

Unified Regulatory Plan of the Marine Resources Commission for State Fiscal Year 2025

Prepared on June 13, 2024

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Description of Agency or Boards

The Marine Resources Commission has jurisdiction over commercial fishing and all marine fish, marine shellfish, marine organisms, and habitat that extends to the fall line of all tidal rivers and streams of the Commonwealth. The Commission also exercises proprietary responsibility for the Commonwealth's submerged lands statewide. It may promulgate regulations and guidelines necessary to carry out the provisions of Title 28.2: Fisheries and Habitat of the Tidal Waters. Law-Enforcement of the Commission is the Virginia Marine Police. The Commission operates under the supervision of the Secretary of Natural and Historic Resources.

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Oyster Harvest Seasons and Limits	
Brief Overview Chapter 4VAC20-720 "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 2024

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Compliance with the mandate of Chapter 334 of the 2023 Acts of the Virginia General Assembly (HB 1950)	
Brief Overview Chapter 4VAC20-390 "Wetlands Mitigation – Compensation Policy"	

This proposed revision aims to guide users in selecting mitigation options for tidal wetland losses, notably prioritizing mitigation banks over on-site restoration or in-lieu fees at the locality level	
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 checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary Action
Deregulatory Component	The change should make market-based compensatory mitigation options more attractive and prevent localities from undercutting such options with artificially low fees that are ineffective at replacing impacted wetlands. The increased fees should be offset in the long-term by the increased availability of market-based compensatory mitigation options as described above.
Expected Date	September 2024

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Restrictions on the Harvest of Shellfish in Condemned Shellfish Areas	
Brief Overview Chapter 4VAC20-1290 "Pertaining to Restrictions on the Harvest of Shellfish and in Condemned Shellfish Areas" This regulatory change updates tag requirements to protect and promote the oyster broodstock within the condemned shellfish areas and within the tidal waters of the Commonwealth and to protect the public health	
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	September 2024

Action/Stage or Guidance Document Forum ID (if available) Not available		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to the Tagging of Oysters		
Brief Overview Chapter 4VAC20-1250-10 et. seq. "Pertaining to the Tagging of Shellfish" This regulatory change is to amend tagging requirements to specifically identify points of harvest of oysters for public health.		
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	October 2024	

Action/Stage or Guidance Document Forum ID (if available) Not available		
Title of Proposed Regulatory Action or Guidance Document Amending the Ability to Snag Atlantic Menhaden		
Brief Overview Chapter 4VAC20-740 "Pertaining to Snagging and Towing Fish" This regulatory change is to allow recreational anglers the ability to snag Atlantic menhaden and mullet species when to be used for bait when the fish schools are too far off the shoreline to catch using a cast net.		
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	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	Allowing recreational anglers, the ability to snag Atlantic menhaden and mullet will decrease burden of searching for schools of baitfish close enough to be caught using a cast net. This will decrease the amount of time spent looking for baitfish and more	

	time fishing for their targeted species.
Expected Date	October 2024

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Repealing the Commercial Electrofishing Regulation	
Brief Overview Chapter 4VAC20-1360 "Pertaining to Commercial Electrofishing" This regulatory change is to repeal the regulation. By repealing the regulation, this will expand entry to allow more participants into the commercial blue catfish 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	This will repeal 23 discretionary line items.
Expected Date	December 2024

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Repeal of VMRC Public Participation Guidelines	
Brief Overview Chapter 4VAC20-340-10 "Public Participation Guidelines" This regulatory change will repeal VMRC's existing public participation guidelines for soliciting the input of interested persons in the initial formation and development, amendment, or repeal of chapters in accordance with the Administrative Process Act.	
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	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Guidance Document

Description	<input checked="" type="checkbox"/> Exempt Action
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary Action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Repealing Chapter 340 will follow the VMRC’s adoption of its “Request for Rulemaking” standard operating procedures. The Office of the Attorney General has vetted the new SOP which will replace the outdated guidance in Chapter 340. This will remove seven discretionary line items.
Expected Date	December 2024

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Amending VMRC’s Public Notice Requirements for Projects Impacting State-owned Subaqueous Lands	
Brief Overview Chapter 4VAC20-120 "Pertaining to Public Notice of Applications for Permits for Certain Uses of State-Owned Bottomlands" This regulatory change eliminates the Commission’s requirements to advertise projects reviewed under Title 28.2-1200 et. seq. of the Code of Virginia in the local newspaper.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency or Emergency/NOIRA <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Final <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Guidance Document <input checked="" type="checkbox"/> Exempt Action
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary Action <input type="checkbox"/> Action required by state statute
Deregulatory Component	Chapter 120 establishes the public notice requirements that are part of a public interest review for projects and activities requiring permits from the Marine Resources Commission for uses of state-owned bottomlands pursuant to Chapter 12 (§ <u>28.2-1200</u> et seq.) of Title 28.2 of the Code of Virginia. The proposed amendments replace the newspaper public notice requirement with an online notice on the VMRC website and the Virginia Regulatory Town Hall site. This eliminates a permit applicant’s cost for newspaper public notices and promotes streamlining regulatory/permitting approval processes.
Expected Date	December 2024

Action/Stage or Guidance Document Forum ID (if available) Not available

Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations for Atlantic Striped Bass		
Brief Overview Chapter 4VAC20-252 "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 2024	

Action/Stage or Guidance Document Forum ID (if available) Not 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 2025	

Action/Stage or Guidance Document Forum ID (if available) Not available		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Blueline Tilefish		
Brief Overview Chapter 4VAC20-1120 "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 2025	

Action/Stage or Guidance Document Forum ID (if available) Not available		
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to Black Sea Bass		
Brief Overview Chapter 4VAC20-950 "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 2025	

Action/Stage or Guidance Document Forum ID (if available) Not available	
Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to the Blue Crab Fishery	
Brief Overview Chapter 4VAC20-270 "Pertaining to Blue Crab Fishery" This regulatory change establishes management measures, including season and bushel limits, for the 2025-2026 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 2025