

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

**PREAMBLE**

This chapter establishes a limited commercial hook-and-line fishery in Virginia tidal waters. Its provisions are designed to provide for a viable commercial fishery, while minimizing impacts on fully utilized fish stocks and conflicts with the recreational fishery.

This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-204.1 of the Code of Virginia.

This chapter amends previous Chapter 4 VAC 20-995-10 et seq., "Pertaining to Commercial Hook-and-Line Fishing," which was promulgated on November 23, 2010 and effective December 1, 2010. The effective date of this chapter is November 2, 2018.

**4VAC20-995-10. PURPOSE.**

The purpose of this chapter is to establish a viable commercial hook-and-line fishery in Virginia tidal waters while minimizing the potential for overharvesting of Virginia's fishery stocks and conflicts with the recreational fishery.

**4VAC20-995-15. DEFINITION.**

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

“Immediate family member” means spouse, sibling, parent, child, grandparent, or grandchild.

“Crew member list” means those individuals registered to participate in commercial hook-and-line fishing activities with one or more individuals who possesses a valid commercial hook-and-line license.

“Year” means a calendar year.

**4VAC20-995-20. ENTRY LIMITATION; CATCH RESTRICTIONS; TRANSFERS.**

- A. The sale of commercial hook-and-line licenses shall be limited to registered commercial fishermen meeting either of the following two requirements, except as provided by subsection B of this section:
  - 1. The fisherman shall possess a valid Commercial Fisherman Registration License and eligibility for the commercial hook-and-line license by reporting sales of at least

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

1,000 pounds of seafood during the course of the previous two calendar years as documented by the commission's mandatory harvest reporting program.

2. The fisherman shall possess a valid and current striped bass permit issued by the Marine Resources Commission in accordance with Chapter 4 VAC 20-252-10 et seq.
- B. The fisherman otherwise qualified under subdivision A 1 of this section shall be granted an exemption from the requirement to report sales of at least 1,000 pounds of seafood during the course of the previous two calendar years as documented by the commission's mandatory harvest reporting system when the following conditions are met:
1. Exemptions shall be solely based on a documented medical condition or active military service that prevented the fisherman from fully satisfying the requirements described in subdivision A 1 of this section and,
  2. Exemptions shall only be granted by the commissioner or his designee.
- C. The maximum number of general hook-and-line licenses is established as 200.
- D. A random drawing for available commercial hook-and-line licenses shall be held annually should the number of licensees by the 5<sup>th</sup> day of January in the current calendar year be less than 200. Commercial Fisherman Registration Licensees who have reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two calendar years by the 5<sup>th</sup> day of January of the current calendar year, as documented by the commission's mandatory harvest reporting program, but do not currently possess a commercial hook-and-line license shall be eligible for the random drawing.
- E. Persons who are eligible to purchase a commercial hook-and-line license by meeting the provisions of subdivision A 2 of this section may take only striped bass by commercial hook and line.
- F. Any person licensed for commercial hook and line under the provisions of subdivision A 1 of this section may transfer such license to any registered commercial fisherman, provided:
1. The transferee has a Commercial Fisherman Registration License.
  2. Both the transferee and transferor have reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two calendar years by the 5<sup>th</sup> day of January, as documented by the commission's mandatory harvest reporting program.
  3. All transfers shall be documented on a form provided by the Marine Resources Commission and approved by the Marine Resources Commissioner or his designee. Upon approval, the person entering the commercial hook-and-line fishery shall

**"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"****CHAPTER 4VAC20-995-10 ET SEQ.**

purchase a commercial hook-and-line license in his own name.

4. Transfers of commercial hook-and-line licenses between immediate family members shall be exempt from the requirements provided in subdivision 2 of this subsection.
5. No commercial hook-and-line license shall be transferred more than once per calendar year.

**4VAC20-995-30. PROHIBITIONS.**

- A. It shall be unlawful for any person licensed under the provisions of 4VAC20-995-20 A 1 or 2 as a commercial hook-and-line fisherman to do any of the following unless otherwise specified:
  1. Fail to be on board the vessel when that vessel is operating in a commercial hook-and-line fishing capacity.
  2. Have more than three crew members, on board the vessel at any given time provided that:
    - a. Crew members do not need to be licensed commercial fishermen but shall be registered on a crew member list with the commission on an annual basis and in advance of any fishing in any year;
    - b. One crew member per vessel need not be registered on a crew member list;
    - c. The maximum number of crew members registered to any commercial hook-and-line licensee at any one time shall be 15;
    - d. Any crew registration list submitted by any commercial hook-and-line fisherman may be revised once per calendar year; and,
    - e. A legible and approved crew member list must be maintained on board the vessel during all commercial hook-and-line activities.
  3. Fail to display prominently the commercial hook-and-line decals, as provided by the commission, on the starboard and port sides of the vessel.
  4. Fish within 300 yards of any bridge, bridge-tunnel, jetty or pier from 6 p.m. Friday through 6 p.m. Sunday.
  5. Fish within 300 yards of any fixed fishing device.

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

6. Harvest black drum within 300 yards of the Chesapeake Bay-Bridge-Tunnel at any time.
  7. Fish recreationally on any commercial hook-and-line vessel during a commercial fishing trip.
  8. Use any hydraulic fishing gear or deck-mounted fishing equipment.
  9. Use any fishing rod and reel or hand line equipped with more than six hooks.
  10. Fish commercially with hook and line aboard any vessel licensed as a charter boat or head boat while carrying customers for recreational fishing.
- B. It shall be unlawful for any person to use a commercial hook and line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during Thanksgiving Day through the following day. It shall be unlawful for any person to use a commercial hook and line during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through 6 a.m. Friday.

**4VAC20-995-40. SPEAR FISHING.**

It shall be unlawful for any person to harvest fish for commercial purposes by any method of spear fishing.

**4VAC20-995-50. 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.

\*\*\*\*\*

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 October 30, 2018.

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY: Robert J. O'Reilly  
FOR: Steven G. Bowman  
Commissioner

Subscribed and sworn to before me this 1 day of November 2018.

Jennifer G. Farmer  
Notary Public

