

“PERTAINING TO RIVER HERRING”

CHAPTER 4VAC20-1260-10 ET SEQ.

PREAMBLE

This chapter establishes a moratorium on River Herring. This chapter is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia. This chapter amends, and re-adopts, as amended, previous Chapter 4 VAC 20-1260-10 et seq. which was adopted on June 28, 2011 and made effective January 1, 2012. The effective date of this chapter is March 29, 2012.

4VAC20-1260-10. Purpose.

The purposes of this chapter are to rebuild the Virginia stocks of River Herring and to comply with the requirements of the Interstate Fishery Management Plan for Shad and River Herring.

4VAC20-1260-20. Definition.

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

“*Land*” or “*landing*” means to (i) enter port with finfish, shellfish, crustaceans, or other marine seafood on board any boat or vessel; (ii) begin offloading finfish, shellfish, crustaceans, or other marine seafood; or (iii) offload finfish, shellfish, crustaceans, or other marine seafood.

“*River Herring*” means any fish of the species *Alosa aestivalis* or *Alosa pseudoharengus*.

4VAC20-1260-30. Moratorium.

- A. It shall be unlawful for any person to catch and retain possession of any river herring from Virginia tidal waters.
- B. It shall be unlawful for any person to possess aboard a vessel, on Virginia tidal waters, or to land, in Virginia, any river herring.
- C. Any river herring or its by-product, imported into Virginia, from another state or country, shall be accompanied by a bill of lading or commercial invoice that shall include the name of the seller, the date of sale, and the pounds of river herring product.

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4VAC20-1260-40. 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 Virginia 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 its meeting held in Newport News, Virginia on March 27, 2012.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

By: Jack G. Travelstead
Jack G. Travelstead
Acting Commissioner

Subscribed and sworn to before me this 28th day of March 2012.

Jane E. Warren
Notary Public

JANE E. WARREN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7191792
My Commission Expires 3/31/16