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SENATE BILL NO. 86

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources on February 5, 1996)

(Patron Prior to Substitute—Senator Barry)

A BILL to amend and reenact §§ 28.2-701, 28.2-702, 28.2-704, and 28.2-708 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 28.2-708.1 and 28.2-712.1, relating to blue crab stock protection; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-701, 28.2-702, 28.2-704, and 28.2-708 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 28.2-708.1 and 28.2-712.1 as follows:

§ 28.2-701. Crab traps and crab pounds; regulations; penalty.

A. The Commission shall promulgate regulations governing the use, placement, and maintenance of crab traps and crab pounds. Such regulations shall include, but not be limited to, a requirement that every owner or user of a crab trap or crab pound completely remove traps, leads, wires, poles and all other related gear from the water not later than October 31 of each year.

B. Any person convicted of violating any provision of a regulation promulgated under this section is guilty of a Class 3 misdemeanor.

§ 28.2-702. Licenses to take crabs; shedding operations; amount of fee.

Any person desiring to take or catch crabs for market or profit from the waters of this Commonwealth, or waters under its jurisdiction, or any person desiring to engage in the business of buying or marketing crabs for packing or canning crabs, shall pay to any officer the following fees:

- 1. For each person taking or catching crabs by dip nets, \$8;
- 2. For ordinary trotlines, \$8;
- 3. For patent trotlines, \$31;
- 4. For up to 100 crab pots, \$29;
- 5. For over 100 but not more than 300 crab pots, \$48;
- 6. For over 300 but not more than 500 crab pots, \$100;
- 7. For over 500 crab pots, \$250;
- 8. For each boat used for taking or catching hard crabs with dredges, \$58;
- 9. For each crab trap or crab pound, \$5;
- 10. For each single-rigged crab-scrape boat, \$16;
- 11. For each double-rigged crab-scrape boat, \$32;
- 12. For up to 20 tanks and floats for shedding crabs, \$7.50;
- 13. For more than 20 tanks or floats for shedding crabs, \$15; and
- 14. For taking or catching peeler crabs using peeler pots, \$29.

§ 28.2-704. Sale of crabbing licenses.

The Commission may require the purchase of licenses before each crab season begins. It may set time periods for the sale of licenses for taking crabs in order to determine the appropriateness of instituting seasonal conservation measures and may grant extensions to individual applicants when it finds exceptional circumstances exist.

The number of hard crab and peeler pot licenses shall be limited to the number of licenses existing for each of these gear types on November 27, 1995. No license shall authorize the use of more than 300 hard crab pots or 300 peeler crab pots. No license shall authorize more than 250 hard crab pots or 250 peeler pots for use in tributaries of the Chesapeake Bay. The Commission shall develop a system for the allocation of licenses that affords license holders from the immediately preceding license year priority and which may establish a waiting list for licenses that may come available.

§ 28.2-708. Limitations on sizes of crabs to be taken; inspection of catch; exemption; penalty.

A. It is unlawful for any person to catch, take or have in his possession or to destroy in any manner more than:

1. ten Ten hard crabs per United States standard bushel or thirty-five hard crabs per barrel, which measure less than five inches across the shell from tip to tip of the longest spikes; or to destroy them in any manner;

2. Five peeler crabs per United States standard bushel or fifteen peeler crabs per barrel, which measure less than three inches across the shell from tip to tip of the longest spikes.

Those undersized crabs in excess of the allowance level levels shall be immediately returned to the water alive. Adult female crabs, peeler crabs and soft crabs are exempt from these limitations.

B. Any officer may grade or cull any number of barrels, baskets or containers of crabs in any

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60 person's possession.

61 If the officer finds ~~more than ten undersize hard crabs per United States standard bushel or thirty-five~~
62 ~~per barrel~~ crabs in excess of the allowance levels set in subsection A, he shall seize the entire quantity
63 of crabs in or from each such container, and the person who possessed the crabs shall immediately
64 return them to the water. Refusal to return the crabs to the water is a separate offense from any other
65 violation.

66 C. Crabs which have been purchased by and are in the possession of a buyer and crabs which have
67 been transported at least five miles from the nearest salt water are exempt from this requirement.

68 D. The Commission may change such size restrictions for a period not to exceed sixty days to
69 respond to significant ecological changes.

70 E. A violation of this section is a Class 3 misdemeanor.

71 § 28.2-708.1. Limitations on the taking of sponge crabs; inspection; penalty.

72 A. It is unlawful for any person to catch, take or have in his possession, or to destroy in any
73 manner, more than five female crabs with egg masses of brown to black coloration. Those female crabs
74 caught or taken with brown to black egg masses shall be immediately returned to the water alive. If
75 more than five female crabs with egg masses of brown to black coloration are found in a culled
76 container of crabs, the entire quantity of crabs in or from the container shall be seized by the officer
77 finding the violation.

78 B. Any officer may grade, cull or inspect any number of barrels, baskets or containers of crabs in
79 any person's possession.

80 C. A violation of this section is a Class 3 misdemeanor.

81 § 28.2-712.1. Buoy marking system; penalty.

82 The Commission shall establish a buoy marking system for tracking the number of hard crab pots
83 and peeler pots being fished by those required by this subtitle to have a license for such gear. Buoy
84 markers shall be issued by the Commissioner. Once the marking system has been established, each
85 licensee shall display and maintain the buoy markers in a legible and visible manner on the float or
86 stake attached to each crab pot.

87 Noncompliance with the buoy marking system is a Class 1 misdemeanor.