

~~G. It shall be unlawful for any permittee, as described in 4VAC20-252-50 H and 4VAC20-252-60 G, to fail to report either the harvest of trophy-size striped bass or no harvest activity within 15 days of the closing of the Potomac River tributaries spring trophy-size striped bass recreational season.~~

H. Any permittee who did not participate in any Potomac River tributaries spring trophy-size striped bass recreational fishery shall notify the commission of his lack of participation by the 15th day after the close of any Potomac River tributaries spring trophy-size striped bass recreational fishery.

4VAC20-252-80. Bay Spring/Summer Striped Bass Recreational Fishery.

A. The open season for the Bay Spring/Summer Striped Bass Recreational Fishery shall be May 16 through June 15 inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 20 inches total length, and the maximum size limit for this fishery shall be 28 inches total length, except as provided in subsection E of this section.

D. The possession limit for this fishery shall be two fish per person.

E. The possession limit described in subsection D of this section may consist of one trophy-size striped bass 36 inches or greater, which is subject to the provisions of subsections A, B, E, F, G, and H, I, and J of 4VAC20-252-60.

NOTICE: The following form used in administering the regulation was filed by the agency. The form is not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of the form with a hyperlink to access it. The form is also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (4VAC20-252)

~~2017 Recreational/Charter Reporting Form (undated, filed 12/2016)~~

2017 Recreational/Charter Reporting Form (rev. 4/2017)

VA.R. Doc. No. R17-5092; Filed March 31, 2017, 1:55 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4VAC20-510. Pertaining to Amberjack and Cobia (amending 4VAC20-510-12, 4VAC20-510-15, 4VAC20-510-20).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: April 1, 2017.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments (i) simplify the recreational reporting requirements, (ii) make the captain or operator responsible for reporting, (iii) add "kayak" to the definition of recreational vessel, (iv) set the commercial cobia season as June 1 through September 15, and (v) change the maximum vessel limit for cobia as three fish.

4VAC20-510-12. Definitions.

The following term when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Recreational vessel" means any ~~private~~ vessel, kayak, charter vessel, or headboat vessel.

4VAC20-510-15. Recreational cobia permit and mandatory reporting.

A. It shall be unlawful for any person to possess or land any cobia harvested ~~recreationally without first having from a recreational vessel unless the captain or operator of that recreational vessel has obtained an Individual, Private Vessel, or Charter Headboat a~~ Recreational Cobia Permit from the Marine Resources Commission (commission). The captain or operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide his Marine Resources Commission identification (MRC ID) number, the date of harvest, the number of individuals on board, the mode of fishing, and the number of cobia kept or released.

B. It shall be unlawful for any person to possess or land any cobia harvested recreationally from shore, a pier, or any other manmade structure without first having obtained a Recreational Cobia 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 cobia kept or released on that report to the commission.

~~B. C.~~ It shall be unlawful for any permittee to fail to report trips where cobia are caught, whether harvested, ~~or released,~~ or the ~~possession of any cobia 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 cobia were targeted but not successfully caught, by the 15th day after the close of the any recreational cobia fishery season. ~~The reporting requirements shall be as follows:~~

~~1. Any individual recreational cobia permittee shall provide his own commission permit identification number; the commission permit identification number of the recreational vessel the individual is fishing from, if~~

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applicable; the date of any harvest; and the number of cobia kept or released.

~~2. Any private vessel or charter headboat recreational cobia permittee shall provide the vessel's commission permit identification number; the date of any harvest; the number of individuals on board; and the number of cobia kept or released. Any such permittee must report all trips made by the vessel to which the permit applies where cobia are caught or targeted even if the permittee was not on board the vessel during every such trip.~~

~~3. 1. Any permittee who did not participate in the recreational cobia season shall notify the commission of his lack of participation by the 15th day after the close of the recreational cobia season on forms provided by the commission.~~

~~4. 2. Any permittee who either fails to report the harvest of cobia or did not participate in any recreational cobia season and fails to report no activity shall be ineligible to receive an Individual, Private Vessel, or Charter Headboat a Recreational Cobia Permit in the year following the year in which that permittee failed to report. Any permittee who did not participate in the recreational cobia season and fails to report no activity shall also be ineligible to receive an Individual, Private Vessel, or Charter Headboat Recreational Cobia Permit in the year following the year where that permittee failed to report.~~

4VAC20-510-20. Recreational fishery possession limits; season closure; vessel allowance; prohibition on gaffing.

A. It shall be unlawful for any person fishing recreationally to possess more than two amberjack or more than one cobia at any time. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any 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 two for amberjack or one for cobia, except there is a maximum vessel limit of ~~two~~ three cobia per vessel per day. That vessel limit may only include one cobia greater than 50 inches in total length. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

B. In ~~2016~~ 2017, it shall be unlawful for any person, fishing recreationally, to harvest or possess any cobia before June 1 or after August 30 ~~September 15~~.

C. It shall be unlawful for any person fishing recreationally to gaff or attempt to gaff any cobia.

NOTICE: The following form used in administering the regulation was filed by the agency. The form is not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of the form with a hyperlink to access it. The form is also available from the agency contact or may be viewed at the Office of the

Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (4VAC20-510)

2017 Recreational Reporting Form (filed 12/2016)

2017 Recreational/Charter Reporting Form (rev. 4/2017)

VA.R. Doc. No. R17-5091; Filed March 31, 2017, 1:56 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-1120. Pertaining to Tilefish and Grouper (amending 4VAC20-1120-20, 4VAC20-1120-31; repealing 4VAC20-1120-32).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: April 1, 2017.

Agency Contact: Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

Summary:

The amendments (i) simplify the permitting and reporting requirements and (ii) add "kayak" to the definition of recreational vessel.

4VAC20-1120-20. 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*