Exempt Action: Final Regulation
Agency Background Document

Agency name	Virginia Marine Resources Commission
Virginia Administrative Code (VAC) Chapter citation(s)	4 VAC 20-510-10
VAC Chapter title(s)	Pertaining to Amberjack and Cobia
Action title	Terminating the recreational cobia mandatory reporting program.
Final agency action date	January 24, 2023
Date this document prepared	December 16, 2022

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 20-510-10 et seq., "Pertaining to Amberjack and Cobia", to terminate the Recreational Cobia Mandatory Reporting Program (RCMRP) and associated species permit.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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] Originally created as a possible supplement to the Marine Recreational Information Program (MRIP), it became clear through the time series that the RCMRP data would not be beneficial to MRIP but could be beneficial to the cobia stock assessment. On June 15, 2022, VMRC staff met with Dr. Erik Williams, a lead on the stock assessment subcommittee for cobia, to discuss the RCMRP and data needs. Dr. Williams explained that the biggest need for the cobia stock assessment is a coastwide abundance index, best calculated from a fishery-independent survey. Dr. Williams concluded that the resulting data were not collected by a statistically rigorous sampling design, which exacerbates already present reporting biases. Therefore, the CPUE calculated from the RCMRP data would not be useable as an index of abundance. Since discard lengths are important, it was determined that a future initiative could rebrand the Virginia Saltwater Journal website to prioritize this data. The new initiative would be voluntary and focused on recreational discards.

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 (4VAC20-510-10 et seq., "Pertaining to Amberjack and Cobia") 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 January 24, 2023.