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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Marine Resources Commission
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 20-950
VAC Chapter title(s)	Pertaining to Black Sea Bass
Action title	Establishing season dates for the 2024 recreational black sea bass fishery and amending aquaculture language
Final agency action date	May 1, 2024
Date this document prepared	March 29, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Virginia Marine Resources Commission (VMRC) proposes to amend Chapter 4VAC20-950-10 et seq., "Pertaining to Black Sea Bass", to amend the 2024 recreational season for black sea bass and to streamline the process for black sea bass aquaculture.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the

ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

[Mandate] VMRC is authorized by § 28.2-201 of the Code of Virginia to promulgate regulations and guidelines necessary to carry out the provisions of Title 28.2.

[Impetus] As a condition of the National Marine Fisheries Service opening a recreational black sea bass fishery in federal waters during February to states with approved fisheries, those states must reduce harvest during the regular season to recoup February landings. During the February 2024 recreational black sea bass season, Virginia anglers landed 24,179 pounds of black sea bass. The 2024 regular recreational season will be shortened by 8-10 days to pay back February landings. At the time this document was prepared, those dates have not been decided.

To streamline the application process, staff is recommending removing permit conditions for the black sea bass aquaculture facility from regulation and moving them to the permit application and the permit issued to approved facilities. This will make it easier for permittees to see what conditions their facilities will be subject to.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

This is to certify that the foregoing is a true and accurate copy of the chapter (4VAC20-950-10 et seq., “Pertaining to Black Sea Bass”, passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission’s minute book, at meeting held in Hampton, Virginia on April 23, 2024.