

“PERTAINING TO JONAH CRAB”

CHAPTER 4VAC20-1310-10 ET SEQ.

PREAMBLE

This chapter establishes minimum size limits, gear restrictions, and quotas for the harvest of Jonah crab. This chapter is promulgated pursuant to the authority contained in §§28.2-201, 28.2-700, and 28.2-204.1 of the Code of Virginia. The effective date of this chapter is June 1, 2016.

4VAC20-1310-10. Purpose.

The purpose of this chapter is to conserve and protect Jonah crabs from overfishing and to provide consistency among federal and interstate laws and regulations.

4VAC20-1310-20. Definitions.

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

"Jonah crab" described in this chapter refers solely to the crustacean *Cancer borealis*.

4VAC20-1310-30. Possession Prohibitions and Commercial Fishery Minimum Size Limit.

A. It shall be unlawful for any person to possess any egg-bearing female Jonah crab, except for scientific purposes and with the express written consent of the Commissioner of Marine Resources. Any harvested egg-bearing female Jonah crab shall be returned to the water immediately.

B. It shall be unlawful for any person to land any Jonah crab unless the whole crab is in that person's possession, except as provided in 4 VAC 20-1310-40 D.

C. It shall be unlawful for any person to possess or land any Jonah crab, for commercial purposes, that measures less than 4.75 inches across the widest point of the carapace.

4VAC20-1310-40. Commercial Harvest, Possession Limits and Reporting.

A. In accordance with the provisions of §28.2 201 of the Code of Virginia, the Marine Resources Commission establishes a no-cost Jonah crab incidental commercial permit for any harvester using any gear or methods other than lobster traps in Virginia waters.

B. It shall be unlawful for any person using gear or harvesting methods other than lobster traps (nontrap fishermen) to land or possess more than 200 Jonah crabs in a 24-hour period or more than 500 Jonah crabs when a fishing trip exceeds twenty-four hours.

C. It shall be unlawful for any person to take, catch, possess, or land any Jonah crab in excess of the amounts listed in 4 VAC 20-1310-40 B, unless that person has obtained a Limited Entry Jonah Crab Fishery Permit from the Marine Resources Commission. Permits shall only be issued

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to a Virginia registered commercial fisherman or Virginia Seafood Landing Licensees, who is a legal federal lobster permittee and has at least one pound of documented landings of Jonah crab, prior to June 2, 2015, in the Marine Resources Commission’s mandatory harvest reporting system. Federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement. There is no landing limit for any person that possesses a Jonah Crab Limited Entry Fishery Permit.

D. It shall be unlawful for any person to take, catch, possess, or land any Jonah crab claws without first having obtained a Limited Entry Jonah Crab Claw Fishery Permit from the Marine Resources Commission. Permits shall only be issued to a Virginia registered commercial fisherman, who is a legal federal lobster permittee and who has at least one pound of documented claw landings, prior to June 2, 2015, in the Marine Resources Commission’s mandatory harvest reporting system. Federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement.

E. Any Virginia licensed seafood buyer who purchases any whole Jonah crab or its claws shall provide reports to the Commission of daily purchases and harvest information, organized by month. Such information shall include: the date of the purchase, the harvester's Commercial Fisherman Registration License number or Virginia Seafood Landing License number, the gear type, water area fished, city or county of landing, total amount of pounds landed and the price per pound. These reports shall be completed in full and submitted to the Commission, no later than the 15th day of January, for the prior year's purchases. Federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the reporting requirements.

4VAC20-1310-50. Daily Recreational Harvest and Possession Limit.

It shall be unlawful for any person fishing recreationally to possess more than 50 Jonah crabs per person per day.

4VAC20-1310-60. 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.

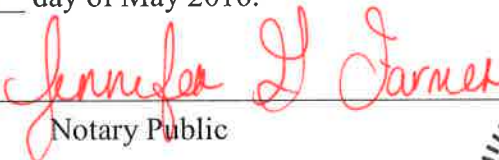
This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on May 24, 2016.

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COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: 
John M. R. Bull
Commissioner

Subscribed and sworn to before me this 29 day of May 2016.


Notary Public

