

Office of Regulatory Management
Economic Review Form

Agency name	Virginia Marine Resources Commission
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC20-490
VAC Chapter title(s)	Pertaining to Sharks
Action title	Provide clarifying language regarding the prohibition of overnight soaks on gillnets targeting spiny dogfish in specific areas and time of year.
Date this document prepared	June 17, 2025
Regulatory Stage (including Issuance of Guidance Documents)	Final

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs: In April 2025, staff brought forward an amendment to prohibit overnight soaks for Virginia spiny dogfish permit holders with specific sized gill nets in specific areas designated by NOAA Fisheries, to reduce incidental takes of Atlantic sturgeon. Sturgeon have been under a moratorium in both state and federal waters since 1998 due to endangered/threatened status. The Atlantic States Marine Fisheries Commission and NOAA Fisheries believe the amended language in VMRC’s regulation allowed a loophole for spiny dogfish permit holders to target other species in those areas and times with the specified sized gill nets identified sized gill nets and still keep spiny dogfish captured incidentally. ASMFC will not approve Virginia’s implementation plan to adopt the measures in their Addendum VII of the Spiny Dogfish FMP to remain consistent with the federal Spiny Dogfish Framework Adjustment 6 until this language change is addressed. Virginia risks the potential of a non-compliance finding if this is not corrected.</p> <p>Indirect Costs: Changing these regulations will have no indirect costs.</p> <p>Direct Benefits: By modifying the language, ASMFC will accept Virginia’s implementation an avoid any non-compliance issue which could potentially close the entire fishery.</p> <p>Indirect Benefits: Implementing these amendments will keep Virginia in compliance with ASMFC and MAFMC fishery management plans.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) \$0</p>	<p>(b) \$0</p>
<p>(3) Net Monetized Benefit</p>	<p>\$</p>	
<p>(4) Other Costs & Benefits (Non-Monetized)</p>	<p>This change in regulation will keep VA in compliance with the ASMFC Spiny Dogfish Fishery Management Plan.</p>	
<p>(5) Information Sources</p>	<p>ASMFC Spiny Dogfish Fishery Management Plan</p>	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Leaving the Spiny Dogfish regulations at status quo may result in Virginia being found out of compliance and Virginia’s commercial Spiny Dogfish fishery subject to a closure by ASMFC and NOAA (through the Secretary of Commerce). This will result in millions of dollars in lost revenue.</p> <p>Indirect Costs: Leaving Virginia Spiny Dogfish regulations at status quo may result in Virginia being found out of compliance and the fishery closed. This results in lost revenue for many companies that sell supplies to commercial fishermen.</p> <p>Direct Benefits: The status quo regulation would have had no direct benefits.</p> <p>Indirect Benefits: The status quo regulation would have had no direct benefits.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Nearly \$600,000 in ex-vessel product would be lost by maintaining the regulation status quo and Virginia is found out of compliance. The spiny dogfish commercial fishery may be closed, resulting in 22 fishermen being put out of work for several months.	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	VMRC Mandatory Harvest Reporting	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	There were no alternative options considered other than status quo (listed above).
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources		

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	This regulatory change will have no direct or indirect cost to local partners. This regulatory change will have no direct or indirect benefits for local partners.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	None	
(4) Assistance		
(5) Information Sources		

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	This regulatory change will have no direct or indirect costs for families. This regulatory change will have no direct or indirect benefits for families.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct cost: Not adopting the proposed regulatory amendment may result in Virginia being out of compliance with ASMFC and NOAA and the fishery could be shut down entirely. This would result in 22 fishermen having no work for a portion of the year, and the elimination of nearly \$600,000 of ex-vessel product to these fishermen.</p> <p>This regulatory change will have no indirect cost to small businesses.</p> <p>Direct Benefits: This regulation change will keep Virginia compliant with ASMFC and NOAA policies and avoid a potential closure of this fishery to Virginia.</p> <p>Indirect Benefits: Changing this regulation will have no indirect benefits</p>	
(2) Present Monetized Values	Direct & Indirect Costs (a) \$0	Direct & Indirect Benefits (b) \$0
(3) Other Costs & Benefits (Non-Monetized)	Nearly \$600,000 in lost revenue (ex-vessel value) will result if the regulation is unchanged.	
(4) Alternatives		
(5) Information Sources		

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
4 VAC 20-490-42	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	6	0	0	0
	(D/R):	1	0	0	0
				Grand Total of Changes in Requirements:	(M/A):0 (D/A):0 (M/R):0 (D/R): 0

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Change in Regulatory Requirements

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
4 VAC 20-490-42	Modify language regarding prohibiting soaks of gill nets targeting Spiny Dogfish overnight in specific areas and times of year to comply with ASMFC.	Not amending this regulation may result in a compliance violation under ASMFC and NOAA policies. The repercussions could include a moratorium on the entire fishery in the Commonwealth and eliminating revenue and work to 22 fishermen. By adopting the changes Virginia remains compliance and the fishery remains opened.

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).