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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 2023 recreational black sea bass fishery
Final agency action date	April 25, 2023
Date this document prepared	April 4, 2023

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) is amending Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass", to establish season dates for the 2023 recreational black sea bass fishery.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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, including marine fisheries regulations.

[Impetus] In December 2022, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Board (Board) approved a conservation equivalency plan for black sea bass that would allow regions to customize 2023 management measures to reduce recreational harvest by 10%. At the same meeting, Virginia was granted approval to conduct a 2023 February recreational fishery on the condition that any additional landings occurring during that season would result in a deduction of fishing days from the regular open season. During the February 2023 recreational black sea bass season, Virginia anglers landed 38,023 pounds of black sea bass. Both reductions will be achieved by a closure of a certain number of days, resulting in an adjusted season for 2023.

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 25, 2023.