidance Document Elk Conservation License	
Brief Overview	
<p>Provided the review of 4VAC15-90-550 proposed above yields a positive result following public comment, a final adoption by the Board of Wildlife Resources would be considered at its January 2024 meeting.</p>	
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	Allowing multiyear proposals increases flexibility for potential applicants.
Expected Date	January 2024

Action/Stage or Guidance Document Forum ID: TBD	
Title of Proposed Regulatory Action or Guidance Document Guidance Document Review	
Brief Overview Chapter 390 of the 2023 Acts of Assembly (House Bill 2101) requires that existing documents used by the Department in making comments or providing consultation to the Department of Environmental Quality or the Virginia Marine Resources Commission, as well as documents pertaining to the administration of the Virginia Threatened and Endangered Species Act (§29.1-563 et seq.) be filed for publication with the Registrar of Regulations and made available for public comment by November 1, 2023. The Department will review its documents and make any necessary submissions accordingly.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <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 checked="" type="checkbox"/> Discretionary action
Deregulatory Component	In the course of its review, the Department will consider the necessity and length of each affected document and any other matters relevant.
Expected Date	November 1, 2023