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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 20-740
VAC Chapter title(s)	Pertaining to the Snagging or Towing of Fish
Action title	To allow recreational anglers to snag Atlantic menhaden and mullet species in the <i>Mugel</i> genus.
Final agency action date	October 1, 2024
Date this document prepared	July 22, 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 4VAC20-740-10 et seq., "Pertaining to the Snagging or Towing of Fish", to allow recreational anglers to snag Atlantic menhaden and mullet species in the *Mugel* genus (white mullet, striped mullet, and flathead grey mullet).

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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] Currently, it is unlawful to take or attempt to take any finfish by snagging. Atlantic menhaden and mullet species are used by recreational anglers as cut and live bait and are caught using cast nets when schools swim close to the shoreline. When schools swim further from the shoreline, shore-based anglers cannot effectively use a cast net due to the limited distance it can be thrown. This results in shore-based anglers not being able to catch fresh bait while fishing. Using a weighted treble hook for snagging is the only method to catch these baitfish when they are far off the shoreline. The current regulation limits anglers to only be able to catch Atlantic menhaden and mullet species when schools are close enough for a cast net. Allowing recreational anglers the ability to snag Atlantic menhaden and mullet species will decrease the financial burden of having to buy bait at a tackle shop every trip and the burden of searching for schools of baitfish close enough to be caught using a cast net.

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 (4VAC20-740-10 et seq., “Pertaining to the Snagging or Towing of Fish”, 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 24, 2024.