

"PERTAINING TO THE CATCHING OF EELS"

CHAPTER 4VAC20-500-10 ET SEQ.

PREAMBLE

This chapter establishes a minimum mesh size and escape panels for eel pots, and prohibits the taking of elvers except for research and aquaculture purposes. This chapter also establishes a recreational size limit and possession limits on eels.

This chapter is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts previous Chapter 4 VAC 20-500-10 et seq. which was adopted December 10, 2013 and was effective January 1, 2014. The effective date of this chapter is January 1, 2015.

4VAC20-500-10. PURPOSE.

The purpose of this chapter is to provide for appropriate conservation of eels, to reduce the possibility of growth overfishing, and to prevent waste of small eels.

4VAC20-500-20. DEFINITION.

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

"Eel" or "eels" as described in this chapter, means the eel species *Anguilla rostrata*.

"Elver" means any eel of less than six inches in total length.

"Land" or "landing" means to enter port with eels on board any boat or vessel, to begin offloading eels or to offload eels.

4VAC20-500-30. RESCISSION.

4 VAC 20-180-10 is rescinded, and its provisions are amended and readopted in 4 VAC 20-500-40 of this chapter.

4VAC20-500-35. MINIMUM SIZE LIMIT.

It shall be unlawful for any individual to take, catch, possess, or land any eels less than 9 inches in length.

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4VAC20-500-40. ELVERS.

It shall be unlawful for any individual to possess elvers; provided however, that elvers may be taken (i) for research only by duly appointed representatives of any institution of higher education in Virginia and by other parties when specifically authorized in writing by the Commissioner of Marine Resources or (ii) by those individuals who are approved for a permit for eel aquaculture by the commission.

4VAC20-500-45. COMMERCIAL SEASON, PERMITS, AND REPORTING.

A. It shall be unlawful for any individual to harvest, take, catch, possess, or land any eels from September 1 through December 31 from any commercial gear, except from pots and traps.

B. It shall be unlawful for any individual legally licensed as a commercial seafood buyer to purchase or receive any quantity of eel landed in Virginia, by any legally licensed harvester, without first obtaining an Eel Buyer Permit from the commission.

C. It shall be unlawful for any individual to self market any eels to any person or business, unless that individual possesses a current Eel Self-Market Permit obtained from the commission.

D. It shall be unlawful for any Eel Self-Market Permittee to fail to report daily landing records of eels to the commission. These reports shall be completed in full and submitted monthly to the Marine Resources Commission no later than the fifth day of the following month.

E. It shall be unlawful for any Eel Buyer Permittee to purchase or receive eel landed in Virginia to fail to provide written reports to the commission of daily purchases and harvest information on forms provided by the Marine Resources Commission. Each Eel Buyer Permittee will provide the commission the date of purchase, the harvester's Commercial Fisherman Registration License number, weight of eel purchased, and gear type. These reports shall be completed in full and submitted monthly to the Marine Resources Commission no later than the fifth day of the following month.

4VAC20-500-50. MINIMUM MESH SIZE.

A. It shall be unlawful for any individual to place, set, or fish any eel pot in Virginia tidal waters which has a mesh less than 1/2-inch by 1/2-inch.

B. It shall be unlawful for any individual to place, set, or fish any 1/2-inch by 1/2-inch mesh rectangular or square eel pot unless such pot contains at least one unrestricted 4-inch by 4-inch escape panel consisting of 1/2-inch by 1-inch mesh. In addition, it shall be unlawful for any individual to place, set, or fish any 1/2-inch by 1/2-inch mesh

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cylindrical eel pot unless such pot contains at least one unrestricted 4-inch square escape panel of 1/2-inch by 1-inch mesh.

4VAC20-500-55. POSSESSION LIMIT.

- A. It shall be unlawful for any individual fishing with recreational hook and line, rod and reel, spear, gig, or other recreational gear to possess more than 25 eels per day, except as described in subsection B of this section for charter boats and head boats. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of individuals on board legally eligible to fish multiplied by 25, except as described in subsection B of this section for charter boats and head boats. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any eel taken after the possession limit has been reached shall be returned to the water immediately.
- B. It shall be unlawful for any captain or mate of any legally licensed charter boat or head boat to possess more than 50 eels per day. When fishing is from a charter boat or head boat, where the entire catch is held in a common hold or container, the possession limit shall be for the charter boat or head boat and shall be equal to the number of captains and mates on board legally eligible to fish multiplied by 50. Passengers on any charter boat or head boat shall possess no more than 25 eels per passenger per day. The captain or operator of the charter boat or head boat shall be responsible for any possession limit. Any eel taken after the possession limit has been reached shall be returned to the water immediately.
- C. Possession of any quantity of eel that exceeds the possession limit described in subsection A or B of this section shall be presumed to be for commercial purposes.

4VAC20-500-60. 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.

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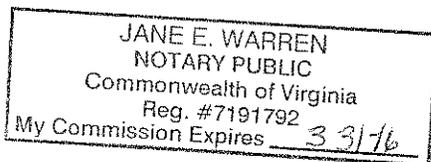
This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on December 9, 2014.

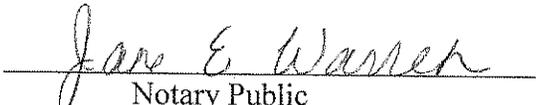
COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY:


John M. R. Bull
Commissioner

Subscribed and sworn to before me this 16th day of December, 2014.




Notary Public