

# 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.

Title of Regulation: **4VAC20-1270. Pertaining to Atlantic Menhaden (amending 4VAC20-1270-30, 4VAC20-1270-50).**

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

Effective Date: August 1, 2017.

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#### Summary:

*The amendments increase Virginia's portion of the coastwide total allowable landings of menhaden and modify the nonpurse seine bait sector quota allocations.*

#### **4VAC20-1270-30. Total allowable landings for menhaden; allocation, accountability, and overages.**

A. In accordance with ~~Section~~ § 28.2-400.2 of the Code of Virginia the total allowable commercial landings for menhaden in ~~2015~~ 2017 and ~~2016~~ 2018 in metric tons shall be equivalent to ~~349,873,884~~ 372,443,990 pounds, and that total amount of allowable landings shall be allocated as quotas among three sectors of the menhaden fishery, as described below, pursuant to § 28.2-400.3 of the Code of Virginia. The purse seine menhaden reduction sector is allocated a quota of ~~315,036,445~~ 335,359,214 pounds of allowable menhaden landings; the purse seine menhaden bait sector a ~~29,313,757~~ 31,204,766 pound quota of allowable menhaden landings; and the nonpurse seine menhaden bait sector a ~~5,523,682~~ 5,880,010 pound quota of allowable menhaden landings.

B. If the total allowable landings specified in subsection A of this section are exceeded in any year, the total allowable landings for the subsequent year will be reduced by the amount of the overage. Such overage shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in subsection A of this section.

#### **4VAC20-1270-50. Nonpurse seine menhaden bait sector quota; allocation and bycatch provisions.**

A. The commercial nonpurse seine bait sector's allocation shall be by gear type as follows:

1. Cast net: ~~2,123~~ 2,261 pounds.
2. Dredge: ~~3,376~~ 3,595 pounds.
3. Fyke net: ~~2,326~~ 2,477 pounds.
4. Gill net: ~~1,673,219~~ 1,781,986 pounds.
5. Hook and line: 258 pounds.
6. Pot: 2,270 pounds.
7. 5. Pound net: ~~3,753,222~~ 3,997,201 pounds.
8. 6. Seine: ~~22,113~~ 23,550 pounds.
9. 7. Trawl: ~~64,732~~ 68,940 pounds.
10. Trot line: 43 pounds.

B. Pursuant to § 28.2-400.4 of the Code of Virginia, once the commissioner announces the date of closure for the nonpurse seine bait fishery, any person licensed in the nonpurse seine menhaden bait sector may possess and land up to 6,000 pounds of menhaden per day.