

"PERTAINING TO THE TAKING OF CLAMS ON THE SEASIDE OF EASTERN SHORE"

REGULATION 4 VAC 20-100-10 ET. SEQ.

§ 4VAC20-100-10 Purpose.

The purpose of this chapter is to promote the welfare of the seafood industry by conserving the hard clam resource and the habitat necessary for continued health and productivity of the hard clam and other marine resources.

Statutory Authority §28.2-201 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0013 §1; eff. August 3, 1995.

§ 4VAC20-100-20 Hydraulic method prohibited.

It shall be unlawful for any person to dig, take, catch or harvest hard clams from the subaqueous soil owned by the Commonwealth of Virginia on the seaside of Accomack and Northampton Counties by hydraulic methods, or by the operation of a motor boat in such a manner that the hard clams are dug, or washed, from the bottom by the action of the propeller of such motor boat; but this chapter shall not apply to privately-owned oyster leases.

§ 4VAC20-100-30 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.

Statutory Authority §28.2-201 of the Code of Virginia.

Historical Notes

Derived from VR450-01-0013 §3; eff. June 27, 1972.

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REGULATION 450-01-0013

PREAMBLE

This regulation establishes a prohibition on the taking of hard clams by hydraulic method, including the action of a propeller, on the seaside of Accomack and Northampton Counties.

This regulation is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia. This regulation amends and re-adopts previous Regulation 450-01-0013, which was adopted June 27, 1972 and was effective June 27, 1972. The effective date of this regulation is August 1, 1995.

§1. PURPOSE:

The purpose of this regulation is to promote the welfare of the seafood industry by conserving the hard clam resource and the habitat necessary for continued health and productivity of the hard clam and other marine resources.

§2. HYDRAULIC METHOD PROHIBITED:

It shall be unlawful for any person to dig, take, catch or harvest hard clams from the subaqueous soil owned by the Commonwealth of Virginia on the seaside of Accomack and Northampton Counties by hydraulic methods, or by the operation of a motor boat in such a manner that the hard clams are dug, or washed from the bottom by the action of the propeller of such motor boat; but this regulation shall not apply to privately-owned oyster leases.

§3. PENALTY:

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this regulation committed by the same person within twelve 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 regulation passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code

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REGULATION 450-01-0013

of Virginia as amended, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on July 25, 1995.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

Robert D. Pruitt for
BY: _____
WILLIAM A. PRUITT
COMMISSIONER

Subscribed and sworn to before me this 28th day of July, 1995.

My Commission expires December 31, 1996.

Rebecca L. McColister

NOTARY PUBLIC