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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 20-720
VAC Chapter title(s)	Pertaining to Restrictions on Oyster Harvest
Action title	Establish the 2023-2024 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.
Final agency action date	October 1, 2023
Date this document prepared	July 26, 2023

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) is amending Chapter 4 VAC 20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest", establishing the 2023-2024 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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

[Impetus] Prior to October 1st of each year, VMRC meets to establish, by regulation, Chapter 4 VAC 20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest", the areas of public oyster harvest, public oyster harvest seasons and oyster resource conservation measures if they wish these to be different from those which are established by 28.2-506 of The Code of Virginia. The Commission has no requirement to change the oyster season established by code, but may do so, per section 28.2-507 of the Code of Virginia, "in order to protect or promote the growth of oysters". Any changes to the season established in code should take into account this requirement. The Commission may establish methods and seasons of harvest in those areas described in 28.2-524 of the Code of Virginia that "promote the oyster or clam fishery".

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 (4VAC20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest") 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 August 22, 2023.