

“PERTAINING TO THE SPECIAL RELAY SEASON IN THE RAPPAHANNOCK RIVER”

CHAPTER 4VAC20-1200-10 ET SEQ.

PREAMBLE

This chapter establishes procedures for the relaying of oysters from Russ' and Little Carters rocks in Area 9 of the Rappahannock River. This chapter is promulgated pursuant to authority contained in §§28.2-201, 28.2-507, 28.2-801 and 28.2-816 of the Code of Virginia. The effective date of this chapter is April 1, 2009.

4VAC20-1200-10. Purpose.

To promote seasonal stability in the marketing of Virginia oysters, without negatively impacting that resource.

4VAC20-1200-20. Special Oyster Relay Season and Limitations.

- A. Those portions of Area 9 in the Rappahannock River known as Russ' and Little Carters rocks shall be open to harvest, by hand or ordinary tongs, from April 1 through April 30, 2009. The remainder of Area 9 in the Rappahannock River will remain closed during this special relay season.
- B. The lawful daily limit of clean cull oysters harvested from Russ' and Little Carters rocks shall be equal to the number of registered commercial fisherman licensees, on board the vessel, multiplied by fifteen (15) bushels. It shall be unlawful to possess, on board any vessel, or to land more than the lawful daily limit of clean cull oysters described in this section.
- C. Russ' and Little Carters rocks are within Condemned Shellfish Growing Area Number 25A-068, and all applicable laws and regulations, for the relaying of shellfish, shall apply.
- D. It shall be unlawful, for any person, to harvest or attempt to harvest oysters from Russ' and Little Carters rocks prior to sunrise or after 1:00 p.m.
- E. Garrett's Marina at Bowler's Wharf shall be designated as the on-shore loading and unloading location for oysters taken from Russ' and Little Carters rocks. It shall be unlawful for any person to load or unload oysters taken from Russ' and Little Carters rocks, from any shore-side location except Garrett's Marina at Bowler's Wharf.
- F. All laws as set forth in the Code of Virginia in Chapter 8 Health and Sanitation Provisions and all Regulations established by VMRC pertaining to the relaying of shellfish shall apply to this special relay season.

4VAC20-1200-30. Penalty.

- A. 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

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provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. In addition to the penalty prescribed by law, any person violating any provisions of this chapter shall return all oysters in his possession to the water and shall cease harvesting on that day. All harvesting apparatus shall be subject to seizure, and pursuant to §28.2-232 of the Code of Virginia anyone found in violation of this chapter shall be subject to the immediate forfeiture of all oyster licenses and permits, until that person appears before the Marine Resources Commission.

C. In addition to the penalty prescribed by §28.2-802 of the Code of Virginia, any person violating any provisions of 4VAC20-1200-10 shall destroy all oysters harvested by that person in violation of 4VAC20-1200-10 in the presence of a Marine Police Officer, and shall be subject to the immediate forfeiture of all oyster licenses and permits until appearing before the Marine Resources Commission.

This is to certify that the foregoing is a true and accurate copy of the 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 Newport News, Virginia on March 24, 2009.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: Jack H. Trumble
for Steven G. Bowman
Commissioner

Subscribed and sworn to before me this 26th day of March, 2009.

Jane E. Warren
Notary Public

JANE E. WARREN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7191792
My Commission Expires 3/31/12