

NOTICE

The Virginia Marine Resources Commission invites public comment on the proposed regulations listed below.

In accordance with §28.2-209 of the Code of Virginia, a public hearing on the proposed regulations will be held at 12:00 Noon, on Tuesday, September 23, 2008, at the Marine Resources Commission, 2600 Washington Avenue, Newport News, Virginia. Written comments on the proposals should be mailed to Jack Travelstead, VMRC Fisheries Management Division, 2600 Washington Avenue, 3rd Floor, Newport News, Virginia 23607, by 5:00 p.m., Monday, September 22, 2008. Copies of the proposed regulations may be reviewed, at the Commission, Monday through Friday, 8:15 a.m. to 5:00 p.m. and may be obtained by calling the Commission at (757) 247-2248.

- I. On August 26, 2008, the Commission adopted, under its emergency regulatory authority (Section 28.2-210 of the Code of Virginia), an amendment to Regulation 4VAC20-720-106, that is effective on September 1, 2008. The Commission proposes to make this emergency amendment a permanent part of the regulation.

Emergency Chapter 4VAC20-720-106, Public Health and Warm Water Harvest Restrictions.

A. It shall be unlawful for any person to have any cat, dog, or other animal on board a vessel during the harvest of oysters.

B. From May 1 through September 30, any vessel used for the harvest of oysters for human consumption from either public or private grounds shall have shading over the area that serves as storage for the oysters (except as described in subsection C of this section), and all oysters in the vessel shall be offloaded every day.

C. From May 1 through September 30, any vessel used for the harvest of oysters for human consumption that are placed in an aquaculture container completely covered by a lid or top, shall not be required to have shading over that container.

D. From ~~May 1~~ June 15 through ~~September 30~~ August 31, it shall be unlawful for any person, or person aboard a vessel, to leave the dock or shore prior to one hour before sunrise to harvest or attempt to harvest oysters from ~~public or~~ private grounds.

E. From May 1 through June 14, it shall be unlawful to harvest oysters for human consumption from public or private grounds after 11 a.m., and oysters harvested before 11 a.m. shall be refrigerated by 11 a.m. that same day.

~~E.F.~~ From ~~May 1~~ June 15 through ~~September 30~~ August 31, it shall be unlawful to harvest oysters for human consumption from public or private grounds after 10 a.m., and oysters harvested before 10 a.m. shall be refrigerated by 10 a.m. that same day, ~~except as described below:~~

G. From September 1 through September 30, it shall be unlawful to harvest oysters for human consumption from public or private grounds after 12 p.m., and oysters harvested before 12 p.m. shall be refrigerated by 12 p.m. that same day.

1. ~~H.~~ This Subsections E, F, and G shall not apply to the harvest of seed oysters or the customary husbandry processes associated with aquaculture of oysters.

2. ~~I.~~ Oysters may be harvested after 10 a.m. the designated end time in Subsections E, F, and G provided there is a Virginia Department of Health, Division of Shellfish Sanitation-approved refrigeration system or ice storage area for the oysters on board the harvest vessel that is in use for cooling oysters at all times after 10 a.m. or the total time expended on harvesting those oysters does not exceed two hours from start of harvest to refrigeration of those oysters, and there is verifiable documentation, such as a log book or GPS trip log that corresponds to that harvesting event.

3. ~~The total time expended on harvesting those oysters does not exceed two hours from start of harvest to refrigeration of those oysters, and there is verifiable documentation, such as a log book or GPS trip log that corresponds to that harvesting event.~~

II. **Regulation 4VAC20-720-10 et seq., “Pertaining to Restrictions on Oyster Harvest”**

The Commission proposes the following amendments to the regulation:

To establish open harvest seasons in the James River Seed Area, October 1, 2008 through April 30, 2009; James River Hand Scrape Area and Thomas Rock Hand Scrape Area, November 1, 2008 through January 31, 2009; Rappahannock River Rotation Areas 2 & 4, October 1, 2008 through November 30, 2008; Rappahannock River Rotation Area 4, February 1, 2009 through March 31, 2009; Great Wicomico River, Chesapeake Bay (Blackberry Hangs and Deep Rock), York River, Rappahannock River Area 9, and Mobjack Bay, December 1, 2008 through February 28, 2009; Tangier - Pocomoke Sounds, Rotation Area 2, December 1, 2008 through February 28, 2009; and the seaside of the Eastern Shore, October 1, 2008 through January 31, 2009. The Commission will consider alternate season dates.

III. **Chapter 4VAC20-620-10 et seq., “Pertaining to Summer Flounder”**

The Commission proposes the following amendments:

1. Delay opening of the fall directed commercial flounder fishery from the last Monday in October to the first Monday in December.

2. Delay opening of the winter directed commercial flounder fishery from the first Monday in February to the last Monday in February.
3. Extend the 10-day landing period to 15 days during the winter commercial fishery.
4. Prohibit the landing of flounder more than once in any 5-day period, and
5. Repeal the commercial fishery possession limits.

The purpose of the proposed amendments is to maximize the value of the commercial harvest, while decreasing fishery costs due to high fuel prices and packing expenses.

VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS DUE TO A DISABILITY, PLEASE ADVISE BETTY WARREN (757-247-2248) NO LATER THAN FIVE WORK DAYS PRIOR TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.