

**REPORT OF THE
CHESAPEAKE BAY COMMISSION**

**The Living
Resources Roundtable**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 52

**COMMONWEALTH OF VIRGINIA
RICHMOND
1992**

Chesapeake Bay Commission

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To the Governor and the General Assembly:


This report is presented by the Chesapeake Bay Commission as fulfillment of the requirements of House Joint Resolution 384 (1991). The study group, known as the Living Resources Roundtable, has been meeting monthly since May, 1991 and has conducted 6 public meetings.

The Living Resources Roundtable was a broad based study group with members from the recreational and commercial fishing industries, the seafood packing industry, the charterboat industry, state agencies, the General Assembly, and academic and research institutions. We conducted our work through a consensus building approach which sought to develop solutions to difficult problems that would ultimately benefit both the resource and those who depend on it for their livelihood and for recreation.

We believe we have fulfilled our charge and the results of our deliberations are contained in the package of legislation contained in this report.

We commend this report to you and to those concerned about the future health and productivity of our fishery resources.

With kind regards, I am sincerely,


W. Tayloe Murphy, Jr.
Patron, HJR 384

LIVING RESOURCES ROUNDTABLE

- Legislators:** Delegate W. Tayloe Murphy, Jr. (Westmoreland)
Delegate Robert S. Bloxom (Accomack)
Delegate S. Wallace Stieffen (Hampton)
Senator Elmo G. Cross, Jr. (Hanover)
Senator Joseph V. Gartlan, Jr. (Fairfax)
- Agency:** Bernard Caton, Deputy Secretary of Natural Resources
William Pruitt, Commissioner of the Marine Resources Commission
Bud Bristow, Director of the Department of Game and Inland Fisheries
- Watermen:** A.L. Wood (Eastern Shore Working Watermen's Assoc.)
Fred Biddlecomb (Virginia Watermen's Association)
Peter Nixon (Lower Chesapeake Watermen's Assoc.)
Joseph Hicks (Independent Watermen's Assoc.)
- Recreational Fishermen:** Jim Sheffield (Virginia Angler's Club of Richmond)
Grayson Rogers (Eastern Shore fisherman)
Eric Burnley (Atlantic Coast Conservation Association)
Bill Bonds (Reedville, VA)
- Charterboat:** Tabb Justis (Virginia Charterboat Assoc.)
Charles Lovell (Chesapeake charter operator)
- Seafood Packing:** S. Lake Cowart, Jr. (Cowart Seafood)
Charles Amory (Amory Seafood)

Resource Group:

- Herbert Austin (Virginia Institute of Marine Science (VIMS))
Bill Goldsborough (Chesapeake Bay Foundation)
Cynthia Jones (Old Dominion University)
Jim Kirkley (VIMS)
Jack Travelstead (Virginia Marine Resources Commission)
William DuPaul (VIMS)
Wally Beauchamp (Department of Game and Inland Fisheries (DGIF))
Shirley Berg (Virginia Marine Products Board)
David Whitehurst (DGIF)
Claude Bain (Virginia Saltwater Fishing Tournament)
Bob Craft (VMRC)
George Roper (Virginia Institute of Marine Science Development Council)

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HJR 384 - THE LIVING RESOURCES ROUNDTABLE

House Joint Resolution 384 directed the Chesapeake Bay Commission to form and facilitate a study group to examine improved methods of fisheries management. The study group, which was known as the Living Resources Roundtable, was assembled in April 1991 and met for the first time on May 2, 1991. The Roundtable met monthly and concluded its work on January 14, 1992.

Table 1: MEETING DATES AND LOCATIONS

<u>Meeting</u>	<u>Date</u>	<u>Location</u>
<i>Organizational Meeting</i>	<i>May 2</i>	<i>Virginia Institute of Marine Science (VIMS)</i>
<i>Roundtable Meeting</i>	<i>June 6</i>	<i>VIMS</i>
<i>Roundtable Meeting</i>	<i>July 11</i>	<i>Virginia Marine Resources Commission</i>
<i>Roundtable Meeting</i>	<i>August 1</i>	<i>VIMS</i>
<i>Roundtable Meeting</i>	<i>September 5</i>	<i>VIMS</i>
<i>Roundtable Meeting</i>	<i>October 3</i>	<i>VIMS</i>
<i>Roundtable Meeting</i>	<i>November 7</i>	<i>VIMS</i>
<i>Roundtable Meeting</i>	<i>December 5</i>	<i>VIMS</i>
<i>Public Meetings</i>	<i>December 9</i>	<i>1. Nandua High School, Onley 2. Hampton Roads Academy, Newport News</i>
<i>Public Meetings</i>	<i>December 10</i>	<i>1. Lake Wright Conference Center, Norfolk 2. Rappahannock Community College, Warsaw</i>
<i>Public Meeting</i>	<i>December 11</i>	<i>Water Control Board Hearing Room, Richmond</i>
<i>Roundtable Meeting</i>	<i>December 19</i>	<i>VIMS</i>
<i>Public Hearing/Meeting</i>	<i>January 14</i>	<i>General Assembly Building, Richmond</i>

Purpose of the Study

The impetus for HJR 384 was the withdrawal of House Bills 286 (delayed entry) and 288 (seafood sellers) in the 1991 session after a year of study by a subcommittee of the House Committee on Chesapeake and its Tributaries. These bills, dealing with a delayed entry scheme for commercial watermen and a seafood sellers license, were attempts to add greater certainty and knowledge to the Commonwealth's fisheries management programs. HJR provided a forum for continued consideration of these issues. The Roundtable was also requested by HJR 384 to look at parallel initiatives related to recreational fisheries, such as a saltwater recreational fishing license, in order to address questions of equity between user groups that were raised during consideration of HB 286. The Roundtable was also charged with examining sources of funding for fisheries management.

The Consensus Building Process

The Roundtable format chosen for this study brought together individuals of varied interests and experience. Members were chosen for the range of their experiences and perspective and their ability to discuss the issues in an open format. The consensus building approach recognizes that participants have interrelated concerns and interests and that solutions to difficult problems do not necessarily come through traditional approaches to policy-making. It was hoped that members would come to the table as participants in a mutual education and problem solving process, rather than as representatives of narrow interests. Meetings were not conducted according to traditional parliamentary procedure. Instead, consensus-building was the focus with participants encouraged to engage in wide-ranging and frank discussions about solutions which would be beneficial to all concerned.

When it is said that the Roundtable reached consensus on these issues, it means that there was general agreement that the proposals had merit and that they should be recommended to the General Assembly for its consideration. Consensus does not mean that there is complete agreement on specific aspects of each piece of proposed legislation.

As a precursor to more specific discussions, the Roundtable members prepared the following "Statements of Consensus" to reflect general agreement about the issues before them. The Roundtable recognized that the Commonwealth must exercise responsible stewardship of its living resources. The fisheries management policy of the Commonwealth, as established in §28.1-23.1 of the Code of Virginia states that "It shall be the goal of fisheries management within the Commonwealth of Virginia to conserve and enhance finfish and shellfish resources" and that "the marine resources of the Commonwealth shall be managed for their maximum benefit and long-term use by present and future generations." The Living Resources Roundtable recognized the Commonwealth's stewardship responsibilities and sought to build consensus and cooperation among all affected interests. The following statements were adopted by the Roundtable (Table 2);

Table 2: STATEMENTS OF CONSENSUS:

1. *The fishery resources of the Commonwealth are the property of all the people and should be managed for the maximum benefit of all citizens. We further recognize the social, cultural and economic values of active and vibrant commercial and recreational fishing industries.*
2. *Without an abundant and self propagating resource, none of the management and stewardship roles of the Commonwealth will be achieved, nor will sustained benefits be conferred on the people of the Commonwealth.*
3. *The current state of Virginia's fisheries resources reflect a variety of historic and current problems including habitat loss, degraded water quality, blockage of historic runs and overfishing. All marine industries and interests including commercial fishing, recreational fishing, charterboat and seafood packing rely on a common resource and all should share the benefits and burdens of fisheries restoration efforts. Likewise, citizens, landowners, industries, farmers, and governments all have a common responsibility for the overall restoration of the Bay.*
4. *A number of federal, state and local programs and portions of the Chesapeake Bay Program are geared toward dealing with water quality and related land use, living resource and habitat issues. For the sake of this study our focus will be limited to issues most directly tied to use, conservation, enhancement of stocks and recreational and commercial fishing opportunities, and management of shellfish and finfish fisheries in Virginia.*
5. *All user groups should participate in the collection, evaluation, and utilization of accurate, timely and appropriate data as a necessary part of a management scheme.*
6. *While all user groups share and benefit from a common resource, there remain specific management issues which directly affect specific groups. Management programs should recognize these specific differences. In addition, fisheries management programs are intended to conserve the resource and the appropriate interests of users. It is in the interest of a management program to define and designate user groups.*
7. *Availability and predictability of catch levels affords greater certainty in the marketplace and should be one goal of a regulatory program. It is in the interest of all user groups and regulators to understand with some degree of certainty projected fishing catch and effort.*
8. *Appropriate fees assessed to fisheries user groups should be spent to improve enforcement, stocks, management and improve fishing opportunities for all user groups.*

9. *Fisheries management policies should reflect a long term perspective to optimize the use of the resource rather than a short term crisis management approach. That is, the management structure must be sufficiently flexible to allow the decision-making process to be conducted in a pro-active, rather than a reactive fashion. With that in mind, the Roundtable does not seek to establish specific fisheries regulations; rather, it seeks to give direction and authority to management agencies which make decisions through an open and participatory regulatory process.*
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The Need for Quality Data

The greatest problem with Virginia's fisheries management program, according to the Roundtable members, is the lack of complete and accurate data regarding fishing effort (the numbers of fishermen and the intensity of their fishing efforts, including time spent and amount of gear used) and total catch. The Roundtable was told that there is inadequate data for both commercial and recreational fisheries concerning both catch and effort.

According to fisheries managers who participated in the Roundtable discussions, the commercial species catch data is gathered through a voluntary system of reporting by seafood buyers. It is an admittedly imperfect system that, in the view of fisheries managers, underestimates catch.

Fishing effort is gauged by the number of commercial gear licenses sold. However, while managers know how much gear is licensed, they do not know how many days licensed gear is fished, thereby limiting the quality of the information gained regarding fishing effort. Any fishing effort data must be derived from assumptions concerning the frequency of use of the licensed gear.

There is little direct information gathered regarding either catch and effort in the recreational fishery. Because recreational fishermen are not licensed, fisheries agencies rely on surveys of the entire population and other statistical methods to estimate effort and catch. Estimates based on survey's of the entire population of the Commonwealth are often highly variable and erroneous. Estimates, therefore, regarding the number of saltwater anglers in the Commonwealth range from 300,000 to nearly 1,000,000. This variation is wide enough to cause serious concern regarding the quality of data used to assess the impact of the recreational fishery on fish stocks.

As a result of the discussion regarding the necessity of obtaining quality data, the Roundtable prepared the following recommendations (Table 3);

Table 3: RECOMMENDATIONS ON DATA ISSUES

Section 28.1 - 23.2 of the Code of Virginia authorizes the Virginia Marine Resources Commission to "collect any fisheries data and information which it deems necessary to develop fishery management plans and to evaluate management options." The Code further states that the information shall include "statistics for catch and fishing efforts by species from commercial and recreational fishermen." Additionally the Commission may "require the reporting of these statistics on forms prescribed by the Commission." The policy further states that "conservation and management measures shall be based upon contemporaneous consideration of the best scientific, economic, biological and sociological information available."

With this authority already in place, the Living Resources Roundtable believes that the Virginia Marine Resources Commission should exercise its authority through a system of mandatory reporting consistent with the following recommendations:

- 1. It should be funded in part through license fees collected from recreational and commercial fishermen and administered by the Virginia Marine Resources Commission.*
- 2. Reports should be mandatory with appropriate and meaningful sanctions for noncompliance.*
- 3. Reports should be required of any individual or corporation taking finfish or shellfish from the water of the Commonwealth, including, but not limited to commercial fishermen, charterboat operators, seafood packing houses and recreational anglers through combinations of methods such as trip tickets, reports and surveys.*
- 4. Information gathered by any means should remain confidential and in compliance with the Virginia Code which states that "the information collected or reported shall not be disclosed in any manner which would permit identification of any person, firm, corporation or vessel."*

Legislative Initiatives Considered

During the eight months of deliberations, the Roundtable members considered a number of approaches that would improve the Commonwealth's ability to manage its living resources. Equity, effectiveness, and predictability were key considerations. Three initiatives, one which speaks to the recreational fishery and two which address the commercial industry are the final recommendations of the members. These initiatives are summarized

below and contained in full in the appendix.

Saltwater Recreational Fishing License

It was recognized by the Roundtable that a saltwater recreational fishing license could significantly improve the ability of management agencies to fulfill their responsibilities. The Roundtable believed that a license bill, properly drafted with revenue dedicated to the replenishment, protection and conservation of fish stocks taken by the recreational fishery, enhancement of recreational fishing opportunities and research concerning tidal fishery resources, would benefit recreational anglers and the Commonwealth as a whole.

The benefits of a license would likely include improvements in the health of fishery resources, improved data on fishing effort and stocks, improved recreational fishing opportunities, increased federal funds based on license sales, and an improved economy as better management stocks offer consistent opportunities for resident anglers and visitors alike.

The Roundtable proceeded to develop a discussion paper with outlined the basic elements of a licensing program, including exemptions, fees, need for short-term license, blanket-licensing, the administering agency, administration of collected funds, funding priorities, geographic application, enforcement, and methods of simplifying administration.

After months of discussions by the Roundtable and 6 public meetings, the Roundtable presented a draft recreational saltwater fishing license bill for introduction into the General Assembly (attached as House Bill 788).

House Bill 788 establishes a requirement for a saltwater recreational fishing license when fishing in the tidal waters of the Commonwealth. The price of the individual license would be \$7.50 and a \$4.00 license would be available to senior citizens. License agents would retain 50 cents for each license sold. All collected funds would be placed in a special non-reverting fund, administered by the Marine Resources Commission which may only be used to enhance recreational fisheries. HB 788 also creates the Virginia Recreational Fishing Advisory board, composed of recreational fishermen, to advise the VMRC on the expenditure of funds. Blanket licenses for charterboat and commercial pier operators are available, with the requirement that reports are given as to fishing effort and catch. In addition, private boat owners may purchase an optional license for their boats that would cover all passengers.

The Roundtable strongly felt that monies generated by license fees should be used to benefit the resource. Throughout the drafting process, a dedicated fund for all income generated was given primary consideration.

Members of the Roundtable also recognized that any license program must not burden those it will ultimately benefit. In their discussions, the Roundtable thought that a licensing program should be as simple as possible and that everything should be done to make licenses easily accessible. The following are suggestions by Roundtable members of ways to achieve

these goals;

1. There should be an extensive public education program to educate anglers about new license requirements.
2. There should be aggressive recruitment of new license agents.
3. The license application form should require only basic information and be easy to complete.
4. Cooperative arrangements with other state agencies should be explored. For example, a procedure for license purchase when registering automobiles or boat could be arranged.
5. Sell licenses by mail.

Registration and Entry for Commercial Fishermen

The Roundtable found that entry tools are an increasingly common method of managing commercial fisheries. Nearby states such as New Jersey, Delaware and Maryland limit or delay entry into certain fisheries. These types of programs accomplish several purposes. First, they afford greater certainty with respect to gauging fishing effort and catch. A delayed entry program, for instance, provides estimates of the levels of fishing effort in advance of the fishing year. Management programs can then be structured pro-actively in response to the anticipated levels of fishing.

A registration program, with a mandatory reporting element, also provides management agencies with a means to accurately and consistently compile data on the number of bona-fide commercial fishermen in Virginia and the amount of their harvest.

The Roundtable also heard from watermen who believe that those who benefit from a public resource should contribute to its management. Currently, license fees for commercial gear are deposited in the Virginia Marine Product Fund which is used to promote seafood products. A desire to have fees deposited in a fund that would be used to promote management and restoration activities was seen as a positive development.

The Roundtable also saw a benefit in defining commercial fishermen. Under the current management structure, there is no differentiation between bona-fide commercial fishermen and the purchaser of a commercial gear license. Throughout the 1990 legislative discussions concerning HB 288, concerns were expressed about so-called opportunist fishermen -- "recreational" fishermen who periodically sell their catch. Some commercial fishermen are concerned about the pressure put on the resource by this activity and its effects on markets and the quality of seafood products.

The Roundtable also addressed the issue of limiting entry into fisheries. Limited entry is a practice that has been used in a number of areas and for a variety of purposes. It defines

a number of specific management tools including limits on the number of licenses for gear used in a particular fishery or limits on the actual numbers of participants in a fishery.

Roundtable members saw benefits to the resource and to the industry in granting the Marine Resources Commission the ability to limit the gear used in specific fisheries. This power, coupled with existing authority, and exercised through the existing regulatory structure, offers a tool that will benefit the fishery and those who rely on it.

House Bill 789 (attached) requires the VMRC to promulgate regulations which would establish a registration program for commercial fishermen, including provisions for exceptions to the registration requirements based on hardship and other factors. HB 789 also requires that only registered fishermen may sell their catch and seafood buyers may only buy from registered fishermen. The bill also includes a \$250.00 registration fee which will be deposited in the Marine Fisheries Improvement Fund and will be used to fund the mandatory reporting system contained in the bill and other fisheries management efforts.

House Bill 789 also established a two year delay in the effective date of registrations for those who did not hold gear licenses during 1992.

House Bill 792 (attached) grants the VMRC the authority to limit the amount of gear licenses issued for use in a particular fishery and determine to whom those license would be issued. It requires that in order to exercise this authority the commission must use existing regulatory procedure and give due consideration to the ecologic, economic and social consequences of limits.

1991 SESSION

LD9133532

HOUSE JOINT RESOLUTION NO. 384

House Amendments in [] - February 4, 1991

Requesting the Chesapeake Bay Commission to establish a committee to study and make recommendations regarding issues related to the conservation of the living resources of the Chesapeake Bay.

Patrons—Murphy, Bloxom and Stieffen

Referred to the Committee on Chesapeake and Its Tributaries

WHEREAS, the fishery resources of the Chesapeake Bay and its tributaries provide significant economic, ecological and recreational benefits to the commercial, recreational and charterboat fishing industries and to the public at large; and

WHEREAS, related industries such as seafood packing, tourism, bait and tackle, boating and others depend on stable and abundant fishery resources; and

WHEREAS, the cumulative effects of years of habitat destruction, overfishing and pollution have significantly damaged many species, some of whose populations are at historic lows; and

WHEREAS, all fishery resource user groups are concerned about declining fish populations and habitat destruction; and

WHEREAS, increasing human population is resulting in increasing pressure on Virginia's fisheries; and

WHEREAS, efforts to implement comprehensive fisheries management programs such as limited entry, finfish sellers licenses, and saltwater sport fishing licenses have not been successful; and

WHEREAS, a cooperative and comprehensive effort to improve the productivity of Virginia's fisheries through fisheries management and habitat restoration is necessary and in the interest of all user groups, related industries and the public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Chesapeake Bay Commission be requested to establish and facilitate a committee to study conservation of the living resources of the Chesapeake Bay and its tributaries including means of fisheries management, funding for habitat restoration, fishery access and improvements and cooperative programs between user groups and related issues, including, but not limited to, limited or delayed entry into fisheries, licenses for salt water sport fishing, licenses for seafood sellers, creation of dedicated funds for fisheries improvement and restoration.

The membership of the committee should include, but not necessarily be limited to, all members of the General Assembly who serve on the Chesapeake Bay Commission, the Secretary of Natural Resources or her designee, the Commissioner of the Virginia Marine Resources Commission or his designee [], the Executive Director of the Department of Game and Inland Fisheries or his designee,] and representatives of the commercial fishing industry, recreational fishing industry, the charterboat industry, the seafood packing industry, the scientific community, and the conservation community. All agencies of the Commonwealth, as appropriate, shall cooperate with the study and provide assistance and expertise.

The committee shall complete its work in time to submit its findings and recommendations to the Governor and the 1992 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

1992 SESSION

LD0160376

HOUSE BILL NO. 788

Offered January 21, 1992

A BILL to amend and reenact §§ 2.1-1.6, 9-6.25:1, and 28.1-47 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 28.1-48.1 through 28.1-48.9, relating to saltwater recreational fishing license, creating the Virginia Fishing Advisory Board, and establishing the Virginia Saltwater Recreational Fishing Development Fund.

Patrons—Murphy, Byrne, Darner, Dillard and Stieffen; Senators: Cross, Gartlan and Russell

Referred to the Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6, 9-6.25:1, and 28.1-47 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 28.1-48.1 through 28.1-48.9 as follows:

§ 2.1-1.6. State boards.—A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

- Accountancy, Board for
- Aging, Advisory Board on the
- Agriculture and Consumer Services, Board of
- Air Pollution, State Advisory Board on
- Alcoholic Beverage Control Board, Virginia
- Apple Board, Virginia State
- Appomattox State Scenic River Advisory Board
- Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
- Art and Architectural Review Board
- Athletic Board, Virginia
- Auctioneers Board
- Audiology and Speech Pathology, Board of
- Aviation Board, Virginia
- Barbers, Board for
- Branch Pilots, Board for
- Bright Flue-Cured Tobacco Board, Virginia
- Building Code Technical Review Board, State
- Catoctin Creek State Scenic River Advisory Board
- Cattle Industry Board, Virginia
- Cave Board
- Certified Seed Board, State
- Chesapeake Bay Local Assistance Board
- Chickahominy State Scenic River Advisory Board
- Child Abuse and Neglect, Advisory Board on
- Chippokes Plantation Farm Foundation, Board of Trustees
- Coal Research and Development Advisory Board, Virginia
- Coal Surface Mining Reclamation Fund Advisory Board
- Commerce, Board of
- Conservation and Development of Public Beaches, Board on
- Conservation and Recreation, Board of
- Contractors, Board for
- Corn Board, Virginia
- Correctional Education, Board of
- Corrections, State Board of
- Cosmetology, Board for

- 1 Criminal Justice Services Board
- 2 Dark-Fired Tobacco Board, Virginia
- 3 Deaf and Hard-of-Hearing, Advisory Board for the Department for the
- 4 Dentistry, Board of
- 5 Education, State Board of
- 6 Egg Board, Virginia
- 7 Emergency Medical Services Advisory Board
- 8 Employment Agency Advisory Board
- 9 Farmers Market Board, Virginia
- 10 Fire Services Board, Virginia
- 11 Forensic Science Advisory Board
- 12 Forestry, Board of
- 13 Funeral Directors and Embalmers, Board of
- 14 Game and Inland Fisheries, Board of
- 15 Geology, Board for
- 16 Goose Creek Scenic River Advisory Board
- 17 Health Planning Board, Virginia
- 18 Health Professions, Board of
- 19 Health, State Board of
- 20 Hearing Aid Specialists, Board for
- 21 Hemophilia Advisory Board
- 22 Historic Resources, Board of
- 23 Housing and Community Development, Board of
- 24 Industrial Development Services Advisory Board
- 25 Insurance Advisory Board, State
- 26 Irish Potato Board, Virginia
- 27 Laboratory Services Advisory Board
- 28 Marine Products Board, Virginia
- 29 Medical Advisory Board, Department of Motor Vehicles
- 30 Medical Board of the Virginia Retirement System
- 31 Medicare and Medicaid, Advisory Board on
- 32 Medicine, Board of
- 33 Mental Health, Mental Retardation and Substance Abuse Services Board, State
- 34 Migrant and Seasonal Farmworkers Board
- 35 Military Affairs, Board of
- 36 Mines, Minerals and Energy, Board of Examiners in the Department of
- 37 Minority Business Enterprise, Interdepartmental Board of the Department of
- 38 Motor Vehicle Dealers' Advisory Board
- 39 Networking Users Advisory Board, State
- 40 Nottoway State Scenic River Advisory Board
- 41 Nursing, Board of
- 42 Nursing Home Administrators, Board of
- 43 Occupational Therapy, Advisory Board on
- 44 Oil and Gas Conservation Board, Virginia
- 45 Opticians, Board for
- 46 Optometry, Board of
- 47 Peanut Board, Virginia
- 48 Perinatal Services Advisory Board, State
- 49 Personnel Advisory Board
- 50 Pesticide Control Board
- 51 Pharmacy, Board of
- 52 Physical Therapy to the Board of Medicine, Advisory Board on
- 53 Plant Pollination Advisory Board
- 54 Polygraph Examiners Advisory Board

- 1 Pork Industry Board, Virginia
- 2 Poultry Products Board, Virginia
- 3 Private College Advisory Board
- 4 Private Security Services Advisory Board
- 5 Professional Counselors, Board of
- 6 Professional Soil Scientists, Board for
- 7 Psychiatric Advisory Board
- 8 Psychology, Board of
- 9 Public Buildings Board, Virginia
- 10 Public Telecommunications Board, Virginia
- 11 Radiation Advisory Board
- 12 Real Estate Appraiser Board
- 13 Real Estate Board
- 14 Reciprocity Board, Department of Motor Vehicles
- 15 *Recreational Fishing Advisory Board, Virginia*
- 16 Reforestation Board
- 17 Rehabilitative Services, Board of
- 18 Respiratory Therapy, Advisory Board on
- 19 Retirement System Review Board
- 20 Rockfish State Scenic River Advisory Board
- 21 Safety and Health Codes Board
- 22 Seed Potato Board
- 23 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 24 Shenandoah State Scenic River Advisory Board
- 25 Small Business Advisory Board
- 26 Small Grains Board, Virginia
- 27 Social Services, Board of
- 28 Social Work, Board of
- 29 Soil and Water Conservation Board, Virginia
- 30 Soybean Board, Virginia
- 31 State Air Pollution Control Board
- 32 Substance Abuse Certification Board
- 33 Surface Mining Review, Board of
- 34 Sweet Potato Board, Virginia
- 35 Teacher Education and Certification, Advisory Board on
- 36 Tourism and Travel Services Advisory Board
- 37 Toxic Substances Advisory Board
- 38 Transportation Board, Commonwealth
- 39 Transportation Safety, Board of
- 40 Treasury Board, The, Department of the Treasury
- 41 Veterans' Affairs, Board on
- 42 Veterinary Medicine, Board of
- 43 Virginia Employment Commission, State Advisory Board for the
- 44 (Effective July 1, 1992) Virginia Manufactured Housing Board
- 45 Virginia Mine Safety Board
- 46 Virginia Retirement System, Board of Trustees
- 47 Virginia Waste Management Board
- 48 Visually Handicapped, Virginia Board for the
- 49 Voluntary Formulary Board, Virginia
- 50 War Memorial Board, Virginia
- 51 Waste Management Facility Operators, Board for
- 52 Water Resources Research Center Statewide Advisory Board, Virginia
- 53 Waterworks and Wastewater Works Operators, Board for
- 54 Well Review Board, Virginia

1 Youth and Family Services, State Board of.

2 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following
3 entities shall be referred to as boards:

4 Compensation Board

5 State Board of Elections

6 State Water Control Board

7 Virginia Parole Board.

8 § 9-6.25:1. Advisory boards, commissions and councils.—There shall be, in addition to
9 such others as may be designated in accordance with § 9-6.25, the following advisory
10 boards, commissions and councils within the executive branch:

11 Advisory Board for the Department for the Deaf and Hard-of-Hearing

12 Advisory Board for the Department for the Aging

13 Advisory Board on Child Abuse and Neglect

14 Advisory Board on Medicare and Medicaid

15 Advisory Board on Occupational Therapy

16 Advisory Board on Physical Therapy to the Board of Medicine

17 Advisory Board on Respiratory Therapy to the Board of Medicine

18 Advisory Board on Teacher Education and Certification

19 Advisory Commission on Mapping, Surveying, and Land Information Systems

20 Advisory Council on Revenue Estimates

21 Appomattox State Scenic River Advisory Board

22 Art and Architectural Review Board

23 Board of Directors, Virginia Truck and Ornamentals Research Station

24 Board of Forestry

25 Board of Health Professions

26 Board of Military Affairs

27 Board of Transportation Safety

28 Board of Trustees of the Family and Children's Trust Fund

29 Board of Visitors, Gunston Hall Plantation

30 Board on Veterans' Affairs

31 Catoctin Creek State Scenic River Advisory Board

32 Cave Board

33 Chickahominy State Scenic River Advisory Board

34 Coal Surface Mining Reclamation Fund Advisory Board

35 Council on Indians

36 Council on the Status of Women

37 Dual Party Relay Services Advisory Board

38 Emergency Medical Services Advisory Board

39 Falls of the James Committee

40 Forensic Science Advisory Board

41 Goose Creek Scenic River Advisory Board

42 Governor's Council on Alcohol and Drug Abuse Problems

43 Governor's Mined Land Reclamation Advisory Committee

44 Handicapped Children, Interagency Coordinating Council on Delivery of Related Services

45 to

46 Hemophilia Advisory Board

47 Human Services Information and Referral Advisory Council

48 Industrial Development Services Advisory Board

49 Interagency Coordinating Council on Housing for the Disabled

50 Interdepartmental Board of the State Department of Minority Business Enterprise

51 Laboratory Services Advisory Board

52 Local Advisory Board to the Blue Ridge Community College

53 Local Advisory Board to the Central Virginia Community College

54 Local Advisory Board to the Dabney S. Lancaster Community College

- 1 Local Advisory Board to the Danville Community College
- 2 Local Advisory Board to the Eastern Shore Community College
- 3 Local Advisory Board to the Germanna Community College
- 4 Local Advisory Board to the J. Sargeant Reynolds Community College
- 5 Local Advisory Board to the John Tyler Community College
- 6 Local Advisory Board to the Lord Fairfax Community College
- 7 Local Advisory Board to the Mountain Empire Community College
- 8 Local Advisory Board to the New River Community College
- 9 Local Advisory Board to the Northern Virginia Community College
- 10 Local Advisory Board to the Patrick Henry Community College
- 11 Local Advisory Board to the Paul D. Camp Community College
- 12 Local Advisory Board to the Piedmont Virginia Community College
- 13 Local Advisory Board to the Rappahannock Community College
- 14 Local Advisory Board to the Southwest Virginia Community College
- 15 Local Advisory Board to the Thomas Nelson Community College
- 16 Local Advisory Board to the Tidewater Community College
- 17 Local Advisory Board to the Virginia Highlands Community College
- 18 Local Advisory Board to the Virginia Western Community College
- 19 Local Advisory Board to the Wytheville Community College
- 20 Long-Term Care Council
- 21 Medical Advisory Board, Department of Motor Vehicles
- 22 Medical Board of the Virginia Retirement System
- 23 Migrant and Seasonal Farmworkers Board
- 24 Motor Vehicle Dealer's Advisory Board
- 25 Nottoway State Scenic River Advisory Board
- 26 Personnel Advisory Board
- 27 Plant Pollination Advisory Board
- 28 Private College Advisory Board
- 29 Private Security Services Advisory Board
- 30 Psychiatric Advisory Board
- 31 Radiation Advisory Board
- 32 Rappahannock Scenic River Advisory Board
- 33 *Recreational Fishing Advisory Board, Virginia*
- 34 Reforestation Board
- 35 Retirement System Review Board
- 36 Rockfish State Scenic River Advisory Board
- 37 Shenandoah State Scenic River Advisory Board
- 38 Small Business Advisory Board
- 39 St. Mary's Scenic River Advisory Committee
- 40 State Advisory Board on Air Pollution
- 41 State Advisory Board for the Virginia Employment Commission
- 42 State Building Code Technical Review Board
- 43 State Council on Local Debt
- 44 State Insurance Advisory Board
- 45 State Land Evaluation Advisory Council
- 46 State Networking Users Advisory Board
- 47 State Perinatal Services Advisory Board
- 48 State Public Records Advisory Council
- 49 State Health Benefits Advisory Council
- 50 Staunton Scenic River Advisory Committee
- 51 Tourism and Travel Services Advisory Board
- 52 Toxic Substances Advisory Board
- 53 Virginia Advisory Commission on Intergovernmental Relations
- 54 Virginia Coal Research and Development Advisory Board

- 1 Virginia Commission for the Arts
- 2 Virginia Commission on the Bicentennial of the United States Constitution
- 3 Virginia Council on Coordinating Prevention
- 4 Virginia Equal Employment Opportunity Council
- 5 Virginia Military Advisory Council
- 6 Virginia Mine Safety Board
- 7 Virginia Public Buildings Board
- 8 Virginia Transplant Council
- 9 Virginia War Memorial Board
- 10 Virginia Water Resources Research Center, Statewide Advisory Board
- 11 Virginia Winegrowers Advisory Board.

12 § 28.1-47. License to fish with certain nets.—Any resident of Virginia or nonresident
13 desiring to take or catch fish with any device ~~other than a hand line~~ in any of the tidal
14 waters of the Commonwealth, or tidal waters within the jurisdiction or under the joint
15 jurisdiction of this Commonwealth, shall apply to any inspector except that the applicant
16 for license to fish with a fixed device shall make application in writing to the inspector of
17 the district in which the fixed device is proposed to be located, and state on oath the true
18 name or names and address or addresses of the person or persons applying for license, the
19 place at which the net, seine, fyke, weir, or other device is to be fished; and that during
20 the period of the license, which shall be from January 1 to December 31, inclusive, of
21 each year, they will not violate any of the laws of this Commonwealth in relation to the
22 taking and catching of fish.

23 § 28.1-48.1. Recreational license required.—On and after January 1, 1993, except in
24 areas under the jurisdiction of the Department of Game and Inland Fisheries and as
25 provided in § 28.1-48.5, a person shall not take or catch fish with rod and reel or handline
26 or by spearing or gigging in the tidal waters of the Commonwealth without first obtaining
27 a saltwater recreational fishing license.

28 § 28.1-48.2. Recreational license fee; cooperative program.—A. The annual fee for the
29 saltwater recreational fishing license shall be seven dollars and fifty cents. The fee for
30 persons sixty-five years of age or older shall be, upon proof of age satisfactory to the
31 Commission, four dollars. Agents of the Commission shall retain fifty cents as
32 compensation for issuing each license.

33 B. All funds collected under this section shall be paid into the state treasury to the
34 credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in
35 § 28.1-48.3.

36 C. The Commission shall enter into cooperative programs with the Department of
37 Game and Inland Fisheries as is necessary to carry out the provisions of this section.

38 § 28.1-48.3. Virginia Saltwater Recreational Fishing Development Fund
39 established.—There is hereby established a special, nonreverting fund in the state treasury
40 to be known as the Virginia Saltwater Recreational Fishing Development Fund, hereafter
41 referred to as the Fund. The Fund shall be administered by the Commission, to be used
42 solely for the purposes of conserving and enhancing finfish species taken by recreational
43 anglers; enforcing the provisions of §§ 28.1-48.1, 28.1-48.6 through 28.1-48.9, and 28.1-52.2
44 and regulations promulgated thereunder; improving recreational fishing opportunities,
45 obtaining necessary data and conducting research for fisheries management; and creating
46 or restoring habitat for species taken by recreational fisherman. The Fund shall consist of
47 moneys collected pursuant to §§ 28.1-48.2, 28.1-48.6 through 28.1-48.9, and 28.1-52.2.

48 § 28.1-48.4. Virginia Recreational Fishing Advisory Board established.—A. There is
49 hereby established the Virginia Recreational Fishing Advisory Board, which shall
50 hereinafter be known as the Board. The Board shall advise the Commission in the
51 expenditure of moneys received in the Fund.

52 B. The Board shall consist of nine members selected from a list of nominees by
53 organized groups, clubs, civic organizations or self-nominations and appointed by the
54 Commissioner who are representative of the interests associated with recreational fishing

1 including representatives from organized recreational clubs and other interested in
2 recreational fishing. The membership shall be representative of the geographic area
3 covered by the license.

4 C. The term of office of each member shall be for three years, provided that initial
5 appointments shall be three members appointed for three years, three members appointed
6 for two years and three members appointed for one year. Appointments to fill vacancies
7 shall be made to fill the unexpired term.

8 D. Members shall receive no compensation for their services but shall receive
9 reimbursement for actual expenses. The Board shall meet at the call of the Commissioner
10 or at least four times yearly.

11 § 28.1-48.5. Exemptions to saltwater recreational fishing license.—A. The following
12 persons shall be exempt from the requirements of obtaining a saltwater recreational
13 fishing license as set forth in § 28.1-48.1:

14 1. A person under the age of sixteen.

15 2. A person fishing from his own private real property, the nonpaying guest of the
16 owner, or a member of the immediate family of the owner.

17 3. A person fishing from a licensed recreational boat licensed pursuant to § 28.1-48.7.

18 4. A person fishing from a licensed headboat, charterboat or pier licensed pursuant to
19 § 28.1-48.8 or § 28.1-52.2.

20 5. A person fishing with gear licensed by the Commission.

21 6. The holder of a valid recreational fishing license issued by another state or
22 jurisdiction, upon determination of reciprocity of the license by the Commissioner.

23 7. Members of the following groups, as determined by the Commissioner:

24 a. Organized groups of individuals with physical or mental limitations;

25 b. Organized groups of military veterans residing in veterans' hospitals; and

26 c. School groups, grades kindergarten through twelve, participating in school-sponsored
27 trips.

28 § 28.1-48.6. Temporary license.—A. The Commission shall provide for issuance of a
29 temporary saltwater recreational fishing license, which shall be valid for a stated period of
30 time not to exceed ten consecutive days. The fee for the temporary license shall be five
31 dollars. Agents shall retain fifty cents as compensation for issuing each license.

32 B. All funds collected pursuant to this section shall be paid into the state treasury to
33 the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established
34 by § 28.1-48.3.

35 § 28.1-48.7. Recreational boat; reporting of catch.—A. The owner of a recreational boat
36 used for saltwater recreational fishing shall have the option of purchasing a saltwater
37 recreational fishing license which covers his passengers and himself to meet the licensing
38 requirements set forth in § 28.1-48.1. The cost of the license shall be thirty dollars a year
39 for boats up to twenty-seven feet in length and sixty dollars a year for boats twenty-seven
40 feet or longer. If the owner of the boat does not purchase a license which covers all his
41 passengers, individuals shall still purchase a license as required by § 28.1-48.1.

42 B. Owners of noncommercial boats shall report catch and other data as is deemed
43 necessary by the Commission for effective fisheries management.

44 C. All funds collected pursuant to this section shall be paid into the state treasury to
45 the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established
46 by § 28.1-48.3.

47 § 28.1-48.8. Headboat or charterboat; rental boats.—A. The owner of a headboat or
48 charterboat annually shall purchase a recreational fishing license which covers his
49 customers to meet the requirements set forth in § 28.1-48.1. The annual cost of the license
50 shall be \$150 for boats designed to hold six passengers or fewer and, for boats designed to
51 hold a greater number of passengers than six, \$150 plus four dollars for each passenger
52 over six for which the boat is designed.

53 B. The owner of a boat rental service shall purchase a recreational fishing license
54 which covers his customers to meet the requirements set forth in § 28.1-48.1. The cost of

1 the license shall be \$7.50 per boat with a maximum fee of \$500, whichever is less.

2 C. Charterboat and headboat operators shall report such data as is deemed necessary
3 by the Commission for the effective fisheries management as a condition of issuance of
4 the license.

5 D. All funds collected pursuant to this section shall be paid into the state treasury to
6 the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established
7 by § 28.1-48.3.

8 § 28.1-48.9. Commercial fishing pier.—A. The owner of a commercial fishing pier, as
9 defined in § 28.1-52.2, shall have the option of purchasing a saltwater recreational fishing
10 license, covering his customers, in order to meet the licensing requirements set forth in §
11 28.1-48.1. The cost of the license shall be \$450. If the owner of the pier does not purchase
12 such a license, individuals shall still purchase a license as required by § 28.1-48.1.

13 B. Owners of commercial piers shall report catch and other data as is deemed
14 necessary by the Commission for effective fisheries management.

15 C. All funds collected pursuant to this section shall be paid into the state treasury to
16 the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established
17 by § 28.1-48.3.

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Official Use By Clerks	
Passed By The House of Delegates without amendment <input type="checkbox"/> with amendment <input type="checkbox"/> substitute <input type="checkbox"/> substitute w/amdt <input type="checkbox"/>	Passed By The Senate without amendment <input type="checkbox"/> with amendment <input type="checkbox"/> substitute <input type="checkbox"/> substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
Clerk of the House of Delegates	Clerk of the Senate

1992 SESSION

LD0540376

HOUSE BILL NO. 789

Offered January 21, 1992

A BILL to amend and reenact § 28.1-48 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 28.1-48.1 through 28.1-48.5, relating to registration of commercial fishermen: penalties.

Patrons—Murphy, Bloxom, Byrne, Darner, Fisher, Morgan, Orrock and Stieffen; Senators: Cross, Gartlan and Russell

Referred to the Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That § 28.1-48 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 28.1-48.1 through 28.1-48.5 as follows:

§ 28.1-48. License tax for fishing in tidal waters; register mark.—A. Every resident or nonresident who shall apply for license to catch or take fish from the tidal waters of the Commonwealth, or the waters within the jurisdiction of the Commonwealth, shall pay to an inspector a specific license tax, which shall be in lieu of all taxes levied upon such persons for taking and catching fish, ~~or for selling the product thereof~~, as follows:

1. On each pound net, twenty-five dollars;

2. On each stake gill net of 1200 feet in length or under, with a fixed location, fifteen dollars;

3. On all other gill nets up to 600 feet, ten dollars; all such nets over 600 feet and up to 1200 feet, fifteen dollars;

4. On each thresh net, skirt net, slat traps, prop nets, trap net, or similar device, eight dollars;

5. On each fyke net head, weir, or similar device, eight dollars;

6. On each ~~person~~ *boat operator* taking or catching eels or otherwise fishing by a means commonly known as fish pots or eel pots, twelve dollars, or if catching fish or eels with one or more assistants, twenty dollars;

7. On each person using or setting fish trotlines, twelve dollars. It shall be unlawful to set a fish trotline on the ocean side of Accomack and Northampton Counties. The Commission inspectors may confiscate any fish trotline set in such area;

8. On each person using or operating a fish dip net, six dollars;

9. On each haul seine used for catching fish, under 500 yards in length, twenty-nine dollars;

10. On each haul seine used for catching fish, from 500 yards in length to 1000 yards in length, eighty-eight dollars.

B. The Commission shall have the power to establish a license commensurate with other licenses in an amount not more than \$100 for any device used for the taking or catching of finfish, fish or shellfish in the waters of the Commonwealth, that is not mentioned in this title. The Commission shall have the authority to specify any restrictions or control over the device or the person operating the device they may deem advisable when issuing such a license.

C. Inspectors issuing such licenses shall furnish to the person to whom such licenses are issued a number or register mark, to be placed by the fishermen on their boats or fixed fishing devices. It shall be unlawful for any person, firm, or corporation to use, operate, set or cause to be used, operated, or set, any such drift, or haul seine exceeding in length 1,000 yards. If the license be for a fixed fishing device, the holder of the license shall fasten such register mark or number securely to one of the offshore stakes of the fishing device, but such device may be moved at any time within the same inspection district during the season for which the license therefor has been secured with the approval in writing of the inspector without the payment for any additional license. If the license be for a haul seine, drift net, purse net or similar fishing device, the holder of such license

1 shall fasten the register mark number securely at a conspicuous place on the starboard
2 side of the boat used in fishing such device.

3 § 28.1-48.1. *Noncommercial gill net license.*—No gear license tax pursuant to § 28.1-48
4 shall be required for gill nets of up to and including 300 feet in length which are used for
5 noncommercial purposes. Persons fishing gill nets up to and including 300 feet in length
6 for noncommercial purposes shall pay a license fee of \$7.50. All fees collected pursuant to
7 this section shall be deposited in the state treasury and credited to the Marine Fishing
8 Improvement Fund as established in § 28.1-47.2.

9 § 28.1-48.2. *Registration of commercial fishermen required; penalty.*—A. Holders of gear
10 licenses issued January 1, 1992, through December 31, 1992, shall register as commercial
11 fishermen as provided for in regulation.

12 B. Fishermen who do not hold gear licenses issued between January 1, 1992, and
13 December 31, 1992, shall apply to the Commission for registration as commercial
14 fishermen on or before December 31, 1992, as provided in regulation.

15 C. On and after January 1, 1993, fishermen not registered as commercial fishermen but
16 who desire to sell their catch shall apply to the Commission for registration as commercial
17 fisherman. The effective date of status as a commercial fisherman shall be two years from
18 the date the application is approved by the Commission.

19 D. For purposes of this section and §§ 28.1-48.3, 28.1-48.4 and 28.1-48.5, "commercial
20 fisherman" means any person who fishes in tidal waters using any gear and who sells,
21 trades or barter his catch or gives his catch to another in order that it may be sold,
22 traded or bartered.

23 E. The cost of registration as a commercial fisherman shall be \$250 annually. All fees
24 collected from the registration of commercial fishermen shall be deposited in the state
25 treasury and credited to the Marine Fishing Improvement Fund as established in §
26 28.1-47.2.

27 F. Registrations of commercial fishermen shall not be transferable.

28 G. Whenever a court finds that a defendant has violated any of the provisions of this
29 section, the court shall assess a civil penalty of \$500. All civil penalties assessed pursuant
30 to this section shall be paid into the Marine Fishing Improvement Fund as established in
31 § 28.1-47.2.

32 § 28.1-48.3. *Report of harvest required.*—A commercial fisherman shall report his
33 harvest in the manner and form prescribed by the Commission.

34 § 28.1-48.4. *Commission to promulgate regulations.*—The Commission shall promulgate
35 regulations governing the registration of commercial fishermen. The regulations shall
36 include (i) the procedure and manner for application for registration as a commercial
37 fisherman, (ii) the manner and form of mandatory harvest reports by commercial
38 fishermen, and (iii) exceptions to the registration requirements based on scientific,
39 economic, biological and sociological factors.

40 § 28.1-48.5. *Purchase of shellfish or finfish; penalty.*—A person shall not purchase
41 shellfish or finfish from any fisherman who is not registered as a commercial fisherman as
42 required by § 28.1-48.1. Whenever a court finds that a defendant has violated the
43 provisions of this section, the court shall assess a civil penalty of \$500. All civil penalties
44 assessed pursuant to this section shall be paid into the Marine Fishing Improvement Fund
45 as established in § 28.1-47.2.

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1992 SESSION

LD0541376

HOUSE BILL NO. 792

Offered January 21, 1992

A BILL to amend the Code of Virginia by adding a section numbered 28.1-48.1, relating to limited entry to fisheries.

Patrons—Murphy, Bloxom, Byrne, Darner, Dillard, Fisher, Morgan, Orrock and Stieffen; Senators: Cross, Gartlan and Russell

Referred to the Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 28.1-48.1 as follows:

§ 28.1-48.1. Limited sale of gear licenses; regulations.—A. The Commission may limit the number of gear licenses issued for use in a specific fishery.

B. The Commission is authorized to promulgate regulations to carry out the provisions of this section. In determining whether to limit the sale of gear licenses, the Commission shall consider all factors relevant to the Commonwealth's fishery management policy, including but not limited to:

- 1. Economic and social consequences;
2. Food production;
3. Dependence on the fishery by licensees;
4. Efficiency of gear used in the fishery;
5. Impact on species and fisheries; and
6. Abundance of the resource.

Official Use By Clerks

Passed By The House of Delegates without amendment, with amendment, substitute, substitute w/amdt. Passed By The Senate without amendment, with amendment, substitute, substitute w/amdt.

Date: _____

Date: _____

Clerk of the House of Delegates

Clerk of the Senate