

**“PERTAINING TO DESIGNATION OF SEED AREAS AND CLEAN CULL AREAS”
EMERGENCY CHAPTER 4 VAC 20-260-10 ET SEQ.**

PREAMBLE

This emergency chapter establishes clean cull and seed areas, size limits, culling requirements, and inspection procedures for oysters taken from public oyster beds, rocks and shoals in the Chesapeake Bay and its tributaries and on all oyster grounds on the Seaside of Eastern Shore.

This emergency chapter is promulgated pursuant to authority contained in §§28.2-201, 28.2-507, 28.2-510, 28.2-513, 28.2-210, and 28.2-526 of the Code of Virginia. This emergency chapter amends and re-adopts previous Chapter 4 VAC 20-260-10 et seq., which was adopted on August 23, 2016, and made effective on September 1, 2016. The effective date of this emergency chapter is September 26, 2017.

4 VAC 20-260-50. Culling and inspection procedures.

A. All oysters taken from natural public beds, rocks, or shoals shall be placed on the culling board, or in only one basket upon the culling board, and culled by hand at the location of harvest.

1. Culled oysters shall be transferred immediately from the culling board to the inside open part of the boat and stored in either a loose pile or baskets.
 - a. Oysters shall not be stored in both a loose pile and in baskets.
 - b. A single basket may be on board any boat during transfer of culled oysters from the culling board to the inside open part of the boat in a loose pile.
2. The entire harvest shall be subject to inspection, as provided in subsection F of this section.

B. Any oysters taken lawfully by hand from natural public beds, rocks, or shoals from the seaside of the Eastern Shore, and held in sacks, bags, or containers, shall be culled when taken and placed in those sacks, bags, or containers for inspection by any police officer as described in subsection G of this section.

C. If oysters from leased grounds and oysters from public grounds are mixed in the same cargo on a boat or motor vehicle, the entire cargo shall be subject to inspection under this chapter.

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D. It shall be unlawful for any person to buy, sell, or report clean cull oysters by any measure other than those described in § 28.2-526(A) of the Code of Virginia filled to level full. The container described in § 28.2-526(A)(2) is a basket. It shall be unlawful for any person to sell, purchase, or report the sale or purchase of any clean cull oysters harvested from public grounds, as described in 4 VAC 20-720-40, in excess of the harvest limits described in 4 VAC 20-720-80.

E. It shall be unlawful for any person to buy, sell, or report seed oysters by any measure other than as described in §28.2-526 of the Code of Virginia.

F. Oysters may be inspected by any police officer according to any one of the following provisions:

1. For any oysters stored in a loose pile in a vehicle, trailer, or the inside open part of a boat, the police officer shall use a shovel to take one bushel or basket of oysters to inspect, at random, provided that the entire bushel or basket shall be taken from one place in the open pile of oysters. The officer may inspect multiple bushels or baskets by repeating this procedure for each bushel or basket of oysters shoveled from the loose pile.

2. For any oysters stored in baskets in a vehicle, trailer, or the inside open part of a boat, the police officer shall select one basket and empty the contents of that basket into a bushel, as described in §28.2-526 of the Code of Virginia, or a basket for inspection. The officer may inspect multiple baskets by repeating this procedure for each basket.

G. In the inspection of oysters harvested by hand from waters of the seaside of the Eastern Shore, the police officer may select any sacks, bags, or containers at random to establish a full metallic measuring bushel or basket for purposes of inspection.

H. On the seaside of the Eastern Shore oysters may be sold without being measured if both the buyer and the seller agree to the number of bushels of oysters in the transaction.

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This is to certify that the foregoing is a true and accurate copy of the emergency chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §§ 28.2-201 and 28.2-210 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 September 26, 2017.

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COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: *John M. R. Bull*

John M. R. Bull
Commissioner

Subscribed and sworn to before me on this 26 day of September, 2017.

Jennifer G. Farmer
Notary Public

