

"PERTAINING TO THE LICENSING OF CRAB TRAPS AND POUNDS"**REGULATION 4 VAC 20-30-10 ET. SEQ.****§ 4VAC20-30-10 Purpose.**

The purpose of this chapter is to comply with §28.2-701 of the Code of Virginia and to establish rules and procedures for licensing and locating crab traps and pounds. This chapter also protects a current licensee's right to relicense an existing location by setting forth those duties required of a current licensee to exercise any priority rights to relicense an existing location.

Statutory Authority §28.2-701 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0005 §1; eff. August 3, 1995.

§ 4VAC20-30-20 Application and location.

A. Application for crab trap or crab pound licenses, to be issued pursuant to §28.2-701 of the Code of Virginia shall state thereon the exact location of each trap or crab pound. If application is made for a license for more than one crab trap or crab pound, the application may embrace more than one, provided the traps or pounds are to be located in the same area, and further provided they are contiguous and are located next to each other, but the location of each must be definitely described. No application for any location for a crab trap or pound shall be made prior to December 1 of the year preceding the current license year.

B. Only one license shall be issued for the same location, or within 100 yards thereof, during the same calendar year and any subsequent license issued through error, or otherwise, for the same location, or within 100 yards thereof, shall be void as to that location, and upon request by such licensee, made within 60 days after issuance, a refund of such license fee shall be made.

C. The licensee shall be responsible for the location of the trap or pound.

D. The license, when issued, shall be subject to oyster leases and riparian rights, and shall not apply inshore of the mean low water mark.

Statutory Authority §28.2-701 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0005 §2; eff. November 24, 1964.

Amended, Virginia Register Volume 11, Issue 25, eff. August 3, 1995.

Effect of Amendment

The August 3, 1995 amendment renumbered this regulation, formerly 4 VAC 20-30-10, and added the last sentence of subsection A; changed "tax" to "fee" in subsection B; changed "crabber" to "licensee" in subsection C; and changed "main" to "mean" in subsection D.

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§ 4VAC20-30-30 Priority rights.

The licensee of any location for a crab trap or pound that was actually fished or crabbed by the licensee during the preceding year shall have a priority right over all other applicants to license the same location for the current license year, provided such licensee remains otherwise qualified and makes application for such location on or before April 1 of the current license year. All other applicants for such location will have their applications considered in chronological order of receipt after April 1 of the license year.

§ 4VAC20-30-40 Penalty

As set forth in §28.2-701 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor.

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REGULATION 450-01-0005

PREAMBLE

This regulation establishes the rules and procedures for licensing and locating crab traps or pounds, and it also establishes the priority rights of a licensee to re-license any crab trap or pound.

This regulation is promulgated pursuant to the authority contained in §28.2-701 of the Code of Virginia. This regulation amends and re-adopts previous Regulation 450-01-0005, which was adopted November 24, 1964 and effective November 24, 1964. The effective date of this regulation is August 1, 1995.

§1. PURPOSE:

The purpose of this regulation is to comply with §28.2-701 of the Code of Virginia and to establish rules and procedures for licensing and locating crab traps and pounds. This regulation also protects a current licensee's right to re-license an existing location by setting forth those duties required of a current licensee to exercise any priority rights to re-license an existing location.

§2. APPLICATION AND LOCATION:

- A. Application for crab trap or crab pound licenses, to be issued pursuant to §28.2-701 of the Code of Virginia, shall state thereon the exact location of each trap or pound. If application is made for a license for more than one crab trap or crab pound, the application may embrace more than one, provided the traps or pounds are to be located in the same area, and further provided they are contiguous and are located next to each other, but the location of each must be definitely described. No application for any location for a crab trap or pound shall be made prior to December 1 of the year preceding the current license year.
- B. Only one license shall be issued for the same location, or within 100 yards thereof, during the same calendar year and any subsequent license issued through error, or otherwise, for the same location, or within 100 yards thereof, shall be void as to that location, and upon request by such licensee, made within 60 days after issuance, a refund of such license fee shall be made.
- C. The licensee shall be responsible for the location of the trap or pound.

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D. The license, when issued, shall be subject to oyster leases and riparian rights, and shall not apply inshore of the mean low water mark.

§3. PRIORITY RIGHTS:

The licensee of any location for a crab trap or pound that was actually fished or crabbed by the licensee during the preceding year shall have a priority right over all other applicants to license the same location for the current license year, provided such licensee remains otherwise qualified and makes application for such location on or before April 1 of the current license year. All other applicants for such location will have their applications considered in chronological order of receipt after April 1 of the license year.

§4. PENALTY:

As set forth in §28.2-701 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

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 §28.2-701 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission minute book, at meeting held in Newport News, Virginia on July 25, 1995.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION



BY: _____
WILLIAM A. PRUITT
COMMISSIONER

Subscribed and sworn to before me this 20th day of July, 1995.

My Commission expires December 31, 1996.


NOTARY PUBLIC