

“PERTAINING TO PROHIBITED AREAS FOR USE OF PATENT TONGS”

REGULATION 4 VAC 20-130-10 ET. SEQ.

§ 4VAC20-130-10 Purpose.

The purpose of this chapter is to provide for appropriate conservation of the shellfish resources of the Commonwealth of Virginia.

Statutory Authority §28.2-201 of the Code of Virginia.

Historical Notes

Derived from VR250-01-0016 §1; August 3, 1995.

§ 4VAC20-130-20 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Public ground" means all those grounds defined in §28.2-551 of the Code of Virginia, all grounds set aside as public ground by court order, and all grounds set aside as public oyster ground or public clam ground by order of the Marine Resources Commission.

"Unassigned ground" means all grounds other than public ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

§ 4VAC20-130-30 Poquoson River area.

The use of patent tongs is prohibited on all public and unassigned ground in the Poquoson River and any of its tributaries, in Chisman Creek and any of its tributaries, and in Cabin Creek and any of its tributaries upstream of a line beginning at Hunts Point Survey Station Taylor and running northwesterly to Survey Station Spit, thence northeasterly to Survey Station Cabin North, thence easterly to Survey Station Cabin South; such line being the same as the western boundary of the Poquoson River Shellfish Management Area as set forth in 4VAC20-560-10.

§ 4VAC20-130-40 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.

Statutory Authority §28.2-201 of the Code of Virginia.

Historical Notes

Derived from VR250-01-0016 §4; eff. August 3, 1995.

"PERTAINING TO PROHIBITED AREAS FOR THE USE OF PATENT TONGS"

REGULATION 450-01-0016

PREAMBLE

This regulation prohibits the use of patent tongs on public and unassigned grounds in the Poquoson River area.

This regulation is promulgated pursuant to the authority contained in §28.2-201 of the Code of Virginia. This regulation amends and re-adopts previous Regulation 450-01-0016, which was adopted on March 25, 1975 and was effective on March 25, 1975. The effective date of this regulation is August 1, 1995.

§1. PURPOSE:

The purpose of this regulation is to provide for appropriate conservation of the shellfish resources of the Commonwealth of Virginia.

§2. DEFINITIONS:

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

"Public ground" means all those grounds defined in §28.2-551 of the Code of Virginia, all grounds set aside as public ground by court order, and all grounds set aside as public oyster ground or public clam ground by order of the Marine Resources Commission.

"Unassigned ground" means all grounds other than public ground as defined by this regulation and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

§3. POQUOSON RIVER AREA:

The use of patent tongs is prohibited on all public and unassigned ground in the Poquoson River and any of its tributaries, in Chisman Creek and any of its tributaries, and in Cabin Creek and any of its tributaries, upstream of a line beginning at Hunts Point Survey Station Taylor and running northwesterly to Survey Station Spit, thence northeasterly to Survey Station Cabin North, thence easterly to Survey Station Cabin South; such line being the same as the western boundary of the Poquoson River Shellfish Management Area as set forth in Regulation 450-01-0073.

"PERTAINING TO PROHIBITED AREAS FOR THE USE OF PATENT TONGS"

REGULATION 450-01-0016

§4. PENALTY:

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this regulation committed by the same person within twelve 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 regulation 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 Marine Resources Commission's minute book, at meeting held in Newport News, Virginia, on July 25, 1995.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION



BY: _____
COMMISSIONER

Subscribed and sworn to before me this 28th day of July, 1995.

My Commission expires 12/31/96.


NOTARY PUBLIC