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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 20-1090
VAC Chapter title(s)	Pertaining to Licensing Requirements and License Fees
Action title	Create a New License for an Extended Drift Gill Net Fishery
Final agency action date	March 25, 2025
Date this document prepared	February 20, 2025

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 20-1090-10, "Pertaining to Licensing Requirements and License Fees", to establish a new commercial gear license using extended drift gill nets up to 6,000 feet. The update will complement Chapter 4 VAC 20-1190-10, "Pertaining to Gill Net Control Date" which will describe the season and gear requirements.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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] Several pelagic species (such as Spanish mackerel and bluefish) have been observed in increasing numbers in the Bay by both the recreational and commercial sectors over the past ten years. The present maximum permitted length of commercial drift and anchored gill net is 1,200 feet. Unfortunately, pelagic species are difficult to catch with nets of this length because the fishing vessel propeller and engine noises deter the fish. VMRC issued experimental fishing permits to 20 licensed gill net fishermen in 2024 to evaluate the use of longer drift gill nets (up to 6,000 feet) fished at night. The information collected by permittee logbooks and agency observers indicated the gear to be more efficient than the present regulated methods with limited bycatch. The proposed amendments will create a licensed gear type for this extended drift gill net, develop regulations for its use, and increase eligibility and participation in the fishery. Most importantly, these amendments will create a new regulated commercial fishery during the summer months when commercial fishing options are limited.

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 4 VAC 20 -1090-10, “Pertaining to Licensing Requirements and License Fees”, 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 March 25, 2025.