

"PERTAINING TO COMMERCIAL HOOK-AND-LINE FISHING"

CHAPTER 4VAC20-995-10 ET SEQ.

PREAMBLE

This chapter establishes a limited commercial hook-and-line fishery in Virginia tidal waters. Its provisions are designed to provide for a viable commercial fishery, while minimizing impacts on fully utilized fish stocks and conflicts with the recreational fishery.

This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-204.1 of the Code of Virginia.

This chapter amends previous Chapter 4 VAC 20-995-10 et seq., "Pertaining to Commercial Hook-and-Line Fishing," which was promulgated on February 27, 2001 and effective March 1, 2001. The effective date of this chapter is December 1, 2010.

**4VAC20-995-10. PURPOSE.**

The purpose of this chapter is to establish a viable commercial hook-and-line fishery in Virginia tidal waters while minimizing the potential for overharvesting of Virginia's fishery stocks and conflicts with the recreational fishery.

**4VAC20-995-15. DEFINITION.**

The following word, when used in this chapter, shall have the following meaning, unless the context indicates otherwise:

"Year" means a calendar year.

**4VAC20-995-20. ENTRY LIMITATION; CATCH RESTRICTIONS; TRANSFERS.**

- A. The sale of commercial hook-and-line licenses shall be limited to registered commercial fishermen meeting either of the following two requirements, except as provided by subsection B of this section:
1. The fisherman shall have held a 1996 commercial hook-and-line license or a 1997 commercial hook-and-line license which was purchased prior to August 26, 1997, provided the fisherman has reported sales of at least 1,000 pounds of seafood during the course of the previous two years as documented by the commission's mandatory harvest reporting program.
  2. The fisherman shall hold a valid and current striped bass permit issued by the Marine Resources Commission.

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- B. The fisherman otherwise qualified under subdivision A 1 of this section shall have been granted an exemption from the requirement to report sales of at least 1,000 pounds of seafood during the course of the previous two years as documented by the commission's mandatory harvest reporting system.
1. Exemptions shall solely be based only on documented medical hardships or active military leave that prevented the fisherman from fully satisfying the requirements described in subdivision A 1 of this section.
  2. Exemptions may only be granted by the commissioner or his designee.
- C. The maximum number of general hook-and-line licenses is established as 200.
- D. A random drawing, for available commercial hook-and-line licenses, shall be held annually, should the number of licensees at the start of any year be less than 200. Commercial Fisherman Registration Licensees who have reported sales of at least 1,000 pounds, of seafood harvest, during the course of the previous two years, by the 5<sup>th</sup> day of January, as documented by the commission's mandatory harvest reporting program but do not currently possess a hook-and-line license, shall be eligible for the random drawing.
- E. Persons who are eligible to purchase a commercial hook-and-line license by meeting the provisions of subdivision A 2 of this section may take only striped bass by commercial hook and line.
- F. Any person licensed for commercial hook and line under the provisions of subdivision A 1 of this section may transfer such license to any registered commercial fisherman, provided:
1. The transferee has a Commercial Fisherman Registration License.
  2. The transferee has reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two years, by the 5<sup>th</sup> day of January, as documented by the commission's mandatory harvest reporting program.
  3. All transfers shall be documented on a form provided by the Marine Resources Commission, and approved by the Marine Resources Commissioner, or his designee. Upon approval, the person entering the commercial hook-and-line fishery shall purchase a commercial hook-and-line license in his own name.
  4. Transfers of commercial hook-and-line licenses between family members shall be exempt from the requirements provided in subdivision 2 of this subsection.
  5. No commercial hook-and-line license shall be transferred more than once per calendar year.

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4VAC20-995-30. PROHIBITIONS.

- A. It shall be unlawful for any person licensed under the provisions of 4VAC20-995-20 A 1 or 2 as a commercial hook-and-line fisherman to do any of the following unless otherwise specified:
1. Fail to be on board the vessel when that vessel is operating in a commercial hook-and-line fishing capacity.
  2. Have more than three crew members, who need not be registered commercial fishermen, on board provided that:
    - a. crew members shall be registered with the commission on an annual basis and in advance of any fishing in any year, except that one crew member per vessel need not be registered
    - b. the maximum number of crew members registered, at any one time, shall be 15; and,
    - c. any crew registration list submitted by any commercial hook-and-line fisherman may be revised once per year.
  3. Fail to display prominently the commercial hook-and-line license plates, as provided by the commission, on the starboard and port sides of the vessel.
  4. Fish within 300 yards of any bridge, bridge-tunnel, jetty or pier from 6 p.m. Friday through 6 p.m. Sunday.
  5. Fish within 300 yards of any fixed fishing device.
  6. Harvest black drum within 300 yards of the Chesapeake Bay-Bridge-Tunnel at any time.
  7. Fish recreationally on any commercial hook-and-line vessel during a commercial fishing trip.
  8. Use any hydraulic fishing gear or deck-mounted fishing equipment.
  9. Use any fishing rod and reel or hand line equipped with more than six hooks.
  10. Fish commercially with hook and line aboard any vessel licensed as a charter boat or head boat while carrying customers for recreational fishing.

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B. It shall be unlawful for any person to use a commercial hook-and-line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during Thanksgiving Day and the following day or during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through 6 a.m. Friday.

4VAC20-995-40. SPEAR FISHING.

It shall be unlawful for any person to harvest fish for commercial purposes by any method of spear fishing.

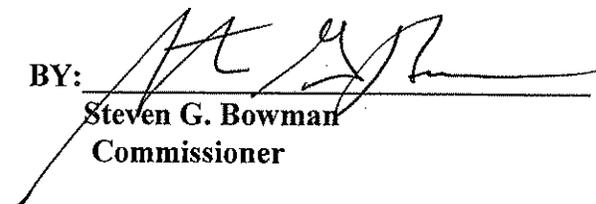
4VAC20-995-50. PENALTY.

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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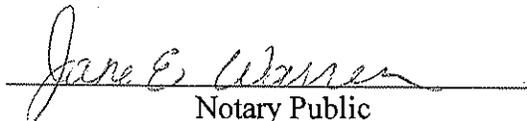
This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on November 23, 2010.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY:   
Steven G. Bowman  
Commissioner

Subscribed and sworn to before me this 29th day of November, 2010.

JANE E. WARREN  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7191792  
My Commission Expires 3-31-2012

  
Notary Public