

"PERTAINING TO IMPORTATION OF FISH, SHELLFISH OR CRUSTACEA"**CHAPTER 4VAC 20-754-10 ET. SEQ.****PREAMBLE**

This Chapter establishes the list of approved states, waters, and species as required under § 28.2-825 of the Code of Virginia for the lawful importation of fish, shellfish or Crustacea into the Commonwealth, with the intent of placing such animals into the waters of the Commonwealth. This Chapter is promulgated pursuant to the provisions of §§28.2-201 and 28.2-825 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-754-10 et seq. that was adopted on September 24, 2002 and made effective September 26, 2002. The effective date of this Chapter, as amended, is November 27, 2002.

4 VAC 20-754-10 PURPOSE:

The purpose of this Chapter is to establish the list of approved states, waters and species, and criteria necessary for the importation of fish, shellfish, and Crustacea for the purpose of placing such animals into the waters of the Commonwealth.

4 VAC 20-754-20 DEFINITIONS:

The following words and terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Shell height" means the straight-line distance from the hinge of the mollusk to its bill.

"Shell length" means the longest straight-line distance on the mollusk from edge to edge.

4 VAC 20-754-30 APPROVED SPECIES AND CRITERIA FOR IMPORTATION:

- A. Pursuant to the provisions of §28.2-825 of the Code of Virginia and under the following conditions, it shall be lawful to import into the Commonwealth, with the intent of placing such animals into the waters of the Commonwealth, any species listed below, except as prohibited in the exception contained in subdivision 1 of this subsection:
1. Any hard clam of the species *Mercenaria mercenaria* from the waters of any coastal area or state within the continental United States and which is absent of any known shellfish pathogen, as specified in subsection B of this section, except that any importation of hatchery produced seed of the genus *Mercenaria* from Pacific coastal states within the continental United States shall be prohibited, and any importation of hatchery produced seed of the genus *Mercenaria* from South Carolina or Florida

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shall meet all requirements established by 4 VAC 20-754-30 A 1., a through d. Importation requirements established by 4 VAC 20-754-30 A 1., a through d, shall be in addition to those importation requirements established by 4 VAC 20-754-30 B.

- a. The South Carolina or Florida hatchery or facility shall certify that only northern broodstock clams of the genus *Mercenaria*, absent of shellfish pathogens, were used to produce hard clam seed that is to be exported to Virginia. The certification shall be accompanied by evidence that the facility took possession of the northern broodstock hard clams within the previous 12 months.
 - b. The South Carolina or Florida hatchery or facility shall certify that any clam seed scheduled for importation into Virginia was produced from broodstock that satisfies the requirements specified by 4 VAC 20-754-30 A 1. a.
 - c. The South Carolina or Florida hatchery or facility shall certify that only hard clams of northern broodstock were held in the facility used for spawning purposes throughout the time period, within a calendar year, corresponding to all shipments of hard clam seed to Virginia, and all shipments of clam seed shall be accompanied by a tag indicating the name of the hatchery or facility and the quantity, on a per bag or container basis.
 - d. Any certification requirements described in 4 VAC 20-754-30 A 1. a. and b. shall accompany the certified statement from an approved shellfish pathologist as to the complete absence of known shellfish pathogens in a random sample of hard clam seed of the genus *Mercenaria* scheduled for importation into Virginia, as described in 4 VAC 20-754-30 B. All certified statements required for importation of hard clam seed of genus *Mercenaria*, as specified by 4 VAC 20-754-30 A 1. a and b and VAC 20-754-30 B shall be provided to the Virginia Marine Resources Commission, Fisheries Management Division at least 10 days prior to the shipment of any hard clam seed of genus *Mercenaria*.
2. Any American oyster shellstock of the species *Crassostrea virginica* greater than 25 mm in shell height from the waters of New England, Mid-Atlantic, or South Atlantic coastal areas or states and which is absent of any known shellfish pathogen, as specified in subsection B of this section.

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3. Any American oyster hatchery produced seed of the species *Crassostrea virginica* less than 25 mm in shell height from the waters of any coastal area or state within the continental United States and which is absent of any known shellfish pathogen, as specified in subsection B of this section.
 4. Any bay scallop hatchery produced seed of the species *Argopecten irradians* less than 25 mm in shell height from the waters of any coastal area or state within the continental United States and which is absent of any known shellfish pathogen, as specified in subsection B of this section.
 5. Any surf clam hatchery produced seed of the species *Spisula solidissima* less than 25 mm in shell length from the waters of any coastal area or state within the continental United States and which is absent of any known shellfish pathogen, as specified in subsection B of this section.
 6. Any soft shell clam hatchery produced seed of the species *Mya arenaria* less than 25 mm in shell length from the waters of any coastal area or state within the United States, and which is absent of any known shellfish pathogen, as specified in subsection B of this section.
 7. Any pre-molt (peeler) blue crab of the species *Callinectes sapidus* from the waters of the states of New Jersey, Delaware, Maryland, North Carolina, South Carolina, or Georgia.
- B. Requirements to be met, in order to import any species described in subsection A of this sections shall include a certified statement from an approved shellfish pathologist as to the complete absence of known shellfish pathogens in a random sample. That certified statement shall be provided to the Virginia Marine Resources Commission, Fisheries Management Division at least 10 days prior to the shipment of any molluscan shellfish specified above for introduction into the waters of the Commonwealth. The test for shellfish pathogens in all shellfish species except oysters shall be from a random sample of 60 individuals from the shipment or population in question which was examined by histological and fluid thioglycollate methods within 60 days of each importation. For oysters, samples shall be tested within 30 days of each importation.
- C. Shipments of any molluscan shellfish specified above, upon entry into the Commonwealth for introduction into the waters of the Commonwealth, shall be accompanied by a certified statement from an approved shellfish pathologist as to the complete absence of known

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shellfish pathogens in a random sample of 60 individuals from the shipment or population in question and written acknowledgement from the Virginia Marine Resources Commission of the receipt of such statement.

- D. Shipments of any species under the provisions of this Chapter shall be accompanied by documentation of the quantity imported.
- E. The provisions of this Chapter shall not apply to the importation of any molluscan shellfish from the waters of the Delaware Bay or the Maryland portion of the Chesapeake Bay and its tributaries.

4 VAC 20-754-40 PENALTY:

As set forth in §§28.2-201 and 28.2-825, any person violating any provision of this Chapter shall be guilty of a Class I misdemeanor.

This is to certify that the foregoing is a true and accurate copy of the Chapter passed by the Virginia Marine Resources Commission, pursuant to authority vested in the Commission by §§28.2-201 and 28.2-825, of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Newport News, Virginia, on November 26, 2002.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

William A. Pruitt
 By: *By Robert [Signature]*

 William A. Pruitt
 Commissioner

Subscribed and sworn to before me this day of November 27, 2002.
My Commission expires December 31, 2004.

Reberah R. Causton

 Notary Public