

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

Section 4VAC15-340-80. Eel pots for taking American eels for sale.

SUMMARY:

The proposal is to modify the minimum size for American eels harvested with eel pots for commercial purposes (“for sale”) in the waters of Back Bay and the North Landing River. The Atlantic States Marine Fisheries Commission (ASMFC) has required states to modify the minimum size limit for American Eels.

PROPOSED LANGUAGE OF AMENDMENT:

4VAC15-340-80. Fish: Seines and Nets. Eel pots for taking American eels for sale.

A. The director may issue, deny, modify, suspend, or revoke annual eel pot permits designated for the sale of American eels. Such permits shall authorize the taking of American eels for sale, as specified, with eel pots from waters designated in this section. Such permits shall be valid so long as the harvest of American eels in the Commonwealth is not prohibited by other state or federal law or regulation. To be eligible, applicants must document harvest of at least one pound of American eels from Back Bay or North Landing River or their tributaries via reports submitted through the Virginia Marine Resources Commission Mandatory Harvest Reporting Program during the period January 1, 2007, to December 31, 2012, both dates inclusive. Applicants must document the reported harvest occurred while the applicant held a valid commercial fish pot or eel pot license issued by the Virginia Marine Resources Commission.

B. It shall be unlawful for permit holders to possess ~~eelers~~ any American eel less than nine inches in total length.

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 consisting of 1/2-inch by 1-inch mesh.

E. The permit holder's last name and Virginia Department of Game and Inland Fisheries American eel pot number must be permanently attached to buoys of all eel pots set. The maximum number of pots authorized per permit holder under this permit shall be 300.

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

G. It shall be unlawful for any person to ship or otherwise transport any package, box, or other receptacle containing fish taken under an eel pot permit unless the same bears the permit holder's name and address.

H. Failure to comply with the daily harvest and sales reporting requirements as detailed in conditions of the permit shall be unlawful and may result in immediate permit revocation. It shall be the permit holder's responsibility to report "No Activity" when no activity occurs during a monthly reporting period.

~~I. For the purposes of this section, the term "elver" shall mean any American eel of less than six 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. The proposed change ensures regulatory compliance with ASMFC requirements.