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SENATE BILL NO. 86

Offered January 10, 1996

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.*

 Patron—Barry

 Referred to the Committee on Agriculture, Conservation and Natural Resources

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. Only those individuals who held a 1995 hard crab pot or peeler pot license on or before November 27, 1995, shall be eligible to participate in the 1996 hard crab pot and peeler pot fisheries and shall be restricted to the same licensing category as defined in § 28.2-702 as he participated in 1995 on or before November 27, 1995. Those individuals who held a 1995 license on or before November 27, 1995, for more than 300 hard crab pots or 300 peeler pots shall be limited to 300 pots in each such fishery for which they held a license.

§ 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.

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60 Adult female crabs, *and* peeler crabs ~~and soft crabs~~ are exempt from these limitations.

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

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

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

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

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

72 § 28.2-708.1. *Limitations on the taking of sponge crabs; inspection; penalty.*

73 A. *It is unlawful for any person to possess a female crab with an egg mass of brown to black*
74 *coloration. Those female crabs caught or taken with brown to black egg masses shall be immediately*
75 *returned to the water alive. If any female crab with an egg mass of brown to black coloration is found*
76 *in a culled container of crabs, the entire quantity of crabs in or from the container shall be seized by*
77 *the officer 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.*

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.*