

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 324

An Act to transfer forest regulations from the Department of Conservation and Recreation to the Department of Forestry.

[H 2620]

Approved March 20, 2005

Whereas, the Department of Forestry was created by Chapter 567 of the 1986 Virginia Acts of Assembly from the Department of Conservation and Economic Development's Division of Forestry; and

Whereas, the Department of Conservation and Recreation is the successor to the Department of Conservation and Economic Development and the Department of Conservation and Historic Resources; and

Whereas, Chapter 469 of the 1987 Virginia Acts of Assembly authorized the transfer of various real and personal properties to the Department of Forestry of those resources the Director of the Department of Conservation and Historic Resources wished to transfer; and

Whereas, under Chapter 469 of the 1987 Virginia Acts of Assembly the Prince Edward-Gallion State Forest in Prince Edward County, the Appomattox-Buckingham State Forest in Appomattox and Buckingham Counties, the Cumberland State Forest in Cumberland County, the Lesesne State Forest in Nelson County, the Paul State Forest in Rockingham County, and the Conway-Robinson State Forest in Prince William County were transferred to the Department of Forestry; and

Whereas, Chapter 567 of the 1986 Acts of Assembly made no provision to transfer the regulations related to the new Department of Forestry's programs that were then in full force and effect, specifically the Virginia State Forest Regulations 4 VAC 5-40-10 et seq., and the Virginia Reforestation of Timberlands Regulations 4 VAC 5-60-10 et seq.; and

Whereas, Chapter 567 of the 1986 Acts of Assembly authorized the continuation of the Reforestation Board for the purposes of formulating recommendations to the State Forester concerning administrative rules, regulations and other matters applicable to the Reforestation of Timberlands State Fund; and

Whereas, the Department of Conservation and Recreation has maintained the State Forest Regulations, but due to land transfers to the Department of Forestry and the re-incorporation of the Pocahontas State Forest into the Pocahontas State Park, the Department no longer has programmatic need of the regulations; and

Whereas, the Department of Conservation and Recreation has maintained the Reforestation of Timberlands Regulations, but lacked the continuing statutory authority to adopt, amend or enforce these regulations, and the Department no longer has a programmatic need for the regulations; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia State Forest Regulations, 4 VAC 5-40-10 et seq., and the Virginia Reforestation of Timberlands Regulations, 4 VAC 5-60-10 et seq., are hereby transferred from the Department of Conservation and Recreation to the Department of Forestry, effective July 1, 2005, and shall remain in full force and effect until amended, modified, or repealed. The Department of Forestry shall update the terminology and references to the Code of Virginia pursuant to the authority to promulgate regulations provided in subdivision 4 of § 10.1-1101. This update shall be exempt from the provisions of the Administrative Process Act. Any future amendments shall be promulgated in accordance with the provisions of the Administrative Process Act. The Administrative Code numbers shall be changed under that exempt action to conform to the Department of Forestry's regulatory numbering system as assigned by the Virginia Code Commission.*