



RECREATIONAL SHELLFISHING AND NON-H&L FISHING REGULATIONS

All information provided below is summarized from the Code of Virginia and VMRC Regulations. Please refer to the Code sections and Regulations cited for legal documentation. All regulations are subject to change.

Shellfishing

The following activities **do not require a license, permit, or documentation** in Virginia [[Code 28.2-226](#)]:

- Taking a maximum of one bushel of oysters in any one day for personal use, when taken by hand or with ordinary tongs during the oyster season from open rocks.
- Taking a maximum of 250 clams in any one day for personal use, when taken by hand or with ordinary tongs from open areas.
- Harvest of oysters or clams, for personal use, from a private lease by the leaseholder, or the person authorized or employed by a leaseholder.

It is unlawful to remove oysters or clams from privately leased areas, private property (and adjacent intertidal area) without permission from the leaseholder or upland property owner, or from areas condemned by the Virginia Department of Health.

When deciding where to harvest your oysters or clams, please consult the [VMRC Web Map](#). This map can be used to assist in locating areas where recreational harvest can be undertaken. You may oyster or clam in the “Public Grounds” or “Public Clamming Grounds” areas as long as they are not overlapped by red “Shellfish Condemnation Zones”.

For more information on Shellfish Safety and Condemnation Zones, see the [Virginia Department of Health](#).

Recreational Fishing With All Other Gears

The following activities **do not require a license, permit, or documentation** in Virginia [[Code 28.2-226](#)]:

- Using a cast net to take minnows, menhaden, or mullet for personal use as bait; fish may not be sold, traded or bartered.

The use of the following gears **requires a license** for “recreational use of commercial gear”. Only one of each license may be purchased per individual [[Code 28.2-226.2](#)]:

- Cast net (\$10.00) or covered by Saltwater Recreational Fishing License (see above for minnows, menhaden, or mullet exception)
- Up to 2 eel pots (\$10.00) or covered by Saltwater Recreational Fishing License
- Recreational gill net up to 300 feet (\$9.00)

Buying a License

- The licenses listed above can be purchased at the following locations:
 - MRC Licensing Agents ([Locate Agent](#))
 - DGIF agents ([Locate Agent](#))
 - Mail-in purchase can be arranged by calling (757) 247-2265
- Any license to use a commercial fishing gear for recreational purposes shall be issued to an individual for their exclusive use and shall not be transferable. [[4 VAC 20-670-20](#)]

Using rod-and-reel requires a Saltwater Recreational Fishing License, unless exempted. Saltwater Recreational Fishing Licenses may only be purchased from DGIF. (Purchase license [HERE](#) or see more license info [HERE](#))

Minimum Sizes and Possession Limits

See <https://webapps.mrc.virginia.gov/public/reports/swrecfishingrules.php>

Gear Restrictions

- Any person licensed to use a recreational gill net must stay within 100 yards of such net when it is overboard [[4 VAC 20-670-30](#)].
- No net set may be a hazard to navigation or extend across more than one-fourth of the width of the waterbody.
- In areas located upriver of the lines defined below: recreational gill nets may not exceed 110 feet in length; both ends of a recreational gill net must be marked by a floating buoy of at least 3 ½" in diameter and floats and buoys of the gill net must be painted blaze or fluorescent orange; and must be removed from the water no longer than 1 hour after being set. [[4 VAC 20-430-45](#)]
 - James River and its tributaries: a line connecting Hog Point and the downstream point of the mouth of College Creek
 - York River and its tributaries: the Route 33 Bridges
 - Rappahannock River and its tributaries: the Route 360 Bridge
- Unless specifically exempted, licensees for recreational gill nets, fish cast nets, or fish dip nets must follow any law or regulation applying to the setting or fishing of the respective commercial gear [[4 VAC 20-670-30](#)].

- It is unlawful for any person to use a recreational gill net to catch and possess any species of fish that is regulated by an annual harvest quota (includes: black drum, black sea bass, bluefish, horseshoe crabs, menhaden, scup, speckled trout, spiny dogfish, striped bass, and summer flounder) [[4 VAC 20-670-30](#)].
- It is unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess more than the recreational possession limit or any fish smaller than the recreational minimum size limit. When fishing from a boat, using recreationally licensed gear, the total possession limit shall be equal to the number of persons on board legally eligible to fish multiplied by the individual possession limit for the species [[4 VAC 20-670-30](#)].
- Any person catching finfish or shellfish using a licensed recreational gillnet, cast net, dip net, 5 crab pots, crab trap, crab trotline, or eel pot must report harvest annually to the Commission [[4 VAC 20-670-10](#)]. You can report online through the [Virginia Saltwater Journal](#) or by mailing in paper forms found [here](#).

Gear Marking

Buoys of any crab pot, eel pot, gill net or ordinary crab trotline, and an offshore stake of any crab trap, used for recreational purposes, shall be marked legibly with the last 4 numbers of the licensee's social security number or driver's license number, preceded with the letter "R"; these figures must be at least 1 inch in height. [[4 VAC 20-670-40](#)].

Illegal Fishing Methods:

- Taking, catching, or killing any fish with the use of a firearm [[4 VAC 20-570-20](#)].
- Capturing or killing any fish, shellfish, or marine organisms by means of explosives, drugs, or poisons [[Code 28.2-313](#)].
- Taking or attempting to take any finfish, other than Atlantic menhaden and mullet species, by means of snagging [[4 VAC 20-740-20](#)].
- Using any snatch hook, grab hook, or gang hook for catching fish in the Rappahannock River below the Downing Bridge at Tappahannock between January 1 and March 15 [[Code 28.2-306](#)].
- Taking or catching fish, shellfish, or marine organisms, on or within 500 yards below the Chickahominy Dam at Walker's, other than with rod and line or hand line [[Code 28.2-311](#)].
- Setting, placing or fishing a gill net, fish pot or eel pot in an area extending 250 yards from either span of the Chesapeake Bay Bridge Tunnel [[4 VAC 20-80-30](#)].

For more information on Recreational Use of Commercial Gear, see [4 VAC 20-670-10](#).

For more information on regulations for gill nets, see [4 VAC 20-220-10](#) and [4 VAC 20-430-10](#).

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