

"PERTAINING TO MEASURING MESH SIZE OF MENHADEN NETS"

REGULATION 4 VAC 20-190-10 ET. SEQ.

§ 4VAC20-190-10 Purpose.

The purpose of this chapter is to set forth the procedure that will be used for determining compliance with §28.2-410 of the Code of Virginia. This section sets forth in part: "It is also unlawful for any person to use any purse net or other net having a stretched mesh of less than 13/4 inches." Since the law does not specify how the stretched mesh (mesh size) will be determined, this chapter shall serve to clarify the term stretched mesh and establish a technique for determining the size of the stretched mesh.

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

Historical Notes

Derived from VR450-01-0025; §1; eff. February 2, 1981.

Amended, Virginia Register Volume 11, Issue 25, eff. August 3, 1995.

Editors Note

The August 3, 1995 amendment repealed former 4VAC20-190-10, respecting authority, prior regulations, and effective date; renamed and renumbered this regulation; replaced statutory language; and clarified text.

§ 4VAC20-190-20 Definitions.

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

"Bunt" means the section of the net where the fish are concentrated during pumping operations.

"Cork line" means the line containing floats or corks attached to the top of the net as it hangs in the water.

"Ring line" means the line passed through the rings attached to the bottom of the net as it hangs in the water.

"Selvedge" means the reinforced edge of the net required for mounting of the net on the ring line and cork line.

"Stretched mesh" or "mesh size" means the inside distance between two knots or joints on opposite sides of the mesh.

Historical Notes

Derived from VR450-01-0025; §2; eff. February 2, 1981.

Amended, Virginia Register Volume 11, Issue 25, eff. August 3, 1995.

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§ 4VAC20-190-30 Procedure.

- A. The nets shall be wet when measured.
- B. A measurement shall consist of the inside stretched distance of one mesh.
- C. Fifty individual measurements shall be taken from the net in a location other than the bunt, at least 10 meshes below the selvedge, and from meshes that are not part of a seam.
- D. The measuring device shall be inserted into the mesh in a vertical direction as the net is oriented between the ring line and cork line.
- E. A force of 8.8 pounds (4 kilograms) shall be applied in taking the measurements.

Historical Notes

Derived from VR450-01-0025; §3; eff. February 2, 1981.
Amended, Virginia Register Volume 11, Issue 25, eff. August 3, 1995.

Effect of Amendment

The August 3, 1995 amendment renumbered this regulation and made minor style changes to clarify the text.

§ 4VAC20-190-40 Compliance.

The stretched mesh will be determined by computing the average of the 50 measurements which will yield the average stretched mesh measurement and this average shall be equal to or greater than 1 3/4 inches (44.45 millimeters).

§ 4VAC20-190-50 Penalty.

As set forth in §28.2-410 of the Code of Virginia, any person using any purse seine or other net having a stretched mesh of less than 1 3/4 inches to catch menhaden shall be guilty of a Class 1 misdemeanor.

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

Historical Notes

Derived from VR450-01-0025; §5; eff. February 2, 1981.
Amended, Virginia Register Volume 11, Issue 25, eff. August 3, 1995.

"PERTAINING TO MEASURING MESH SIZE OF MENHADEN NETS"**REGULATION 450-01-0025**

PREAMBLE

This regulation establishes the procedure for measuring the stretched mesh of menhaden 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 450-01-0025, which was adopted December 15, 1980 and was effective February 2, 1981. The effective date of this regulation is August 1, 1995.

§1. PURPOSE:

The purpose of this regulation is to set forth the procedure that will be used for determining compliance with §28.2-410 of the Code of Virginia. This section sets forth in part: "It is also unlawful for any person to use any purse net or other net having a stretched mesh of less than 1 3/4 inches." Since the law does not specify how the stretched mesh (mesh size) will be determined, this regulation shall serve to clarify the term stretched mesh and establish a technique for determining the size of the stretched mesh.

§2. DEFINITIONS:

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

"Bunt" means the section of the net where the fish are concentrated during pumping operations.

"Cork line" means the line containing floats or corks attached to the top of the net as it hangs in the water.

"Ring line" means the line passed through the rings attached to the bottom of the net as it hangs in the water.

"Selvedge" means the reinforced edge of the net required for mounting of the net on the ring line and cork line.

"Stretched mesh" or "Mesh size" means the inside distance between two knots or joints on opposite sides of the mesh.

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REGULATION 450-01-0025

§3. PROCEDURE:

- A. The nets shall be wet when measured.
- B. A measurement shall consist of the inside stretched distance of one mesh.
- C. Fifty (50) individual measurements shall be taken from the net in a location other than the bunt, at least ten (10) meshes below the selvedge, and from meshes that are not part of a seam.
- D. The measuring device shall be inserted into the mesh in a vertical direction as the net is oriented between the ring line and cork line.
- E. A force of 8.8 pounds (4 kilograms) shall be applied in taking the measurements.

§4. COMPLIANCE:

The stretched mesh will be determined by computing the average of the fifty (50) measurements which will yield the average stretched mesh measurement, and this average shall be equal to or greater than one and three-quarter inches (1 3/4") (44.45 millimeters).

§5. PENALTY:

As set forth in §28.2-410 of the Code of Virginia, any person using any purse seine or other net having a stretched mesh of less than one and three-quarter inches (1 3/4") to catch menhaden shall be guilty of a Class 1 misdemeanor.

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"PERTAINING TO MEASURING MESH SIZE OF MENHADEN NETS"

REGULATION 450-01-0025

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 July 25, 1995.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: *William A. Pruitt*
WILLIAM A. PRUITT
COMMISSIONER

Subscribed and sworn to before me this *28th* day of *July*, 1995.

My Commission expires December 31, 1995.

Deborah R. McCluster
NOTARY PUBLIC