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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 Striped Bass
Action title	Amending the maximum recreational size limit
Final agency action date	July 1, 2023
Date this document prepared	May 30, 2023

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) is amending Chapter 4 VAC 20-252-10 et seq., "Pertaining to Striped Bass", to lower the maximum recreational size limit for striped bass for the Virginia Coastal season, Chesapeake Bay fall season, and the Potomac River tributaries summer/fall season from 36 inches to 31 inches.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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

[Impetus] On May 2nd, 2023, the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board approved by emergency action as outlined in the Commission's ISFMP Charter, to implement a 31" maximum size to all existing recreational fishery regulations where a higher (or no) maximum size limit applies. The preliminary 2022 recreational harvest rate was almost double that of the 2021 fishing year. This increase in recreational harvest lowered the probability of rebuilding the stock by 2029 from 97% to less than 15% if these higher harvest rates continue. The new 31-inch maximum size limit for 2023 was chosen to protect the strong 2015-year class.

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 (4VAC20-252-10 et seq., "Pertaining to 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 June 27, 2023.