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Exempt Action: Proposed Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-330-150, 4VAC15-330-160
VAC Chapter title(s)	Chapter 330. Fish: Trout Fishing
Action title	Trout fishing
Date this document prepared	June 5, 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.

Section 150:

This proposal is to reflect the fact that Big Tumbling Creek and its tributaries in the Wildlife Management Area go into Russell and Washington Counties as well as Smyth.

Section 160:

This proposal would allow stocking efforts and DWR law enforcement to better target specific areas of Chestnut Creek (Carroll County). Existing areas are difficult to access because of local geography.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 150:

Regulation proposal arose out of a need to clarify the extent to where single hook artificial lures may be used for trout in Big Tumbling Creek in order to better protect the trout fishery in that area to be more inclusive of the true extent of the Creek and it's tributaries within the area

Section 160:

Regulation proposal would better allow both the public and DWR conservation police staff to access and patrol areas of Chestnut Creek that can be fished with artificial lures only; as currently the stretch of the creek in regulation is hard to access in its entirety as defined. Would narrow the scope of stocking efforts in this stretch of creek to allow better and more focused public access.