

**Regulation 4VAC15-320.
Fish: Fishing Generally.**

Section 4VAC15-320-25. Creel and length limits.

SUMMARY:

The proposals are to (i) correctly identify the railroad bridge over Big Walker Creek associated with the New River smallmouth bass protected slot limit; (ii) create a seasonal 40-inch to 48-inch protected slot limit on muskellunge on the New River from Claytor Dam downstream to the Virginia/West Virginia state line; (iii) reduce the geographic coverage associated with the limitation on harvesting large animals in the daily creel limit for blue catfish to the James River below the fall line and its tidal tributaries, the York River and its tributaries including the Mattaponi River and Pamunkey River, and Kerr Reservoir; (iv) implement a five-fish per day creel limit on longnose gar and bowfin for anglers using hook and line or bowfishing tackle; and (v) implement a statewide recreational minimum size limit and increase the daily creel limit for American eels, while providing an exception to the daily creel limit to those individuals holding permits for the harvest of eels for sale from Back Bay and/or North Landing River in the City of Virginia Beach.

PROPOSED LANGUAGE OF AMENDMENT:

4VAC15-320-25. Fish: Fishing Generally. Creel and length limits.

The creel limits (including live possession) and the length limits for the various species of fish shall be as follows, unless otherwise excepted by posted rules at department-owned or department-controlled waters (see 4VAC15-320-100 D).

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass, spotted bass		5 per day in the aggregate (combined); No statewide length limits	Lakes	
			Briery Creek Lake	No bass 16 to 24 inches, only 1 per day longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 bass less than 14 inches
			Claytor Lake	No bass less than 12 inches

		Flannagan Reservoir	No bass less than 12 inches
		Lake Gaston	Only 2 of 5 bass less than 14 inches
		Leesville Reservoir	Only 2 of 5 bass less than 14 inches
		Lake Moomaw	No bass less than 12 inches
		Philpott Reservoir	No bass less than 12 inches
		Quantico Marine Base waters	No bass 12 to 15 inches
		Smith Mt. Lake and its tributaries below Niagara Dam	Only 2 of 5 bass less than 14 inches
		Rivers	
		Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell counties	No bass less than 20 inches, only 1 bass per day longer than 20 inches
		Dan River and tributaries downstream from the Union Street Dam, Danville	Only 2 of 5 bass less than 14 inches

			James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond	No bass 14 to 22 inches, only 1 per day longer than 22 inches
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		<p>New River – Fields Dam (Grayson County) downstream to the VA - WV state line and its tributaries Little River downstream from Little River Dam in Montgomery County, Big Walker Creek from the Norfolk and Western Norfolk Southern Railroad Bridge downstream to the New River, and Wolf Creek from the Narrows dam downstream to the New River in Giles County (This does not include Claytor Lake, which is delineated as: The upper end of the island at Allisonia downstream to the dam)</p>	<p>No bass 14 to 22 inches, only 1 per day longer than 22 inches</p>
		<p>North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line</p>	<p>No bass less than 20 inches, only 1 per day longer than 20 inches</p>

		North Fork Shenandoah River – Rt. 42 bridge, Rockingham Co. downstream to the confluence with S. Fork Shenandoah at Front Royal	No bass 11 to 14 inches
		Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No bass less than 15 inches from March 1 through June 15
		Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte Co.	Only 2 of 5 bass less than 14 inches
		Shenandoah River – Confluence of South Fork and North Fork rivers, Front Royal, downstream, to the Warren Dam, near Front Royal	No bass 11 to 14 inches
		Base of Warren Dam, near Front Royal downstream to Rt. 17/50 bridge	No bass 14 to 20 inches, only 1 per day longer than 20 inches

		Rt. 17/50 bridge downstream to VA - WV state line	No bass 11 to 14 inches
		South Fork Shenandoah River - Confluence of North and South rivers, below Port Republic, downstream to Shenandoah Dam, near Town of Shenandoah	No bass 11 to 14 inches
		Base of Shenandoah Dam, near Town of Shenandoah, downstream to Luray Dam, near Luray	No bass 14 to 20 inches, only 1 per day longer than 20 inches
		Base of Luray Dam, near Luray, downstream to the confluence with North Fork of Shenandoah, Front Royal	No bass 11 to 14 inches
		Staunton River -	

			Leesville Dam (Campbell County) downstream to the mouth of Difficult Creek, Charlotte County	No smallmouth bass less than 20 inches, only 1 per day longer than 20 inches
striped bass	landlocked striped bass and landlocked striped bass x white bass hybrids	4 per day in the aggregate; No fish less than 20 inches	Buggs Island (Kerr) reservoir including the Staunton River to Leesville Dam and the Dan River to Union Street Dam (Danville)	October 1 - May 31: 2 per day in the aggregate; No striped bass or hybrid striped bass less than 24 inches; June 1 - September 30: 4 per day in the aggregate; No length limit
			Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam	2 per day in the aggregate; November 1 - May 31: No striped bass 30 to 40 inches; June 1 - October 31: No length limit

		Lake Gaston	<p>4 per day in the aggregate</p> <p>October 1 - May 31: No striped bass or hybrid striped bass less than 20 inches</p> <p>June 1 - September 30: No length limit</p>
anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters		
anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	2 per day; No striped bass less than 18 inches		

white bass		5 per day; No statewide length limits		
walleye		5 per day in the aggregate; No walleye or saugeye less than 18 inches	New River upstream of Buck Dam in Carroll County	No walleye less than 20 inches
			Claytor Lake and the New River upstream of Claytor Lake Dam to Buck Dam in Carroll County	February 1 - May 31: 2 walleye per day; no walleye 19 to 28 inches; June 1 - January 31: 5 walleye per day; no walleye less than 20 inches
sauger		2 per day; No statewide length limits		
yellow perch		No statewide daily limit; No statewide length limits	Lake Moomaw	10 per day
chain pickerel		5 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs	No daily limit

northern pike		2 per day; No pike less than 20 inches		
muskellunge		2 per day; No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to the VA - WV state line, including Claytor Lake <u>Claytor Dam, including Claytor Lake</u> <u>New River - Claytor Dam downstream to VA - WV state line</u>	1 per day No muskellunge less than 42 inches <u>1 per day</u> <u>June 1 - last day of February: No muskellunge 40 to 48 inches</u> <u>March 1 - May 31: No muskellunge less than 48 inches.</u>
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit

crappie (black or white)		25 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Flannagan and South Holston reservoirs	No crappie less than 10 inches
rock bass (redeye)		25 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County.	No daily limit
			Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with Roanoke bass; No rock bass less than 8 inches

Roanoke bass		No statewide daily limit; No statewide length limits	Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with rock bass; No Roanoke bass less than 8 inches
trout	See 4VAC15-330. Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day, only 1 blue catfish per day longer than 32 inches <u>No statewide length limits</u>	<u>Kerr Reservoir</u>	<u>20 per day, except only 1 blue catfish per day longer than 32 inches</u>
			<u>James River and its tributaries below the fall line and York River and its tributaries (including the Pamunkey River and Mattaponi River) below the fall line</u>	<u>No daily limit, except only 1 blue catfish per day longer than 32 inches</u>
		All rivers below the fall line <u>other than the James River and its tributaries and the York River and its tributaries</u>	<u>No daily limit except only 1 blue catfish per day longer than 32 inches</u>	

	yellow, brown, and black bullheads	No daily limit; No length limits		
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<p>American shad and hickory shad</p>	<p>James River above the fall line (14th Street Bridge), the Meherrin River above Emporia Dam, the Chickahominy River above Walkers Dam, the Appomattox River above Harvell Dam, the Pamunkey River and the Mattaponi River above the Rt. 360 bridge, and the Rappahannock River above the Rt. 1 bridge, and Virginia waters of Lake Gaston and Buggs Island (Kerr) Reservoir and tributaries to include the Dan and Staunton rivers</p>	<p>No possession (catch and release only)</p>		
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	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		
	Meherrin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay	10 per day in the aggregate No length limits		
anadromous (coastal) alewife and blueback herring	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		

	Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay	No possession		
red drum	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	1 per day; No drum less than 18 inches or greater than 27 inches		
spotted sea trout (speckled trout)	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	4 per day; No sea trout less than 14 inches		

grey trout (weakfish)	Back Bay and tributaries including Lake Tecumseh and North Landing River and its tributaries	1 per day; No grey trout less than 12 inches		
southern flounder	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	6 per day; No flounder less than 15 inches		
northern snakehead		Anglers may possess snakeheads taken from Virginia waters if they immediately kill the fish and notify the headquarters or a regional office of the department; notification may be made by telephoning (804) 367-2925 No statewide daily limit No statewide length limits		

<u>longnose gar</u>		<u>5 per day</u> <u>No statewide length limits</u>		
<u>bowfin</u>		<u>5 per day</u> <u>No statewide length limits</u>		
<u>American eel</u>		<u>25 per day; no eel less than 9 inches</u>	<u>Back Bay and North Landing River</u>	<u>No possession limit for those individuals possessing a permit obtained under 4VAC15-340-80</u>
other native or naturalized nongame fish	See 4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for private use.			
endangered or threatened fish	See 4VAC15-20-130. Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.			
nonnative (exotic) fish	See 4VAC15-30-40. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.			

RATIONALE:

New River Smallmouth Bass Protected Slot Limit Designation: When amendments to this regulation were adopted during the last cycle, the railroad bridge over Big Walker Creek was incorrectly identified as the Norfolk and Western Railroad Bridge. Staff has verified that this railroad bridge is owned by Norfolk Southern, so the wording should be updated to reflect the correct bridge description to ensure clarity in the regulation for enforcement and public information purposes.

Seasonal Protected Slot Limit – Muskellunge, New River: The electrofishing catch rate of 35-inch to 42-inch muskie has increased from 0.6/hour during the 2008 to 2011 period to 2.8/hour in

the 2012 to 2015 period. This apparent stockpiling, just below the minimum size limit of 42 inches, has also resulted in lower relative weights of all sizes of muskie over the last ten years. Both muskie and smallmouth bass anglers complain of too many small muskie in the river, and muskie anglers are concerned about the decrease in large muskie over 45 inches. Records from DGIF's Angler Recognition Program during the 2006 to 2011 time period indicated that anglers harvested approximately 29% of registered citation muskie in the 42-inch to 45-inch range, and 51% of muskie over 45 inches in length. The muskie population has increased in abundance over the last ten years and is now a self-sustaining fishery with no stockings having been conducted since 2011.

The proposed language change will allow harvest of muskie below 40 inches during nine months of the year, with the goal of reducing the abundance of these smaller fish. There will be less competition for both food and habitat, which should result in improved relative weights of all muskie, both below and in the slot. The protected slot limit should increase the abundance of muskie over 42 inches, thereby creating a "trophy" fishery. The 48-inch minimum size limit during the three month period from March 1 through May 31 will help protect the muskie fishery during the spawning period so that the fishery can remain self-sustaining. Staff thinks that smallmouth bass anglers will support the change in that it will reduce the number smaller muskie competitors in the river and that muskie anglers should embrace the change as a path to increased numbers of larger muskie.

Longnose Gar and Bowfin Daily Creel Limits: Both longnose gar and bowfin are long-lived, slow-maturing species with low recruitment rates. They are also a popular target of bowfishermen, who rely on targeting fish that are near the surface. Gar and bowfin are possibly more vulnerable to bow fishing because they gulp air from the surface in waters lacking sufficient oxygen; they are often found resting or waiting motionless near the surface waiting for prey; and they feed at night during the same time bow fishers are most active. Hook-and-line anglers may also attempt to remove large numbers of gar and bowfin because of a perception that these species negatively impact gamefish populations. However, there is no evidence to support this claim. In fact, both species are integral components of their aquatic environments. Most unlimited possession species are introduced (e.g., common carp) or occur in large numbers with short life spans and high recruitment rates (e.g., gizzard shad). Neither of these conditions is true for longnose gar or bowfin. The proposed daily creel limits for these species will protect these important populations. Additional language changes will also be necessary in 4VAC15-350-70 Section D and 4VAC15-360-10.

Blue Catfish – Daily Creel Limit of Large Fish: Limiting daily creel of Blue Catfish longer than 32 inches was intended to support trophy fisheries in waters of the Commonwealth. At the time it was adopted (2006), the Commonwealth's non-native populations Blue Catfish were undergoing the post-introduction boom phase of the classic "successful" fish introduction cycle. In recent years, growth of individual Blue Catfish has slowed to the point where most Virginia populations are not suited to managing for trophy fisheries. The systems in question are unlikely to produce trophy Blue Catfish at a level needed to sustain trophy fisheries. The exceptions to this situation are the following: tidal James River and its tidal tributaries, York River and its tributaries (e.g., Mattaponi River and Pamunkey River), and Kerr Reservoir. In those waters, where trophy fisheries still exist and have prominent angler participation and support, staff

recommends the daily creel limit for Blue Catfish over 32 inches be maintained, while that limit be removed from all other waters.

American Eel – Statewide Recreational Size Limit/Daily Creel Limit: American Eel is a catadromous fish species that inhabits nearly all waterbodies in Virginia. Even though these fish are found in inland waters, they are federally regulated due to their life phases, which require the species to utilize coastal bays and ocean waters for spawning and early life stages. The species garnered considerable attention from federal fisheries regulators in recent years, with the U.S. Fish and Wildlife Service being petitioned to add the species to the federal list of endangered and threatened species. Additionally, there have been modifications made recently to the Atlantic State Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan for American Eels. These regulatory modifications mandate that all Atlantic Coast states amend their fisheries regulations for American Eels to adopt a minimum size of nine (9) inches total length. The Board proposed the statewide change to ensure compliance with the updated ASMFC Interstate Fishery Management Plan for American Eel. It is also proposing decreasing the daily creel limit from the current limit of 50 to 25, with an exception provided for the “for sale” permit holders harvesting eels in Back Bay and/or North Landing River in the City of Virginia Beach, to ensure compliance with the Interstate Fishery Management Plan.