

Approval of Findings of a Periodic Review of the Resource Management Plan Regulations (4VAC50-70)

§ 2.2-4007.1. Regulatory flexibility for small businesses; periodic review of regulations.

D. In addition to other requirements of §2.2-4017, all regulations shall be reviewed every four years to determine whether they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law. When a regulation has undergone a comprehensive review as part of a regulatory action that included the solicitation of public comment on the regulation, a periodic review shall not be required until four years after the effective date of the regulatory action.

E. The regulatory review required by this section shall include consideration of:

1. The continued need for the rule;
2. The nature of complaints or comments received concerning the regulation from the public;
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.

F. Prior to commencement of the regulatory review required by subsection D, the agency shall publish a notice of the review in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall. The agency shall provide a minimum of 21 days for public comment after publication of the notice. No later than 120 days after close of the public comment period, the agency shall publish a report of the findings of the regulatory review in the Virginia Register of Regulations and post the report on the Virginia Regulatory Town Hall.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the report of findings on the periodic review conducted for the Resource Management Plan regulations (4VAC50-70) and directs the Department to post the report on the Virginia Regulatory Town Hall for publication in the Virginia Register. The Board authorizes the Department to coordinate, as necessary, with the Office of Regulatory Management to develop any additional documents, including the economic review form, needed to file the results of this periodic review.



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Soil and Water Conservation Board
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC50-70
VAC Chapter title(s)	Resource Management Plan
Date this document prepared	12/06/2023

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.

The following acronyms are used in this document and are defined in 4VAC50-70-20 of the Resource Management Plan regulations:

1. RMP means a Resource Management Plan.
2. TSP means a technical service provider.

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.

Article 1.1. of Title 10 of the *Code of Virginia* establishes the statutory components and technical criteria for a Resource Management Plan. The Virginia Soil and Water Conservation Board (Board) is required to adopt regulations to “specify the criteria to be included in a resource management plan” by §10.1-104.8. Section 10.1-104.9 further requires enforcement of Article 1.1 of the *Code of Virginia* through regulations adopted by the Board.

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.

There are no alternatives to adopting regulations to implement the Resource Management Plan Program. Section 10.1-104.9 of the *Code of the Virginia* sets out the process the Board must follow when adopting regulations to enforce the necessary components and technical criteria of an RMP. The technical criteria of an RMP is required to be specified in regulations adopted by the Board by §10.1-104.8 of the *Code of Virginia*.

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.

No comments were received on this periodic review. An informal advisory group was not formed for purposes of assisting in the periodic review.

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 regulation meets the criteria set out in the ORM procedures to be necessary for the protection of public health, safety and welfare of the citizens and visitors to the Commonwealth.

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.

The Board will retain the regulation as is without making any changes.

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 the 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.

There is a continued need for the regulations as the regulations are mandated by law. The regulations do not have an adverse impact on small businesses and may provide opportunities for small businesses in the environmental services industries.

The regulations do not overlap, duplicate or conflict with any known federal or state law or regulation.
