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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 20-252
VAC Chapter title(s)	Pertaining to Atlantic Striped Bass
Action title	Adjust the commercial Chesapeake Bay striped bass quota and remove restrictions on commercial striped bass harvesters obtaining both Chesapeake and Coastal tags.
Final agency action date	January 1, 2025
Date this document prepared	September 24, 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 4 VAC 20-252-10 et seq., "Pertaining to Atlantic Striped Bass," to 1) adjust the commercial Chesapeake area striped bass quota from 983,393 pounds to 914,555 pounds and 2) remove existing regulatory language that prohibits commercial striped bass harvesters from obtaining both Chesapeake area and Coastal area tags at one time.

[RIS2]

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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] On Wednesday, January 24th, 2024, the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board voted to approve Addendum II to Amendment 7 to the Interstate Fisheries Management Plan (FMP) for Atlantic Striped Bass. The main goal of this addendum is to reduce fishing mortality in the recreational and commercial striped bass fisheries. Addendum II implemented a smaller recreational slot size for striped bass caught in the Chesapeake Bay and its tributaries and decreased commercial striped bass quotas by 7%. Jurisdictions were required to implement compliant measures no later than May 1, 2024. Due to the 2024 Virginia Chesapeake Bay commercial striped bass season starting before the Striped Bass Management Board’s vote, the Chesapeake Bay quota reduction was delayed until the 2025 commercial season. The Striped Bass Management Board approved this delay in the Chesapeake Bay’s quota reduction and any quota overage during the 2024 season would require a pound-for-pound payback in 2025.

Additionally, there is outdated language that prohibits commercial striped bass harvesters from obtaining both Chesapeake area and Coastal area tags at one time. This section was put in place in 2005 and can be removed to reflect the current participation in this fishery. The Coastal area fishery currently performs differently than it did in 2005 when this section of regulation was put into place. Currently all 10 harvesters reside on the Eastern shore, approximately a 2–3-hour drive from the main office at Fort Monroe where the tags are stored. The varying spring weather conditions make it difficult for harvesters to know whether they will need to fish Chesapeake area quota or Coastal area quota on any given day and can cause a hardship for individuals who must make multiple trips to the main office to switch out tags. Staff has consulted with law enforcement on this issue and have agreed that section 160B, which will remain in the regulation, will cover any law enforcement needs pertaining to this issue.

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 (4VAC20-2520-10 et seq., “Pertaining to Atlantic Striped Bass”, 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 December 3, 2024.