

"PERTAINING TO THE TAKING OF FINFISH BY GILL NETS"

REGULATION 4 VAC 20-220-10.ET. SEQ.

§ 4VAC20-220-10 Purpose.

The purpose of this chapter is to provide for the long-term conservation of stocks of food fish in Virginia's tidal waters, and to assure that there is an appropriate balance of harvests for all-user groups.

Statutory Authority §28.2-201 of the Code of Virginia and Article 2 (§28.2-303 et seq.) of Chapter 3 of Title 28.2.

Historical Notes

Derived from VR450-01-0028 §1; eff. April 1, 1983; amended, Virginia Register Volume 8; Issue 15, eff. February 1, 1992; Volume 11, Issue 22, eff. July 1, 1995.

§ 4VAC20-220-20 Gill nets.

A. Any gill net, whether floating or submerged, that is not assigned a fixed location shall be set in a straight line. In enforcing this provision, Marine Patrol Officers shall take into consideration the effect of wind and tide on any net. Nothing in this subsection shall pertain to mullet nets when used in a directed fishery for mullet.

B. Any gill net, whether floating or submerged, that is not assigned a fixed location shall have no greater depth than 330 inches total stretched mesh measurement. Measurement shall be vertically from top to bottom. Possession of any gill net, rigged with floats and weights, and in excess of the aforementioned depth shall be deemed a violation of this subsection except that any person transiting Virginia's waters with any gill net not meeting the requirements of this chapter shall first notify and obtain permission from the Commissioner of Marine Resources.

C. Any gill net, whether floating or submerged, that is not assigned a fixed location shall be fished no closer than 200 feet to any other such gill net. No part of any such gill net shall be closer than 200 feet to any part of any other such gill net. In enforcing this provision, Marine Patrol Officers shall take into consideration the effect of wind and tide on the nets in question.

D. The provisions of subsection C of this section shall not be applicable to those gill nets without an assigned fixed location which are set and fished in the tributaries of the Chesapeake Bay. However, no two or more such gill nets shall be fixed or tied end-to-end such that the maximum licensed length prescribed by law is exceeded.

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§ 4VAC20-220-30 Penalty.

A. 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.

B. The licensee or the master of the vessel tending such gill net shall be responsible for compliance with this chapter.

Statutory Authority §28.2-201 of the Code of Virginia and Article 2 (§28.2-303 et seq.) of Chapter 3 of Title 28.2.

Historical Notes

Derived from VR450-01-0028 §3; eff. April 1, 1983; amended, Virginia Register Volume 8, Issue 15, eff. February 1, 1992; Volume 11, Issue 22, eff. July 1, 1995.

"PERTAINING TO THE TAKING OF FINFISH BY GILL NETS "**REGULATION 450-01-0028****PREAMBLE**

This regulation prohibits encirclement gill netting and establishes maximum depth and minimum spacing requirements for gill nets.

This regulation is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This regulation amends and re-adopts previous Regulation 450-01-0028, which was adopted January 28, 1992 and effective February 1, 1992. This effective date of this regulation is July 1, 1995.

§1 . PURPOSE:

The purpose of this regulation is to provide for the long-term conservation of stocks of food fish in Virginia's tidal waters, and to assure that there is an appropriate balance of harvests for all user groups.

§2 . GILL NETS:

- A. Any gill net, whether floating or submerged, that is not assigned a fixed location shall be set in a straight line. In enforcing this provision, Marine Patrol Officers shall take into consideration the effect of wind and tide on any net. Nothing in this subsection shall pertain to mullet nets when used in a directed fishery for mullet.
- B. Any gill net, whether floating or submerged, that is not assigned a fixed location shall have no greater depth than three hundred thirty inches (330") total stretched mesh measurement. Measurement shall be vertically from top to bottom. Possession of any gill net, rigged with floats and weights, and in excess of the aforementioned depth shall be deemed a violation of this subsection except that any person transiting Virginia's waters with any gill net not meeting the requirements of this Regulation shall first notify and obtain permission from the Commissioner of Marine Resources.
- C. Any gill net, whether floating or submerged, that is not assigned a fixed location shall be fished no closer than two hundred feet (200') to any other such gill net. No part of any such gill net shall be closer than two hundred feet (200') to any part of any other such gill net. In enforcing this provision, Marine Patrol Officers shall take into consideration the effect of wind and tide on the nets in question.

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REGULATION 450-01-0028


- D. The provisions of paragraph C above shall not be applicable to those gill nets without an assigned fixed location which are set and fished in the tributaries of the Chesapeake Bay. However, no two or more such gill nets shall be fixed or tied end-to-end such that the maximum licensed length prescribed by law is exceeded.

§ 3 . PENALTY:

- A. As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this regulation committed by the same person within twelve months of a prior violation is a Class 1 misdemeanor.
- B. The licensee or the master of the vessel tending such gill net shall be responsible for compliance with this regulation.

This is to certify that the foregoing is a true and accurate copy of the regulation passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia and recorded in the Commission's minute book, at its meeting held in Newport News, Virginia on June 27, 1995.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 
WILLIAM A. PRUITT
COMMISSIONER

Subscribed and sworn to before me this 27th day of June, 1995.

My Commission expires December 31, 1996.


NOTARY PUBLIC