

"PERTAINING TO THE REMOVAL OF NETS"

REGULATION 4VAC 20-170-10 ET. SEQ.

PREAMBLE

This regulation establishes the requirement that any holder of a fixed fishing device actively fish the device if nets are hung.

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 450-01-0023, which was adopted July 25, 1995 and was effective August 1, 1995. The effective date of this regulation is May 1, 2005.

4VAC 20-170-10 PURPOSE:

The purpose of this regulation is to prevent waste and provide for the conservation of fisheries resources by preventing ghost fishing by unattended nets.

4VAC 20-170-20 GENERAL:

It shall be unlawful for any person to set nets on a fixed fishing device and let said device or nets remain unfished.

4VAC 20-170-30 VIOLATION:

- A. If, upon visual observation, any Marine Police Officer determines that a device or net, other than a staked gill net set west of the COLREGS Line and north of the North Carolina-Virginia border and south of the Maryland-Virginia border, in Virginia waters, has not been fished for at least a five day period, he shall notify the licensee, and if the licensee fails to fish said device or remove the net within seven days after notification the licensee shall be guilty of violation of this chapter.
- B. If, upon visual observation, any Marine Police Officer determines that any staked gill net has not been fished for at least a 24-hour period, he shall notify the licensee, and if the licensee fails to fish the staked gill net or remove the net within 24 hours after notification the licensee shall be guilty of a violation of this chapter.

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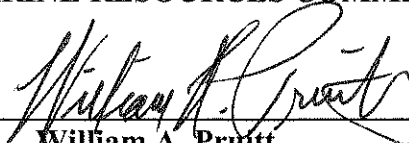
C. If upon visual observation, any Marine Police Officer determines that any gill net, set in Virginia waters east of the COLREGS Line and north of the North Carolina-Virginia border and south of the Maryland-Virginia border, has not been fished for at least a 24-hour period, he shall notify the licensee, and if the licensee fails to fish the gill net or remove the net within twenty-four 24 hours after notification, the licensee shall be guilty of a violation of this chapter.

4VAC 20-170-40 PENALTY:

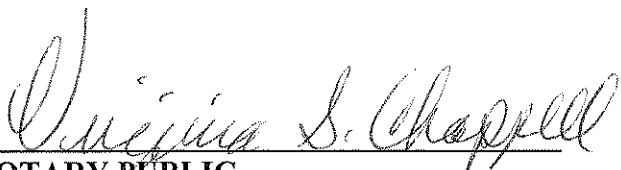
As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

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, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on April 26, 2005.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 
William A. Pruitt
Commissioner

Subscribed and sworn to before me this 26th day of April, 2005.
My Commission expires 6-30-05.


NOTARY PUBLIC