

NOTICE

The Virginia Marine Resources Commission invites public comment on the proposed regulations listed below.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed regulations will be held at 12:00 Noon, on Tuesday, October 28, 2008, at the Marine Resources Commission, 2600 Washington Avenue, Newport News, Virginia. Written comments on the proposals should be mailed to Jack Travelstead, VMRC Fisheries Management Division, 2600 Washington Avenue, 3rd Floor, Newport News, Virginia 23607, by 5:00 p.m., Monday, October 27, 2008. Copies of the proposed regulations may be reviewed, at the Commission, Monday through Friday, 8:15 a.m. to 5:00 p.m. and may be obtained by calling the Commission at (757) 247-2248.

I. EMERGENCY CHAPTER 4VAC20-751-10 ET SEQ, “PERTAINING TO THE SETTING AND MESH SIZE OF GILL NETS”

On September 23, 2008, the Commission adopted, under its emergency regulatory authority (Section 28.2-210 of the Code of Virginia), an amendment to Regulation 4 VAC 20-751-10 et seq. that is effective on September 29, 2008. The Commission proposes to make this emergency amendment, described below, a permanent part of the regulation:

Subdivision 4 VAC 20-751-20 E of this emergency regulation establishes that, from June 1 through October 15, it shall be unlawful for any person to place any unattended gill net, within 500 yards of the mean high-water mark, on the ocean side of Northampton and Accomack Counties, north of a line, beginning at the southern most point of Smith Island and thence extending due east to the three-mile limit line.

Prior to the emergency amendment, it was unlawful to place any anchored or weighted gill net, in these areas, during those dates.

II. CHAPTER 4VAC20-1170-10 ET SEQ., “REQUIREMENTS RELATED TO THE PURCHASE OF FISH, FROM THE CATCHER”

The Commission proposes the following provisions shall be established, in order to fairly and equitably measure (weigh) quantities of seafood that are landed in Virginia:

4VAC20-1170-10. Certified Scale Required.

Any person, business, or corporation, licensed to purchase fish, shellfish, or marine organisms from the catcher, as required by Section 28.2-228 of the Code of Virginia, who is engaged in the transfer, off-loading, or purchase, from the catcher, of fish, shellfish, or marine organisms, that are regulated by a harvest weight limit or quota, possession weight limit, or landing limit, shall use and maintain a certified scale to weigh the fish, shellfish, or marine organisms and shall document the weight on a receipt provided to the catcher. The scale used by the purchaser must be certified as accurate by the Virginia Commissioner of Agriculture and Consumer Services.

The purchaser, representing the person, business, or corporation, licensed by Section 28.2-228, shall sign the receipt provided to the catcher and shall attest thereon that the weight was determined by use of a scale certified as accurate by the Virginia Commissioner of Agriculture and Consumer Services.

III. CHAPTER 4VAC20-20-10 ET SEQ., “PERTAINING TO THE LICENSING OF FIXED FISHING DEVICES”

The effects from storms during 2008 resulted in damages to several pound nets and also prevented the setting and fishing of several licensed pound nets in calendar year 2008. The Commission proposes that current pound net licensees shall not be required to fish their pound nets or establish a complete system of nets and poles, in 2008, in order to renew their licenses or maintain their priority rights to such locations for 2009.

IV. EMERGENCY CHAPTER 4VAC20-260-10. ET SEQ., “PERTAINING TO DESIGNATION OF SEED AREAS AND CLEAN CULL AREAS”

On September 23, 2008, the Commission adopted, under its emergency regulatory authority (Section 28.2-210 of the Code of Virginia), amendments to two sections of Regulation 4 VAC 20-260-10 et seq. that are effective on October 1, 2008. The Commission proposes to make this emergency amendment, described below, a permanent part of the regulation:

4VAC20-260-35. Maximum Cull Size in the Rappahannock River.

In order to protect potentially disease tolerant oysters in the Lower Rappahannock River, maximum size limits are hereby established. In the Lower Rappahannock River, Rotation Areas 1 through 3, oysters larger than the maximum size limit shall either be collected by the Marine Resources Commission or returned immediately to the natural beds, rocks, or shoals when taken. Allowance for oversized oysters and shells incidentally retained during culling are described in 4VAC20-260-40. Oysters taken for direct human consumption from Rotation Areas 1 through 3 in the Lower Rappahannock River shall not have shells greater than 4-1/4 inches in length.

Prior to the emergency amendment taking effect, the above provisions applied to areas 1 through 6.

4VAC20-260-40. Culling tolerances or standards.

A. In the clean cull areas, except the Lower Rappahannock River, Rotation Areas 1 through 3, if more than one four-quart measure of undersized oysters or shells is found per bushel inspected, it shall constitute a violation of this emergency chapter.

B. In the Lower Rappahannock River, Rotation Areas 1 through 3, if more than one four-quart measure of undersized or oversized oysters or shells is found per bushel inspected it shall constitute a violation of this emergency chapter.

Prior to the emergency amendment taking effect, the above provisions applied to areas 1 through 6.

V. CHAPTER 4VAC20-910-10 ET SEQ., “PERTAINING TO SCUP (PORGY)”

The Commission proposes to modify the Winter II (November 1 through December 31) vessel possession limit that is currently established, from 3,500 pounds to 2,000 pounds of scup, to maintain compliance with the Atlantic States Marine Fisheries Commission’s management plan for this species.

VI. CHAPTER 4VAC20-252-10 ET SEQ., “PERTAINING TO THE TAKING OF STRIPED BASS”

The Commission proposes modifications to the upcoming December 2008 Chesapeake Area recreational striped bass fishery. Currently, the regulation establishes a 1-fish limit, from December 10 through December 31, and that one fish shall measure either 18 through 28 inches or 34 inches or greater, in total length. The Commission will consider options that lessen the number of days of the 1-fish limit, establish a 2-fish limit, for December 10 through December 31 or maintain the current provisions of the regulation, for December 10 through December 31.

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS DUE TO A DISABILITY, PLEASE ADVISE BETTY WARREN (757-247-2248) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.