

Unified Regulatory Plan of the Virginia Marine Resources Commission Fiscal Year 2024

Prepared on June 15, 2023

Description of Agency or Boards

The Virginia Marine Resources Commission is the policy making entity responsible for promulgating regulations and guidelines necessary to sustain Virginia's marine resources for long term sustainability and the use of all Virginia citizens. § 28.2-201 of the Code of Virginia allows the Commission to adopt regulations, including those for taking seafood, necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. Marine fisheries regulations shall be promulgated according to the procedures established in Article 2 (§ 28.2-209 et seq.) of Chapter 2 of this title. Habitat management regulations and guidelines shall be promulgated in accordance with the procedures established in Article 2 (§ 28.2-209 et seq.).

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Oyster Harvest Seasons and Limits		
Brief Overview Chapter 4VAC20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest" This regulatory change establishes the 2023-2024 areas of public harvest, public oyster harvest seasons, and oyster resource conservation measures.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	August 2023	

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Establish a Recreational Bag Limit for Hickory Shad	
Brief Overview Chapter 4VAC20-530-10 et seq., "Pertaining to American Shad" This regulatory change establishes a recreational bag limit of 10 fish for hickory shad to protect this species and mirror Department of Wildlife Resources regulations.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	August 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Subaqueous Guidelines	
Brief Overview With the passage of SB 1811 and HB 2181 by the 2023 General Assembly, effective July 1, 2023, VMRC will no longer require permits for the proposed use of any non-tidal waters throughout the Commonwealth's state-owned subaqueous lands. Any applicant proposing such use may now be required to obtain state authorization from the Department of Environmental Quality's Virginia Water Protection Permit Program.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	Updates to VMRC's Subaqueous Guidelines are necessary to reflect the elimination of VMRC's permit authority and jurisdiction over state-owned submerged lands for non-tidal waters. The legislation removed the duplicative permit requirements for proposed work in non-tidal waters administered by both VMRC and DEQ. Sole jurisdiction for non-tidal waters will rest with DEQ on July 1, 2023, which reduces the regulatory burden on the public.
Expected Date	November 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Chapter 4VAC20-120-10 et seq., "Pertaining to Public Notice of Applications for Permits for Certain Uses of State-Owned Bottomlands"	
Brief Overview This regulatory change proposes to eliminate the use of newspapers to satisfy the public notice requirements for projects or activities requiring a permit from the Marine Resources Commission. Public notice would instead be satisfied by posting notice of proposed activity on the Commission's website and on the Virginia Regulatory Town Hall site.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	This action eliminates the public's cost for advertising in local newspapers, decreases delays in permit processing times by improving staff efficiencies, and reduces the regulatory burden on citizens regarding the requirements for public notices.
Expected Date	November 2023

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations for Atlantic Striped Bass	
Brief Overview Chapter 4VAC20-252-10 et seq., "pertaining to Atlantic Striped Bass" This regulatory change is to comply with Addendum II of the Interstate Fisheries Management Plan for this species.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	December 2023

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Black Sea Bass Season		
Brief Overview Chapter 4VAC20-950-10 et. seq. "Pertaining to Black Sea Bass" This regulatory change is to establish a February 2024 recreational black sea bass fishery.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	January 2024	

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Blueline Tilefish		
Brief Overview Chapter 4VAC20-1120-10 et seq., "Pertaining to Tilefish and Groupers" This regulatory change is to amend the recreational season in state waters to mirror the recreational season in federal waters for blueline tilefish from May 15 through November 14.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	January 2024	

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Black Sea Bass		
Brief Overview Chapter 4VAC20-950-10 et seq., "Pertaining to Black Sea Bass" This regulatory change is to comply with the Interstate Fishery Management Plan for this species.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	April 2024	

Action/Stage or Guidance Document Forum ID (if available)		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to the Blue Crab Fishery		
Brief Overview CHAPTER 4 VAC 20-1140-10 ET SEQ. "PROHIBITION OF CRAB DREDGING IN VIRGINIA WATERS " This regulatory change would close the 2024-2025 winter crab dredge fishery.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final	<input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	None	
Expected Date	June 2024	

Action/Stage or Guidance Document Forum ID (if available)	
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to the Blue Crab Fishery	
Brief Overview Chapter 4VAC20-270-10 et seq,. "Pertaining to Blue Crab Fishery" This regulatory change establishes management measures, including season and bushel limits, for the 2024-2025 commercial crab fishery.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input checked="" type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	None
Expected Date	June 2024