



**AGENDA
SHELLFISH MANAGEMENT ADVISORY COMMITTEE
MEETING**

September 28, 2022

1. Approval of Agenda
2. Review of Warm Water Harvest Regulations
3. User Fee Transferability Requirements
4. Other Business

CHAPTERS 4 VAC 20-1230-10 ET SEQ., “PERTAINING TO RESTRICTIONS ON SHELLFISH”



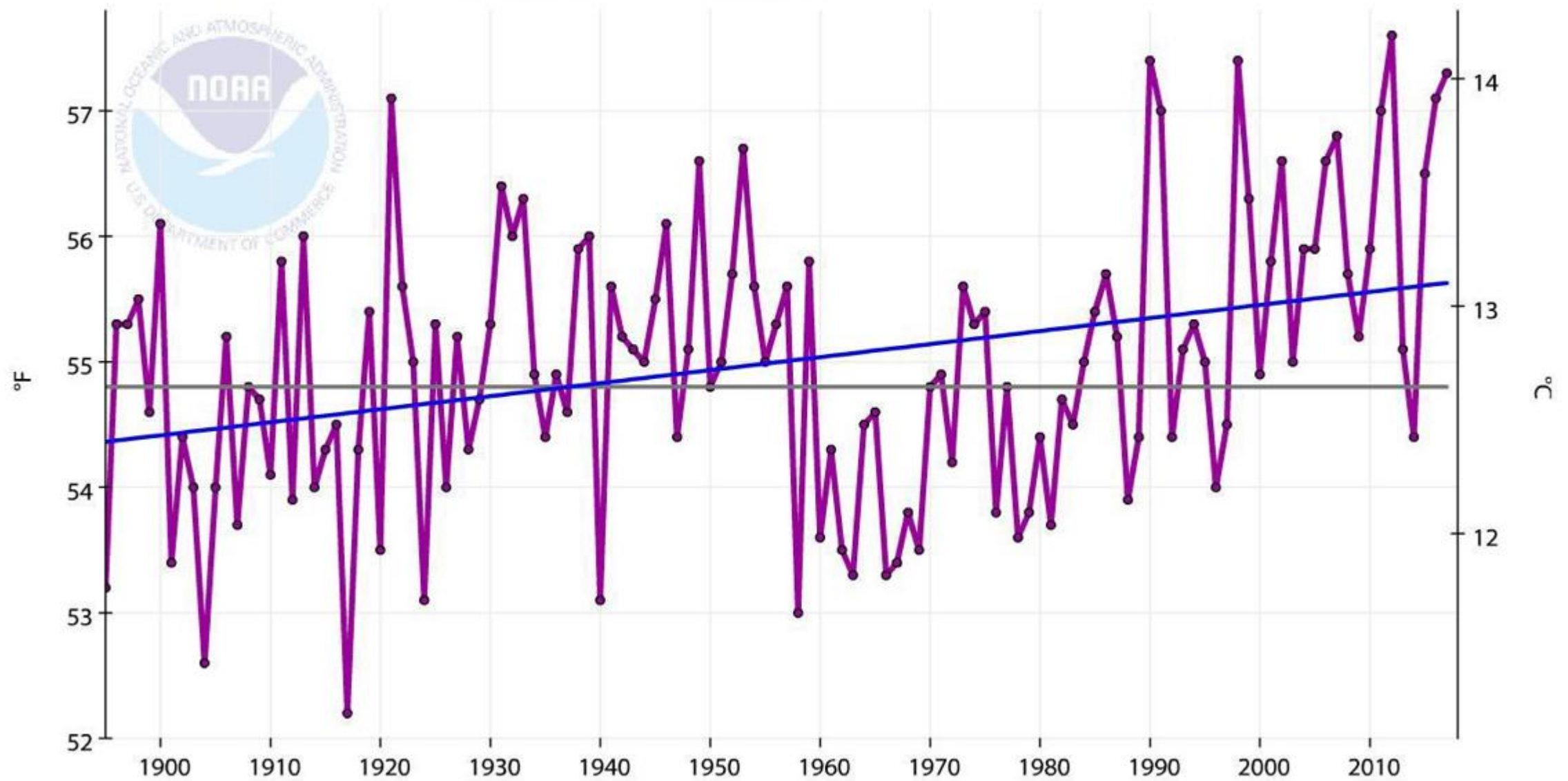
- Establishes the time temperature, and harvest restrictions that ensure the safe harvest and handling of shellfish during warm weather months (**NOW May through October**)
- Part of the vibrio control plan that is required to be in place to stay in compliance with National Shellfish Sanitation Program (NSSP). Without meeting these standards Virginia Shellfish are not considered safe enough for shipment out of the Commonwealth.

Virginia, Average Temperature, January-December

— 1895-2017 Trend
+0.1°F/Decade

— 1901-2000
Mean: 54.8°F

● Avg Temperature



EXTENDING ALL PERMITTING OR HARVEST RESTRICTIONS AND PROCEDURES DESCRIBED BY CHARTER 4 VAC 20-1230-10 ET SEQ., FOR THE MONTH OF SEPTEMBER THROUGH OCTOBER



The procedures established include:

- Time restriction in the form of harvest curfews that ensure shellfish are quickly placed under temperature control after harvesting.
- That shellfish are shaded during the harvest.
- Alternative procedures to the harvest curfews such as icing requirements or GPS based vessel monitoring

All of which have the primary intent of quickly cooling shellfish to safe temperatures (below 45 degrees F or colder) that prevent the development of unsafe levels of Vibrio bacteria

4 VAC 20-1230-31. PUBLIC HEALTH AND WARM WATER HARVEST RESTRICTIONS FOR OYSTERS.



1. May 1 through May 31, by 11:00 a.m.;
2. June 1 through June 30, by 10:00 a.m.;
3. July 1 through July 31, by 10:00 a.m.;
4. August 1 through August 31, by 10:00 a.m.; and
5. September 1 through September 30, by 12:00 noon.
6. October 1 through October 31, by 12:00 noon.



"Shading" means to shelter by intercepting the direct rays of the sun to **protect the shellfish from heat** using a tarp or cover.

"comparative darkness and **coolness** caused by shelter from direct sunlight"

SHADE??





4 VAC 20-1230-31. Public health and warm water harvest restrictions for oysters.

A. From May 1 through October 31, all land-based deliveries of oysters shall be made aboard trucks or other conveyances equipped with VDH-approved temperature controlled storage. Mechanically refrigerated containers for oysters shall be in operation during transport. Any operator of a truck who is delivering oysters using a truck not owned by a licensed shellfish buyer shall possess a truck refrigeration certificate issued by the Virginia Department of Health, Division of Shellfish Sanitation. Upon receiving any oysters, licensed shellfish buyers shall immediately place any oysters received from any individual under temperature control.

B. From May 1 to October 31, it shall be unlawful for any individual to harvest oysters from open areas of public or private ground after any monthly curfew harvest time described in (i) subdivisions 1 through 5 of this subsection or (ii) subsections C and D of this section. All oysters shall be placed into trucks or other conveyances equipped with VDH-approved temperature controlled storage no later than the following designated curfew harvest times by month:

OYSTER USER FEES CODE



§ 28.2-541. Oyster resource user fees.

A. There are imposed upon all oysters taken from the public rocks, beds, or shoals the following oyster resource user fees, per year: (i) on any licensed commercial fisherman harvesting oysters by hand, a fee of \$50; (ii) on the use of any type of gear to harvest oysters, a fee of \$300; (iii) on any business shucking or packing (a) no more than 1,000 gallons of oysters, a fee of \$500; (b) more than 1,000 but no more than 10,000 gallons of oysters, a fee of \$1,000; (c) more than 10,000 but no more than 25,000 gallons of oysters, a fee of \$2,000; and (d) more than 25,000 gallons of oysters, a fee of \$4,000; and (iv) on any oyster buyer using (1) a single truck or location, a fee of \$100 and (2) multiple trucks or locations, a fee of \$300.

B. Any commercial aquaculture operation taking oysters pursuant to § 28.2-603 from a riparian assignment or general oyster planting ground shall pay an oyster resource user fee of \$50.

C. Any harvester shall pay only one oyster resource user fee per year for oyster gear used under clause (ii) of subsection A.

D. The Commission may revoke the permit or license of any person who fails to comply with this section.

OYSTER USER FEES



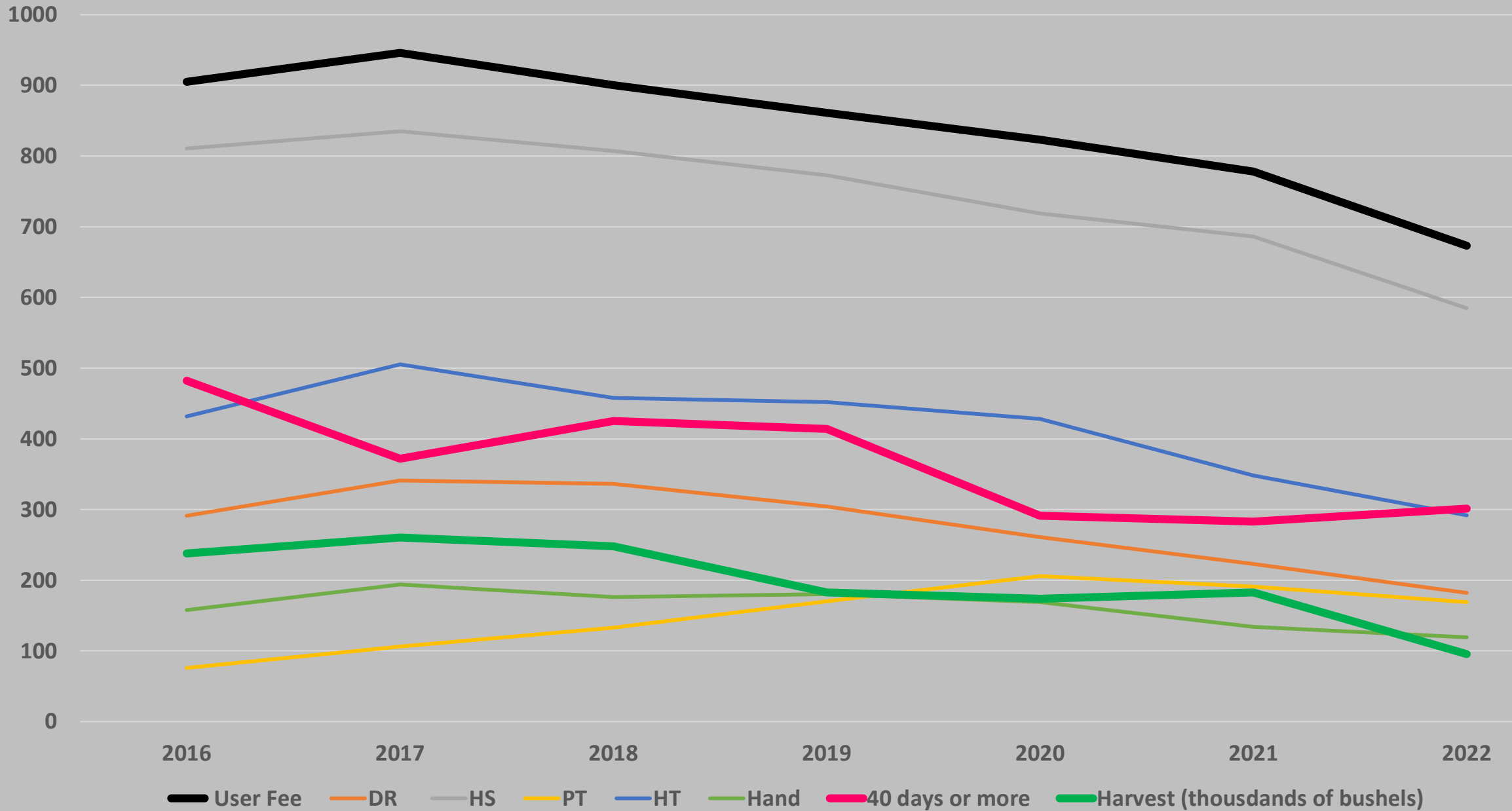
4 VAC 20-720-15. Control Date, License Moratorium, Transferability and Agents.

A. The Commission hereby establishes July 1, 2014, as the control date for management of all public oyster fisheries in Virginia. Participation by any individual in any public oyster fishery after the control date may not be considered in the calculation or distribution of oyster fishing rights should entry limitations be established. Any individual entering the public oyster fishery after the control date will forfeit any right to future participation in the public oyster fishery should further entry limitations be established by the Commission.

B. Only individuals who paid the oyster resource user fee described in § 28.2-541(A)(ii) of the Code of Virginia in any year, from 2013 through 2016, may pay that fee in 2017, for harvest of oysters from public ground in 2017. In any year following 2017, eligibility to pay the oyster resource user fee described in § 28.2-541 (A) (ii) of the Code of Virginia shall be limited to those individuals who paid the oyster resource user fee for harvest of oysters from public ground in the previous year.

C. Should the number of people eligible to pay the oyster resource user fee described in § 28.2-541(A)(ii) of the Code of Virginia in any given **year fall below 600**, a random drawing shall be held to award eligibility to pay that oyster resource user fee to individuals who were not previously eligible until the number of persons eligible to pay the fee reaches 600. Any Commercial Fisherman Registration Licensees may apply for the random drawing.

Gear and User Fees Sold





Year	User Fee	DR	HS	PT	HT	Hand	40 days or more	Harvest (thousand s of bushels)
2016	905	291	811	76	432	158	482	237.5785
2017	946	341	835	106	505	194	372	260.11706
2018	900	336	807	133	458	176	425	247.99658
2019	861	304	773	170	452	180	414	182.58351
2020	823	261	719	206	428	169	291	173.60866
2021	778	223	686	191	348	134	283	182.90825
2022	673	182	585	169	292	119	301	95.387

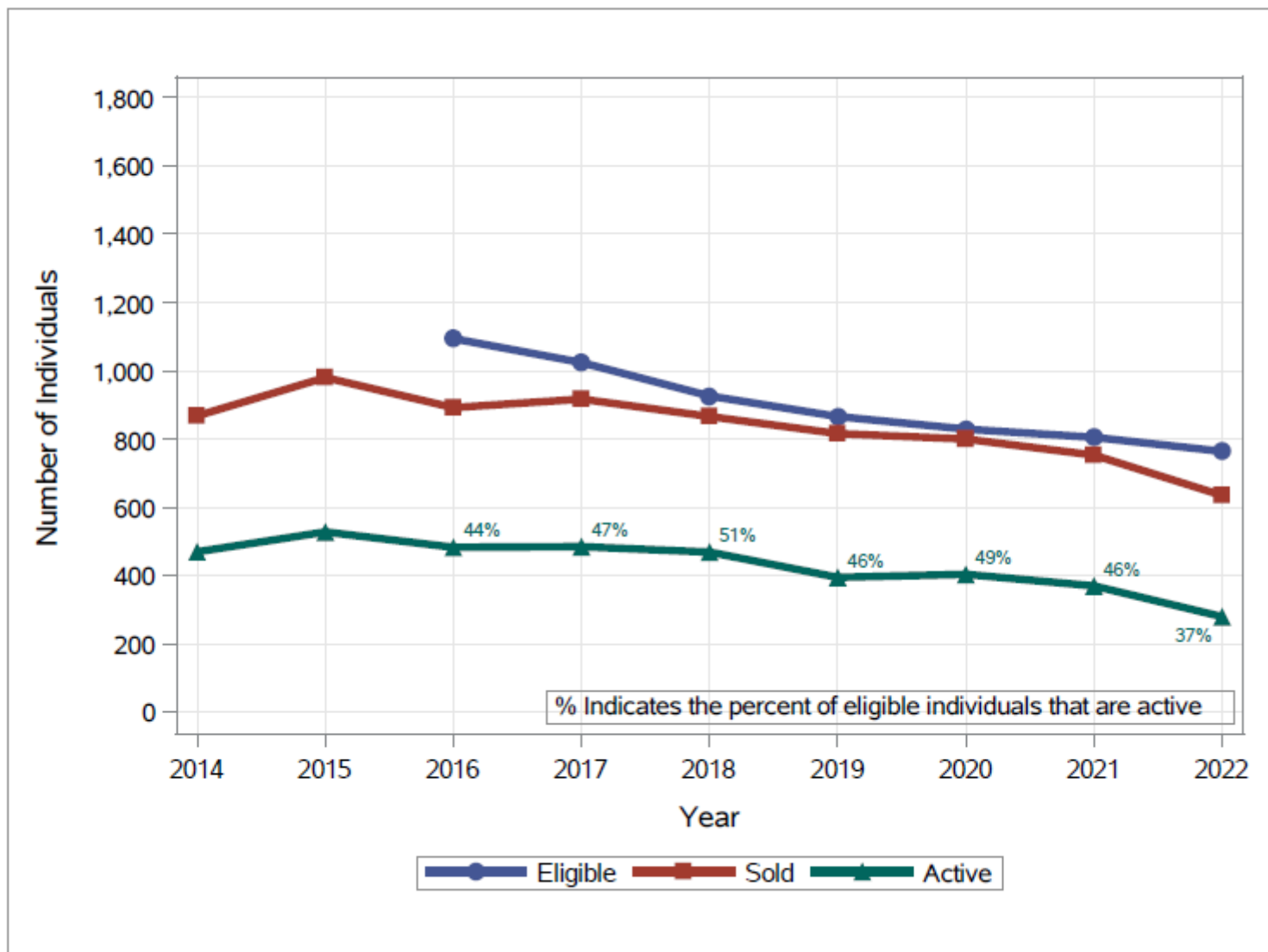


Data Current as of: April 13, 2022

YEAR	ELIGIBLE	SOLD	TRANSFERS	ACTIVE	INACTIVE IF ELIGIBLE
2014	.	868	.	470	.
2015	.	980	.	528	.
2016	1,094	892	10	483	611
2017	1,024	917	23	485	539
2018	926	866	20	469	457
2019	866	816	34	395	471
2020	829	800	15	404	425
2021	805	753	20	370	435
2022	764	635	2	280	484



FIGURE 1. PUBLIC OYSTER LICENSE (379) ELIGIBILITY, SALES, AND ACTIVITY, 2014 THROUGH 2022



TRANSFER OF ELIGIBILITY



D. Any person eligible to pay the oyster resource user fee described in clause (ii) of subsection A of § 28.2-541 of the Code of Virginia, or such person's legal representative, may transfer the eligibility to pay such user fee to:

1. A transferee who is the transferor's spouse, sibling, parent, child, grandparent, or grandchild and who possesses a current Commercial Fisherman Registration License and intends to participate in the public oyster fishery.
2. A transferee other than a person described in subdivision 1 of this subsection if the transferor has documented by mandatory reporting and buyers reports 40 days or more of public oyster harvest during the previous calendar year.

TRANSFER OF ELIGIBILITY



3. A transferee other than a person described in subdivision 1 of this subsection if the transferor has documented by mandatory reporting and buyers reports 40 days or more of public oyster harvest during at least one of the previous two calendar years and has a documented medical hardship or is deceased.

All transfers under this subsection shall be documented on a form provided by the Marine Resources Commission.

E. Exceptions to subsection B of this section shall only apply to those individuals who previously paid the oyster resource user fee described in § 28.2-541(A)(ii) of the Code of Virginia and shall be based on documented medical hardships or active military leave that prevented the fisherman from fully satisfying the requirements of subsection B of the section.

F. No person shall serve as an agent for any public oyster gear licensee.

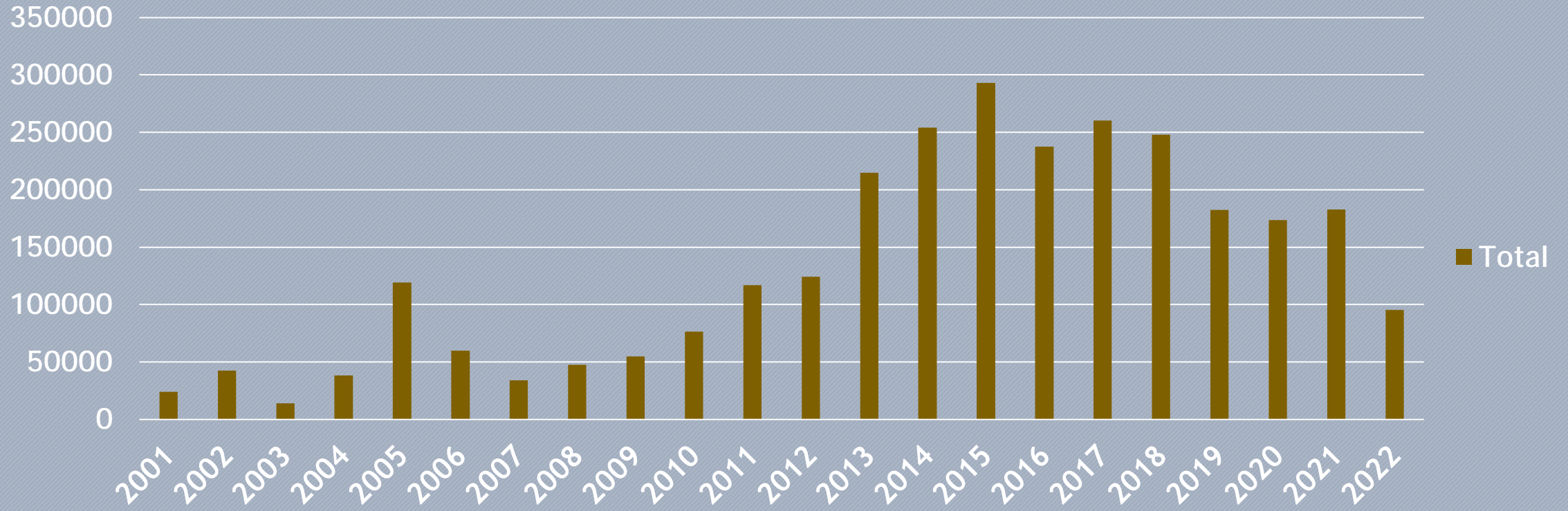
OTHER BUSINESS



PUBLIC HARVEST CALENDAR YEAR



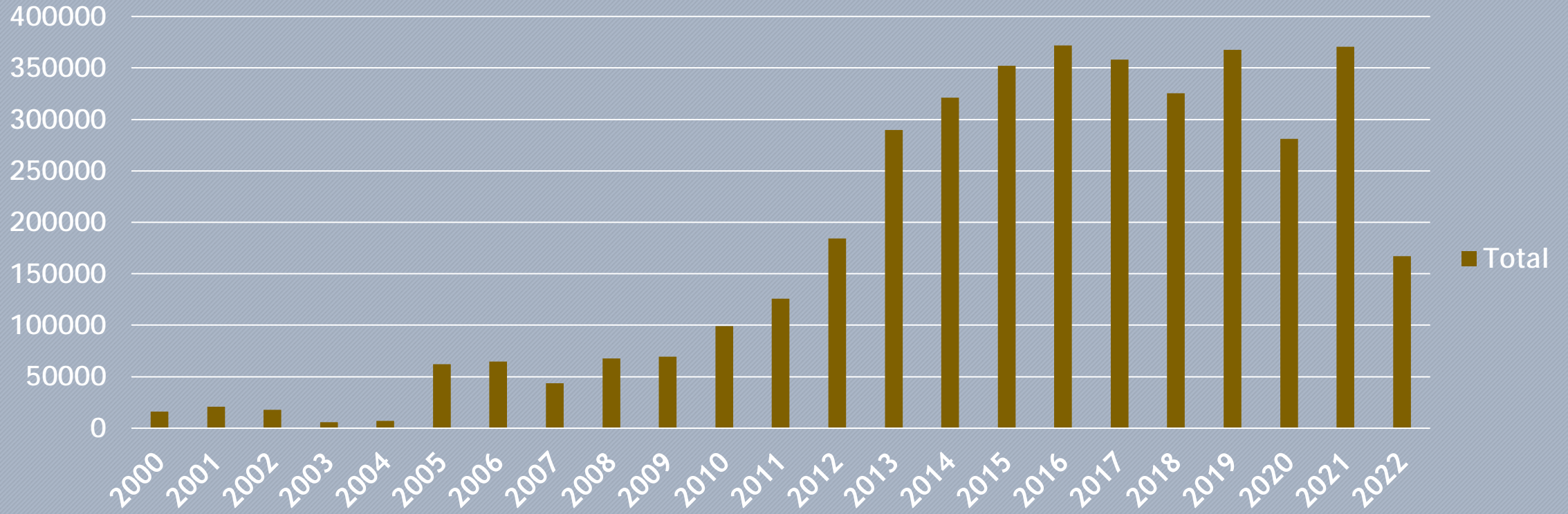
Bushels



PRIVATE HARVEST



Bushels



PUBLIC SEED HARVEST (BUSHEL)

