

“PERTAINING TO THE REMOVAL OF GILL NETS AND OTHER NON-FIXED FINFISHING GEAR”

REGULATION 4 VAC 20-550-10 ET. SEQ.

§ 4VAC20-550-10 Purpose.

The purpose of this chapter is to ensure that gill nets and other nonfixed finfishing gear are properly fished and to establish procedures for the removal of those nets which are abandoned or improperly fished.

Statutory Authority §28.2-201 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0072 §1; eff. June 8, 1991; amended, Virginia Register Volume 11, Issue 22, eff. July 1, 1995.

§ 4VAC20-550-20 Fishing requirement; notification procedures.

A. It shall be unlawful for any person to set any gill net or nonfixed finfishing device and let said net or device remain unfished.

B. If, upon visual observation, any Marine Patrol Officer determines on reasonable evidence that any gill net or nonfixed finfishing device has not been fished, he shall notify the licensee as established in subsection C of this section, and if the licensee fails to fish or remove said gill net or nonfixed finfishing device within 24 hours after notification, the licensee shall be guilty of a violation of this chapter and the Marine Patrol Officer is authorized to confiscate said gill net or nonfixed finfishing device.

C. A verbal warning by a Marine Patrol Officer to the licensee by telephone or in person, or the placement of a warning tag on the gill net or nonfixed device adjacent to the license tag shall constitute notification to the licensee of a potential violation. Warning tags shall explain that the gear must be fished or removed from the water within 24 hours or the gear will be confiscated.

§ 4VAC20-550-30 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.

Statutory Authority §28.2-201 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0072 §3; eff. June 8, 1991; amended, Virginia Register Volume 11, Issue 21, eff. July 1, 1995.

"PERTAINING TO THE REMOVAL OF GILL NETS AND OTHER NON-FIXED FINFISHING GEAR"**REGULATION 450-01-0072****PREAMBLE**

This regulation establishes procedures for the confiscation of gill nets and other moveable fishing devices which are abandoned or improperly fished.

This regulation is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This regulation amends and re-adopts prior Regulation 450-01-0072 that was adopted by the Marine Resources Commission on May 28, 1991 and was effective June 8, 1991. The effective date of this regulation is July 1, 1995.

§1. PURPOSE:

The purpose of this regulation is to ensure that gill nets and other non-fixed finfishing gear are properly fished and to establish procedures for the removal of those nets which are abandoned or improperly fished.

§2. FISHING REQUIREMENT; NOTIFICATION PROCEDURES:

- A. It shall be unlawful for any person, to set any gill net or non-fixed finfishing device and let said net or device remain unfished.
- B. If, upon visual observation, any Marine Patrol Officer determines on reasonable evidence that any gill net or non-fixed finfishing device has not been fished, he shall notify the licensee as established in Section 2.C of this regulation and if the licensee fails to fish or remove said gill net or non-fixed finfishing device within 24 hours after notification, the licensee shall be guilty of a violation of this regulation and the Marine Patrol Officer is authorized to confiscate said gill net or non-fixed finfishing device.
- C. A verbal warning by a Marine Patrol Officer to the licensee by telephone or in person, or the placement of a warning tag on the gill net or non-fixed device adjacent to the license tag shall constitute notification to the licensee of a potential violation. Warning tags shall explain that the gear must be fished or removed from the water within 24 hours or the gear will be confiscated.

"PERTAINING TO THE REMOVAL OF GILL NETS AND OTHER NON-FIXED
FINFISHING GEAR"

REGULATION 450-01-0072

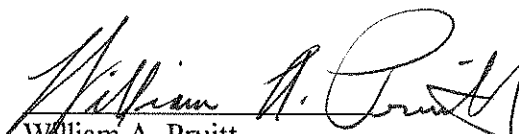
§3. PENALTY:

As set forth in §28.2-903 of the Code of Virginia, any person, violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this regulation committed by the same person within twelve 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 regulation passed by the Marine Resources Commission, pursuant to the authority vested in the Commission by §28.2-201 of the Code of Virginia and recorded in the Commission's minute book, at its meeting held in Newport News, Virginia on June 27, 1995.

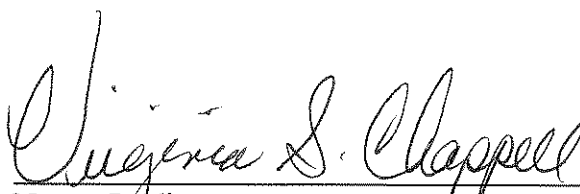
COMMONWEALTH OF VIRGINIA
Marine Resources Commission

BY:


William A. Pruitt
Commissioner

Subscribed and sworn to before me on this 27th day of June, 1995..

My Commission expires June 30, 1997.


Notary Public