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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 20-340
VAC Chapter title(s)	Public Participation Guidelines
Action title	Public Participation Guidelines Update.
Final agency action date	March 1, 2025
Date this document prepared	December 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 repeal VMRC's existing public participation guidelines for soliciting the input of interested persons in the initial formation and development, amendment, or repeal of chapters in accordance with the Administrative Process Act. The repeal of Chapter 340 will follow the Commission's consideration and adoption, at its February 2025 meeting, of its proposed "Standard Operating Procedures for Petitions for Rule Making" per §§ 2.2-4007 and 28.2-214 of the Code of Virginia.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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

[Impetus] This regulatory change will repeal VMRC’s existing public participation guidelines for soliciting the input of interested persons in the initial formation and development, amendment, or repeal of chapters in accordance with the Administrative Process Act. The repeal of Chapter 340 will follow the Commission’s consideration and adoption, at its February 2025 meeting, of its proposed “Standard Operating Procedures for Petitions for Rule Making” per §§ 2.2-4007 and 28.2-214 of the Code of Virginia.

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 (4VAC20-340-10 et seq., “Public Participation Guidelines”, 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 March1, 2025.