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HOUSE BILL NO. 154

Offered January 10, 1996

A *BILL to amend and reenact §§ 28.2-705, 28.2-708 and 28.2-709 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 28.2-708.1 and 28.2-708.2, relating to restrictions on the harvest of crabs; penalty.*

Patrons—Morgan and Murphy

Referred to Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-705, 28.2-708 and 28.2-709 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 28.2-708.2 as follows:

§ 28.2-705. License restrictions; exemption; penalty.

A. It is unlawful to:

1. Take crabs with a rake which is pulled or pushed by a boat;
2. Use a crab pot which has a mesh less than 1 1/2 inches;
3. Place food for adult male (jimmy) crabs in a peeler pot. A peeler pot is exempt from mesh size limitations;
4. Use a boat when buying crabs which is also used to take or catch hard crabs with dredges, when the Commission has limited the taking of crabs under § 28.2-713.

5. *Take sponge crabs by peeler pot or crab trap.*

B. Any person who violates any provision of this section is guilty of a Class 3 misdemeanor.

§ 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 more than 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. *It is unlawful for any person to catch, take or have in his possession more than ten softshell crabs per United States standard bushel or thirty-five softshell crabs per barrel, which measure less than three and one-half inches across the shell from tip to tip of the longest spikes, or to destroy them in any manner.* Those undersized crabs in excess of the allowance ~~level~~ levels shall be immediately returned to the water alive. Adult female crabs, and 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 person's possession.

If the officer finds more than ten undersize hard crabs *or more than ten undersize softshell crabs* per United States standard bushel or thirty-five per barrel, he shall seize the entire quantity of crabs in or from each such container, and the person who possessed the crabs shall immediately return them to the water. Refusal to return the crabs to the water is a separate offense from any other violation.

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

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

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

§ 28.2-708.1. *Date restrictions on the taking of peeler and softshell crabs.*

A. *It is unlawful for any person to take or catch peeler and softshell crabs from October 1 to April 1.*

B. *It is unlawful for any person to take or catch peeler and softshell crabs on Sundays from June 16 to October 1.*

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

§ 28.2-708.2. *Daily catch limitations on egg-bearing crabs.*

It is unlawful for any person to take or catch more than forty-five bushels or 1,800 pounds of egg-bearing (sponge) crabs on any one day.

A violation of this section is a Class 3 misdemeanor.

§ 28.2-709. Closed season for taking crabs in certain area; penalty.

It is unlawful for any person to take or catch crabs for resale from the following ~~area~~ areas from June 1 through September 15. Ownership of a current license to take or catch crabs shall be prima facie evidence that such taking or catching of crabs was for resale. The limits of the ~~area~~ areas are defined as follows:

INTRODUCED

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60 1. Beginning at the point of origin of the center line of the Hampton Roads Bridge Tunnel facility
61 where such facility commences in the City of Norfolk, Virginia, and following the shoreline in a general
62 easterly direction, and also extending 200' out from the mean low-water mark of such shoreline into the
63 Chesapeake Bay, to Harrison's fishing pier, Ocean View, and thence in a general northerly direction to
64 Thimble Shoal Lighthouse; thence running in approximately a northeasterly direction to Cape Charles
65 Lighthouse, located on Smiths Island; and thence in approximately a southwestern direction to Cape
66 Henry Lighthouse, and bounded by the shoreline; and thence following the shoreline in a general
67 westerly direction back to the point of beginning.

68 2. *Beginning at the Rappahannock River entrance lighted buoy G"1R"; thence in a northeasterly*
69 *direction to the northern terminus of the Rappahannock Shoal Channel, lighted by buoy G"59"; thence*
70 *southeasterly, following the western buoy line of the Rappahannock Shoal Channel to lighted buoy*
71 *G"43"; thence in a westerly direction to lighted buoy G"1R" at the Rappahannock River entrance, the*
72 *point of beginning.*

73 A violation of this section is a Class 3 misdemeanor.