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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 20-1360
<b>VAC Chapter title(s)</b>	Pertaining to Commercial Electrofishing
<b>Action title</b>	Expand the Electrofishing Fishery
<b>Final agency action date</b>	March 1, 2025
<b>Date this document prepared</b>	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 amend Chapter 4 VAC 20 -1360-10 et seq., "Pertaining to Commercial Electrofishing", expand the electrofishing fishery, broaden eligibility for new licenses, increase harvest areas, remove size limits on blue catfish, and clarify areas where electrofishing is prohibited.

### 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*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] Blue catfish are a non-native species in Virginia, having been introduced to the James, York, and Rappahannock Rivers in the 1970s to create a new sport fishery. Since their introduction, the population has grown rapidly, and they can now be found throughout the waters of Virginia in high densities. Studies have shown blue catfish consume a high number of commercially and recreationally important native species. In 2020, the VMRC established a regulation to create a limited entry commercial electrofishing fishery for invasive catfishes. The proposed amendments will expand the electrofishing fishery through broadening eligibility for new licenses and increasing harvest areas. Additionally, the amendments propose to remove size limits on blue catfish. Finally, the amendments seek to clarify areas where electrofishing is prohibited to reduce user conflicts.

### **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 4 VAC 20 -1360-10 et seq., "Pertaining to Commercial Electrofishing", 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 February 25, 2025.