

"PERTAINING TO GILL NET CONTROL DATE, LIMITED ENTRY AND TRANSFERS"  
CHAPTER 4 VAC 20-1190-10 ET SEQ.

**PREAMBLE**

This chapter establishes a control date, for management of all commercial gill net fisheries.

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 4VAC20-1190-10 et seq., which was promulgated by the Marine Resources Commission on October 27, 2009 and made effective December 1, 2009. The effective date of this chapter, as amended, is January 1, 2010.

**4 VAC 20-1190-10. Purpose.**

The purpose of this chapter is to establish a control date for conservation and management of the gill net fishery through limited entry.

**4 VAC 20-1190-15. Definitions.**

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

“Gill Net” means all gill nets up to 600 feet, or all gill nets over 600 feet and up to 1,200 feet, except any stake gill net of 1200 feet in length or under, with a fixed location.

**4 VAC 20-1190-20. Control Date.**

The Commission hereby establishes December 31, 2005, as the control date for management of all commercial gill net fisheries under its jurisdiction. Participation by any individual in a gill net fishery after the control date will not be considered in the calculation or distribution of gill net rights should any entry limitations be established. Any individual entering the gill net fishery after the control date will have no right to future participation in the gill net fishery should any entry limitations be established.

**4 VAC 20-1190-30. Limited Entry and Permits**

- A. Either a Class A Resident gill net permit, a Class A Non-Resident gill net permit, or a Class B gill net permit shall be required for a harvester before purchasing a gill net license.

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- B. A commercial fisherman shall be considered qualified for the Class A Resident gill net permit if they are a resident of the Commonwealth of Virginia, possess a valid Virginia Commercial Fisherman Registration License, and satisfies one of the following conditions:
1. Shall have possessed a valid Virginia gill net license prior to December 31, 2005;
  2. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 100 days, in any one year, from 2006 through 2008;
  3. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 60 days, in any two years, from 2006 through 2008.
- C. A commercial fisherman shall be considered qualified for the Class A Non-Resident gill net permit if they are not a resident of the Commonwealth of Virginia, possess a valid Virginia Commercial Fisherman Registration License, and satisfies one of the following conditions:
1. Shall have possessed a valid Virginia gill net license prior to December 31, 2005;
  2. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 100 days, in any one year, from 2006 through 2008;
  3. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 60 days, in any two years, from 2006 through 2008.
- D. A harvester shall be considered qualified for the Class B gill net permit if he does not satisfy the requirements described in 4 VAC 20-1190-30B or 4 VAC 20-1190-30C.

**4 VAC 20-1190-40. Permit Limitations**

- A. Class A Resident gill net permittees or Class A Non-Resident gill net permittees shall be authorized to purchase any number of gill net licenses, provided; however, the maximum footage associated with all purchased gill net licenses does not exceed 12,000 feet.

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- B. Class B gill net permittees shall be authorized to purchase any number of gill net licenses, provided; however, the maximum footage associated with all purchased gill net licenses does not exceed 6,000 feet.
- C. A person who does not qualify for either a Class A Resident gill net permit, Class A Non-Resident gill net permit or a Class B gill net permit shall not be authorized to purchase any gill net license.
- D. A legal gill net permit shall be in the possession of any gill net permittee, or his agent, who is placing, setting, or fishing that permittee's gill net.
- E. It shall be unlawful, for more than one gill net limited entry permittee aboard any vessel, at any time, to set, place or fish any gill nets, except those gill nets legally licensed to only one gill net permittee.

**4 VAC 20-1190-50. Permit Transfers**

- A. Class A Resident gill net permittees may only transfer that permit to another registered commercial fisherman who is a resident of the Commonwealth of Virginia. The transferor and the transferee shall have documented all prior fishing activity on Virginia mandatory reporting forms and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation. Transfers must be approved by the Commissioner, or his designee, and are permanent. The permanent transfer authorizes the transferee to possess a Class A Resident permit and the transferor shall lose his eligibility for that Class A Resident gill net permit.
- B. Class A Non-Resident gill net permittees may only transfer that permit to another commercial fisherman who is not a resident of the Commonwealth of Virginia. The transferor and the transferee shall have documented all prior fishing activity on Virginia mandatory reporting forms and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation. Transfers must be approved by the Commissioner, or his designee, and are permanent. The permanent transfer authorizes the transferee to possess a Class A Non-Resident permit and the transferor shall lose his eligibility for that Class A Non-Resident gill net permit.

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4 VAC 20-1190-60. 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 Newport News, Virginia, on November 24, 2009.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY: Jack A. Troubet  
for STEVEN G. BOWMAN  
COMMISSIONER

Subscribed and sworn to before me this 25th day of November, 2009.

Jane E. Warren  
Notary Public

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