

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

SUMMARY:

The recommendation is to (1) include madtoms and in the definition of “fish bait” to recognize the use of these species in recreational fishing; (2) limit the number of madtoms held in aggregate, because of the declining status of these species in Virginia; (3) restrict the use of any madtoms collected for bait to the waters in which the animals were captured to remove the intentional or accidental introduction of animals into new watersheds and reduce impacts to native fish populations; 4) remove White Sucker and Northern Hogsucker from species that may be taken in unlimited numbers; and 5) update the Genus name for “minnows and chubs” for currency of information.

RECOMMENDED LANGUAGE OF AMENDMENT:

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

- 1 A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia,
2 [4VAC15-20-130](#), [4VAC15-320-40](#), and this chapter, it shall be lawful to capture and possess live
3 for private use and not for sale or export no more than one individual of any native or
4 naturalized, as defined in [4VAC15-20-50](#), species of amphibian or reptile per physical address,
5 and 20 individuals of any single native or naturalized, as defined in [4VAC15-20-50](#), species of
6 aquatic invertebrate and nongame fish unless specifically listed in this subsection:
7
8 1. The following species may be taken in unlimited numbers from inland waters statewide:
9 carp, mullet, ~~white sucker, northern hogsucker~~, gizzard shad, threadfin shad, blueback herring
10 (see [4VAC15-320-25](#) for anadromous blueback herring limits), white perch, yellow perch,
11 alewife (see [4VAC15-320-25](#) for anadromous alewife limits), stoneroller (hornyhead), fathead
12 minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in
13 unlimited numbers from public inland rivers and streams of the Commonwealth. It is unlawful
14 to harvest grass carp from any public inland lake and reservoir. Anglers taking grass carp must
15 ensure that all harvested grass carp are dead.
16
17 2. See [4VAC15-320-25](#) for American shad, hickory shad, channel catfish, white catfish,
18 flathead catfish, and blue catfish limits.
19
20 3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species
21 of minnows and chubs (~~Cyprinidae~~ [Leuciscidae](#)), [madtoms](#), crayfish, and hellgrammites. The
22 possession limit for taking "fish bait" shall be 50 individuals in aggregate, of which no more
23 than 20 individuals may be crayfish, ~~and of which no more than 20 individuals may be~~
24 [madtoms](#), unless the person has purchased "fish bait" and has a receipt specifying the number
25 of individuals purchased by species, except salamanders, [madtoms](#), and crayfish, which cannot
26 be sold pursuant to the provisions of [4VAC15-360-60](#) and [4VAC15-360-70](#). However,

27 stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and
28 possessed in unlimited numbers as provided for in subdivision 1 of this subsection.
29

30 4. Any crayfish or madtom collected for use as fish bait may only be used as fish bait in the
31 water body of capture.
32

33 5. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping
34 turtles shall only be taken from June 1 to September 30 and must have a minimum curved-line
35 carapace length of 13 inches. Bullfrogs and snapping turtles may not be taken from the banks
36 or waters of designated stocked trout waters.
37

38 6. The following species may not be taken or possessed in any number for private use: red-
39 eared slider and all reptile and amphibian Species of Greatest Conservation Need designated
40 in Virginia's 2015 Wildlife Action Plan.
41

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

45 a. Period of captivity does not exceed 30 days;

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

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

49 d. Animals that demonstrate symptoms of disease or illness or that have sustained injury
50 during their captivity may not be released.
51

52 8. Native or naturalized amphibians and reptiles, as defined in 4VAC15-20-50, may not be
53 taken or possessed in any number from state or federal land without an appropriate permit or
54 license.
55

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

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

75
76 D. Areas restricted from taking crustaceans. Except for the permitted collection of specimens as
77 provided for in § 29.1-418 of the Code of Virginia or the permitted taking for zoological,
78 educational, or scientific purposes as provided for in § 29.1-568 of the Code of Virginia, it shall
79 be unlawful to take any species of crayfish in the Big Sandy River Basin in Virginia (Russell
80 Fork, Pound River, Cranes Nest River, McClure River, Levisa Fork, Dismal Creek, Knox Creek,
81 and tributaries).

82
83 E. Reduction of possession limits for native and naturalized amphibians and reptiles. Any person
84 in possession of legally obtained native and naturalized amphibians and reptiles, as defined in
85 4VAC15-20-50, prior to the change in personal possession allowances in subsection A of this
86 section, effective July 1, 2021, must declare such possession to the department by January 1,
87 2022, in a manner prescribed by the department. This declaration shall serve as authorization for
88 possession only and is not transferable.

RATIONALE:

The introduction of a species outside of its natural range can pose a serious threat to native species in those environments because of competition for resources and possibility of hybridization. In aquatic systems, anglers commonly use fish as bait, which can allow a pathway to move fish between drainages. One group of species that is commonly used as fish bait is miniature catfish known as madtoms (*Noturus* spp.). In Virginia, the Orangefin Madtom (*N. gilberti*), a species native to the Roanoke Drainage, is now established in the upper James drainage, and the Margined Madtom (*N. insignis*), an Atlantic Slope and New River drainage species, is well established in the North Fork Holston River; both are likely the result of releases of bait fish. More recently, a single specimen of Margined Madtom was detected in the Clinch River in Russell County, considerably outside of its native range in the state. In the Clinch River, there are three native madtom species (Mountain, Yellowfin, and Stonecat), all of which are identified as Species of Greatest Conservation Need (SGCN) in the 2025 Virginia Wildlife Action Plan. Designation as an SGCN means that the species is in decline, requiring focused conservation efforts to prevent increased rarity or extirpation/extinction. Additionally, the Yellowfin Madtom is designated as a federally threatened species, and the Department has been actively involved in the recovery of this species with the goal of delisting. The recommended change aligns with conservation measures necessary to protect native madtoms, with the goal of avoiding continued declines and to avoid possible future designation of nonlisted species as threatened or endangered.

Staff also recommend that this regulation be updated to madtoms as species considered “fish bait” in recognition of their use by anglers as bait and to limit the take of these species, some of which are declining in Virginia. Specifically, staff recommend limiting the take of madtoms to 20 individuals in aggregate to reflect their vulnerability to overcollection.

Further, staff recommend removing northern hogsucker and white sucker from the list of species allowed to be taken in unlimited numbers. Northern Hogsucker (*Hypentelium nigricans*) and White Sucker (*Catostomus commersonii*) are native species found throughout the western two-thirds of Virginia. Northern Hogsuckers inhabit small streams to large rivers, while White Suckers occupy small streams to medium rivers. Populations of these species are vulnerable to pollution, dams, and invasive species introductions. As omnivores, they consume mollusks, aquatic insects, worms, and plant material, playing a key role in transferring energy through aquatic and terrestrial ecosystems. Suckers serve as prey for many native predators, including bass, musky, walleye, otters, mink, osprey, eagles, and herons. White Suckers also contribute nutrients to small streams during spring spawning migrations. Their populations are vulnerable to pollution, dams, and invasive species. It is the opinion of staff that these species play different roles in our ecosystems than do the other species currently on the unlimited list that are either invasive or exhibit biological traits that make them resilient to harvest pressure. In contrast, unlimited harvest of Northern Hogsucker and White Sucker could negatively impact their ecological functions and long-term viability.

Finally, as a housekeeping item, staff recommends updating the taxonomic name for the group of fishes known as “minnows and chubs” to reflect current information and reduce regulatory uncertainty.