



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

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Contact: Laurie Naismith
Virginia Marine Resources Commission
(757) 247-2269 (office)
(757) 508-1804 (mobile)

New Law Increases Penalties on Oyster Thieves

~ Licenses now can be revoked for up to five years and financial penalties up to \$10,000 can be imposed if revocations are ignored~

NEWPORT NEWS, VA. – A new law allows the Virginia Marine Resources Commission to revoke commercial and recreational fishing licenses for up to five years and to levy penalties up to \$10,000 for fishing commercially while under license revocation.

“Oyster thieves are on notice. Your days of being an outlaw on the waterways are at an end,” said VMRC Commissioner John M.R. Bull. “This new law escalates the potential punishments for egregious violations of our tidal natural resources.”

The new law, House Bill 2195, was approved unanimously by the Virginia General Assembly and signed into law by Governor Terry McAuliffe. The new law goes into effect July 1.

The new law increases the maximum duration of a Commission-ordered license revocation from two to five years, and gives the Commission the authority to levy a civil penalty of up to \$10,000 against those who fish commercially while revoked. In addition, the new law allows for liens to be placed on offenders’ personal property, such as their boats, if the civil penalty isn’t paid within six months.

“The resurgence of the oyster industry and aquaculture in Virginia is a remarkable success story and a major contributing effort to cleaning up the Bay. But when entrepreneurs who want to get into oyster farming have their products stolen from under their nose by thieves, that’s just wrong.” said Del. Scott Lingamfelter, the bill’s patron.

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The impetus for the bill was the continuing theft of oysters from sanctuaries, public oyster grounds and privately leased water bottoms despite five years of intensive Virginia Marine Police efforts and increased license revocations by the Commission.

Oyster theft has been a top priority of the Commission's law enforcement division, the Virginia Marine Police, since 2010. Since then:

- License revocations have increased substantially. So far this year, 14 licenses were revoked and more revocations are pending. Last year, 16 licenses were revoked. In comparison, the Commission revoked a total of only 18 licenses from 1998 through 2013.
- More oyster summons were issued last year (up from 69 in 2010; 153 in 2011; 199 in 2012; 159 in 2013; to 219 in 2014.)
- More oyster inspections were conducted last year (up from 12,600 in 2010; 13,348 in 2011; 16,101 in 2012; 17,665 in 2013; to 25,279 in 2014.)

“We've seen an uptick over the past year in the most serious oyster violations. This is a frustrating development,” said Marine Police Chief Rick Lauderman. “The vast majority of commercial watermen are honest and law-abiding, but a relatively small number of thieves continue to cause a serious problem that is not diminishing.”

In 2014, the Marine Police issued 31 summonses for the egregious violation of stealing from an oyster sanctuary or from a closed oyster management area. Another 17 summonses were issued for illegally harvesting oysters from waters condemned by the Virginia Department of Health due to high levels of fecal coliform, violations that pose a direct threat to consumer health.

Another disturbing problem has emerged over the past year: Several commercial watermen have ignored Commission-ordered license revocations and have continued to fish anyway, flaunting the Commission's authority under Code Sections 28.2-232 and 28.2-528.

The severity of the new civil penalty that can be imposed by the Commission for commercial fishing while revoked will be based on the revoked offender's history, behavior toward officers, safety and health issues, and the egregiousness of the subsequent offense while revoked.

Under this new law, if the civil penalty is not paid in six months, the agency may place a lien on the offender's personal property, such as his or her vehicle or vessel. Civil penalty payments will be distributed to the Virginia Marine Products Board, and not kept by VMRC, to ensure the Commission has no financial incentive -- real or perceived -- to impose a civil penalty on those who flout the Commission's revocation orders.

Oysters are ecologically and economically important, and the Virginia Marine Resources Commission is committed to preserving a resurgent oyster stock and to protecting a \$2 million a year annual investment in oyster replenishment.

Over the past 13 years, the oyster harvest in Virginia has increased from 23,000 bushels in 2001 to an estimated 504,000 bushels last year. The dockside value of the oyster harvest increased to \$22.2 million last year, up from \$16.2 million in 2012.

A single adult oyster can purge up to 50 gallons of water a day, and help clean the Chesapeake Bay and its tributaries. Oyster reefs provide important forage and refuge habitat crabs and fish.

“Governor McAuliffe and the Virginia General Assembly have spoken in a united voice: Oyster thievery must stop,” said Bull. “This new law gives the Commission more tools to use in our ongoing fight to stop the theft of our natural resources. Unscrupulous oyster thieves are on notice.”

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