

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 493

An Act to amend and reenact § 28.2-400.2 of the Code of Virginia and to repeal § 28.2-1000.1 of the Code of Virginia, the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010, Chapters 59 and 760 of the Acts of Assembly of 2013, and Chapter 104 of the Acts of Assembly of 2014, and the fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the Acts of Assembly of 2014, relating to management of the menhaden fishery.

[S 1464]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-400.2 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-400.2. (Expires July 1, 2016) Total allowable landings for menhaden.

A. Except as provided for in subsections B, C, and D, the total allowable landings for menhaden shall be 144,272.84 metric tons per year. *However, if the Atlantic States Marine Fisheries Commission acts between May 1, 2015, and December 31, 2015, to increase the total allowable landings for menhaden, the Governor may implement the revised quota by proclamation.*

B. If the total allowable landings specified in subsection A are exceeded in any year, the total allowable landings for the subsequent year will be reduced by the amount of the overage. Such overage shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in § 28.2-400.3.

C. The Commissioner may request a transfer of menhaden landings from any other state that is a member of the Atlantic States Marine Fisheries Commission. If the Commonwealth receives a transfer of menhaden in any year from another state, the total allowable landings for only that year shall increase by the amount of transferred landings. The Commissioner may transfer menhaden to another state only if there are unused landings after December 15.

D. Any portion of the one percent of the coast-wide total allowable catch set aside by the Atlantic States Marine Fisheries Commission for episodic events that is unused as of September 1 of any year shall be returned to Virginia and other states according to allocation guidelines established by the Atlantic States Marine Fisheries Commission. Any such return of this portion of the coast-wide total allowable catch to Virginia shall increase the total allowable landings for that year.

2. That the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010, Chapters 59 and 760 of the Acts of Assembly of 2013, and Chapter 104 of the Acts of Assembly of 2014, is repealed.

3. That the fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the Acts of Assembly of 2014, are repealed.

4. That § 28.2-1000.1 of the Code of Virginia is repealed.

5. That an emergency exists and this act is in force from its passage.