

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: **4VAC20-995. Pertaining to Commercial Hook-And-Line Fishing (amending 4VAC20-995-15, 4VAC20-995-20, 4VAC20-995-30).**

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

Effective Date: November 2, 2018.

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Summary:

The amendments (i) create definitions of "immediate family member" and "crew member list"; (ii) clarify eligibility for a license, license transfers, and crew member list requirements; and (iii) require a verified crew member list be on board the vessel during commercial hook-and-line fishing activities.

4VAC20-995-15. ~~Definition~~ Definitions.

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

"Crew member list" means those individuals registered to participate in commercial hook-and-line fishing activities with one or more individuals who possess a valid commercial hook-and-line license.

"Immediate family member" means spouse, sibling, parent, child, grandparent, or grandchild.

"Year" means a calendar year.

4VAC20-995-20. Entry limitation; catch restrictions; transfers.

A. The sale of commercial hook-and-line licenses shall be limited to registered commercial fishermen meeting either of the following two requirements, except as provided by subsection B of this section:

1. The fisherman shall ~~have held a 1996~~ possess a valid Commercial Fisherman Registration License and eligibility for the commercial hook-and-line license ~~or a 1997 commercial hook-and-line license that was purchased prior to August 26, 1997, provided the fisherman has reported~~ by reporting sales of at least 1,000 pounds of seafood during the course of the previous two calendar years as documented by the commission's mandatory harvest reporting program.

2. The fisherman shall ~~hold~~ possess a valid and current striped bass permit issued by the Marine Resources Commission in accordance with 4VAC20-252.

B. The fisherman otherwise qualified under subdivision A 1 of this section shall ~~have been~~ be granted an exemption from the requirement to report sales of at least 1,000 pounds of seafood

during the course of the previous two calendar years as documented by the commission's mandatory harvest reporting system: when the following conditions are met:

1. Exemptions shall be solely based ~~only~~ on a documented medical hardships condition or active military ~~leave~~ service that prevented the fisherman from fully satisfying the requirements described in subdivision A 1 of this section; and
2. Exemptions ~~may~~ shall only be granted by the commissioner or ~~his~~ the commissioner's designee.

C. The maximum number of general hook-and-line licenses is established as 200.

D. A random drawing for available commercial hook-and-line licenses shall be held annually should the number of licensees ~~at the start of any~~ by the fifth day of January in the current calendar year be less than 200. Commercial Fisherman Registration Licensees who have reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two calendar years by the ~~5th~~ fifth day of January of the current calendar year, as documented by the commission's mandatory harvest reporting program, but who do not currently possess a commercial hook-and-line license; shall be eligible for the random drawing.

E. Persons who are eligible to purchase a commercial hook-and-line license by meeting the provisions of subdivision A 2 of this section may take only striped bass by commercial hook and line.

F. Any person licensed for commercial hook and line under the provisions of subdivision A 1 of this section may transfer such license to any registered commercial fisherman, provided:

1. The transferee has a Commercial Fisherman Registration License.
2. ~~The~~ Both the transferee ~~has~~ and transferor have reported sales of at least 1,000 pounds of seafood harvest during the course of the previous two calendar years by the ~~5th~~ fifth day of January; as documented by the commission's mandatory harvest reporting program.
3. All transfers shall be documented on a form provided by the Marine Resources Commission and approved by the Marine Resources Commissioner or ~~his~~ the commissioner's designee. Upon approval, the person entering the commercial hook-and-line fishery shall purchase a commercial hook-and-line license in his own name.
4. Transfers of commercial hook-and-line licenses between immediate family members shall be exempt from the requirements provided in subdivision 2 of this subsection.
5. No commercial hook-and-line license shall be transferred more than once per calendar year.

4VAC20-995-30. Prohibitions.

A. It shall be unlawful for any person licensed under the provisions of 4VAC20-995-20 A 1 or A 2 as a commercial hook-and-line fisherman to do any of the following unless otherwise specified:

1. Fail to be on board the vessel when that vessel is operating in a commercial hook-and-line fishing capacity.
2. Have more than three crew members, ~~who need not be registered commercial fishermen,~~ on board the vessel at any given time provided that:
 - a. Crew members do not need to be licensed commercial fishermen but shall be registered on a crew member list with the commission on an annual basis and in advance of any fishing in any year; ~~except that one~~
 - b. One crew member per vessel ~~need~~ needs not be registered on a crew member list;

~~b. c.~~ The maximum number of crew members registered to any commercial hook-and-line licensee at any one time shall be 15; and

~~e. d.~~ Any crew registration list submitted by any commercial hook-and-line fisherman may be revised once per calendar year; and

e. A legible and approved crew member list must be maintained on board the vessel during all commercial hook-and-line activities.

3. Fail to display prominently the commercial hook-and-line ~~license plates~~ decals, as provided by the commission, on the starboard and port sides of the vessel.

4. Fish within 300 yards of any bridge, bridge-tunnel, jetty or pier from 6 p.m. Friday through 6 p.m. Sunday.

5. Fish within 300 yards of any fixed fishing device.

6. Harvest black drum within 300 yards of the Chesapeake Bay-Bridge-Tunnel at any time.

7. Fish recreationally on any commercial hook and line vessel during a commercial fishing trip.

8. Use any hydraulic fishing gear or deck-mounted fishing equipment.

9. Use any fishing rod and reel or hand line equipped with more than six hooks.

10. Fish commercially with hook and line aboard any vessel licensed as a charter boat or head boat while carrying customers for recreational fishing.

B. 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~~ through the following day ~~or~~. It shall be unlawful for any person to use a commercial hook and line 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.

NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (4VAC20-995)

~~Commercial Hook and Line License Transfer Application (rev. 12/08).~~

[Commercial Hook-and-Line License Transfer Application \(rev. 4/2011\)](#)

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