



VIRGINIA

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VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*. During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **29:5 VA.R. 1075-1192 November 5, 2012**, refers to Volume 29, Issue 5, pages 1075 through 1192 of the *Virginia Register* issued on November 5, 2012.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards**, Chair; **James M. LeMunyon**, Vice Chair; **Gregory D. Habeeb**; **Ryan T. McDougle**; **Pamela S. Baskerville**; **Robert L. Calhoun**; **Carlos L. Hopkins**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Mark J. Vucci**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **Karen Perrine**, Assistant Registrar; **Anne Bloomsburg**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.dls.virginia.gov>).

March 2016 through April 2017

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
32:15	March 2, 2016	March 21, 2016
32:16	March 16, 2016	April 4, 2016
32:17	March 30, 2016	April 18, 2016
32:18	April 13, 2016	May 2, 2016
32:19	April 27, 2016	May 16, 2016
32:20	May 11, 2016	May 30, 2016
32:21	May 25, 2016	June 13, 2016
32:22	June 8, 2016	June 27, 2016
32:23	June 22, 2016	July 11, 2016
32:24	July 6, 2016	July 25, 2016
32:25	July 20, 2016	August 8, 2016
32:26	August 3, 2016	August 22, 2016
33:1	August 17, 2016	September 5, 2016
33:2	August 31, 2016	September 19, 2016
33:3	September 14, 2016	October 3, 2016
33:4	September 28, 2016	October 17, 2016
33:5	October 12, 2016	October 31, 2016
33:6	October 26, 2016	November 14, 2016
33:7	November 9, 2016	November 28, 2016
33:8	November 22, 2016 (Tuesday)	December 12, 2016
33:9	December 7, 2016	December 26, 2016
33:10	December 19, 2016 (Monday)	January 9, 2017
33:11	January 4, 2017	January 23, 2017
33:12	January 18, 2017	February 6, 2017
33:13	February 1, 2017	February 20, 2017
33:14	February 15, 2017	March 6, 2017
33:15	March 1, 2017	March 20, 2017
33:16	March 15, 2017	April 3, 2017

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF VETERINARY MEDICINE

Agency Decision

Title of Regulation: 18VAC150-20. Regulations Governing the Practice of Veterinary Medicine.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Name of Petitioner: Amy Schlake.

Nature of Petitioner's Request: To amend the definition of surgery to allow veterinary technicians to perform single layer closure of the gingival flap created by a veterinarian.

Agency Decision: Request denied.

Statement of Reason for Decision: At its meeting on February 10, 2016, the board considered the petition and all comments in favor of and in opposition to the request for an amendment. The board's conclusion was that closure of the gingival flap involves tissue and is different from a skin closure. While the procedure can be simple in some cases, it is often complex and difficult to achieve the desired result. The board has affirmed its guidance on the allowable duties of a veterinary technician adopted in Guidance Document 150-2 in February of 2015, in which it stated that: The Board determined that oral mucosa is not skin, therefore, an LVT would not be permitted to perform closure of a previously created gingival flap.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 527-4434, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R16-04; Filed February 22, 2016, 2:31 p.m.

Agency Decision

Title of Regulation: 18VAC150-20. Regulations Governing the Practice of Veterinary Medicine.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Name of Petitioner: Laura Court.

Nature of Petitioner's Request: Prohibition against euthanizing a pet against a veterinarian's recommendation if the pet owner is trying to schedule it and veterinarian is not recommending it.

Agency Decision: Request denied.

Statement of Reason for Decision: At its meeting on February 10, 2016, the board considered the petition and one comment in favor of the request for an amendment. Its conclusion was that veterinarians currently have the authority to refuse a

request for euthanasia requested by a client. Therefore, the board has denied the petition and will not initiate rulemaking at this time.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 527-4434, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R16-09; Filed February 22, 2016, 2:32 p.m.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22VAC40-295, Temporary Assistance for Needy Families (TANF)**, which was published in [32:1 VA.R. 4-5 September 7, 2015](#). In preparing the proposed regulation, the need for amendments beyond the scope of the notice were identified. This action is being withdrawn and a new notice will be initiated that encompasses the areas that need to be addressed.

Agency Contact: Bridget Shelmet, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7144, FAX (804) 726-7357, or email bridget.shelmet@dss.virginia.gov.

VA.R. Doc. No. R16-4443; Filed February 18, 2016, 3:54 p.m.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4VAC20-490. Pertaining to Sharks (amending 4VAC20-490-20, 4VAC20-490-41).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: March 1, 2016.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248 or email jennifer.farmer@mrc.virginia.gov.

Summary:

*The amendments (i) establish the blacknose shark, *Carcharhinus acronotus*, as a "commercially prohibited shark" and (ii) beginning January 1 of any year, prohibit possession on board a vessel or landing in Virginia more than a combined total of 36 commercially permitted aggregated large coastal sharks and commercially permitted hammerhead sharks in a 24-hour period, unless notice of any change has been posted on the Marine Resources Commission website.*

4VAC20-490-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Agent" means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"Carcass length" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

"COLREGS Line" means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

"Commercial shark fisherman" means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

"Commercially permitted aggregated large coastal shark" means any of the following species:

Blacktip, *Carcharhinus limbatus*
Bull, *Carcharhinus leucas*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Silky, *Carcharhinus falciformis*
Spinner, *Carcharhinus brevipinna*
Tiger, *Galeocerdo cuvier*

~~"Commercially permitted blacknose shark" means any of the following species:~~

~~Blacknose, *Carcharhinus acronotus*~~

"Commercially permitted ~~hammerhead~~ hammerhead shark" means any of the following species:

Great hammerhead, *Sphyrna mokarran*
Scalloped hammerhead, *Sphyrna lewini*
Smooth hammerhead, *Sphyrna zygaena*

"Commercially permitted nonblacknose small coastal shark" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

"Commercially permitted pelagic shark" means any of the following species:

Blue, *Prionace glauca*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Shortfin mako, *Isurus oxyrinchus*
Thresher, *Alopias vulpinus*

"Commercially prohibited shark" means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*

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Bignose, *Carcharhinus altimus*
Blacknose, *Carcharhinus acronotus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sevengill, *Heptranchias perlo*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

"Control rule" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"Dressed weight" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"Finning" means removing the fins and returning the remainder of the shark to the sea.

"Fork length" means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

"Large mesh gill net" means any gill net with a stretched mesh of greater than five inches.

"Longline" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

"Movable gill net" means any gill net other than a staked gill net.

"Permitted commercial gear" means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

"Recreational shore angler" means a person ~~not~~ neither fishing from a vessel nor transported to or from a fishing location by a vessel.

"Recreational vessel angler" means a person fishing from a vessel or transported to or from a fishing location by a vessel.

"Recreationally permitted shark" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Blacknose, *Carcharhinus acronotus*
Blacktip, *Carcharhinus limbatus*
Blue, *Prionace glauca*
Bonnethead, *Sphyrna tiburo*
Bull, *Carcharhinus leucas*
Finetooth, *Carcharhinus isodon*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Scalloped hammerhead, *Sphyrna lewini*
Shortfin mako, *Isurus oxyrinchus*
Smooth dogfish, *Mustelus canis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Thresher, *Alopias vulpinus*
Tiger, *Galeocerdo cuvier*

"Recreationally prohibited shark" means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sandbar, *Carcharhinus plumbeus*
Sevengill, *Heptranchias perlo*
Silky, *Carcharhinus falciformis*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

"Research only shark" means any of the following species:

Sandbar, *Carcharhinus plumbeus*

"Shark shortline" means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel,

and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

"Small mesh gill net" means any gill net with a stretched mesh of equal to or less than five inches.

"Smooth dogfish" means any shark of the species *Mustelus canis*.

"Spiny dogfish" means any shark of the species *Squalus acanthias*.

4VAC20-490-41. Commercial catch limitations.

A. ~~It~~ Beginning January 1 of any given year it shall be unlawful for any person to possess on board a vessel or to land in Virginia more than a combined total of 36 commercially permitted aggregated large coastal sharks and commercially permitted hammerhead sharks in one 24-hour period, unless the Marine Resources Commission has posted notice of any change to possession limits on its website at <http://mrc.virginia.gov/Regulations/VA-commercial-shark-possession-limits.shtm>. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.

B. It shall be unlawful for any person to fillet a shark until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.

C. Virginia licensed commercial fishermen may completely process smooth dogfish at sea prior to landing, except that it shall be unlawful for anyone to land or possess on board any vessel any amount of processed smooth dogfish whereby the total weight of fins exceeds 12% of the total dressed weight of any smooth dogfish.

D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after the National Oceanic and Atmospheric Administration (NOAA) Fisheries has closed the fishery for that species in federal waters.

E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species, or commercially permitted nonblacknose species, ~~or commercially permitted blacknose species.~~

F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner, or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed

season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:

1. The vessel does not engage in fishing in Virginia waters while possessing the ~~above~~ species listed in this subsection; and

2. All fishing gear aboard the vessel is stowed and not available for immediate use.

G. It shall be unlawful for any person to retain, possess, or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.

H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.

I. The commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions, and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught, and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the commissioner on an annual basis information on the location and status of the shark throughout the life of the shark.

VA.R. Doc. No. R16-4638; Filed February 24, 2016, 10:53 a.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-620. Pertaining to Summer Flounder (amending 4VAC20-620-40).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: February 24, 2016.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248 or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments modify the landing dates, landing periods, possession limits, and landing limits for summer flounder commercially harvested outside of Virginia waters and include (i) permitting the possession of a North Carolina vessel possession limit of summer flounder but prohibiting offloading any amount of that possession limit except pursuant to a transfer quota agreed to by the Commissioner of the Marine Resources Commission, (ii) changing the harvesting date of April 19 to May 7, (iii) increasing the 20-day landing period to 30 days, and (iv)

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prohibiting landing more than a total of 5,000 pounds of summer flounder during the second 30-day period.

4VAC20-620-40. Commercial vessel possession and landing limitations.

A. It shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to do any of the following, except as described in subsections B, C, D, and E of this section:

1. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of 10% by weight of Atlantic croaker or the combined landings, on board a vessel, of black sea bass, scup, squid, scallops and Atlantic mackerel.
2. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of 1,500 pounds landed in combination with Atlantic croaker.
3. Fail to sell the vessel's entire harvest of all species at the point of landing.

B. Nothing in this chapter shall preclude a vessel from possessing any North Carolina vessel possession limit of summer flounder in Virginia; however, no vessel that possesses the North Carolina vessel possession limit of summer flounder shall offload any amount of that possession limit, except as described in subsection J of this section.

~~B. C.~~ From the second Wednesday in March through ~~April 19~~ May 7, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of the combined total of the Virginia landing limit described in ~~subdivision subdivisions~~ subdivisions 3 and 4 of this subsection and the amount of the legal North Carolina landing limit or trip limit.
2. Land Summer Flounder in Virginia for commercial purposes more than twice during each consecutive ~~20-day~~ 30-day period, with the first ~~20-day~~ 30-day period beginning on the second Wednesday in March.
3. Land in Virginia more than a total of 7,500 pounds of Summer Flounder during ~~each consecutive 20-day~~ the first 30-day period, with the first ~~20-day~~ 30-day period beginning on the second Wednesday in March.
4. Land in Virginia more than a total of 5,000 pounds of summer flounder during the second 30-day period with the second 30-day period beginning on April 7.
4. 5. Land in Virginia any amount of Summer Flounder more than once in any consecutive five-day period.

~~C. D.~~ From November 1 through December 31 of each year, or until it has been projected and announced that 85% of the allowable landings have been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of the combined total of the Virginia landing limit described in subdivisions 3 and 4 of this subsection and the amount of the legal North Carolina landing limit or trip limit.
2. Land Summer Flounder in Virginia for commercial purposes more than twice during each consecutive 30-day period, with the first 30-day period beginning on November 1.
3. Land in Virginia more than a total of 10,000 pounds of Summer Flounder during the first 30-day period, with the first 30-day period beginning on November 1.
4. Land in Virginia more than a total of 5,000 pounds of Summer Flounder during the second 30-day period with the second 30-day period beginning on December 1.
5. Land in Virginia any amount of Summer Flounder more than once in any consecutive five-day period.

~~D. E.~~ From January 1 through December 31 of each year, any boat or vessel issued a valid federal Summer Flounder moratorium permit and owned and operated by a legal Virginia Commercial Hook-and-Line Licensee that possesses a Restricted Summer Flounder Endorsement shall be restricted to a possession and landing limit of 200 pounds of Summer Flounder, except as described in 4VAC20-620-30 F.

~~E. F.~~ Upon request by a marine police officer, the seafood buyer or processor shall offload and accurately determine the total weight of all Summer Flounder aboard any vessel landing Summer Flounder in Virginia.

~~F. G.~~ Any possession limit described in this section shall be determined by the weight in pounds of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The weight of any Summer Flounder in pounds found in excess of any possession limit described in this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder aboard any vessel in excess of the possession limit shall be in violation of this chapter unless that vessel has requested and been granted safe harbor. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter, except as described by subsection ~~I~~ J of this section. A buyer or processor may accept or buy Summer Flounder from a vessel that has secured safe harbor, provided that vessel has satisfied the requirements described in subsection ~~I~~ J of this section.

~~G. H.~~ If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine police officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from

approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

H. I. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel, its captain, an estimate of the amount in pounds of Summer Flounder on board that vessel, and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 9 p.m. to 7 a.m.

I. J. Any boat or vessel that has entered Virginia waters for safe harbor shall only offload Summer Flounder when the state that licenses that vessel requests to transfer quota to Virginia, in the amount that corresponds to that vessel's possession limit, and the commissioner agrees to accept that transfer of quota.

J. K. After any commercial harvest or landing quota as described in 4VAC20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

K. L. It shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to possess aboard any vessel, in Virginia, any amount of Summer Flounder, once it has been projected and announced that 100% of the quota described in 4VAC20-620-30 A has been taken.

VA.R. Doc. No. R16-4627; Filed February 24, 2016, 10:44 a.m.

Emergency Regulation

Title of Regulation: 4VAC20-720. **Pertaining to Restrictions on Oyster Harvest (amending 4VAC20-720-80).**

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: February 23, 2016, through March 22, 2016.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248 or email jennifer.farmer@mrc.virginia.gov.

Preamble:

The emergency amendment allows payment of the oyster resource user fee only by those harvesters who have previously paid an oyster resource user fee.

4VAC20-720-80. Quotas and harvest limits.

A. It shall be unlawful for any person who does not possess a valid commercial fisherman's registration license and a valid gear license required by harvest area, as described in 4VAC20-720-75, and has not paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes. Any individual who possesses the valid licenses and has paid the oyster resource user fee as described in this subsection shall be limited to a maximum harvest of eight bushels per day. It shall be unlawful for any vessel to exceed a daily vessel limit of 24 bushels clean cull oysters harvested from the areas described in 4VAC20-720-40 B 8 through 16.

B. It shall be unlawful for any person who does not possess a valid commercial fisherman's registration license and a valid gear license required by harvest area, as described in 4VAC20-720-75, and has not paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes. Any individual who possesses the valid licenses and has paid the oyster resource user fee as described in this subsection shall be limited to a maximum harvest of eight bushels per day. It shall be unlawful for any vessel to exceed a daily vessel limit for clean cull oysters harvested from the areas described in 4VAC20-720-40 B 2 through 7 and 17, whereby that vessel limit shall equal the number of registered commercial fisherman licensees on board the vessel who hold a valid gear license and who have paid the oyster resource user fee multiplied by eight.

C. It shall be unlawful for any vessel to exceed a daily vessel limit for clean cull oysters harvested from the areas described in 4VAC20-720-40 B 1, whereby that vessel limit shall equal the number of registered commercial fisherman licensees on board the vessel who hold a valid gear license and who have paid the oyster resource user fee multiplied by 12. It shall be unlawful for any person who does not possess a valid commercial fisherman's registration license and hold a valid gear license required by harvest area, as described in 4VAC20-720-75, and has not paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes. Any individual who possesses the valid licenses and has paid the oyster resource user fee as described in this subsection shall be limited to a maximum harvest of 12 bushels per day.

D. It shall be unlawful for any vessel to exceed a daily vessel limit for clean cull oysters harvested from the areas described in 4VAC20-720-40 B 18, whereby that vessel limit shall equal the number of registered commercial fisherman licensees on board the vessel who are licensed by a valid gear license and have paid the oyster resource user fee, multiplied by eight. It shall be unlawful for any person who does not

Regulations

possess a valid commercial fisherman's registration license and a valid gear license required by harvest area, as described in 4VAC20-720-75, and has not paid the current year's oyster resource user fee to harvest or possess any oysters for commercial purposes. Any individual who possesses the valid licenses and has paid the oyster resource user fee, as described in this subsection, shall be limited to a maximum harvest of eight bushels per day.

E. Beginning February 23, 2016, payment of the oyster resource user fee that allows any harvester to use one or more gear types to harvest oysters or possess any bushel limit, as described in this section, shall be limited to those individuals who previously paid an oyster resource user fee.

E. F. In the Pocomoke and Tangier Sounds Rotation Area 1, no blue crab bycatch is allowed. It shall be unlawful to possess on board any vessel more than 250 hard clams.

VA.R. Doc. No. R16-4641; Filed February 23, 2016, 4:53 p.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Forms

REGISTRAR'S NOTICE: Forms used in administering the following regulation have been filed by the Virginia Waste Management Board. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

Title of Regulation: 9VAC20-150. Waste Tire End User Reimbursement Regulation.

Contact Information: Debra Harris, Policy and Planning Specialist, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4209, or email debra.harris@deq.virginia.gov.

FORMS (9VAC20-150)

~~Waste Tire Program Waste Tire Pile Certification, DEQ-CERT (rev. 12/97).~~

~~Waste Tire Program End User Reimbursement Application, DEQ-EURR (rev. 8/97).~~

[Waste Tire Pile Certification, DEQ-CERT, No. 154 \(rev. 3/2010\)](#)

[End User Reimbursement Application, DEQ-EURR \(rev. 12/2015\)](#)

VA.R. Doc. No. R16-4637; Filed February 19, 2016, 12:19 p.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Proposed Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14VAC5-10. Accident Airtrip Insurance (repealing 14VAC5-10-10).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public Comment Deadline: April 15, 2016.

Agency Contact: Katie Johnson, Policy Advisor, Policy and Compliance Division, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9688, FAX (804) 371-9873, or email katie.johnson@scc.virginia.gov.

Summary:

This action repeals 14VAC5-10, which is unnecessary because the use of mechanical vending machines in public airports for the solicitation of applications for and the issuance of accident airtrip insurance policies is obsolete.

AT RICHMOND, MARCH 1, 2016

COMMONWEALTH OF VIRGINIA, ex rel.

CASE NO. INS-2016-00045

STATE CORPORATION COMMISSION

Ex Parte: In the matter of Repealing the

Rules Governing Accident Airtrip Insurance

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia ("Code") provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code are set forth in Title 14 of the Virginia Administrative Code. A copy may also be found at the Commission's website: <http://www.scc.virginia.gov/case>.

The Bureau of Insurance ("Bureau") has submitted to the Commission a proposal to repeal the rules set forth in Chapter

10 of Title 14 of the Virginia Administrative Code, entitled "Accident Airtrip Insurance," 14 VAC 5-10-10 ("Rules").

The Virginia General Assembly enacted § 38.2-1807 of the Code in 1958. This Code section allows insurers that are qualified to transact business in the Commonwealth of Virginia and to write accident airtrip insurance to solicit applications for and issue accident airtrip insurance policies by means of mechanical vending machines in public airports. In addition, this Code section requires that such mechanical vending machines be under the supervision of an appointed agent and that the insurer comply with all requirements prescribed by the Commission for the conduct of this business. Chapter 10 was promulgated as a result. The repeal of Chapter 10 is necessary because the use of mechanical vending machines in public airports for the solicitation of applications for and the issuance of accident airtrip insurance policies is now obsolete.

NOW THE COMMISSION is of the opinion that Chapter 10 of Title 14 of the Virginia Administrative Code should be considered for repeal.

Accordingly, IT IS ORDERED THAT:

(1) The proposal that Chapter 10 of Title 14 of the Virginia Administrative Code be repealed, is attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or request a hearing to oppose repealing Chapter 10 of Title 14 of the Virginia Administrative Code, shall file such comments or hearing request on or before April 15, 2016, with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested persons desiring to submit comments electronically may do so by following the instructions at the Commission's website: <http://www.scc.virginia.gov/case>. All comments shall refer to Case No. INS-2016-00045.

(3) If no written request for a hearing on the proposal to repeal Chapter 10 of Title 14 of the Virginia Administrative Code is received on or before April 15, 2016, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposal, may repeal the Rules.

(4) AN ATTESTED COPY hereof, together with a copy of the proposal to repeal the Rules, shall be sent by the Clerk of the Commission to the Bureau in care of Deputy Commissioner Althelia P. Battle, who forthwith shall give further notice of the proposal to repeal the Rules by mailing a copy of this Order, together with the proposal, to all insurers qualified to transact business in the Commonwealth and to write accident airtrip insurance, as well as to all interested persons.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the proposal to repeal the Rules, to be forwarded to the Virginia

Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(6) The Commission's Division of Information Resources shall make available this Order and the attached proposal to repeal the Rules on the Commission's website: <http://www.scc.virginia.gov/case>.

(7) The Bureau shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of Ordering Paragraph (4) above.

V.A.R. Doc. No. R16-4639; Filed March 2, 2016, 11:13 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 51 (2016) UPDATED
FEBRUARY 29, 2016

Declaration of a State of Emergency for the Commonwealth of Virginia Due to a Severe Winter Storm Event

Importance of this Issue

On this date, January 21, 2016, I am declaring a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting a severe winter storm event beginning today in parts of the Commonwealth with the potential for significant snow and ice accumulations as well as high wind speeds through the weekend, which could create transportation issues and significant power outages.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on this date, January 21, 2016, whereby I am proclaiming that a state of emergency exists, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-incident conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the Code of Virginia, I am also directing that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety and Homeland Security, may find necessary.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Code of Virginia, I

hereby order the following protective and restoration measures:

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by effects of the winter storm as appropriate. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VEOC, acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the Code of Virginia, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the Code of Virginia, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to

evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by § 52-8.4(A) of the Code of Virginia, and implemented in 19VAC30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the Code of Virginia.

H. The authorization of a maximum of \$1,800,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, \$500,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of \$250,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the Code of Virginia. § 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. Designation of members and personnel of volunteer, auxiliary, and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency

services activities within the meaning of the immunity provisions of § 44-146.23(A) and (F) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations for this incident and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize the Superintendent of the Department of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and are not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of

the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

b. The same benefits, or their equivalent, for injury, disability, and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

a. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

c. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia;

d. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective January 21, 2016, and shall remain in full force and effect until June 30th, 2016, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of January, 2016.

/s/ Terence R. McAuliffe
Governor

EXECUTIVE ORDER NUMBER 53 (2016)

Declaration of a State of Emergency for the Commonwealth of Virginia Due to Severe Storms and Tornadoes

Importance of the Issue

On February 24, 2016, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on the severe storms that generated multiple tornadoes, hail, high winds, and flooding, which caused destruction throughout the Commonwealth.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on February 24, 2016, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storms, alleviate any conditions resulting from the incident,

and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety and Homeland Security, may find necessary.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Code of Virginia, I hereby order the following protective and restoration measures:

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to §§ 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by effects of the severe weather as appropriate. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VEOC, acting on behalf of the State

Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the Code of Virginia, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the Code of Virginia, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by § 52-8.4(A) of the Code of Virginia, and implemented in 19VAC30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the Code of Virginia.

H. The authorization of a maximum of \$500,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, \$150,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of \$250,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures

pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the Code of Virginia. § 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. Designation of members and personnel of volunteer, auxiliary, and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §§ 44-146.23(A) and (F) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations for this incident and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize the Superintendent of the Department of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and are not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

- a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

- b. The same benefits, or their equivalent, for injury, disability, and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

Governor

5. The following conditions apply to service by the Virginia Defense Force:

a. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

c. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia;

d. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective as of February 24, 2016, and shall remain in full effect until June 30, 2016, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 29th day of February, 2016.

/s/ Terence R. McAuliffe
Governor

GUIDANCE DOCUMENTS

Sections 2.2-4008 and 2.2-4103 of the Code of Virginia require annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the Administrative Process Act and the Virginia Register Act. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

BOARD OF ACCOUNTANCY

Copies of the following documents may be viewed or obtained on regular work days from 8:15 a.m. until 5 p.m. at the Board of Accountancy, 9960 Mayland Drive, Suite 402, Richmond, VA 23233, telephone (804) 367-8505, or FAX (804) 527-4409. There are no costs associated with obtaining printed copies of the documents listed.

Questions regarding obtaining copies, interpretation, or implementation of these documents may be directed to Wade A. Jewell, Executive Director, at the above address.

Guidance Documents:

[3638, Board of Accountancy Rights and Responsibilities under the Freedom of Information Act \(FOIA\)](#), 11/1/2011

[3639, Adjudication Manual](#), 11/20/2013

[5970, Board Policy #1: Trust Account](#), 4/15/2015

[5971, Board Policy #2: Continuing Professional Education \(CPE\) Guidelines for Sponsors](#), 12/11/2015

[5972, Board Policy #3: Substantially Equivalent Jurisdictions](#), 9/18/2012

[5973, Board Policy #4: Continuing Professional Education \(CPE\) Guidelines for CPAs](#), 6/30/2015

[5974, Board Policy #5: Publication of Board Disciplinary Action](#), 6/30/2015

[5975, Board Policy #6: CPA and International Qualification Examinations](#), 4/30/2015

[5976, Board Policy #7: Peer Review Oversight Committee \(PROC\)](#), 6/30/2015

[5977, Board Policy #8: Ethics Committee](#), 12/11/2015

[5978, Board Policy #9: Active - Continuing Professional Education \(CPE\) Exempt Status Procedure for Approval, Denial, and Appeal](#), 10/7/2014

[5979, Board Policy #10: Electronic Participation in Virginia Board of Accountancy Meetings](#), 4/30/2015

[5980, Enforcement Committee/Hearings \(Supplement to Adjudication Manual\)](#), 1/12/2016

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. in the offices of the Virginia Department for the Deaf and Hard of Hearing (VDDHH), 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012. Copies may be obtained free of charge by contacting Leslie Hutcheson Prince at the same address, telephone (804) 662-9703 (TTY/Voice), FAX (804) 662-9718, or email leslie.prince@vddhh.virginia.gov. Some of the documents may be available to be downloaded from the VDDHH website at <http://www.vddhh.org>.

Questions regarding interpretation or implementation of these documents may also be directed to Leslie Hutcheson Prince.

Guidance Documents:

VDDHH Policies and Procedures implementing 22VAC20-20 (Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices), revised 2008

VDDHH Policies and Procedures implementing 22VAC20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised July 2008

[Directory of Qualified Interpreters](#), implementing 22VAC20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised monthly

[Virginia Quality Assurance Screening Applicant Packet](#), implementing 22VAC20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised 2011

DEPARTMENT OF GAME AND INLAND FISHERIES

Copies of the following guidance documents may be viewed during regular work days from 9 a.m. until 4 p.m. in the office of the Virginia Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, Virginia 23228, or on the department's website at <http://www.dgif.virginia.gov>. Copies of most documents listed below may be obtained at no charge, and copies of larger documents may be obtained at cost as provided for

Guidance Documents

under the Virginia Freedom of Information Act. Requests for copies, and questions regarding interpretation or implementation of these documents, may be directed to the attention of the agency Policy Analyst and Regulatory Coordinator at the above address, telephone (804) 367-1000. Some of the documents are available at the links provided below.

Guidance Documents:

Hunting, Trapping, and Game Wildlife

Hunting and Trapping in Virginia, 2015-2016 Regulations (<http://www.dgif.virginia.gov/hunting/regulations/>), June 2015, §§ 29.1-103, 29.1-501 and 29.1-502

Virginia Deer Management Plan 2015-2024 (<http://www.dgif.virginia.gov/wildlife/deer/management-plan/virginia-deer-management-plan.pdf>), October 2015, § 29.1-103

Deer Management Assistance Program (DMAP) Rules for Participants (<http://www.dgif.virginia.gov/wildlife/deer/dmap-rules.pdf>), § 29.1-103

Deer Management Assistance Program (DMAP) Application (<http://www.dgif.virginia.gov/wildlife/deer/dmap-application.pdf>), § 29.1-103

Deer Management Assistance Program (DMAP) Biologist Contact Information (<http://www.dgif.virginia.gov/wildlife/deer/dmap-map.pdf>), § 29.1-103

Virginia 2012-2021 Black Bear Management Plan (<http://www.dgif.virginia.gov/wildlife/bear/blackbearmanagementplan.pdf>), §§ 29.1-103, 29.1-109, and 29.1-501

Wildlife Damage Control Assistance Program (DCAP) Rules (<http://www.dgif.virginia.gov/wildlife/deer/dcap.asp>), § 29.1-103

2015-2016 Virginia Migratory Waterfowl Seasons and Bag Limits (<http://www.dgif.virginia.gov/hunting/regulations/2015-2016-waterfowl-seasons.pdf>), August 2015, § 29.1-103

Waterfowl Blind Laws Summary (<http://www.dgif.virginia.gov/hunting/regulations/waterfowl/waterfowl-blind-laws.asp>), August 2014, §§ 29.1-103, 29.1-340 through 29.1-351.1

Stationary Waterfowl Blind License Sale Process Frequently Asked Questions (<http://www.dgif.virginia.gov/hunting/regulations/waterfowl/blind-license-faqs/>), August 2014, §§ 29.1-103, 29.1-340 through 29.1-351.1

2015-2016 Doves, Woodcock, Snipe, Rails, Falconry, September Canada Goose and September Teal (Virginia migratory game bird seasons and bag limits) (<http://www.dgif.virginia.gov/hunting/regulations/webless-migratory-gamebirds.asp>), July 2015, § 29.1-103

Guide to Virginia's Wildlife Management Areas (<http://www.dgif.virginia.gov/wmas/>), § 29.1-103

Wildlife Management Areas: General Rules and Regulations (<http://www.dgif.virginia.gov/hunting/regulations/wmarules.pdf>), § 29.1-103

Fish and Fishing

Freshwater Fishing in Virginia, January 1 - December 31, 2016 (<http://www.dgif.virginia.gov/fishing/regulations/2016-fishing-regulations.pdf>), §§ 29.1-103, 29.1-501 and 29.1-502

Fish Division Procedure and Criteria for Issuing Fish Stocking Authorizations and the Virginia Fish Stocking Authorization Application (<http://www.dgif.virginia.gov/forms/perm/perm-003.pdf>) (<http://www.dgif.virginia.gov/forms/Perm/perm-003.pdf>), § 29.1-103

Fish Division Delayed Harvest Trout Waters Management Guidelines, May 27, 1998, § 29.1-103

Striped Bass Fishing Tournament Application and Permit (<http://www.dgif.virginia.gov/forms/perm/perm-004.pdf>), §§ 29.1-501 and 29.1-502

Virginia Stocked Trout Management Plan 2016-2015 (<http://www.dgif.virginia.gov/fishing/trout/management-plan/stocked-trout-management-plan-draft.pdf>), § 29.1-103

Lifetime Hunting and Fishing License Administration

Applications for Lifetime Hunting and Fishing Licenses (<http://www.dgif.virginia.gov/licenses/lifetime/>), §§ 28.2-302.10:1 and 29.1-302.1

Application for Virginia Resident Disabled Veteran's Lifetime State License to Hunt and Freshwater Fish in Inland Waters and Virginia Resident Disabled Veteran's Lifetime State License to Trap (<http://www.dgif.virginia.gov/forms/perm/perm-035.pdf>), §§ 29.1-302 and 29.1-309.1

Application for Resident Disabled Special Lifetime Hunting, Trapping, Freshwater, Saltwater Fishing License (<http://www.dgif.virginia.gov/forms/perm/perm-032.pdf>), §§ 28.2-302.10, 29.1-302.1, 29.1-302.2, and 29.1-309.1

Physician's Affidavit for a Disabled Lifetime License (<http://www.dgif.virginia.gov/forms/PERM/PERM-034.pdf>), May 2015, §§ 29.1-302.1 and 29.1-302.2

Application for Replacement of Resident Disabled Lifetime License or Resident Disabled Saltwater Lifetime License (<http://www.dgif.virginia.gov/forms/perm/perm-036.pdf>), § 29.1-334

Endangered and Threatened Species, Wildlife Diversity, and Environmental Review

Board Policy "Conservation of Endangered and Threatened Species," March 21, 2006 (http://www.dgif.virginia.gov/meetings/minutes/032106_Final_Board_of_Game_and_Inland_Fisheries_Meeting_Minutes.pdf), §§ 29.1-103, 29.1-563 through 29.1-568 and 29.1-570

Special Legal Status Faunal Species in Virginia (<http://www.dgif.virginia.gov/wildlife/virginiatescspecies.pdf>), §§ 29.1-563 through 29.1-568 and § 29.1-570

List of Native and Naturalized Fauna in Virginia (<http://www.dgif.virginia.gov/wildlife/virginianativenaturalizedspecies.pdf>), § 29.1-100

Management of Bald Eagle Nests, Concentration Areas, and Communal Roosts in Virginia: A Guide for Landowners (<http://www.dgif.virginia.gov/environmental-programs/files/virginia-bald-eagle-guidelines-for-landowners.pdf>), 2012, §§ 29.1-563 through 29.1-568 and § 29.1-570

Removal or Relocation of Osprey Nests in Virginia: A Guideline for Landowners (<http://www.dgif.virginia.gov/wildlife/birds/osprey/virginia-osprey-nest-guidelines.pdf>), June 2010, § 29.1-521

Plan to Provide Safe Harbor Assurances to Landowners in Virginia Who Voluntarily Agree to Enhance Habitat for the Endangered Red-Cockaded Woodpecker, April 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Red-Cockaded Woodpecker Safe Harbor Evaluation Form for Virginia Landowners, April 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Red-Cockaded Woodpecker Safe Harbor Cooperative Agreement for Landowners Near the Nature Conservancy's Piney Grove Preserve in Sussex County, Virginia, October 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Appalachian Water Shrew Recovery Plan, approved March 2, 1994, §§ 29.1-563 through 29.1-568 and § 29.1-570

Canebrake Rattlesnake Recovery Plan, approved February 1, 1991, §§ 29.1-563 through 29.1-568 and § 29.1-570

Eastern Big-Eared Bat Recovery Plan, approved July 16, 1990, §§ 29.1-563 through 29.1-568 and § 29.1-570

Little Brown Bats and Tri-Colored Bats Conservation Best Management Practices (http://www.dgif.virginia.gov/wildlife/lbba_tcba_guidance.pdf), February 16, 2016, §§ 29.1-103, 29.1-563 through 29.1-568 and 29.1-570

Wilson's Plover Recovery Plan, approved May 28, 1991, §§ 29.1-563 through 29.1-568 and § 29.1-570

Standard Environmental Review Procedures, November 20, 1992, § 29.1-103

Permitting for Threatened and Endangered Species, and Scientific and Wildlife Salvage Collection (<http://www.dgif.virginia.gov/permits/wildlife-collection.asp>), §§ 29.1-412, 29.1-417, and 29.1-568

Threatened and Endangered Species Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, and 29.1-568

Scientific Collection or Salvage Permit Application and Permit Information, §§ 29.1-412, 29.1-417, 29.1-418

Scientific Collection Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, 29.1-418

Wildlife Salvage Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, 29.1-418

Supplemental Amendment Form for Scientific Collection or Salvage Permit, March 24, 1992, §§ 29.1-412, 29.1-417, 29.1-418

Scientific Collection, Salvage, and Threatened and Endangered Annual Permit Report (<http://www.dgif.virginia.gov/permits/collection-permit-user-guide.pdf>), §§ 29.1-412, 29.1-417, 29.1-418

Permitting Generally

Animal Population Control Permit for Furbearing Animals, Application and Permit Information, September 1, 2007, § 29.1-501

Commercial Nuisance Animal Permit Application to Capture, Transport, and Release or Euthanize Wildlife, and Permit Conditions, revised September 11, 2008, §§ 29.1-103 and 29.1-501

Permit Application to Collect Snapping Turtles, Crayfish, and Hellgrammites for Sale, and Permit Conditions, revised September 22, 2008, § 29.1-412

Dog Field Trial Permit Application and Conditions, revised February 1, 2006, §§ 29.1-417 and 29.1-422

Permit Application to Exhibit Wild Animals in Virginia, and Permit Conditions, revised September 11, 2008, §§ 29.1-412 and 29.1-417

Import and Possess Certain Non-Native (Exotic) Wildlife in Virginia Permit Application and Permit Conditions, revised April 11, 2008, §§ 29.1-412, 29.1-417 and 29.1-542

Exotic Species - Import Certain Non-Native Wildlife (Tilapia, Clawed Frog) Permit Application and Permit Information, revised January 10, 2008, § 29.1-542

Exotic Species - Permit to Import Certified Triploid Grass Carp for Aquatic Vegetation Control in Private Ponds Application and Permit Information, revised May 1, 2008, § 29.1-542

Guidance Documents

Falconry Permit Application, revised May 11, 2005, §§ 29.1-412 and 29.1-419

Falconry Regulations, Facilities and Equipment Examination Guidance Document, March 1, 2003, §§ 29.1-412 and 29.1-419

Permit Application to Operate a Foxhound Training Preserve and Annual Reporting Form, revised June 17, 2008, §§ 29.1-103, 29.1-412 and 29.1-417

Permit Conditions for the Operation of Foxhound Training Preserves in Virginia, revised June 17, 2008, §§ 29.1-103, 29.1-412 and 29.1-417

Permit to Deal in Furs Application and Permit Conditions, revised May 1, 2008, Title 29.1, Chapter 4

Gill Net Permit Application and Permit Conditions, revised April 9, 2008, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Catch Minnows and Chubs for Sale Application and Permit Conditions, revised August 20, 2008, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Take Nongame Fish for Sale Application and Permit Conditions, revised August 20, 2008, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Take Fish for Personal Use Application and Permit Conditions, revised August 20, 2008, §§ 29.1-412 and 29.1-416

Permit to Hold and Sell Certain Fish, Snakes, Snapping Turtles, Crayfish, and Hellgrammites for Sale Application and Permit Conditions, revised August 18, 2008, §§ 29.1-412 and 29.1-471

Nonresident Harvester's Permit Application to Take or Catch Fish in Back Bay and its Tributaries, revised August 1, 2005, §§ 29.1-412 and 29.1-416

Permit to Possess, Propagate, Buy, and Sell Certain Wildlife in Virginia (Fisheries, Wildlife) Application and Permit Conditions, revised November 14, 2008, §§ 29.1-103, 29.1-412 and 29.1-417

Permit to Possess, Propagate, Buy, and Sell Certain Wildlife in Virginia (Raptors) Application and Permit Conditions, revised, December 9, 2008, §§ 29.1-103, 29.1-412 and 29.1-417

Raccoon Hound Field Trial Permit Application and Permit Conditions, July 1, 2003, §§ 29.1-417 and 29.1-422

Wildlife Rehabilitator Permit Application, revised December 1, 2004, §§ 29.1-412 and 29.1-417

Wildlife Rehabilitator Permit Conditions, revised October 1, 2005, §§ 29.1-412 and 29.1-417

Licensed Shooting Preserve Permit Application and Permit Conditions, revised May 1, 2008, §§ 29.1-514 and 29.1-544

Permit to Stuff and Mount Birds, Animals, or Fish and Parts of Them for Sale or Compensation Application and Taxidermy Permit General Conditions, revised June 5, 2008, Title 29.1, Chapter 4

Various additional DGIF permit forms available online at <http://www.dgif.virginia.gov/forms/?type=1> include permit conditions and other information useful to permittees and the general public in understanding and complying with the relevant law and regulation.

Boating

Virginia Boating Safety Education Compliance Requirement (<http://www.dgif.virginia.gov/boating/education/boating-safety-education-requirement.asp>), § 29.1-735.2

Virginia Freshwater Fishing and Watercraft Owner's Guide (<http://www.dgif.virginia.gov/fishing/regulations/2016-fishing-regulations.pdf>), § 29.1-701

Personal Watercraft (PWC) - Safety Brochure (<http://www.dgif.virginia.gov/boating/pwc>), revised 2005, § 29.1-701

Life Jackets, 2003, § 29.1-701

Boat Safe without Drugs or Alcohol, 2003, § 29.1-701

Reporting a Boating Accident (<http://www.dgif.virginia.gov/boating/accident.asp>), § 29.1-701

Watercraft Dealer Licensing Fact Sheet, revised 2006, § 29.1-701

Law Enforcement

Law Enforcement Division Policy Number 40, Problem Wildlife Response, December 15, 2012

Law Enforcement Division Policy Number 41, Illegal Captive Wildlife, December 15, 2012

Permit for Persons Permanently Unable to Walk to Shoot from a Stationary Vehicle, revised December 2014, § 29.1-521.3

Sportsman's Pledge, Release of Landowner from Liability, and Landowner's Permission to Hunt Card (http://www.dgif.virginia.gov/forms/pubr/permission_to_hunt.pdf), §§ 29.1-103, 29.1-509 and 29.1-521

GEORGE MASON UNIVERSITY

Copies of the following documents may be viewed during regular work days from 9 a.m. to 4 p.m. in the Office of Compliance, Equity, and Diversity, c/o University Policy Manager, 368 Aquia Hall, George Mason University, 4400 University Drive, Fairfax, VA. Copies may be obtained free of charge by contacting Elizabeth Woodley, University Policy Manager, at the same address, telephone (703) 993-8730, FAX (703) 993-8899, or email ewoodley@gmu.edu. The

documents may be downloaded from the George Mason University website at <http://www.gmu.edu>.

Questions regarding interpretation or implementation of these guidance documents may be directed to Ms. Woodley.

Guidance Documents:

Board of Visitors Bylaws (amended 2014), http://bov.gmu.edu/docs/bov_bylaws.pdf

Faculty Handbook (2014), <http://www.gmu.edu/resources/facstaff/handbook/>

Employee Handbook, <http://hr.gmu.edu/handbook/>

University Catalog, 2015-16, <http://catalog.gmu.edu/>

Honor Code, <http://oai.gmu.edu/the-mason-honor-code-2/>

Resident Student Handbook, <http://housing.gmu.edu/policies/>

Annual Security Reports, <http://police.gmu.edu/annual-security-report/>

Parking and Traffic Procedures, <http://parking.gmu.edu/>

University Policies, <http://universitypolicy.gmu.edu/>

STATE CERTIFIED SEED BOARD

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Certified Seed Board, 330 Smyth Hall, Blacksburg, VA 24061. Copies may be obtained free of charge by contacting Dr. Thomas Thompson at the same address, telephone (540) 231-9775, or FAX (540) 231-3431.

Questions regarding interpretation or implementation of these documents may be directed to Thomas Hardiman, Seed Certification Program Administrator, 9225 Atlee Branch Lane, Mechanicsville, VA 23116, telephone (804) 746-4884, or FAX (804) 746-9447.

Guidance Documents:

State Certified Seed Board Annual Report, 2000

State Certified Seed Board Annual Report, 2001

State Certified Seed Board Annual Report, 2002 - 2003

State Certified Seed Board Annual Report, 2004

State Certified Seed Board Annual Report, 2005

State Certified Seed Board Annual Report, 2006

State Certified Seed Board Annual Report, 2007

State Certified Seed Board Annual Report, 2008

State Certified Seed Board Annual Report, 2009

State Certified Seed Board Annual Report, 2010

State Certified Seed Board Annual Report, 2011

State Certified Seed Board Annual Report, 2012

State Certified Seed Board Annual Report, 2013 - 2014

DEPARTMENT OF STATE POLICE

Guidance documents maintained by the Virginia State Police may be viewed during regular working hours at Virginia State Police Headquarters, 7700 Midlothian Turnpike, Richmond, VA 23235.

Documents are available electronically online for no charge from the Virginia Regulatory Town Hall at <http://townhall.virginia.gov/index.cfm> or the Virginia State Police website at <http://www.vsp.virginia.gov/>.

To obtain printed copies of the indicated guidance documents please contact the person listed following the listed document.

Guidance Documents:

[3246, How the Complaint Process Works](#), 8/25/2008

Captain Gary Payne, Professional Standards Unit, Virginia State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2000.

[5845, VCheck Data-Entry User's Guide](#), 3/1/2015

Donna Tate, Firearms Transaction Center, Virginia State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2000.

[5846, Virginia Firearms Transaction Program, Procedures Manual for Firearms Dealers](#), 1/1/2015

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

Copies of the following documents may be obtained free of charge on the Virginia Information Technologies Agency website at <http://www.vita.virginia.gov/default.aspx?id=537>. Printed copies are not produced, but are available by request for copying and mailing charges.

Questions regarding interpretation or implementation of these documents may be directed to Ashley Colvin, Policy Director, Virginia Information Technologies Agency, 11751 Meadowville Lane, Chester, VA 23836, telephone 804 416-6003, FAX 804 416-6355. Other staff may be assigned to answer specific questions regarding these documents.

Guidance Documents:

GOV102-01, [Information Technology Resource Management Policy](#), 7/24/2009

EA 200-02, [Enterprise Architecture Policy](#), 7/3/2012

SEC 519-00, [IT Information Security Policy](#), 6/17/2014

GOV 105-04, [Technology Management Policy](#), 12/2/2013

Guidance Documents

- GOV101-01, [Governance Document Development Process Standard](#), 12/8/2004
- EA 225-09, [Enterprise Architecture Standard](#), 2/13/2013
- GOV103-00, [Information Technology Accessibility Standard](#), 11/4/2005
- OTH 702-00, [Virginia Geographic Information Network \(VGIN\) Administrative Boundary Data Standard](#), 9/1/2015
- SEC501-09, [Information Technology Information Security Standard](#), 5/1/2015
- SEC502-02.2, [Information Technology Security Audit Standard](#), 1/6/2013
- SEC511-00, [Information Technology Standard Use of Non-Commonwealth Computing Devices to Telework](#), 7/1/2007
- SEC514-03, [Removal of Commonwealth Data from Electronic Media Standard](#), 3/15/2008
- SEC520-00, [Information Technology Risk Management Standard](#), 2/12/2014
- SEC503-02, [Secure Remote Access to Online Court Documents Standard](#), 3/28/2005
- SEC505-00, [Virginia Real Property Electronic Recording Standard](#), 5/1/2007
- CPM 112-03.2, [Project Management Standard](#), 8/28/2013
- CPM 111-02, [Project Manager Selection and Training Standard](#), 11/28/2011
- CPM 301-01.1, [Program Management Standard](#), 2/7/2014
- CPM 516-01, [Information Technology Investment Management Information Technology Investment Management Standard](#), 5/9/2012
- OTH701-00, [Model Virginia Map Accuracy Standards Guideline](#), 3/15/2009
- SEC517-00, [Information Systems Facilities Security Guideline](#), 4/27/09
- SEC508-00, [Information Technology Contingency Planning Guideline](#), 4/18/07
- SEC507-00, [Information Technology Data Protection Guideline](#), 7/2/07
- SEC509-00, [Information Technology Logical Access Control Guideline](#), 4/18/07
- SEC513-00, [Information Technology Personnel Security Guideline](#), 2/15/2008
- SEC512-01, [Information Technology Security Audit Guideline](#), 7/1/2013
- SEC510-00, [Information Technology Security Threat Management Guideline](#), 7/1/2007
- SEC518-00, [Information Technology Systems Asset Management Guideline](#), 4/27/09
- SEC515-00, [Information Technology Systems Security Guideline](#), 7/17/2008
- CPM 110-03, [Commonwealth Project Management Guideline](#), 3/14/2011
- CPM 302-00, [Program Management Guideline](#), 2/20/2015

GENERAL NOTICES/ERRATA

AUCTIONEERS BOARD

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Auctioneers Board conducted a small business impact review of **18VAC25-11, Public Participation Guidelines**, and determined that this regulation should be retained in its current form. The Auctioneers Board is publishing its report of findings dated February 23, 2016, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

1. The current regulations are necessary for the board to comply with § 2.2-4007.02 of the Code of Virginia and Chapter 321 of the 2008 Acts of Assembly.
2. Only one public comment was received. The commenter requests an extension of the comment period for the periodic review of the Regulations of the Virginia Auctioneers Board for 30 days.
3. The regulations are not complex in nature.
4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.
5. The regulations were last effective on December 24, 2008, with the adoption of the Model Public Participation Guidelines pursuant to Chapter 321 of the 2008 Acts of Assembly.

No small business impact has been identified.

Contact Information: Marian H. Brooks, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email auctioneers@dpor.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Auctioneers Board conducted a small business impact review of **18VAC25-21, Regulations of the Virginia Auctioneers Board**, and determined that this regulation should be retained in its current form. The Auctioneers Board is publishing its report of findings dated February 23, 2016, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

1. The current regulations establish minimum licensing requirements for auctioneers and auction firms.
2. No public comments were received.
3. The regulations are not complex in nature.
4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.

5. The last amendments to the regulation became effective November 1, 2015.

No small business impact has been identified.

Contact Information: Marian H. Brooks, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email auctioneers@dpor.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Solar LLC Notice of Intent

Virginia Solar LLC, has submitted to the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in Buckingham County, Virginia, pursuant to 9VAC15-60.

The project will be located on 200 acres across multiple parcels, on land northeast of the intersection of Route 628 (High Rock Road) and Highway 60 in Buckingham County, Virginia, and conceptually will consist of 88,700 x 315-watt panels plus 10 x 2-megawatt inverters, which will provide a maximum 20 MWs of nameplate capacity.

Contact Information: Mary E. Major, Department of Environmental Quality, P.O. Box 1105, 629 East Main Street, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4510, or email mary.major@deq.virginia.gov.

SunEnergy1 Notice of Intent

SunEnergy1 has submitted to the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for the construction of a small renewable energy project (solar) in the City of Chesapeake, Virginia, pursuant to 9VAC15-60.

The notice of intent is for a 20 MW AC project that will be a ground-mounted solar photovoltaic facility utilizing a single-axis tracking system and comprised of approximately 90,000 solar modules. The facility will be constructed on approximately 250 acres for which SunEnergy1 and/or its affiliates have secured a long-term lease. The site is located in the southernmost portion of the City of Chesapeake's governing boundary and is situated on the eastern side of Highway 17 and on the southern side of Ballahack Road near the intersection of these two roads. The site is zone A-1 Agricultural and rezoning will not be required; however, the City of Chesapeake will require the issuance of a Conditional Use Permit for which an application is in process.

Contact Information: Mary E. Major, Department of Environmental Quality, P.O. Box 1105, 629 East Main Street, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4510, or email mary.major@deq.virginia.gov.

General Notices/Errata

VIRGINIA LOTTERY

Director's Orders

The following Director's Orders of the Virginia Lottery were filed with the Virginia Registrar of Regulations on March 1, 2016. The orders may be viewed at the Virginia Lottery, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 201 North 9th Street, 2nd Floor, Richmond, VA.

Director's Order Number Seventeen (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Daily Crossword" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Eighteen (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Diamond Club Crossword" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Nineteen (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Bonus Bingo" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Hot 'n Spicy Bingo" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty-One (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play High Roller Bingo" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty-Two (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Blackjack" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty-Four (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Gold Rush Crossword" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty-Five (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play \$50,000 Blackjack" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty-Six (16)

Virginia's Computer-Generated Lottery Game "Print 'n Play Safari Bingo" Final Rules for Game Operation (effective April 3, 2016)

Director's Order Number Twenty-Seven (16)

Virginia's Lottery Scratch Game 1658 "Cash In A Flash" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Twenty-Eight (16)

Virginia's Lottery Scratch Game 1620 "Golden Spades" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Twenty-Nine (16)

Virginia's Lottery Scratch Game 1607 "Rolling Dice" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Thirty-Two (16)

Virginia's Lottery Scratch Game 1640 "7X The Money" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Thirty-Four (16)

Virginia's Lottery Scratch Game 1616 "Hot Millions Multiplier" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Thirty-Five (16)

Virginia's Lottery Scratch Game 1646 "Lucky 5's" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Thirty-Six (16)

Virginia's Lottery Scratch Game 1652 "We're Game For Education" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Thirty-Seven (16)

Virginia's Lottery's "We're Game For Education" Promotion Final Rules for Game Operation (effective March 7, 2016)

Director's Order Number Thirty-Eight (16)

"Lucky 15% Retailer Incentive Promotion" Virginia Lottery Retailer Incentive Program Requirements (This Director's Order becomes effective on May 1, 2016, and shall remain in full force and effect until 90 days after the conclusion of the incentive program, unless otherwise extended by the director)

Director's Order Number Thirty-Nine (16)

Virginia's Lottery Scratch Game 1633 "Bonus Ball Bingo" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Forty (16)

Virginia's Lottery Scratch Game 1642 "\$1,000,000 Bankroll" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Forty-One (16)

Virginia's Lottery Scratch Game 1635 "10X The Money" Final Rules for Game Operation (effective February 18, 2016)

Director's Order Number Forty-Two (16)

Virginia's Lottery Scratch Game 1653 "Frogger" Final Rules for Game Operation (effective February 18, 2016)

STATE BOARD OF SOCIAL SERVICES

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the State Board of Social Services conducted a small business impact review of **22VAC40-293, Locality Groupings**, and determined that this regulation should be retained in its current form. The State Board of Social Services is publishing its report of findings dated February 17, 2016, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The regulation needs to be retained because it provides a mechanism for a locality to switch grouping when there is evidence to support that need. No comments have been received in the past concerning this regulation. This regulation is clearly written and easily understandable. This regulation does not overlap, duplicate, or conflict with any federal or state law or regulation. While economic conditions as well as local cost of living standards continue to change, this regulation provides a means for a locality to change locality groupings as a result of such changes. This regulation was last reviewed in 2011. It has no impact on small businesses.

Contact Information: Mark Golden, Program Manager, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7385, FAX (804) 726-7357, or email mark.golden@dss.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the State Board of Social Services conducted a small business impact review of **22VAC40-685, Virginia Energy Assistance Program - Home Energy Assistance Program**, and determined that this regulation should be retained in its current form. The State Board of Social Services is publishing its report of findings dated February 17, 2016, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The regulation grants authority to the Department of Social Services (DSS) to receive and disburse Home Energy Assistance Program (HEAP) funds. These funds are used to supplement the Low-Income Home Energy Assistance Program (LIHEAP) federal funding used to offer and administer the Energy Assistance Program (EAP). In addition, HEAP funds are used to leverage additional federal funds. DSS did not receive any complaints or comments on the regulation.

Because this regulation makes revenue available to over 600 vendors, the impact of the regulation on small business is positive. The regulation provides eligible EAP vendors,

which includes vendors from the small business community, access to revenue made available through the federally funded LIHEAP. The regulation is not complex and does not overlap, duplicate, or conflict with other federal or state laws or regulations. The last evaluation of this regulation occurred in 2011. Business entities that provide EAP goods and services are eligible to participate as vendors in the EAP. Payments to vendors are determined by their respective products, self-designated service areas, and customer selection. There is no need to amend or repeal the regulation to minimize the economic impact on small businesses.

Contact Information: Denise Surber, Program Consultant, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7386, FAX (804) 726-7358, or email denise.t.surber@dss.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Consent Order for Agri-Sludge, Inc.

An enforcement action has been proposed for Agri-Sludge, Inc. for violations at the L. Wayne Phillips Farm in Broadway, Virginia. The State Water Control Board proposes to issue a consent order to Agri-Sludge, Inc. to address noncompliance with the State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Karen Hensley will accept comments by email at karen.hensley@deq.virginia.gov, FAX (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, P.O. Box 3000, Harrisonburg, VA 22801, from March 21, 2016, to April 20, 2016.

Total Maximum Daily Load for New River and its Tributaries

Community informational meeting: A community meeting will be held Tuesday, April 5, 2016, at 6 p.m. in the Muse Hall Banquet Room at Radford University. Parking is available in Lot F off of Tyler Avenue. The address is 801 East Main Street, Radford, VA 24141. This meeting will be open to the public and all are welcome. For more information, please contact Mary Dail at mary.dail@deq.virginia.gov or telephone (540) 562-6715 or Martha Chapman at martha.chapman@deq.virginia.gov or telephone (276) 676-4845.

Purpose of notice: The Department of Environmental Quality (DEQ) and its contractor, Virginia Tech's Biological Systems Engineering Department, will discuss polychlorinated biphenyls (PCBs) data for the development of a water quality study known as a total maximum daily load (TMDL) for the New River and its tributaries. This is an opportunity for local residents to learn about the condition of these streams, share information about the area, and become involved in the process of local water quality improvement. A public

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comment period will follow the meetings (April 5, 2016 – May 4, 2016).

Meeting description: A public information meeting will be held to introduce the local community to the water quality improvement process in Virginia, known as the TMDL process, provide information on PCB monitoring efforts and sources, invite participation and solicit input, review the next steps, and accept volunteers to be part of a technical advisory committee. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

Description of study: In Virginia, portions of the mainstem New River, selected tributaries to the New River, and Claytor Lake are listed as impaired for PCBs based on a Virginia Department of Health (VDH) fish consumption advisory and violations of Virginia's Water Quality Standards. The PCB impairment begins at the I-77 bridge across the New River and extends downstream of the Virginia/West Virginia state line, and includes Peak Creek, Reed Creek, Stony Creek, Walker Creek, and Claytor Lake. This water quality study will report on the sources of PCBs and recommends reductions to meet TMDLs for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, bacterial levels need to be reduced to the TMDL amount. Virginia agencies are working to identify sources of PCBs. Reductions and a TMDL for the cause of the impairment will be developed.

Stream	County	Impairment
New River	Montgomery	PCBs in Fish Tissue
New River, Stony Creek	Giles	PCBs in Fish Tissue
Walker Creek	Giles	PCBs in Water Column
New River, Peak Creek	Pulaski	PCBs in Fish Tissue
New River, Reed Creek	Wythe	PCBs in Fish Tissue

How to comment and participate: The meetings of the TMDL process are open to the public and all interested parties are welcome. Written comments will accepted through May 4, 2016, and should include the name, address, and telephone number of the person submitting the comments. For more information or to submit written comments, please contact Mary Dail, Department of Environmental Quality, Blue Ridge Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6715, FAX (540) 562-6725,

or email mary.dail@deq.virginia.gov; or Martha Chapman, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210, telephone (276) 676-4800, FAX (276) 676-4899, or email martha.chapman@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/connect/commonwealth-calendar>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.