

'PERTAINING TO BAY SCALLOPS"

REGULATION 4 VAC 20-1020-10 ET. SEQ.

PREAMBLE

This regulation establishes a total moratorium on the harvest of bay scallops from Virginia waters. This regulation also allows for an exception to this moratorium for those persons who take or possess hatchery raised bay scallops from any aquaculture facility.

This regulation is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia. The effective date of this Regulation is February 1, 1999.

4 VAC 20-1020-10. PURPOSE.

The purpose of this regulation is to conserve and protect beds of bay scallops in Virginia waters, until such time this resource can support a sustainable fishery.

4 VAC 20-1020-20. DEFINITIONS.

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise.

"Bay Scallop" means any scallop of the species *Argopecten irradians*

4 VAC 20-1020-30. MORATORIUM.

- A. It shall be unlawful for any person to take, harvest, possess or attempt to take or harvest any bay scallop from Virginia waters, except as described in subsection 4 VAC 20-1020-30 B.
- B. It shall be lawful to take or possess hatchery raised bay scallops from any aquaculture facility.

4 VAC 20-1020-40. PENALTY.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this regulation committed by the same person within twelve months of a prior violation is a Class 1 misdemeanor.

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This is to certify that the foregoing is a true and accurate copy of the regulation passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 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 January 26, 1999.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

William A. Pruitt
Ray A. D. [Signature]

By: _____
William A. Pruitt
Commissioner

Subscribed and sworn to before me this 28th day of January, 1999.

My Commission expires December 31, 2000.

Deborah R. Cawthon

Notary Public