

"PERTAINING TO LOBSTERS"

CHAPTER 4 VAC 20-110-10 ET SEQ.

PREAMBLE

This chapter sets forth requirements for the harvesting, landing, or possession of lobsters within the Commonwealth of Virginia.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia, and amends and re-adopts previous Chapter 4 VAC 20-110-10 et seq. which was adopted August 28, 2012 and was effective September 1, 2012. The effective date of this chapter is October 1, 2015.

**4VAC20-110-10. PURPOSE.**

The purpose of this chapter is to conserve and protect lobster from overfishing and to provide consistency among federal and interstate laws and regulations.

**4VAC20-110-15. DEFINITIONS.**

"Berried female" means a female American lobster bearing eggs attached to the abdominal appendages.

"Carapace" means the unsegmented body shell of the American lobster.

"Carapace length" means the straight line measurement from the rear of the eye socket parallel to the center line of the carapace to the posterior edge of the carapace.

"Ghost panel" means a panel, or other mechanism, designed to allow for the escapement of lobster after a period of time if the trap has been abandoned or lost.

"Land" or "landing" means to (i) enter port with finfish, shellfish, crustaceans, or other marine seafood on board any boat or vessel; (ii) begin offloading finfish, shellfish, crustaceans, or other marine seafood; or (iii) offload finfish, shellfish, crustaceans, or other marine seafood.

"Lobster" means any crustacean of the species *Homarus americanus*.

"V-notched female lobster" means any female lobster bearing a V-shaped notch (i.e., a straight-sided triangular cut without setal hairs, at least 1/4 inch in depth and not greater than 1/2 inch in depth and tapering to a sharp point) in the flipper next to the right of the center flipper as viewed from the rear of the female lobster. V-notched female lobster also means any female that is mutilated in a manner that could hide, obscure, or obliterate such a mark.

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**4VAC20-110-20. MINIMUM AND MAXIMUM SIZE LIMIT.**

It shall be unlawful for any person to possess for a period longer than is necessary for immediate measurement any lobster less than 3-17/32 inches in carapace length or any lobster greater than 5-1/4 inches in carapace length, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources.

**4VAC20-110-30. POSSESSION PROHIBITIONS.**

- A. It shall be unlawful for any person to possess for a period longer than is necessary for immediate determination of the presence of eggs, any berried female lobster, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources.
- B. 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 lobster that has been scrubbed or has in any manner other than natural hatching had the eggs removed therefrom.
- C. It shall be unlawful to possess a V-notched female lobster. The prohibition on possession of a V-notched female lobster applies to all persons, including but not limited to fishermen, dealers, shippers, and restaurants.
- D. It shall be unlawful to possess a lobster that has an outer shell that has been speared.
- E. It shall be unlawful to land lobster from February 1 through March 31.

**4VAC20-110-40. MARKING OF LOBSTERS.**

Any berried female harvested in or from Virginia waters shall be V-notched before being returned to the sea immediately.

**4VAC20-110-50. LOBSTER PARTS.**

It shall be unlawful for any person to possess aboard any vessel or to land picked or cooked meat of the lobster, lobster meats, detached tails or claws, or any other part of a lobster that has been separated from the lobster.

**4VAC20-110-55. GEAR REQUIREMENTS.**

All lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) shall contain a ghost panel. The opening in a trap to be covered by the ghost panel

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shall be rectangular and shall not be less than 3-3/4 inches (9.53) by 3-3/4 inches (9.53cm). The panel shall be constructed of, or fastened to the trap with, one of the following untreated materials: wood lath; cotton; hemp; sisal or jute twine not greater than 3/16 inch (0.48 cm) in diameter; or non-stainless, uncoated ferrous metal not greater than 3/32 inch (0.24cm) in diameter. The door of the trap may serve as the ghost panel if fastened with a material specified in this section. The ghost panel shall be located in the outer parlor(s) of the trap and not the bottom of the trap.

**4VAC20-110-60. LICENSE AND PERMIT REQUIREMENTS.**

- A. In accordance with the provisions of §28.2-201 of the Code of Virginia, the Marine Resources Commission does hereby establish a Lobster Boat License to be valid for one calendar year and does hereby require that each such vessel engaged in the fishing for or landing of lobster within or upon the waters within the jurisdiction of the Commonwealth procure and display such license provided that such vessel be not otherwise licensed for fishing by the Marine Resources Commission or engaged in the use of fishing gear that is not otherwise licensed by the Marine Resources Commission.
- B. In accordance with the provisions of §28.2-201 of the Code of Virginia, the Marine Resources Commission establishes a no cost commercial lobster permit for any American lobster harvester using any gear or methods other than lobster traps in Virginia waters.
- C. It shall be unlawful for any boat or vessel to possess or land American lobster, in Virginia, for commercial purposes, without first obtaining a Virginia lobster permit, as described in 4VAC20-110-60 B, or a Federal Lobster Permit.

**4VAC20-110-65. LANDING LIMIT.**

Landings by fishermen using gear or methods other than lobster traps (nontrap fishermen) shall be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips five days or longer. Possession by any nontrap fishermen aboard any vessel on Virginia waters or the landing by any nontrap fishermen of quantities greater than those specified shall constitute a violation of this chapter.

**4VAC20-110-70. PENALTY.**

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

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This is to certify that the foregoing is a true and accurate copy of the chapter passed by the

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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 September 22, 2015.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

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

Subscribed and sworn to before me this 24 day of September 2015.

M. Ramirez  
Notary Public

MELANIE N. RAMIREZ  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7318871  
My Commission Expires 1/31/18