

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4VAC20-510-10 ET SEQ.

**PREAMBLE**

This chapter establishes possession limits and minimum size limits for cobia and amberjack in Virginia waters.

This chapter is promulgated pursuant to authority contained in §§28.2-201 of the Code of Virginia. This chapter amends and re-adopts previous Chapter 4 VAC 20-510-10 et seq. which was adopted on May 24, 2016 and effective on June 1, 2016. The effective date of this chapter, as amended, is January 1, 2017.

**4VAC20-510-10. PURPOSE.**

The purpose of this chapter is to control the harvest, protect the spawning stocks, minimize the possibility of recruitment failure and increase yield in the amberjack and cobia fisheries. The provisions pertaining to aquaculture serve to prevent cobia raised in an aquaculture facility from being placed into Virginia waters and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

**4 VAC 20-510-12. DEFINITIONS.**

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

“Recreational vessel” means any private vessel, charter vessel or headboat vessel.

**4VAC20-510-15. RECREATIONAL COBIA PERMIT AND MANDATORY REPORTING.**

- A. It shall be unlawful for any person to possess or land any cobia harvested recreationally without first having obtained an Individual, Private Vessel, or Charter-Headboat Recreational Cobia Permit from the Marine Resources Commission.
  
- B. It shall be unlawful for any permittee to fail to report trips where cobia were caught, whether harvested or released, or the possession of any cobia 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 cobia were targeted but not successfully caught by the 15<sup>th</sup> day after the close of the recreational cobia fishery season. The reporting requirements shall be as follows:

- 1. Any Individual Recreational Cobia Permittee shall provide their own

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Commission permit identification number; the Commission permit identification number of the recreational vessel the individual is fishing from, if applicable; the date of any harvest; and the number of cobia kept or released.

2. Any Private Vessel or Charter-Headboat Recreational Cobia Permittee shall provide the vessel's Commission permit identification number; the date of any harvest; the number of individuals on board; and number of cobia kept or released. Any such permittee must report all trips made by the vessel to which the permit applies where cobia are caught or targeted even if the permittee was not on board the vessel during every such trip.
3. Any permittee who did not participate in the recreational cobia season shall notify the commission of their lack of participation by the 15<sup>th</sup> day after the close of the recreational cobia season on forms provided by the commission.
4. Any permittee who fails to report the harvest of cobia shall be ineligible to receive an Individual, Private Vessel, or Charter-Headboat Recreational Cobia Permit in the year following the year where that permittee failed to report. Any permittee who did not participate in the recreational cobia season and fails to report no activity shall also be ineligible to receive an Individual, Private Vessel, or Charter-Headboat Recreational Cobia Permit in the year following the year where that permittee failed to report.

**4VAC20-510-20. RECREATIONAL FISHERY POSSESSION LIMITS; SEASON CLOSURE; VESSEL ALLOWANCE; AND, PROHIBITION ON GAFFING.**

- A. It shall be unlawful for any person fishing recreationally to possess more than two amberjack or more than one cobia at any time. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any 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 two for amberjack or one for cobia, except there is a maximum vessel limit of two cobia per vessel per day. That vessel limit may only include one cobia greater than 50 inches in total length. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.
- B. In 2016 it shall be unlawful for any person, fishing recreationally, to harvest or possess any cobia after August 30<sup>th</sup>.

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- C. It shall be unlawful for any person fishing recreationally to gaff or attempt to gaff any cobia.

**4VAC20-510-25. COMMERCIAL FISHERY POSSESSION LIMITS**

It shall be unlawful for any person fishing commercially to possess more than two amberjack or more than two cobia at any time, except as described in 4VAC 20-510-33. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any 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 two. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

**4VAC20-510-30. MINIMUM SIZE LIMITS.**

- A. It shall be unlawful for any person to take, catch or have in possession any amberjack less than 32 inches in total length.
- B. It shall be unlawful for any person fishing commercially to take, harvest or possess any cobia less than 37 inches in total length.
- C. It shall be unlawful for any person to take, catch or have in possession any recreationally harvested cobia less than 40 inches in total length.
- D. Total length is measured in a straight line from tip of nose to tip of tail.

**4VAC20-510-33. EXCEPTIONS TO POSSESSION LIMITS AND MINIMUM SIZE LIMITS.**

- A. Nothing in 4VAC20-510-25 shall limit the possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as buyer, wholesaler or retailer.
- B. Nothing in 4VAC20-510-25 and 4VAC20-510-30 shall limit the possession of cobia by an aquaculture facility that is permitted in accordance with the provisions of 4VAC20-510-35.
- C. Any person employed by a permitted cobia aquaculture facility for the purpose of harvesting cobia as broodstock for the aquaculture facility shall be exempt from the provisions of 4VAC20-510-20 and 4VAC20-510-30 provided that person

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possesses a scientific collection permit issued by the commissioner.

- D. The daily possession limit, for cobia, for any vessel operated by at least one legal commercial hook-and-line licensee shall be no more than 6 cobia, regardless of the number of crew on that vessel.

**4VAC20-510-35. AQUACULTURE OF COBIA; PERMIT REQUIRED.**

- A. Any person operating an aquaculture facility in which cobia that exceed the possession limit or are of sublegal size will be cultured, possessed, offered for sale or sold shall first obtain a permit from the commissioner for the facility. That permit shall exempt the facility from the possession requirements described in 4VAC20-510-20 and authorize the possession, culturing and sale of sublegal size cobia.
- B. The application for a cobia aquaculture permit shall list the name and address of the applicant, the type and location of the facility, and an estimate of production capacity. An aquaculture permit shall be valid for 10 years from the date of issue and may be renewed by the commissioner provided the permittee has complied with all of the provisions of this chapter. The issuance and continuation of any person's cobia aquaculture permit are contingent on that designated facility being open for inspection by the Marine Resources Commission for the purposes of determining compliance with this regulation. An aquaculture permit is not transferable.

**4VAC20-510-37. SALE, RECORDS, IMPORTATION, RELEASE.**

- A. All cobia produced by an aquaculture facility permitted under this section shall be packaged prior to sale with a printed label indicating the product is of aquaculture origin. When packaged and labeled according to these requirements, such fish may be transported and sold at retail or wholesale or for commercial distribution through normal channels of trade until reaching the consumer.
- B. Cobia that measure less than the lawful minimum size described in 4VAC20-510-30 B but are the product of a permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section.
- C. Release of live fish. Under no circumstance shall any cobia produced by an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the

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commissioner and having received written permission from the commissioner.

4VAC20-510-40. 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 19<sup>th</sup> day of December 2016.

*Jennifer G. Farmer*  
Notary Public

