

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

PREAMBLE

This chapter establishes possession limits, season, and minimum size limits for cobia and amberjack in Virginia waters.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts previous Chapter 4 VAC 20-510-10 et seq., which was adopted on February 28, 2023 and effective on March 3, 2023. The effective date of this chapter, as amended, is June 1, 2024.

4VAC20-510-10. Purpose.

The purpose of this chapter is to control the harvest, protect the spawning stocks, minimize the possibility of recruitment failure and increase yield in the amberjack and cobia fisheries. The provisions pertaining to aquaculture serve to prevent cobia raised in an aquaculture facility from being placed into Virginia waters and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

4 VAC 20-510-12. Definitions.

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

“Amberjack” means any fish of the species *Seriola dumerili*.

“Cobia” means any fish of the species *Rachycentron canadum*.

“Mandatory Harvest Reporting Program Web Application” means the online web-based resource provided by the Commission to report commercial harvest of seafood at <https://webapps.mrc.virginia.gov/harvest/>.

“Recreational vessel” means any vessel, kayak, charter vessel, or headboat fishing recreationally.

“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.

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

4VAC20-510-15. (Repealed.)

4VAC20-510-20. Recreational fishery possession limits, season, vessel allowance, and prohibition on gaffing.

A. It shall be unlawful for any person fishing recreationally to possess more than one cobia at any time. When fishing from any recreational vessel where the entire catch is held in a common hold or container, the possession limit for the recreational vessel shall be equal to the number of persons on board legally eligible to fish multiplied by one, except there is a maximum recreational vessel limit of two cobia per recreational vessel per day. The captain or operator of the recreational vessel shall be responsible for any recreational vessel possession limit. Any cobia caught after the possession limit has been reached shall be returned to the water immediately.

B. It shall be unlawful for any person, fishing recreationally, to harvest or possess any cobia before June 15 or after September 15 of the current calendar year.

C. It shall be unlawful for any person fishing recreationally to possess more than two-amberjack at any time. When fishing from any recreational vessel where the entire catch is held in a common hold or container, the possession limit for the recreational vessel shall be equal to the number of persons on board legally eligible to fish multiplied by two. The captain or operator of the recreational vessel shall be responsible for any recreational vessel possession limit. Any amberjack caught after the possession limit has been reached shall be returned to the water immediately.

D. It shall be unlawful for any person fishing recreationally to gaff or attempt to gaff any cobia.

4VAC20-510-25. Commercial fishery possession limits, season, and reporting requirements.

A. It shall be unlawful for any person fishing commercially to possess more than two cobia at any time. When fishing from any vessel where the entire catch is held in a common hold or container, the possession limit for the vessel shall be equal to the number of valid commercial fisherman registration licensees on board multiplied by two, except there is a maximum vessel limit of six cobia per vessel per day. The captain or operator of the vessel shall be responsible for any vessel possession limit. Any cobia caught after the possession limit has been reached shall be returned to the water immediately.

B. Any commercial harvest of cobia shall only be reported through the Online Mandatory Harvest Reporting Program Web Application. Such reports shall record daily harvests from Sunday through Saturday and be submitted on a weekly basis no later than Wednesday of the following week in accordance with 4VAC20-610.

C. It shall be unlawful for any person to take, harvest, land, or possess any cobia for commercial

"PERTAINING TO AMBERJACK AND COBIA"**CHAPTER 4 VAC 20-510-10 ET SEQ.**

purposes once it has been announced by the commission that the commercial quota has been landed for the current calendar year.

D. It shall be unlawful for any person fishing commercially to possess more than two amberjack at any time. When fishing from any vessel where the entire catch is held in a common hold or container, the possession limit for the vessel shall be equal to the number of valid commercial fisherman registration licensees on board multiplied by two. The captain or operator of the vessel shall be responsible for any vessel possession limit. Any amberjack caught after the possession limit has been reached shall be returned to the water immediately.

E. The possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as buyer, wholesaler, or retailer shall not be limited by the possession limits described in this section.

4VAC20-510-30. Size limits.

A. It shall be unlawful for any person to take, catch or have in possession any amberjack less than 32 inches in total length.

B. It shall be unlawful for any person fishing commercially to take, harvest or possess any cobia less than 37 inches in total length.

C. It shall be unlawful for any person to take, catch or have in possession any recreationally harvested cobia less than 40 inches in total length.

D. When fishing from any recreational vessel, it shall be unlawful to take, catch, or have in possession more than one recreationally harvested cobia greater than 50 inches in total length per vessel.

4VAC20-510-33. (Repealed.)**4VAC20-510-35. Aquaculture of cobia; permit required.**

It shall be unlawful for any person to operate a cobia aquaculture facility without first obtaining a permit from the Marine Resources Commission (commission). This permit shall authorize and define the limits of activities concerning the purchase, possession, sale, giving, receiving, and transportation of aquacultured cobia. Any person in violation of any permit condition issued under this section may have the permit revoked at any time upon review by the commission. If the commission revokes any person's permit for an aquaculture facility, that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

4VAC20-510-37. (Repealed.)

4VAC20-510-40. 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 May 28, 2024.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: *Jamie L. Green*
Jamie L. Green
Commissioner

Subscribed and sworn to before me this 11 day of June 2024.

Suzanne Smott
Notary Public

