

"PERTAINING TO TILEFISH AND GROUPER"

CHAPTER 4 VAC 20-1120-10 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 4 VAC 20-1120-10 et seq., which was promulgated April 24, 2012 and made effective on May 1, 2012. The effective date of this chapter is January 1, 2017.

4 VAC 20-1120-10. 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.

4 VAC 20-1120-20. 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*
- Warsaw grouper, *Epinephelus nigritus*
- Wreckfish, *Polyprion americanus*

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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.

"Recreational vessel" means any private vessel, charter vessel or headboat vessel.

"Tilefish" means any of the following species:

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

4 VAC 20-1120-30. RECREATIONAL HARVEST AND POSSESSION LIMIT.

- A. The recreational harvest, landing and possession limit for tilefish, as described in 4 VAC 20-1120-20, 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 4 VAC 20-1120-20, 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.

4 VAC 20-1120-31. RECREATIONAL LANDING PERMIT.

It shall be unlawful to possess aboard or to land any Tilefish or Grouper harvested recreationally without first having obtained an Individual, Private Vessel, or Charter-Headboat Tilefish and Grouper Landing Permit from the Marine Resources Commission.

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- A. It shall be unlawful for any registered Tilefish and Grouper Landing Permittee, as described in 4 VAC 20-1120-31, to fail to report trips where Tilefish or Grouper were caught, whether harvested or released, or the possession of any Tilefish or Grouper in accordance with this section, on forms provided by the commission within seven days after the trip occurred. It shall be unlawful for any permittee to fail to report trips where Tilefish or Grouper were targeted but not successfully caught on forms provided by the commission by the 15th day after the close of the Tilefish and Grouper recreational fishery seasons.
- B. Any Individual Tilefish and Grouper Landing Permittee shall submit a report including the Commission permit identification number of the registered Tilefish and Grouper Landing Permittee; Commission permit identification number of the vessel the individual is fishing from, if applicable; date of harvest; number of individuals on board, including captain; and the number of Tilefish and Grouper, by species, kept and released.
- C. Any Private Vessel or Charter-Headboat Recreational Tilefish and Grouper Landing Permittee shall provide the vessel's Commission permit identification number; date of any harvest; number of individuals on board; and number of Tilefish and Grouper, by species, kept and released. Any such permittee must report all trips made by the vessel to which the permit applies where Tilefish and Grouper are caught or targeted even if the permittee was not on board the vessel during every such trip.
- D. Any permittee who did not participate in the Tilefish and Grouper recreational fishery season shall notify the commission of their lack of participation by the 15th day after the close of the Tilefish and Grouper recreational fishery seasons.
- E. Any permittee who fails to report the harvest of any Tilefish or Grouper shall be ineligible to receive the permit in the year following the year where that permittee failed to report. Any permittee who did not participate in the recreational Tilefish and Grouper recreational fishery season and fails to report no activity shall also be ineligible to receive the permit in the year following the year where that permittee failed to report.

4 VAC 20-1120-40. COMMERCIAL LIMITATIONS.

- A. It shall be unlawful for any person harvesting tilefish when commercial fishing, as described in 4 VAC 20-1120-20, 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.

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- 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.
- 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 4 VAC 20-1120-20, 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.

4 VAC 20-1120-50. 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 December 13, 2016.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

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

Subscribed and sworn to before me this 19th day of December 2016.

Jennifer G. Farmer
Notary Public

