

"PERTAINING TO THE CULLING OF CRABS"

CHAPTER 4 VAC 20-370-10 ET SEQ.

PREAMBLE

This chapter describes the procedures that must be followed to cull harvested crabs to the legal limits.

This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-370-10 et seq. which was promulgated May 25, 2010 and made effective on June 1, 2010. The effective date of this chapter, as amended, is June 1, 2015.

4 VAC 20-370-10. PURPOSE.

The purpose of this chapter is to aid in enforcing the provisions of §28.2-708 of the Code of Virginia and to protect and conserve the blue crab resource.

4 VAC 20-370-15. DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Dark sponge crab" means the adult female hard crab which has extruded her eggs on the abdomen or abdominal flap and the eggs have developed a coloration ranging from any shade of brown through black.

"Operations Office" means Marine Resources Commission Law Enforcement Operations Office.

4 VAC 20-370-20. CULLING REQUIREMENTS.

- A. All crabs taken from the tidal waters of Virginia shall be culled to the legal size and possession limits by the catcher at the location of the harvest.
- B. The catcher shall use culling containers (other than bushel baskets and barrels normally used for crabs) for the purpose of culling crabs during the harvesting process. Crabs placed loose in any boat are subject to be culled at any time. The provisions of this section shall not apply to the harvesting of crabs from a licensed crab trap (crab pound).
- C. During culling, all undersize crabs shall be immediately returned to the water as required by §28.2-708 of the Code of Virginia.
- D. From March 17 through June 15, it shall be unlawful for any person to possess for a period longer than is necessary for immediate determination of the presence of a dark egg

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mass more than 10 dark sponge crabs per United States standard bushel or 35 dark sponge crabs per barrel, and the following conservation measures shall be in effect:

1. During culling, those dark sponge crabs in excess of the allowance level shall be immediately returned to the water alive and shall not be altered or destroyed in any manner.
 2. It shall be unlawful for any person to possess for a period longer than is necessary for immediate determination of unnatural removal of eggs, a female blue crab that has been scrubbed or has in any manner other than natural hatching had the eggs removed therefrom.
 3. Any marine patrol officer may grade or cull any number of barrels, baskets or containers of crabs in any person's possession. If the officer finds more than 10 dark sponge crabs per United States standard bushel or 35 per barrel, he shall seize the entire quantity of crabs in or from each such container, and the person who possessed the crabs shall immediately return them to the water. Refusal to return the crabs to the water is a separate offense from any other violation.
- E. Nothing in this section shall prohibit the possession of dark sponge crab which have been taken outside of Virginia waters by crab processing houses meeting the following conditions:
1. It shall be unlawful for any crab processing house to import or possess any dark sponge crabs from any other state or jurisdiction without first providing notice to the operations office of its intent to import dark sponge crabs.
 2. Any crab processing house shall notify the operations office of its intent to import or possess dark sponge crabs from another state at least 24 hours in advance, either by telephone (1-757-541-4646 or 757-247-2265/2266) or by fax (757-247-8026). Each crab processing house shall provide the operations office with their company name, manager's name, business location, phone number, quantity of crabs to be imported, source of crabs, arrival date and approximate time.
 3. Such imported crabs shall be accompanied by a bill of sale which shall include the name of the seller, address and phone number of the seller, the license number of the seller if such license is required in the jurisdiction of harvest, the date of sale, and the quantity of crabs sold or purchased under the bill of sale.

4 VAC 20-370-30. PENALTY.


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- A. As set forth in §28.2-708 of the Code of Virginia, any person violating any provision this chapter other than subsections D and E of 4 VAC 20-370-20 shall be guilty of a Class 3 misdemeanor.
- B. As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of subsections D and E of 4 VAC 20-370-20 shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of subsections D and E of 4 VAC 20-370-20 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 Newport News, Virginia on May 26, 2015.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

By: 
John M. R. Bull
Commissioner

Subscribed and sworn to before me this 28th day of May 2015.


Notary Public

