

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 28.2-400.2 of the Code of Virginia, relating to menhaden; total*
3 *allowable landings.*

4 [S 909]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 28.2-400.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 28.2-400.2. Total allowable landings for menhaden.**9 A. Except as provided for in subsections B, C, and D, the total allowable landings for menhaden
10 shall be ~~158,700.12~~ 168,937.75 metric tons per year.11 B. If the total allowable landings specified in subsection A are exceeded in any year, the total
12 allowable landings for the subsequent year will be reduced by the amount of the overage. Such overage
13 shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in
14 § 28.2-400.3.15 C. The Commissioner may request a transfer of menhaden landings from any other state that is a
16 member of the Atlantic States Marine Fisheries Commission. If the Commonwealth receives a transfer of
17 menhaden in any year from another state, the total allowable landings for only that year shall increase
18 by the amount of transferred landings. The Commissioner may transfer menhaden to another state only
19 if there are unused landings after December 15.20 D. Any portion of the one percent of the coast-wide total allowable catch set aside by the Atlantic
21 States Marine Fisheries Commission for episodic events that is unused as of September 1 of any year
22 shall be returned to Virginia and other states according to allocation guidelines established by the
23 Atlantic States Marine Fisheries Commission. Any such return of this portion of the coast-wide total
24 allowable catch to Virginia shall increase the total allowable landings for that year.

ENROLLED

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