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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Marine Resources Commission
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	4 VAC 20-270
<b>VAC Chapter title(s)</b>	Pertaining to Blue Crab Fishery
<b>Action title</b>	Closing the 2024-25 Winter Dredge Fishery for Blue Crabs and Extending the Crab Pot Season.
<b>Final agency action date</b>	November 1, 2024
<b>Date this document prepared</b>	October 7, 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 4 VAC 20-270-10 et seq., "Pertaining to Blue Crab Fishery," to close the 2024/2025 winter crab dredge fishery and extend the commercial crab pot season through December 31.

[RIS2]

### 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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[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.

[Impetus] In 2008, all Chesapeake Bay jurisdictions took a 34% decrease in effort to conserve a consistently low blue crab population observed for multiple years. Closing the Virginia winter crab dredge fishery represented half of Virginia's 34% reduction. As described in §28.2-707 of the Code of Virginia, the winter crab dredge fishery season is from December 1 to the following March 31. Until 2024, the dredge season has been closed since 2008 each year by annual updates to Chapter 4 VAC 20-1140-10 et seq., "Prohibition of Crab Dredging in Virginia Waters." In June 2024, the Commission repealed Chapter 4 VAC 20-1140-10 et seq. and asked staff to bring a new dredge regulation before them in September.

CMAC meetings were held during the summer of 2024, both of which were facilitated by an independent third-party to promote a balanced discussion on management measures for a winter crab fishery. On July 29, 2024, staff presented data to CMAC regarding the crab dredge fishery and sought what further information committee members would find useful in making recommendations for a future dredge fishery. On August 20, 2024, the committee was asked to provide recommendations on aspects of a potential dredge fishery. Decisions needing to be made about the dredge fishery included: who would be eligible to participate; how many licenses to issue; where dredging would be allowed; how many crabs could be caught in the dredge fishery; and what gear restrictions would be in place. Staff also sought recommendations on how to pursue conservation equivalency (i.e., how to take reductions elsewhere in the blue crab fishery to offset the increase in harvest from re-opening the crab dredge fishery). VMRC staff and VIMS recommend conservation equivalency in the event of the dredge fishery re-opening. A proposal was made to open the 2024-25 crab dredge fishery based on a plan developed in 2013 by staff and CMAC and voted against by the Commission in light of low crab abundance that year. Most of the committee indicated they had concerns with this proposal. Several committee members said they felt the winter dredge fishery should not be opened until results of the ongoing stock assessment are released in 2026. The committee voted 8-5 to instead recommend extending the crab pot season through December 31, 2024, re-open on March 1, 2025, and to maintain a March 1 – December 31 season until the stock assessment results are available. In the meantime, staff would continue discussing a framework with CMAC for a potential future winter dredge fishery. The committee made no other recommendations on a framework for a winter dredge fishery at this time.

### 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.*

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This is to certify that the foregoing is a true and accurate copy of the chapter (4VAC20-270-10 et seq., "Pertaining to Blue Crab Fishery", 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 October 28, 2024.