

VIRGINIA MARINE RESOURCES COMMISSION
“PERTAINING TO RESTRICTIONS ON OYSTER HARVEST”
EMERGENCY CHAPTER 4 VAC 20-720-10 ET SEQ.

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PREAMBLE

This emergency chapter establishes times of closure and other restrictions, for conservation purposes, on the harvest of oysters from all oyster grounds in the tidal waters of the Commonwealth. This emergency chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-507, 28.2-210 and 28.2-518 of the Code of Virginia. This emergency chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-720-10 et seq., which was adopted November 1, 2016 and effective November 2, 2016. The effective date of this emergency chapter, as amended, is April 26, 2017.

4 VAC 20-720-15. Control Date, License Moratorium, Transferability and Agents.

A. The Commission hereby establishes July 1, 2014, as the control date for management of all public oyster fisheries in Virginia. Participation by any individual in any public oyster fishery after the control date may not be considered in the calculation or distribution of oyster fishing rights should entry limitations be established. Any individual entering the public oyster fishery after the control date will forfeit any right to future participation in the public oyster fishery should further entry limitations be established by the Commission.

B. Only individuals who paid the oyster resource user fee described in § 28.2-541(A)(ii) of the Code of Virginia in any year, from 2013 through 2016, may pay that fee in 2017, for harvest of oysters from public ground in that year. In any year following 2017, eligibility to pay the oyster resource user fee described in § 28.2-541 (A) (ii) of the Code of Virginia shall be limited to those individuals who paid the oyster resource user fee, for harvest of oysters from public ground, in the previous year.

C. Should the number of people eligible to pay the oyster resource user fee described in § 28.2-541(A)(ii) of the Code of Virginia in any given year fall below 600, a random drawing shall be held to award eligibility to pay that oyster resource user fee to individuals who were not previously eligible until the number of persons eligible to pay the fee reaches 600. Any Commercial Fisherman Registration Licensees may apply for the random drawing.

D. Any person eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia, or such person's legal representative, may transfer the eligibility to pay such user fee to:

1. A transferee who is the transferor's spouse, sibling, parent, child, grandparent, or grandchild and who possesses a current Commercial Fisherman Registration License and intends to participate in the public oyster fishery.
2. A transferee other than a person described in subdivision 1 of this subsection if the transferor has documented by mandatory reporting and buyers reports 40 days or more of public oyster harvest during the previous calendar year.

All transfers under this subsection shall be documented on a form provided by the Marine Resources Commission.

E. Exceptions to subsection B of this section shall only apply to those individuals who previously paid the oyster resource user fee described in § 28.2-541(A)(ii) of the Code of Virginia and shall be based on documented medical

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hardships or active military leave that prevented the fisherman from fully satisfying the requirements of subsection B of the section.

F. No person shall serve as an agent for any public oyster gear licensee.

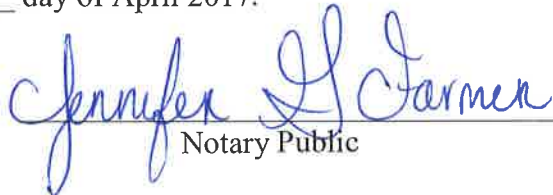
This is to certify that the foregoing is a true and accurate copy of the emergency chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201, 28.2-507, 28.2-210, and 28.2-518, of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Newport News, Virginia, April 25, 2017.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 

John M. R. Bull
Commissioner

Subscribed and sworn to before me this 26th day of April 2017.


Notary Public

