

**"PERTAINING TO THE HAMPTON FLATS HARD
CLAM HARVEST AREA"**

REGULATION 4 VAC 20-561-10 ET. SEQ.

PREAMBLE

This regulation establishes a Hampton Flats Hard Clam Harvest Area and provisions to control the harvest of hard clams from this area.

This regulation is promulgated pursuant to the authority contained in §§ 28.2-201, and 28.2-816 of the Code of Virginia. The effective date of this regulation is August 16, 2001.

4 VAC 20-561-10. PURPOSE.

The provisions of this regulation are in response to increased abundance of hard clams in Hampton Flats Hard Clam Harvest Area and increased harvest pressure on the hard clam resource by patent tongs in clean clam areas in the months of August through September.

4 VAC 20-561-20. HAMPTON FLATS HARD CLAM HARVEST AREA:

The Hampton Flats Hard Clam Harvest Area shall consist of all tidal waters within a line beginning at the Newport News Boat Harbor inshore at the VMRC Operations Building; thence continuing southeasterly to buoy R"22", thence following the buoy line to the north side of the Explosives Landing Berth; thence in a northwesterly direction to buoy "18", continuing northbound and extending through Channel Marker "2" to the shoreline Radio Tower; thence following the shoreline in a southwesterly direction back to the VMRC Operations building.

4 VAC 20-561-30. HARVEST SEASON.

- A. The open harvest season for the Hampton Flats Hard Clam Harvest Area, as specified by §28.2-816 of the Code of Virginia, shall be extended from Thursday, August 16, 2001 through Friday, September 28, 2001. Harvest of hard clams in the Hampton Flats Hard Clam Harvest Area shall only occur on Mondays through Fridays during the 2001 open harvest season. Thereafter, Hampton Flats Hard Clam Harvest 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 Flats Hard Clam Harvest Area, except as provided in Subsection A of this section.

4 VAC 20-561-40. HARVEST RESTRICTIONS .

- A. It shall be unlawful for any person to possess any hard clam which 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 which 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 Flats Hard Clam Harvest Area before sunrise or after 5:00 p.m.

4 VAC 20-561-50. 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 twelve (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.

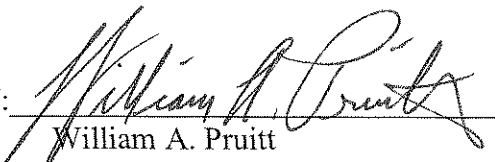
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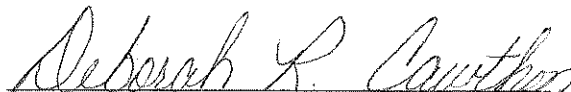
This is to certify that the foregoing is a true and accurate copy of the regulation passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at it's meeting held in Newport News, Virginia on Tuesday, March 20, 2001.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 
William A. Pruitt
Commissioner

Subscribed and sworn to before me this 20th day of March, 2001.

My Commission expires December 31, 2004.


Notary Public