

“PERTAINING TO THE SETTING AND MESH SIZE OF GILL NETS”**CHAPTER 4 VAC 20-751-10 ET SEQ.**

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

PREAMBLE

This chapter places restrictions on the setting and mesh size of gill nets, to reduce the by-catch of American shad and striped bass and to reduce the strandings and mortalities of threatened or endangered sea turtles.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends previous Chapter 4 VAC 20-751-10 et seq. which was adopted ~~August 26, 2014~~ September 23, 2014 and effective on ~~August 27, 2014~~ September 26, 2014. The effective date of this chapter is ~~September 26, 2014~~ March 1, 2021.

4 VAC 20-751-10. Purpose.

The purpose of this chapter is to reduce the out-of-season by-catch of American shad and to preclude the harvest of coastal migratory striped bass, thereby reducing injuries and mortalities to these two species. This chapter is also intended to reduce the strandings and mortalities of threatened and endangered sea turtles.

4 VAC 20-751-15. Definitions.

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

“Assateague Island Small-Mesh Gill Net Area” shall consist of all tidal waters of Virginia’s portion of the federal Territorial Sea that are bounded by a line beginning in Accomack County from a point at the mean low water line at the southwestern most tip of Fishing Point, at the mouth of Chincoteague Inlet, at Latitude 37-52.34584 N., Longitude 75-24.02333 W.; thence southwesterly 1,500 feet to a point at Latitude 37-52.19158 N., Longitude 75-24.26693 W.; thence in a line towards Chincoteague Shoals maintaining a distance of 1,500 feet from the mean low

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water line to a point northeast of Chincoteague Shoals at Latitude 37-51.12484 N., Longitude 75-22.23021 W.; thence westerly to a point at Latitude 37-51.30530 N., Longitude 75-22.44331 W., then along the mean low water line in a southerly and then westerly direction to the point of beginning.

“Restricted Areas” means sections within the tributaries of the Chesapeake Bay as follows:

1. In James River, those tidal waters upstream of a line connecting Willoughby Spit and Old Point Comfort;
2. In Back River, those tidal waters upstream of a line connecting Factory Point and Plumtree Point;
3. In Poquoson River, those tidal waters upstream of a line connecting Marsh Point and Tue Point;
4. In York River, those tidal waters upstream of a line connecting Tue Point and Guinea Marshes;
5. In Mobjack Bay, those tidal waters upstream of a line connecting Guinea Marshes and New Point Comfort;
6. In Milford Haven, those tidal waters upstream of a line connecting Rigby Island and Sandy Point;
7. In Piankatank River, those tidal waters upstream of a line connecting Cherry Point and Stingray Point; and

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8. In Rappahannock River, those tidal waters upstream of a line connecting Stingray Point to Windmill Point.

“Small-mesh gill net” means any gill net with a stretched mesh of equal to or less than five inches.

“Unattended gill net” means any gill net set in Virginia tidal waters, described in 4 VAC 20-751-20 E, that is located more than one mile from the licensee of that gill net.

4 VAC 20-751-20. Gill net mesh sizes, restricted areas, and season.

~~A. From January 1 through March 25 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size between 3 3/4 inches and six inches within the restricted areas as set forth below, except that from January 16 through the end of February any legally licensed fisherman may place, set, or fish any gill net with a stretched mesh size from five inches to six inches within the restricted areas described in this subsection. From March 26 through June 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size greater than six inches within the restricted areas set forth below, except as described in 4 VAC 20-252-135:~~

~~1. In James River, those tidal waters upstream of a line connecting Willoughby Spit and Old Point Comfort;~~

~~2. In Back River, those tidal waters upstream of a line connecting Factory Point and Plumtree Point;~~

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~~3. In Poquoson River, those tidal waters upstream of a line connecting Marsh Point and Tue Point;~~

~~4. In York River, those tidal waters upstream of a line connecting Tue Point and Guinea Marshes;~~

~~5. In Mobjack Bay, those tidal waters upstream of a line connecting Guinea Marshes and New Point Comfort;~~

~~6. In Milford Haven, those tidal waters upstream of a line connecting Rigby Island and Sandy Point;~~

~~7. In Piankatank River, those tidal waters upstream of a line connecting Cherry Point and Stingray Point; and~~

~~8. In Rappahannock River, those tidal waters upstream of a line connecting Stingray Point to Windmill Point.~~

A. In the restricted areas as described in section 4 VAC 20-751-15, it shall be unlawful to do any of the following:

1. From January 1 through March 25 of each year, it shall be unlawful any person to place, set, or fish any gill net with a stretched mesh size greater than 3-3/4 inches and less than five inches.

2. From March 26 through June 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size greater than six inches.

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B. During the period May 1 through June 30, it shall be unlawful for any person to have aboard any vessel or to place, set, or fish more than 8,400 feet of gill net.

C. During the period May 1 through June 30, it shall be unlawful for any person to have aboard any vessel or to place, set, or fish any gill net in the Chesapeake Bay or in Virginia's portion of the Territorial Sea, that is made, set or fished in a tied-down manner, by connecting the net's head rope and foot rope with lines, which cause the net to form a pocket of webbing.

D. During the period June 1 through June 30, it shall be unlawful for any person to have aboard any vessel or to place, set, or fish any gill net with a stretched mesh greater than six inches in the Virginia portion of the Territorial Sea, south of a line connecting Smith Island Light and the three-mile limit line.

E. From June 1 through August 14, it shall be unlawful for any person to place any unattended small-mesh gill net within 500 yards of the mean low-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.

F. It shall be unlawful for any person to use any agent to place, set, or fish any gill net within 500 yards of the mean low-water mark within the Assateague Island Small-Mesh Gill Net Area from August 15 through October 31. The Commissioner, or his designee, may approve the use of an agent if the legally licensed person can document a significant hardship on the basis of health that impedes the retrieval of any gill nets within the Assateague Island Small-Mesh Gill Net Area.

4 VAC 20-751-25. Assateague Island Small-Mesh Gill Net Area.

Within the Assateague Island Small-Mesh Gill Net Area, it shall be unlawful for any person to place, set, or fish more than two gill nets, with each gill net not to exceed 1,200 feet in length, per vessel, from August 15 through October 31.

4 VAC 20-751-30. 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 February 23, 2021.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: _____

Steven G. Bowman
Commissioner

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

Notary Public