

“PERTAINING TO TAUTOG”

CHAPTER 4VAC20-960-10 ET SEQ.

PREAMBLE

This chapter establishes minimum size limits and gear restrictions for tautog. This chapter is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia and amends Chapter 4VAC20-960-10 et seq. which was promulgated May 22, 2012 and made effective on June 1, 2012. The effective date of this chapter, as amended, is January 1, 2013.

4VAC20-960-10. Purpose.

The purpose of this chapter is to (i) reduce fishing mortality in the tautog fishery to assure that overfishing does not occur and (ii) increase the spawning stock biomass.

4VAC20-960-20. Definitions.

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

"Tautog" means any fish of the species *Tautoga onitis*.

4VAC20-960-30. Minimum size limits.

- A. The minimum size limit of tautog harvested for commercial purposes shall be 15 inches total length.
- B. The minimum size of tautog harvested for recreational purposes shall be 16 inches, total length.
- C. It shall be unlawful for any person to possess any tautog smaller than the designated minimum size limit.
- D. Total length shall be measured in a straight line from tip of nose to tip of tail.

4VAC20-960-40. 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 tautog or to possess or to land in Virginia tautog harvested by fish pots which are not constructed with hinges and fasteners on one panel or door made of one of the following degradable materials:

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1. Untreated hemp, jute, or cotton string of 3/16" (4.8 mm) or smaller diameter;
2. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or
3. Ungalvanized or uncoated wire of 0.094" (2.39 mm) or smaller diameter.

4VAC20-960-45. Recreational fishing season and possession limits.

- 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 three tautog. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by three. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any tautog taken after the possession limit has been reached shall be returned to the water immediately.
- B. Possession of any quantity of tautog which exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.
- C. The recreational fishing season shall be closed from May 1 through September 19.
- D. It shall be unlawful for any person fishing recreationally to take, catch, or possess any tautog during any closed recreational fishing season.

4VAC20-960-47. Commercial fishing season and possession limits.

The commercial fishing season shall be closed from January 22 through the last day of February and May 1 through October 31, and it shall be unlawful for any person to possess tautog for commercial purposes during this period.

4VAC20-960-50. 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 for 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 Newport News, Virginia on November 19, 2012.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: Jack G. Travelstead
Jack G. Travelstead
Commissioner

Subscribed and sworn to before me this 27th day of November, 2012.

JANE E. WARREN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7191792
My Commission Expires 3/31/12

Jane E. Warren
Notary Public