

**Regulation 4VAC15-360.**

**Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish.**

**Section 4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.**

**SUMMARY:**

The proposals are to remove longnose gar and bowfin from the list of species that can be taken in unlimited numbers and to add grass carp to the list of species that can be taken in unlimited numbers, except in certain circumstances..

**PROPOSED LANGUAGE OF AMENDMENT:**

**4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.**

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4VAC15-20-130, subdivision 8 of 4VAC15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, ~~bowfin, longnose gar~~, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4VAC15-320-25 for anadromous blueback herring limits), white perch, yellow perch, alewife (see 4VAC15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland waters of the Commonwealth other than department-owned or department-controlled lakes. Anglers taking grass carp must ensure that all harvested grass carp are dead.

2. See 4VAC15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders (each under six inches in total length), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4VAC15-360-60 and 4VAC15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping turtles shall only be taken from June 1st to September 30th. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken in any number for private use: candy darter, eastern hellbender, diamondback terrapin, and spotted turtle.

6. Native amphibians and reptiles, as defined in 4VAC15-20-50, that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

a. Period of captivity does not exceed 30 days;

b. Animals must be liberated at the site of capture;

c. Animals must have been housed separately from other wild-caught and domestic animals; and

d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4VAC15-20-130, 4VAC15-320-40, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets, and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take the spiny riversnail (*Io fluvialis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels from any inland waters of the Commonwealth.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

### **RATIONALE:**

***Removal of longnose gar and bowfin from unlimited harvest:*** 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. To fully effect this proposed change, additional language changes are also needed to 4VAC15-320-25 and 4VAC15-350-70.

***Harvest of grass carp:*** Grass carp are actively stocked by the VDGIF in department-owned or department-controlled lakes in order to control aquatic vegetation. However, in some systems, grass carp may move out of an impounded section and into the free-flowing section of a river where they may have a negative impact on desired aquatic vegetation. Anglers (including bow anglers) are not permitted currently to harvest grass carp from any waters of the Commonwealth or to have grass carp in possession without a permit. Allowing anglers to harvest grass carp from waters where the species is not actively stocked or desired by the VDGIF will help to control this species in waters where they may have a negative impact on desired aquatic vegetation. To fully effect this proposed change, additional language changes will also be needed to 4VAC15-30-40 and 4VAC15-350-70.