

"PERTAINING TO GREY TROUT (WEAKFISH)"

CHAPTER 4VAC20-380-10 ET SEQ.

THIS VERSION IS A PROPOSED AMENDMENT THAT STAFF WILL RECOMMEND TO THE COMMISSION.

PREAMBLE

This chapter establishes limitations on the commercial and recreational harvest of grey trout in order to reduce the fishing mortality rate and to rebuild the depleted stock of grey trout. The limitations include minimum size limits, gear restrictions and season limits for the commercial fishery and minimum size and possession limits for the recreational fishery.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-380-10., which was promulgated ~~February 23, 2010~~ August 28, 2018 and made effective on ~~May 1, 2010~~ September 1, 2018. The effective date of this chapter, as amended, is ~~September 1, 2018~~ April 1, 2021.

4VAC20-380-10. Purpose.

The purpose of this chapter is to maintain the target fishing mortality rate for grey trout in order to maintain a sustainable grey trout population. This chapter is designed to be consistent with federal and interstate management measures.

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~~ year" 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,

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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 ~~COMMERCIAL MINIMUM SIZE LIMITS.~~ (Repealed.)

- 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.~~

4VAC20-380-31. Grey Trout Harvested By Commercial Pound Net.

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- A. The open seasons on grey trout harvested by pound net shall be April 1 through April 30 and May 23 through September 12. The restricted seasons on grey trout harvested by pound net shall be May 1 through May 22, and September 13 through March 31 except as provided in subdivision 1 of this subsection.
1. Any pound net fisherman who holds two or three pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only one of those licenses to operate under the rules for an open season as established in this section during a restricted season in the current fishing year. Any pound net fisherman who holds four, five, or six pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only two of those licenses to operate under the rules for an open season as established in this section during a restricted season in the current fishing year. Any pound net fisherman who holds seven, eight, or nine pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only three of those licenses to operate under the rules for an open season as established in this section during a restricted season in the current fishing year. Forfeiture of any license shall be through March 31 of each fishing year and shall occur prior to May 1 of each fishing year.

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2. Any pound net licensee who forfeits a license pursuant to subdivision 1 of this subsection shall retain his priority rights to such locations for future licensing until April 1 of the following fishing year. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the period of March 15 of the current fishing year through April 1 of the following fishing year, but shall not set or fish any pound nets provided for by such licenses prior to April 1.
 3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subdivision 1 of this subsection may transfer an unused license to a licensee who holds a single pound net license.
- B. During any open season described in this section, there shall be no minimum size limit on grey trout for any person fishing with a pound net.
- C. During any restricted season described in this section, it shall be unlawful for any person fishing with a pound net to land or possess any grey trout less than 12 inches in total length.

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- D. During any open season described in this section, it shall be unlawful for any person fishing with a pound net to exceed the vessel possession limit for grey trout of 100 pounds, per day or trip, whichever is the longer period of time.
- E. During any restricted season described in this section, it shall be unlawful for any person fishing with a pound net to exceed the vessel possession limit for grey trout of 100 pounds per day or trip, whichever is the longer period of time. Also, during any restricted season described in this section, it shall be unlawful for any person to land or possess any quantity of grey trout that is more than the total weight of all other species on board the vessel.

4VAC20-380-32. Grey Trout Harvested By Commercial Gill Net.

- A. The open seasons on grey trout harvested by gill net shall be April 1 through May 13; October 21 through December 30; and March 16 through March 31. The restricted seasons on grey trout harvested by gill net shall be May 14 through October 20 and December 31 through March 15.
- B. It shall be unlawful for any person fishing with gill nets at any time to land or possess any grey trout less than 12 inches in total length.

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- C. During any open season described in this section, it shall be unlawful for any person fishing with a gill net to exceed the vessel possession limit for grey trout of 100 pounds, per day or trip, whichever is the longer period of time.
- D. During any restricted season described in this section, it shall be unlawful for any person fishing with a gill net to exceed the vessel possession limit for grey trout of 100 pounds per day or trip, whichever is the longer period of time. Also, during any restricted season, it shall be unlawful for any person to land or possess any quantity of grey trout that is more than the total weight of all other species on board the vessel.

4VAC20-380-33. Grey Trout Harvested By Commercial Trawl.

- A. The open season on landing grey trout harvested by trawl shall be April 1 through September 25. The restricted season on landing grey trout harvested by trawl shall be September 26 through March 31.
- B. During any open season described in this section, it shall be unlawful for any trawl boat to land or possess more than 100 grey trout less than 12 inches in total length and it shall be unlawful to sell or purchase any grey trout less than 12 inches in total length from a commercial trawl vessel.

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- C. During any restricted season described in this section, it shall be unlawful for any trawl boat to land or possess any grey trout less than 12 inches in total length.
- D. During any open season described in this section, it shall be unlawful for any trawl vessel to exceed the vessel possession limit for grey trout of 100 pounds, per day or trip, whichever is the longer period of time.
- E. During any restricted season described in this section, it shall be unlawful to exceed the vessel possession limit for grey trout of 100 pounds per day or trip, whichever is the longer period of time. Also, during any restricted season, it shall be unlawful for any trawl vessel to land or possess any quantity of grey trout that is more than the total weight of all other species on board the vessel.
- F. It shall be unlawful for any trawl boat to land grey trout in Virginia while possessing on board any trawl net having a cod-end mesh less than three inches, stretched measure.

4VAC20-380-34. Grey Trout Harvested By Commercial Haul Seine.

- A. The open seasons on grey trout harvested by haul seine shall be April 16 through June 10 and August 21 through September 24. The restricted seasons on grey trout harvested by

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haul seine shall be April 1 through April 15; June 11 through August 20; and September 25 through March 31.

- B. During any open season described in this section, there shall be no minimum size limit on grey trout for any person fishing with haul seine.
- C. During any restricted season described in this section, it shall be unlawful for any person fishing with a haul seine to land or possess any grey trout less than 12 inches in total length.
- D. During any open season described in this section, it shall be unlawful for any person fishing with a haul seine to exceed the vessel possession limit for grey trout of 100 pounds, per day or trip, whichever is the longer period of time.
- E. During any restricted season described in this section, it shall be unlawful for any person fishing with a haul seine to exceed the vessel possession limit for grey trout of 100 pounds per day or trip, whichever is the longer period of time. Also, during any restricted season, it shall be unlawful for any person to land or possess any quantity of grey trout that is more than the total weight of all other species on board the vessel.

4VAC20-380-35. Grey Trout Harvested By Commercial Hook-And-Line.

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

- B. It shall be unlawful for any person fishing with commercial hook-and-line to exceed the vessel possession limit for grey trout of 100 pounds, per day or trip, whichever is the longer period of time.

4VAC20-380-36. Grey Trout Harvested By Other Commercial Gears.

- A. It shall be unlawful for any person using any gear type other than pound net, gill net, trawl, haul seine, or commercial hook-and-line to land or possess any grey trout less than nine inches in total length.

- B. It shall be unlawful for any person fishing with any gear type other than pound net, gill net, trawl, haul seine, or commercial hook-and-line to exceed the vessel possession limit for grey trout of 100 pounds, per day or trip, whichever is the longer period of time.

4VAC20-380-40. GEAR RESTRICTIONS. (Repealed.)

~~It shall be unlawful for any trawl boat to land grey trout in Virginia while possessing on board any trawl net having a cod-end mesh less than three inches, stretched measure.~~

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4VAC20-380-50. COMMERCIAL FISHING SEASON. (Repealed.)

A. ~~The open seasons on grey trout harvested by pound net shall be April 1 through April 30 and May 23 through September 12. The closed seasons on grey trout harvested by pound net shall be May 1 through May 22, and September 13 through March 31 except as provided in subdivision 1 of this subsection.~~

1. ~~Any pound net fisherman who holds 2 or 3 pound net licenses in accordance with the provisions of 4 VAC 20 600 10 et seq. may forfeit only one of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 4, 5, or 6 pound net licenses in accordance with the provisions of 4 VAC 20 600 10 et seq. may forfeit only two of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 7, 8, or 9 pound net licenses in accordance with the provisions of 4 VAC 20 600 10 et seq. may forfeit only three of those licenses to be exempt from the closed seasons as established in this subsection. Forfeiture of any license shall be through March 31, of each fishing season, and shall occur prior to May 1 of each fishing season.~~

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~~2. Any pound net licensee who forfeits a license pursuant to subdivision 1 of this subsection shall retain his priority rights to such locations for future licensing until April 1 of the following fishing season. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the period of March 15 of the current fishing season through April 1 of the following fishing season, but shall not set or fish any pound nets provided for by such licenses prior to April 1.~~

~~3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subdivision 1 of this subsection may transfer an unused license to a licensee who holds a single pound net license.~~

~~B. The open seasons on grey trout harvested by gill net shall be April 1 through May 13; October 21 through December 30; and, March 16 through March 31. The closed seasons on grey trout harvested by gill net shall be May 14 through October 20, and December 31 through March 15.~~

~~C. The open seasons on grey trout harvested by haul seine shall be April 16 through June 10 and August 21 through September 24. The closed seasons on grey trout harvested by haul~~

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~~seine shall be April 1 through April 15; June 11 through August 20; and September 25 through March 31.~~

~~D. The open season on landing grey trout harvested by trawl shall be April 1 through September 25. The closed season on landing grey trout harvested by trawl shall be September 26 through March 31.~~

~~E. During any open season described in subsections A, B, C and D of this section, the boat or vessel possession limit, for grey trout, shall be 100 pounds per day or trip, whichever is the longer period of time.~~

~~F. During any closed season described in subsections A, B, C, and D of this section, the boat or vessel possession limit, for grey trout taken as bycatch in other directed fisheries, shall be 100 pounds per day or trip, whichever is the longer period of time. Further, during any closed season described in subsections A, B, C and D of this section, it shall be unlawful for any person to do any of the following:~~

~~1. Possess any grey trout less than 12 inches in total length.~~

~~2. Possess, aboard any vessel, or land any quantity of grey trout that is more than the total weight of species other than grey trout on board the vessel.~~

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- G. ~~For any gear type not subject to a closed season, nor described in subsections A, B, C or D of this section, the vessel possession limit shall be 100 pounds per day or trip, whichever is the longer period of time.~~

4VAC20-380-60. Recreational Fishing Seasons, Minimum Size Limits, And Possession Limits.

- A. It shall be unlawful for any person fishing recreationally 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~~ The recreational vessel 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.

4VAC20-380-70. 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.

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This is to certify that the foregoing is a true and accurate copy of the chapter passed by the 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 meeting held in Hampton, Virginia on March 23, 2021.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

By: _____

**Steven G. Bowman
Commissioner**

Subscribed and sworn to before me this ____ day of March 2021.

Notary Public