

"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 September 22, 2015 and was effective October 1, 2015. The effective date of this chapter is March 1, 2020.

**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.**

The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

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

"Carapace" means the unsegmented body shell of the 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.

"Escape vent" means an opening in a lobster pot designed to allow for the escapement of undersized lobster.

"Ghost panel" means a panel, or other mechanism in a lobster trap, 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

**"PERTAINING TO LOBSTERS"**

**CHAPTER 4 VAC 20-110-10 ET SEQ.**

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.

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

It shall be unlawful for any person to possess 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 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 a lobster that has had eggs removed unnaturally.

C. It shall be unlawful for any person, including but not limited to fishermen, dealers, shippers, and restaurants to possess a V-notched female lobster.

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.

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

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

All berried females from Virginia waters shall be V-notched before being returned to the water immediately.

**4VAC20-110-50. REPEALED.**

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

A. All lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) shall contain a ghost panel that complies with subsections 1 through 4 of this section.

1. The rectangular ghost panel shall not be less than 3-3/4 inches (9.53 cm) by 3-3/4 inches (9.53 cm).

**"PERTAINING TO LOBSTERS"**

**CHAPTER 4 VAC 20-110-10 ET SEQ.**

2. The ghost 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 (0.24 cm) in diameter.
3. The door of the trap may serve as the ghost panel if fastened with a material specified in subdivision 2 of this subsection.
4. The ghost panel shall be located in the outer parlor(s) of the trap and not the bottom of the trap.

B. All lobster traps shall have one rectangular escape vent with minimum measurements of 2 inches (5.08 cm) by 5-3/4 inches (14.61 cm) or two circular escape vents at 2-5/8 inches (7.20 cm).

**4VAC20-110-60. COMMERCIAL FISHERY PERMIT REQUIREMENTS.**

A. It shall be unlawful for any person to take, catch, possess, or land lobster by lobster trap in Virginia unless that person possesses a Lobster Under 200 Permit or a Lobster Over 200 Permit.

B. It shall be unlawful for any person to take, catch, possess, or land lobster from gear other than lobster traps in Virginia unless that person possesses a Lobster Incidental Harvest Permit.

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

Landings by fishermen using gear or methods other than lobster traps 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.

**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.


\*\*\*\*\*

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 Hampton, Virginia on February 25, 2020.

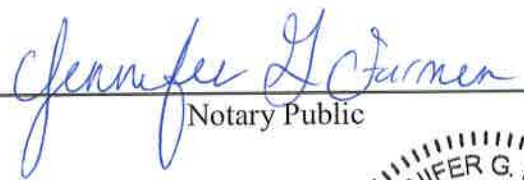
"PERTAINING TO LOBSTERS"

CHAPTER 4 VAC 20-110-10 ET SEQ.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY:   
Steven G. Bowman  
Commissioner

Subscribed and sworn to before me this 2 day of March 2020.

  
Notary Public

