

**“PERTAINING TO FISHING GUIDES, CHARTER BOAT, AND
HEAD BOAT FISHERIES”****CHAPTER 4 VAC 20-1180-10 ET SEQ.****PREAMBLE**

This chapter establishes provisions for the sale of fishing guide licenses and charter boat and head boat permits. This chapter also establishes the enforcement boundaries for freshwater and saltwater licenses for the for hire industry in the Commonwealth of Virginia.

This chapter is promulgated pursuant to authority contained in §§ 28.2-201 and 28.2-302.8 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous chapter 4 VAC 20-1180-10 et seq., which was adopted on December 11, 2018 and made effective on January 1, 2019. The effective date of this chapter is March 1, 2022.

4 VAC 20-1180-10. Purpose.

The purpose of this chapter is to establish conditional or limited sale of licenses and permits for fishing guides, charter boats, and head boats for effective fishery management. This chapter establishes the enforcement boundaries for freshwater and saltwater licenses for the for hire industry.

4 VAC 20-1180-20. Definitions.

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

“Captain” means the person licensed by the U. S. Coast Guard to carry passengers for hire who operates the charter boat or head boat.

“Charter boat permit” or “head boat permit” means the permit for the charter boat or head boat that allows the charter boat or head boat passengers to fish.

"Class A fishing guide license" means the license that allows charter boat or head boat operators to fish in Virginia and apply for reciprocity in Maryland.

“Class B fishing guide license” means the license that allows charter boat or head boat operators to fish only in Virginia waters.

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“Fishing guide reciprocity permit” means a cost-free permit that is required for any charter boat or head boat operator licensed as a Maryland fishing guide who fishes in Virginia waters under the Chesapeake Bay Saltwater License Reciprocity Agreement.

4 VAC 20-1180-30. Fishing guide license and charter boat and head boat permit.

A. Either a Class A fishing guide license or Class B fishing guide license or a fishing guide reciprocity permit shall be required for a charter boat or head boat captain operating for hire in the waters of the Commonwealth under the jurisdiction of the Marine Resources Commission, pursuant to 4 VAC 20-1180-70.

B. A charter boat or head boat permit or a fishing guide reciprocity permit shall be required for any registered or documented charter boat or head boat operating for hire in the waters of the Commonwealth under the jurisdiction of the Marine Resources Commission, pursuant to 4 VAC 20-1180-70.

C. A fishing guide reciprocity permit can be obtained at no cost provided the applicant furnishes copies of the applicant’s Maryland fishing guide license, U. S. Coast Guard License, and vessel documentation or registration.

4 VAC 20-1180-40. Limited sale of the Class A fishing guide license and conditional sale of the Class B fishing guide license.

A. To obtain a Class A guide license the applicant shall submit to the Marine Resources Commission a For Hire Application and a copy of the applicant’s valid U.S. Coast Guard license.

1. A Class A fishing guide licensee shall be required to purchase a Class A fishing guide license annually to maintain eligibility to purchase a Class A fishing guide license for the following year. If a Class A fishing guide license is not purchased annually, then the applicant shall reapply using a New Class A Fishing Guide License Applicant form.
2. The number of Class A fishing guide licenses sold in any one year shall not exceed 240 for residents of Virginia and 38 for nonresidents.

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3. If the number of applicants exceeds the number of available licenses in any calendar year, those applicants shall be placed on a waitlist. If there are any vacant licenses due to loss of eligibility, those licenses shall be filled by persons from the waitlist in the order of listing. If the person from the waitlist fails to purchase the Class A fishing guide license within 14 days, the applicant forfeits eligibility for the current calendar year and the next person shall be selected from the waitlist.

B. To obtain a Class B guide license the applicant shall submit to the Marine Resources Commission a For Hire Application and a copy of the applicant's valid U.S. Coast Guard license.

4 VAC 20-1180-50. Transfers of a Class A fishing guide license.

A. A Class A fishing guide license may be transferred from the current licensee to another person with the approval of the Commissioner of Marine Resources as follows:

1. A temporary transfer shall authorize the person replacing the original Class A fishing guide licensee to serve as a fishing guide from the date of the transfer to the end of the calendar year, and following that time period, the original Class A fishing guide licensee shall retain eligibility for a fishing guide license.

2. A permanent transfer authorizes the person replacing the original licensee to serve as a fishing guide for as long as they continue to qualify for the license, and the original licensee shall lose eligibility for a Class A fishing guide license in future years.

B. No transfer of a Class A fishing guide license from a resident to a non-resident or non-resident to resident shall be approved.

4 VAC 20-1180-60. (Repealed.)

4 VAC 20-1180-70. Delineation of Enforcement Boundaries for Freshwater and Saltwater Licenses.

It shall be unlawful to operate as a captain on a charter or head boat without the corresponding licenses from the Commission in the following waters:

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1. Potomac River: the tidal portions of all Virginia tributaries entering downstream of the Route 301 Bridge;
2. Rappahannock River: the mainstem and all tributaries of the Rappahannock River downstream of the Route 360 Bridge;
3. Piankatank River: the mainstem and all tributaries of the Piankatank River downstream of the first set of power lines immediately upriver of Anderson Point;
4. York River (including the Mattaponi and the Pamunkey Rivers): the mainstem and all tributaries of the York River downstream of the abutments of the old Route 33 Bridges; and
5. James River: the mainstem and all tributaries of the James River downstream of a line connecting Hog Point and the downstream shoreline at the mouth of College Creek.

4 VAC 20-1180-80. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any individual 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 individual 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 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 Hampton, Virginia, on February 22, 2022.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

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BY: *[Signature]*

Ed Justin D. Worrell
Acting Commissioner

Subscribed and sworn to before me this 28 day of February 2022.

Alexa Irene Galvan
Notary Public

ALEXA IRENE GALVAN
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7963332
My Commission Expires 4/30/2025