

## FISHERIES MANAGEMENT DIVISION EVALUATION, 4/25/2023

**PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass," to establish season dates for the 2023 recreational black sea bass fishery.

**ISSUES:** In December 2022, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Board (Board) approved a conservation equivalency plan for black sea bass that would allow regions to customize 2023 management measures to reduce recreational harvest by 10%. At the same meeting, Virginia was granted approval to conduct a 2023 February recreational fishery on the condition that any additional landings occurring during that season would result in a deduction of fishing days from the regular open season. During the February 2023 recreational black sea bass season, Virginia anglers landed 38,023 pounds of black sea bass. Both reductions will be achieved by a closure of 27 days, resulting in a season from May 15 through June 29 and July 27 through December 31.

**BACKGROUND:** Each year, the Board and Council vote on annual specifications to establish a commercial quota and a recreational harvest limit (RHL). Expected harvest for the following year is compared to the commercial quota and RHL to determine if action is necessary to reduce or liberalize harvest. The Harvest Control Rule Framework/Addenda adopted in June 2022 means the stock status of the species (total biomass compared to target stock size) is also taken into account when determining management measures for the coming year.

According to models, the recreational black sea bass harvest projected for 2023 under status quo measures significantly exceeds the RHL. Because the total biomass for black sea bass is over 150% of the target stock size, the Harvest Control Rule states a 10% harvest reduction is necessary.

The Board and Council also approved the states and regions to use conservation equivalency. Conservation equivalency is a process by which managers ensure equal compliance along the coast while recognizing that states have unique fisheries. In regional conservation equivalency, states with similar fisheries are grouped into regions which submit one proposal designed to reduce the total harvest for that region by the required amount. For black sea bass, Virginia is in the southern region with Delaware, Maryland, and North Carolina. The states within each region work together to set management measures that will meet the required reduction. If conservation equivalency is approved, the

Council and Board set non-preferred coastwide measures that would achieve the required reduction if all states and regions had the same management measures. Each state or region submits a proposal that would at least meet the required reduction to their total harvest. If an appropriate proposal is not submitted, states or regions must enact precautionary default measures, which are more restrictive than the non-preferred coastwide measures to discourage states and regions from failing to provide an appropriate proposal. If a state or region did not submit an appropriate proposal or enact precautionary default measures, ASMFC could find them out of compliance. If the US Secretary of Commerce concurs with ASMFC's compliance finding, the state could have their fishery shut down.

For 2023, the non-preferred coastwide measures are a 15-inch minimum size limit, a five fish possession limit, and an open season of May 15 – September 8. The precautionary default measures are a 16-inch minimum size limit, a two fish possession limit, and an open season of June 1 – August 31. Virginia put forward a 13-inch size limit, a 15 fish possession limit, and an open season of May 15 – July 15 and July 27 – December 31, which was approved by the Board at their March 2, 2023 meeting. Virginia's season will be further reduced based on the outcome of the February recreational black sea bass season.

Virginia participated in this special February recreational season from 2018 through 2021 and again in 2023 with the understanding that any additional landings occurring in February each year would result in a deduction of fishing days from the open season. Permit holders (the captain or operator of the vessel) were required to report to the commission the number of trips they took, the number of anglers on board, and the number of black sea bass they landed and released. Permit holders were also required to call the Marine Police Operations Stations before each trip so VMRC staff could arrange to sample a subset of trips for fish lengths and weights.

In February 2023, 493 recreational black sea bass permits were issued to anglers and for-hire captains. Of those, 163 permittees reported taking 257 trips and landing 18,192 black sea bass. MRIP staff sampled 102 fish from 9 vessels and estimated an average weight of 2.09 pounds per fish. Using the average weight, staff calculated that 38,023 lbs of black sea bass were landed during the 2023 February fishery. Total landings in 2023 were more than double those in 2021, which had the second highest landings of 15,708 lbs. Since the number of permits issued did not increase this year, staff attributes the increase in harvest and in trips taken (57% higher) to milder weather. February is notoriously a month of unpredictable weather and since black sea bass are found further offshore in the winter months, most vessels will only fish on the occasional mild weather day. In past years, a full weekend could pass

without any vessels leaving the dock when weather was bad.

Season adjustments to the 2023 season are based on average daily landings rates by wave from the most recent two years (2021-2022) of MRIP landings. The average daily landings rate for each wave (a two month period) was calculated using 2021-22 MRIP harvest data, by dividing the total weight by wave by the number of days the wave was open. A closure of one day in wave 3 (May-June) and fifteen days in wave 4 (July-August) is expected to result in savings of 39,481 pounds.

Staff recommends closing the recreational black sea bass season from June 30 through July 26, 2023. At their January 24, 2023, meeting, the VMRC's Finfish Management Advisory Committee (FMAC) recommended the July closure for ASMFC and suggested that the additional closure for February should be appended to that closure to result in one midseason closure. Staff presented final options, with the February closure, to FMAC via email in April 2023. Seven members voted for a closure from June 30 through July 26 because it would close the fewest days and there are plenty of other species to fish for at that time. Two members voted to close July 10 through August 11, despite being closed six additional days, because they wanted to keep the weekend of July 4<sup>th</sup> open for fishing. Those who voted for the June to July closure said they did not usually fish for black sea bass at that time and therefore it wouldn't cost them anything. The committee was not able to reach a consensus on the preferred option.

Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass" and the Public Notice are attached to this evaluation. Staff has received no public comment at this time. The Black Sea Bass, Summer Flounder, and Scup Technical Committee is in support of Virginia's proposal, which will be voted upon by the Black Sea Bass, Summer Flounder, and Scup Board prior to this Commission meeting.

**STAFF**

**RECOMMENDATION:** Staff requests the Commission approve amendments to Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass," to establish season dates for the 2023 recreational black sea bass fishery.

## Black Sea Bass season closure recommendation

mike hubert <albeman45@yahoo.com>

Sun 4/23/2023 8:46 AM

To: fisheries (MRC) <fisheries@mrc.virginia.gov>

Dear Mr. Greer,

I would like the Commission to know my preference for the 2023 sea bass season.

I've fished in Virginia waters since I came here in the navy 1983. I got addicted to Saltwater fishing and decided to make Norfolk my home!

Dear Mr. Greer and commission members

I am a recreational angler from Ocean View. I have family in North Carolina, Georgia and Nebraska. Fishing and eating our fresh catch are a particular bright spot of our reunions in general and that weekend in particular! One of our preferred food fish is sea bass (mom's favorite).

The long weekend of the July 4th is a rare opportunity for us to gather without missing work or school! We rarely catch our Limit of BSB, but we do take enough fish for a couple of dinners and freeze some to eat later.

I prefer for any closure of the season to happen after the holiday weekend so my family can enjoy it, a few good meals and have some memories to share later!

As a responsible angler I try my best to release any under size or out of season fish with the highest probability of survival. It has taken many years to learn the best techniques and methods to achieve and understand the importance of this action. Sadly, I am in the minority on that subject. I suspect based on experience (being down current from some boats) that a lot of anglers don't! I do think people care but just don't know!

Sincerely,  
Joseph M. Hubert (1415461)  
Norfolk, VA.

## Proposed Black Sea closure

Wayne Seymour <waynesey66@icloud.com>

Sat 4/22/2023 8:41 PM

To: fisheries (MRC) <fisheries@mrc.virginia.gov>

I was made aware of the proposal for closing the Black Sea bass during the 4th of July weekend. This holiday is important to our family as we have a large family gathering and a big fish fry. We normally fish the triangle wreck area for a number of species such as flounder, tautog, bluefish and seabass. I would like the season to be open so we can keep legal size seabass at least through the 4th of July. Seabass are going to be caught while fishing for the other species anyway so if we can keep some that would be nice. Also there are other considerations such as if we go deep dropping and catch seabass we would be able to keep them instead of watching them float away because the season is closed. Thank you for considering any options that would keep the season open through this long weekend of July 4th. Again, thank you  
Wayne Seymour

Sent from my iPhone

## Black Sea Bass Season Closures

HENRY TROUTNER <htroutner1@gmail.com>

Sun 4/23/2023 8:10 AM

To: fisheries (MRC) <fisheries@mrc.virginia.gov>

Good Morning:

I understand the exceptional Black Sea Bass (BSB) harvest during the special February season will necessitate a shorting of the summer season. I have seen several proposals, one of which closed the season during the beginning of July. I do not think closing the BSB season during the beginning of July would be good for the fisherman, the fish, or the economy.

July is a traditional family vacation period with many heading to the shore. For some this is the only time available to fish and BSB are an excellent target providing fun and a delicious meal. I remember as a child on summer vacation going BSB fishing with my father on "Head" boats. The anticipation and excitement of the trip has kept me fishing into my 70's.

I would hope you would also consider the economic effect a July closure would have on our fishing and vacation industry. This is probably the busiest time of year for our Charter & Head Boats, Bait & Tackle Stores, and let's not underestimate the amount spent on hotels, motels, house rentals, and food. Without the attraction of quality family time, friendship, and the excitement of a day on the water many of these vacationers will be looking else where to spend their money.

There are also the fish to consider. BSB are plentiful during July and even when not targeting them they remain a significant by catch. For the "vacationing" fisherman/women/child the proper catch & release tactics which contribute to a fishes survival are usually unknown. Even for the more experienced, many of which will be Blueline Tile fishing with it's large percentage of BSB caught, the survival rate for BSB brought up for 300 ' of water is more than questionable.

Considering the above issues I personally believe it would be best for the BSB season to remain open during the beginning of July and consider other dates for the closure.

Thank you for your attention to this matter:

Henry Troutner  
207 Longview Circle  
Smithfield, VA 23430  
(717) 847-7076



# COMMONWEALTH of VIRGINIA

*Marine Resources Commission*

*Building 96*

*380 Fenwick Road*

*Fort Monroe, VA 23651*

Travis A. Voyles  
Secretary of Natural and Historic  
Resources

Jamie L. Green  
Commissioner

## NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By April 10, 2023, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, April 25, 2023, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the Fisheries Management Division proposals or on fisheries items not on the agenda must be provided by 12:00 p.m., Monday, April 24, 2023, to Patrick Geer, VMRC Fisheries Management Division, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651, or sent by email to [fisheries@mrc.virginia.gov](mailto:fisheries@mrc.virginia.gov) with the subject heading "Commission Comments".

The Commission may review Fisheries Management Division items as early as 9:30 a.m.

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### **I. Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass"**

The Commission proposes to amend Chapter 4 VAC 20-950-10 et seq., "Pertaining to Black Sea Bass", to establish the 2023 recreational management measures for this species.

The purpose of these amendments is to comply with the Interstate Fishery Management Plan for this species.

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**VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS BECAUSE OF A DISABILITY, PLEASE ADVISE MICHELE GUILFORD (757-247-2206) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.**

*An Agency of the Natural and Historic Resources Secretariat*

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## “PERTAINING TO BLACK SEA BASS”

## CHAPTER 4VAC20-950-10 ET SEQ.

## PREAMBLE

This chapter establishes minimum size limits, gear restrictions, and quotas for the harvest of black sea bass. This chapter authorizes the aquaculture of black sea bass and sets forth the conditions required for black sea bass culture. This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-204.1 of the Code of Virginia. This chapter amends and re-adopts, as amended, Chapter 4VAC20-950-10 et seq., which was promulgated ~~January 25, 2022~~ April 26, 2022 and made effective ~~January 27, 2022~~ May 1, 2022. The effective date of this chapter, as amended, is ~~May 1, 2022~~ May 1, 2023.

**4VAC20-950-10. Purpose.**

The purposes of this chapter are to (i) reduce fishing mortality in the black sea bass fishery to ensure that overfishing does not occur, (ii) promote the health of the spawning stock biomass, (iii) improve the yield from the fishery, (iv) distribute shares of the black sea bass quota to those fishermen who demonstrate a previous history of participation in the fishery, and (v) encourage safe black sea bass aquaculture practices.

**4VAC20-950-20. Definitions.**

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

“Annual quota” means Virginia’s 15.88% share of the annual coastwide commercial black sea bass quota managed by the Atlantic States Marine Fisheries Commission.

"Black sea bass" means any fish of the species *Centropristis striata*.

“Land” or “landing” means to (i) enter port with finfish, shellfish, crustaceans, or other marine seafood on board any boat or vessel; (ii) begin offloading finfish, shellfish, crustaceans, or other marine seafood; or (iii) offload finfish, shellfish, crustaceans, or other marine seafood.

“Recreational vessel” means any vessel, kayak, charter vessel, or headboat fishing



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recreationally.

“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, excluding the caudal fin filament, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

**4VAC20-950-30. Minimum size limit.**

A. The minimum size for black sea bass harvested by commercial fishing gear shall be 11 inches in total length. It shall be unlawful for any person to sell, trade, or barter, or offer to sell, trade, or barter any black sea bass less than 11 inches in total length, except as described in 4VAC20-950-70.

B. The minimum size of black sea bass harvested by recreational gear, including hook and line, rod and reel, spear and gig, shall be 13 inches in total length.

C. It shall be unlawful for any person to possess any black sea bass smaller than the minimum size limit, as designated respectively, in subsections A and B of this section, except as described in 4VAC20-950-70.

**4VAC20-950-40. Gear restrictions.**

It shall be unlawful for any person to place, set, or fish any fish pot in Virginia tidal waters for the purposes of harvesting black sea bass or to possess or to land in Virginia black sea bass harvested by fish pots which are not constructed as follows:

1. With two escape vents of 2-1/2 inches diameter circular dimension, or 2 inches square dimension, or 1-3/8 inches by 5-3/4 inches rectangular dimension.

2. With hinges or fasteners on one side panel or door, which measures at least 3 inches by 6 inches, made of the following materials:

a. Untreated hemp, jute, or cotton string of 3/16 inches or less diameter;

b. Magnesium alloy, timed float releases (pop-up devices), or similar magnesium alloy fasteners; or

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c. Ungalvanized or uncoated iron wire of 0.094 inches or less in diameter.

**4VAC20-950-45. Recreational possession limits and seasons.**

A. It shall be unlawful for any person fishing with hook-and-line, rod and reel, spear, gig, or other recreational gear to possess more than 15 black sea bass. When fishing from a recreational vessel where the entire catch is held in a common hold or container, the possession limit shall be for that vessel and shall be equal to the number of persons on board legally licensed to fish, multiplied by 15. The captain or operator of the vessel shall be responsible for that vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

B. Possession of any quantity of black sea bass that exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

C. The open recreational fishing season shall be from May 15 through ~~December 11~~ June 29 and July 27 through December 31.

D. It shall be unlawful for any person fishing recreationally to take, catch, or possess any black sea bass, except during an open recreational season.

**4VAC20-950-46. Directed fishery and bycatch fishery permits.**

A. It shall be unlawful for any person to participate in the commercial black sea bass fishery or to possess, harvest, or sell black sea bass, except as described in 4VAC20-950-60 and 4VAC20-950-70, without first qualifying for and obtaining either a directed fishery permit or a bycatch fishery permit from the commission, as described, respectively, in subsections B, C, and D of this section, unless that person meets the requirements described in 4VAC20-950-48.2.

B. Any person who qualified for a directed commercial black sea bass fishery permit, as of January 1, 2003, by satisfying all the eligibility criteria listed in this subsection shall remain eligible for that permit, unless that person permanently transferred all that person's shares of the directed fishery quota.

1. That person shall hold either a Commercial Fisherman Registration License or a Seafood Landing License in addition to a federal Black Sea Bass Moratorium Permit; and

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2. That person shall have landed and sold in Virginia at least 10,000 pounds of black sea bass from July 1, 1997, through December 31, 2001.

C. Any person who meets the eligibility criteria of subsection B of this section but no longer meets the requirements of subdivision B 1 of this section shall remain eligible to transfer shares of that person's directed fishery quota in accordance with 4VAC20-950-48.1.

D. A person shall be considered eligible for a bycatch commercial black sea bass fishery permit by satisfying all of the following eligibility criteria:

1. That person shall hold either a Commercial Fisherman Registration License or a Seafood Landing License, in addition to a federal Black Sea Bass Moratorium Permit; and
2. That person shall have landed and sold in Virginia at least one pound of black sea bass from July 1, 1997, through December 31, 2001.

**4VAC20-950-47. Commercial harvest quotas.**

A. The commercial black sea bass directed fishery quota shall be allocated 100% of the annual quota each year except the commercial directed fishery quota shall not include the amount of annual quota allocated to the commercial black sea bass bycatch fishery specified in subsection B of this section. When it has been announced by the commission that the directed fishery quota has been projected as reached and the directed fishery has been closed, it shall be unlawful for any commercial black sea bass directed fishery permittee to possess aboard any vessel or land in Virginia any black sea bass.

B. The commercial black sea bass bycatch fishery shall be allocated 40,000 pounds of the annual quota each calendar year. When it has been announced that the bycatch fishery quota has been projected as reached and the bycatch fishery has been closed, it shall be unlawful for any commercial black sea bass bycatch fishery permittee to possess aboard any vessel or land in Virginia any black sea bass. In the event the bycatch fishery quota is exceeded, the amount of the bycatch fishery quota overage shall be deducted from the following year's bycatch fishing quota.

**4VAC20-950-48. Individual fishery quotas; bycatch limit; at sea harvesters; exceptions.**

A. Each person possessing a directed fishery permit shall be assigned an individual fishery quota, in pounds, for each calendar year. A person's individual fishery quota shall be equal to that person's percentage of the total landings of black sea bass in Virginia from July 1, 1997, through December 31, 2001, multiplied by the commercial black sea bass directed fishery quota for the current calendar year. Any directed fishery permittee shall be limited to landings in Virginia in the

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amount of the permittee's individual fishery quota, in pounds, in any calendar year and it shall be unlawful for any permittee to exceed the permittee's individual fishery quota. In addition to the penalties prescribed by law, any overages of a permittee's individual fishery quota shall be deducted from that permittee's individual fishery quota for the following year.

B. In the determination of a person's percentage of total landings, the commission shall use the greater amount of landings from either the National Marine Fisheries Service Dealer Weigh-out Reports or National Marine Fisheries Service Vessel Trip Reports that have been reported and filed as of November 26, 2002. If a person's percentage of the total landings of black sea bass is determined by using the Vessel Trip Reports as the greater amount, then the person shall provide documentation to the Marine Resources Commission to verify the Vessel Trip Reports as accurate. This documentation may include dealer receipts of sales or other pertinent documentation, and such documentation shall be submitted to the commission by December 1, 2004. In the event the commission is not able to verify the full amount of the person's Vessel Trip Reports for the qualifying period, the commission shall use the greater amount of landings, from either the Dealer Weigh-Out Reports or the verified portion of the Vessel Trip Reports to establish that person's share of the directed fishery quota.

C. It shall be unlawful for any person harvesting black sea bass to possess aboard any vessel in Virginia waters any amount of black sea bass that exceeds the combined total of any portion of the Virginia permitted landing limit, as described in subsection A of this section, and the North Carolina legal landing limit.

D. It shall be unlawful for any person permitted for the bycatch fishery to do any of the following:

1. Possess aboard a vessel or land in Virginia more than 200 pounds of black sea bass in addition to the North Carolina legal landing limit or trip limit, in any one day, except as provided in subdivision 2 of this subsection;
2. Possess aboard a vessel or land in Virginia more than 1,500 pounds of black sea bass in addition to the North Carolina legal landing limit or trip limit, in any one day, provided that the total weight of black sea bass on board the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Longfin squid, and Atlantic mackerel on board the vessel; or
3. Possess aboard a vessel or land in Virginia more than 100 pounds of black sea bass in addition to the North Carolina legal landing limit or trip limit, when it is projected and announced that 75% of the bycatch fishery quota has been taken.

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E. It shall be unlawful for any person to transfer black sea bass from one vessel to another while at sea.

F. An individual fishery quota, as described in subsection A of this section, shall be equal to a person’s current percentage share of the directed fishery quota, as described in 4VAC20-950-47 A.

**4VAC20-950-48.1. Individual transferable quotas.**

A. Shares of the directed fishery quota, in pounds, held by any permitted fisherman in the directed fishery may be transferred to another person, and such transfer shall allow the transferee to harvest, possess and land black sea bass in Virginia in a quantity equal to the shares of the directed fishery quota transferred, provided that transferee satisfies the eligibility requirements described in 4VAC20-950-46 B 1.

B. Any transfer of black sea bass shall be limited by the following conditions.

1. Commercial black sea bass shares of the directed fishery quota shall not be transferred in any quantity less than 200 pounds.
2. No person permitted for the directed fishery may hold more than 20% of the annual directed fishery quota.
3. No transfer of shares of the black sea bass directed fishery quota shall be authorized unless such transfer is documented on a form provided by the commission and approved by the commissioner.
4. Any person who receives a permanent transfer of directed fishery quota but does not satisfy the eligibility requirements described in 4VAC20-950-46 B 1 shall remain eligible to transfer shares of that person's directed fishery quota in accordance with this section.

C. Transfers of all or a portion of any person's share of the directed fishery quota may be permanent or temporary. Transferred directed fishery quota shall only be used by the transferee for black sea bass landed in Virginia. Permanent transfers of shares of directed fishery quota shall grant to the transferee that transferred share of the directed fishery quota for future years, and the transferor loses that same transferred share of the directed fishery quota in future years. Temporary transfers of shares of the directed fishery quota shall allow the transferee to harvest that transferred share of the directed fishery quota during the year in which the transfer is approved. Thereafter, any transferred share of the directed fishery quota reverts back to the transferor.

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**4VAC20-950-48.2. Alternate vessel authorization requirements.**

A. Any person possessing a directed fishery permit may authorize an alternate vessel to harvest, possess, and land any portion of that person's individual directed fishery quota, provided the following conditions are met:

1. The directed fishery permit holder has submitted a completed and notarized alternate vessel authorization form to the commission.
2. The alternate vessel named on the authorization form holds a federal Black Sea Bass Moratorium Permit and that alternate vessel either holds a Virginia Seafood Landing License or that alternate vessel's owner and operator holds a Commercial Fisherman Registration License.
3. The alternate vessel authorization has been accepted and approved by the commissioner.
4. The alternate vessel maintains copies of the alternate vessel authorization form and the permit of the directed fishery quota owner at all times while serving as the alternate vessel.

B. No authorization for an alternate vessel to land black sea bass shall extend for more than 60 days from the date the commissioner approves the authorization. After 60 days, any unused portion of directed fishery quota authorized for the alternate vessel shall revert to its directed fishery permit holder.

**4VAC20-950-49. Reporting requirements.**

A. It shall be unlawful for any person permitted for the directed fishery, the bycatch fishery, or for an authorized alternate landing vessel to fail to contact, within one hour of landing, Law Enforcement Operations to report that person's name and the name of the vessel, that person's permit number, the location where catch will be offloaded, and the estimated weight of the landing of black sea bass.

B. It shall be unlawful for any person permitted for the directed fishery, the bycatch fishery, or for an authorized alternate landing vessel to fail to contact, within 24 hours of landing, the Marine Resources Commission's Interactive Voice Recording System to report the name of the permit holder and the name of the vessel that landed the black sea bass, date of landing, the permit number and the weight of black sea bass landed.

C. Any buyer of black sea bass from a directed fishery permittee, a bycatch fishery permittee, or an authorized alternate landing vessel shall maintain records of all purchases for the current year

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and prior year and make those records available to the Marine Resources Commission upon request.

**4VAC20-950-50. (Repealed.)**

**4VAC20-950-60. Black sea bass aquaculture facility permit.**

A. Any person operating an aquaculture facility in which any black sea bass will be cultured, possessed, offered for sale, or sold shall possess a black sea bass aquaculture facility permit for that facility that was obtained from the commissioner.

1. The black sea bass aquaculture facility permit shall allow the facility to import black sea bass eggs, fry, and brood-stock from captive brood-stock facilities.
2. A black sea bass aquaculture facility permit is not transferable.

B. The application for a black sea bass aquaculture facility permit shall list the name and address of the applicant, the type and location of that facility, and an estimate of production capacity. A black sea bass aquaculture facility permit shall be valid for ten years, from the date of issue, and may be renewed by the commissioner. The issuance and continuation of any person’s black sea bass aquaculture facility permit are contingent on that designated facility being open for inspection by the Marine Resources Commission for the purposes of determining compliance with this chapter.

C. The original of the black sea bass facility aquaculture permit shall be maintained by the permittee and prominently displayed at the location of the permitted aquaculture facility. A copy of such permit shall be used as evidence of authorization to transport black sea bass to and from the permitted aquaculture facility.

**4 VAC20-950-70. Sale, records, importation, and release of black sea bass.**

A. All black sea bass produced by an aquaculture facility and permitted by 4VAC20-950-60 shall be packaged, prior to sale, with a printed label indicating the product is of aquaculture origin. When packaged and labeled according to these requirements, such fish may be transported and sold at retail, at wholesale, or commercially until reaching the consumer.

B. Any black sea bass that measures less than the lawful minimum size described in 4VAC 20-950-30, but are the product of a permitted aquaculture facility in another state, may be imported into Virginia for the consumer market. Any fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section.

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C. Under no circumstance shall any black sea bass produced by an aquaculture facility be placed into Virginia waters without written permission from the commissioner.

**4VAC20-950-80. 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 April 25, 2023.

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION**

**BY:** \_\_\_\_\_  
**Jamie L. Green  
Commissioner**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Notary Public