**"PERTAINING TO SCUP (PORGY)"**

**CHAPTER 4 VAC 20-910-10 ET SEQ.**

## PREAMBLE

This chapter establishes minimum size limits, gear restrictions, and quotas for the harvest of scup (porgy). This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia. This chapter amends and re-adopts, as amended, Chapter 4 VAC 20-910-10 et seq., which was adopted on October 28, 2014 and made effective November 1, 2014. The effective date of this chapter, as amended, is June 1, 2015.

### 4 VAC 20-910-10. Purpose.

The purpose of this chapter is to (i) reduce fishing mortality and increase the size of the scup spawning stock; (ii) improve yield from the commercial and recreational fisheries; (iii) promote compatible measures between the states and federal fishery jurisdictions; and (iv) maintain compliance with the Interstate Fishery Management Plan for Scup as required by the Atlantic Coastal Fisheries Cooperative Management Act (16 USC §5101 et seq.).

### 4 VAC 20-910-20. Definitions.

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

"Scup" means any fish of the species *Stenotomus chrysops*, commonly referred to as porgy.

### 4 VAC 20-910-30. Minimum size limits.

A. The minimum size of scup harvested by commercial fishing gear shall be nine inches total length.

B. The minimum size of scup harvested by recreational fishing gear including, but not limited to, hook and line, rod and reel, spear, and gig shall be eight inches, total length.

C. Length shall be measured in a straight line from tip of nose to tip of tail.

D. It shall be unlawful for any person to catch and retain possession of any scup smaller than the above designated minimum sizes in subsections A and B of this section.

E. It shall be unlawful for any person to sell, trade, barter, or offer to sell, trade or barter any scup less than nine inches, total length.

### 4 VAC 20-910-40. Gear restrictions.

It shall be unlawful for any person to place, set, or fish any fish pot in Virginia tidal waters for

the purposes of harvesting scup or to land in Virginia scup harvested by fish pots which are not constructed as follows:

1. With an escape vent of 2.25 inches square dimension or 3.1 inches diameter circular dimension, and

2. With hinges and fasteners on one panel or door made of the following materials:

a. Untreated hemp, jute, or cotton string of 3/16 inches diameter or smaller,

b. Magnesium alloy, timed float releases or similar magnesium alloy fasteners, or

c. Ungalvanized or uncoated iron wire of 0.094 inches diameter or smaller.

**4 VAC 20-910-45. Possession limits and harvest quotas.**

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than 50,000 pounds of scup.

2. Land in Virginia more than a total of 50,000 pounds of scup during each consecutive 7-day landing period, with the first 7-day period beginning on January 1.

B. When it is projected and announced that 80% of the coastwide quota for this period has been attained, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than a total of 1,000 pounds of scup.

C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 18,000 pounds of scup.

D. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to 13,646 pounds.

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig, or other recreational gear to possess more than 30 scup. 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 persons on board legally eligible to fish multiplied by 30. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

**4 VAC 20-910-50. 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.

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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 May 26, 2015.

**COMMONWEALTH OF VIRGINIA**
**MARINE RESOURCES COMMISSION**

BY: _____
**John M. R. Bull**
**Commissioner**

Subscribed and sworn to before me this 28th day of May, 2015.

Michele Guilford
Notary Public

MICHELE GUILFORD
NOTARY PUBLIC
REG. #7302832
MY COMMISSION EXPIRES 4/30/2017
COMMONWEALTH OF VIRGINIA