



[townhall.virginia.gov](http://townhall.virginia.gov)

## 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 20-620
<b>VAC Chapter title(s)</b>	Pertaining to Summer Flounder
<b>Action title</b>	Recreational Minimum Size Limit Increase
<b>Final agency action date</b>	April 1, 2024
<b>Date this document prepared</b>	February 29, 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.*

The Virginia Marine Resources Commission (VMRC) proposes to amend Chapter 4VAC20-620-10 et seq., "Pertaining to Summer Flounder", to increase the recreational minimum size limit for summer flounder.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*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

[Impetus] In December 2023, the Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Board (Board), and the Mid-Atlantic Fishery Management Council (Council), met jointly to set recreational measures for 2024 and 2025 for summer flounder and scup. The Percent Change Approach, as implemented under Addendum XXXIV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP), was used in conjunction with the Recreation Demand Model (RDM) to determine that summer flounder and scup require a 28% and 10% reduction in harvest in 2024, respectively. For summer flounder, the Board and Council continued the regional conservation equivalency process as outlined in Addendum XXXII, which requires each region (MA, RI, CT-NY, NJ, DE-VA, NC) to implement summer flounder regulations that will achieve the cumulative required harvest reduction by weight. In December, the Board specified that each region must take a 28% reduction.

In January 2024, the Summer Flounder, Scup, and Black Sea Bass Technical Committee used the RDM to recommend options for 2024 and 2025 recreational measures for summer flounder to achieve a 28% reduction for the 2024 and 2025 Season Adjustments. On February 14, 2024, the Board reviewed and approved a range of state/regional options for 2024 and 2025 summer flounder as developed by the RDM. The approved options achieve the required reductions.

**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 (4VAC20-620-10 et seq., “Pertaining to Summer Flounder”) 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 March 26, 2024.