



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Marine Resources Commission
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 20-1290
VAC Chapter title(s)	Pertaining to Restrictions on the Harvest of Shellfish and in Condemned Shellfish Areas
Action title	To protect and promote the oyster broodstock within the condemned shellfish areas, within the tidal waters of the Commonwealth, and to protect the public health.
Final agency action date	April 1, 2024
Date this document prepared	March 1, 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 4VAC20-1290-10 et seq., "Pertaining to Restrictions on the Harvest of Shellfish and in Condemned Shellfish Areas", to decrease regulatory burden and decrease the cost to the public of relaying shellfish.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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 shellfish regulations.

[Impetus] Current regulations requires that individuals pay a \$150.00 daily fee for each relay permit that is issued by the Commission for the relaying of shellfish from condemned to open shellfish growing waters as classified by the Virginia Department of Health. The proposed regulatory change would require that the fee be paid only one time each calendar year. Individual permits would still be required but would be issued without additional cost to the permittee.

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 (4VAC20-1290-10 et seq., “Pertaining to Restrictions on the Harvest of Shellfish and in Condemned Shellfish Areas”) 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 March 26, 2024.