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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 15-320
VAC Chapter title(s)	Fish: Fishing Generally
Action title	Creel and length limits; stocking authorizations
Final agency action date	August 18, 2022
Date this document prepared	October 11, 2022

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.

This regulatory change changes the striped bass slot limit in Kerr Reservoir during the cool water period to protect larger fish as a part of the management of that fishery; expands the walleye limit in a portion of the New River, makes certain technical changes clarifying tributaries of the Dan and Staunton Rivers and clarifying that the Roanoke and Staunton Rivers are the same system, and adds limits on gar and bowfin harvest during certain time periods. All of these amendments are found in 4 VAC 15-320-25.

The change also creates a more specific and predictable process for the Department's issuance of fish stocking authorizations in 4 VAC 15-320-60. This includes a timeline for action on an application by the Department, specific conditions required for denial, and authorizations for necessary modifications to an approved stocking authorization.

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.”

The impetus for these regulatory changes is the Board’s biennial periodic review of its aquatics/freshwater fisheries and boating regulations. Internal staff review, fisheries management goals, and consideration of subsequent public comment through the Board’s regulatory development process found these changes advisable.

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.

The Board of Wildlife Resources adopted these final amendments to regulations found in 4VAC15-320 (Fish: Fishing Generally) at its meeting held on August 18, 2022.