

"PERTAINING TO TILEFISH AND GROUPER"

CHAPTER 4 VAC 20-1120-10 ET SEQ.

PREAMBLE

This chapter establishes recreational and commercial limitations on the harvest and landings of Tilefish and Groupers in Virginia.

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 20-1120-10 et seq., which was promulgated March 28, 2017 and made effective on April 1, 2017. The effective date of this chapter is November 1, 2017.

4 VAC 20-1120-10. PURPOSE.

The purpose of this chapter is to provide for the conservation of tilefish and grouper and to reduce the potential for overfishing by establishing limits on the harvest and landing of these fish.

4 VAC 20-1120-20. DEFINITIONS.

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

“Commercial fishing” or “fishing commercially” or “commercial fishery” means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

“Grouper” means any of the following species:

- Black grouper, *Mycteroperca bonaci*
- Coney, *Cephalopholis fulva*
- Gag grouper, *Mycteroperca microlepis*
- Goliath grouper, *Epinephelus itajara*
- Graysby, *Cephalopholis cruentata*
- Misty grouper, *Epinephelus mystacinus*
- Nassau grouper, *Epinephelus striatus*
- Red grouper, *Epinephelus morio*
- Red Hind, *Epinephelus guttatus*
- Rock Hind, *Epinephelus adscensionis*
- Scamp, *Mycteroperca phenax*
- Snowy grouper, *Epinephelus niveatus*
- Speckled Hind, *Epinephelus drummondhayi*
- Tiger grouper, *Mycteroperca tigris*
- Warsaw grouper, *Epinephelus nigritus*
- Wreckfish, *Polyprion americanus*

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Yellowedge grouper, *Epinephelus flavolimbatus*
Yellowfin grouper, *Mycteroperca venenosa*
Yellowmouth grouper, *Mycteroperca interstitialis*

"Recreational fishing" or "fishing recreationally" or "recreationally fishing" means fishing by any person, whether licensed or exempted from licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Recreational vessel" means any vessel, kayak, charter vessel or headboat participating in the recreational tilefish and grouper fishery.

"Tilefish" means any of the following species:

Blueline tilefish, *Caulolatilus microps*
Golden tilefish, *Lopholatilus chamaeleonticeps*
Sand tilefish, *Malacanthus plumieri*

4 VAC 20-1120-30. RECREATIONAL HARVEST AND POSSESSION LIMIT.

- A. The recreational harvest, landing and possession limit for tilefish, as described in 4 VAC 20-1120-20, shall be seven fish. It shall be unlawful for any person to recreationally harvest, land or possess more than seven tilefish within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for tilefish shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by seven. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.
- B. The recreational harvest, landing and possession limit for grouper, as described in 4 VAC 20-1120-20, shall be one fish. It shall be unlawful for any person to recreationally harvest, land or possess more than one grouper within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for grouper 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 limits.

4 VAC 20-1120-31. RECREATIONAL PERMIT AND MANDATORY REPORTING.

- A. It shall be unlawful to possess aboard or to land any Tilefish or Grouper harvested from a recreational vessel unless the captain or operator of that recreational vessel has obtained a Recreational Tilefish and Grouper Permit from the Marine Resources Commission. The captain or

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operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide his MRC ID number; the date of harvest; the number of individuals on board; the mode of fishing; and the number of Tilefish and Grouper, by species, kept or released.

B. It shall be unlawful for any person to possess or land any Tilefish or Grouper harvested recreationally from shore, a pier, or any other manmade structure without first having obtained a Recreational Tilefish and Grouper Permit from the Marine Resources Commission. Any such permittee shall provide his MRC ID number; the date of harvest; the mode of fishing; and the number of Tilefish and Grouper, by species, kept or released on that report to the Commission.

C. It shall be unlawful for any registered Tilefish and Grouper Permittee, as described in 4 VAC 20-1120-31, to fail to report trips where Tilefish or Grouper were caught, whether harvested, released, or possessed, in accordance with this section, on forms provided by the commission within seven days after the trip occurred. It shall be unlawful for any permittee to fail to report trips where Tilefish or Grouper were targeted but not successfully caught on forms provided by the commission by the 15th day after the close of any Tilefish and Grouper recreational fishery seasons.

1. Any permittee who did not participate in the Tilefish and Grouper recreational fishery season shall notify the commission of their lack of participation by the 15th day after the close of the Tilefish and Grouper recreational fishery seasons.

2. Any permittee who either fails to report the harvest of any Tilefish or Grouper or did not participate in any recreational Tilefish and Grouper recreational season and fails to report no activity shall be ineligible to receive the permit in the following the year.

4 VAC 20-1120-32. (REPEALED).

4 VAC 20-1120-35. RECREATIONAL BLUELINE TILEFISH SEASON

It shall be unlawful for any person, fishing recreationally, to harvest or possess any blue line tilefish after October 31, 2017.

4 VAC 20-1120-40. COMMERCIAL LIMITATIONS.

A. It shall be unlawful for any person harvesting tilefish when commercial fishing, as described in 4 VAC 20-1120-20, to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of tilefish species in excess of 500 pounds whole weight or 455 pounds gutted weight.
2. Possess aboard any vessel in Virginia waters any amount of blue line tilefish in excess of 300 pounds whole weight or 273 pounds gutted weight.

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- 3. Possess aboard any vessel any amount of golden tilefish during any in-season closure announced by the National Marine Fisheries Service.
- B. It shall be unlawful for any vessel to land in Virginia more than 175 pounds of grouper, as described in 4 VAC 20-1120-20, per day when commercial fishing.
- C. It shall be unlawful for any person to transfer at sea to another person or vessel any harvest of tilefish or grouper.

4 VAC 20-1120-50. 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.

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 Newport News, Virginia, on October 24, 2017.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: Matthew R. Hull for
John M. R. Bull
Commissioner

Subscribed and sworn to before me this 27 day of October 2017.

Jennifer G. Farmer
Notary Public

