

"PERTAINING TO HAUL SEINES"

CHAPTER 4VAC20-1070-10 ET SEQ.

PREAMBLE

This chapter establishes gear restrictions and reporting requirements for the commercial haul seine fishery.

This chapter is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia and amends and re-adopts, as amended, previous Chapter 4 VAC 20-1070-10 et seq. which was promulgated on July 22, 2003 and made effective on August 1, 2003. The effective date of this Chapter is August 28, 2009.

4VAC20-1070-10. PURPOSE.

The purposes of this chapter are to (i) establish gear restrictions pertaining to haul seines, (ii) establish restrictions for the operation and fishing of haul seines, and (iii) establish a call-in procedure for haul seine operations using more than one vessel to set a haul seine.

4VAC20-1070-20. DEFINITIONS.

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

"Haul seine" means a net made of mesh webbing, which may include a pocket and wing net set vertically in the water and pulled by hand or power to capture and confine fish by encirclement.

"Long haul seine" means a net made of mesh webbing that is towed or dragged by two vessels more than a distance of 1.0 nautical miles from the point of its deployment, in an open configuration through the water.

"Pocket" means an enclosure with mesh webbing on its sides and floor that is attached to the bottom with stakes or poles and used to temporarily contain fish or other catch removed from the haul seine.

4VAC20-1070-30. GEAR RESTRICTIONS, EXEMPTIONS, APPLICATION PROCESS.

- A. It shall be unlawful for any person to place or set in the water, encircle or enclose any haul seine that exceeds 1,000 yards in length.
- B. It shall be unlawful for any person to tie together, set or fish two or more haul seines with a combined total length of netting that exceeds 1,000 yards.

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- C. It shall be unlawful for any person to tow or drag a haul seine by two vessels so that it operates as a long haul seine. When setting a haul seine with more than one vessel, it shall be unlawful for any person to tow or drag a haul seine more than a distance of 1.0 nautical miles from the point of its deployment in an open configuration through the water.
- D. It shall be unlawful for any person to use more than one vessel to move either end of a haul seine net or nets.
- E. It shall be unlawful for any person to remove fish or other catch from the pocket when the pocket is located in waters that are less than three feet in depth, except as described in subsection F of this section. Measurement of the depth of water containing the pocket may be taken within the pocket or within a distance of 15 feet from the pocket, using a pole-type measuring device graduated into one-foot intervals of measurement.
- F. It shall be lawful for any person to remove fish or other catch from the pocket when the pocket is located in waters that are less than three feet, provided that:
 - 1) the area where the pocket is to be established, as well as any area within 15 feet of the pocket, are devoid of submerged aquatic vegetation;
 - 2) establishing the pocket and removing fish or catch from the pocket is accomplished without the use of a boat or vessel; and,
 - 3) the haul seine licensee has received permission from the Commissioner or his designee to establish the pocket, at the site requested by the haul seine licensee, after that licensee has notified the Commissioner or his designee, in writing, and described the haul seine operation and location of the haul seine area.

4VAC20-1070-40. REPORTING REQUIREMENTS.

It shall be unlawful for any person licensed to haul seine and intending to set any haul seine with more than one vessel to fail to contact the Virginia Marine Resources Commission Operations Station's toll free line (1-800-541-4646), by 3 p.m., when intending to haul seine within the following 24-hour period to report the specific location and estimated time the haul seine will be set.

In the event the site is later determined to not be fishable, the haul seine licensee shall contact the Virginia Marine Resources Commission Operations Station's toll free line (1-800-541-4646) immediately and identify the alternate location to be fished and the estimated time the haul seine will be set at this alternate location.

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4VAC20-1070-50. PENALTY.

- A. As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter, except as provided in 4VAC20-1070-30 C, 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. A violation of 4VAC20-1070-30 C is a Class 1 misdemeanor, as prescribed by §28.2-314 of the Code of Virginia.
- B. In addition to the penalties described in subsection A of this section, any person convicted of a violation of any provision of this chapter may incur a revocation of his Commercial Fisherman Registration License and haul seine license upon review by the commission.

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 Newport News, Virginia on August 25, 2009.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: Steven G. Bowman
Steven G. Bowman
 Commissioner

Subscribed and sworn to before me this 27th day of August 2009.

JANE E. WARREN
 NOTARY PUBLIC
 Commonwealth of Virginia
 Reg. #7191792
 My Commission Expires 3/31/12

Jane E. Warren
 Notary Public