

"PERTAINING TO TILEFISH AND GROUPEL"

CHAPTER 4 VAC 20-1120-10 ET SEQ.

PREAMBLE

This chapter establishes recreational and commercial limitations on the harvest and landings of Tilefish and Groupers in Virginia.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-1120-10 et seq., which was promulgated April 24, 2018 and made effective on May 1, 2018. The effective date of this chapter is April 1, 2019.

4 VAC 20-1120-10. PURPOSE.

The purpose of this chapter is to provide for the conservation of tilefish and grouper and to reduce the potential for overfishing by establishing limits on the harvest and landing of these fish.

4 VAC 20-1120-20. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Commercial fishing” or “fishing commercially” or “commercial fishery” means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

“Grouper” means any of the following species:

- Black grouper, *Mycteroperca bonaci*
- Coney, *Cephalopholis fulva*
- Gag grouper, *Mycteroperca microlepis*
- Goliath grouper, *Epinephelus itajara*
- Graysby, *Cephalopholis cruentata*
- Misty grouper, *Epinephelus mystacinus*
- Nassau grouper, *Epinephelus striatus*
- Red grouper, *Epinephelus morio*
- Red Hind, *Epinephelus guttatus*
- Rock Hind, *Epinephelus adscensionis*
- Scamp, *Mycteroperca phenax*
- Snowy grouper, *Epinephelus niveatus*
- Speckled Hind, *Epinephelus drummondhayi*
- Tiger grouper, *Mycteroperca tigris*
- Warsaw grouper, *Epinephelus nigritus*
- Wreckfish, *Polyprion americanus*

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Yellowedge grouper, *Epinephelus flavolimbatus*

Yellowfin grouper, *Mycteroperca venenosa*

Yellowmouth grouper, *Mycteroperca interstitialis*

"Recreational fishing" or "fishing recreationally" or "recreationally fishing" means fishing by any person, whether licensed or exempted from licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Recreational vessel" means any private or rental vessel, charter vessel or headboat participating in the recreational tilefish and grouper fishery.

"Tilefish" means any of the following species:

Blueline tilefish, *Caulolatilus microps*

Golden tilefish, *Lopholatilus chamaeleonticeps*

Sand tilefish, *Malacanthus plumieri*

4 VAC 20-1120-30. RECREATIONAL HARVEST AND POSSESSION LIMIT.

- A. It shall be unlawful for any person fishing recreationally to possess or land more than eight golden tilefish in Virginia tidal waters.
- B. The recreational harvest, landing and possession limit for blueline tilefish for any person fishing from a private or rental vessel shall be three fish. The recreational harvest, landing and possession limit for blueline tilefish for any person fishing from a for-hire vessel that has been issued a valid Tilefish Charter/Party Permit, but does not have a current U.S. Coast Guard Certificate of Inspection shall be five blueline tilefish per person per trip. The recreational harvest, landing and possession limit for blueline tilefish for any person fishing from for-hire vessels that have both a valid Tilefish Charter/Party Permit and a current U.S. Coast Guard Certificate of Inspection shall be seven blueline tilefish per person per trip.
- C. The recreational harvest, landing and possession limit for grouper, as described in 4 VAC 20-1120-20, shall be one fish. It shall be unlawful for any person to recreationally harvest, land or possess more than one grouper within or without Virginia tidal waters.
- D. When fishing recreationally from any boat or vessel, where the entire catch is held in a common hold or container, the boat or vessel possession limit for any species described in subsections A or B of this section shall be equal to the sum of the personal possession limits, as described in subsections A or B of this section, of those persons on board legally eligible to fish. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

4 VAC 20-1120-31. (REPEALED).

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4 VAC 20-1120-32. (REPEALED).

4 VAC 20-1120-35. RECREATIONAL BLUELINE TILEFISH SEASON

It shall be unlawful for any person, fishing recreationally, to harvest or possess any blue-line tilefish from January 1 through April 30 and from November 1 through December 31.

4 VAC 20-1120-40. COMMERCIAL LIMITATIONS.

- A. It shall be unlawful for any person harvesting tilefish when commercial fishing, as described in 4 VAC 20-1120-20, to do any of the following:
 - 1. Possess aboard any vessel in Virginia waters any amount of tilefish species in excess of 500 pounds whole weight or 455 pounds gutted weight, except as described in 4 VAC 20-1120-40 A.2.
 - 2. Possess aboard any vessel in Virginia waters any amount of blue-line tilefish in excess of 300 pounds whole weight or 273 pounds gutted weight.
 - 3. Possess aboard any vessel any amount of golden tilefish during any in-season closure announced by the National Marine Fisheries Service.
- B. It shall be unlawful for any vessel to land in Virginia more than 175 pounds of grouper, as described in 4 VAC 20-1120-20, per day when commercial fishing.
- C. It shall be unlawful for any person to transfer at sea to another person or vessel any harvest of tilefish or grouper.

4 VAC 20-1120-50. PENALTY.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

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This is to certify that the foregoing is a true and accurate copy of the chapter 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 March 26, 2019.

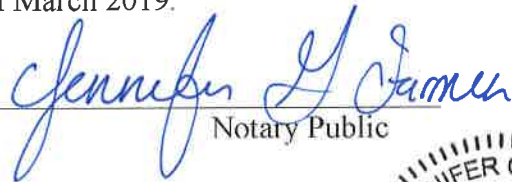
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COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 
Steven G. Bowman
Commissioner

Subscribed and sworn to before me this 29 day of March 2019.


Notary Public

