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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-340
VAC Chapter title(s)	Fish: Seines and Nets
Action title	May 2026 – Ch. 340
Final agency action date	8/20/2026
Date this document prepared	8/26/2026

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.

Note: There were no changes to the below section between proposed and final stage.

Section 60:

Final amendment is to include Abrams Creek and its tributaries in Washington County to the list of waters in which seines, traps and nets are prohibited from use to protect populations of Tennessee Dace, a state endangered species.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 60:

The Tennessee dace is a small, colorful minnow known from Virginia, Tennessee, and Georgia. In Virginia, Tennessee dace are found in the upper Tennessee drainage with populations known from the north and middle forks of the Holston River. Due to its limited range and threats to its populations resulting from habitat degradation (sedimentation) associated with regional influences such as mining, instream impoundments for flood control, and deforestation, this species was listed state endangered in 1992. A robust population has recently been found in Abrams Creek and its tributaries in Washington County. To maintain this healthy population of this endangered species, the Board moved to include Abrams Creek and its tributaries in Washington County to the list of waters where the use of seines, traps, and nets are prohibited from use to minimize unintended capture of Tennessee dace.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 20, 2026, the Board of Wildlife Resources adopted final amendments to Chapter 340.