

"PERTAINING TO GILL NET CONTROL DATE"

CHAPTER 4 VAC 20-1190-10 ET SEQ.

PREAMBLE

This chapter establishes a control date, gear specifications, limited entry, transfer and licensing requirements for conservation and management of all commercial gill net fisheries.

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 20-1190-10 et seq., which was promulgated by the Marine Resources Commission on November 24, 2009 and made effective January 1, 2010. The effective date of this chapter, as amended, is May 1, 2025.

4 VAC 20-1190-10. Purpose.

The purpose of this chapter is to establish a control date, gear specifications, limited entry, transfer and licensing requirements for conservation and management of the gill net fishery.

4 VAC 20-1190-15. Definitions.

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

“Extended drift gill net” means a drift gill net not to exceed 6,000 feet in total length, where one end is attached to a vessel.

“Gill Net” means all gill nets up to 600 feet, or all gill nets over 600 feet and up to 1,200 feet, except any stake gill net of 1,200 feet in length or under, with a fixed location or any extended drift gill net.

4 VAC 20-1190-20. Control Date.

The Commission hereby establishes December 31, 2005, as the control date for management of all commercial gill net fisheries under its jurisdiction. Participation by any individual in a gill net fishery after the control date will not be considered in the calculation or distribution of gill net rights should any entry limitations be established. Any individual entering the gill net fishery after the control date will have no right to future participation in the gill net fishery should any entry limitations be established.

4 VAC 20-1190-30. Limited Entry and Permits

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- A. Either a Class A Resident Gill Net Permit, a Class A Non-Resident Gill Net Permit, or a Class B Gill Net Permit shall be required for a harvester before purchasing a gill net license.
- B. A commercial fisherman shall be considered qualified for the Class A Resident Gill Net Permit if the commercial fisherman is a resident of the Commonwealth of Virginia, possess a valid Virginia Commercial Fisherman Registration License, and satisfies one of the following conditions:
 - 1. Shall have possessed a valid Virginia gill net license prior to December 31, 2005;
 - 2. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 100 days, in any one year, from 2006 through 2008;
 - 3. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 60 days, in any two years, from 2006 through 2008.
- C. A commercial fisherman shall be considered qualified for the Class A Non-Resident Gill Net Permit if the commercial fisherman is not a resident of the Commonwealth of Virginia, possess a valid Virginia Commercial Fisherman Registration License, and satisfies one of the following conditions:
 - 1. Shall have possessed a valid Virginia gill net license prior to December 31, 2005;
 - 2. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 100 days, in any one year, from 2006 through 2008;
 - 3. Shall have possessed a valid Virginia gill net license and documented on Virginia mandatory reporting forms harvest from legally licensed gill nets for at least 60 days, in any two years, from 2006 through 2008.
- D. A harvester shall be considered qualified for the Class B Gill Net Permit if the harvester does not satisfy the requirements described in subsection B or C of this section.

4 VAC 20-1190-40. Permit Limitations

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- A. Class Resident Gill Net permittees or Class A Nonresident Gill Net permittees shall be authorized to purchase any number of gill net licenses, provided the maximum footage associated with all purchased gill net licenses does not exceed 12,000 feet.
- B. Class B gill net permittees shall be authorized to purchase any number of gill net licenses, provided; however, the maximum footage associated with all purchased gill net licenses does not exceed 6,000 feet.
- C. A person who does not qualify for either a Class A Resident Gill Net Permit, a Class A Nonresident Gill Net Permit, or a Class B Gill Net Permit shall not be authorized to purchase any gill net license.
- D. A legal gill net permit shall be in the possession of any gill net permittee or the permittee's agent who is placing, setting, or fishing that permittee's gill net.
- E. It shall be unlawful for more than one gill net limited entry permittee aboard any vessel at any time to set, place or fish any gill nets, except those gill nets legally licensed to only one gill net permittee.

4 VAC 20-1190-50. Permit Transfers

- A. Class A Resident Gill Net permittees may only transfer that permit to another registered commercial fisherman who is a resident of the Commonwealth of Virginia. The transferor and the transferee shall have documented all prior fishing activity on Virginia mandatory reporting forms and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation. Transfers must be approved by the commissioner, or the commissioner's designee, and are permanent. The permanent transfer authorizes the transferee to possess a Class A Resident Gill Net Permit, and the transferor shall lose his eligibility for that Class A Resident Gill Net Permit.
- B. Class A Nonresident Gill Net permittees may only transfer that permit to another commercial fisherman who is not a resident of the Commonwealth of Virginia. The transferor and the transferee shall have documented all prior fishing activity on Virginia mandatory reporting forms and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation. Transfers must be approved by the commissioner, or the commissioner's designee, and are permanent. The permanent transfer authorizes the transferee to possess a Class A nonresident permit Nonresident Gill Net Permit, and the transferor shall lose his eligibility for that Class A Nonresident Gill Net Permit.

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4VAC 20-1190-55. Extended drift gill nets.

- A. It shall be unlawful to operate an extended drift gill net anywhere except within the mainstem of the Chesapeake Bay as well as the coastal waters of Virginia east of the COLREGS line up to the three nautical mile limit.
- B. It shall be unlawful to operate an extended drift gill net except from May 1 through October 15 of each calendar year.
- C. It shall be unlawful to operate an extended drift gill net except from 30 minutes prior to sunset through 9 a.m.
- D. The license holder shall stay within 100 yards of the extended drift gill net gear when in the water.
- E. This gear shall be marked in accordance with 4VAC20-430 and shall also be marked with:
 - 1. Two all-around lights in a vertical line with the upper being red and the lower being white. The base of the bottom white light shall be 7.5 feet above the water line.
 - 2. A light and radar reflector attached to the end-marker flag furthest from the vessel.
- F. Registered commercial fishermen and licensed seafood buyers shall allow those authorized by the commission to observe or to sample harvest and seafood products associated with extended drift gill net gear to obtain biological information for scientific and management purposes.

4 VAC 20-1190-60. 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 Hampton, Virginia, on April 22, 2025.

VIRGINIA MARINE RESOURCES COMMISSION
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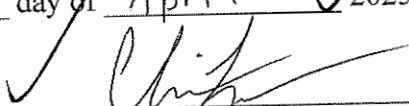
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COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY:


JAMIE L. GREEN
COMMISSIONER

Subscribed and sworn to before me this 28th day of April 2025.


Notary Public

CHRISTOPHER ALAN FLOWERS JR
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 00344626
My Commission Expires 8/31/2029