Warm Water Harvest Guide

Warm Water Harvest Season

May 1–October31

CHAPTER 4VAC20-1230-10 ET SEQ. "PERTAINING TO RESTRICTIONS ON SHELLFISH"

Warm Water Harvest is:

Established harvest times and handling procedures for shellfish, excluding seed oysters and seed clams, harvested for commercial purposes or any other use during warm weather months.

- Harvest times and handling procedures are established by VMRC and Virginia Department of Health/Division of Shellfish Safety (VDH/DSS)

Monthly Curfew

4VAC20-1230-31. Public healthandwarmwaterharvestrestrictions for oysters.

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.
- 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 below.
- 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:

May 1 – May 31:	11 AM
June 1, July & Aug.:	10 AM
Sept. 1 – Oct.31:	12 NOON

EXCEPTIONS to the curfew:

Must have a valid Warm Water Harvest Permit(s) issued through Virginia Marine Resources Commission, Shellfish Management Division.

Shading and tagging requirements apply EXCEPT for transporting seed oysters or seed clams for replanting.

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Types of Warm Water Harvest Permits

- Global Positioning System (GPS) Permit
- Aquaculture Husbandry Permit
- Bulk Seed Permit
- Shellfish Icing Permit

Request Warm Water Harvest permits through MRC website. Once permit request have been approved, they will be mailed and emailed.

PRIOR to requesting Warm Water Harvest Permit(s):

GPS Permits
Aquaculture Husbandry
Bulk Seed

Must have:

- Current Shellfish Harvester Safety Training
- Current Aquaculture User Fee (387): $50.00
- Current Oyster Aquaculture Product Owner Permit (108):$10.00
    - Fee can be purchased at an agent that sells VMRC licenses OR online through the Gateway (harvesters reporting online).
    - Click here for the list of MRC agents.
    - Click here for the Gateway
- Additional dredge permit is required if harvesting by scrape or dredge.
        - Click here to view § 28.2-515
    - Lease rent must be paid prior to issuance of a dredge permit.
    - Dredge Permits expire August 31 of each calendar year.
    - Dredge Permits are issued by MPO's.
        - Contact Virginia Marine Resources Commission (VMRC) Dispatch at (757) 247- 2265 and ask to speak to a Marine Police Officer (MPO). An available MPO will contact you by phone.

Icing Permit

Must have:

- Current Shellfish Harvester Safety Training
- Current Aquaculture Harvester Permit (109): $5.00

OR Licenses listed above

- Fee can be purchased at an agent that sells VMRC licenses OR online through the Gateway (harvesters reporting online).
    - Click here for the list of MRC agents.
    - Click here for the Gateway
- Additional dredge permit is required if harvesting by scrape or dredge.
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Warm Water Harvest Permit Definitions

Aquaculture Husbandry Permit

- Any individual handling oysters, as part of a cage aquaculture operation for husbandry purposes, after the designated harvesting times described in the monthly curfew is required to possess an Aquaculture Husbandry Permit.

Bulk Seed Permit

- Any individual harvesting or moving any amount of natural (wild) seed oysters that include oysters greater than 2-1/2 inches after the designated harvesting times described in the monthly curfew is required to possess a valid Bulk Seed Permit.

Shellfish Icing Permit

- Any individual has applied for and has been issued a Virginia Department of Health, Division of Shellfish Sanitation vessel approval certificate for mechanical refrigeration or icing in a storage container that is on board the vessel at all times during the harvest of oysters.
- The individual has applied for and has been issued a Marine Resources Commission shellfish harvester icing permit; and
- Oysters are placed in VDH-approved temperature controlled storage on board the vessel from the start of harvest and throughout the harvest period until the oysters are offloaded.

Global Positioning System (GPS) Permit

- GPS tracking device shall be on board the harvest vessel or with the individual
- Must be in continuous operation from the time that vessel or individual leaves the dock or shore until the vessel or individual returns to the dock or shore.
- Any vessel used for the harvest of shellfish, from either public or private grounds, shall provide shading over the area that serves as storage for the shellfish when the shellfish are on board that vessel.
- The oysters harvested are offloaded every day from that vessel or onto the dock or shore and placed into trucks or other conveyances equipped with VDH-approved temperature controlled storage.
- The total time, from the time the vessel or individual leaves the dock or shore until the oysters are placed into trucks or other conveyances equipped with VDH-approved temperature controlled storage, shall not exceed the following amount of time, by month:

  May and September, and October - 5 hours
  June - 3 hours
  July and August - 2 hours

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Warm Water Harvest Regulations

Pertaining to Restrictions on Shellfish

Harvest Times & Handling procedures for shellfish, and seed clams (Excluding seed oysters)
https://law.lis.virginia.gov/admincode/title4/agency20/chapter1230/

Penalty: Revocation of licenses
https://law.lis.virginia.gov/vacode/28.2-232/

Pertaining to the Tagging of Shellfish
https://law.lis.virginia.gov/admincode/title4/agency20/chapter1250/

Pertaining to Shellfish Handling
Sanitation Device
https://law.lis.virginia.gov/admincode/title4/agency20/chapter1100/

Violations; penalty
https://law.lis.virginia.gov/vacode/28.2-821/

QUESTIONS ABOUT SHELLFISH TRAINING, HARVEST, PERMITS OR LICENSES?



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