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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-320-25
VAC Chapter title(s)	Chapter 320. Fish: Fishing Generally
Action title	Updating creel and length limits for fishing
Date this document prepared	October 28, 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.

These final amendments:

(i) Removes two limits on largemouth and smallmouth bass. The first is the removal of the 12" minimum length on Philpott, and the second is the removal of the 12-15" protected slot limit on Quantico Marine Base waters. Based on size and age information from these fisheries, these regulations are no longer required – these water bodies default to the statewide 5/day with no minimum length limit.

(ii). Incorporates two modifications to the coastal striped bass regulations. The first is the inclusion of Crane Lake in Suffolk, which has a connection to the Chesapeake Bay and which may host migratory striped bass. These migratory striped bass fall to the jurisdiction of the Virginia Marine Resource Commission. The second is the change in regulation in waters of Meherrin, Nottoway, Blackwater, North Landing, Northwest, and Back Bay to no possession. This puts the regulation in line with North Carolina – these are shared waters and the striped bass in these waters enter through North Carolina.

(iii). Amends limits on chain pickerel, northern pike, and muskellunge. The department is proposing eliminating the specific regulations on northern pike and grouping them into chain pickerel. Northern pike fisheries are limited in the Commonwealth and are sustained through sporadic stocking. Additionally, northern pike and chain pickerel are very similar in appearance and difficult to tell apart by many anglers. Proposed modifications to muskellunge – defaulting most waters to 1 per day and a 40” minimum size, which is in line with the characteristics of that fishery, focuses on catch and release of large individuals. The proposal to eliminate the specific regulation on muskellunge in the upper New River is due to the the proposed regulation which would be very similar to the current regulation for these fish.

(iv). Amendments to rock bass and Roanoke bass. These changes add the Blackwater (Chowan Drainage) to the geographic exceptions, which was an oversight when the current regulations were originally proposed and adopted for these species.

(v). Remove bullheads from the regulation for possession. This is primarily a simplification - removal from this table as well as from 4VAC15-360-10 defaults bullheads to the statewide 20 fish limit on all fishes not defined elsewhere.

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.”

4VAC15-320-25 is the creel (how many you can keep) and length limit table. This table applies to all fishes defined as gamefish under 29.1-100 as well as selected nongame species. This table is complex and is changed when biological data indicates that regulatory changes are likely to foster specific objectives in a fishery. In recent years, DWR has made a concerted effort to simplify this table, yet changes are often needed to reflect fluxes in populations as well as desired management goals for individual species. These proposed amendments are reflective of that need.