

**Regulation 4VAC15-340.
Fish: Seines and Nets.**

Section 4VAC15-340-70. Eel pots for taking American eels for personal use.

SUMMARY:

The proposals are to modify the minimum size and creel limit for any American eel that is harvested with eel pots for personal use in the waters of Back Bay and the North Landing River to ensure compliance with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for the species.

PROPOSED LANGUAGE OF AMENDMENT:

4VAC15-340-70. Fish: Seines and Nets. Eel pots for taking American eels for personal use.

A. The director may issue, deny, modify, suspend, or revoke annual eel pot permits for American eels designated for personal use. Such permits shall authorize the taking of American eels for personal use only (not for sale) with eel pots from waters designated in this section. Such permits shall be valid so long as the harvest of eels in the Commonwealth is not prohibited by other state or federal law or regulation.

B. It shall be unlawful for a permit holder to possess elvers.

C. It shall be unlawful for permit holders fishing eel pots to take any species other than American eels.

D. It shall be unlawful to place, set, or fish any eel pot that has a mesh less than 1/2-inch by 1/2-inch and does not contain at least one unrestricted 4-inch by 4-inch escape panel of 1/2-inch by 1-inch mesh. Buoys of all pots set must be marked by permanent means with the permit holder's name, address, and phone number.

E. American eels may be taken with eel pots in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River and its natural tributaries from the North Carolina line to the Great Bridge locks.

F. It shall be unlawful for any permit holder to possess more than ~~50~~ 25 eels daily. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the daily possession limit shall be for the boat or vessel and shall be equal to the number of permit holders on board multiplied by ~~50~~ 25. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any eel taken after the daily possession limit has been reached shall be returned to the water immediately. Possession of any quantity of eels that exceeds the daily possession limit described in this subsection shall be presumed to be for commercial purposes.

G. For the purposes of this section, the term “elver” shall mean any American eel less than ~~six~~ nine inches in total length.

RATIONALE:

The 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 cycle which requires them to utilize coastal bays and ocean waters for spawning and early life phases. The species garnered significant attention from federal fisheries regulators in recent years, when the U.S. Fish and Wildlife Service was petitioned to include the species on the federal list of endangered and threatened species. Additionally, modifications have been made 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 include minimum size of nine (9) inches total length and reduced creel limits. The proposed changes ensure regulatory compliance with ASMFC requirements.