

"PERTAINING TO COMMERCIAL ELECTROFISHING"**CHAPTER 4 VAC 20-1360-10 ET SEQ.****PREAMBLE**

This chapter establishes a gear license, gear restrictions, and reporting requirements for the commercial electrofishing fishery for catfish.

This chapter is promulgated pursuant to the authority contained in § 28.2-613 of the Code of Virginia. The effective date of this chapter is January 1, 2020.

4 VAC 20-1360-10. PURPOSE.

The purpose of this regulation is to sustainably manage populations of nonnative catfish species through the creation of a low-frequency electrofishing gear license.

4 VAC 20-1360-20. DEFINITIONS.

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

“Agent” means any individual who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of any registered commercial fisherman in order to fish that commercial fisherman’s gear or sell that commercial fisherman’s harvest.

“Blue catfish” means any fish of the nonnative species *Ictalurus furcatus*.

“Commercial electrofishing fishery” means low-frequency electrofishing and subsequent harvest by any individual where the harvest is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

“Electrofishing” means a method by which fish are immobilized by an electrical field created by pulsing direct current at a frequency not above 15 Hz.

“Flathead catfish” means any fish of the nonnative species *Pylodictis olivaris*.

“Harvest area” means the waters of (i) the mainstem of the James River, from the James River Bridge upstream to the southern point of Turkey Island; (ii) the mainstem of the Pamunkey River, from the Rt. 33 Eltham Bridge upstream to the mouth of Matadequin Creek; and (iii) the mainstem of the Rappahannock River, from the Rt. 360 Downing Bridge upstream to the Rt. 301 James Madison Memorial Bridge.

“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, with the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with

"PERTAINING TO COMMERCIAL ELECTROFISHING"**CHAPTER 4 VAC 20-1360-10 ET SEQ.**

the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

4 VAC 20-1360-30. LICENSING AND ENTRY REQUIREMENTS.

- A. The maximum number of Commercial Electrofishing Licenses issued in any calendar year shall be three.
- B. Any individual who meets all of the following criteria shall be eligible for a Commercial Electrofishing License:
1. The individual shall possess a valid Commercial Fisherman Registration License.
 2. The individual shall complete a Commercial Electrofishing Application which shall be received by the Marine Resources Commission by the first of February of the current calendar year.
 3. The individual shall meet one of the following criteria:
 - i. The individual shall have operated electrofishing equipment as the applicant on a Virginia-issued Scientific Collection Permit.
 - ii. The individual shall have possessed a Commercial Electrofishing License and reported harvest of at least 100 pounds by electrofishing gear to the Marine Resource Commission's Mandatory Harvest Reporting System in the previous calendar year.
- C. If the number of individuals eligible for a Commercial Electrofishing License pursuant to subsection B of this section is fewer than three by the second of February in the current calendar year, a lottery will be conducted including any individual who meets all of the following criteria:
1. The individual shall possess a valid Commercial Fisherman Registration License.
 2. The individual shall complete a Commercial Electrofishing Lottery Application that was received by the Marine Resources Commission on or before the last day of February of the current calendar year.
 3. The individual shall have reported harvest to the Marine Resource Commission's Mandatory Harvest Reporting System of at least 1000 pounds of catfish per year in at least three of the previous ten calendar years.
- D. Any individual selected under subsection B or C of this section who fails to return a completed Commercial Electrofishing License Acceptance Form provided by the commission indicating their acceptance within 14 days of selection shall forfeit their

"PERTAINING TO COMMERCIAL ELECTROFISHING"**CHAPTER 4 VAC 20-1360-10 ET SEQ.**

eligibility for the current calendar year and another individual shall be selected from the list of eligible individuals pursuant to subsection C of this section.

- E. A Commercial Electrofishing License shall not be issued to an eligible individual until the individual demonstrates to the Marine Resources Commission successful completion of an approved electrofishing operation safety training course.
- F. The commission must approve all electrofishing gear prior to the issuance of a Commercial Electrofishing License.
- G. Using agents or transferring of any Commercial Electrofishing License shall be prohibited.
- H. The commissioner or the commissioner's designee may grant exceptions to subsection G of this section.

4 VAC 20-1360-40. PROHIBITIONS.

- A. It shall be unlawful for any individual to harvest any fish immobilized by commercial electrofishing gear without possessing a Commercial Fisherman Registration License and Fish Dip Net License or a Commercial Electrofishing License.
- B. It shall be unlawful for any individual in the commercial electrofishing fishery to:
 - 1. Take, harvest, or possess any species other than blue catfish or flathead catfish.
 - 2. Take, harvest, or possess any blue catfish greater than 25 inches in total length, except that up to 12 blue catfish per trip may be between 25 and 28 inches in total length.
- C. It shall be unlawful for any individual licensed under the provisions of 4 VAC 20-1360-30 to:
 - 1. Fail to be onboard the electrofishing vessel when conducting commercial electrofishing.
 - 2. Conduct commercial electrofishing from October 16 through April 30.
 - 3. Conduct commercial electrofishing between 11:59 a.m. on Friday and 12:01 a.m. Monday.
 - 4. Conduct commercial electrofishing within 100 yards of any marked commercial fishing gear.
 - 5. Conduct commercial electrofishing within the week prior to or during any local sampling conducted by the Virginia Department of Game and Inland Fisheries. The dates and locations of such sampling will be provided to licensees.

"PERTAINING TO COMMERCIAL ELECTROFISHING"

CHAPTER 4 VAC 20-1360-10 ET SEQ.

- 6. Fail to contact the Virginia Marine Resources Commission Operations Station toll free line at 1-800-541-4646 when intending to conduct commercial electrofishing within the following 24-hour period to report the specific location and estimated time of fishing.
- 7. Conduct commercial electrofishing in Virginia waters except in the harvest area specified on the individual's Commercial Electrofishing License.
- 8. Conduct commercial electrofishing within 100 yards of any public boat ramp, fishing pier, or where people are in the water, including such activities as swimming and diving.

4 VAC 20-1360-50. 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.

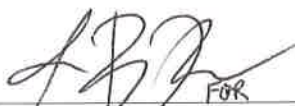
4 VAC 20-1360-60. SANCTIONS.

Any individual found guilty of violating any provision of this chapter may have his Commercial Electrofishing License revoked at any time upon review by the commission as provided for in § 28.2-232 of the Code of Virginia.

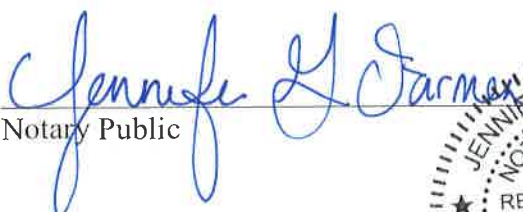
* * * * *

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 the meeting held in Hampton, Virginia, on December 17, 2019.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY:  FOR _____
Steven G. Bowman
Commissioner

Subscribed and sworn to before me this 19 day of December 2019.


Notary Public

