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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-320
VAC Chapter title(s)	Fish: Fishing Generally
Action title	May 2026 – Ch. 320
Final agency action date	8/20/2026
Date this document prepared	8/26/2026

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.

Note: There were no changes to language between proposed and final stages to the below sections.

Section 25:

Final amendments are to modify the regulation creel table to include size and bag limits for waters shared with Tennessee, specifically those pertaining to smallmouth bass, white bass, crappie, rock bass, trout, and catfish.

Section 60:

Final amendment is to add rock bass and flathead catfish to the list of fish that cannot be stocked into private lakes and ponds.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 25:

This section contains the Department's creel (how many you can keep) and length limit table. This table applies to all fishes defined as gamefish under §29.1-100 as well as selected non-game species. Whenever possible, the Department seeks to align size and bag limits on waters shared with adjacent states. Historically, all of the size and bag limits for South Holston and Flannagan Reservoirs were published in the Department's annual fishing and boating guide but not within Administrative Code. This action adds these rules to the Department's Administrative Code and not stand alone as administrative rules.

Section 60:

Both rock bass and flathead catfish are invasive species. Rock bass hybridize with Roanoke bass, a Species of Greatest Conservation Need that supports a small but important recreational fishery. Flathead catfish are highly invasive predators that are introduced illegally to create sport fishing opportunities. Adding both of these species to the "no stocking" provision helps curb the potential spread by making it unlawful to stock into private waterbodies. Existing regulation prohibits the stocking of any fish into a river, stream or public lake without a stocking authorization from the Department.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 20, 2026, the Board of Wildlife Resources approved final amendments to Chapter 320.