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Periodic Review and Small Business Impact Review Report of Findings

Agency name	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 Condemed Shellfish Areas
Date this document prepared	March 14, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

There are no acronyms or definitions used in this report.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Virginia Marine Resources Commission has authority to promulgate regulations under Va. Code § 28.2-201.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The Virginia Marine Resources Commission has determined that there are no viable alternatives to achieve the purpose of the regulation. The agency establishes fisheries regulations necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. The regulation is effective and being administered in the most efficient and least burdensome manner.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The agency did not receive comments during the public comment period following the publication of the Notice of the Periodic Review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is clearly written and easily understandable. The regulation is necessary for the protection of public health, safety, and welfare by conserving and promoting the seafood and marine resources of the Commonwealth.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The decision of the agency is to retain this regulation as is without making change. The regulation as written promotes the general welfare of the seafood industry and conserves and promotes the seafood and marine resources of the Commonwealth.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Based on the Notice of Periodic Review, the agency has received no comments and has determined that there are no recommended amendments to the regulation. The regulations do not have an adverse impact on small businesses and do not overlap, duplicate or conflict with any known federal or state law or regulation.
