

"PERTAINING TO SHRIMP"

CHAPTER 4VAC20-1390-10 ET SEQ.

**THIS VERSION IS A PROPOSED AMENDMENT THAT STAFF WILL RECOMMEND TO
THE COMMISSION**

PREAMBLE

This chapter establishes a limited entry shrimp trawl gear license and associated lottery, gear restrictions, seasons, possession limits and reporting requirements for the commercial and recreational shrimp fishery. The use of trawls or similar devices is prohibited in all the waters under Virginia's jurisdiction by §28.2-314 of the Code of Virginia; however, §28.2-315 of the Code of Virginia grants the Marine Resources Commission authority to permit trawling and control the area, manner, method, size and season of catch during certain times in certain areas of Virginia's portion of the Territorial Sea.

This chapter is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-315 of the Code of Virginia. The effective date of this chapter is August 1, 2021.

4 VAC 20-1390-10. PURPOSE.

The purpose of this regulation is to sustainably develop and manage shrimp fisheries in an ecologically conservative manner in the waters of Virginia.

4 VAC 20-1390-20. DEFINITIONS.

The following term when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

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“Agent” means an individual who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of any registered commercial fisherman in order to fish that commercial fisherman’s gear or sell that commercial fisherman’s harvest.

“Fishing year” means the time period from October 1 of the current calendar year through January 31 of the following calendar year.

“Heads-on” means any shrimp possessed, landed, or sold with the head (carapace) intact.

“Shrimp” means any native penaeid shrimp species including white shrimp (*Penaeus setiferus*), brown shrimp (*Penaeus aztecus*), pink shrimp (*Penaeus duorarum*) or the non-native tiger shrimp (*Penaeus monodon*).

“Tails” means any shrimp possessed, landed, or sold with the head (carapace) removed.

“Virginia Beach Shrimp Trawl Harvest Area” means all tidal waters of the Atlantic Ocean that are bounded by a line beginning at a point on the Three Nautical Mile Limit, Latitude 36° 55.5436667’ N., Longitude 75° 55.9015000’ W.; thence southerly following the Three Nautical Mile Limit to an intersection point on the Virginia — North Carolina State Line, Latitude 36° 33.0224955’ N., Longitude 75° 48.2662043’ W.; thence westerly to a point along the Virginia — North Carolina State Line at its intersection with the mean low water line, Latitude 36° 33.0224003’ N., Longitude 75° 52.0510498’ W.; thence northerly, following the mean low water line to the Rudee Inlet weir; thence easterly along the weir to the stone breakwater; thence following the stone breakwater to its northernmost point; thence northerly to the mean low water line at the most northeastern point

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of the northern stone jetty; thence westerly along the mean low water line of said stone jetty to the mean low water line along the shore; thence northerly following the mean low water line to a point, Latitude 36° 55.5781102' N., Longitude 76° 00.1530758' W., said point being the intersection of the mean low water line with the line from Cape Henry Lighthouse easterly to a point on the Three Nautical Mile Limit, Latitude 36° 55.5436667' N., Longitude 75° 55.9015000' W., said point being the point of beginning.

4 VAC 20-1390-30. RECREATIONAL FISHING: GENERAL.

A. It shall be unlawful for any person fishing recreationally to take, attempt to take, catch, harvest, land, or possess shrimp by any gear or method not authorized for recreational use or without a recreational fishing license as described in §§ 28.2-302.1 and 28.2-226.1 of the Code of Virginia.

B. The daily recreational possession limit for shrimp shall be 20 quarts of shrimp with heads-on or 15 quarts of tails of shrimp per person or vessel whichever is more restrictive.

4 VAC 20-1390-40. COMMERCIAL FISHING: GENERAL.

A. It shall be unlawful for any person to harvest or possess shrimp for commercial purposes without possessing a valid Commercial Fisherman Registration License and any necessary gear licenses or permits as required by Title 28.2 of the Code of Virginia.

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B. It shall be unlawful for any commercial fisherman registration licensee to take, catch, harvest, land, or possess greater than 20 quarts of shrimp with heads-on or 15 quarts of tails of shrimp per person or vessel per day by any gear other than trawl or cast net.

C. Registered commercial fishermen, seafood landing licensees, and licensed seafood buyers shall allow those authorized by the commission to observe shrimp fishing or to sample harvest and seafood products associated with shrimp fishing aboard a vessel or at the place of landing to obtain biological information for scientific and management purposes.

4 VAC 20-1390-50. SHRIMP TRAWL LICENSING AND ENTRY REQUIREMENTS.

A. The maximum number of Commercial Shrimp Trawl Licenses issued in any fishing year shall be 12.

B. Any individual who meets all of the following criteria shall be eligible for a Commercial Shrimp Trawl License:

1. The individual shall possess a valid Commercial Fisherman Registration License.

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2. The individual shall complete and submit a Commercial Shrimp Trawl License Application annually that must be received by the Marine Resources Commission by August 31 of the current calendar year.

3. The individual shall meet one of the following criteria:

 - i. The individual shall have been a permit holder of a Virginia-issued Special Experimental Permit for shrimp trawl gear and reported a minimum shrimp harvest of 500 pounds to the Marine Resource Commission's Mandatory Harvest Reporting Program in any given year from 2017 through 2020.
 - ii. The individual shall have possessed a Commercial Shrimp Trawl License and reported harvest of at least 500 pounds by shrimp trawl gear to the Marine Resource Commission's Mandatory Harvest Reporting Program in at least one of the previous two fishing years.

- C. If the number of individuals eligible for a Commercial Shrimp Trawl License pursuant to subsection B of this section is fewer than 12 by September 1 in the current calendar year, a lottery will be conducted including any individual who meets all of the following criteria:

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1. The individual shall possess a valid Commercial Fisherman Registration License.
 2. The individual shall complete and submit a Commercial Shrimp Trawl Application that must be received by the Marine Resources Commission by the advertised deadline of the current calendar year.
 3. The individual shall have reported harvest to the Marine Resource Commission's Mandatory Harvest Reporting Program of at least 1,000 pounds of harvest per year in at least three of the previous five calendar years.
- D. Any individual selected under subsection B or C of this section who fails to return a completed Commercial Shrimp Trawl License Acceptance Form provided by the commission indicating their acceptance within 14 days of selection shall forfeit their eligibility for the current fishing year and another individual shall be selected from the list of eligible individuals pursuant to subsection C of this section.
- E. The commission shall approve all shrimp trawl gear as referenced in section 60 of this regulation prior to the issuance of a Commercial Shrimp Trawl License.
- F. It shall be prohibited to transfer any Commercial Shrimp Trawl License.

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G. The use of agents shall be prohibited for any Commercial Shrimp Trawl Licensee without written request to the Marine Resources Commission and approval by the commissioner or the commissioner's designee. Exceptions shall only be granted due to death, medical hardships, or military service.

H. Each Commercial Shrimp Trawl Licensee shall report to VMRC Fisheries Management Staff the harvest of shrimp in pounds, an estimate of total bycatch in pounds, and interactions with any protected or endangered species within 24 hours of landing of each trip.

4 VAC 20-1390-60. SHRIMP TRAWL GEAR RESTRICTIONS.

A. It shall be unlawful for any person to place, set, or fish any shrimp trawl in Virginia which is not constructed as follows:

1. With a beam or fixed frame opening no larger than 4 feet in height and 16 feet in width.
2. With a minimum net mesh of 1.5 inches and maximum net mesh of 2.0 inches stretched mesh.
3. With a properly installed National Marine Fisheries Service or North Carolina Division of Marine Fisheries approved bycatch reduction device (BRD).

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B. It shall be unlawful for any shrimp trawl tow to exceed 30 minutes in duration.

**4 VAC 20-1390-70. COMMERCIAL SHRIMP TRAWL HARVEST LIMITS, SEASONS,
AND AREAS.**

A. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest or land any Virginia quota managed species (Black Drum, Black Sea Bass, Bluefish, Atlantic Horseshoe Crab, Atlantic Menhaden, Scup, Speckled Sea Trout, Spiny and Smooth Dogfishes, Striped Bass, and Summer Flounder) caught by shrimp trawl.

B. It shall be unlawful to trawl for shrimp outside of the Virginia Beach Shrimp Trawl Harvest Area.

C. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest shrimp caught by shrimp trawl from February 1 through September 30 of each calendar year.

D. It shall be unlawful to trawl for shrimp more than 30 minutes before sunrise or 30 minutes after sunset.

E. It shall be unlawful to trawl for shrimp within 100 yards of any marked commercial fishing gear.

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F. It shall be unlawful to trawl for shrimp within 300 yards of any navigable inlet, public boat ramp, fishing pier, or beach.

4 VAC 20-1390-80. PENALTY.

As set forth in § 28.2-903 of the Code of Virginia, any individual 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 individual within 12 months of a prior violation is a Class 1 misdemeanor.

4 VAC 20-1390-90. SANCTIONS.

Any individual found guilty of violating any provision of this chapter may have his Commercial Shrimp Trawl License revoked at any time upon review by the commission as provided for in § 28.2-232 of the Code of Virginia.

* * * * *

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 July 27, 2021.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

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BY: _____

**Steven G. Bowman
Commissioner**

Subscribed and sworn to before me this _____ day of August 2021.

Notary Public

DRAFT