

"PERTAINING TO SPANISH AND KING MACKEREL"**CHAPTER 4 VAC 20-540-10 ET SEQ.****PREAMBLE**

This chapter establishes possession limits, minimum size limits, and trip limits, on the harvest of Spanish mackerel and king mackerel. These chapters are established to prevent overfishing and to assist the further recovery of Spanish mackerel and king mackerel along the Atlantic Coast. This chapter is promulgated pursuant to authority contained in §§28.2-201 of the Code of Virginia. This chapter amends previous Chapter 4VAC20-540-10 et seq., which was adopted August 28, 2018 and effective September 1, 2018. The effective date of this chapter is September 1, 2020.

4 VAC 20-540-10. Purpose.

The purpose of this chapter is to prevent overfishing of the Spanish mackerel and king mackerel stocks found in Virginia waters and along the Atlantic Coast. This chapter supports the goals and objectives of federal and interstate management measures for Spanish and king mackerel.

4 VAC 20-540-20. Definitions.

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

"Snout" means the most forward projection from a fish's head that includes the upper and lower jaw.

"Total length" means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

"Trip" means that period during which the vessel shall have left a dockside landing place, relocated to waters where fishing for Spanish mackerel by the vessel is legally permitted, and returned to a dockside landing place.

4 VAC 20-540-30. Recreational possession limits.

- A. It shall be unlawful for any person fishing with hook-and-line, hand line, rod and reel, spear, gig, or other recreational gear to possess more than 15 Spanish mackerel or more than three king mackerel.

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- B. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limits shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 15 for Spanish mackerel or multiplied by three for king mackerel. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

4 VAC 20-540-40. Minimum size limits.

- A. Minimum size limit for Spanish mackerel is established at 14 inches in total length.
- B. Minimum size limit for king mackerel is established at 27 inches in total length.
- C. It shall be unlawful for any person to take, catch, or possess any Spanish mackerel less than 14 inches in total length.
- D. Except as provided in subsection E of this section it shall be unlawful for any person to take, catch, or possess any king mackerel less than 27 inches in total length.
- E. Nothing in this section shall prohibit the taking, catching, or possession of any king mackerel less than 27 inches in total length by a licensed pound net.

4 VAC 20-540-50. Commercial trip limit.

- A. It shall be unlawful for any person to possess or land in Virginia any amount of Spanish mackerel in excess of 3,500 pounds from any vessel in any one day, except as specified in subsection B of this section.
- B. When a commercial closure in federal waters for the Northern Zone Atlantic Migratory Group Spanish Mackerel is announced by the National Marine Fisheries Service, it shall be unlawful for any person to possess or land Spanish mackerel in Virginia in excess of 500 pounds from any vessel in any one day. This federal closure and state water per trip possession limit will be posted on the Marine Resources Commission website.

4 VAC 20-540-60. 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.

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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 Hampton, Virginia on August 25, 2020.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

By: *Steven G. Bowman*
Steven G. Bowman
Commissioner

Subscribed and sworn to before me this 31st day of August 2020.

Michele Guilford
Notary Public

