

**“PERTAINING TO FISHING GUIDES, CHARTER BOAT, AND
HEAD BOAT FISHERIES”**

CHAPTER 4 VAC 20-1180-10 ET SEQ.

PREAMBLE

This chapter establishes provisions for the sale of fishing guide licenses, ~~one of which is required for any charter boat or head boat captain~~ and charter boat and head boat permits. This chapter also establishes the enforcement boundaries for freshwater and saltwater licenses for the for hire industry in the Commonwealth of Virginia.

This chapter is promulgated pursuant to authority contained in §§ 28.2-201 and 28.2-302.8 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous chapter 4 VAC 20-1180-10 et seq., which was adopted on ~~August 25, 2009~~ December 11, 2018 and made effective on ~~December 1, 2009~~ January 1, 2019. The effective date of this chapter is ~~January 1, 2019~~ March 1, 2022.

4 VAC 20-1180-10. Purpose.

The purpose of this chapter is to establish conditional or limited sale of ~~fishing guide~~ licenses and permits for fishing guides, charter boats, and head boats for effective fishery management.

This chapter establishes the enforcement boundaries for freshwater and saltwater licenses for the for hire industry.

4 VAC 20-1180-20. Definitions.

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

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“Captain” means the person licensed by the U. S. Coast Guard to carry passengers for hire who operates the charter boat or head boat.

“Charter boat permit” or “head boat permit” means the permit for the charter boat or head boat that allows the charter boat or head boat passengers to fish.

"Class A fishing guide license" means the license ~~for~~ that allows charter boat or head boat operators ~~that is restricted to those individuals who satisfy one of the conditions described in 4 VAC 20-1180-40 or who obtains the license through a transfer or from the waiting list described in 4 VAC 20-1180-50 and 4 VAC 20-1180-60, respectively~~ to fish in Virginia and apply for reciprocity in Maryland.

“Class B fishing guide license” means the license that allows charter boat or head boat operators to fish only in Virginia waters ~~and may be obtained by anyone who is licensed by the U. S. Coast Guard to carry passengers for hire and can provide a copy of his current U. S. Coast Guard license with the application.~~

“Fishing guide reciprocity permit” means a cost-free permit that is required for any charter boat or head boat operator licensed as a Maryland fishing guide who fishes in Virginia waters under the Chesapeake Bay Saltwater License Reciprocity Agreement.

4 VAC 20-1180-30. Fishing guide license, and charter boat and head boat permit; fees.

A. Either a Class A fishing guide license or Class B fishing guide license or a fishing guide reciprocity permit shall be required for a charter boat or head boat captain operating for hire ~~and~~

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~~fishing~~ in the ~~tidal salt~~ waters of the Commonwealth under the jurisdiction of the Commission, pursuant to 4 VAC 20-1180-70.

B. A charter boat or head boat permit or a fishing guide reciprocity permit shall be required for any registered or documented charter boat or head boat operating for hire in the waters of the Commonwealth under the jurisdiction of the Commission, pursuant to 4 VAC 20-1180-70.

~~B. C. The annual fee for the Class A fishing guide license or the Class B fishing guide license shall be \$100 for a resident and \$200 for a nonresident. Fishing A fishing guide reciprocity permits permit~~ can be obtained at no cost provided the applicant furnishes copies of ~~his the~~ applicant’s Maryland fishing guide license, ~~and~~ U. S. Coast Guard License, ~~and vessel~~ documentation or registration.

~~C. When the same applicant purchases a Class A or Class B fishing guide license prior to purchasing one charter boat or head boat license as required by § 28.2-302.8 of the Code of Virginia, the fee for that charter boat or head boat license shall be reduced by the cost of the fishing guide license.~~

4 VAC 20-1180-40. Limited sale of the Class A fishing guide license and conditional sale of the Class B fishing guide license.

~~The Commissioner has determined that the requirements for the fishing guide license in Maryland are substantially similar and reciprocal with the Class A fishing guide license, and the~~

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~~following provisions and qualifications shall define the administration of the Class A fishing guide license:~~

~~1. It shall be unlawful for any person to serve as the captain of a charter boat or head boat without first qualifying for and obtaining a Class A or Class B fishing guide license or a fishing guide reciprocity permit.~~

~~2. An applicant shall be considered qualified for the Class A fishing guide license once that applicant satisfies the following conditions:~~

~~a. The applicant shall be licensed by the U. S. Coast Guard to carry passengers for hire and shall include a copy of his current U. S. Coast Guard license with the application.~~

~~b. The applicant shall have purchased, as the licensee, a 2008 Virginia charter boat or head boat license before June 25, 2008, or shall have purchased, as the licensee, Virginia charter boat or head boat licenses in 2006 and 2007.~~

~~A. To obtain a Class A guide license the applicant shall submit to the Commission a For Hire Application and a copy of the applicant’s valid U.S. Coast Guard license.~~

~~3. 1. A Class A fishing guide licensee shall be required to purchase a Class A fishing guide license annually to maintain his eligibility to purchase a Class A fishing guide~~

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license for the following year. If a Class A fishing guide license is not purchased annually, then the applicant shall reapply using a New Class A Fishing Guide License Applicant form.

~~4. 2. The number of Class A fishing guide licenses sold in any one year shall not exceed 240 for residents of Virginia and 38 for nonresidents which are the numbers of persons meeting the qualifications specified in subdivision b of subsection 2.~~

3. If the number of applicants exceeds the number of available licenses in any calendar year, those applicants shall be placed on a waitlist. If there are any vacant licenses due to loss of eligibility, those licenses shall be filled by persons from the waitlist in the order of listing. If the person from the waitlist fails to purchase the Class A fishing guide license within 14 days, the applicant forfeits eligibility for the current calendar year and the next person shall be selected from the waitlist.

~~5. An applicant shall be considered qualified for the Class B fishing guide license once he provides documentation that he is licensed by the U. S. Coast Guard to carry passengers for hire and can provide a copy of his current U. S. Coast Guard license with the application.~~


B. To obtain a Class B guide license the applicant shall submit to the Commission a For Hire Application and a copy of the applicant's valid U.S. Coast Guard license.

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4 VAC 20-1180-50. Transfers of a Class A fishing guide license.

A. A Class A fishing guide license may be transferred from the current licensee to another person with the approval of the Commissioner. ~~Transfers may be temporary or permanent. A temporary transfer shall authorize the person replacing the original Class A fishing guide licensee to serve as a fishing guide from the date of the transfer to the end of the license year, and following that time period, the original Class A fishing guide licensee shall retain eligibility for a fishing guide license. A permanent transfer authorizes the person replacing the original licensee to serve as a fishing guide for as long as he continues to qualify for the license, and the original licensee shall lose his eligibility for a Class A fishing guide license in future years. as follows:~~



1. A temporary transfer shall authorize the person replacing the original Class A fishing guide licensee to serve as a fishing guide from the date of the transfer to the end of the calendar year, and following that time period, the original Class A fishing guide licensee shall retain eligibility for a fishing guide license.

2. A permanent transfer authorizes the person replacing the original licensee to serve as a fishing guide for as long as they continue to qualify for the license, and the original licensee shall lose eligibility for a Class A fishing guide license in future years.

B. No transfer of a Class A fishing guide license from a resident to a non-resident or non-resident to resident shall be approved.

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4 VAC 20-1180-60. Waiting List. Repealed.

~~A. Effective January 1, 2009, the Commission shall create a list of applicants who have failed to qualify for the Class A fishing guide license. Persons may be placed upon the list in the order of receipt of their application, except that any person who cannot document that he is currently licensed by the U. S. Coast Guard to carry passengers for hire shall not be placed on the waiting list.~~

~~B. In the event the number of Class A fishing guide licenses in any year is less than the maximum number of licenses authorized by subdivision 4 of 4 VAC 20-1180-40, the vacant licenses may be filled by persons from the waiting list in their order of listing.~~

4 VAC 20-1180-70. Delineation of Enforcement Boundaries for Freshwater and Saltwater Licenses.

It shall be unlawful to operate as a captain on a charter or head boat without the corresponding licenses from the Commission in the following waters:

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1. Potomac River: the tidal portions of all Virginia tributaries entering below the Route 301 Bridge;
 2. Rappahannock River: the mainstem and all tributaries of the Rappahannock River downstream of the Route 360 Bridge;

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- 3. Piankatank River: the mainstem and all tributaries of the Piankatank River downstream of the first set of power lines immediately upriver of Anderson Point;
- 4. York River (including the Mattaponi and the Pamunkey Rivers): the mainstem and all tributaries of the York River downstream of the abutments of the old Route 33 Bridges; and
- 5. James River: the mainstem and all tributaries of the James River downstream of a line connecting Hog Point and the downstream shoreline at the mouth of College Creek.

4 VAC 20-1180-80. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any individual 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 individual within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

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 February 22, 2022.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

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BY: _____

Justin D. Worrell
Acting Commissioner

Subscribed and sworn to before me this ____ day of February 2022.

Notary Public

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