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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 20-1270
VAC Chapter title(s)	Pertaining to Atlantic Menhaden
Action title	Establish a quota and license transfer system for the menhaden purse seine bait sector to address the requirements of 391(D) of the 2024 Commonwealth of Virginia Budget Bill.
Final agency action date	June 30, 2024
Date this document prepared	May 16, 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 4VAC20-1270-10 et seq., "Pertaining to Atlantic Menhaden", to establish a quota and license transfer system for the menhaden purse seine bait sector.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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. In addition, this is to comply with the requirements of 391(D) of the 2024 Commonwealth of Virginia Budget Bill.

[Impetus] Currently, Chapter 1270 Pertaining to Atlantic Menhaden is written such that only two persons meet the limited entry requirements to hold purse-seine menhaden bait quota and licenses. The eligibility for those licenses cannot be transferred. Quota can only be transferred between license holders. The purpose of these amendments is to allow the transfer of licenses and quota to people or entities that currently don't qualify.

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 (4VAC20-1270-10 et seq., “Pertaining to Atlantic Menhaden”, 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 June 25, 2024.