

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 377

*An Act to amend and reenact § 28.2-520 of the Code of Virginia, relating to the use of hydraulic dredges; penalty.*

[H 2417]

Approved March 19, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-520 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-520. Use of hydraulic dredges prohibited; penalty.

A. It shall be unlawful for any person, *unless he has been issued a permit by the Commission pursuant to subsection B*, to (i) take or catch ~~hard-shell~~ clams through the use of a hydraulic dredge or (ii) have on board his boat a hydraulic dredge designed for harvesting seafood.

B. *The Commission may issue a permit authorizing the possession and use of a hydraulic dredge for the purpose of (a) transiting state waters or (b) conducting legitimate aquaculture research.*

C. *Notwithstanding the provisions of clause (ii) of subsection A, a person may have on board his boat a hydraulic dredge designed for harvesting seafood when traveling to or from docks for maintenance or repair of the boat or equipment, or when off-loading catches made in federal waters.*

D. The Commission and the Virginia Institute of Marine Science may *possess and use* hydraulic dredges to take and catch ~~hard-shell clams~~ shellfish on an experimental basis. ~~However, a permit to take and catch hard-shell clams through the use of hydraulic dredges shall not be issued to any other person.~~

~~B. E.~~ E. Any person who ~~takes or catches hard-shell clams using a hydraulic dredge~~ violates this section is guilty of a Class 1 misdemeanor.