

"PERTAINING TO TILEFISH AND GROUPEL"**CHAPTER 4VAC20-1120-10 ET SEQ.****PREAMBLE**

This chapter establishes recreational and commercial limitations on the harvest and landings of Tilefish and Groupers in Virginia.

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 4VAC20-1120-10 et seq., which was promulgated January 24, 2012 and made effective on February 1, 2012. The effective date of this chapter is May 1, 2012.

4VAC20-1120-10. PURPOSE.

The purpose of this chapter is to provide for the conservation of tilefish and grouper and to reduce the potential for overfishing by establishing limits on the harvest and landing of these fish.

4VAC20-1120-20. DEFINITIONS.

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

“Commercial fishing” or “fishing commercially” or “commercial fishery” means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

“Grouper” means any of the following species:

Black grouper, *Mycteroperca bonaci*
Coney, *Cephalopholis fulva*
Gag grouper, *Mycteroperca microlepis*
Goliath grouper, *Epinephelus itajara*
Graysby, *Cephalopholis cruentata*
Misty grouper, *Epinephelus mystacinus*
Nassau grouper, *Epinephelus striatus*
Red grouper, *Epinephelus morio*
Red Hind, *Epinephelus guttatus*
Rock Hind, *Epinephelus adscensionis*
Scamp, *Mycteroperca phenax*
Snowy grouper, *Epinephelus niveatus*
Speckled Hind, *Epinephelus drummondhayi*
Tiger grouper, *Mycteroperca tigris*

"PERTAINING TO TILEFISH AND GROUPER"

CHAPTER 4VAC20-1120-10 ET SEQ.

Warsaw grouper, *Epinephelus nigritus*
Wreckfish, *Polyprion americanus*
Yellowedge grouper, *Epinephelus flavolimbatus*
Yellowfin grouper, *Mycteroperca venenosa*
Yellowmouth grouper, *Mycteroperca interstitialis*

"Recreational fishing" or "fishing recreationally" or "recreationally fishing" means fishing by any person, whether licensed or exempted from licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Tilefish" means any of the following species:

Blueline tilefish, *Caulolatilus microps*
Golden tilefish, *Lopholatilus chamaeleonticeps*
Sand tilefish, *Malacanthus plumieri*

4VAC20-1120-30. RECREATIONAL HARVEST AND POSSESSION LIMIT.

- A. The recreational harvest, landing and possession limit for tilefish, as described in 4VAC20-1120-20, shall be seven fish. It shall be unlawful for any person to recreationally harvest, land or possess more than seven tilefish within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for tilefish shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by seven. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.
- B. The recreational harvest, landing and possession limit for grouper, as described in 4VAC20-1120-20, shall be one fish. It shall be unlawful for any person to recreationally harvest, land or possess more than one grouper within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for grouper shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by one. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

4VAC20-1120-31. RECREATIONAL LANDING PERMIT.

It shall be unlawful to possess aboard or to land from any private recreational fishing vessel, charter boat, or head boat, any tilefish or grouper harvested recreationally without first having obtained a Tilefish and Grouper Landing Permit for that vessel from the Marine Resources Commission. Such

"PERTAINING TO TILEFISH AND GROUPER"

CHAPTER 4VAC20-1120-10 ET SEQ.

permit shall be completed in full by the vessel owner or operator, approved by the Commissioner or his designee, and a copy shall be kept with the permittee while tilefish or grouper is in the possession of that permittee.

4VAC20-1120-32. RECREATIONAL MANDATORY HARVEST REPORTING.

- A. It shall be unlawful for any registered Tilefish and Grouper Landing Permittee, as described in 4 VAC 20-1120-31, to fail to fully report harvests and related information as set forth in this chapter and as provided by 4 VAC 20-610-60.
- B. Registered Tilefish and Grouper Landing Permittees shall complete a daily form that accurately enumerates and legibly describes that permittee's daily harvest from Virginia tidal and federal waters. The form used to record daily harvest shall be that provided by the commission or approved by the commission.
- C. Registered Tilefish and Grouper Landing Permittees shall submit a monthly harvest report to the commission no later than the fifth day of the following month. This report shall be accompanied by the daily harvest records described in subsection D of this section. Completed forms shall be mailed or delivered to the commission or other designated locations.
- D. The monthly harvest report and daily harvest records from registered Tilefish and Grouper Landing Permittees shall include the name and signature of the registered Tilefish and Grouper Landing Permittee and his license number; date of harvest; city or county of landing; water body fished; gear type and amount used; number of hours fished; number of individuals on board, including captain; species harvested; number of discard by species; live weight of each individual species harvested; and vessel identification (Coast Guard documentation number, Virginia license number, or hull/VIN number).

4VAC20-1120-40. COMMERCIAL LIMITATIONS.

- A. It shall be unlawful for any person harvesting tilefish when commercial fishing, as described in 4VAC20-1120-20, to do any of the following:
 - 1. Possess aboard any vessel in Virginia waters any amount of tilefish species, in excess of 500 pounds whole weight or 455 pounds gutted weight.
 - 2. Possess aboard any vessel in Virginia waters any amount of blueline tilefish in excess of 300 pounds whole weight or 273 pounds gutted weight.

"PERTAINING TO TILEFISH AND GROUPER"

CHAPTER 4VAC20-1120-10 ET SEQ.

- 3. Possess aboard any vessel any amount of golden tilefish during any in-season closure announced by the National Marine Fisheries Service.
- B. It shall be unlawful for any vessel to land in Virginia more than 175 pounds of grouper, as described in 4VAC20-1120-20, per day when commercial fishing.
- C. It shall be unlawful for any person to transfer at sea to another person or vessel any harvest of tilefish or grouper.

4VAC20-1120-50. 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 April 24, 2012.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: Jack G. Travelstead
Jack G. Travelstead
Acting Commissioner

Subscribed and sworn to before me this 27th day of April, 2012.

JANE E. WARREN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7191792
My Commission Expires 3/3/16

Jane E. Warren
Notary Public