

**“PERTAINING TO COMMERCIAL CRAB FISHERY LICENSES”****CHAPTER 4VAC20-1040-10 ET SEQ.****PREAMBLE**

This chapter continues a moratorium on the sale of commercial crab fishery licenses, on an indefinite basis, and is in response to the continued excess capacity in effort in these commercial crab fisheries. This chapter is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous Chapter 4VAC20-1040-10 et seq., which was promulgated September 27, 2011 and made effective on October 1, 2011. The effective date of this chapter, as amended, is July 5, 2019.

**4VAC20-1040-10. Purpose.**

The purpose of this chapter is to cap and control effort in the commercial crab fisheries.

**4VAC20-1040-20. License sales moratorium and license ineligibility conditions.**

A. For any lawful crab fishery season, commercial licenses for crab pot, peeler pot, crab scrape, crab trap, ordinary trot line, patent trot line, and dip net shall be sold only to those registered commercial fishermen who have been determined by the commission to be eligible to purchase any of these licenses in 2010, except as described in subsection B of this section.

B. For any lawful commercial crab fishery season, those registered commercial fishermen who were eligible from 2004 through 2008 for any crab pot or peeler pot licenses, but reported no harvest from 2004 through 2007, were placed on a waiting list in 2009 and shall remain ineligible to purchase a commercial crab pot or peeler pot license, in accordance with subsection C of this section.

C. At such time as results from the Bay-wide Blue Crab Winter Dredge Survey indicate that an abundance of 215 million age 1+ female blue crabs (blue crabs 2.4 inches and greater, in carapace width) has been attained in three consecutive, seasonal (December – March) Bay-wide Blue Crab Winter Dredge Surveys, those registered commercial fishermen on the waiting list shall resume their eligibility to purchase their commercial crab pot or peeler pot licenses according to a limited and delayed access system established by the Commission.

D. Any person receiving a commercial crab license by lawful transfer also establishes his eligibility to purchase that specific license; however, any person either failing to register as a

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commercial fisherman in any year or lawfully transferring his commercial crab license to another person shall forfeit his eligibility to purchase that specific crab license.

E. Any person eligible to purchase any commercial crab license, as described in subsection A of this section, may transfer that eligibility to an immediate family member of that eligible licensee at any time. In the case of death or incapacitation of the eligible licensee, eligibility for any and all commercial crab licenses may be transferred to a registered commercial fisherman at any time. Eligibility for commercial crab licenses may also be transferred to another registered commercial fisherman, except that not more than 100 licenses shall be transferred in any current year. All such transfers shall be documented on forms provided by the commission and shall be subject to the approval of the commissioner or his designee.

F. Any commercial crab pot or peeler pot license that was purchased by the commission through the 2008 Federal Crab Disaster Relief Program shall be permanently retired and shall not be available for sale to any fisherman at any time. Any person whose license was purchased under the 2008 Federal Crab Disaster Relief Program may re-enter the fishery only through the transfer of another commercial crab pot or peeler pot license as authorized by regulations in effect at the time of the transfer.

**4VAC20-1040-25. (Repealed).**

**4VAC20-1040-30. (Repealed).**

**4VAC20-1040-35. Control date.**

The commission hereby establishes December 17, 2007, as the control date for management of all commercial blue crab fisheries in Virginia. Participation by any individual in a crab fishery after the control date will not be considered in the calculation or distribution of crabbing rights should further entry limitations be established. Any individual entering the commercial crab fishery after the control date will have no right to future participation in the commercial crab fishery should further entry limitations be established.

**4VAC20-1040-40. 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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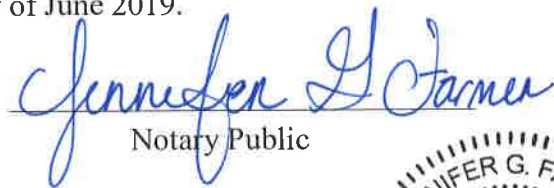
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This is to certify that the foregoing is a true and accurate copy of chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia on June 25, 2019.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY:   
Steven G. Bowman  
Commissioner

Subscribed and sworn to before me this 27 day of June 2019.

  
Notary Public

