

SHELLFISH MANAGEMENT DIVISION EVALUATION, 12/05/2023

- PUBLIC HEARING:** Proposal to repeal the following chapters pertaining to shellfish:
1. Chapter 4VAC20-770-10 et seq., "Piankatank River Management Area"
 2. Chapter 4VAC20-780-10 et seq., "Patent Tong Restrictions"
 3. Chapter 4VAC20-790-10 et seq., "Open Public Oyster Rocks, Pocomoke Sound"
 4. Chapter 4VAC20-810-10 et seq., "Opening of John East Turn and Poynter Rocks and Closing Beaseley Bay Rock and Deep Creek Channel, Buoy No. 7"
 5. Chapter 4VAC20-830-10 et seq., "A Change in the Oyster Cull Size for Oysters Harvested from Russ Rock, Rappahannock River"
 6. Chapter 4VAC20-850-10 et seq., "Expansion of the Jail Island Clean Cull Area"
 7. Chapter 4VAC20-860-10 et seq., "A Change in the Oyster Cull Size for Oysters Harvested from Little Carters Rock, Rappahannock River"

The purpose of repealing these regulations is to increase regulatory efficiency by reducing redundant regulatory requirements found in other chapters.

- ISSUES:** The Commission currently establishes by regulation, Chapter 4 VAC 20-720-10 et seq., "Pertaining to Restrictions on Oyster Harvest", the areas of public oyster harvest, public oyster harvest seasons and oyster resource conservation measures if they wish these to be different from those which are established by §28.2-506 of The Code of Virginia. This regulation supersedes other regulations that in the past had addressed individual harvest areas. As such, there is no need for these redundant regulations while Chapter 4 VAC 20-720-10 et seq., is in effect.

STAFF

- RECOMMENDATION:** Staff recommends repealing the following chapters pertaining to shellfish:
1. Chapter 4VAC20-770-10 et seq., "Piankatank River Management Area"
 2. Chapter 4VAC20-780-10 et seq., "Patent Tong Restrictions"
 3. Chapter 4VAC20-790-10 et seq., "Open Public Oyster Rocks, Pocomoke Sound"
 4. Chapter 4VAC20-810-10 et seq., "Opening of John East Turn and Poynter Rocks and Closing Beaseley Bay Rock and Deep Creek Channel, Buoy No. 7"

5. Chapter 4VAC20-830-10 et seq., "A Change in the Oyster Cull Size for Oysters Harvested from Russ Rock, Rappahannock River"
6. Chapter 4VAC20-850-10 et seq., "Expansion of the Jail Island Clean Cull Area"
7. Chapter 4VAC20-860-10 et seq., "A Change in the Oyster Cull Size for Oysters Harvested from Little Carters Rock, Rappahannock River"

Attachments:

1. Public Notice
2. Draft Regulation



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

NOTICE

The Virginia Marine Resources Commission invites public comment on proposed amendments to regulations, as shown below. By November 20, 2023, the proposed draft regulations may be viewed on the VMRC web calendar at <https://mrc.virginia.gov/calendar.shtm>.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed amendments to these regulations will be held on Tuesday, December 5, 2023, at the Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia.

Written public comments on the Shellfish Management Division proposals or on shellfish items not on the agenda must be provided by 12:00 p.m., Monday, December 4, 2023, to Andrew Button, VMRC Shellfish Management Division, 380 Fenwick Road, Bldg. 96, Fort Monroe, Virginia 23651, or sent by email to Andrew.button@mrc.virginia.gov with the subject heading "Commission Comments".

The Commission may review Shellfish Management Division items as early as 9:30 a.m.

I. The Commission proposes to repeal the following chapters pertaining to shellfish:

1. Chapter 4VAC20-770-10 et seq., "Piankatank River Management Area"
2. Chapter 4VAC20-780-10 et seq., "Patent Tong Restrictions"
3. Chapter 4VAC20-790-10 et seq., "Open Public Oyster Rocks, Pocomoke Sound"
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5. Chapter 4VAC20-830-10 et seq., "A Change in the Oyster Cull Size for Oysters Harvested from Russ Rock, Rappahannock River"
6. Chapter 4VAC20-850-10 et seq., "Expansion of the Jail Island Clean Cull Area"
7. Chapter 4VAC20-860-10 et seq., "A Change in the Oyster Cull Size for Oysters Harvested from Little Carters Rock, Rappahannock River"

The purpose of repealing these regulations is to increase regulatory efficiency by reducing redundant regulatory requirements found in other chapters.

An Agency of the Natural and Historic Resources Secretariat

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BECAUSE OF A DISABILITY, PLEASE ADVISE MICHELE GUILFORD (757-247-2206)
NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND
IDENTIFY YOUR NEEDS.**

VIRGINIA MARINE RESOURCES COMMISSION
“PIANKATANK RIVER MANAGEMENT AREA”
CHAPTER 4VAC20-770-10 ET SEQ.

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-770-10 et seq., which was made effective January 1, 1985. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-770-10. Authority, purpose and designated area. (Repealed.)

~~A. Authority and effective date:~~

- ~~1. This chapter is promulgated pursuant to authority contained in § 28.1-128.4 [Repealed] of the Code of Virginia.~~
- ~~2. The effective date of this chapter is January 1, 1985.~~

~~B. Purpose. The purpose of this chapter is to exercise the authority granted the Marine Resources Commission in § 28.1-128.4 [Repealed] of the Code of Virginia, to protect and promote the oyster fishery in the Piankatank River.~~

~~C. Designated area. The designated area is described as follows:~~

~~"Such area is contained within the boundaries of a line commencing at the southernmost point of Stove Point; thence, in a southeasterly direction to the extreme northwesternmost point of Gwynn Island known as Cherry Point; thence, in a southwesterly direction along the shoreline of Gwynn Island to the No. 3 light at the mouth of Narrows Point; thence, in a northwesterly~~

VIRGINIA MARINE RESOURCES COMMISSION
“PIANKATANK RIVER MANAGEMENT AREA”
CHAPTER 4VAC20-770-10 ET SEQ.

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~~direction to No. 10 at Stove Point; thence, in a northeasterly direction to Stove Point and the point of beginning."~~

4VAC20-770-20. General. (Repealed.)

~~A. Definitions. The following definitions are applicable to this chapter: "Commission" shall mean the Marine Resources Commission.~~

~~"Commissioner" shall mean the commissioner of the Marine Resources Commission. "Management area" shall be that designated area describe in 4VAC20-770-10 C. "Inspector" shall mean any uniform inspector of the commission.~~

~~B. Opening and closing. The commission, whenever it deems it advisable to protect or promote the growth of oysters, may close or open any area or restrict the manner or method of harvesting such species in the management area.~~

~~C. Size. All oysters harvested under 4VAC20-770-30 through 4VAC20-770-50 of this chapter are to be culled to a 3-inch minimum length, unless otherwise notified.~~

~~D. Other applicable laws, chapters, et cetera. All laws, chapters, and orders otherwise in effect shall remain in full force and effect, except as may be specifically modified by this chapter or subsequent chapter.~~

~~E. Violation. Violation of any provisions of this chapter shall be considered a violation of § 28.1-128.4 [Repealed] of the Code of Virginia, and shall be punishable as a misdemeanor as provided for in § 28.1-187 [Repealed] of the Code of Virginia.~~

VIRGINIA MARINE RESOURCES COMMISSION
“PIANKATANK RIVER MANAGEMENT AREA”
CHAPTER 4VAC20-770-10 ET SEQ.

~~4VAC20-770-30. Harvesting oysters by hand tongs. (Repealed.)~~

~~A. Area. The entire management area shall be open to harvesting of oysters under this section.~~

~~B. Gear Limitations. Patent tongs or dredges are not allowed on a vessel at the same time that hand tongs are on board.~~

~~4VAC20-770-40. Harvesting oysters by patent tongs. (Repealed.)~~

~~A. Area. The entire management area shall be open to harvesting under this section.~~

~~B. Season. The season under this section shall be from October 1 through the last day of February, inclusive, of each year.~~

~~C. Time of day. The harvesting of oysters under this section shall be limited to from sunrise to 2 p.m. Culling boards shall be clean before sunrise and by 2 p.m.~~

~~D. Gear Limitations. Only two patent tongs may be on board any boat at any time. Hand tongs or dredges are not permitted on board any vessel at the same time as patent tongs.~~

~~4VAC20-770-50. Harvesting oysters by dredge. (Repealed.)~~

~~Gear Limitation. Harvesting of oysters by dredge shall be prohibited in the management area.~~

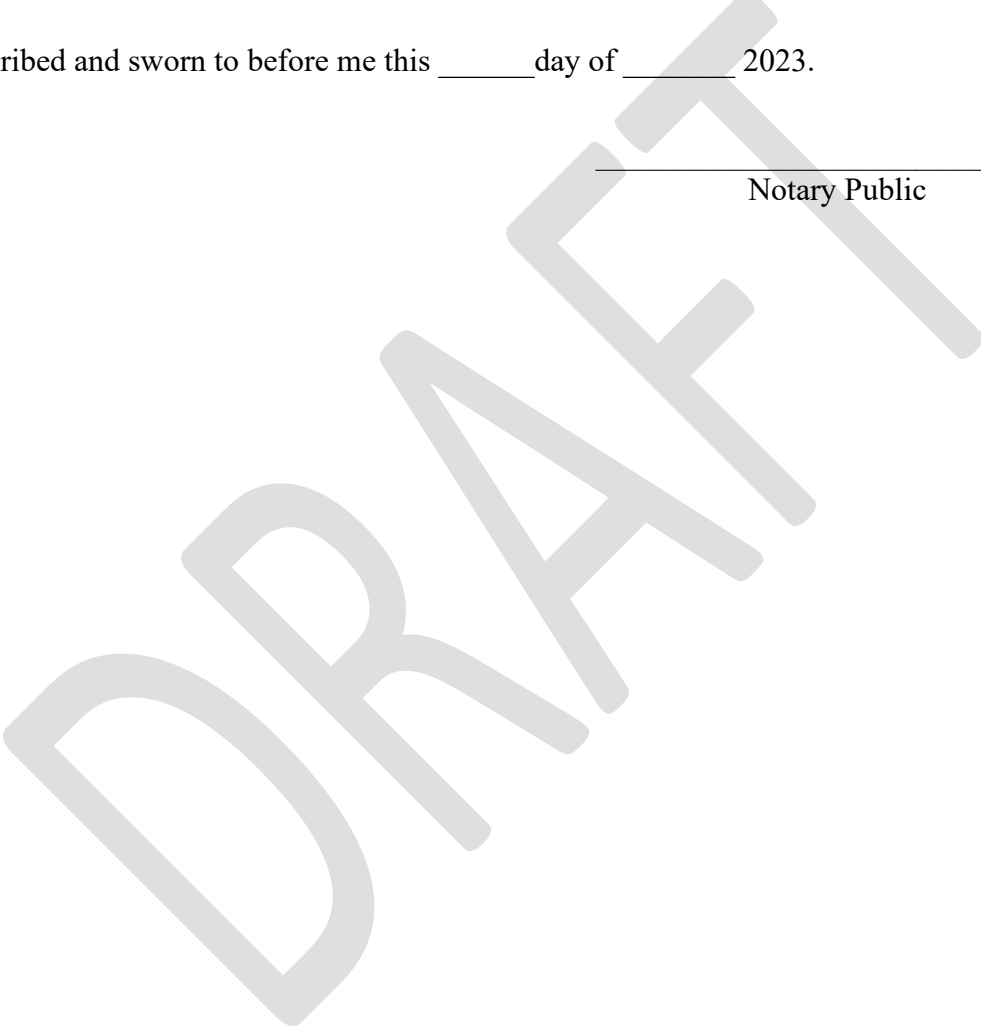
This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on December 5, 2023.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public



VIRGINIA MARINE RESOURCES COMMISSION
“PATENT TONG RESTRICTIONS”
CHAPTER 4VAC20-780-10 ET SEQ.

PAGE 1 OF 3

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-780-10 et seq., which was made effective September 24, 1986. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-780-10. Authority and effective date. (Repealed.)

A. ~~This chapter is promulgated pursuant to authority contained in §§ 28.1-82 [Repealed] and 28.1-85 [Repealed] of the Code of Virginia.~~

B. ~~The effective date of this chapter is September 24, 1986.~~

4VAC20-780-20. Purpose. (Repealed.)

~~The purpose of this chapter is to protect and conserve the oyster resource on public oyster grounds where the taking of oysters by patent tong is permitted.~~

4VAC20-780-30. Season opening date. (Repealed.)

~~The season for the taking of oysters from the public oyster grounds by patent tong shall begin on November 1 of each year, except as provided below. In any year in which November 1 falls on a Saturday or Sunday, then the patent tong season opening date shall be the Monday immediately following November 1.~~

4VAC20-780-40. Time of day restrictions. (Repealed.)

VIRGINIA MARINE RESOURCES COMMISSION
“PATENT TONG RESTRICTIONS”
CHAPTER 4VAC20-780-10 ET SEQ.

~~The harvesting of oysters from the public oyster grounds by patent tong shall be limited to the daily period of sunrise to 2 p.m. All patent tonging and culling of oysters shall be completed by 2 p.m. each day.~~

4VAC20-780-50. ~~Other applicable laws, chapters. (Repealed.)~~

~~All laws, chapters and orders, otherwise in effect shall remain in full force and effect, except as may be specifically modified by this chapter or any subsequent chapter or chapter or both.~~

4VAC20-780-60. ~~Designated area. (Repealed.)~~

~~This chapter applies to all public oyster grounds where harvesting of oysters by patent tong is permitted.~~

4VAC20-780-70. ~~Penalty. (Repealed.)~~

~~As set forth in § 28.1-23 [Repealed] of the Code of Virginia, any person, firm, or corporation violating any provisions of this chapter shall be guilty of a Class I misdemeanor.~~

This is to certify that the foregoing is a true and accurate copy of the chapter 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 Hampton, Virginia on December 5, 2023.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

VIRGINIA MARINE RESOURCES COMMISSION
“PATENT TONG RESTRICTIONS”
CHAPTER 4VAC20-780-10 ET SEQ.

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public



VIRGINIA MARINE RESOURCES COMMISSION
“OPEN PUBLIC OYSTER ROCKS, POCOMOKE SOUND”
CHAPTER 4VAC20-790-10 ET SEQ.

PAGE 1 OF 2

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-790-10 et seq., which was made effective October 23, 1985. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-790-10. Authority, prior chapter, effective date. (Repealed.)

~~A. This chapter is promulgated pursuant to the authority contained in § 28.1-128.1 [Repealed] of the Code of Virginia.~~

~~B. This chapter repeals Virginia Marine Resources Commission Order Number VR 450-01-8411 which was promulgated and made effective December 31, 1984.~~

~~C. The effective date of this chapter is October 23, 1985.~~

4VAC20-790-20. Purpose. (Repealed.)

~~The purpose of this order is to rescind prior Order Number VR 450-01-8411, thereby, opening to the taking of oysters certain designated areas in the Pocomoke Sound management area.~~

4VAC20-790-30. Designated areas. (Repealed.)

~~The following areas in Public Ground 16 in Deep Creek Channel on the east side of Pocomoke Sound are opened to the taking of oysters:~~

VIRGINIA MARINE RESOURCES COMMISSION
“OPEN PUBLIC OYSTER ROCKS, POCOMOKE SOUND”
CHAPTER 4VAC20-790-10 ET SEQ.

- 1. That area between buoy 3 and buoy 4 on the south side of Deep Creek Channel.
- 2. That area on the west side of Buoy 7 in Deep Creek channel.

4VAC20-790-40. Rescinded order. (Repealed.)

Virginia Marine Resources Commission Order Number VR 450-01-8411 (4VAC20-700-10) is hereby rescinded.

4VAC20-790-50. Penalty. (Repealed.)

Pursuant to § 28.1-23 [Repealed] of the Code of Virginia, any person who violates any chapters adopted and promulgated by the commission shall be guilty of a Class I misdemeanor.

This is to certify that the foregoing is a true and accurate copy of the chapter 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 Hampton, Virginia on December 5, 2023.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public

**“OPENING OF JOHN EAST TURN AND POYNTER ROCKS AND CLOSING BEASELEY BAY ROCK AND DEEP CREEK CHANNEL, BUOY NO. 7”
CHAPTER 4VAC20-810-10 ET SEQ.**

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-810-10 et seq., which was made effective December 2, 1986. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-810-10. Authority and prior regulations. (Repealed.)

~~A. This chapter is promulgated pursuant to the authority contained in §§ 28.1-85 [Repealed] and 28.1-128.1 [Repealed] of the Code of Virginia.~~

~~B. This chapter repeals Marine Resources Commission Order Number VR 450-01-8507 which was promulgated and made effective October 1, 1985, and modifies that portion of the Marine Resources Commission Order 450-01-8508 pertaining to Deep Creek Channel, Buoy No. 7, which was promulgated and made effective October 23, 1985.~~

4VAC20-810-20. Purpose. (Repealed.)

~~The purpose of this chapter is to open certain designated areas on the seaside of Eastern Shore thereby allowing the harvesting of the oysters which have had sufficient time to grow to market size and, to close certain designated areas in the Pocomoke Sound management areas in order to conserve the numerous small oysters present in these areas.~~

4VAC20-810-30. Designated opened and closed areas. (Repealed.)

**“OPENING OF JOHN EAST TURN AND POYNTER ROCKS AND CLOSING BEASELEY BAY ROCK AND DEEP CREEK CHANNEL, BUOY NO. 7”
CHAPTER 4VAC20-810-10 ET SEQ.**

~~A. The following areas in Mockhorn Bay, seaside Eastern Shore, are opened to the taking of oysters effective December 2, 1986:~~

~~1. John East Turn Rock, where the Commonwealth planted shells in 1984.~~

~~2. Poynter Rock, where the Commonwealth planted shells in 1984.~~

~~B. The following areas in the Pocomoke Sound Management Area are closed to the taking of oysters effective December 8, 1986:~~

~~1. Beaseley Bay Rock, where the Commonwealth planted shells in 1984.~~

~~2. Deep Creek Channel, Buoy No. 7, where the Commonwealth planted shells in 1984.~~

4VAC20-810-40. Rescinded and modified orders. (Repealed.)

~~A. Marine Resources Commission Order Number 450-01-8507 is hereby rescinded.~~

~~B. Marine Resources Commission Order Number 450-01-8508, § 3, paragraph B, which opened Deep Creek Channel, Buoy No. 7 is hereby rescinded.~~

4VAC20-810-50. Penalty. (Repealed.)

~~Pursuant to § 28.1-23 [Repealed] of the the Code of Virginia, any person, firm, or corporation who violates any chapters adopted and promulgated by the commission shall be guilty of a Class I misdemeanor.~~

**“OPENING OF JOHN EAST TURN AND POYNTER ROCKS AND CLOSING
BEASELEY BAY ROCK AND DEEP CREEK CHANNEL, BUOY NO. 7”
CHAPTER 4VAC20-810-10 ET SEQ.**

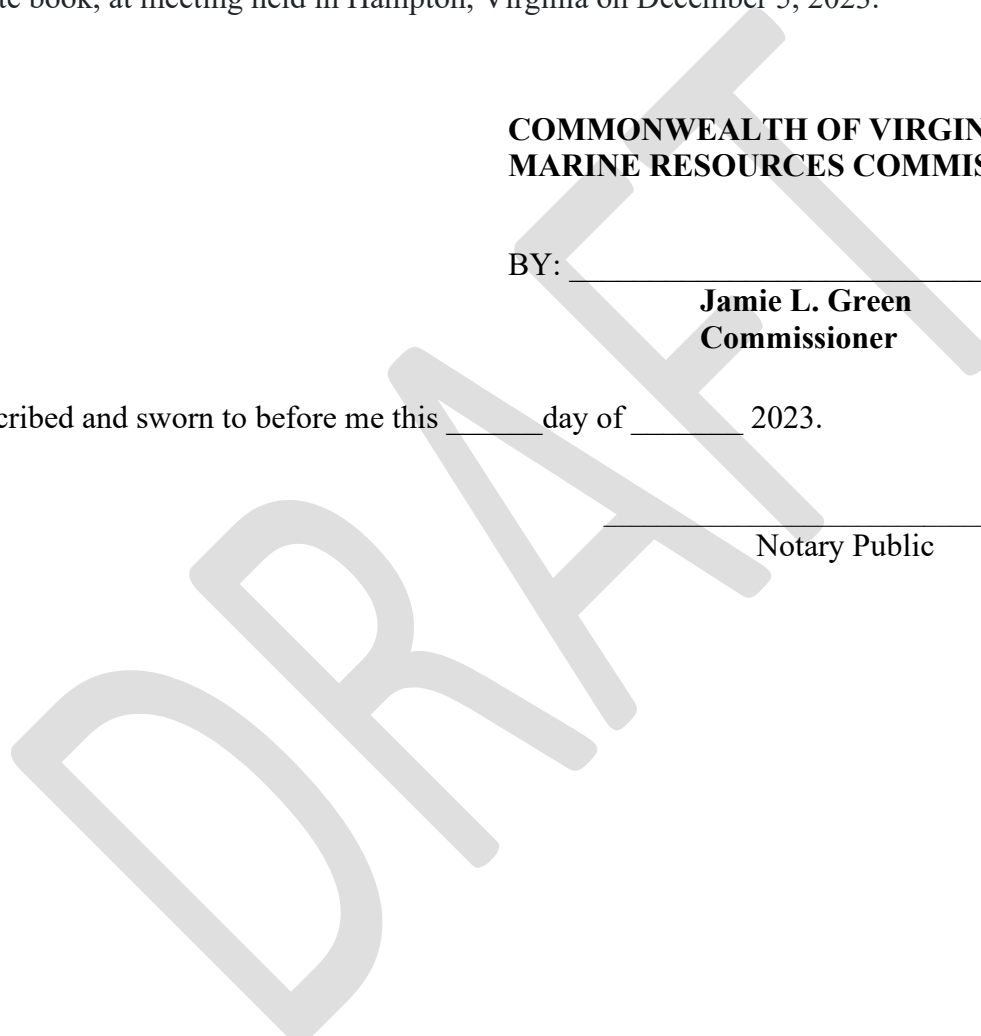
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**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green
Commissioner

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public



“A CHANGE IN THE OYSTER CULL SIZE FOR OYSTERS HARVESTED FROM RUSS ROCK, RAPPAHANNOCK RIVER”

CHAPTER 4VAC20-830-10 ET SEQ.

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-830-10 et seq., which was made effective November 6, 1987. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-830-10. Authority, other regulations, and effective date. (Repealed.)

A. ~~This chapter is promulgated pursuant to authority contained in §§ 28.1-23 [Repealed] and 28.1-85 [Repealed] of the Code of Virginia.~~

B. ~~Other chapters. This chapter modifies Regulation 450-01-0035 adopted March 9, 1987, which established the 3-inch cull size for all clean cull areas. No other part of the chapter shall be affected, except as specified in this chapter.~~

C. ~~The effective date of this order is November 6, 1987.~~

4VAC20-830-20. Purpose. (Repealed.)

~~This chapter is promulgated in response to a request from the oyster industry that the minimum size be changed from three inches to 2-1/2 inches for oysters harvested from Russ Rock, Rappahannock River. Past harvesting of oysters from this oyster rock has shown a definite characteristic of oysters taken from this area which is that they only grow out to 2-1/2 inches. This action is also vital and timely because of the high death rate in other areas of the state due to~~

**“A CHANGE IN THE OYSTER CULL SIZE FOR OYSTERS HARVESTED FROM RUSS ROCK, RAPPAHANNOCK RIVER”
CHAPTER 4VAC20-830-10 ET SEQ.**

~~the oyster diseases, MSX and Dermo, which has caused a shortage in the supply of market size oysters.~~

4VAC20-830-30. Size limit. (Repealed.)

~~The minimum size limit for oysters harvested from Russ Rock, Rappahannock River shall be 2-½ inches.~~

4VAC20-830-40. Area description. (Repealed.)

~~This chapter affects the area known as Russ Rock in the Upper Rappahannock River area.~~

4VAC20-830-50. Penalty. (Repealed.)

~~In accordance with § 28.1-23 [Repealed] of the Code of Virginia, any person who violates any chapter adopted and promulgated by the commission shall be guilty of a Class 1 misdemeanor.~~

This is to certify that the foregoing is a true and accurate copy of the chapter 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 Hampton, Virginia on December 5, 2023.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
**Jamie L. Green
Commissioner**

**“A CHANGE IN THE OYSTER CULL SIZE FOR OYSTERS HARVESTED FROM
RUSS ROCK, RAPPAHANNOCK RIVER”**

CHAPTER 4VAC20-830-10 ET SEQ.

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public

DRAFT

VIRGINIA MARINE RESOURCES COMMISSION
“EXPANSION OF THE JAIL ISLAND CLEAN CULL AREA”
CHAPTER 4VAC20-850-10 ET SEQ.

PAGE 1 OF 4

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-850-10 et seq., which was made effective October 1, 1988. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-850-10. Authority, prior regulations, and effective date. (Repealed.)

~~A. This chapter is promulgated pursuant to the authority contained in § 28.1-85 [Repealed] of the Code of Virginia.~~

~~B. Order 82-8 which was promulgated August 24, 1982, and made effective on October 1, 1982, establishes a 398.82 acre area described as Jail Island clean cull area. The harvesting of oysters less than three inches from this area is unlawful.~~

~~Order VR 450-01-8801, which was promulgated on February 2, 1988, and made effective on February 8, 1988, amends Order 82-8, thereby reducing the minimum size limit for oysters taken from the Jail Island clean cull area to 2 ½ inches.~~

~~C. The effective date of this chapter is October 1, 1988.~~

4VAC20-850-20. Purpose. (Repealed.)

~~The purpose of this order is to amend Order 82-8 thereby expanding the size of the Jail Island Clean Cull Area in the James River.~~

4VAC20-850-30. Expanded area description. (Repealed.)

“EXPANSION OF THE JAIL ISLAND CLEAN CULL AREA”

CHAPTER 4VAC20-850-10 ET SEQ.

The upriver extension of the Jail Island clean cull area (611.79 acres) is described as follows:

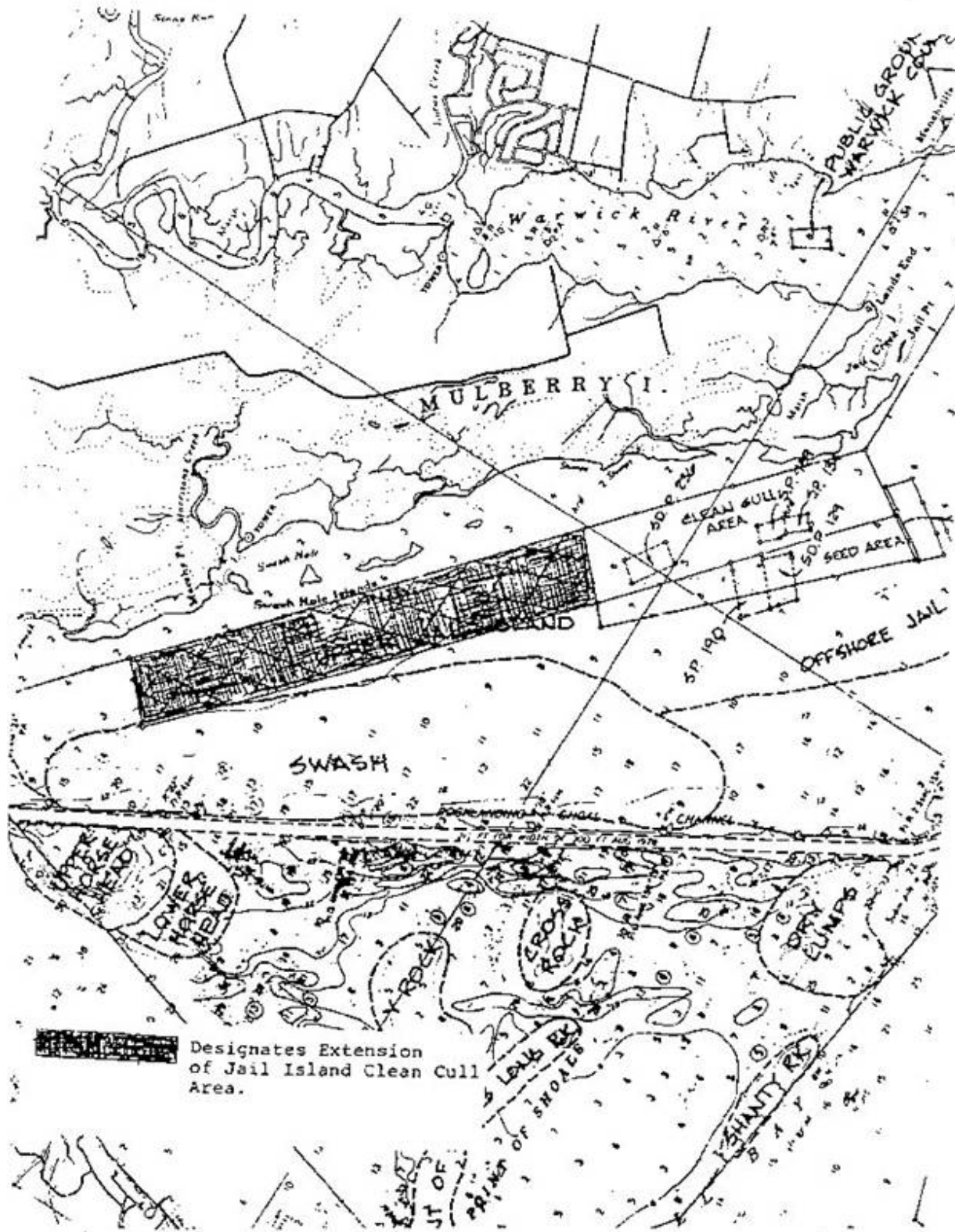
~~Beginning at a point approximately 2,000 feet southwest of the shore of Mulberry Island, being the same point as the north east corner of clean cull area set aside by commission Order Number 82-8, October 1, 1982, said point being corner A as located by Virginia State Plane Coordinates, South Zone, NAD 1927, North 281,468.20, East 2,558,879.7; thence North Azimuth 225°25'14", 2,004.82 feet to Corner 22, North 280,061.03, East, 2,557,451.72; said corner being the same as the north west corner of clean cull area set aside by commission Order Number 82-8, October 1, 1982; then North Azimuth 311°26'22", 13,325.00 feet to corner 3, North 288,879.88, East 2,547,462.55; thence North Azimuth 45°25'14", 2,004.82 feet to Corner 4, North 290,287.06, East 2,548,890.54; thence North Azimuth 131°26'22", 13,325.00 feet to Corner A, being the point of beginning. (See attached map).~~

4VAC20-850-40. Expansion. (Repealed.)

~~The Jail Island clean cull area is hereby expanded to include that area described in 4VAC20-850-30.~~

“EXPANSION OF THE JAIL ISLAND CLEAN CULL AREA”

CHAPTER 4VAC20-850-10 ET SEQ.



“EXPANSION OF THE JAIL ISLAND CLEAN CULL AREA”

CHAPTER 4VAC20-850-10 ET SEQ.

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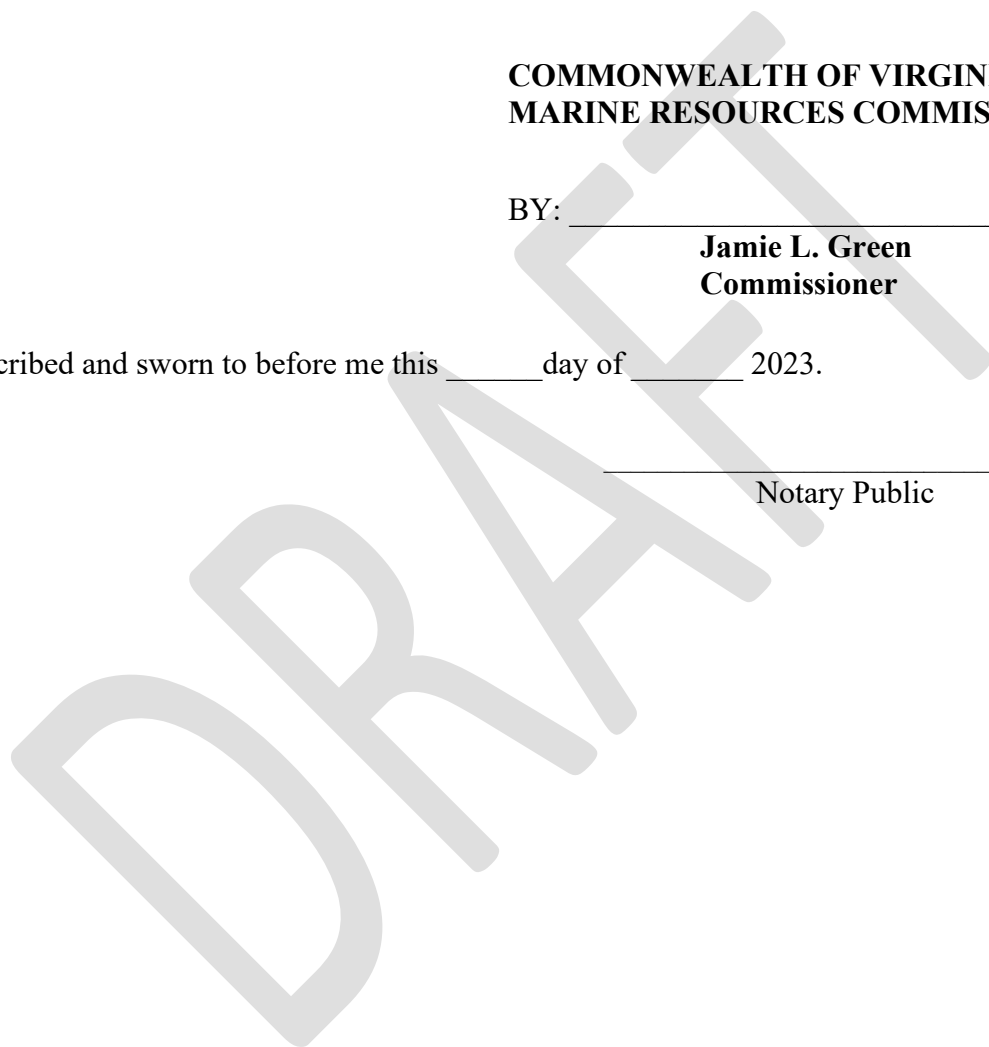
**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____

**Jamie L. Green
Commissioner**

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public



“A CHANGE IN THE OYSTER CULL SIZE FOR OYSTERS HARVESTED FROM LITTLE CARTERS ROCK, RAPPAHANNOCK RIVER”

CHAPTER 4VAC20-860-10 ET SEQ.

PREAMBLE

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, and 28.2-518 of the Code of Virginia. This chapter repeals previous Chapter 4VAC20-860-10 et seq., which was made effective December 7, 1988. The effective date of this chapter, as amended, is December 31, 2023.

4VAC20-860-10. Authority, other regulations, and effective date. (Repealed.)

A. This order is promulgated pursuant to authority contained in §§ 28.1-23 [Repealed] and 28.1-85 [Repealed] of the Code of Virginia.

B. Other chapters. This chapter modifies VR 450-01-0035 adopted March 9, 1987, which established the three inch cull size for all clean cull areas. No other part of the chapter shall be affected, except as specified in this chapter.

C. The effective date of this chapter is December 7, 1988.

4VAC20-860-20. Purpose. (Repealed.)

This chapter is promulgated in response to a request from the oyster industry that the minimum size be changed from 3 inches to 2 ½ inches for oysters harvested from Little Carters Rock, Rappahannock River. Past harvesting of oysters from this oyster rock has shown a definite characteristic of oysters taken from this area which is that they only grow to 2 ½ inches. This action is also vital and timely because of the high death rate in other areas of the Commonwealth

**“A CHANGE IN THE OYSTER CULL SIZE FOR OYSTERS HARVESTED FROM LITTLE CARTERS ROCK, RAPPAHANNOCK RIVER”
CHAPTER 4VAC20-860-10 ET SEQ.**

~~due to the oyster diseases, MSX and Dermo, which has caused a shortage in the supply of market size oysters.~~

4VAC20-860-30. Size limit. (Repealed.)

~~The minimum size limit for oysters harvested from Little Carters Rock, Rappahannock River shall be 2 ½ inches.~~

4VAC20-860-40. Area description. (Repealed.)

~~This chapter affects the area known as Little Carters Rock in the Upper Rappahannock River area.~~

4VAC20-860-50. Penalty. (Repealed.)

~~In accordance with § 28.1-23 [Repealed] of the Code of Virginia, any person who violates any chapter adopted and promulgated by the Commission shall be guilty of a Class 1 misdemeanor.~~

This is to certify that the foregoing is a true and accurate copy of the chapter 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 Hampton, Virginia on December 5, 2023.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
Jamie L. Green

**“A CHANGE IN THE OYSTER CULL SIZE FOR OYSTERS HARVESTED FROM
LITTLE CARTERS ROCK, RAPPAHANNOCK RIVER”
CHAPTER 4VAC20-860-10 ET SEQ.**

Commissioner

Subscribed and sworn to before me this _____ day of _____ 2023.

Notary Public

DRAFT