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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 20-140
VAC Chapter title(s)	Pertaining to the Identification and Location of Crab Pots, Peeler Pots, Eel Pots and Fish Pots
Action title	Clarifying the height requirement for crab/eel pot buoys.
Final agency action date	July 5, 2024
Date this document prepared	May 20, 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 4VAC20-140-10 et seq., "Pertaining to the Identification and Location of Crab Pots, Peeler Pots, Eel Pots and Fish Pots", to clarify the height required for identifying information on crab and eel pot buoys as described in Section 28.2-712 of the Code of Virginia.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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. In addition, this specific amendment is established in Section 28.2-712 of the Code of Virginia.

[Impetus] Chapter 4 VAC 20-140-10 et seq., “Pertaining to the Identification and Location of Crab Pots, Peeler Pots, Eel pots and Fish Pots,” describes the requirements for labeling crab pots (hard crab and peeler), eel pots, and fish pots. These requirements for crab pots and eel pots are established in Section 28.2-712 of the Code of Virginia, which specifies that the float or stake of such pots must display the owner’s distinct MRC identification number “in a legible and visible manner and in figures of not less than one inch in height”. Chapter 4 VAC 20-140-10 et seq., however, only specifies that the identification number must be “legible and visible”. Staff recommends amending this regulation to better reflect the requirements of Section 28.2-712 and make it easier for watermen to find the full requirements for labeling their crab and eel pots.

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 (4VAC20-140-10 et seq., “Pertaining to the Identification and Location of Crab Pots, Peeler Pots, Eel Pots and Fish Pots”, 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 June 25, 2024.