

**VIRGINIA MARINE RESOURCES COMMISSION
"PERTAINING TO SPANISH MACKEREL AND KING MACKEREL"
REGULATION 4 VAC 20-540-10 ET SEQ.**

PREAMBLE

This regulation establishes possession limits, minimum size limits, and trip limits, on the harvest of Spanish mackerel and king mackerel. These regulations are established to prevent overfishing and to assist the further recovery of Spanish mackerel and king mackerel along the Atlantic Coast. This regulation is promulgated pursuant to authority contained in §:28.2-201 of the Code of Virginia. This regulation amends previous Regulation 450-01-0070, which was adopted March 28, 1995 and effective April 14, 1995. The effective date of this regulation is January 1, 2001.

4 VAC 20-540-10. PURPOSE.

The purpose of this chapter is to prevent overfishing of the Spanish mackerel and king mackerel stocks found in Virginia waters and along the Atlantic Coast. This chapter supports the goals and objectives of federal and interstate management measures for Spanish and king mackerel.

4 VAC 20-540-20. DEFINITIONS.

The following word and term, when used in this chapter, shall have the following meaning unless the context indicates otherwise.

"Trip" means that period during which the vessel shall have left a dockside landing place, relocated to waters where fishing for Spanish mackerel by the vessel is legally permitted, and returned to a dockside landing place.

4 VAC 20-540-30. POSSESSION LIMITS ESTABLISHED.

A. It shall be unlawful for any person fishing with hook-and-line, hand-line, rod-and-reel, spear, or gig or other recreational gear to possess more than 15 Spanish mackerel or more than 3 king mackerel.

B. When fishing from a boat or vessel, where the entire catch is held in a common hold or container, the possession limits shall be for the boat or vessel and shall be equal to the number of persons on board legally "eligible to fish" multiplied by 15 for Spanish mackerel or multiplied by 3 for king mackerel. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

C. The possession limit provisions established in this section shall not apply to persons harvesting Spanish mackerel or king mackerel with licensed commercial gear.

4 VAC 20-540-40. MINIMUM SIZE LIMITS ESTABLISHED.

A. Minimum size limit for Spanish mackerel is established at 14 inches total length.

B. Minimum size limit for king mackerel is established at 27 inches total length.

C. It shall be unlawful for any person to take, catch or possess any Spanish mackerel less than 14 inches in total length.

D. Except as provided in F of this section, it shall be unlawful for any person to take, catch or possess any king mackerel less than 27 inches in total length.

E. Total length shall be measured in a straight line from the tip of the nose to the tip of the tail for the purposes of this regulation.

F. Nothing in this section shall prohibit the taking, catching, or possession of any king mackerel less than 27 inches total length, by a licensed pound net.

4 VAC 20-540-50. TRIP LIMIT ESTABLISHED.

It shall be unlawful for any person to land in Virginia any amount of Spanish mackerel in excess of 3,500 pounds per vessel per trip.

4 VAC 20-540-60. 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 twelve months of a prior violation is a Class I misdemeanor.