

**“PERTAINING TO DESIGNATION OF SEED AREAS AND CLEAN CULL AREAS”  
EMERGENCY CHAPTER 4 VAC 20-260-10 ET SEQ.**

**PREAMBLE**

This emergency chapter establishes clean cull and seed areas, size limits, culling requirements, and inspection procedures for oysters taken from public oyster beds, rocks and shoals in the Chesapeake Bay and its tributaries and on all oyster grounds on the Seaside of Eastern Shore.

This emergency chapter is promulgated pursuant to authority contained in §§28.2-201, 28.2-507, 28.2-510, 28.2-513, 28.2-210, and 28.2-526 of the Code of Virginia. This emergency chapter amends and re-adopts previous Chapter 4 VAC 20-260-10 et seq., which was adopted on August 23, 2016, and made effective on September 1, 2016. The effective date of this emergency chapter is October 25, 2017.

**4 VAC 20-260-40. Culling tolerances or standards.**

A. In the clean cull areas, if more than a four-quart measure of any combined quantity of oysters less than three inches and shells of any size are found in any basket inspected by any police officer, it shall constitute a violation of this chapter, except as described in 4 VAC 20-260-30 E.

B. In the James River seed areas, if more than a six-quart measure of shells is found in any basket of seed oysters inspected by any police officer, it shall constitute a violation of this chapter.

C. In the James River seed areas, if more than a four-quart measure of any combined quantity of oysters less than three inches and shells of any size are found in any basket of clean cull oysters inspected by any police officer, it shall constitute a violation of this chapter.

D. From the seaside of the Eastern Shore, if more than a four-quart measure of any combined quantity of oysters less than three inches and shells of any size are found per basket of clean cull oysters inspected by any police officer, it shall constitute a violation of this chapter.

E. Any oysters less than the minimum cull size or any amount of shell that exceeds the culling standard shall be returned immediately to the natural beds, rocks, or shoals from where they were taken.

F. Oysters less than the minimum cull size that are adhering so closely to the shell of any marketable oyster as to render removal impossible without destroying the oysters less than the minimum cull size need not be removed, and those oysters shall be considered lawful and shall

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not be included in the culling tolerances or standards as described in Subsections A through D of this Section.

G. It shall be unlawful for any person to sell any oysters less than the minimum cull size as described in this section.

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This is to certify that the foregoing is a true and accurate copy of the emergency chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201 and 28.2-210 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on October 24, 2017.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY: John M. R. Bull  
John M. R. Bull  
Commissioner

Subscribed and sworn to before me on this 27 day of October, 2017.

Jennifer G. Farmer  
Notary Public

