

**VIRGINIA MARINE RESOURCES COMMISSION  
"PERTAINING TO THE HAMPTON ROADS  
SHELLFISH RELAY AREA"  
REGULATION 4 VAC 20-566-10 ET. SEQ.**

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**PREAMBLE**

This regulation describes the harvest season and harvest restrictions associated with the Hampton Roads Shellfish Relay Area. This regulation is promulgated pursuant to the authority contained in §§28.2-201 and 28.2-816 of the Code of Virginia. This regulation amends and re-adopts, as amended, §VAC 20-566-10 ET. SEQ., which was promulgated on August 23, 2005 and made effective on September 15, 2005. The effective date of this regulation is August 1, 2006.

**4 VAC 20-566-10. PURPOSE.**

The provisions of this regulation are in response to increased pressure on the hard clam resource by patent tongs in clean clam areas during the month of August.

**4 VAC 20-566-20. HAMPTON ROADS SHELLFISH RELAY AREA:**

The Hampton Roads Shellfish Relay Area shall consist of all condemned clamming grounds bounded by a line beginning at the upstream side of the large fishing pier on the southeast side of Old Point Comfort; thence upstream along the shoreline to Newport News Creek; thence to the southeast corner of the Monitor Merrimac Bridge Tunnel island along the downstream side, thence to Fl R "12"; thence to the northeast corner of the Fan Building on the southern island of the bridge tunnel; thence southerly along the downstream side of the bridge tunnel to the south line of Public Ground Number 1, Nansemond County; then easterly along the Public Ground to Craney Island Disposal Area; thence clockwise around the boundaries of the disposal area to its intersection with the shore; thence along the shore to the northeast corner of Craney Island; thence through navigational aid Fl G "21" to the point where it intersects a line drawn from the shoreward end of pier number 6 at Lamberts Point to the southeast corner of Tanner Point; thence along the shore to the point of intersection with the riprapped shoreline of the Hampton Roads Bridge-Tunnel island at Fort Wool; thence easterly around this island to its easternmost point; thence north northwesterly to the intersection of the shoreline and the upstream side of the large fishing pier on the east side of Old Point Comfort at the point of beginning.

**4 VAC 20-566-30. HARVEST SEASON.**

- A. The open harvest season for the Hampton Roads Shellfish Relay Area, as specified by §28.2-28.2-816 of the Code of Virginia shall be extended through September 30. Harvest of hard clams in the Hampton Roads Shellfish Relay Area shall only occur on Mondays through Fridays during the open harvest season. Thereafter, the Hampton Roads Shellfish Relay Area shall be managed by the authority promulgated in §28.2-816 of the Code of Virginia.

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- B. It shall be unlawful to harvest hard clams from the Hampton Roads Shellfish Relay Area, except as provided in Subsection A of this section.

**4 VAC 20-566-40. HARVEST RESTRICTIONS.**

- A. It shall be unlawful for any person to possess any hard clam that can be passed through a 1 3/8-inch inside diameter culling ring.
- B. For the possession limit described in subsection A of this section, there shall be a 2% tolerance of hard clams, by number, in each bag or container.
- C. It shall be unlawful for any person to possess any hard clam that cannot be passed through a 2 7/8-inch inside diameter culling ring.
- D. For the possession limit described in subsection C of this section, there shall be a 10% tolerance of hard clams, by number, in each bag or container.
- E. It shall be unlawful for any person to harvest clams from the Hampton Roads Shellfish Relay Area before sunrise or after 5:00 p.m.

**4 VAC 20-566-50. PENALTY.**


- A. As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second, or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.
- B. The Marine Resources Commission may revoke the relay permit of any person convicted of a violation of this regulation.

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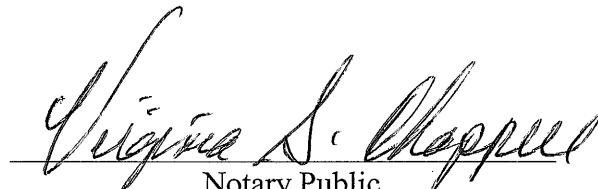
This is to certify that the foregoing is a true and accurate copy of the regulation passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, and recorded in the Commission's minute book, at its meeting held in Newport News, Virginia on Tuesday, July 25, 2006.

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COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY:   
Steven G. Bowman  
Commissioner

Subscribed and sworn to before me this 27<sup>th</sup> day of July, 2006.  
My Commission expires 6-30-09.

  
Notary Public