

"PERTAINING TO THE USE OF CRAB TRAPS AND POUNDS"

CHAPTER 4 VAC 20-460-10 ET SEQ.

**PREAMBLE**

This chapter establishes the rules and procedures for licensing and locating crab traps or pounds and also establishes the priority rights of a licensee to re-license any crab trap or pound. This chapter also establishes requirements regarding proximity to other crab traps or pounds, removal of gear and poles, mesh size, and cull rings. This chapter is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-701 of the Code of Virginia. This chapter amends previous Chapter 4 VAC 20-460-10 et seq., "Pertaining to the Use of Crab Traps and Pounds," which was promulgated February 28, 1995 and made effective March 2, 1995. The effective date of this chapter is July 5, 2016.

**4 VAC 20-460-10. PURPOSE.**

The purpose of this chapter is to comply with the requirements of § 28.2-701 of the Code of Virginia by establishing chapters that govern the use, placement, and maintenance of crab traps and pounds; to promote conservation of the blue crab resource; and to maintain navigable waterways.

**4 VAC 20-460-13. APPLICATION AND LOCATION.**

A. Application for crab trap or crab pound licenses, to be issued pursuant to § 28.2-701 of the Code of Virginia shall state thereon the exact location of each trap or crab pound. If application is made for a license for more than one crab trap or crab pound, the application may embrace more than one, provided the traps or pounds are to be located in the same area, and further provided they are contiguous and are located next to each other, but the location of each must be definitely described. No application for any location for a crab trap or pound shall be made prior to December 1 of the year preceding the current license year.

B. Only one license shall be issued for the same location, or within 100 yards of that location, during the same calendar year and any subsequent license issued through error, or otherwise, for the same location, or within 100 yards of that location, shall be void as to that location. Upon request by such licensee, made within 60 days after issuance, a refund of such license fee shall be made.

C. The licensee shall be responsible for the location of the trap or pound.

D. The license, when issued, shall be subject to oyster leases and riparian rights, and shall not apply inshore of the mean low water mark.

**4 VAC 20-460-15. PRIORITY RIGHTS.**

The licensee of any location for a crab trap or pound that was actually fished or crabbed by the licensee during the preceding year shall have a priority right over all other applicants to license the

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same location for the current license year, provided such licensee remains otherwise qualified and makes application for such location on or before April 1 of the current license year. All other applicants for such location will have their applications considered in chronological order of receipt after April 1 of the license year.

**4 VAC 20-460-20. PLACEMENT OF CRAB TRAPS AND CRAB POUNDS.**

It shall be unlawful to place, set, or use crab traps or crab pounds within 100 yards of any other crab trap or crab pound without respect to whether or not the other crab trap or pound is owned by the same or some other person.

**4 VAC 20-460-25. PLACEMENT REQUIREMENTS FOR THE RETENTION BOX AND OTHER GEAR.**

It shall be unlawful to establish the crab head or retention box prior to the legal start date, but all other associated gear may be established at the licensed location two weeks prior to the legal start date of the season for this gear type.

**4 VAC 20-460-30. REMOVAL OF TRAPS, LEADS, POLES, GEAR.**

- A. Every owner or user of a crab trap or crab pound shall completely remove traps, leads, wire, poles, and all other related gear from the water not later than December 31 of each year, except that they may leave two poles at each crab trap or crab pound site to facilitate relocation of the traps, lead and poles in the upcoming crab season, except as provided in subsection B below. If the trap site is not licensed and used in any subsequent year the trap owner shall be required to remove all poles from the site.
- B. In the Tangier Island vicinity (from the southern tip of Tangier Island north to the Maryland line), it shall be lawful for every owner or user of a crab trap or crab pound to leave poles at crab trap or crab pound stands; provided such poles will be used at said location the following season and not be abandoned.

**4 VAC 20-460-40. MINIMUM MESH SIZE.**

It shall be unlawful to use a crab trap or crab pound with a head or retention box with a mesh size of less than one inch.

**4 VAC 20-460-50. CULL RINGS.**

It shall be unlawful for any person to place, set or use any peeler crab trap or pound that does not contain at least four unobstructed cull rings of at least 1 1/2 inches inside diameter. Two such rings shall be located under water at all times in the lower portion of each side panel that is perpendicular

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to the shoreline and on opposite sides of the head or retention box.

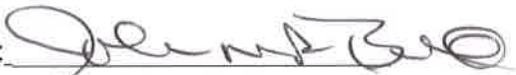
4 VAC 20-460-60. PENALTY.

- A. As set forth in §28.2-701 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor.
- B. No licenses for crab traps or crab pounds for a subsequent year shall be issued to any person failing to accomplish such removal as stipulated in 4 VAC 20-460-30 until the same has been accomplished.


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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 and 28.2-701 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at its meeting held in Newport News, Virginia on June 28, 2016.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

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

Subscribed and sworn to before me on this 15<sup>th</sup> day of July, 2016.

  
Notary Public

