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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 20-270
VAC Chapter title(s)	Pertaining to Blue Crab Fishery
Action title	Establishing the 2024-2025 crabbing season and bushel limits and amending the daily time limit for commercial harvest.
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 4VAC20-270-10 et seq., "Pertaining to Blue Crab Fishery", to establish management measures, including season and bushel limits, for the 2024-2025 commercial crab fisheries and to amend the daily time limits for commercial harvest.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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] Results from the Bay-wide Winter Dredge Survey, as well as harvest results from the 2023 fisheries, indicate the Chesapeake Bay blue crab stock is currently not overfished and overfishing is not occurring and total abundance is holding steady. Fisheries managers from the Chesapeake Bay jurisdictions (Maryland, Potomac River Fisheries Commission, and Virginia) recommend status quo crabbing measures for the coming year. Staff further recommends a 12-hour daily time limit, (3 a.m.- 3 p.m.) for any person licensed to catch and sell crabs taken by hard crab pot or peeler pot to take and harvest crabs from any hard crab pot or peeler pot, or to retrieve, bait, or set any hard crab pot or peeler pot. Amending the current 8-hour workday provisions to a 12-hour workday would eliminate the need for any exemptions to be applied for and processed by staff, removing a regulatory burden for regulants and staff, and provide commercial harvesters greater flexibility in determining when they will start and stop their crab harvest day.

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 (4VAC20-270-10 et seq., “Pertaining to Blue Crab Fishery”, 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.