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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 20-1120
VAC Chapter title(s)	Pertaining to Tilefish and Grouper
Action title	Amending the recreational blueline tilefish season.
Final agency action date	February 1, 2024
Date this document prepared	December 28, 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 4VAC20-1120-10 et seq., "Pertaining to Tilefish and Grouper" to change the recreational blueline tilefish season to coincide with the beginning of the recreational black seabass season.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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] Currently the recreational blueline tilefish season is open from May 1st to October 31st of each year. This current season allows recreational anglers to harvest blueline tilefish 14 days before the recreational black seabass season opens. These two species cohabitate on many of the same deep water offshore wrecks where release mortality of black seabass can be high due to barometric trauma. Because these two recreational fisheries open at different times, this can lead to high dead discards of black seabass while anglers target blueline tilefish. Both species can be targeted on the same offshore wrecks off the Virginia coast in water depths of over 150 feet. Currently, the blueline tilefish recreational season opens 14 days before the traditional opening date for recreational black seabass season, May 15th. Recreational anglers will often indirectly catch black seabass while targeting blueline tilefish during these 14 days. During this time all black seabass are required to be released and due to the depths fished for blueline tilefish this can lead to high discard mortality for black seabass due to barometric trauma.

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 (4VAC20-1120-10 et seq., "Pertaining to Tilefish and Grouper") 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 January 23, 2024.