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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 20-960
<b>VAC Chapter title(s)</b>	Pertaining to Tautog
<b>Action title</b>	Removing fees associated with unreturned commercial tautog tags
<b>Final agency action date</b>	February 1, 2024
<b>Date this document prepared</b>	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 4VAC20-960-10 et seq., "Pertaining to Tautog" to remove all fees associated with unreturned commercial tautog tags or tags returned after the yearly February 15th deadline.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*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

[Impetus] Starting with the 2020 commercial tautog season all commercial harvesters were required to implant a metal tag in all commercially harvested tautog at the point of harvest. All commercial tautog harvesters shall be required to have returned all unused tags from the previous calendar year to the commission by the 15th of February of the current calendar year. Any harvester with any unused tags that are not returned will be required to pay a processing fee of \$25, plus \$0.28 per tag regardless of the reason for the tags not being returned. Currently, this late fee can be issued to any harvester who does not return the previous year's tags by the deadline regardless of the reason. Tags may not be returned due to being lost on or off the water, miscounting of tags while reporting, or the harvester may return their tags after the yearly deadline. Because the late fee does not account for accidental issues and does not help combat illegal harvest removing this will reduce burden on this small group of commercial harvesters.

### **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 (4VAC20-960-10 et seq., "Pertaining to Tautog") 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.