

## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

#### Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Titles of Regulations: **4VAC20-252. Pertaining to the Taking of Striped Bass (amending 4VAC20-252-20, 4VAC20-252-30, 4VAC20-252-80, 4VAC20-252-160).**

**4VAC20-280. Pertaining to Speckled Trout and Red Drum (amending 4VAC20-280-20, 4VAC20-280-30).**

**4VAC20-320. Pertaining to the Taking of Black Drum (amending 4VAC20-320-20, 4VAC20-320-60).**

**4VAC20-380. Pertaining to Grey Trout (Weakfish) (amending 4VAC20-380-20, 4VAC20-380-30, 4VAC20-380-60).**

**4VAC20-490. Pertaining to Sharks (amending 4VAC20-490-20).**

**4VAC20-500. Pertaining to the Catching of Eels (amending 4VAC20-500-20, 4VAC20-500-35).**

**4VAC20-510. Pertaining to Amberjack and Cobia (amending 4VAC20-510-12, 4VAC20-510-30).**

**4VAC20-540. Pertaining to Spanish and King Mackerel (amending 4VAC20-540-20, 4VAC20-540-40).**

**4VAC20-620. Pertaining to Summer Flounder (amending 4VAC20-620-20, 4VAC20-620-50).**

**4VAC20-910. Pertaining to Scup (Porgy) (amending 4VAC20-910-20, 4VAC20-910-30).**

**4VAC20-950. Pertaining to Black Sea Bass (amending 4VAC20-950-20, 4VAC20-950-30).**

**4VAC20-960. Pertaining to Tautog (amending 4VAC20-960-20, 4VAC20-960-30).**

**4VAC20-1120. Pertaining to Tilefish and Grouper.**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: September 1, 2018.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email [jennifer.farmer@mrc.virginia.gov](mailto:jennifer.farmer@mrc.virginia.gov).

Summary:

*The amendments create conformity in total length measurements and descriptions in all regulations and establish a uniform definition and process for measuring finfish.*

#### **4VAC20-252-20. Definitions.**

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

"Chesapeake area" means the area that includes the Chesapeake Bay and its tributaries and the Potomac River tributaries.

"Chesapeake Bay and its tributaries" means all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, excluding the coastal area and the Potomac River tributaries as defined by this section.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry).

"Commercial fishing" or "fishing commercially" or "commercial fishery" means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

"Commission" means the Marine Resources Commission.

"Great Wicomico-Tangier Striped Bass Management Area" means the area that includes the Great Wicomico River and those Virginia waters bounded by a line beginning at Dameron Marsh at NAD 83 North Latitude 37-46.9535, West Longitude 76-17.1294; thence extending to the southernmost point of Tangier Island, and thence north to a point on the Virginia-Maryland state boundary at NAD 83 North Latitude 37-57.0407, West Longitude 75-58.5043, thence westerly along the Virginia-Maryland state boundary to Smith Point.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the District of Columbia boundary.

"Recreational fishing" or "fishing recreationally" or "recreational fishery" means fishing by any person, whether licensed or exempted from licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Recreational vessel" means any vessel, kayak, charter vessel, or headboat participating in the recreational striped bass fishery.

"Share" means a percentage of the striped bass commercial harvest quota.

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

"Spawning reaches" means sections within the spawning rivers as follows:

1. James River from a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point.
2. Pamunkey River from the Route 33 Bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore.
3. Mattaponi River from the Route 33 Bridge at West Point upstream to the Route 360 bridge at Aylett.
4. Rappahannock River from the Route 360 Bridge at Tappahannock upstream to the Route 1 Falmouth Bridge.

"Spear" or "spearing" means to fish while the person is fully submerged under the water's surface with a mechanically aided device designed to accelerate a barbed spear.

"Striped bass" means any fish of the species *Morone saxatilis*, including any hybrid of the species *Morone saxatilis*.

"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.

"Trophy-size striped bass" means any striped bass that is 36 inches or greater in total length.

#### **4VAC20-252-30. General prohibitions and requirements.**

A. It shall be unlawful for any person to possess any striped bass taken from the tidal waters of Virginia, including Virginia's portion of the Territorial Sea, except in accord with the provisions of Title 28.2 of the Code of Virginia and in accord with the provisions of this chapter.

B. It shall be unlawful for any person to possess any striped bass taken from the tidal waters of Virginia, including Virginia's portion of the Territorial Sea, during a time, from an area, and with a gear type when there is no open season set forth in this chapter for such time, area, and gear type.

C. Except for those persons permitted in accordance with 4VAC20-252-170, it shall be unlawful for any person to possess any striped bass less than 18 inches total length at any time.

D. It shall be unlawful for any person to possess any striped bass that measures less than the minimum size or more than the maximum size applicable to the open season when fishing occurs, except as described in 4VAC20-252-115.

~~E. Total length measurement of striped bass shall be in a straight line from tip of nose to tip of tail.~~

~~F. E.~~ It shall be unlawful for any person while aboard any boat or vessel or while fishing from shore or pier to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

~~G. F.~~ It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time.

~~H. G.~~ It shall be unlawful for any person to use a commercial hook and line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during Thanksgiving Day and the following day or during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through 6 a.m. Friday.

~~I. H.~~ Unless specified differently in other regulations, it shall be unlawful to place, set, or fish any gill net within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through midnight Wednesday.

~~J. I.~~ During the period April 1 through May 31, inclusive, it shall be unlawful for any person to set or fish any anchored gill net or staked gill net, for any purpose, within the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers. Drift or float gill nets may be set and fished within the spawning reaches of these rivers during this period, provided that the person setting and fishing the net remains with the net during the time it is fishing and all striped bass that are caught shall be returned to the water immediately.

~~K. J.~~ Holding any permit issued by the commission to fish for striped bass, recreationally or commercially, shall authorize any commission personnel or their designees to inspect, measure, weigh, or take biological samples from any striped bass in possession of the permit holder.

~~L. K.~~ Nothing in this chapter shall preclude any person, who is legally eligible to fish, from possessing any striped bass tagged with a Virginia Institute of Marine Science (VIMS) fluorescent green tag. Possession of these VIMS-tagged striped bass shall not count towards the personal

recreational possession limit, and permitted commercial striped bass individual transferable quota (ITQ) holders shall not be required to apply a tamper evident, numbered tag provided by the commission, in order to possess any striped bass tagged with a VIMS-inscribed green fluorescent tag. It shall be unlawful for any person to retain any of these VIMS-tagged striped bass for a period of time that is longer than necessary to provide the VIMS-tagged striped bass to a VIMS representative. Under no circumstance shall any VIMS-tagged striped bass be stored for future use or sale or delivered to any person who is not a VIMS representative.

**4VAC20-252-80. Bay Spring/Summer Striped Bass Recreational Fishery.**

A. The open season for the Bay Spring/Summer Striped Bass Recreational Fishery shall be May 16 through June 15 inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 20 inches total length, and the maximum size limit for this fishery shall be 28 inches total length, except as provided in subsection E of this section.

D. The possession limit for this fishery shall be two fish per person.

E. The possession limit described in subsection D of this section may consist of one trophy-size striped bass 36 inches or greater in total length, which is subject to the provisions of subsections A, B, E, F, G, H, I, and J of 4VAC20-252-60.

**4VAC20-252-160. Individual transferable shares; tagging.**

A. For each person permitted under the provisions of 4VAC20-252-130 to harvest striped bass commercially, a weight quota shall be issued to permitted fishermen in amounts equal to the percentage share of the Chesapeake area and coastal area striped bass harvest quota they hold. Tags issued for Chesapeake area harvest quota shall only be used for striped bass harvests in the Chesapeake area, and tags issued for the coastal area harvest quota shall only be used for striped bass harvests in the coastal area.

B. It shall be unlawful for any person onboard any vessel to possess any striped bass tags in Virginia waters, according to the following provisions:

1. It shall be unlawful for any person onboard any vessel to set, place, or fish any gear that can harvest striped bass in the Chesapeake area when in possession of coastal area striped bass tags issued by the Virginia Marine Resources Commission or striped bass tagged with coastal area tags.

2. It shall be unlawful for any person to possess Virginia coastal area striped bass tags in the Chesapeake area or striped bass tagged with coastal area tags except when transiting the Chesapeake area.

3. It shall be unlawful for any person to possess striped bass tags issued for previous years for the Chesapeake area, coastal area, or any other jurisdiction.

4. It shall be unlawful for any person to possess Potomac River Fisheries Commission striped bass tags in Virginia waters, except when transiting the Virginia tributaries of the Potomac River to land in Virginia and as provided by subsection C of this section.

5. It shall be unlawful for any person to possess any non-Virginia jurisdictional striped bass tags in Virginia waters or striped bass tagged with any non-Virginia jurisdictional striped bass tags, except as provided by subdivision 4 of this subsection and subsection C of this section.

6. Any violation of this subsection shall result in the confiscation and impoundment of all striped bass tags or striped bass on the vessel.

C. It shall be unlawful for any person onboard any vessel to possess any striped bass tags in the Great Wicomico-Tangier Striped Bass Management Area except current year striped bass tags issued by the jurisdictions of the Virginia Marine Resources Commission, State of Maryland, or Potomac River Fisheries Commission and according to the following provisions:

1. It shall be unlawful for any person onboard any vessel to possess more than one jurisdiction's tags or more than one jurisdiction's tagged striped bass in the Great Wicomico-Tangier Striped Bass Management Area.

2. It shall be unlawful for any person onboard any vessel to place, set, or fish any gear that can harvest striped bass in the Great Wicomico-Tangier Striped Bass Management Area when in possession of any striped bass tags not issued by the Virginia Marine Resources Commission.

3. Any violation of this subsection shall result in the confiscation and impoundment of all striped bass tags or striped bass on the vessel.

D. Shares of the commercial striped bass quota held by any permitted fisherman may be transferred to any other person who is a licensed registered commercial fisherman; such transfer shall allow the transferee to harvest striped bass in a quantity equal to the share transferred. Any transfer of striped bass commercial shares shall be limited by the following conditions:

1. Shares of commercial striped bass quota shall not be permanently transferred in any quantity less than 500 pounds, or 100% of unused permanent shares, in any year from February 1 through October 31. Permanent transfers of shares of commercial striped bass quota shall be prohibited from November 1 through January 31.

2. Shares of commercial striped bass quota shall not be temporarily transferred in any quantity less than 500 pounds from February 1 through October 31 or less than 200 pounds from November 1 through December 15. Temporary transfers of shares of commercial striped bass quota shall be prohibited from December 16 through January 31.

3. No licensed registered commercial fisherman shall hold more than 2.0% of the total annual Chesapeake area commercial striped bass harvest quota or more than 11% of the total annual coastal area commercial striped bass harvest quota.

4. No transfer of striped bass commercial harvest quota shall be authorized by the commission unless transferor and transferee provide up-to-date records of all commercial landings of striped bass and striped bass tag use to the commission prior to such transfer.

5. No transfer of striped bass commercial harvest quota shall be authorized unless such transfer is documented on a form provided by the Virginia Marine Resources Commission, notarized by a lawful Notary Public, and approved by the commissioner.

E. Transfers of Chesapeake area or coastal area striped bass commercial quota from one person to another may be permanent or temporary. Transferred quota from the Chesapeake area striped bass commercial quota shall only be used by the transferee for striped bass harvested from the Chesapeake area, and transferred quota from the coastal area striped bass commercial quota shall only be used by the transferee for striped bass harvested from the coastal area. Permanent transfers of commercial quota shall grant to the transferee that transferred percentage of the quota for future years, and the transferor loses that same transferred percentage of the quota in future years. Temporary transfers of individual striped bass commercial harvest quota shall allow the transferee

to harvest only that transferred percentage of the quota during the year in which the transfer is approved. Transferors are solely responsible for any overage of the transferred percentage of the quota by the transferee. Thereafter, any percentage of the transferred striped bass commercial quota, less any overage incurred by the transferee, reverts back to the transferor.

F. The commission will issue striped bass tags to permitted striped bass commercial fishermen as follows: those fishermen permitted only for Chesapeake area or coastal area harvests of striped bass will receive their allotment of tags prior to the start of the fishing season. Any permitted fisherman, eligible for both Chesapeake area and coastal area tags, shall receive only one type of area-specific tag allotment, of his choosing, prior to the start of the fishing season, and his other type of area-specific tags will be distributed when it has been determined from the commission's mandatory harvest reporting program that the fisherman has used all of his first allotment of tags and has not exceeded his individual harvest quota. The commissioner may authorize the distribution of the second allotment of area-specific tags to a fisherman eligible for both Chesapeake area and Coastal area tags prior to that fisherman's complete use of his first allotment of tags, provided that fisherman surrenders any remaining tags of his first allotment of tags.

G. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied. Nothing in this subsection shall prevent a permitted commercial hook-and-line fisherman from using three crew members who are not registered commercial fishermen to assist in the harvest of his allotment of striped bass.

H. At the place of capture, and before leaving that place of capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.

I. It shall be unlawful to bring to shore any commercially caught striped bass that has not been tagged at the place of capture by the fisherman with a tamper evident, numbered tag provided by the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession. If a permittee violates this section, the entire amount of untagged striped bass, as well as the number of tags equal to the amount of striped bass in his possession, shall be confiscated. Any confiscated striped bass shall be considered as a removal from that permittee's harvest quota. Any confiscated striped bass tags shall be impounded by the commission. Upon confiscation, the marine police officer shall inventory the confiscated striped bass and may redistribute the catch by one or a combination of the following methods:

1. The marine police officer shall secure a minimum of two bids for purchase of the confiscated striped bass from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder, and all funds derived from such sale shall be deposited to the Commonwealth pending court resolution of the charge of violating the possession limits established in this chapter. All of the collected funds and confiscated tags will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilt.

2. The marine police officer shall provide the confiscated striped bass to commission staff for biological sampling of the catch. Upon receipt of confiscated striped bass, commission staff will secure a minimum of two estimates of value per pound for striped bass from approved and licensed seafood buyers. The confiscated tags and the estimated value of confiscated

striped bass provided for biological sampling will be reimbursed to the accused upon a finding of innocence or retained by the commission upon a finding of guilt.

J. Altering or attempting to alter any tag for the purpose of reuse shall constitute a violation of this chapter.

K. Prior to receiving any commercial season's allotment of striped bass tags, a permitted commercial harvester shall be required to have returned all unused tags from the previous commercial season to the commission within 30 days of harvesting their individual harvest quota, or by the second Thursday in January, whichever comes first. Any unused tags that cannot be turned in to the commission shall be accounted for by the harvester submitting an affidavit to the commission that explains the disposition of the unused tags that are not able to be turned into the commission. Each individual shall be required to pay a processing fee of \$25, plus \$0.13 per tag, for any unused tags that are not turned in to the commission.

L. Any individual with remaining unused striped bass commercial quota in the current year requesting additional commercial season striped bass tags shall provide up-to-date records of landings and account for all previously issued tags prior to receiving an additional allotment of tags. The harvester shall submit an affidavit to the commission that explains the disposition of the tags that are not accounted for and shall be required to pay a processing fee of \$25, plus \$0.13 per tag, for such tags to the commission.

M. For the commercial fishing season, one type of tag shall be distributed to Chesapeake area permittees and one type of tag shall be distributed to coastal area permittees. For the Chesapeake area, the tag shall only be used on striped bass 18 inches or greater in total length. For the coastal area, the tag shall only be used on striped bass 28 inches or greater in total length. The possession of any improperly tagged striped bass by any permitted striped bass fisherman shall be a violation of this chapter.

FORMS (4VAC20-252)

[2017 Recreational/Charter Reporting Form \(rev. 4/2017\)](#)

[2018 Recreational/Charter Reporting Form \(rev. 8/2018\)](#)

#### **4VAC20-280-20. Definitions.**

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

"Red drum" means red drum or channel bass and is any fish of the species *Sciaenops ocellatus*.

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

"Speckled trout" means speckled trout or spotted seatrout and is any fish of the species *Cynoscion nebulosus*.

"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.

#### **4VAC20-280-30. Size limits.**

A. It shall be unlawful for any person to take, catch, or possess any speckled trout less than 14 inches in total length, provided however the catch of speckled trout by pound net or haul seine may consist of up to 5.0%, by weight, of speckled trout less than 14 inches in total length.

B. It shall be unlawful for any person fishing commercially with commercial hook and line gear, or fishing recreationally with any gear type to possess more than one speckled trout 24 inches or greater in any one day from January 1 through December 31, except as described in 4VAC20-280-40 B.

C. It shall be unlawful for any person fishing recreationally with any gear type to take, catch, or possess any red drum less than 18 inches in total length or greater than 26 inches in total length.

D. It shall be unlawful for any person fishing commercially with any gear type to take, catch, or possess any red drum less than 18 inches in total length or greater than 25 inches in total length.

~~E. Length is measured in a straight line from tip of nose to tip of tail.~~

#### **4VAC20-320-20. Definitions.**

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

"Black Drum" means any fish of the species *Pogonias cromis*.

"COLREGS Line" means the COLREGS Demarcation Lines, as specified in Coastal Pilot, 35th and 36th editions by Lighthouse Press.

"Commercial Harvest" means any black drum taken from the tidal waters of Virginia by any harvesting method, including hook-and-line, and sold.

"Floating gill net" means any gill net that is suspended from the water surface and extends to a depth no more than midway between the water surface and bottom.

"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.

#### **4VAC20-320-60. Minimum size limit.**

~~A. It shall be unlawful for any person to take, catch, or possess any black drum less than 16 inches in total length.~~

~~B. Total length shall be measured in a straight line from the tip of the nose to the tip of the tail.~~

#### **4VAC20-380-20. Definitions.**

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

"Fishing season" means the time period of April 1 through March 31.

"Grey trout" means any fish of the species *Cynoscion regalis*.

"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.

#### **4VAC20-380-30. Commercial minimum size limits.**

A. For any person fishing with pound net or haul seine, there shall be no minimum size limit on grey trout.

B. It shall be unlawful for any person fishing with gill nets to possess any grey trout less than 12 inches in total length.

C. It shall be unlawful for any trawl boat to land any grey trout in Virginia that are less than 12 inches in total length, except that up to 100 grey trout less than 12 inches in total length may be landed by trawl but shall not be sold.

D. It shall be unlawful for any person fishing with commercial hook and line to possess any grey trout less than 12 inches in total length.

E. It shall be unlawful for any person using any gear type not specified in subsection A, B, C, or D of this section to possess any grey trout less than nine inches in total length.

F. During a closed season it shall be unlawful for any person using any gear type which is regulated by a closed season to possess any grey trout less than 12 inches in total length.

~~G. Length is measured in a straight line from the tip of the nose to the tip of the tail.~~

#### **4VAC20-380-60. Recreational fishing seasons, minimum size limits, and possession limits.**

A. It shall be unlawful for any person fishing with hook and line, rod and reel or hand line to possess more than one grey trout and the minimum size limit shall be 12 inches in total length.

B. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by one. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any grey trout taken after the possession limit has been reached shall be returned to the water immediately.

#### **4VAC20-490-20. Definitions.**

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

"Agent" means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"Carcass length" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

"COLREGS Line" means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

"Commercial shark fisherman" means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

"Commercially permitted aggregated large coastal shark" means any of the following species:

Blacktip, *Carcharhinus limbatus*

Bull, *Carcharhinus leucas*

Lemon, *Negaprion brevirostris*

Nurse, *Ginglymostoma cirratum*

Silky, *Carcharhinus falciformis*

Spinner, *Carcharhinus brevipinna*

Tiger, *Galeocerdo cuvier*

"Commercially permitted hammerhead shark" means any of the following species:

Great hammerhead, *Sphyrna mokarran*

Scalloped hammerhead, *Sphyrna lewini*

Smooth hammerhead, *Sphyrna zygaena*

"Commercially permitted nonblacknose small coastal shark" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Bonnethead, *Sphyrna tiburo*

Finetooth, *Carcharhinus isodon*

"Commercially permitted pelagic shark" means any of the following species:

Blue, *Prionace glauca*

Oceanic whitetip, *Carcharhinus longimanus*

Porbeagle, *Lamna nasus*

Shortfin mako, *Isurus oxyrinchus*

Thresher, *Alopias vulpinus*

"Commercially prohibited shark" means any of the following species:

Atlantic angel, *Squatina dumeril*

Basking, *Cetorhinus maximus*

Bigeye sand tiger, *Odontaspis noronhai*

Bigeye sixgill, *Hexanchus nakamurai*

Bigeye thresher, *Alopias superciliosus*

Bignose, *Carcharhinus altimus*

Blacknose, *Carcharhinus acronotus*

Caribbean reef, *Carcharhinus perezii*

Caribbean sharpnose, *Rhizoprionodon porosus*

Dusky, *Carcharhinus obscurus*

Galapagos, *Carcharhinus galapagensis*

Longfin mako, *Isurus paucus*

Narrowtooth, *Carcharhinus brachyurus*

Night, *Carcharhinus signatus*

Sand tiger, *Carcharias taurus*

Sevengill, *Heptranchias perlo*

Sixgill, *Hexanchus griseus*

Smalltail, *Carcharhinus porosus*

Whale, *Rhincodon typus*

White, *Carcharodon carcharias*

"Control rule" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"Dressed weight" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"Finning" means removing the fins and returning the remainder of the shark to the sea.

"Fork length" means the ~~straight line measurement of a fish from the tip of the snout~~ length of a fish measured from the most forward projection of the snout, with the mouth closed, to the fork of the tail ~~The measurement is not made along the curve of the body along the midline, using a straight-line measure, not measured over the curve of the body.~~

"Large mesh gill net" means any gill net with a stretched mesh of greater than five inches.

"Longline" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

"Movable gill net" means any gill net other than a staked gill net.

"Permitted commercial gear" means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

"Recreational shore angler" means a person neither fishing from a vessel nor transported to or from a fishing location by a vessel.

"Recreational vessel angler" means a person fishing from a vessel or transported to or from a fishing location by a vessel.

"Recreationally permitted shark" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Blacknose, *Carcharhinus acronotus*

Blacktip, *Carcharhinus limbatus*

Blue, *Prionace glauca*

Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*

Finetooth, *Carcharhinus isodon*

Great hammerhead, *Sphyrna mokarran*

Lemon, *Negaprion brevirostris*

Nurse, *Ginglymostoma cirratum*

Oceanic whitetip, *Carcharhinus longimanus*

Porbeagle, *Lamna nasus*

Scalloped hammerhead, *Sphyrna lewini*

Shortfin mako, *Isurus oxyrinchus*

Smooth dogfish, *Mustelus canis*

Smooth hammerhead, *Sphyrna zygaena*

Spinner, *Carcharhinus brevipinna*

Thresher, *Alopias vulpinus*

Tiger, *Galeocerdo cuvier*

"Recreationally prohibited shark" means any of the following species:

Atlantic angel, *Squatina dumeril*

Basking, *Cetorhinus maximus*

Bigeye sand tiger, *Odontaspis noronhai*

Bigeye sixgill, *Hexanchus nakamurai*

Bigeye thresher, *Alopias superciliosus*

Bignose, *Carcharhinus altimus*

Caribbean reef, *Carcharhinus perezii*

Caribbean sharpnose, *Rhizoprionodon porosus*

Dusky, *Carcharhinus obscurus*

Galapagos, *Carcharhinus galapagensis*

Longfin mako, *Isurus paucus*

Narrowtooth, *Carcharhinus brachyurus*

Night, *Carcharhinus signatus*

Sand tiger, *Carcharias taurus*

Sandbar, *Carcharhinus plumbeus*

Sevengill, *Heptranchias perlo*

Silky, *Carcharhinus falciformis*

Sixgill, *Hexanchus griseus*

Smalltail, *Carcharhinus porosus*

Whale, *Rhincodon typus*

White, *Carcharodon carcharias*

"Research only shark" means any of the following species:

Sandbar, *Carcharhinus plumbeus*

"Shark shortline" means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

"Small mesh gill net" means any gill net with a stretched mesh of equal to or less than five inches.

"Smooth dogfish" means any shark of the species *Mustelus canis*. Smooth dogfish are also known as "smoothhound shark."

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

"Spiny dogfish" means any shark of the species *Squalus acanthias*.

#### **4VAC20-500-20. Definition.**

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

"Eel" or "eels," as described in this chapter, means the eel species *Anguilla rostrata*.

"Elver" means any eel of less than six inches in total length.

"Land" or "landing" means to enter port with eels on board any boat or vessel, to begin offloading eels, or to offload eels.

"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.

#### **4VAC20-500-35. Minimum size limit.**

It shall be unlawful for any individual to take, catch, possess, or land any eels less than nine inches in total length.

#### **4VAC20-510-12. Definitions.**

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

"Recreational vessel" means any vessel, kayak, charter vessel, or headboat vessel participating in the recreational cobia fishery.

"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.

#### **4VAC20-510-30. Minimum 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. Total length is measured in a straight line from tip of nose to tip of tail.~~

FORMS (4VAC20-510)

~~2017 Recreational/Charter Reporting Form (rev. 4/2017)~~

[2018 Recreational/Charter Reporting Form \(rev. 8/2018\)](#)

#### **4VAC20-540-20. Definition.**

The following ~~word~~ words and ~~term~~ terms, when used in the chapter, shall have the following meaning unless the context clearly 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.

**4VAC20-540-40. Minimum size limits established.**

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 ~~F~~ 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. Total length shall be measured in a straight line from the tip of the nose to the tip of the tail for the purposes of this chapter.~~

~~F.~~ 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.

**4VAC20-620-20. Definitions.**

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

"Chesapeake Bay and its tributaries" means all tidal waters of Virginia, excluding the Potomac River tributaries and the coastal area as defined in this section.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea and all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County, including areas east of the causeway from Fisherman Island to the mainland and the City of Virginia Beach, including federal areas and state parks fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry.

"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.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond, thence upstream to the District of Columbia boundary.

"Safe harbor" means that a vessel has been authorized by the commissioner to enter Virginia waters from federal waters solely to either dock temporarily at a Virginia seafood buyer's place of business or traverse the Intracoastal Waterway from Virginia to North Carolina.

"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.

#### **4VAC20-620-50. Minimum size limits.**

A. The minimum size for summer flounder harvested by commercial fishing gear shall be 14 inches in total length.

B. The minimum size of summer flounder harvested by recreational fishing gear, including hook and line, rod and reel, spear and gig, shall be 16.5 inches in total length, except that the minimum size of summer flounder harvested in the Potomac River tributaries shall be the same as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

~~C. Length shall be measured in a straight line from tip of nose to tip of tail.~~

~~D. C.~~ It shall be unlawful for any person to possess any summer flounder smaller than the designated minimum size limit.

~~E. D.~~ Nothing in this chapter shall prohibit the landing of summer flounder in Virginia that were legally harvested in the Potomac River.

#### **4VAC20-910-20. Definitions.**

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

"Scup" means any fish of the species *Stenotomus chrysops*, commonly referred to as porgy.

"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.

#### **4VAC20-910-30. Minimum size limits.**

A. The minimum size of scup harvested by commercial fishing gear shall be nine inches in total length.

B. The minimum size of scup harvested by recreational fishing gear including hook and line, rod and reel, spear, and gig shall be eight inches in total length.

~~C. Length shall be measured in a straight line from tip of nose to tip of tail.~~

~~D. C.~~ It shall be unlawful for any person to catch and retain possession of any scup of a total length less than the designated minimum sizes in subsections A and B of this section.

~~E. D.~~ It shall be unlawful for any person to sell, trade, barter, or offer to sell, trade, or barter any scup less than nine inches in total length.

#### **4VAC20-950-20. Definitions.**

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

"Black sea bass" means any fish of the species *Centropristis striata*.

"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.

"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, excluding the caudal fin filament, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

**4VAC20-950-30. Minimum size limit.**

A. The minimum size for black sea bass harvested by commercial fishing gear shall be 11 inches in total length. It shall be unlawful for any person to sell, trade, or barter, or offer to sell, trade, or barter any black sea bass less than 11 inches in total length, except as described in 4VAC20-950-70.

B. The minimum size of black sea bass harvested by recreational gear, including hook and line, rod and reel, spear and gig, shall be 12-1/2 inches in total length.

C. It shall be unlawful for any person to possess any black sea bass smaller than the minimum size limit, as designated respectively, in subsections A and B of this section, except as described in 4VAC20-950-70.

~~D. Total length shall be measured along the lateral midline from tip of nose to tip of tail excluding the caudal fin filament.~~

**4VAC20-960-20. Definitions.**

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

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

"Tautog" means any fish of the species *Tautoga onitis*.

"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.

**4VAC20-960-30. Minimum size limits.**

A. The minimum size limit of tautog harvested for commercial purposes shall be 15 inches in total length.

B. The minimum size of tautog harvested for recreational purposes shall be 16 inches in total length.

C. It shall be unlawful for any person to possess any tautog of a total length less than the designated minimum size limit.

~~D. Total length shall be measured in a straight line from tip of nose to tip of tail.~~

FORMS (4VAC20-1120)

~~2017 Recreational/Charter Reporting Form (rev. 4/2017)~~

[2018 Recreational/Charter Reporting Form \(rev. 8/2018\)](#)