

## 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: **4VAC20-910. Pertaining to Scup (Porgy) (amending 4VAC20-910-30, 4VAC20-910-40, 4VAC20-910-45).**

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

Effective Date: November 2, 2018.

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Summary:

*The amendments increase the trip limit to 28,500 pounds for the commercial Winter II period fishery of October 1 through December 31 and make administrative changes.*

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

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

B. The minimum size limit 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. It shall be unlawful for any person to catch and retain possession of any scup of ~~a total length less~~ smaller than the designated minimum ~~sizes~~ size limit, as described, respectively, in subsections A and B of this section.

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.

**4VAC20-910-40. Gear restrictions.**

It shall be unlawful for any person to place, set, or fish any fish pot in Virginia tidal waters for the purposes of harvesting scup or to land in Virginia scup harvested by fish pots ~~which~~ that are not constructed as follows:

1. With an escape vent of 2.25 inches square dimension or 3.1 inches diameter circular dimension; and
2. With hinges and fasteners on one panel or door made of one of the following materials:
  - a. Untreated hemp, jute, or cotton string of 3/16 inches diameter or smaller;
  - b. Magnesium alloy, timed float releases or similar magnesium alloy fasteners; or
  - c. Ungalvanized or uncoated iron wire of 0.094 inches diameter or smaller.

**4VAC20-910-45. Possession limits and harvest quotas.**

A. During the Winter I period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than 50,000 pounds of scup;

2. Land in Virginia more than a total of 50,000 pounds of scup during each consecutive seven-day landing period, with the first seven-day period beginning on January 1; or

~~B. 3.~~ 3. When it is projected and announced that 80% of the coastwide quota for ~~this~~ the Winter I period has been attained, ~~it shall be unlawful for any person to~~ possess aboard any vessel or ~~to~~ land in Virginia more than a total of 1,000 pounds of scup.

~~C. B.~~ B. During the Winter II period October 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than ~~18,000~~ 28,500 pounds of scup.

~~D. C.~~ C. During the Summer period May 1 through September 30 of each year, the commercial harvest and landing of scup in Virginia shall be limited to 14,296 pounds, and it shall be unlawful for any person to possess aboard any vessel in Virginia more than 5,000 pounds of scup.

~~E. D.~~ D. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

~~F. E.~~ E. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

~~G. F.~~ F. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig, or other recreational gear to possess more than 30 scup. When fishing is 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 30. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.