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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 20-270
VAC Chapter title(s)	Pertaining to Blue Crab Fishery
Action title	Amending season, bushel limits, and time of year restrictions (for fish pots) for commercial crabbing
Final agency action date	October 1, 2023
Date this document prepared	August 30, 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 20-270-10 et seq., "Pertaining to Blue Crab Fishery", to adjust the season and bushel limits for the remainder of the 2023 commercial crab pot fishery and to remove discretionary time of year restrictions on fish pots.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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] At the June 27, 2023, Commission meeting, the Commission voted unanimously to hold a meeting of the Crab Management Advisory Committee (CMAC) before September 1 to discuss changing fall bushel limits. At their August 3 meeting, CMAC voted unanimously to maintain current bushel limits through October 31, lower bushel limits beginning November 1, 2023, and extend the crab pot season end date from November 30 to December 16, 2023. Section 40, subsection D is also being repealed to remove restrictions on fish pots which were made obsolete by more recent management changes.

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 (4VAC20-270-10 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 September 26, 2023.