

“PERTAINING TO JONAH CRAB”

CHAPTER 4VAC20-1310-10 ET SEQ.

PREAMBLE

This chapter establishes minimum size limits, gear restrictions, and quotas for the harvest of Jonah crab. This chapter is promulgated pursuant to the authority contained in §§28.2-201, 28.2-700, and 28.2-204.1 of the Code of Virginia, and amends and re adopts previous Chapter 4 VAC 20-1310-10 et seq. which was adopted May 24, 2016 and was effective June 1, 2016. The effective date of this chapter is March 1, 2020.

4VAC20-1310-10. Purpose.

The purpose of this chapter is to conserve and protect Jonah crabs from overfishing and to provide consistency among federal and interstate laws and regulations.

4VAC20-1310-20. Definitions.

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

“Carapace” means the unsegmented body shell of a Jonah crab.

“Carapace length” means the straight line measurement across the widest part of the shell including the tips of the posterior-most, longest spines along the lateral margins of the carapace.

“Claw length” means the straight line measurement along the bottom of the claw, from the joint to the lower tip of the claw.

"Jonah crab" means any crustacean of the species *Cancer borealis*.

“Target species” means those species primarily sought by the fishermen in the fishery and are the subject of directed fishing effort.

4VAC20-1310-30. Possession Prohibitions and Commercial Fishery Minimum Size Limit.

A. It shall be unlawful for any individual to possess any egg-bearing female Jonah crab, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources. Any harvested egg-bearing female Jonah crab shall be returned to the water immediately.

B. It shall be unlawful for any individual to land any Jonah crab unless the whole crab is in that individual’s possession, except as provided in 4 VAC 20-1310-40 C.

C. It shall be unlawful for any individual to possess or land any Jonah crab, for commercial purposes, that measures less than 4.75 inches in carapace length.

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D. It shall be unlawful for any individual to possess or land for commercial purposes any Jonah crab claws that measure less than 2.75 inches in claw length in any amount greater than 5 gallons.

4VAC20-1310-40. Commercial Fishery Harvest, Permits, Possession Limits, and Reporting.

A. It shall be unlawful for any individual to take, catch, possess, or land any Jonah crab from gear other than lobster traps unless that individual possesses a Jonah Crab Incidental Commercial Permit.

1. Such permits shall only be issued to an individual that possesses a valid federal lobster permit and either a Commercial Fisherman Registration License or a Seafood Landing License.

2. It shall be unlawful for any individual using gear or harvesting methods other than lobster traps to land or possess more than the incidental bycatch limit of 1,000 Jonah crabs.

3. It shall be unlawful for any individual to possess any Jonah crab caught under the Jonah Crab Incidental Commercial Permit unless the weight of the target species on board the vessel is greater than the weight of the Jonah Crab in that individual's possession.

B. It shall be unlawful for any individual to take, catch, possess, or land any Jonah crab in excess of the amounts listed in 4VAC20-1310-40 A 2, unless that individual possesses a Limited Entry Jonah Crab Fishery Permit.

1. Such permits shall only be issued to an individual that possesses a valid a federal lobster permit and either a Commercial Fisherman Registration License or a Seafood Landing License.

2. Individuals shall have at least one pound of landings of Jonah crab prior to June 2, 2015 recorded in the Marine Resources Commission's mandatory harvest reporting system or in federal dealer reports to the Standard Atlantic Fisheries Information System.

3. There shall be no landing limit of Jonah crabs for any individual that possesses a Jonah Crab Limited Entry Fishery Permit.

C. It shall be unlawful for any individual to take, catch, possess, or land any Jonah crab claws unless that individual possesses a Limited Entry Jonah Crab Claw Fishery Permit.

1. Such permits shall only be issued to an individual that possesses a valid a federal lobster permit and either a Commercial Fisherman Registration License or a Seafood Landing License.

2. Individuals shall have at least one pound of claw landings prior to June 2, 2015 recorded in the Marine Resources Commission's mandatory harvest reporting system or in federal dealer reports to the Standard Atlantic Fisheries Information System.

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3. There shall be no landing limit of Jonah crab claws for any individual that possesses a Limited Entry Jonah Crab Claw Fishery Permit.

D. Any Virginia licensed seafood buyer who purchases any whole Jonah crab or its claws shall provide reports to the Commission of daily purchases and harvest information, organized by month. Such information shall include: the date of the purchase, the harvester's Commercial Fisherman Registration License number or Virginia Seafood Landing License number, the gear type, water area fished, city or county of landing, total amount of pounds landed and the price per pound. These reports shall be completed in full and submitted to the Commission, no later than the 15th day of January, for the prior year's purchases. Federal dealer reports to the Standard Atlantic Fisheries Information System shall satisfy the reporting requirements.

4VAC20-1310-50. Daily Recreational Harvest and Possession Limit.

It shall be unlawful for any individual fishing recreationally to possess more than 50 Jonah crabs per individual per day.

4VAC20-1310-60. Penalty.


As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is 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 February 25, 2020.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 
Steven G. Bowman
Commissioner

Subscribed and sworn to before me this 2 day of March 2020.


Notary Public

