

## ABSTRACT OF COMMERCIAL LICENSE FEES

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Licenses Required of Persons and/or Gear Engaged or Used in the Commercial Taking, Catching or Buying of Fish, Oysters, Crabs & Clams

COMMERCIAL LICENSE REGISTRATION (required prior to any commercial license being issued)	Person	\$50.00
CRAB		
Dip Net, Trot Line, Patent Trot Line	Boat	65.00
Peeler Trap	Gear	20.00
Crab Pot - 300 Pots	Boat	135.00
Crab Pot - 400 Pots (Renewals Only)	Boat	200.00
Crab Pot - 500 Pots (Renewals Only)	Boat	265.00
OYSTER		
Oyster Surcharge	Person	300.00
Oyster Tonger	Person	95.00
"OT" Tags for Boat	Person	15.00
Power Assisted Hand Tongs	Boat	65.00
Hand Scrape Vessel	Boat	190.00
Hand Scrape Individual	Person	155.00
Assistant License	Boat	50.00
Registered Buyer	Person	50.00
FISH		
Pound Net (1200 ft. max. length)	Gear	125.00
Gill Net (Stake or Anchor) (600 ft. max. mesh)	Gear	40.00
Haul Seine (2400 ft. max. length)	Gear	125.00
Fyke, Hoop or Weir Net (300 ft. max. length)	Gear	35.00
Fish Trot Line (1,200 ft. max. length)	Boat	50.00
Fish Pot (18 ft. max. length)	Boat	65.00
Eel Pot (10 ft. max. length)	Boat	95.00
Bait Pot (24 in. max length)	Boat	65.00
Commercial Hook and Line	Person	65.00
Bowfish (Northern snakeheads only)	Person	35.00
CLAM		
Dredge	Gear	250.00
CHARTER BOAT		
Captain	Person	65.00
OYSTER MANAGEMENT RESERVE	(See Regulation VIII)	

## ABSTRACT OF SPORT LICENSE FEES

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### Licenses Required of Boats and/or Persons Sport Fishing or Crabbing

#### PERSONAL

MD/VA Resident	\$15.00
Non MD/VA Resident	22.50

PLEASURE BOATS	\$48.00
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#### CHARTER BOATS (to cover passengers)

Carrying 3 or less passengers	150.00
Carrying 6 or less passengers	240.00
Carrying 7 or more passengers	290.00

**NOTICE:** A Maryland Department of Natural Resources Bay Sport fishing license or a Virginia Marine Resources Commission saltwater fishing license is reciprocal with the Potomac River Fisheries Commission sport fishing license. Also, the Virginia Department of Game and Inland Fisheries state freshwater fishing license is reciprocal upstream of the Rt. 301 bridge.

**NOTICE:** All unlicensed anglers in the tidal Potomac River must be "Registered" with either the MdDNR or VMRC saltwater angler registration programs.

#### SPORT CRABBING

Boat	30.00
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**-REGULATIONS-**  
**POTOMAC RIVER FISHERIES COMMISSION**  
**FOR LICENSING AND TAKING OF FINFISH, CRABS,**  
**OYSTERS, AND SOFT SHELL CLAMS FROM THE**  
**WATERS OF THE POTOMAC RIVER**

**- Issued By -**  
**POTOMAC RIVER FISHERIES COMMISSION**  
**222 Taylor Street**  
**P.O. Box 9**  
**Colonial Beach, Virginia 22443**

Pursuant to the Provisions of the Potomac River Compact of 1958, as duly enacted into law by the General Assemblies of the States of Maryland and Virginia, and duly ratified by the Congress of the United States of America, the following regulations are duly enacted and promulgated by the Potomac River Fisheries Commission, as follows:

**REGULATION I**

**Section 1 .....Obtaining a License**

Sec. 1(a) Application/Eligibility for License

Commercial licenses, as herein defined, shall only be issued to persons who are at least fourteen (14) years of age at the time of issuance of such license. Any citizen of the States of Maryland or Virginia, who has resided in either or both said states for at least twelve (12) months immediately preceding their application, and desiring to commercially take and catch oysters and or clams; or any citizen of the United States desiring to operate any vessel for the purpose of carrying fee paying persons to catch or attempt to catch fish, crabs, clams or oysters in the waters of the Potomac River, as defined and provided for in the Potomac River Compact of 1958, shall first apply for and obtain a numbered license from the Potomac River Fisheries Commission, or from an officer or agent duly designated by the said Commission to issue same. Each said license shall be good for the licensing year January 1st through December 31st, except gill nets and the licensing for the taking and dealing in oysters, which shall be issued for a licensing year from July 1st through June 30th of each year. No license issued under the authority of the Potomac River Fisheries Commission shall be transferable in any manner.

## Regulation I

### Sec. 1(b) Unlawful Use of License and Giving False Information

It shall be unlawful for any person: (1) to permit any other person to use or exhibit his or her personal oyster tonging, hand scraping or clamming license, (2) to display or exhibit any oyster tonging, hand scraping or clamming license not issued to that person, (3) to give false information concerning his or her identity, or (4) to permit any other person whose licensing privileges are suspended or revoked to use or exhibit his or her vessel or gear type license during such suspension or revocation period.

### Sec. 1(c) Limited Entry Fisheries

A limited entry fishery is a fishery where the number of licenses available are limited by regulation or order of the Commission. Such limited entry fishery licenses are renewable annually to the licensee subject to the following conditions for each such fishery license:

- (i) Applicants who submit applications by mail assume the risk of delay on the part of the postal service.
- (ii) Applications for renewal of such gill net licenses must be submitted only during November, December or January of the license year for which the license is intended.
- (iii) Applications for renewal of all other such licenses must be submitted only during December preceding the year for which the license is intended or during January of the year for which the license is intended.
- (iv) Any such license, not renewed on or before the last day of January, which is not a Saturday, Sunday or legal holiday, may be renewed by the licensee only, upon the payment of twice the license fee or \$100.00 whichever amount shall be the greater, in addition to the published fees, on or before the last day of April, which is not a Saturday, Sunday or legal holiday at the principal office of the Commission. Any license renewed under this sub-section (iv) and then surrendered under Regulation I, Section 1(e), or any such license not renewed by such time shall become non-renewable and available under Regulation I, Section 1(d).

### Sec. 1(d)(1) Obtaining a Limited Entry Fishery License

Licenses for such fisheries shall be available on a first come first serve basis until the maximum number has been issued in any given license year. Thereafter, persons desiring to obtain a limited entry fishing license shall register with the Commission between December 1st and the last day of January that is not a Saturday, Sunday or legal holiday. The registration shall include the person's name and address and a non-refundable \$25.00 fee. No person may register more than once per year per fishery and the

## Regulation I

registration shall be for that year's random drawing only. On the first Monday of February at 12 o'clock noon, a public random drawing will be held to select the appropriate number of persons per fishery who will be given the opportunity to purchase subject license(s) valid for the balance of the year. Notice of being selected will be mailed, first class postage prepaid, to the persons selected at the address shown on the registration form. Failure to obtain said license(s) by March 31st will forfeit the license(s), thereby making it (them) available for the next year's drawing.

### Sec. 1(d)(2) Limited Entry License Limitations

Any limited entry license obtained through a random drawing pursuant to Regulation I, Section 1(d)(1) which is not renewed as provided for in Regulation I, Section 1(c) or any such license surrendered to the Commission within 5 years of the original date of issue for that license, shall become available through the next appropriate random drawing held pursuant to Regulation I, Section 1(d)(1).

### Sec. 1(e) Death of Licensee or Surrender of License

Upon the death of the licensee, a limited entry license or a fixed fishing device license and all rights pertaining thereto shall pass to those lawfully entitled thereto. If any licensee desires to surrender his or her limited entry or fixed device license, he or she may do so by delivering same to the Commission office at any time together with a statement of intent to that effect. The Commission may thereupon issue another limited entry or fixed device license for the surrendered license to any other applicant who has made timely application therefore.

## **Section 2 .....License Fees – Commercial**

### Sec. 2 Commercial License Registration

Any person desiring to purchase any Potomac River Fisheries Commission commercial fish, crab, clam, or oyster license or licenses on or after July 1st each year shall first be registered with the Commission for a fee of \$50.00. This registration fee must be paid in full, in addition to the published license fees, and prior to any commercial license being issued. Only one registration fee per person per year (July 1st through June 30th next) is required.

## Regulation I

### Crab

#### Sec. 2(a) Dip Nets, Trot Lines

For each boat used in taking or catching crabs commercially by dip nets, trot lines or patent trot lines, a license fee of \$65.00. Each buoy used to identify a crab trot line must be easily visible on the surface and must legibly display the letters "CL" and the tag number herein provided. The letters and numbers shall not be less than one (1) inch in height on a contrasting color background. The tag must be displayed in a clearly visible position on the outside starboard side of the vessel. Any crab trot line found in the water not so identified may be seized by the enforcement officers and shall be subject to forfeiture.

#### Sec. 2(b) Peeler Traps

For each peeler trap, a license fee of \$20.00.

#### Sec. 2(c) Patent Trot Lines

Repealed.

#### Sec. 2(d)(1) Crab Pots (**see also Sec. 2(d)(3)**)

A maximum number of crab pot licenses may be established from time to time by the Commission thereby making it a limited entry fishery. For each boat or vessel used in taking or catching crabs with crab pots, as defined in Regulation VII, Section 1(a), a license fee of \$135.00 for up to 300 crab pots, \$200.00 for up to 400 crab pots and a license fee of \$265.00 for up to 500 crab pots shall also be available from 1995 to those persons holding a valid 1994 crab pot license. Providing that thereafter, such persons may continue to renew their license for the number of pots selected in 1995 or for a lesser number of pots as set forth above, but in no instance for more than the number of pots licensed in the preceding year. When a license is surrendered and reissued, it shall be issued for the same or less amount of crab pots. In no instance shall a commercial crab pot license increase in the number of pots associated with the license. No more than one crab pot license may be issued to any person and/or for any single boat. The maximum number of pots may not exceed the number specified on the license. Whenever crab pots are being set, fished, or removed the licensee must be aboard the boat or vessel and have his/her license available for inspection by an authorized enforcement officer of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. Renewal of such license shall be pursuant to Regulation I, Section 1(c).



## Regulation I

### Sec. 2(d)(2) Designated Crab Pot Fisherman

A crab pot licensee may apply for a permit, for a fee of \$10, to designate another fisherman to fish his crab pots for a temporary period, subject to the following:

- (1) The licensee must provide his crab pot decal and boat number; the name, address, and date-of-birth of the designated fisherman; and the beginning and ending dates of the period, not to exceed 14 consecutive days or more than a total of 30 days during the crab season;
- (2) The designated fisherman must use the licensee's boat to fish the licensee's crab pots during this period;
- (3) The original license and the permit must be aboard the vessel and available for inspection whenever the designated fisherman is using the license.

### Sec. 2(d)(3) Crab Pot Limits

Notwithstanding the provisions of Regulation I, Section 2(d)(1), the Commission may from time to time and by appropriate Order, specify a lower limit on the number of pots that may be set per license. Such limit may be for the entire season or only specified period(s) of time, and/or for all or only specified areas of the Potomac. It shall be unlawful for the owner, captain, master, or any member of the crew of any boat licensed hereunder to set or fish more pots than the limit(s) specified under such Order.

### Sec. 2(d)(4) Crab Pots

During December and January only, two lesser crab pot licenses can be surrendered for one 400 or 500 pot license at the current price of such license, providing however, once combined the new 400 or 500 pot license cannot be split into two licenses in the future. Renewal of such license shall be pursuant to Regulation I, Section 1(c).

### Sec. 2(d)(5) Crab Pot ID Tags/Decals Fee and Replacement

- i) The fee for crab pot ID tags/decals shall be \$50.00 per crab pot license. Crabbers must declare their intent to be 'active' or 'inactive' at the time their license renewal/issue. The fee is payable at the time of renewal/issue for 'active' crabbers wishing to receive ID tags/decals by March 15<sup>th</sup>. 'Inactive' crabbers wishing to become 'active' must contact the office and pay the fee at least 45 days prior to receiving their ID tags/decals. ID tags/decals will be available for pick up at the Commission office, or can be shipped to the crabber for the established shipping and handling charge.

## Regulation I

- ii) Replacement ID tags/decals – The original number of ID tags/decals issued will be the lawful number of pots that can be set plus 5% as replacement ID tags/decals. Replacement ID tags/decals in excess of the original number issued may be purchased for \$1.00 each up to an additional 5%. Any further request for replacements must be accompanied by an incident report on forms supplied by the Commission. The Commission may, after review of the incident report, either grant or refuse to honor such request.
- iii) In the event of a river wide or defined area weather event, the Commission, by Order, may suspend the crab pot ID tags/decals requirement for such period of time(s) or area(s) as it determines.

### Sec. 2(d)(6) Two Crab Pot Licenses on One Boat

Notwithstanding the provisions of Regulation I, Section 2(d)(1), two (2) crab pot licensees may apply for an exemption permit, for a fee of \$50.00, to allow two (2) crab pot licenses to be assigned to a single primary boat under the following criteria:

- a) Both licenses (i.e. same CP numbers) must have actively crabbed in the Potomac River for at least 30 days in each of the last two (2) years.
- b) Both licenses have all seafood harvest reports filed at the time of their application. Neither license had been revoked or suspended by Commission action within the last two (2) years.
- c) Neither license has any PRFC violations of Regulation VII within two (2) years immediately prior to the date of their application for the exemption.
- d) No more than two (2) licenses can file for a single exemption permit.
- e) Both licensees have to be natural persons.

The conditions of the “2 On 1 Boat” exemption permit shall be as follows:

- a) Only (1) exemption permit per license per year will be granted.
- b) Both licensees, both crab pot decals and both sample buoys must be aboard the primary boat when both sets of the pots are set, pulled or fished. If only one (1) licensee is present, then only the pots licensed in his/her name can be set, pulled or fished. Setting, pulling or fishing the other person’s pots will be a violation of this Regulation, and will result in the immediate revocation of the exemption permit.

## Regulation I

- c) The idle boat may not be used for crabbing in the Potomac River while the exemption permit is valid.
- d) Each licensee must file his own separate weekly seafood catch reports – no combined reports.
- e) Before setting any crab pots, the PRFC issued “2 On 1 Boat” exemption permit placard must be firmly attached to the primary boat and displayed in a clearly visible position on the outside starboard side of the boat, in close proximity to the crab pot decals.
- f) An application for such exemption must be filed with the Commission together with a \$50.00 fee.

### Sec. 2(e)(1) Crab Buyer

Repealed.

## Oysters

### Sec. 2(f) Oyster License Surcharge

Any person desiring to purchase any Potomac River Fisheries Commission oyster license(s) shall first pay an oyster license surcharge as established from time to time by Commission Order, not to exceed \$350.00 per person per year. This oyster license surcharge fee must be paid in full, in addition to the published oyster license fees, and prior to any commercial oyster license being issued. Only one surcharge per person per season is required.

### Sec. 2(f)(1) Tonging

For each natural person working on any boat used in taking or catching oysters by hand tongs or power assisted hand tongs, a license fee of \$95.00. No oysters shall be taken by patent tongs, power dredging, and/or sail dredging. No oysters shall be taken or caught except during the tonging season, which shall be fixed from time to time by Commission Order. Before engaging in the catching or taking of oysters by hand tongs, or power assisted hand tongs, each operator of boat(s) or vessel(s), used in tonging oysters, shall be issued a set of "oyster tonging" (OT) tags, which shall be firmly attached to both sides of such boat(s) or vessel(s). The tags shall be positioned on or above the hull forward, but not on or near the bow, and in such a manner as to be clearly visible to passing boats. It shall be unlawful to tong oysters from any boat(s) or vessel(s) not displaying said tags. Tags shall be issued for a fee of \$15.00 per set to the captain or operator of the vessel.

## Regulation I

### Sec. 2(f)(2) Power Assisted Hand Tongs

For each boat or vessel used in taking or catching oysters rigged to use power assisted hand tongs, a license fee of \$65.00. This fee shall be in addition to that provided for in sub-section (f)(1) and must be obtained by the captain or operator of the vessel.

### Sec. 2(f)(3) Vessel License - HS

For each boat or vessel used in taking or catching oysters with a hand scrape, a license fee of \$190.00. Whenever the hand scrape is aboard the vessel the said license shall be aboard the boat or vessel and available for inspection by any authorized enforcement officer of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. No more than one license may be issued to any one vessel for a hand scrape and no more than one hand scrape may be on board any vessel so licensed at any time. Each vessel so licensed shall be issued a set of "hand scraping" (HS) tags, which shall be firmly attached to both sides of the vessel described in the license. The tags shall be positioned on or above the hull forward but not on or near the bow, and in such a manner as to be clearly visible to passing boats. It shall be unlawful to hand scrape from any vessel not displaying said tags.

### Sec. 2(f)(4) Personal License - HS

For each natural person aboard a vessel licensed for hand scraping, a license fee of \$155.00.

### Sec. 2(f)(5) Assistant License

- (1) For each boat or vessel used in taking or catching oysters with a hand scrape, an assistant license may be obtained for a fee of \$50.00. This fee shall be paid by the captain or operator of the vessel in addition to that provided for in sub-section (f)(3). An assistant license does not entitle the vessel to an additional catch limit. The assistant license allows a natural person to be onboard to cull the catch and assist with handling the dredge and offloading the catch. The assistant license does not allow the assistant to operate the dredge.
- (2) For each boat or vessel used in taking or catching oysters with hand tongs, an assistant license may be obtained for a fee of \$50.00. This fee shall be paid by the captain or operator of the vessel in addition to that provided for in sub-section (f)(1). An assistant license does not entitle the vessel to an additional catch limit. The assistant license allows a natural person to be onboard to cull the catch and assist with offloading the catch. The assistant license does not allow the assistant to physically engage in handling the tongs when the tongs are actively engaged in taking or catching oysters.

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### Sec. 2(g) Oyster Buyer's License

For each person buying or purchasing oysters in excess of 25 bushels a year on the Potomac River, a license fee of \$125.00. The license issued pursuant hereto may be used by a duly authorized agent or employee of the licensee for temporary or emergency purposes, provided said agent or employee and the license are aboard the boat used in purchasing oysters and the licensee shall continue to be responsible therefore.

### Sec. 2(g)(1) Oyster Buyer Registration Fee

Any person desiring to purchase any oysters from the Potomac River for resale, shall first register as an oyster buyer with the Potomac River Fisheries Commission and pay a registration fee of \$50.00 per fiscal year (July 1 – June 30).

## Fish

### Sec. 2(h) Pound Net

For each pound net, a license fee of \$125.00. A maximum number of pound net licenses, on either a total riverwide or per person basis, may be established from time to time by the Commission, thereby making it a limited entry fishery. The maximum number shall be one hundred (100) on a total riverwide basis. A pound net shall be defined as a fixed fishing device with one (1) head, trap or pound measuring not less than 20 feet square at the surface of the water on the channel end and only one (1) leader or hedging not less than 300 feet in length. For each additional head or trap on same leader or hedging, there will be an additional fee of \$25.00. The licensee shall be responsible for correctly locating each pound net. Each pound net may be identified by the licensee with at least one permanent marker pole or stake, which shall project above the surface of the water at least eight (8) feet at mean high tide and located at the channel end of the structure. The licensee's tag accompanying his license shall be attached to said pole at all times as provided in Regulation I, Section 2(n)(8) and marked as required by Regulation I, Section 2(s). Any pound net set at any other time or in any other manner, than that prescribed in these regulations, shall be unlawful.

### Sec. 2(i)(1) Gill Net

For each gill net a license fee of \$40.00. A maximum number of gill nets, on either a total riverwide basis or a per person basis, may be established from time to time by the Commission, thereby making it a limited entry fishery. No gill net stand location shall exceed a maximum length of 1200 feet (including lines, stakes, rings, buoys and anchors) nor shall the total amount of gill net webbing within the confines of the stand location exceed 600 feet. No stand location shall be licensed for any location that has a depth of

## Regulation I

water greater than 36 feet MLW. A person having a gill net license may place either a stake or anchor gill net as herein defined, but not both, at the location for which the license has been issued. All other provisions of Regulation I, Section 2(n), (o), (p) and (s) shall apply.

### Sec. 2(i)(2) Gill Net Definitions

A gill net shall be a flat net, which is suspended vertically in the water with meshes that allow the head of the fish to pass but entangle its gill covers as it seeks to escape. No gill net shall have a depth greater than 12 feet hung measure or exceed 600 feet in the length of its webbing material. A stake gill net shall be a fixed fishing device held stationary at its licensed location in the water by means of a series of wooden stakes or poles driven or embedded firmly into the bottom in such a manner as to support themselves and the net hung thereon. An anchor gill net shall be a fixed fishing device held stationary at its licensed location in the water by means of conventional anchors, heavy weights or one wooden pole or stake embedded into the river bottom at each end of the net. Gill nets shall be marked as specified in Regulation I, Section 2(s).

### Sec. 2(j) Haul Seine

For each haul seine having a maximum length of 2400 feet or less a fee of \$125.00. No haul seine shall be used in the Potomac River of a greater cumulative length than 2400 feet, including the brail line if used.

### Sec. 2(k) Fyke, Hoop or Weir Net

For each fyke net or hoop net, or similarly fixed device for catching fish or eels, a license fee of \$35.00. "Hoop net" means a fixed finfish entrapment device consisting of a series of hoops or frames covered by web netting, and having one or more internal funnel-shaped throats with tapered ends directed away from the mouth of the net. "Fyke net" is a modified hoop net with a set of wings attached to the mouth of the net with a leader. The wings are generally held open in a heart-shape by poles/stakes, and the leader/hedging extends toward the shoreline from the heart. There is no pound, pocket or crib associated with a hoop or fyke net. A hoop net or a fyke net shall not exceed a maximum length of 300 feet and new locations may not be licensed after 2006 for water greater than 6 feet MLW. When fished by the same licensee in the same row there shall be at least 100 feet of clear, unobstructed interval or open space between no more than three successive nets before the 200 feet requirement of Regulation I, Section 2(o) shall apply. Each net shall be identified as required by Regulation I, Section 2(n)(8) and marked as required by Regulation I, Section 2(s)(3).

## Regulation I

### Sec. 2(l)(1) Fish Trot Line

For each vessel using conventional or modified fish trot line(s), a license fee of \$50.00 per fish trot line. Each single fish trot line shall not exceed 1,200 feet in overall length. A conventional fish trot line is hereby defined as a series of hooks (i.e. two or more) connected by means of a single line not exceeding 1,200 feet in overall length, identified with at least one buoy attached to the connecting line. A modified fish trot line is hereby defined as a group of no more than 100 hooks individually buoyed and weighted and set or placed in a close proximity one to the next in a single row. Both the conventional and modified fish trot lines shall be constructed and set in such a manner that the hook(s) shall be suspended at a minimum depth of 10 feet MLW from the surface of the water, and in waters less than 10 feet MLW the hook(s) shall not be suspended above the river bottom.

### Sec. 2(l)(2) Hook and Line

For each natural person licensed to commercially fish as defined in Regulation I, Section 5(a) with a hook and line and/or a rod and reel, except fish trot line, a license fee of \$65.00. A maximum number of hook and line licenses, may be established from time to time by the Commission thereby making it a limited entry fishery. Renewal of such license shall be pursuant to Regulation I, Section 1(c). Whenever the licensee is fishing under this license the boat or vessel being used shall fly the pennant, that was issued with the license, in such a manner as to be clearly visible to passing boats. No more than two (2) licensees may be aboard the vessel and each licensee may fish under their own license; however both licensee's pennants must be flown and clearly visible to passing boats. When each licensee, who has paid the full license fee, is aboard the vessel and the said pennant is being displayed he may be accompanied by no more than two (2) unlicensed crew members. This license may not be used or the pennant flown from a licensed charter boat that has fee-paying passengers aboard. Any boat or vessel not flying such pennant shall be deemed to be sport fishing and all persons shall be subject to those license requirements, seasons, creel and size limits.

### Sec. 2(l)(3) Bowfishing (Northern Snakeheads Only)

For each natural person licensed to commercially fish as defined in Regulation I, Section 5(a) with a bow and arrow attached to a line, a license fee of \$35.00. Renewal of such license shall be pursuant to Regulation I, Section 1(c). Whenever the licensee is fishing under this license, he/she must have a retrieval line attached to projectile gear, may not be used within

## Regulation I

100 yards of any human being, private or public swimming area, international diving flag, occupied duck blind, or vessel other than the vessel occupied by the individual using the projectile gear. The only species that may be taken with this license is Northern snakehead.

### Fish, Eel and Bait Pots

#### Sec. 2(m)(1) License Required

No boat or vessel may be used in taking or catching fish, eels, or bait, with fish, eel or bait pot(s) without first obtaining a license therefore. Whenever said pot(s) are being fished, the license must be aboard the boat or vessel and available for inspection by any authorized enforcement officer of the State of Maryland or Virginia or agent of the Commission.

#### Sec. 2(m)(2) License Fees

For each boat or vessel used in taking or catching:

- (i) fish with fish pot(s), a license fee of \$65.00.
- (ii) eels with eel pot(s), a license fee of \$95.00.
- (iii) bait with bait pot(s), a license fee of \$65.00.

#### Sec. 2(m)(3) Definitions

- (i) Fish Pot - a finfish entrapment device with no wings or leader, with or without hoops, with a single entrance funnel. No fish pot shall exceed eighteen (18) feet in overall length or have a mesh size which is less than two (2) inches measured at its longest axis.
- (ii) Eel Pot - no eel pot shall exceed ten (10) feet in length or have a mesh size which measures less than 1/2 inch by 1/2 inch.
- (iii) Bait Pot - a bait pot shall be a cube shaped wire device measuring no more than 24 inches on any one edge having only one main compartment and a single optional bait compartment and equipped with one or two funnel shaped entrance port(s) and have a mesh size which is not less than one inch measured at its longest axis. If constructed with a bait compartment, such compartment must have a closed door. It is unlawful for any person to use any bait pot for the purpose of taking or catching crabs, or keep any crabs caught in the Potomac River.
- (iv) Bait - bait, for purposes of this regulation, shall be defined as marine life used as a lure for catching seafood.



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### Sec. 2(m)(4) Display of Tag & Identification of Pots

The tag herein provided with each license must be displayed in a clearly visible position on the outside starboard side of the boat or vessel. Fish, eel or bait pots, when placed in a series (i.e., two or more pots connected by any means) shall be identified by legibly displaying the letters “FP”, “EP”, or “BP” and the decal number herein provided on the end pots or buoy(s); pots fished singly shall be identified by legibly displaying the letters “FP”, “EP”, or “BP” and the decal number herein provided on each buoy. Any pot(s) in the water not so identified in this manner may be seized by the duly authorized enforcement officers, and shall be subject to forfeiture.

## Fixed Fishing Devices

### Sec. 2(n)(1) Application for License

Application for pound net, anchor gill net, stake gill net and fyke or hoop net licenses shall be for a fixed location or place where the device is to be fished. The license shall offer exclusive privilege to the licensee, or his agents, to fish the licensed device at the location described in the license for the term of the license. The licensee shall also have the right to renew said license subject to paragraphs (4) and (5) herein.

### Sec. 2(n)(2) Priority of Receipt - Fee to Accompany Application

Priority among applications accompanied by prescribed fee shall be determined by date and time of receipt. Applications shall not be accepted unless accompanied by the prescribed fee.

### Sec. 2(n)(3) Time for Submitting Application for Vacant Location

#### Definition of Vacant Location

Application for an available license under (1) hereof, for a vacant and currently unlicensed location, may be submitted at any time during the year for which the license is requested, or during December if requested for the following year. A license issued in December for the ensuing year precludes issuance of a license for said location to any other person during the current year. A vacant location is one as to which there are no outstanding renewal rights at the time of determining its status.

### Sec. 2(n)(4) Time and Place for Submitting and Issuing Renewal Licenses

Applicants who submit applications by mail assume the risk of delay on the part of the postal service.

- (i) Application for renewal of a gill net license under (n)(1) at a currently licensed location may be submitted only during November, December or January of the year for which the license is intended. Any gill net

## Regulation I

- license location for which a renewal license has not been issued on or before the last day in January which is not a Saturday, Sunday or legal holiday, shall become vacant and unlicensed with no outstanding renewal rights for that location as of the end of that day.
- (ii) Application for renewal of a pound net or fyke net license under (n)(1) at a currently licensed location may be submitted only during December preceding the year for which the license is intended or during January of the year for which the license is intended. Any pound net or fyke net license location for which a renewal license has not been issued on or before the last day in January which is not a Saturday, Sunday or legal holiday, shall become vacant and unlicensed with no outstanding renewal rights for that location as of the end of that day.
  - (iii) If the maximum number of licenses had been issued the previous year for the fishery, any non-renewed licenses shall become available under Regulation I, Section 1(c). Otherwise, any applicant may submit an application for that location on or after the first day in February, which is not a Saturday, Sunday or legal holiday. On the first day of February which is not a Saturday, Sunday or legal holiday, licenses for a fixed location will be issued in person only at the principal office of the Commission.

### Sec. 2(n)(5) Implied Representations of Renewal Application

A licensee applying for renewal of a license issued to him for fixed location, is deemed to represent to the Potomac River Fisheries Commission (hereinafter referred to as "Commission"), with respect to said location:

- (i) That he has removed all stakes and poles from said location pursuant to Regulation I, Section 2(s); and
- (ii) That he has filed all catch reports required to be filed by these Regulations.

### Sec. 2(n)(6) Time for Opposing Renewal - Notice Required

Any person desiring to oppose the renewal of a license for a fixed location may do so by filing a notice of intent to oppose renewal on or before December 15 preceding the year for which renewal is sought. The notice shall state grounds to oppose, i.e.(n)(5). If no such notice is filed with the Commission prior to December 15, the Commission shall issue such renewal license at any time after December 15 for the next year. The notice must be accompanied by a non-refundable cash bond of \$100.00 or twice the appropriate license fee, whichever is greater. Such bond requirement is not required of Commission employees, or its agents, or those included in Article V, Section 1 of the Compact. Upon filing of such a notice, the Commission shall personally notify the renewing applicant of the filing of such opposing notice and provide a copy of same to the renewing applicant.

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If the renewing applicant does not contest the notice by written notice to the Commission within ten (10) days of receipt of said notice, the location shall then be considered vacant and unlicensed. If the renewing applicant files a written notice of contest with the Commission within ten (10) days of such notice, the Commission shall thereafter schedule a hearing at which the burden of proof shall be on the person opposing renewal to establish by a preponderance of the evidence that the renewing applicant has not done those acts required under paragraph (5) hereof. The Commission may issue a temporary license, pending such hearing, to the renewing licensee.

### Sec. 2(n)(7) Forfeiture of Renewal Rights

If the Commission finds, after a hearing, that the provisions of (5) hereof have not been met, it may declare the applicant's renewal rights forfeited. In the event an applicant's renewal rights are declared forfeited, a net license for the subject location may be granted to any other applicant who has made timely application therefore.

### Sec. 2(n)(8) Identification and Display of Tag

Licensee shall procure and affix the tag accompanying his license to the stake or buoy at the head and outer end of such structure and at such a height and in such a position as to be readily seen from passing boats. This identification shall be displayed from the setting of the first stake or buoy until the removal of the last stake or buoy. When more than a single piece of gill net webbing is being set within a licensed stand, all anchor gill net pull up buoys shall be identified with the letters "GN" and the corresponding tag number.

### Sec. 2(n)(9) Maintenance of Location

All stakes or buoys shall project not less than four (4) feet above the surface of the water at mean high tide. Each pound net, gill net and fyke or hoop net licensee shall maintain his stakes in good condition. He shall remove all stakes that may be unsound, leaning, broken or liable to become navigational hazards. All anchor gill net marker buoys and anchors shall be removed from the river within 10 days of the net being removed, or 10 days after the closing of the spring season whichever occurs first.

### Sec. 2(n)(10) Re-assignment of Location

The Commission may re-assign to another applicant any or all assigned fishing locations of a licensee in the event of non-renewal, forfeiture, suspension or revocation. Such re-assignment may be for such period of time as the Commission shall determine, and may be with renewal rights or subject to the renewal rights of the suspended licensee.

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### Sec. 2(o) Length of Net, Distance Apart

No net, single fishing device or structure shall have a total length (except a haul seine) greater than 1,200 feet including lines, stakes, and rings in the Potomac River. Except as provided by sub-section (k) of this section, between successive fishing nets, devices, or structures in the same row, there shall be at least 200 feet of clear and unobstructed interval or open space, and adjoining rows of same shall be at least 1,200 feet apart. In addition, a clear passageway in the Potomac River of at least 200 feet wide shall be maintained at all times between all navigable channels and all established boat landings.

### Sec. 2(p) Location of Adjacent Nets

No net, fishing device or structure shall be placed or fished within 1,200 feet of the side or end of any other net, fishing device or structure unless in the same row.

### Sec. 2(q) Identification of Fish Trot Line

Each buoy used to identify a fish trot line must be easily visible on the surface and must legibly display the letters "FL" and the tag number herein provided. The letters and numbers shall not be less than one (1) inch in height on a contrasting color background. The tag must be displayed in a clearly visible position on the outside starboard side of the vessel. Any fish trot line either conventional or modified found in the water not so identified may be seized by the enforcement officers and shall be subject to forfeiture.

### Sec. 2(r) Stake Gill Nets and Anchored Stake Gill Nets Repealed.

## **Setting Nets, Removal of Stakes and Reflective Tape**

### Sec. 2(s)(1) Setting Nets

All licensees shall set all nets in accordance with the location description contained on their licenses. Gill net stakes or poles, anchor gill nets, and pound and fyke net hedging poles, shall be kept in a straight line, in accordance with the license location, throughout the entire structure and row.

### Sec. 2(s)(2) Removal of Stakes

All fish net stakes shall be pulled and removed from the Potomac River by the licensee within fifteen (15) days after the close of the respective fishing seasons except the pound net marker pole provided in Regulation I, Section 2(h). The pound net licensee may start setting stakes or poles no sooner than fifteen (15) days before the fishing season. Failure to remove fish net

## **Regulation I**

stakes as herein provided shall constitute a separate offense for each and every day said stakes remain after the prescribed time for removal thereof.

### **Sec. 2(s)(3) Marking Nets and Reflective Tape**

The term 'tape', as used herein, shall mean at least 4 inch wide, waterproof, retro-reflective material of the prescribed color and affixed at least 4 feet above mean high tide and giving 360 degree visibility. Pound nets, fyke nets and gill nets, whether the net be attached or not, shall be marked as follows: the stake, pole or buoy furthest from the Maryland shore with three bands of red tape; the stake, pole or buoy furthest from the Virginia shore with three bands of green tape; and between the said marked end stakes or poles, a series, of at least three, single bands of white tape placed equally distant from one another, but not more than 150 feet apart. Providing, however; on the first day of setting pound net stakes, the licensee shall attach the tag accompanying his license and reflective tape to the outside (channel end) pole. The remaining tape must be attached within 15 days, or upon completion of the stand, whichever comes first. Anchor gill nets shall also be marked as follows: the stake, pole or buoy furthest from the Maryland shore with a red triangular flag at least 12 inches in length on each edge, and the stake, pole or buoy furthest from the Virginia shore with a green square flag at least 12 inches in length on edge.

## **Clams**

### **Sec. 2(t) Clam Dredge License Fee.**

The fee for each soft shell clam dredge license shall be \$250.00. The application for such license shall include a statement as to the name or number of the boat to be used, its dimensions, and that the applicant will be the captain, master and/or operator thereof.

## **Charter Boat**

### **Sec. 2(u) Charter Boat Captain**

For each Charter Boat Captain, a license fee of \$65.00. For the purposes of this section, the term "Charter Boat" shall include any vessel used to carry fee paying persons to catch or attempt to catch finfish, crabs, oysters or clams, including but not limited to, vessels commonly known as charter, head, party or guide boats. The application for such license shall include a copy of the applicant's current United States Coast Guard License permitting him to carry passengers for hire. Applications without such documentation shall not be approved. Captains licensed under this section and carrying fee paying persons to catch or attempting to catch finfish shall do so only from a vessel properly licensed under Regulation VI.

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### Section 3 .....General Provisions for All Licenses

#### Sec. 3(a)(1) Person

A person shall mean any individual, party, company, corporation, limited liability company, partnership, firm or association.

#### Sec. 3(a)(2) Natural Person

A natural person shall mean a single human being.

#### Sec. 3(b) Unlawful to Commercially Take Seafood Without a License

It shall be unlawful for any person to engage in the commercial taking and catching of oysters, crabs, finfish, soft shell clams and other seafood on the Potomac River in the area prescribed in the Regulations of the Potomac River Fisheries Commission, nor shall any person use or permit the use of any net, boat, tongs, dredge, or other device, nor shall any person take any action for which a license is required under the foregoing Regulations, without first having procured a license from the Commission as provided in the Regulations of the Potomac River Fisheries Commission. All persons so engaged shall exhibit their licenses for so doing when required by any enforcement officer of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission.

#### Sec. 3(c) Float Free Channels

It shall be unlawful for any person to set, place or fish any bait, eel, fish or crab pot, or any fish or crab trot line within the limits of a federally identified navigational channel entering the Potomac River from any tributary. Nor shall the gear be placed in such a manner that the buoy identifying the gear is within the limits of such channels. For the purpose of this regulation, the limits of a channel are defined as the width between corresponding port and starboard navigational aids or a width of 200 feet from a single navigational aid on the channel side, whichever is greater, from the first marker (#1 Green or #2 Red) to the mouth of the tributary. Any such device or buoy set, placed or fished in violation of this section may be seized by any duly authorized enforcement officer pending adjudication of the case.

#### Sec. 3(d) Abandoned Fishing/Crabbing Gear

It shall be unlawful to abandon any fishing or crabbing gear, whether licensed or unlicensed, within the Potomac River. Any duly authorized enforcement officer who suspects any gear is abandoned shall identify such gear with a Commission supplied "Notice to Remove" tag. This tag shall list the date installed, the officer's name or unit number and the appropriate number of days before it is declared abandoned. If the gear identified with a

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"Notice to Remove" tag remains in the Potomac after the deadline it may be seized and disposed of at the discretion of said enforcement officer to the best interest of the Potomac River. The number of days needed for gear to be declared abandoned shall be: for non-fixed gear - 7 days; for fixed gear - 30 days.

### Sec. 3(e) Unlawful to Counterfeit, Alter or Modify Striped Bass Identification Tags

It shall be unlawful to counterfeit, alter or modify any Potomac River Fisheries Commission striped bass identification tag, or to possess, use or attempt to use any counterfeit, altered or modified tag(s). Each such tag shall constitute a separate offense. All such tag(s) found by any authorized officer or agent of the Commission are to be seized, together with any fish and all other tags in possession and/or having been issued to such person. In addition to any penalty imposed under Regulation I, Section 6, the Commission may, after a hearing, recall all striped bass identification tags issued to any person found guilty of this section, and/or refuse to issue any tags in the future to him or his assignee.

### Sec. 3(f) Unlawful to Possess Other Jurisdictional Striped Bass Tags

It shall be unlawful for any person or any person onboard a vessel to possess any commercial striped bass identification tag(s) issued by Maryland, Virginia or any other jurisdiction while engaged in fishing for striped bass in the Potomac River Fisheries Commission's jurisdictional waters. Each such tag shall constitute a separate offense. All such tag(s) found by any authorized officer or agent of the Commission are to be seized, together with any fish and all other striped bass identification tags in possession and/or having been issued to such person. Unlawful striped bass identification tags shall be confiscated. In addition to any penalty imposed under Regulation I, Section 6, the Commission may, after a hearing, recall all striped bass identification tags issued to any person found guilty of this section, and/or refuse to issue any tags in the future to him or his assignee.

## **Section 4 .....Suspension or Revocation of License**

### Sec. 4(a) Notice and Hearing

The Potomac River Fisheries Commission after twenty (20) days notice to any person holding a license issued by it, may after a hearing, suspend or revoke such license. The Commission may, after a hearing, refuse to issue a license to any person: (a) who is a violator of the Regulations of the Commission or of the applicable laws regulating the taking, catching, and

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marketing of seafood on the Potomac River; or (b) who has failed to file any report required by the Regulations of the Commission; or (c) who has failed to comply with a seafood catch audit notice.

### Sec. 4(b) Automatic Suspension

Any person licensed by this Commission to commercially fish any gear, including charter boats, capable of catching striped bass or persons having been issued striped bass identification tags who fails to properly file the weekly seafood catch reports shall not be allowed to catch and/or sell striped bass and his license(s) shall be automatically and immediately suspended. The suspension shall be until reports are properly filed or the Commission has acted under sub-section (a) hereof.

### Sec. 4(c) Automatic Revocation

Any person convicted, in a court of competent jurisdiction, of violating Regulation II, Section 2(f) (oyster cull law) wherein the charge was having in possession oysters which consist of 26% or more by volume of oyster shells and unlawful size oysters, shall have his oyster license(s) automatically and immediately revoked. No new oyster license may be issued to such person until he has appeared before the Commission and the Commission has made a determination that a new license may be issued to such person.

## **Section 5 .....Commercially Taking Seafood and Reduced License Fees**

### Sec. 5(a) Commercial Use

Commercially taking or catching seafood under the Regulations of the Potomac River Fisheries Commission shall be construed to be taking or catching, or the attempted taking or catching of same for market or profit. Taking of crabs by crab pot; finfish by use of nets (other than dip nets), seines, trot lines, hook & line or pots; soft shell clams by means of hydraulic dredge; and the taking of fee paying persons to catch or attempt to catch fish, crabs, oysters or clams, shall all be deemed a commercial action requiring a license hereunder, except as provided in Regulation VI hereof. When a person is commercially fishing, it shall be unlawful to recreationally fish on the same trip. Commercial harvest must be landed or off loaded from the vessel before returning to the Potomac River to recreationally fish.

### Sec. 5(b) Household Use

Repealed.

### Sec. 5(c) Recreational or Sport Finfishing

Repealed.



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### Sec. 5(d) Reduction of License Fees

Except persons born after July 15, 1945, natural persons who have for the previous three (3) years held a Potomac River Fisheries Commission license or licenses, as listed herein, shall be eligible to renew and/or obtain such license(s) for a reduced fee of 50% of the current license fee. The licenses available under this section are as follows:

- (1) crab dip nets, crab trot lines and patent crab trot lines.
- (2) a single peeler trap.
- (3) a single boat or vessel used by the licensee to catch crabs with crab pot(s).
- (4) oyster hand tong, however, this exemption does not apply to the fee for the "OT" tags issued to the captain.
- (5) the "OT" vessel license for power assisted hand tong rigs.
- (6) oyster hand scrape.
- (7) oyster hand scrape vessel.
- (8) a single boat or vessel used by the licensee to take fish with fish trot line(s).
- (9) a commercial hook and line.
- (10) a single boat or vessel used by the licensee to take fish with fish pot(s).
- (11) a single boat or vessel used by the licensee to take eels with eel pot(s).
- (12) a single boat or vessel used by the licensee to take bait with bait pot(s).

Additional licenses or similar types of licenses not listed herein require payment of the usual license fees provided for in Section 2 of this Regulation.

## **Section 6 .....General Penalty Provisions for All Regulations**

### Sec. 6(a) Punishment for Violations

In accordance with the provisions of Article 5, Section 2 of the Potomac River Compact of 1958, the following penalties are hereby provided for violations of all regulations or orders of this Commission:

- (1) For any first offense, except (i) those involving the destruction or theft of seafood, nets or gear of another, or (ii) offenses involving any person or entity engaging in fishing while the person or entity's privilege or license to fish has been suspended or revoked, shall be punishable, by a fine not to exceed five hundred dollars (\$500.00).
- (2) For any first offense (i) involving the destruction or theft of seafood, nets or gear of another; or (ii) involving a person or entity engaged in fishing while the person or entity's privilege or license to fish has

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been suspended or revoked; or (iii) any second or subsequent violation of a regulation or order of the Commission or of any section or subsection of the same regulation or order within 24 months of the finding of the previous violation, such violation shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or 12 months in jail, or both, and upon conviction of any such offense, under paragraph 2 herein, the court, may, in its discretion, confiscate any boat and/or equipment used in said violation.

### Sec. 6(b) Prepayable Offenses and Fines

The Commission may, from time to time, publish a schedule of prepayable offenses and fines. A violation of any regulation or order of the Potomac River Fisheries Commission listed in such schedule may be prepaid only if the person or entity is not charged or convicted with a second or subsequent violation of such regulation or order within the 24 month period preceding a violation charged hereunder.

## **Section 7 .....Commission's Order Authority**

### Sec. 7(a) Commission's Order Authority

The Commission may from time to time issue Orders of the Commission. The Orders of the Commission shall have the same force, effect, be published, and be enforceable and punishable in the same method and manner as regulations of the Commission. Orders of the Commission must contain an effective date, sufficient detail on species, areas, gears, limits, times, and such other pertinent data as necessary. They are as follows:

- (1.) Orders subject to specific regulatory authority. Orders subject to specific regulatory authority found elsewhere in these regulations, shall be limited in scope to such specific authority, and when some pre-established harvest limit has been reached the order may become effective immediately, otherwise it may become effective 10 days after its adoption or such later date as set by the Commission, and can remain in effect until further notice.
- (2.) Orders not subject to specific regulatory authority. Whenever in the judgment of the Commission it is deemed necessary to modify existing regulations or orders in a timely manner or to meet the fishing standards established by a Fisheries Management Plan duly adopted by the Atlantic States Marine Fisheries Commission, it may issue such an order. In making such determination, the Commission shall consider the protection, promotion, growth and conservation of the seafood

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resources and their fisheries. Such order may become effective 10 days after its adoption, or such later date as set by the Commission, and remain in effect not more than one year.

- (3.) Emergency orders. Whenever it is deemed necessary for the preservation of any seafood resource(s) in the Potomac River, the Commission may, by emergency order, open or close the entire river, or any parts thereof, to the taking, catching or removing of any or all species, either for certain periods of time or as to the methods or means of taking same, or any combination of such actions. Emergency orders of the Commission may become effective immediately, or such later date as set by the Commission, and remain in effect not more than 180 days.

### **Section 8 .....Commission's Authority To Open and Close Areas**

#### Sec. 8(a) Commission's Authority To Open and Close Areas

The Commission may, by appropriate order, whenever it deems necessary, open or close the entire River, or any parts thereof, to the taking, catching or removing of oysters, clams, crabs or finfish; either for certain periods of time or days of the week, or as to the limits, the methods or means of taking same, or any combination of such actions. In making its determination, the Commission shall consider the protection, promotion, growth and conservation of the seafood resources; including seed beds, shells and other culch, spawning and nursery areas and seasons, and the repletion and rehabilitation of the resources and their associated fisheries.

### **Section 9 .....Severability Clause**

#### Sec. 9(a) Severability Clause

If any word, clause, sentence, paragraph or section of the Regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

### **Section 10 .....Effective Date**

#### Sec. 10(a) Effective Date

These Regulations shall take full force and affect thirty (30) days after their final adoption by the Commission.

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**REGULATION II**  
**OYSTER REGULATIONS**

**Section 1 .....Definitions**

Sec. 1(a) Hand Tongs

Any pincers, nippers, tongs, or similar device used in catching oysters which consist of two shafts or handles attached to opposable and complementary pincers, baskets or containers operated entirely by hand from the surface of the water and which device has no external or internal power source.

Sec. 1(b) Power Assisted Hand Tongs

Any hand tongs opened, closed and emptied by hand which can be lifted by mechanical means of a single rope or cable attached to only a single shaft.

Sec. 1(c) Patent Tongs

Any pincers, nippers, tongs or similar device used to take or catch oysters and raised with rope, cable or other hoisting gear, the use of which on the Potomac River is prohibited by the Potomac River Compact of 1958.

Sec. 1(d) Dredge

Any dredge, scoop or similar device used in taking or catching shellfish by dragging, which is hauled and operable by the use of a winch, winder, spool or other hoisting gear.

Sec. 1(e) Hand Scrape

Any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from the water bottom or the bed of a body of water, which device has no external or internal power source and may be attached to a winch, winder, spool or other hoisting gear.

Sec. 1(f) Tong Boat

Any boat on which, or from which tongs are used in taking or catching oysters.

Sec. 1(g) Buy Boat

Any boat engaged or used in buying, selling or transporting oysters caught or taken by other boats on the Potomac River.

Sec. 1(h) Person

Repealed

Sec. 1(i) Commission

Potomac River Fisheries Commission.

Sec. 1(j) Potomac River

All those waters commonly known as the Potomac River lying within the

## Regulation II

limits of the State of Maryland as defined and delineated by the Potomac River Compact of 1958.

### Sec. 1(k) Oyster Sanctuary

A designated area that is closed to all commercial and recreational oyster harvest by any means at any time.

### Sec. 1(l) Oyster Basket

A round container with rigid, open mesh straight sides and a porous straight bottom; made of smooth, impervious, corrosion-resistant and non-toxic materials which will not readily disintegrate or crack. An oyster basket shall have the following minimum dimensions, all measured from inside to inside: 16 ½ inches top diameter; 13 ½ inches bottom diameter; 14 ½ inches in height.

## **Section 2 .....Provisions for the Taking or Catching of Oysters**

### Sec. 2(a)(1) Devices for Taking or Catching Oysters

It shall only be lawful to take, catch or remove oysters commercially from the waters of the Potomac River by means of hand tongs, power assisted hand tongs, or a hand scrape, as defined in these regulations, and by no other means. On Heron Island Oyster Bar, only hand tongs and power assisted hand tongs 18 feet or less in length may be used or possessed aboard any boat or vessel engaged in any oystering activity. A hand tongs length shall be measured along the shaft from the end to the tip of the teeth.

### Sec. 2(a)(2) Time for Use and Possession of Hand Scrape Repealed.

### Sec. 2(a)(3) Equipment Prohibited Aboard Hand Scrape Vessel

No hand tongs or power assisted hand tongs may be used or possessed aboard any hand scrape licensed vessel at the same time as said hand scrape, nor may any dredge or hand scrape be used or possessed aboard any hand tong or power assisted hand tong licensed vessel at the same time as said hand tongs or power assisted hand tongs.

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### Sec. 2(a)(4) Closed Areas for Hand Scraping / Hand TONGING

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

- (1) "All areas lying upstream from a straight line between a point (38°16.02' North Latitude, 76°52.00' West Longitude) at Neal Sound Entrance Light #2 in Charles County, Maryland and a point (38°11.52' North Latitude, 76°54.20' West Longitude) at the mouth of Popes Creek in Westmoreland County, Virginia and,
- (2) Heron Island Oyster Bar, bound on the north by the PRFC/DNR jurisdictional line, as marked by markers PR "M3A", "M3B", "M3C", "M3D" and "M3E"; on the west by Dukeharts Channel, as marked by the navigational aids "G C1", "FL G3" and "G C5"; on the south by the Potomac main channel, as marked by navigational aids "R N 14" and "R N 12"; and, on the east by Breton Bay Channel, as marked by navigational aid "R G N 'Hi'" and Marker "PR M3E".

Notwithstanding the above provisions of this Regulation the Commission may, by appropriate Order, open or close any areas of the Potomac River under its jurisdiction to the taking or catching of oysters by hand tong and/or hand scrape. If a closure is specified, it shall be unlawful to take any oysters in violation of such Order.

### Sec. 2(b) Season Dates, Days and Times for Taking or Landing Oysters

The Commission may from time to time and by appropriate Order, specify the oyster season dates, days and times during which oysters may be taken or caught and the manner of such taking or catching. It shall be unlawful to take any oysters in violation of such Order. It shall be unlawful for any person to take or attempt to take or catch oysters on Saturday or Sunday. It shall be unlawful to land or unload oysters earlier than sunrise or later than sunset, or for any buy boat to unload oysters earlier than sunrise or later than sunset at any time.

### Sec. 2(c) Interference with Buoys and Markers

It shall be unlawful for any person other than a duly authorized enforcement officer or agent of the Potomac River Fisheries Commission to move, damage, destroy or deface any Potomac River Fisheries Commission buoy, marker, monument or any scientific devices placed in the waters of the Potomac River, or to fasten, tie or anchor any boat thereto.

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### Sec. 2(d) Seafood in Polluted Areas

It shall be unlawful for any person to take or catch shellfish in any area closed by the Maryland Department of the Environment or other duly authorized governmental agency, except that oysters and other seafood may be transplanted from such polluted areas during the closed season by the Potomac River Fisheries Commission.

### Sec. 2(e) Unlawful Equipment

It shall be unlawful for the owner, captain, master, or any member of the crew of any boat engaged in taking, catching or removing oysters from the Potomac River, or any boat with oysters on board, to have on board such boat, or in tow, or to permit on board or in tow, any dredge or patent tongs, unless said person has a written permit from the Potomac River Fisheries Commission.

## **Oyster Cull Law**

### Sec. 2(f)(1) Sizes

It shall be unlawful for any person to take, catch, sell, offer to buy or expose for sale or have in possession oysters which consist of five percent (5%) or more by volume of oyster shells and oysters whose shells measure less than three (3) inches.

### Sec. 2(f)(2) Culling Required

All oysters taken from the Potomac River shall be culled at the point where taken by the person or persons taking, catching or removing said oysters. All culling shall be completed and the cull board cleared within fifteen (15) minutes after the lawful time for taking or catching oysters. All oysters required by subsection f(1) to be culled, exclusive of culch, whether attached to an otherwise lawful oyster or not, shall be culled and returned, together with all empty shells, to the rock, bed or shoal whence taken. Whenever any oyster required by subsection f(1) to be culled adheres so closely to an otherwise lawful oyster as to render removal impossible without destroying the unlawful oyster, then such oysters, including the lawful oysters, shall be returned to the rock, bed or shoal whence taken.

### Sec. 2(f)(3) Possession

All shells and oysters, once past the culling board, shall be deemed in possession of the licensee.



## **Regulation II**

### **Sec. 2(f)(4) Inspection**

Any duly authorized officer is hereby authorized to examine the cargo, hold, bin, cabin or baskets of oysters and the officer shall take for inspection at least one bushel tub of oysters from any portion of the cargo. For any oysters transferred from the cull board to one or more oyster baskets, the officer may select one or more baskets or oysters, empty the contents of those baskets into either half bushel tubs or a bushel tub, for inspection. Included herein is the right to take for inspection any tub of oysters shoveled during the unloading process.

### **Sec. 2(g) Concealment of Oysters**

It shall be unlawful for any person to conceal any oysters in the shell in a cabin, compartment, locker, cupboard, washboard, or other place on any vessel in the Potomac River where they are not clearly visible and readily accessible for inspection at all times by duly authorized officers of the Potomac River Fisheries Commission. All oysters in the shell found on any vessel in the Potomac River shall at all times be either in a pile or piles on the culling board, or contained in oyster baskets in plain view in the bottom of any vessel, and at no time shall they be placed or deposited on the washboards, or in any other type of basket, box, sack, bag, or other container, unless said person has a written permit from the Commission. No shucked oysters shall be permitted aboard any vessel in the Potomac River licensed under the provisions of these Regulations during the oyster tonging season.

### **Sec. 2(g)(1) Identification Tags Required**

Each basket of oyster harvested from the Potomac River (for Oyster Management Reserve Area, see Reg. VIII, Sec. 7(d)) must be tagged with a completed PRFC issued Wild Shellfish identification tag before leaving the bar from which the oysters were harvested. No basket of oyster harvested from the Potomac River may be removed from the boat without said tag being firmly affixed to the basket. These Wild Shellfish identification tags may be purchased from the PRFC. The identification tag shall stay affixed to the basket until the basket is in possession of a person who is licensed and certified to sell shellfish, in accordance with the tagging requirements of the National Shellfish Sanitation Program Model Ordinance.

### **Sec. 2(h) Unculled Oysters Unlawful**

It shall be unlawful for any person on the Potomac River to offer for sale or have in his possession oysters which have not been culled as required by these Regulations.

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### Sec. 2(i) Return of All Oysters or Posting Cash Bond

Any person charged with violating any provision of this Regulation shall be required, by the officer making said charge, to scatter the entire cargo of oysters on the public rocks under the supervision of an officer or inspector of the Maryland Department of Natural Resources or Virginia Marine Resources Commission, and at the expense of the person charged with the violation. Provided that in lieu of throwing said cargo overboard the person charged with said violation may promptly post cash bond with the officer making the charge in an amount approximately equal to the value of the entire load as determined by the officer making the charge, and shall immediately cull, or recull, as the case may be, the entire cargo of oysters. The refusal to either dump the oysters overboard or post a cash bond shall constitute a distinct and separate offense from any other violation. A person who has posted a cash bond and who is acquitted, shall be refunded said cash bond; if found guilty said cash bond shall be forfeited and deposited to the credit of the Potomac River Fisheries Commission.

### **Section 3 .....Oyster Measures**

#### Sec. 3(a) Measures Used for Oysters in Shell and Oyster Shells

All oysters in the shell and all oyster shells sold in the Potomac River shall be measured either in a half bushel tub, a bushel tub, or a US Standard Bushel Basket and no other measures shall be used for measuring either oysters in the shell or oyster shells. A US Standard Bushel Basket shall be defined as a "Dry Volume US Bushel" containing 2,150.42 cubic inches. A half bushel tub and a bushel tub shall be an iron circular tub with straight sides and a straight solid bottom with holes in the bottom for draining; such holes to be no larger than one inch in diameter; and all measurements to be taken from inside to inside, and the dimensions shall be as follows:

Half Bushel Tub - Fifteen inches across the top, thirteen across the bottom, and seventeen inches diagonally from the inside chine to the top.

Bushel Tub - Eighteen inches across the top, sixteen and one-half inches across the bottom, and twenty one inches diagonally from the inside chine to the top.

All oysters measured in the shell as herein required, shall be even measure to the top of the tub or basket only.

#### Sec. 3(b) Commission Authority To Open And Close Areas Repealed.

#### Sec. 3(c) Taking or Catching of Oysters in Closed Areas

Recodified as Regulation II, Sec. 4(b).

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Sec. 3(d) Weekly Reports of Catch of Oysters  
Repealed.

### **Section 4 .....Oyster Sanctuaries & Oystering in Closed Areas**

Sec. 4(a) Oyster Sanctuaries

The hereinafter listed areas of the Potomac River are declared to be oyster sanctuaries and thereby closed for the purpose of taking or catching or attempting to take or catch oysters by any means at any time. These areas are:

1. All natural oyster bars in the Potomac River, which are west and south of Upper Cedar Point Light #8, which includes the charted natural oyster bars of Metomkin Point (80 acres), Stuart Point (106 acres) and Chotank Lumps (207 acres); and,
2. The natural oyster bar Bluff Point Lumps (310 acres), which is an area north and east of the main ships channel, west of 76° 56.800' West Longitude, and south of 38° 17.600' North Latitude; and,
3. All areas which cannot be harvested with 18 foot hand shaft tongs on the natural oyster bar Heron Island. Heron Island is that area which is south of the PRFC/DNR jurisdictional line, east of Dukeharts channel, west of Breton Bay channel and north of the Potomac River main channel.

Sec. 4(b) Taking or Catching of Oysters in Closed Areas

It shall be unlawful to take oysters from any area which has been closed by any action, rule or regulation of the Potomac River Fisheries Commission.

### **Section 5 .....Seafood Catch Reports**

Sec. 5(a) Reports Due Weekly

Except licensed charter boat captains, every person licensed by the Commission and engaged in the business of taking or catching crabs or finfish; every captain or operator of a boat licensed with "OT" or "HS" tags and every soft shell clam dredge licensee, shall keep an accurate and complete daily account of his or his boat's catches and dealings on forms to be supplied or furnished by the Commission. Such daily records of the catches and dealings shall be delivered to, or mailed in time to arrive at, the Commission Office no later than Thursday of the following week.

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### **Section 6 .....Severability Clause**

#### Sec. 6(a) Severability Clause

If any word, clause, sentence, paragraph, or section of these Regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

### **Section 7 .....Effective Date**

#### Sec. 7(a) Effective Date

These Regulations shall take full force and effect thirty (30) days after their final adoption by the Commission

## REGULATION III

### GENERAL INSTRUCTIONS

#### **Section 1 .....Duties of Officers**

##### Sec. 1(a) Duties of Officers

It shall be the duty of the officers and inspectors of the Maryland Department of Natural Resources and of the Virginia Marine Resources Commission to see that the provisions of the Regulations of the Potomac River Fisheries Commission and of the Potomac River Compact of 1958, and the applicable fisheries laws relating to the Potomac River, are not violated. Said officers and inspectors are authorized to arrest all persons found violating any of the provisions thereof, and to summons or take the said offender or offenders to a Maryland or Virginia county adjacent to the Potomac River where the alleged offense occurred, which under the Potomac River Compact of 1958 shall thereupon have jurisdiction over the offense, to be dealt with according to law. Said officers and inspectors may seize any and all fish, oysters, crabs, and other seafood that may be caught, sold, offered for sale, or are being held in violation of any of the provisions of said Regulations and laws, to be disposed of at the discretion of said enforcement officers to the best interests of the Potomac River. Said officers and inspectors may also seize any and all boats, dredges, seines, nets or other fishing outfit used or set in violation of the Regulations or laws relating to the Potomac River. Said enforcement officers and inspectors shall also have authority to stop, board, and inspect any boat or vessel engaged or reasonably believed to be engaged in the taking or buying of fish, crabs, oysters, and other seafood on the Potomac River, in order to make any lawful inspections required under the regulations or laws relating to the Potomac River.

##### Sec. 1(b) Resisting or Impeding Officers

It shall be unlawful for any person to resist, impede, curse or abuse, or attempt to escape from any officer authorized to make arrests, seizures, examination, or other performance of duties under any of the Regulations and laws relating to any matters within the jurisdiction or authority of the Potomac River Fisheries Commission.

## Regulation III

### Section 2 .....Arrest upon Information

#### Sec. 2(a) Arrest Upon Information

Upon information given upon oath or affirmation to any Justice of the Peace, Trial Magistrate, or Court in Maryland or in Virginia, of the violation of any Potomac River Fisheries Commission regulation or law relating to the Potomac River, said Justice of Peace, Trial Magistrate or Court shall issue a warrant for the arrest of the offender and/or a writ for the seizure of the seines, nets, boats, or other fishing outfit, to be directed to any enforcement officer of the Maryland Department of Natural Resources or of the Virginia Marine Resources Commission, or other officer authorized to make arrests on the Potomac River.

### Section 3 .....Warrant for Unknown Offender

#### Sec. 3(a) Warrant for Unknown Offender

If the name of the offender be unknown he may be summoned or arrested on a warrant describing him as John Doe, the person committing the offense, without otherwise stating his name in warrant or summons.

### Section 4 .....Procedure upon Seizure

#### Sec. 4(a) Procedure Upon Seizure

If upon a hearing in any case of arrest and/or seizure, the Justice of Peace, Trial Magistrate, County Court Judge, or Court adjudges the owner or person having charge of the property so seized guilty of violating any of the provisions of the regulations or laws relating to the Potomac River which imposes the forfeiture of such property for such violations, then said Justice of Peace, Trial Magistrate, County Court Judge or Court, may adjudge same to be confiscated and disposed of as provided in Article V, Section 2 and 4 of the Potomac River Compact of 1958. In case the owner is not known or the property illegally used is abandoned, said Justice of the Peace, Trial Magistrate, County Court Judge, or Court may proceed ex parte to hear and determine any question of forfeiture or confiscation. If requested by a proper person in any case, the property shall be released upon the filing of bond in an amount equal to the value of the property seized, as determined by the Court, and upon final determination of the case, the same may be released, confiscated, or the bond forfeited, depending upon whether the party is acquitted or found guilty, as the case may be.

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### Section 5 .....Disposition of Fines

#### Sec. 5(a) Disposition of Fines

All fines imposed for a violation of the Potomac River Regulations or applicable laws relating to the Potomac River shall be paid into the Court in which the case is prosecuted and accounted for under the laws applicable to that Court, as provided for by Article V, Section 4 of the Potomac River Compact of 1958.

### Section 6 .....Unlawful Activity

#### Sec. 6(a) Dynamiting Unlawful

No person shall place, throw or make use of dynamite or other explosive substance so as to kill fish and seafood in the Potomac River, except for bona fide engineering, scientific, or mining purposes, for which purposes a permit must be secured from the Potomac River Fisheries Commission.

#### Sec. 6(b) Thrashing Unlawful

It shall be unlawful for any person to whip or beat any of the waters of the Potomac River with poles, sticks, or any other thing, for the purpose of driving fish into nets, seines, or any other contrivance for catching fish.

#### Sec. 6(c) Gaffing Unlawful

It shall be unlawful for any person to spear or gaff, or attempt to spear or gaff any striped bass at any time.

### Section 7 .....Thrashing Unlawful

Repealed and reenacted as Reg. III, Section 6(b) unchanged.

### Section 8 .....Prohibited Methods of Fishing

#### Sec. 8(a) Unlawful Methods

It shall be unlawful to take or catch, or attempt to take or catch, finfish in the Potomac River by the use of a spear, gig, or gig iron, or by the use of any purse net, buck net, beam trawl, otter trawl, trammel net, troll net, or drag net.

#### Sec. 8(b) Sizes of Mesh

It shall be unlawful to take or catch, or attempt to take or catch, finfish on the Potomac River with any net whose size of stretched mesh is less than herein provided, to wit: pound net 1-1/2 inches; haul seine 1-1/2 inches; fyke or hoop net 1-1/2 inches; or gill net 5 inches. It shall be unlawful to take

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or catch, or attempt to take or catch, finfish on the Potomac River with any gill net whose size of stretched mesh is greater than 7 inches. Nothing in this section shall apply to pound nets set within 1,000 feet of the mean low water line. A reasonable tolerance for shrinkage, stretching and/or manufacturing variance shall be allowed in the case of each measurement.

#### Sec. 8(c) Haul Seines

- (1) It shall be unlawful to drag or haul any seine with two or more vessels propelled by power or to use any haul seine more than 2,400 feet in length including brail lines on the Potomac River. A power winch anchored in a vessel or boat, not propelled by power, may be used, provided said winch boat is anchored in four feet depth of water or less.
- (2) It shall be unlawful for any person to empty a seine in the Potomac River so as to leave the unlawful fish to perish. He shall at all times cull his catch and/or empty his seine in water of sufficient depth to enable the unlawful fish to return to the Potomac River.

#### Sec. 8(d) Pound Nets

It shall be unlawful to take or catch, or attempt to take or catch, finfish in the Potomac River with any pound net that does not have at least six (6) PRFC approved fish cull panels properly installed in the pound net. Two (2) unobstructed fish cull panels shall be installed, with the elongated slots on the bottom in the horizontal position, at the bottom of the vertical ebb-side of the pound net, one within 18 inches of each corner of that side; and two (2) unobstructed fish cull panels shall be installed, with the elongated slots on the bottom in a horizontal position, at the bottom of the vertical flood-side of the pound net, one within 18 inches of each corner of that side. The other two (2) fish cull panels shall be unobstructed between February 15 and June 1, be installed below mean low water in the vertical sides of the pound net and, in either; a) near the surface with the elongated slots in the vertical position, with one on the ebb-side and one on the flood-side within 18 inches of the corners; or b) at the licensee's discretion. The licensee shall exhibit all fish cull panels when required by any authorized enforcement officer whenever the net is being fished. Failure to allow inspection or to maintain any net with properly installed, functional and unobstructed fish cull panels as required shall constitute a violation of this regulation.



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### Section 9 .....Fishing Seasons

#### Sec. 9(a) Gear Specific Fishing Seasons

The times during which gears or devices may be set are as follows:

- (1) Pound net - from February 15th through December 15th.
- (2) Anchor gill net - as may be fixed from time to time by Commission Order.
- (3) Stake gill net - as may be fixed from time to time by Commission Order.
- (4) Haul Seine - from January 1st through December 31st, provided however, that such net(s) shall not be set or hauled in the Potomac River during the following periods: (a) between sunrise on any Saturday and sunset on the ensuing Sunday from June 1st through August 31st; and (b) between sunset on any Friday and sunset on the ensuing Sunday at all other times.
- (5) Conventional fish trot line - from January 1st through December 31st.
- (6) Modified fish trot line - from February 1st through March 15th and from October 1st through December 31st.
- (7) Fyke net - from February 15th through December 15th.

#### Sec. 9(b) Species Specific Fishing Seasons

The Commission may from time to time and by appropriate Order, specify commercial, charter and recreational seasons during which certain finfish species may be taken or caught and the manner of such taking or catching.

It shall be unlawful to take and keep in possession any fish of such species caught within the confines of the Potomac River in violation of such Order.

### Section 10 .....Catch Limits

#### Sec. 10(a) Catch Limits

The Commission may from time to time and by appropriate Order, specify commercial, charter and recreational catch limits for certain finfish species which may be taken or caught and the manner of such taking or catching. It shall be unlawful to take and keep in possession any fish of such species caught within the confines of the Potomac River in violation of such Order.

#### Sec. 10(b) Striped Bass Tagging

Each commercially caught striped bass must be individually identified with a striped bass identification tag provided by the Potomac River Fisheries Commission. Said tags must be applied as soon as feasible and in no event

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shall any commercially caught striped bass be removed from the Potomac River or from the boat at the point of landing, whichever occurs first, without said tag being permanently affixed. Except as provided by PRFC Policy – Striped Bass Hook & Line Tag Exchange Program, the tags shall be issued to a licensee and they cannot be transferred or sold, nor otherwise used by anyone except that licensee. In the event the licensee is not a natural person, only the entity's authorized user, who must be a natural person, can use the tags and his name must be on file with the Commission. Subject to the terms of Regulation I, Section 1(e), tags returned with a surrendered license may be reissued with any resultant new license. All unused tags must be returned to the Commission after each respective fishing season. Each licensee's reports will be audited by staff at the end of the fishing season and a penalty, for unreturned and/or unaccounted striped bass tags, will be applied to the following season's tag allocation on a one-for-one tag basis. In addition, a processing fee of \$25.00 may be charged for research and/or verification of submitted reports. Audit results may be appealed to the Commission. The words "as soon as feasible" as used herein shall mean for the: i) Commercial Hook and Line Fishery - as soon as the fish is taken and before it is put into the cooler or storage area; ii) Pound Net Fishery - as soon as the fish are taken and before the boat leaves the net site; and iii) Gill Net Fishery - as soon as each separate piece of net is fished and before the boat leaves the net site.

### **Section 11 ..... Prohibited Kinds and Sizes of Fish**

#### Sec. 11(a) Size Limits

The Commission may from time to time and by appropriate Order, specify commercial, charter and recreational size limits for certain finfish species which may be taken or caught and the manner of such taking or catching. It shall be unlawful to take and keep in possession any fish of such species caught within the confines of the Potomac River in violation of such Order.

#### Sec. 11(b) Method of Measurement

Measurement shall be the greatest distance in a straight line from the tip of the snout to the end of the caudal fin or tail in a natural state, excluding the tail filament of a black sea bass. No person shall alter the natural state of any species of fish listed in (a) above such that its length cannot be measured.

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### Sec. 11(c) Return of Incidental Catch

Any fish, whose size is prohibited or whose season is closed by these regulations, which may be caught or entrapped as an incident to other lawful fishing activities, shall be immediately released and returned to the waters where found, provided, however, the following tolerances shall be allowed:

- (1) For all fisheries. A tolerance of 5% per species of undersized white perch or catfish shall be allowed. The percentage will be determined by the count of the actual number of fish per species in possession or a sample of at least a one-half bushel oyster tub.
- (2) For gill nets and pound nets. The Commission may from time to time and by appropriate Order, specify a tolerance of American and/or hickory shad per licensee.

### **Section 12 ..... Kinds and Sizes of Crabs**

Recodified to Reg. VII

### **Section 13 ..... General Provisions**

#### Sec. 13(a) Computation of Time

In determining the latest day for performance of an act which is required by these regulations, to be performed on or before a certain date, or a given number of days prior thereto, all days prior thereto, including intervening Saturdays, Sundays and legal holidays, shall be counted in the number of days so prescribed. The latest day shall itself be included in such determination unless it is a Saturday, Sunday or legal holiday, in which event the latest day shall be the first succeeding day thereafter which is not a Saturday, Sunday or legal holiday. A legal holiday, for purposes of these Regulations, shall be one established, recognized and observed by the United States Government, and its various agencies.

#### Sec. 13(b) Commission's Authority to Open and Close Areas

Repealed.

#### Sec. 13(c) Temporary Restrictions on Fishing

Repealed.

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#### **Sec. 13(d) Individual Striped Bass Allocation Transfer from Gill Net to Commercial Hook and Line**

Any person meeting the qualifying conditions listed below may surrender one or more gill net license(s) for the purpose of being able to obtain a commercial hook and line license and take his striped bass allocation with that gear. To qualify a person must:

1. Have a valid Potomac River gill net license;
2. Must declare his intent during the gill net renewal period;
3. Surrender the gill net stand license(s) and its (their) associated rights and privileges; and
4. Purchase a commercial hook and line license, valid for the next year, at next year's license fee plus next year's license fee for each gill net stand surrendered in excess of the first stand.

Any hook and line license obtained in this manner will carry all rights and privileges associated with such license providing the gill net license privileges and rights are surrendered and forfeited. Any gill net license(s) surrendered under this option will thereafter remain as a hook and line license. Thereby, permanently reallocating striped bass identification tags from the gill net fishery to the hook and line fishery, increasing the hook and line quota and increasing the maximum number of licenses within that limited entry fishery and reducing the gill net quota and the maximum number of gill net stands available within that limited entry fishery in the Potomac, as provided in the appropriate Commission Order pertaining to commercial hook and line and gill net limited entry.

#### **Sec. 13(e) Individual Striped Bass Identification (SBID) Tag Allocation Transfer for a Commercial Hook and Line License**

1) Any commercial hook and line license surrendered during the license renewal period (December 1 through January 31), subject to the terms of Regulation I, Section 1(e), may be issued to any applicant (the receiving licensee) who has made timely application for the next year's license with a commercial hook and line allocation of striped bass identification (SBID) tags.

2) Any commercial hook and line license surrendered during February 1 through November 30, subject to the terms of Regulation I, Section 1(e), may be issued to any applicant (the receiving licensee) who has made timely application for the current year under the following conditions:

- a. If the licensee surrendering a license has not been issued any SBID tags, the receiving licensee shall be eligible to receive the allocation of SBID tags for the new license issued.

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b. If the licensee surrendering a license has been issued SBID identification tags, the receiving licensee will only be eligible to receive the number of SBID tags returned with the surrendered license, as provided in Regulation III, Section 10(b).

#### Sec. 13(f) Individual Striped Bass Identification (SBID) Tag Allocation Transfer for Pound Net License(s)

1) Any pound net license(s) surrendered during the license renewal period (December 16 through January 31), subject to the terms of Regulation I, Section 1(e), may be issued to any applicant (the receiving licensee) who has made timely application for the next year's license. The receiving licensee will receive the striped bass identification (SBID) tag allocation after at least one license is set and fishing, and has been verified by law enforcement.

2) Any pound net license(s) surrendered during February 1 through December 15, subject to the terms of Regulation I, Section 1(e), may be issued to any applicant (the receiving licensee) who has made timely application for the current year. The receiving licensee may only receive the SBID tag allocation under the following conditions:

a. If the licensee surrendering a license(s) has not been issued any SBID tags, the receiving licensee shall be eligible to receive the SBID tag allocation for each new license issued, after at least one of the new licenses is set and fishing, and has been verified by law enforcement.

b. If the licensee surrendering a license(s) has been issued SBID tags, the receiving licensee will only be eligible to receive the number of SBID tags returned with the surrendered license(s), as provided in Regulation III, Section 10(b). In order for the surrendered SBID tags to be reissued to the receiving licensee, at least one of the new licenses has to be set, fishing, and verified by law enforcement.

c. If the receiving licensee already has a pound net license(s), but did not have any license set, fishing and verified by law enforcement, then in order to receive his/her original allocation of SBID tags, at least one of his/her original licenses has to be set, fishing, and verified by law enforcement.

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#### **Section 14 .....Disturbance, Destruction or Theft of Seafood, Nets, or Gear of Another Prohibited**

Sec. 14(a) A person may not knowingly and without authorization:

- (1) Disturb, destroy or take and carry away seafood from another person's boat, live box, crab pot, trot line, or the pocket or crib of any pound net or seafood enclosed or gilled in any fish net or trap of any kind with the intent of permanently depriving the owner or possessor thereof of the seafood; or
- (2) Interfere with, touch, disturb, destroy, or take and carry away another person's net or gear used in catching seafood.

Sec. 14(b) Notwithstanding:

the provisions of subsection (a), a licensed seine hauler may take up and shall immediately replace crab pots while actually engaged in laying and taking up nets when making a haul.

#### **Section 15 ..... Severability Clause**

Sec. 15(a) Severability Clause

If any word, clause, sentence, paragraph, or section of these Regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

#### **Section 16 .....Effective Date**

Sec. 16(a) Effective Date

These Regulations shall take full force and effect thirty (30) days after their final adoption by the Potomac River Fisheries Commission.

**REGULATION IV**  
**OYSTER INSPECTION TAX**

**Section 1 .....Oyster Inspection Tax**

Sec. 1(a) Tax Imposed

The Potomac River Fisheries Commission hereby imposes an inspection tax of \$2.00 per bushel on all oysters caught within the limits of the Potomac River within the jurisdiction of the Commission. The tax shall be paid by the buyer at the place in Maryland or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel. The tax shall be paid to an agent of the Potomac River Fisheries Commission or to such officer or employee of the Virginia Marine Resources Commission, or of the Maryland Department of Natural Resources, as may be designated by the Potomac River Fisheries Commission, and by him paid over to the Potomac River Fisheries Commission. Any officer or employee of the Virginia Marine Resources Commission, or of the Maryland Department of Natural Resources, or an agent of the Potomac River Fisheries Commission shall have the right to board any licensed oyster boat or buy boat or vessel on the Potomac River within the jurisdiction of the Potomac River Fisheries Commission, and examine any records, and count the bushels or oysters thereon taken from the Potomac River, and may issue a tax bill or statement therefore, to be presented to the buyer at the place in Maryland or Virginia where said oysters are unloaded from said boat or vessel and are to be shipped no further in bulk in vessel, and where the tax thereon must be paid.

Sec. 1(b) Records Required to be Kept

All persons buying, taking or dealing in Potomac River oysters, or harvesters, marketing or planting their own or another's oysters, shall keep an accurate and complete daily account of their purchases, dealing, marketing or planting, and submit their account weekly, with the tax payment due thereon, to the Potomac River Fisheries Commission not later than Thursday of the week following, on forms to be furnished by the Potomac River Fisheries Commission.

**Section 2 .....Penalty Provisions**

All the aforesaid persons failing to pay the aforesaid inspection tax shall be guilty of a misdemeanor and subject to the penalties as provided herein:

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### **Sec. 2(a) Late Payments**

Any tax payments received after the due date specified in section 1(a) shall be subject to a late charge plus interest calculated as follows:

- (1) late charge shall equal 20% of the amount due before any interest is added.
- (2) interest calculated at the rate of 0.04932% per day (18.0% per year) of the amount due. For amounts due less than \$10.00, the interest shall be 1 cent per day, and interest shall accrue each day the payment is late.

### **Sec. 2(b) Failure to Pay**

Failure to pay the tax due, together with any late charges and interest assessed, shall be subject to the general penalty provisions provided in Regulation I, Section 6 of these regulations.

### **Sec. 2(c) Outstanding Balance**

Any person who has an outstanding balance due under these provisions shall be ineligible to renew any Potomac River Fisheries Commission license or to be registered as a Potomac River oyster buyer, until such balance is satisfied.

## **Section 3 .....Severability Clause**

### **Sec. 3(a) Severability Clause**

If any word, clause, sentence, paragraph, or section of these Regulations shall, for any reason, to be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

## **Section 4 .....Effective Date**

### **Sec. 4(a) Effective Date.**

These Regulations shall take full force and effect thirty (30) days after their final adoption by the Commission, and shall be in full force and effect until duly amended or rescinded.



**REGULATION V**  
**SOFT SHELL CLAMS**

**Section 1 .....Display of Tag and Transfer of Dredge**

Sec. 1(a) Display of Tag Number

Before engaging in the catching or taking of soft shell clams by hydraulic or mechanical dredge, each licensee shall firmly attach his Potomac River Fisheries Commission tags to both sides of the vessel described in the license. The tags shall be positioned above the hull forward, but not on or near the bow, and in such a manner as to be clearly visible to passing boats.

Sec. 1(b) Transfer of Dredge

It shall be unlawful for the owner of any licensed hydraulic or mechanical dredge to transfer such dredge to another vessel unless such other vessel be of his ownership, and unless the licensee shall make application as prescribed for original license, which application shall include a statement as to the name or number and description of the boat to which the dredge is to be transferred. Such application shall be forwarded to the Potomac River Fisheries Commission, together with the license originally issued and a fee of ten (\$10) dollars. The Potomac River Fisheries Commission may cancel the original license and in lieu thereof issue to the licensee a new license on which shall be described the vessel to which the dredge is to be transferred.

All provisions of these regulations applicable to the vessel described on the original license shall apply to that set forth on the new license.

**Section 2 .....Specifications as to Dredge and Equipment**

Sec. 2(a) Specification of Dredge and Equipment

Each said hydraulic or mechanical soft shell clam dredge shall be equipped with not more than one conveyor or elevator having one blade and one water manifold, the width between the exterior jets attached thereof not exceeding thirty-six (36) inches. The water jet pipes at each end of the manifold shall be set parallel to the median vertical longitudinal plane of the dredge, or inward toward the center thereof.

Sec. 2(b) Muffler Required

Each motor and engine used in the operation of any hydraulic or mechanical dredge or of the vessel on which such dredge is affixed, installed, or mounted, shall be provided with an adequate muffler.

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### Sec. 2(c) Refrigeration Required

From April 1 through September 30, inclusive, each vessel licensed to take or catch soft shell clams by hydraulic or mechanical dredge and used to take or catch soft shell clams of the species Mya arenaria or any such vessel with said species of clams on board shall be equipped with a storage unit or units capable of reducing the internal temperature of such clams to 60° F within two (2) hours of being placed in said unit, and capable of maintaining those clams at or below 60° F while said clams are aboard the vessel. Said storage unit or units shall be clearly labeled in letters not less than two (2) inches in height and contrasting color with the words "CLAM STORAGE UNIT". Any duly authorized law enforcement officer or agent of the Commission shall have the right to open and inspect the contents of the clam storage unit.

### Sec. 2(d) Specifications of Containers

When used within Regulation V the following specifications of containers shall apply:

- (1) bushel basket - A US standard bushel basket which may be over filled to a height of 6 inches without any additional devices or assistance.
- (2) clam container - A rectangular box with inside measurements of no more than twenty (20) inches long, twelve and one-half (12 1/2) inches wide and eleven and one-quarter (11 1/4) inches deep and shall be an even measure to the top of the box only.

### Sec. 2(e) Exemption of Specifications

Any vessel licensed to take or catch soft shell clams by hydraulic or mechanical dredge and used to take or catch soft shell clams of the genus Tagelus, commonly known as razor clams, shall be exempt from the refrigeration requirements of this section, provided however, that no more than 10% by volume of each bushel or container of razor clams are Mya arenaria.

### Sec. 2(f) Failure to Comply With Specifications

Any vessel licensed to take or catch soft shell clams by hydraulic or mechanical dredge and failing to meet the specifications as to the dredge and equipment contained in sub-sections (a), (b), or (d) of this section, shall have its license suspended until such time as the dredge or equipment has been inspected by an authorized agent of the Commission and determined to be in compliance. Any said vessel failing to meet the specifications in sub-section (c) of this section shall be subject to the General Penalty

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Provision (Regulation I, Section 6) and have its license suspended for a minimum of 10 days or until such time as the equipment has been inspected by an authorized agent of the Commission and determined to be in compliance, whichever is greater. During such period of suspension the license and tags shall be returned to the Commission office.

### **Section 3 .....Size Limit, Culling Required, Unlawful to Conceal Clams, Oysters Prohibited**

#### Sec. 3(a) Minimum Size of Soft Shell Clams

It shall be unlawful for any person to take, catch, or have in his possession soft shell clams (*Mya arenaria*) measuring less than two (2) inches along the longest dimension across the shell, and any clams measuring less than two (2) inches so measured shall be returned forthwith to the bed or bar from which they were taken; provided, however, that any person licensed to dredge, deal in, or export soft shell clams may have in his or their possession not in excess of five per cent (5%) per U.S. standard bushel, by volume, of such clams less than (2) inches in size as aforesaid.

#### Sec. 3(b) Culling Required

It shall be unlawful for any person on the Potomac River to offer for sale or have in his possession soft shell clams, which have not been culled as required by the Regulations of the Potomac River Fisheries Commission.

#### Sec. 3(c) Storage of Clams

Once taken, all clams shall be placed in a bushel basket or clam container as herein defined. From April 1 through September 30, all *Mya arenaria* shall be placed within the clam storage unit(s) as soon as they are taken. The clam storage unit(s) may be used at such other times as the licensee deems appropriate. It shall be unlawful for any person to conceal or store any soft shell clams in a cabin, compartment, locker, cupboard or other place, which is not labeled as the clam storage unit(s) on any vessel or rig in the Potomac River. All soft shell clams found on any licensed vessel or rig in the Potomac River shall at all times be in plain view in their bushel baskets or clam containers or in the clam storage unit(s) and readily accessible for inspection by any duly authorized officer of Maryland or Virginia or agents of the Potomac River Fisheries Commission.

#### Sec. 3(d) Oysters Prohibited

It shall be unlawful for any licensee or operator of a clamming dredge or rig to have any oysters on board.

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### Section 4 .....Catch Limits

#### Sec. 4(a) Catch Limit

It shall be unlawful for any person licensed hereunder to take or catch soft shell clams with any hydraulic or mechanical dredge or rig in the waters of the Potomac River or have in possession aboard a vessel in excess of the following daily limits per species:

- (1) Mya arenaria or soft shell clams: between October 1 and May 14, 8 bushel baskets or clam containers between May 15 and September 30, 15 bushel baskets or clam containers; and
- (2) Tagelus or razor clams: no daily limit imposed

It shall be unlawful for any hydraulic or mechanical dredge or rig licensed for the taking or catching of soft shell clams to be employed for the taking or catching of more than the limit(s) established herein.

#### Sec. 4(b) Catch Report Required

Repealed.

### Section 5 .....Prohibited Areas and Times

#### Sec. 5(a) Prohibited Areas

It shall be unlawful to take or catch or attempt to take or catch any species of soft shell clams with any hydraulic or mechanical dredge within the following areas:

- (1) Within 100 yards of any commercially productive oyster tonging or hand scraping area as may now exist, or as may be defined on the charts of the Department of Natural Resources, or as may be established by survey of the Commission, or any area on which the Commission has planted oysters or shell; or
- (2) Within any area prohibited or closed by Commission Rule or Order, and marked with buoys or other markers by the Commission; or
- (3) Within 50 feet of any fish nets, wharf or pier, constructed or erected in, out in, over or under any of the waters of the Potomac River; or
- (4) Within 1,000 feet of any public bathing beach on the Potomac River during the months of May, June, July, August and September of any year; or
- (5) Within 150 feet of the mean low water marker of any Potomac River shore line; or
- (6) Within 500 yards of any occupied duck blind where decoys are set out, during the legal duck hunting season.

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### Sec. 5(b) Prohibited Times

It shall be unlawful to take or catch or attempt to take or catch any species of soft shell clams with any hydraulic or mechanical dredge or to operate any hydraulic or mechanical dredge during the following periods:

- (1) on any Sunday, or
- (2) Between 2:00 p.m. and 1/2 hour before sunrise on any other day.

## **Section 6 .....Opening and Closing Clamming Areas**

### Sec. 6(a) Authority to Open and Close Clamming Areas

Repealed.

### Sec. 6(b) Procedure for Closing Areas

Repealed.

### Sec. 6(c) Re-opening of Area

Repealed.

### Sec. 6(d) Unlawful to Take or Catch Soft Shell Clams in Closed or Prohibited Areas

It shall be unlawful to take or catch, or attempt to take or catch any species of soft shell clams with any hydraulic or mechanical dredge, upon, or within, any area, which has been closed by any rule, regulation or order of the Commission. A clamming dredge or rig within or crossing any area closed or prohibited by any rule, regulation or order of the Commission shall have the dredge's conveyor raised above the surface of the water. Upon the conviction of any licensee under this subsection the Commission shall hold a hearing to determine the length of the license suspension which will be imposed in addition to any other penalty imposed by the court.

## **Section 7 .....Authority to Inspect**

### Sec. 7(a) Officer Authorized

Any officer duly authorized to enforce the regulations of the Potomac River Fisheries Commission or the laws relating to the Potomac River is hereby authorized to examine the boat, dredge, rig, cargo, hold, bin, cabin, or lot of soft shell clams in order to enforce the Regulations of the Commission or the laws relating to the Potomac River.

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### Sec. 7(b) Clam Storage Unit Open for Inspection

The captain, master or operator of any vessel equipped with a clam storage unit or units or any vessel licensed to take or catch soft shell clams with a hydraulic or mechanical dredge shall allow any officer duly authorized to enforce the regulations of the Potomac River Fisheries Commission access to the contents of the clam storage unit or units in order to enforce the regulations of the Commission or the laws relating to the Potomac River.

## **Section 8 .....Severability Clause**

### Sec. 8(a) Severability Clause

If any word, clause, sentence, paragraph, or section of these Regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

**REGULATION VI**  
**SPORT FISHING AND SPORT SHELLFISHING**

**Section 1 .....Definitions**

Sec. 1(a) Charter Boat

Any vessel used to carry fee paying persons to catch or attempt to catch fish, crabs, oysters or clams, including but not limited to, vessels commonly known as charter, head, party or guide boats.

Sec. 1(b) Collapsible Crab Trap

A mechanism designed so that failure to apply manually exerted tension on the closing mechanism allows the crabs to escape.

Sec. 1(c) Commercial Use

Taking or catching seafood for market or profit or as defined in Regulation I, Section 5(a).

Sec. 1(d) Commission

The Potomac River Fisheries Commission.

Sec. 1(e) Crab Trot Line

A baited line without any hooks, marked at each end with a buoy and used to catch crabs with a hand held dip net as the line is being fished.

Sec. 1(f) Hard Crab Pot

A cube shaped wire device used to catch crabs, measuring no more than twenty-four inches (24") on any one edge, with a mesh no less than one and one-half inches (1½") measured along its longest axis, constructed with one (1) or more funnel shaped entrance ports, a bait compartment, and having an upper and lower chamber.

Sec. 1(g) High-grading

The practice of selecting only the most desirable (e.g. largest, valuable) individuals when harvesting a natural resource.

Sec. 1(h) Household Use

Seafood taken as a food source for immediate use within that household and which may not be sold or offered for sale.

Sec. 1(i) Pleasure Boat

Any boat or vessel not operated for hire.

Sec. 1(j) Recreational Fishing

The taking or catching of seafood for other than commercial purposes as herein defined.

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### Sec. 1(k) Regulations

Regulations of the Potomac River Fisheries Commission.

### Sec. 1(l) Rental Boat

Any boat or vessel operated by a lessee/renter used to sport fish in the Potomac River.

### Sec. 1(m) Sport Fishing/Sport Shellfishing

The taking or catching of seafood for other than commercial purposes as herein defined.

## **Section 2 .....General Provisions**

### Sec. 2(a) Restrictions

All persons taking oysters, clams, fish or crabs for sport, recreation or immediate household use, shall comply with and be subject to all other regulations and orders of this Commission, including but not limited to seasons, areas, size, creel and/or catch limits. Any oysters, clams, fish or crabs taken under these sections may not be sold or offered for sale. When a person is recreationally fishing, it shall be unlawful to commercially fish on the same trip. Recreational harvest must be landed or off loaded from the vessel before returning to the Potomac River to commercially fish.

### Sec. 2(b) Terms of License

Each license issued under this Regulation shall be valid for 365 days from date of issuance. No license issued under the authority of the Commission shall be transferable in any manner. A replacement license may be issued for a fee of \$5.00 upon proof of loss of the original license. The owner of a boat licensed hereunder, who purchases another boat, may, for a fee of \$10.00, apply for a replacement boat license for the purchased boat valid for the remainder of the decal year only, providing the original license and decals, and a copy of the temporary or permanent registration card for the boat purchased are submitted together with the application and fee. Upon receipt and verification the Commission will cancel the original license and issue another license for the purchased boat. *(Effective December 1, 2015)*

### Sec. 2(c) Display of License

Each pleasure boat, charter boat and crab boat licensed hereunder, shall be issued a set of decals. The decals shall be affixed on either side of the forward half of the hull and in such a manner as to be clearly visible to passing boats. All vessel captains or operators and persons individually licensed shall exhibit their license when required by any enforcement officer of the State of Maryland or Virginia, or agent of the Potomac River Fisheries Commission.



## Regulation VI

### Section 3 .....Sport Shellfishing

#### Sec. 3(a) Limits and Methods

The taking or catching of oysters or clams for sport, recreation or immediate household use, without a license, shall be lawful provided that no person shall in any one day take more than the following:

- (1) One bushel of oysters: by hand tongs; by hand or; by diving with or without scuba and by no other means;
- (2) One bushel of soft shell clams: by hand held shovel, rake or hoe or; by hand and by no other means.

### Section 4 .....Sport Crabbing

#### Sec. 4(a) Exemptions

The taking or catching of crabs for sport, recreation or immediate household use, without a license, shall be lawful provided that no person shall in any one day take more than three (3) dozen hard crabs, and one (1) dozen soft crabs or peeler crabs or to exceed five (5) dozen hard crabs or two (2) dozen soft crabs or peeler crabs per boat per day by:

- (1) no more than two (2) hard crab pots fished by the owner and marked with a buoy that is easily visible on the surface and legibly displays the owner's initials in not less than one (1) inch letters;
- (2) no more than two (2) hard crab pots attached to a pier;
- (3) a single trot line per boat no longer than six hundred feet (600') marked with a buoy on each end;
- (4) no more than ten (10) collapsible crab traps per boat;
- (5) dip nets, and/or;
- (6) hand lines, but by no other means.

#### Sec. 4(b) License Required

Except as provided in Sec. 4(a) it shall be unlawful for any person to take, catch or remove or attempt to take, catch or remove crabs from the Potomac River for sport, recreation or immediate household use, from any boat or vessel not properly licensed for sport crabbing.

## Regulation VI

### Sec. 4(c) License Fees

The annual sport crabbing license fee payable to the Commission under Regulation VI shall be \$30.00 for each boat or vessel used in taking or catching crabs with any of the following:

- (1) no more than five (5) hard crab pots;
- (2) a single crab trot line less than 1,200 feet in length, and/or;
- (3) no more than 20 collapsible crab traps.

### Sec. 4(d) Limits and Methods

No more than one sport crab license may be issued to any single boat, and the limits established in Section 4(c) may not be combined with the limits in Section 4(a). Each crab pot, trot line or collapsible trap set in the water shall be marked with a white buoy which must legibly display the letters "SCL" and the boat decal number, in not less than one inch (1") black characters.

### Sec. 4(e) Harvest Limits

It shall be unlawful during any single day for any person aboard any boat licensed under this Section 4 to remove from the Potomac River more than five (5) dozen hard crabs and two (2) dozen soft or peeler crabs, not to exceed one (1) bushel of hard crabs and three (3) dozen soft or peeler crabs per boat per day.

### Sec. 4(f) Time Limits

Except person(s) using recreational dip nets and/or hand lines from the shore or a pier, it shall be unlawful for any person to recreationally take or catch crabs between sunset and one (1) hour before sunrise.

## **Section 5 .....Sport Finfishing**

### Sec. 5(a) License Required

It shall be unlawful for any person to take, catch or remove or attempt to take, catch or remove finfish from the Potomac River for sport, recreation or immediate household use, from the shore, or public pier, or while wading in the river, or from any boat or vessel not properly licensed for sport fishing. Excluding the natural person named on the vessel license, all unlicensed or unregistered guests 16 years of age or older aboard such vessel must be registered with either the MdDNR or VMRC saltwater angler registry program. Provided, however, that each natural person aboard a pleasure boat, as herein defined, may substitute his/her personal sport fishing license in lieu of the vessel license.

## Regulation VI

### Sec. 5(b) License Fees

The annual sport fishing license fees payable to the Commission under Regulation VI shall be as follows:

- (1) Pleasure Boat - \$48.00 per boat (no residency restrictions)
- (2) Charter Boat:
  - (i) Carrying 3 or less passengers - \$150.00 per boat,
  - (ii) Carrying 6 or less passengers - \$240.00 per boat,
  - (iii) Carrying 7 or more passengers - \$290.00 per boat.
- (3) Personal
  - (i) MD/VA Resident - \$15.00 per natural person,
  - (ii) Non MD/VA Resident - \$22.50 per natural person,

A Personal sport fishing license is not required when fishing from a properly licensed boat. (MD Bay Sport, VA Saltwater, or PRFC Pleasure Boat License)

### Sec. 5(c) Exemptions

A Potomac River sport fishing license is not required of a person:

- (1) If a natural person:
  - (i) is less than 16 years of age;
  - (ii) holds a valid tidal/salt water sport fishing license issued by another political jurisdiction granting reciprocal privileges with this Commission;
  - (iii) is fishing from a boat holding a valid tidal/salt water fishing license from other political jurisdictions granting reciprocal privileges with this Commission;
  - (iv) who is a licensed charter boat captain, not actively fishing for hire, who possess valid passenger decals from either PRFC or from other political jurisdictions granting reciprocal privileges with this Commission; or
  - (v) the owner or the owners and their non-paying guests fishing from the owner(s) private real property or an attached pier, providing that all such persons 16 years of age or older are required to be registered with the MdDNR or VMRC saltwater angler registry program.
- (2) During the following periods:
  - (i) the one (1) day before, the holiday itself, and the one (1) day after Memorial Day, July 4th and Labor Day; or
  - (ii) National Fishing Week

## Regulation VI

### Sec. 5(d) Recreational Striped Bass Permit

The owner of each boat used in the Potomac River for striped bass fishing during the recreational striped bass season(s) for which the Commission, by appropriate order, has required a recreational striped bass permit, shall first apply for and obtain a validated striped bass permit for such boat. Such validated permit shall be kept in the possession of the owner/operator of the boat whenever fishing for striped bass and shall be available for inspection by any duly authorized enforcement officer of Maryland or Virginia or agent of the Potomac River Fisheries Commission. The permit will contain a log sheet which must be completed daily before the end of each fishing trip by the owner/operator and must include such information as is necessary for all persons aboard that boat during that trip. The validated permit and the log sheet must be returned to the Potomac River Fisheries Commission when requested by the Commission or within 10 days of the close of the season. Failure to return the permit and log sheet may result in refusal or delay of future permit requests.

### Sec. 5(e) Barbless Hooks Required

All persons fishing recreationally for striped bass during the closed season, whether fishing from the shore, a pier or other structure, or a charter, pleasure, or rental boat, shall use barbless hooks or barbed hooks with the barb closed or removed.

### Sec. 5(f) High-grading prohibited

Except large mouth bass and catfish, it shall be unlawful to return fish to the water after it is placed into a cooler, bucket or other storage container or area.

## **Section 6 .....Reciprocity**

### Sec. 6(a) Reciprocity

Reciprocity shall exist between the Potomac River Fisheries Commission and such other political jurisdiction(s) when the Commission has determined that the sport fishing or sport crabbing license requirements of the other jurisdictions are substantially similar to those of the Commission and both jurisdictions have formally agreed to reciprocity. This status shall be established by a duly enacted proclamation of this Commission identifying the political jurisdiction, which license or licenses is/are reciprocal and establishing an effective date.

## **Regulation VI**

### **Section 7 .....Severability Clause**

#### Sec. 7(a) Severability Clause

If any word, clause, sentence, paragraph or section of the regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

### **Section 8 .....Effective Date**

#### Sec. 8(a) Effective Date

These regulations shall take full force and effect thirty (30) days, or more, after their final adoption by the Commission.

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## REGULATION VII

### CRABBING

#### Section 1 .....Definitions

##### Sec. 1(a) Crab Pot

A device used to catch crabs and includes both hard crab pot and peeler crab pot as herein defined.

##### Sec. 1(b) Hard Crab Pot

A cubed shaped wire device used to catch crabs, measuring no more than twenty four inches (24") on any one edge, with a mesh not less than one and one-half inches (1-1/2") measured along its longest axis, constructed with one (1) or more funnel shaped entrance port(s), a bait compartment, and having an upper and lower chamber.

##### Sec. 1(c) Peeler Crab Pot

A cubed shaped wire device used to catch peeler crabs, measuring no more than twenty four inches (24") on any one edge, with a mesh not less than one inch (1") measured along its longest axis, and baited with only live adult male crabs. It is unlawful to place food for the male crab in peeler pots. If constructed with a bait compartment, such compartment must have a closed door.

##### Sec. 1(d) Peeler Trap or Crab Pound

A device used to catch peeler crabs consisting of an enclosure or retention box no larger than four feet by four feet (4' x 4') and a single row of hedging no more than seventy-five feet (75') in length. The retention box must have a mesh size not less than one inch (1") measured along its longest axis. There must be twelve inches (12") of air space between the surface of the water at mean high tide and the top of the trap. The licensee must remove all stakes or poles within thirty (30) days of either: (a) the last day of fishing activity, or (b) the last day of the season, whichever comes first.

##### Sec. 1(e) Mature Female Crab

A female crab identified by the rounded apron.

##### Sec. 1(f) Peeler Crab

A crab having a soft shell that is developing under the hard shell, on which there is a white, pink or red line or rim on the edge of that part of the back fin next to the outer section of this fin. After June 15<sup>th</sup> each year, only crabs showing a pink or red line or rim are considered peelers.

##### Sec. 1(g) Possession

Any crab not in a culling container shall be deemed to be in possession.

## Regulation VII

### Sec. 1(h) Transit

A boat or vessel shall be deemed to be in transit when crabs are no longer being taken aboard or the boat or vessel is not in close proximity to crab pots identified as those belonging to the licensed vessel containing the crabs.

### Sec. 1(i) Crab Pot Longline

A method of fishing crab pots wherein individual crab pots are attached in a series to a single line that is marked on each end with a spar buoy.

## **Section 2 .....Size Limits**

### Sec. 2(a) Size Limits

It shall be unlawful for any person to take, catch, keep in floats, or have in possession any:

- (1) hard crabs, except mature female crabs, less than 5 ¼" inches.
- (2) peeler crabs less than 3 ½ inches.
- (3) sponge crabs, spawn crab, blooming female crab, mother crab or the female crab from which the egg pouch or bunion has been removed - of any size.

### Sec. 2(b) Method of Measurement

Measurement shall be across the shell from tip to tip of the spike.

### Sec. 2(c) Return of Incidental Catch

Any crab which is prohibited or of a size less than permitted which may be caught as a result of other lawful activities shall be released and returned to the water. Provided however a tolerance of four (4) undersized hard crabs per bushel, or ten (10) undersized hard crabs per barrel shall be allowed.

## **Section 3 .....Display of Decal and Identification of Pots**

### Sec. 3(a) Display of Decal

Before setting any crab pots, each licensee shall firmly attach his Potomac River Fishery Commission issued decal to the vessel named on the license. The decal must be displayed in a clearly visible position on the outside starboard side of the boat or vessel.

### Sec. 3(b) Identification of Pots

Licensees may set crab pots singularly or attached to a crab pot longline or both. The marking requirements are as follows:



## Regulation VII

- i) For singularly set pots –
  - a. Each crab pot set singularly in the water shall be marked with a buoy easily visible on the surface which must legibly display the boat decal number herein provided in not less than one (1) inch numbers either branded into the buoy or painted in contrasting color. All crab pot buoys with the same decal number must be painted alike and a sample buoy shall be displayed aboard the licensed vessel. Each buoy shall have only one Potomac River boat decal number displayed and all such buoys set in the Potomac shall be deemed to be crab pots.
  - b. Each crab pot buoy shall also have one PRFC issued crab pot identification tag/decal attached/displayed in a manner as to be clearly visible on the surface of the water.
- ii) For pots attached to a crab pot longline –
  - a. Each longline shall be identified with a spar buoy placed at each end of the longline. Each spar buoy must have an 18 inch square flag legibly displaying the letters “CP”, the boat decal number and either “15 pots” or “30 pots” in not less than 4 inch letters/numerals. The bottom of such flag shall be at least 4’ above the water.
  - b. PRFC issued crab pot identification tag/decal shall be attached/displayed to one spar buoy and the number of tags/decals shall correspond to the number of pots shown on the flag (15 or 30).

Any crab pot or crab pot longline in the water not identified in this manner may be seized by the duly authorized enforcement officers and shall be subject to forfeiture.

### Section 4 .....Seasons

#### Sec. 4(a) Crab Season

The Commission may from time to time and by appropriate Order, specify the crab season date(s). Such date(s) may be the same or different for various gear types and/or areas, for all or only specified life stage and/or sexes. It shall be unlawful for the owner, captain, master, or any member of the crew of any boat licensed hereunder to set or fish any gear at any other time than the date(s) specified under such Order. Any crab pot, crab trot line or peeler trap found in the Potomac during such closed period, may be confiscated and disposed of by any duly authorized enforcement officer.

#### Sec. 4(b) Hard & Soft Crab Season

Repealed

## Regulation VII

### Sec. 4(c) Peeler Crab Season

Repealed

## **Section 5 .....Prohibited Areas, Times and Methods of Crabbing**

### Sec. 5(a) Dredge or Scrape

It shall be unlawful to take or catch or attempt to take or catch crabs by means of dredge or scrape.

### Sec. 5(b) Time Limits

The Commission may from time to time and by appropriate Order, specify time of day and/or day-of-week limits for commercial crabbing. Such limit(s) may be for the entire season or only specified period(s) of time, for all or only specified life stages and/or sexes, and may be different for specific areas of the Potomac River. It shall be unlawful for any person to commercially take or harvest crabs from any commercial gear, or to retrieve, bait, move, pull or set any commercial gear except during the lawful time periods specified in such Order.

### Sec. 5(c) Crabbing Near Public Bathing Beach

It shall be unlawful to commercially take or catch or attempt to commercially take or catch crabs and fish within 200 yards of any public bathing beach during the months of May, June, July, August and September of any year.

### Sec. 5(d) Crab Pot Longlines

Each longline shall be identified as required by Reg. VII, Sec3(b) (ii) and contain either up to 15 crab pots or no more than 30 crab pots and each line will be counted as either 15 pots or 30 pots when determining compliance with the license limitation. Any licensee using crab pot longlines, will, at the direction of any authorized enforcement officer, pull the line for inspection. No longline shall be set in waters less than 20' MLW.

### Sec. 5(e) Crab Pot Depth Restrictions

Repealed

## Regulation VII

### Section 6 .....Culling of Crabs

#### Sec. 6(a) Culling Container

Each vessel shall be equipped with one and only one crab culling container, which shall not be a basket or barrel. No crabs shall be in such container while the vessel is in transit and all crabs being transported on the Potomac shall be in baskets or barrels.

#### Sec. 6(b) Cull Rings Required

It shall be unlawful for any person to place, set or fish any crab pot, peeler pot or peeler trap in the Potomac River which does not contain the required number of unobstructed cull rings with the inside minimum diameter as specified herein:

- (i) Hard Crab Pot - At least two cull rings, one of at least 2-5/16 inches and one of at least 2-3/16 inches in opposite exterior vertical panels of the upper chamber of the pot.
- (ii) Peeler Pot - At least two cull rings at least 1-1/2 inch in opposite exterior vertical panels of the upper chamber of the pot.
- (iii) Peeler Trap - At least four cull rings at least 1-1/2 inch, one on each side of the holding compartment and placed in such a manner as to be below mean low tide.

#### Sec. 6(c) Separation of Crabs

Once taken hard males, hard females, peelers and soft shell crabs shall be kept separate from each other.

### Section 7 .....Catch Limits

#### Sec. 7(a) Catch Limits

The Commission may from time to time and by appropriate Order, specify a daily crab harvest limit. Such limit may be for the entire season or only specified period(s) of time, for all or only specified life stages and/or sexes. It shall be unlawful for the owner, captain, master, or any member of the crew of any boat licensed hereunder to take, catch, sell, offer to buy or sell, expose for sale, or have in possession more than the limit(s) specified under such order.

## Regulation VII

### **Section 8 .....Authority to Inspect**

#### Sec. 8(a) Officer Authorized

Any officer duly authorized to enforce the regulations of the Potomac River Fisheries Commission or the laws relating to the Potomac River is hereby authorized to confiscate and liberate into the waters of the Potomac River any sponge crab, spawn crab, blooming female crab and mother crab, or female crab, from which the egg pouch or bunion has been removed, where found, and held in violation of this section, and said officers are authorized to confiscate any hard crabs or peelers of a size less than the measurements here before provided, wherever found and shall dispose of any crabs so confiscated.

### **Section 9 .....Severability Clause**

#### Sec. 9(a) Severability Clause

If any word, clause, sentence, paragraph or section of this regulation shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

### **Section 10 .....Effective Date**

#### Sec. 10(a) Effective Date

These regulations shall take full force and effect thirty (30) days, or more, after their final adoption by the Commission.

**REGULATION VIII**  
**OYSTER MANAGEMENT RESERVE PROGRAM**

**Purpose**

The Potomac River Fisheries Commission (PRFC) convened a Blue Ribbon Oyster Panel to develop a Revitalization Oyster Plan for the Potomac River public oyster fishery as a means of “jump starting” the oyster resource in the river. The Panel was directed to develop a financially self-sustaining “put and take” public oyster fishery; consequently the Oyster Management Reserve Program was designed and approved by the Commission.

**Section 1 .....Oyster Management Reserve Program**

The Commission hereby establishes this Regulation with provisions that are designed for and apply only to the Potomac River Oyster Management Reserve Program. Except as noted herein Regulation VIII, the provisions of Regulations I through VII do not apply to the Oyster Management Reserve Program. For the first two years of the Program (2012 and 2013), the Commission will provide funds, purchase triploid eyed oyster larvae and have it set on shell. Participants will plant the spat on shell on the Oyster Management Reserve Area for grow out. From the third year forward, the Program will be self-sustaining and funded by the participants.

**Section 2 .....Definitions**

Hand Tongs – As defined in Regulation II, Section 1(a).

Hand Scrape – As defined in Regulation II, Section 1(e).

Natural Person – As defined in Regulation I, Section 3(a)(2).

Oyster Management Reserve License – A commercial PRFC oyster license, valid exclusively for catching or attempting to catch oysters on any Oyster Management Reserve Area in the Potomac River.

Participant – Any person or natural person who has purchased a PRFC Oyster Management Reserve License in the Oyster Management Reserve Program.

Person – As defined in Regulation I, Section 3(a)(1).

Power Assisted Hand Tongs – As defined in Regulation II, Section 1(b).

## **REGULATION VIII**

Principal Licensee – A natural person who is named on the Oyster Management Reserve License as the assigned user of the License by the person (participant) who purchased the License.

U.S. Standard Bushel Basket – As defined in Regulation II, Section 3(a).

### **Section 3 ..... General Provisions**

The provisions of Regulation I, Section 6 and Regulation III, Section 1, Section 2, Section 3, Section 4, and Section 5 apply to the Oyster Management Reserve Program.

### **Section 4 ..... Oyster Management Reserve License**

The Oyster Management Reserve License is valid exclusively for taking, catching or attempting to take or catch oysters on any Oyster Management Reserve Area in the Potomac River, and no other oyster license is required. This license shall be good for the licensing year January 1<sup>st</sup> through December 31<sup>st</sup> each year. No person may purchase more than three (3) Oyster Management Reserve Licenses.

#### Sec. 4(a)    Natural Person as a Participant (i.e. individual)

Any natural person desiring to participate in the Oyster Management Reserve Program shall pay a license fee of \$550.00 (see Section 5 of this Regulation) between December 1 (for the following year) and March 31 each year and hold a valid PRFC Commercial License Registration. This license cannot be used by anyone except this licensee (participant). The participant is responsible for complying with all provisions in this Regulation, including submitting oyster harvest reports and complying with the identification tagging requirements.

#### Sec. 4(b)    Person as a Participant (i.e. company)

Any person desiring to participate in the Oyster Management Reserve Program shall pay a license fee of \$550.00 (see Section 5 of this Regulation) between December 1 (for the following year) and March 31 each year and hold a valid PRFC Commercial License Registration. A natural person must be named as “principal licensee” on the Oyster Management Reserve License as the assigned user of the License, by the participant. This license cannot be used by anyone except the principal licensee. Except when renewing this license, if the participant wants to assign this license to a different natural person as the principal licensee, there will be a fee of \$50.00. The participant is responsible for complying with all provision in this Regulation, including submitting oyster harvest reports and complying with the identification tagging requirements.

## REGULATION VIII

### Sec. 4(c)(1) Crew

Any participant who purchased an Oyster Management Reserve License, under Section 4(a) or 4(b) above, may purchase up to two (2) additional license(s) for crew member(s) at a fee of \$600.00 each. Each crew license entitles the participant to an additional share of the harvest. Such crew member license is only valid when an eligible participant or principal licensee with a valid Oyster Management Reserve License is aboard the boat or vessel.

### Sec. 4(c)(2) Helper

Any participant who purchased an Oyster Management Reserve License, under Section 4(a) or 4(b) above, may purchase one additional license for a helper at a fee of \$100.00. A helper license, so purchased, does not entitle that participant to an additional share of the harvest. Such helper license is only valid when an eligible participant or principal licensee with a valid Oyster Management Reserve License is aboard the boat or vessel.

### Sec. 4(d) Possession of Valid License

Each person on board any boat taking, catching or attempting to take or catch oysters on any Oyster Management Reserve Area is required to possess a valid Oyster Management Reserve License for the year of such taking.

## **Section 5 .....Program Eligibility Requirements**

### Sec. 5(a) Delayed Entry

There is an initial three-year delay for harvesting oysters on any Oyster Management Reserve Area for each participant entering the Oyster Management Reserve Program:

- (1) Each participant must purchase an Oyster Management Reserve License and hold a valid PRFC Commercial License Registration (CLR) for the previous three (3) consecutive years, to be eligible to take, catch or attempt to take or catch oysters on any Oyster Management Reserve Area.
- (2) A crew license purchased by a participant must also have been purchased for the previous three (3) consecutive years to be eligible to take, catch or attempt to take or catch oysters on any Oyster Management Reserve Area.
- (3) A helper license may be purchased by a participant at any time.

## REGULATION VIII

### Sec. 5(b) 2012 Season Participants

The 20 participants entered in the Oyster Management Reserve Program for the 2012 season, who each purchased an Oyster Hand Scrape License and paid the surcharge fee, will be grandfathered in for the 2013 season when they purchase an Oyster Management Reserve License, and it will be counted as year-2 in the Program for those 20 people.

## **Section 6 .....Oyster Management Reserve Areas Established**

### Sec. 6(a) Areas Defined

Cobb Island Bar (360 acres) and Ragged Point Bar and Addition (302 acres), as charted on the Natural Oyster Bar charts #25-4, #26-10 and #26-11, are designated as Oyster Management Reserve Areas. The Commission may designate other Potomac River areas or oyster bars in the future by Order of the Commission, as the Program expands.

### Sec. 6(b) Oyster Management Reserve Area Closed

It shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Ragged Point Bar and Addition, or other areas/bars designated as Oyster Management Reserve Areas unless the person is a participant, crew, or helper who meets the eligibility criteria in Section 5(a) of this Regulation and the Oyster Management Reserve Areas have been announced as being open and ready for harvest by the Commission.

## **Section 7 .....Provisions for the Taking or Catching of Oysters**

### Sec. 7(a) Devices for Taking or Catching Oysters

An eligible participant or crew may take, catch or attempt to take or catch oysters from any Oyster Management Reserve Area by hand tongs, power assisted hand tongs or by hand scrapes and by no other means.

### Sec. 7(b) Dates and Times for Taking Oysters

The dates and times during which oysters may be taken or caught on Oyster Management Reserve Areas will be determined by a majority vote of the eligible participants (see Section 5(a)) each year. The Commission will then announce the Oyster Management Reserve Areas as being open and ready for harvest and will notify all eligible participants.



## REGULATION VIII

### Sec. 7(c) Containers for Oysters

All oysters on board the boat which have been harvested from any Oyster Management Reserve Area must be contained in PRFC approved containers, no larger than a U.S. Standard Bushel Basket.

### Sec. 7(d) Identification Tags Required

Each container of oysters harvested from an Oyster Management Reserve Area must be tagged with a completed PRFC issued Oyster Management Reserve Area identification tag before leaving the harvest area. No container of oysters harvested from an Oyster Management Reserve Area may be removed from the boat without said tag being firmly affixed to the container. These identification tags may be purchased from the PRFC for \$2.00 per tag. Unused tags can be returned to the PRFC for a refund prior to tags being purchased for the next year.

### Sec. 7(e) Reporting Requirements

Every participant shall keep an accurate and complete daily account of his or his boat's oyster catches from the Oyster Management Reserve Areas on forms supplied by the Commission. Such daily records of the oyster catches shall be delivered to, or mailed in time to arrive at, the Commission office no later than Thursday of the following week.

### **Section 8 .....Limited Entry**

When a cap on the number of Oyster Management Reserve Licenses is recommended by participants and approved by the Commission, then the Program becomes a limited entry plan. At the limited entry stage, Oyster Management Reserve Licenses will be allowed to be surrendered and reassigned (Regulation I, Section 1(e)) by the Commission, for a fee of \$100.00

### **Section 9 .....Commission Responsibilities**

The Commission will be responsible for: accepting and tracking the fees paid into the Oyster Management Reserve Program; tracking and notifying eligible participants; providing the group of participants (by April 15 each year) an accounting of the amount of money available for buying oyster seed; checking on current cost and availability of seed from the hatcheries; and providing results of the oyster survey on the Oyster Management Reserve Areas. Commission staff will coordinate the logistics of planting oyster seed with the participants.

## REGULATION VIII

### **Section 10 .....Participant's Guidelines**

The participants invested their money, time, and energy in this Oyster Management Reserve Program with the vision of developing a financially self-sustaining "put and take" public oyster fishery in the Potomac River. The Commission supports this Program and is willing to allow the participants the flexibility to develop their own guidelines for their recommendations for such things as planting sites, sources of seed, dates and times to open the reserves, size or harvest limits. This Program should not constrain the participants from catching and marketing these oysters at the optimal time in the best interest of the participants.

### **Section 11 .....Severability Clause**

If any word, clause, sentence, paragraph or section of the regulations shall, for any reason, be adjudged by any court or competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

### **Section 12 .....Effective Date**

These regulations shall take full force and effect thirty (30) days, or more, after their final adoption by the Commission.

POTOMAC RIVER FISHERIES COMMISSION

ATTEST:

MARTIN L. GARY  
Executive Secretary

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## A

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**MARYLAND AND VIRGINIA  
POTOMAC RIVER COMPACT OF 1958  
PREAMBLE**

**Whereas**, Maryland and Virginia are both vitally interested in conserving and improving the valuable fishery resources of the tidewater portion of the Potomac River, and

**Whereas**, certain provisions of the Compact of 1785 between Maryland and Virginia having become obsolete, Maryland and Virginia each recognizing that Maryland is the owner of the Potomac River bed and waters to the low water mark of the southern shore thereof, as laid out on the Matthews-Nelson survey of 1927, and that Virginia is the owner of the Potomac River bed and waters southerly from said low water mark as laid out, and that the citizens of Virginia have certain riparian rights along the southern shore of the River, as shown on said Matthews-Nelson survey, and, in common with the citizens of Maryland, the right of fishing said River, Maryland and Virginia have agreed that the necessary conservation and improvement of the tidewater portion of the Potomac fishery resources can be best achieved by a Commission comprised of representatives of both Maryland and Virginia, charged with the establishment and maintenance of a program to conserve and improve these resources, and

**Whereas**, at a meeting of the Commissioners appointed by the Governors of the State of Maryland and the Commonwealth of Virginia, to-wit: Carlyle Barton, M. William Adelson, Stephen R. Collins, Edward S. Delaplaine and William J. McWilliams, Esquires on the part of the State of Maryland and Mills E. Godwin, Jr., Howard H. Adams, Robert Y. Button, John Warren Cooke and Edward E. Lane, Esquires, on the part of the Commonwealth of Virginia, at Mount Vernon, in Virginia on the twentieth day of December, in the year one thousand nine hundred and fifty-eight, the following Potomac River Compact of 1958 between the Commonwealth of Virginia and the State of Maryland was mutually agreed to by the said Commissioners:

**Now, therefore, be it resolved**, by the Commissioners appointed by the Governors of the State of Maryland and the Commonwealth of Virginia, meeting in joint session, that they do unanimously recommend to the said respective Governors that there be a new Compact, to be designated as the "Potomac River Compact of 1958", and that the said new Compact be referred as promptly as possible to the Legislatures of the State of Maryland and the Commonwealth of Virginia for appropriate action and to the end that after ratification and adoption by said Legislatures the same be submitted to the Congress of the United States for approval.

## Potomac River Compact

### ARTICLE I COMMISSION-MEMBERSHIP and ORGANIZATION

**Section 1. Commission Created** - The Potomac River Fisheries Commission, hereinafter designated as "Commission", is hereby created.

**Section 2. Members** - The Commission shall consist of eight members, four from Maryland and four from Virginia. The Maryland members shall be the Secretary of the Department of Natural Resources of Maryland or its successor agency or the Secretary's designee, and three members at large to be appointed by the Governor of Maryland with the advice and consent of the Senate of Maryland. The Virginia members shall be three members of the Virginia Marine Resources Commission or its successor agency, and one member at large, to be appointed by the Governor of Virginia. If the membership of the Virginia Marine Resources Commission exceeds three, then the three Commission members from the Virginia Marine Resources Commission shall be selected by the Governor of Virginia; and if the membership of the Virginia Marine Resources Commission is less than three, the four Commission members from Virginia shall be the member or members of the Virginia Marine Resources Commission and such additional person or persons who shall be appointed by the Governor as may be necessary to constitute a total of four Commissioners.

**Section 3. Term, Vacancies** - The term of Commissioners who are members of the Virginia Marine Resources Commission shall be coterminous with their term on the Virginia Marine Resources Commission. The Secretary of the Department of Natural Resources of Maryland or the Secretary's designee shall serve *ex officio*. The term of all other Commissioners shall be four years. Vacancies on the Commission shall be filled by appointment of the Governor of the state entitled to fill the vacancy, except that if the Virginia Marine Resources Commission has three members, the person filling a vacancy on the Virginia Marine Resources Commission shall *ex officio* become a member of the Commission.

**Section 4. Chairman** - The Chairman of the Commission shall alternate from year to year between representatives of Maryland and Virginia. Subject to such alternation, the Chairman shall be elected by the Commissioners for a term of one year.



## Potomac River Compact

**Section 5. Compensation, Expenses** - Commissioners shall be entitled to receive from the General Fund of the Commission compensation not to exceed two hundred and fifty dollars (\$250.00) for each day or portion thereof spent in the performance of their duties, but in no event to exceed one thousand five hundred dollars (\$1,500.00) in any year, and reimbursement for reasonable expenses incident to the performance of their duties.

**Section 6. Meetings, Quorum** - Commission meetings shall be held at least once each quarter, and at such other times as the Commission may determine. In order to constitute a quorum for the transaction of any business at least two of the four members from each state must be present and must vote on the business being transacted.

**Section 7. Office and Employees** - The Commission shall establish and maintain an office at such locations as it may select, and may employ an Executive Secretary who shall serve at the pleasure of the Commission, and such other administrative, clerical, scientific and legal personnel as it deems necessary. The powers, duties and compensation of all employees shall be prescribed by the Commission, and the employees shall not be subject to the provisions of Division I of the State Personnel Article of the Annotated Code of Maryland that govern the Maryland State Personnel Management System nor to the provisions of the Virginia Personnel Act (§2.1-110 et seq.), as the same may be from time to time in effect. The Commission may extend to any employee or employees membership in the Virginia Retirement System or the Maryland Employees' Retirement System, whichever is applicable, subject to the laws relating to each such retirement system. Employees of the Commission shall also be eligible for the health and related insurance for state employees in §2.1-20.1 of the Code of Virginia or Title 8, Subtitle 1 of the State Personnel Article of the Annotated Code of Maryland, whichever is applicable.

## **Potomac River Compact**

### **ARTICLE II JURISDICTIONAL BOUNDARIES**

The territory in which the Potomac River Fisheries Commission shall have jurisdiction shall be those waters of the Potomac River enclosed within the following described area:

Beginning at the intersection of mean low water mark at Point Lookout and an established line running from Smith's Point to Point Lookout, marking Chesapeake Bay waters; thence following the mean low water line of the shore northwesterly across the respective mouths of all creeks to Gray Point at the westerly entrance into Rowley Bay; thence in a straight line northwesterly to the southerly extremity of Kitts Point; thence along the mean low water line to the southwesterly point of St. Ingoes Neck; thence in a straight line westerly to the most easterly point of St. Georges Island; thence following the mean low water line in a general northwesterly direction, across the respective mouths of all creeks and inlets to the southwesterly point of Huggins Point; thence in a straight line southwesterly to the eastern extremity of the sand bar known as Heron Island; thence northwesterly following the ridge of Heron Island Bar to its westerly extremity; thence southwesterly in a straight line to the most southerly point of Blackstone Island; thence in a straight line northwesterly to the southern extremity of Colton's Point; thence following the mean low water line, westerly, excluding all creeks and inlets, to the point marking the southeasterly entrance in St. Catherine Sound; thence westerly in a straight line to the southern extremity of St. Catherine Island Sandbar; thence northwesterly, along the westerly edge of said sand bar continuing along the mean low water line of the southwesterly side of St. Catherine Island to the northwesterly point of said island; thence westerly in a straight line to Cobb Point Bar Lighthouse, thence northwesterly along the ridge of Cobb Point Sandbar to the southerly extremity of Cobb Point; thence following the mean low water line in general northwesterly and northerly directions across the respective mouths of all creeks and inlets to a point at the easterly entrance into Port Tobacco River, due east of Windmill Point; thence in a straight line westerly to Windmill Point; thence southwesterly following the mean low water line across the respective mouths of all creeks and inlets to Upper Cedar Point; thence southwesterly in a straight line across the mouth of Nanjemoy Creek to a point on shore at the village of Riverside; thence following the mean low water line, southwesterly, northwesterly, and northerly, across the respective mouths of all creeks and inlets to Smith Point; thence northerly in a straight line to Liverpool Point; thence northerly in a straight line to Sandy Point; thence following the mean low water line

## Potomac River Compact

northerly, across the respective mouths of all creeks and inlets to Moss Point; thence northerly in a straight line across Chicamuxen Creek to the southernmost point of Stump Neck; thence following the mean low water line northeasterly, across the respective mouths of all creeks and inlets, to a point at the southerly entrance into Mattawoman Creek; thence in a straight line northeasterly across the mouth of Mattawoman Creek to the southwesterly point of Cornwallis Neck; thence following the mean low water line northeasterly, across the respective mouths of all creeks and inlets, to Chapman Point; thence in a straight line northeasterly to Pomonkey or Hollis Point; thence following the mean low water line in a northerly direction across the respective mouths of all creeks and inlets, to a point on Marshall Hall shore, due south of Ferry Point; thence northeasterly in a straight line to Bryan Point; thence northeasterly in a straight line to the northwest extremity of Mockley Point; thence northeasterly in a straight line to Hatton Point; thence northerly in a straight line to the southwesternmost point of Indian Queen Bluff; thence following the mean low water line northerly across the respective mouths of all creeks and inlets, to Rosier Bluff Point; thence in a straight line northerly to the intersection with the District of Columbia Line at Fox Ferry Point; thence following the boundary line of the District of Columbia southwesterly to a point on the lower or southern shore of the Potomac River said point being the intersection of the boundary line of the Commonwealth of Virginia with the boundary line of the District of Columbia; thence following the mean low water line of the Potomac River on the southern, or Virginia shore, as defined in the Black-Jenkins Award of 1877 and as laid out in the Matthews-Nelson Survey of 1927, beginning at the intersection of the Potomac River and the District of Columbia Line at Jones Point and running to Smiths Point; and thence in a straight line across the mouth of the Potomac River on the established line from Smiths Point to Point Lookout, to the mean low water mark at Point Lookout, the place of beginning.

### ARTICLE III COMMISSION POWERS AND DUTIES

**Section 1. Oyster Bars** - The Commission shall make a survey of the oyster bars within its jurisdiction and may reseed and replant said oyster bars as may from time to time be necessary.

**Section 2. Fish and Seafood** - The Commission may by regulation prescribe the type, size, and description of all species of finfish, crabs, oysters, clams, and other shellfish which may be taken or caught within its

## Potomac River Compact

jurisdiction, the places where they may be taken or caught, and the manner of taking or catching.

**Section 3. Research** - The Commission shall maintain a program of research relating to the conservation and repletion of the fishery resources within its jurisdiction, and to that end may cooperate and contract with scientists and public and private scientific agencies engaged in similar work, and may purchase, construct, lease, borrow or otherwise acquire by any lawful method such property, structures, facilities, or equipment as it deems necessary.

### **Section 4. Licenses** -

(a) The Commission shall issue such licenses as it may prescribe which shall thereupon be required for the taking of finfish, crabs, oysters, clams, or other shellfish from the waters within the jurisdiction of the Commission, and for boats, vessels and equipment used for such taking. Recognizing that the right of fishing in the territory over which the Commission shall have jurisdiction is and shall be common to and equally enjoyed by the citizens of Virginia and Maryland, the Commission shall make no distinction between the citizens of Virginia or Maryland in any rule, regulation or the granting of any licenses, privileges, or rights under this Compact.

(b) Licenses for the taking of oysters and clams and the commercial taking of finfish and crabs within the jurisdiction of the Commission shall be granted only to citizens of Maryland or Virginia who have resided in either or both states for at least twelve months immediately preceding the application for the license. Within six months after the effective date of this Compact, the Commission shall adopt a schedule of licenses, the privileges granted thereby, and the fees therefore, which may be modified from time to time in the discretion of the Commission.

(c) The licenses hereby authorized may be issued at such places, by such persons, and in accordance with such procedures as the Commission may determine.

**Section 5. Expenditures** - The Commission is authorized to expend funds for the purpose of general administration, repletion of the fish and shellfish in the Potomac River, and the conservation and research programs authorized under this Compact, subject to the limitations provided in this Compact.

## Potomac River Compact

**Section 6. Grants, Contributions, Etc.** - The Commission is authorized to receive and accept (or to refuse) from any and all public and private sources such grants, contributions, appropriations, donations, and gifts as may be given to it, which shall be paid into and become part of the General Fund of the Commission, except where the donor instructs that it shall be used for a specific project, study, purpose, or program, in which event it shall be placed in a special account, which shall be administered under the same procedure as that prescribed for the General Fund.

**Section 7. Cooperation of State Agencies** - The Commission may call upon the resources and assistance of the Virginia Institute of Marine Science, the University of Maryland System, and all other agencies, institutions, and departments of Maryland and Virginia which shall cooperate fully with the Commission upon such request.

**Section 8. Regulations** - The Commission shall have the power to make, adopt and publish such rules and regulations as may be necessary or desirable for the conduct of its meetings, such hearings as it may from time to time hold, and for the administration of its affairs.

**Section 9. Inspection Tax** - The Commission may impose an inspection tax, in an amount as fixed from time to time by the Commission, which inspection tax may not exceed two dollars (\$2.00), upon all oysters caught within the limits of the Potomac River. The tax shall be paid by the buyer at the place in Maryland, or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel, to any agent of the Commission, or to such officer or employee of the Virginia Marine Resources Commission or of the Maryland Department of Natural Resources, as may be designated by the Commission, and by him paid over to the Commission. The Commission shall use the proceeds of the oyster inspection tax solely for planting seed or shell oyster on working bottom.

### ARTICLE IV COMMISSION REGULATIONS-PROCEDURE AND REVIEW

**Section 1. Notice, Hearing, Vote** - No regulation shall be adopted by the Commission unless:

- (a) a public hearing is held thereon,
- (b) prior to the hearing the Commission has given notice of the proposed regulation by publication thereof at least once a week for three successive weeks in at least one newspaper published, or having a general circulation

## Potomac River Compact

in each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction. The first such publication to be at least thirty days but not more than 45 days prior to the date of the hearing;

(c) a copy of the proposed regulation is mailed at least 30 days but not more than 45 days prior to the hearing, to the clerk of the court of each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, who shall post the same in a conspicuous place at or in the courthouse, and

(d) the regulation is approved by at least six members of the Commission.

### **Section 2. Recordings, Effective Date -**

(a) Regulations of the Commission shall be exempt from the provisions of Chapter 1.1:1 (§9-6.14:1 et seq.) of Title 9 of the Code of Virginia (1950 Edition, as amended from time to time), and of §§10-106 and 10-107 of the State Government Article of the Annotated Code of Maryland (1957 Edition, as amended from time to time). Copies of Commission regulations shall be kept on public file and available for public reference in the offices of the Commission, the office of the clerk of court in each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, the office of the Virginia Registrar of Regulations, the office of the Maryland Department of Legislative Reference, the office of the Virginia Marine Resources Commission, and the office of the Maryland Department of Natural Resources.

(b) No regulation of the Commission shall become effective until thirty (30) days after the date of its adoption, or such later date as may be fixed by the Commission.

(c) Leasing, dredging, or patent tonging shall be authorized by the Commission only if such authorization is granted by joint action of the Legislatures of Maryland and Virginia.

**Section 3. Review** - Any person aggrieved by any regulation or order of the Commission may at any time file a petition for declaratory judgment with respect to the validity or construction thereof, in the circuit court of any county in Maryland or Virginia contiguous to the waters within the Commission's jurisdiction. A review of the final judgment of the circuit court may be appealed to the court of highest appellate jurisdiction of the state in accordance with the rules or laws of procedure in such state.

## Potomac River Compact

**Section 4. Revision by Legislative Action** - Regulations of the Commission may be amended, modified, or rescinded by joint enactment of the General Assembly of Maryland and the General Assembly of Virginia.

**Section 5. Revision of Compact** - At any time subsequent to the adoption of this compact the Governor or Legislature of either Maryland or Virginia may call for the appointment of a Commission to make further study and recommendations concerning revision and amendments to this Compact, at which time the Governors of the respective states shall act forthwith in compliance with the request for the appointment of said Commission.

### ARTICLE V ENFORCEMENT OF LAWS AND REGULATIONS: PENALTIES

**Section 1. Responsibility for Enforcement** - The regulations and orders of the Commission shall be enforced by the joint effort of the law enforcement agencies and officers of Maryland and Virginia.

**Section 2. Penalties** - The violation of any regulation of the Commission shall be a misdemeanor. Unless a lesser punishment is provided by the Commission, such violation shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or confinement in a penal institution for not more than one (1) year, or both, in the discretion of the court, and any vessel, boat or equipment used in the taking of finfish, crabs, oysters, clams, or other shellfish from the Potomac River in violation of any regulation of the Commission or of applicable laws may be confiscated by the court, upon the abandonment thereof or the conviction of the owner or operator thereof.

**Section 3. Jurisdiction of Court** - The officer making an arrest or preferring a charge for violation of a regulation of the Commission or an applicable state law respecting the waters within the Commission's jurisdiction shall take the alleged offender to a court of competent jurisdiction in either State, in a county adjacent to the portion of the Potomac River where the alleged offense occurred, which shall thereupon have jurisdiction over the offense.

**Section 4. Disposition of Fines and Forfeitures** - All fines imposed for violation of regulations of the Commission or applicable state laws respecting the waters within the Commission's jurisdiction shall be paid into

## Potomac River Compact

the court in which the case is prosecuted, and accounted for under the laws applicable to that court. Any property confiscated under the provisions of this Compact shall be turned over to the Commission, which may retain, use or dispose of as it deems best.

### ARTICLE VI COMMISSION FINANCES

**Section 1. Budget** - The Commission shall approve and adopt a proposed annual budget showing estimated income, revenues, appropriations, and grants from all sources, and estimated necessary expenditures and shall send a copy thereof to the Governors of Maryland and Virginia.

**Section 2. Appropriations** - The said Governors shall place in the proposed budget of their respective states for each year the sum of not less than Fifty Thousand Dollars (\$50,000.00) for the expenses and the other purposes of the Commission for that year; except that none of the sum so appropriated shall be used for law enforcement purposes; and the General Assembly of each of the two states agrees to appropriate annually not less than this sum to the Commission.

**Section 3. General Fund** - (a) The General Fund shall consist of: (1) all income and revenue received from the issuance of licenses under this Compact; (2) the proceeds of the disposition of property confiscated pursuant to the provisions of this Compact; (3) the proceeds of the inspection tax upon oysters imposed pursuant to this Compact; and (4) the funds appropriated to the Commission by the two states.

(b) The General Fund of the Commission shall be kept in such bank or depository as the Commission shall from time to time select. The General Fund shall be audited annually by the Auditor of Public Accounts of Virginia and the State Auditor of Maryland acting jointly, and at such other times as the Commission may request.



## Potomac River Compact

### ARTICLE VII EFFECT ON EXISTING LAWS AND PRIOR COMPACT

**Section 1. Existing Rights** - The rights, including the privilege of erecting and maintaining wharves and other improvements, of the citizens of each State along the shores of the Potomac River adjoining their lands shall be neither diminished, restricted, enlarged, increased nor otherwise altered by this Compact, and the decisions of the courts construing that portion of Article VII of the Compact of 1785 relating to the rights of riparian owners shall be given full force and effect.

**Section 2. Existing Laws** - The laws of the State of Maryland relating to finfish, crabs, oysters, and clams in the Potomac River, as set forth in former Article 66C of the Annotated Code of Maryland and as in effect on December 1, 1958, shall be and remain applicable in the Potomac River except to the extent changed, amended, or modified by regulations of the Commission adopted in accordance with this Compact.

**Section 3. Existing Licenses** - The rights and privileges of licensees to take and catch finfish, crabs, oysters, clams, and other shellfish in the Potomac River which are in effect at the time this Compact becomes effective, shall continue in force for a period of six months at which time every such license and every such right and privilege shall be abrogated.

### ARTICLE VIII EFFECT OF RATIFICATION

These articles shall be laid before the Legislatures of Virginia and Maryland, and their approbation being obtained, shall be confirmed and ratified by a law of each state, never to be repealed or altered by either, without the consent of the other.

### ARTICLE IX EFFECTIVE DATE

This Compact, which takes the place of the Compact of 1785 between Maryland and Virginia, shall take effect at the expiration of 60 days after the completion of the last act legally necessary to make it operative, and thereupon the said Compact of 1785 shall no longer have any force or effect. IN TESTIMONY WHEREOF, the Commissioners, on the part of the State of Maryland and the Commonwealth of Virginia, evidence their

## Potomac River Compact

agreement to the provisions of this Compact by becoming parties signatory this, the twentieth day of December, in the year one thousand, nine hundred and fifty-eight, at Mount Vernon, in Virginia; and now witnesseth:

Commissioners

On the Part of MarylandOn the Part of Virginia

- (s) Carlyle Barton(s) Mills E. Godwin, Jr.
- (s) William J. McWilliams(s) Howard H. Adams
- (s) M. William Adelson(s) Edward E. Lane
- (s) Stephen P. Collins(s) Robert Button
- (s) Edward S. Delaplaine(s) John Warren Cooke

### NOTES ON COMPACT:

- 1) The "Potomac River Compact of 1958" appears as Section 4-306 of the Natural Resources Article of the Annotated Code of Maryland; Section 28.2-1001 of the Laws of Virginia, and Public Law 87-783 (*Oct. 10, 1962*) of the United States of America.
- 2) The last sentence of Article I, Section 7 was added by Joint enactment's of the 1984 sessions of the Maryland and Virginia General Assemblies, effective 7-1-84.
- 3) Oyster inspection tax limit (established in Article III, Sec. 9) changed from 25 cents maximum to the higher of either Maryland or Virginia by joint enactment's of the 1985 sessions of the Maryland and Virginia General Assemblies, effective 9-4-85.
- 4) Membership increased from 6 to 8 members, the Secretary of Maryland Department of Natural Resources named as a member, the fourth Virginia member appointed at-large, Tidewater Fisheries Commission changed to Maryland Department of Natural Resources, Virginia Commission of Fisheries changed to Virginia Marine Resources Commission, and regulation changes to require 6 affirmative votes (not 4 as previously required with 6 members). These changes were added by enactment's of the 1994 session of the Maryland General Assembly and the 1995 session of the Virginia General Assembly, effective 10-18-95.
- 5) Commissioners compensation (Article I, Sec. 5) changed from \$25.00 to not exceed \$250.00 per day or \$1,500.00 per year. Change was effective 02-19-2008 by join enactment's of the 2007 sessions of the Maryland and Virginia General Assemblies.

## **Potomac River Compact**

- 6) Oyster inspection tax limit changed from the higher of either Maryland or Virginia oyster tax rate to an inspection tax of \$2.00 by enactments of the 2013 sessions of the Maryland and Virginia General Assemblies. The proceeds shall be solely used for planting seed or shell oyster on working bottom. Effective for the 2015 oyster season.

### **DREDGING OF SOFT SHELL CLAMS**

Dredging of Soft Shell Clams- The Potomac River Fisheries Commission shall have the power to make, adopt and publish such rules and regulations as may be necessary or desirable for authorizing and regulating the dredging of soft shell clams in areas within its geographical jurisdiction and may levy license fees for such dredging in amounts to be set in its discretion. (Effective date- The Virginia act adding this section was passed February 16, 1965. The act became effective on February 16, 1965 by proclamation of the Governors of each state according to Article IV, paragraph 2(c) of the Compact.)

### **DREDGING OF OYSTERS**

Dredging of Oysters- The Potomac River Fisheries Commission shall have the power to make, adopt, and publish such rules and regulations as may be necessary or desirable for authorizing and regulating the dredging of oysters in areas of the Potomac River within its geographical jurisdiction and may levy license and repletion fees for same. (Effective date- The Virginia Act adding this section was passed on March 22, 1974. A similar Maryland Act was passed on April 30, 1974. The Act became effective on July 16, 1974 by proclamation of the Governors of each state according to Article IV, paragraph 2(c) of the compact. This section was amended by removing the hand scrape limitation and adding repletion fees by Chapter 116 of the 1982 Acts of the Virginia General Assembly and by Chapter 290 of the 2003 Acts of the General Assembly of Maryland. The changes became effective November 17, 2003 by proclamation of the Governors of each state according to Article IV, paragraph 2(c) of the Compact.)

**June 10, 2017**

**Supplement to**

**POTOMAC RIVER FISHERIES COMMISSION  
BOOK OF REGULATIONS**

This supplement should be inserted inside the back cover of the October 8, 2016 edition of the Potomac River Fisheries Commission Regulations and should be consulted before referring to any law to determine whether there are updates or changes.

I hereby certify that the enclosed Regulations and Orders were adopted by the Potomac River Fisheries Commission and are effective for the dates shown thereon.

ATTEST:

\_\_\_\_\_  
Martin L. Gary, Executive Secretary

\_\_\_\_\_  
Date

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# CLAMMING

## ORDER #2003-12

### CLOSED AREAS TO SOFT SHELL CLAMMING

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the seafood resources and pursuant to its authority under Regulation I, Sections 8 (a) and 7 (a)(1):

**HEREBY DECLARES AND ORDERS:** the following described areas are closed to all soft shell clam harvest by any means at any time:

#### Closed Area — Upstream Limit

All waters of the Potomac River lying upstream of a line drawn from the U.S. Coast Guard Neale Sound entrance light number “2” (Potomac River entrance to Neale Sound, MD) and the mouth of Popes Creek, VA.

#### Closed Area “A”

Eastern boundary - is the jurisdictional line of the Potomac River Fisheries Commission (PRFC) and the Maryland Department of Natural Resources (DNR), which is identified by sighting jurisdictional spar buoy “A” over the tip of Point Lookout.

Western boundary - is a line identified by sighting PRFC seed area marker “B” over Smith Creek Approach Light #2.

#### Closed Area “B”

Eastern boundary - is a line identified by sighting St. Mary’s River Junction Lighted Buoy over PRFC marker “PRIB”.

Western boundary - is a line extending due north from St. Mary’s River Junction lighted Buoy.

Northern boundary - is a jurisdictional line of the PRFC and Maryland DNR at the mouth of St. Mary’s River, which is identified by sighting spar buoy M2C over PRFC marker “PRM2A”.

#### Closed Area “C”

Eastern boundary - is a line extending due south of Deep Point, St. George’s Island.

Western boundary - is a line identified by sighting St. George’s Creek West Channel Light #1 over the center span of the St. George’s Island Bridge.

#### Closed Area “D”

Eastern boundary - is a line extending due south of the mouth of Flood Creek.

Western Boundary - is identified by sighting St. Clement’s Island Lighted Beacon #3 over St. Patrick Creek Approach Light #2.

Northern boundary - is the jurisdictional line of the PRFC and Maryland DNR at the mouth of Breton Bay as marked with PRFC markers “PRM3A, 3B and 3C: and spar buoys “3D” and “3E.”

#### Closed Area “E”

Eastern boundary - is a line identified by sighting the U.S. Coast Guard Potomac River channel buoy number “N-14” over a fixed marker on the southwest tip of St. Clement’s Island, Md., and the jurisdictional line of the PRFC and Maryland DNR across Dukeharts Channel as marked with PRFC markers “PRM4B and 4C.”

Western boundary - is a line identified by sighting St. Catherine Sound South Channel Light #1L over PRFC marker “PRM5A.”

# CLAMMING

## Closed Area "F"

Western boundary - is a line identified by sighting spar buoy "V6D", located on the Maryland-Virginia line at Nomini Bay, over the southern tip of Hollis Island.

Eastern boundary - is a line identified by sighting PRFC marker "PRV4B" over the north end of the tavern at Coles Point.

## Closed Area "G"

Western boundary - is a line perpendicular to the shore five hundred (500) yards west of the entrance jetty to Bonums Creek.

Eastern boundary - is a line perpendicular to the shore fifteen hundred (1500) yards east of the entrance jetty to Bonums Creek.

## Closed Area "H"

Western boundary - is a line extending due east from Sandy Point Neck, which is identified by sighting the easternmost white boat house over a red gambrel roofed barn.

Eastern boundary - is a line extending Northeasterly from the western entrance to Cod Creek to U.S. Coast Guard buoy "#N-48-B."

## Closed Area "I"

Western boundary - is a line perpendicular to the shore from the entrance to Hack Creek to U.S. Coast Guard buoy "#N-45B."

Eastern boundary - is a line perpendicular to the shore approximately four thousand (4000) yards below the western boundary opposite a white house.

## Closed Area "J"

Eastern boundary - is a line identified by sighting the U.S. Coast Guard Potomac/Wicomico River Junction buoy (red/black num buoy) over the U.S. Coast Guard Wicomico River red daybeacon "#2W" (Mouth of the River Bar).

Western boundary - is a line identified by sighting the tip of Cobb Point (Cobb Island) over the U.S. Coast Guard Wicomico River flashing green light "#3W" (Shipping Point).

Northern boundary - is the jurisdictional line of the PRFC and Maryland DNR at the Mouth of the Wicomico River as marked with PRFC marker "PRM6A," Cobb Bar Light, and "PRM6B."

## Closed Area "K"

All of the waters of Piney Point Hollow beginning at a point, defined by Lat. 38° 08.148' N and Long. 76° 30.217' W. and marked with a buoy;

Thence, running NW'trly approximately 306° true to a point, defined by Lat. 38° 08.343' N. and Long. 76° 30.557' W. and marked with a buoy;

Thence, running NE'trly approximately 41° true to a point at or near the mean low water line of the shore, defined by Lat. 38° 08.428' N. and Long. 76° 30.463' W.;

Thence, running SE'trly approximately 110° true to a point at or near the mean low water line of the shore, defined by Lat. 38° 08.340' N. and Long. 76° 30.153' W.;

Thence, running SW'trly approximately 194° true to the point of beginning.

Conditionally Closed Area - The area south and/or east of the Upstream Limit and north and/or west of the Charles - St. Mary's County line is closed for clamming April 1 through October 31 each year.

Notice: ALL Closed areas extend from the mean low water line off shore to the Channel, unless otherwise noted.

**BE IT FURTHER DECLARED AND ORDERED:** that this Order #2003-12 shall become effective October 6, 2003 and will remain in effect until further notice.



# CRAB POT

## ORDER #2005-08

(replaces 2001-06)

### LIMITED ENTRY CRAB POT FISHERY

**THE POTOMAC RIVER FISHERIES COMMISSION**, having acted to declare the crab pot fishery a limited entry fishery and pursuant to its authority under Regulation I, Section 2 (d)(1), **HEREBY DECLARES AND ORDERS:** that the maximum number of crab pot licenses allowable in the Potomac River for any license year shall not exceed the number of licenses issued the previous license year.

**BE IT FURTHER DECLARED AND ORDERED:** that persons eligible for the above established limited entry licenses shall be the Potomac River crab pot licensees from the previous year, including those persons eligible under Regulation I, Section 1(e) (*Death of Licensee or Surrender of License*).

**BE IT FURTHER DECLARED AND ORDERED:** that any crab pot license not renewed on or before January 31st of each year shall only be renewable under the provisions of Regulation I, Section 1(c)(iii).

**BE IT FURTHER DECLARED AND ORDERED:** that un-renewed crab pot licenses shall not be made available for a public random drawing as provided for in Regulation I, Section 1(d), unless and until the number of licenses issued is less than 400.

**AND IT IS FURTHER DECLARED AND ORDERED:** that this Order #2005-08 shall become effective October 1, 2005, supersedes and repeals Order #2001-06, and will remain in effect until further notice.

## **CRAB POT**

### **O R D E R #2008-07**

#### **COMMERCIAL CRAB FISHERY TIME LIMITS**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the blue crab population, having considered the protection, promotion, growth and conservation of the crab resources, and provisions of Regulation I, Section 7(a) and Regulation VII, Section 5(b).

**HEREBY DECLARES AND ORDERS:** it shall be unlawful for any person to take or catch crabs between sunset and one (1) hour before sunrise, or to land or unload crabs earlier than sunrise or later than sunset.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2008-07 shall become effective July 1, 2008 and remain in effect until such time as the Commission has taken further action.

### **O R D E R #2008-09**

#### **COMMERCIAL CRAB FISHERY POT LIMITS**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the crab population, having considered the protection, promotion, growth and conservation of the crab resources, and provisions of Regulation I, Section 7(a) and Regulation I, Section 2(d)(3).

**HEREBY DECLARES AND ORDERS:** those persons holding a 285, 380, or 475 pot license are limited to that number from the effective date of this Order and each year thereafter.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2008-09 shall become effective July 1, 2008 and remain in effect until such time as the Commission has taken further action.

# CRAB POT

## ORDER #2017-06 (replaces #2016-12)

### 2017 CRAB SEASON

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the crab population, having considered the protection, promotion, growth and conservation of the crab resources, and pursuant to its authority under Regulation I, Section 7(a) and Regulation VII, Section 4.

**HEREBY DECLARES AND ORDERS:** it shall be unlawful for any person to take or catch, or attempt to take or catch any crabs by any means in the Potomac River during the closed season(s) as follows:

- (1) Hard crabs: – December 1 through March 31 next succeeding.  
Mature females –In addition to the season see Order 2016-11 for bushel limits.
- (2) Soft crabs – October 31 through April 30 next succeeding.
- (3) Peeler crabs – October 31 through April 30 next succeeding.

**IT IS FURTHER DECLARED AND ORDERED:** it shall be unlawful to set, fish or use in the Potomac River any:

- (1) Crab pots – December 1 through March 31 next succeeding.
- (2) Trotlines and dip nets – December 1 through March 31 next succeeding.
- (3) Peeler traps – July 1 through April 30 next succeeding.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-06 shall become effective March 31, 2017 and remain in effect until further notice.

# **CRAB POT**

## **ORDER #2017-09**

**(replaces #2016-11)**

### **RIVER WIDE FEMALE CRAB HARVEST LIMITS FOR MANAGEMENT YEAR 2017-2018**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the crab population, having considered the protection, promotion, growth and conservation of the crab resources, and pursuant to its authority under Regulation I, Section 7(a) and Regulation VII, Section 7.

**HEREBY DECLARES AND ORDERS:** it shall be unlawful for any commercial crab pot licensee to take or catch, or attempt to take or catch more than fourteen (14) bushels for 300 pot licenses; nineteen (19) bushels for 400 pot licenses and twenty-four (24) bushels for 500 pot licenses of female crabs per day from July 10, 2017 through September 17, 2017 in the Potomac River.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-09 shall become effective June 10, 2017 and remain in effect through September 17, 2017.

# FISH

## ORDER #2010-06

### POSSESSION OF SNAKEHEADS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having considered the protection, promotion, growth and conservation of the indigenous seafood resources, and pursuant to its authority under Regulation I, Section 7(a) (1) and Section 8 (a), **HEREBY DECLARES AND ORDERS:**

- a) It shall be unlawful to release, to return, or otherwise discard any living snakehead or member of the *Channidae* family to the Potomac River.
- b) It shall be lawful to possess a live snakehead fish (of the family *Channidae*) only so long as necessary to kill the fish as specified in paragraph (c).
- c) A person may possess a dead snakehead fish only with (i) the head removed, or (ii) the fish is gutted, or (iii) both gill arches of the fish removed and the person notifies, as soon as practicable, one of the following agencies:
  - i) Maryland Department of Natural Resources 410-260-8287,
  - ii) Virginia Department of Game & Inland Fisheries 800-770-4951,
  - iii) DC Fisheries and Wildlife Division 202-535-2260, or
  - iv) US Fish and Wildlife Service 703-358-1932.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order 2010-06 shall become effective June 20, 2010 and remain in effect until further notice.

## FISH

### ORDER #2013-01 (replaces 2012-05)

#### AMERICAN SHAD BY-CATCH PROVISION

**THE POTOMAC RIVER FISHERIES COMMISSION**, having considered the protection, promotion, growth and conservation of the American shad resources; and pursuant to its authority under Regulation I, Section 7(a) (2); and Reg. III, Sec. 11(c)(2); **HEREBY DECLARES AND ORDERS:**

- a) That the tolerance specified in Regulation III, Section 11 (c) (2) for gill nets and pound nets shall be 2% by volume of the total catch in possession, not to exceed two (2) standard bushels per day per licensee, of American or hickory shad shall be allowed.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order 2013-01 shall become effective January 1, 2013, and remain in effect until further notice.

### ORDER #2014-05

#### SEASONAL CLOSURE FOR AMERICAN EELS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary to comply with certain provisions of the Atlantic States Marine Fisheries Commission (ASMFC) Addendum III to the Fishery Management Plan for American Eel and the provisions of Regulation I, Section 7(a)(2):

**HEREBY DECLARES AND ORDERS:** it shall be unlawful for any person to take, catch and keep any American eels from fyke net(s) and/or pound net(s) in the Potomac River during the closed season, from September 1 through December 31.

**AND, IT IS FURTHER DECLARED AND ORDERED:** this Order #2014-05 shall become effective January 1, 2014, and remain in effect until further notice.

# FISH

## ORDER #2016-07

(replaces #2015-06)

### COMMERCIAL HOOK AND LINE AND GILL NET LIMITED ENTRY

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass and pursuant to its authority under Regulation I, Sections 2(i)(1) and 2(l)(2):

**HEREBY DECLARES AND ORDERS:** the maximum number of commercial hook and line licenses shall be one hundred and seventy-nine (179), and the maximum number of gill net stands shall be seven hundred and thirty-six (736).

**BE IT FURTHER DECLARED AND ORDERED:** the provisions of Regulation III, Sec. 13(d) entitled "Individual Striped Bass Allocation Transfer from Gill Net to Commercial Hook and Line" shall be allowed provided the sum total of gill nets and commercial hook and line licenses do not exceed nine hundred and fifteen (915).

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2016-07 will become effective March 14, 2016, shall supersede and repeal Order #2015-06, and remain in effect until further notice.

# FISH

## ORDER #2017-01 (replaces #2016-01 "Revised")

### 2017 RECREATIONAL AND CHARTER STRIPED BASS SEASONS AND RESTRICTIONS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Sections 9, 10, 11 and 13(b); **HEREBY DECLARES AND ORDERS:** the following restrictions shall apply to the recreational and charter striped bass fishery:

#### **Spring Season:**

Dates: April 15 through May 15, 2017  
Open Area: Downstream of Harry W. Nice Bridge (Rt.301)  
Creel Limit: One (1) fish per person per day (inc. charter capt.)  
Minimum Size Limit: Thirty-five (35) inches TL  
No High-Grading: Unlawful to return fish to the water after it is placed into a cooler or storage area.  
Bait Restrictions: No live eel. No more than two (2) hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks.

#### **Summer/Fall Season:**

Dates: May 16 through December 31, 2017  
Open Area: Downstream of Woodrow Wilson Bridge (I95)  
Creel Limit: Two (2) fish per person per day  
Minimum Size Limit: Twenty (20) inches TL with only one (1) fish over twenty-eight (28) inches TL  
Bait Restrictions: None. No more than two (2) hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-01 shall become effective, January 1, 2017 shall supersede and repeal Order #2016-01 "Revised" and remain in effect until further notice.



# FISH

## ORDER #2017-02

(replaces #2016-02)

### 2017 COMMERCIAL STRIPED BASS CATCH LIMITS AND RESTRICTIONS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Sections 10 and 13(b); **HEREBY DECLARES AND ORDERS:** the catch limits for striped bass (rockfish) provided for in Regulation III, Section 10, Sub-sections (a) and (b) shall be 583,362 pounds and divided by gear type as follows:

- 1) Commercial Hook and Line: 83,462 pounds (11,505 ID tags) total for all licensees, plus any available gill net allocation as may be allowed under Regulation III, Sec. 13(d).
- 2) Pound Net: 130,090 pounds (22,000 ID tags) total for all licensees. Each pound net licensee must have at least one net set and fishing before receiving his share of the total, and such share will be proportional to the total number of pound net licenses issued and the number held by the licensee.
- 3) Miscellaneous Commercial Gear: 14,001 pounds (2,300 ID tags) total for all licensees. This gear type includes and is limited to fyke net and haul seine licenses only. The yearly total number of ID tags shall be divided 60% haul seine, 40% fyke net and further divided equally among fishermen who have held the specific license type and who have fished such gear and reported catch of other species during each of the last 3 license years.
  - i. Each haul seine licensee must have his/her haul seine measured and sealed by PRFC or law enforcement prior to qualifying to receive striped bass tags. Only one (1) seal per net will be allowed.
  - ii. Each fyke net licensee must have at least one net set and fishing before receiving his share of the total.
  - iii. Unlawful to harvest striped bass from any haul seine or fyke net that has not been certified/inspected.
- 4) Gill Net: Published Separately

**BE IT FURTHER DECLARED AND ORDERED:** that striped bass identification tags may be used only on fish harvested with the gear type for which the striped bass identification tags were issued.

**AND, IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-02 shall become effective January 1, 2017, shall supersede and repeal Order #2016-02 and remain in effect until further notice.

# FISH

## O R D E R #2017-03 “Revised” (replaces #2017-03)

### 2017 RECREATIONAL and CHARTER FISHING SEASON, SIZE AND CATCH LIMITS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10 and 11; **HEREBY DECLARES AND ORDERS:** recreational and charter seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	9" min.	25 per person
Atlantic Croaker	Jan. 1 - Dec. 31	9" min.	25 per person
Black Bass (Large or Small Mouth)	March 1 - June 15 All other times	15" min. 12" min.	5 per person 5 per person
Black Drum	Jan. 1 - Dec. 31	16" min.	1 per person
Black Sea Bass <sup>(1)</sup>	May 15 - Sept. 21 & Oct. 22 - Dec. 31	12 ½" min.	15 per person
Bluefish	Jan. 1 - Dec. 31	8" min.	10 per person
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Crappie	Jan 1 - Dec. 31	No limit	10 per person
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. – 25" max.	5 per person
River Herring	..... C L O S E D .....		
Shad (American or Hickory)	..... C L O S E D .....		
Snakehead <sup>(2)</sup>	Jan. 1 – Dec. 31	No limit	No limit
Spanish Mackerel	Jan. 1 - Dec. 31	14" min.	15 per person
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	10 per person
Striped Bass	..... P U B L I S H E D S E P A R A T E L Y.....		
Sturgeon (Atlantic or Shortnose)	..... C L O S E D .....		
Summer flounder	Jan. 1 - Dec. 31	17" min.	4 per person
Tautog	Jan. 1 - Dec. 31	14" min.	No Limit
Weakfish	Jan. 1 - Dec. 31	12" min.	1 per person
Yellow perch	Jan. 1 - Dec. 31	9" min.	10 per person

(1) – **Black Sea Bass** – The tail filament is not to be included in the total length of the fish.

(2) – **Snakehead** – It shall be unlawful to possess a live snakehead fish (of the family *Channidae*) only so long as necessary to **kill the fish** as specified in Order 2010-06.

**AND, IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-03 “Revised” shall become effective June 10, 2017 shall supersede and repeal Order #2017-03 and remain in effect until further notice.

# FISH

## O R D E R #2017-04 “Revised” (replaces #2017-04)

### 2017 COMMERCIAL FISHING SEASON, SIZE AND CATCH LIMITS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10 and 11; **HEREBY DECLARES AND ORDERS:** that commercial seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	9" min.	No limit
Atlantic Croaker	Jan. 1 - Dec. 31	No limit	No limit
Black Bass (Large or Small Mouth) .....	C L O S E D .....		
Black Drum	Jan. 1 - Dec. 31	16" min.	1 fish
Black Sea Bass* <sup>(1)</sup>	Jan. 1 - Dec. 31	11" min.	No limit
Bluefish*	Jan. 1 - Dec. 31	No limit	No limit
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. - 25" max.	5 fish
River Herring .....	C L O S E D .....		
Shad (American or Hickory)	C L O S E D (See Order #2013-01 for By-Catch provisions)		
Snakehead <sup>(2)</sup>	Jan. 1 - Dec. 31	No limit	No limit
Spanish Mackerel*	Jan. 1 - Dec. 31	14" min.	No limit
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	No limit
Striped Bass .....	P U B L I S H E D S E P A R A T E L Y .....		
Sturgeon (Atlantic or Shortnose) .....	C L O S E D .....		
Summer flounder**	Jan. 1 - Dec. 31	14" min.	21,962
Tautog	Jan. 1 - Dec. 31	14" min.	No limit
Weakfish***	July 28 - Dec. 31	12" min.	50 lbs / day
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	No limit

- (1) **Black Sea Bass** – The tail filament is not to be included in the total length of the fish.
- (2) **Snakehead** – It shall be unlawful to possess a live snakehead fish, (of the family *Channidae*) only so long as necessary to **kill the fish** as specified in Order 2010-06.

**\*BE IT FURTHER DECLARED AND ORDERED:** the commercial fisheries for black sea bass, bluefish, and/or Spanish mackerel, have daily catch limits (landing limits) imposed subject to ASMFC notification and may be closed immediately by Order of the Commission upon notification by both Maryland and Virginia that the ASMFC/MAFMC established commercial harvest quota for such species has been landed and the state waters are closed for the harvest of such species.

**\*\*BE IT FURTHER DECLARED AND ORDERED:** that when the PRFC summer flounder quota, based on the ASMFC quota as established by the MD/VA/PRFC In State Commercial Summer Flounder Landings Memorandum of Understanding, is reached the fishery shall be closed. Providing that daily landing limits may be imposed when 80% of the quota is projected to be landed.

**\*\*\*BE IT FURTHER DECLARED AND ORDERED:** that subject to the provisions of the ASMFC Weakfish Management Plan pound netters are permitted to possess no more than 50 lbs. (1 bushel) of legal size weakfish from February 15<sup>th</sup> through July 27<sup>th</sup>. The allowance must be less than or equal to the poundage of other lawfully harvested species.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-04 “Revised” shall become effective, June 10, 2017 shall supersede and repeal Order #2017-04 and remain in effect until further notice.

# FISH

## ORDER #2017-05 (replaces #2016-05)

### COMMERCIAL GEAR STRIPED BASS SEASONS & SIZE LIMITS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Sections 9(a) and 11(a); **HEREBY DECLARES AND ORDERS:** the Potomac River striped bass (rockfish) seasons and size limits shall be for each gear type or segment listed below as follows:

<u>Gear</u>	<u>Season</u>	<u>Size Limit</u>
1) Commercial Hook and Line:	January 1 through January 31 February 1 through March 25 June 1 through December 31	18" min. / no max. 18" min. / 36" max. 18" min. / no max.
2) Pound Net:	February 15 through March 25 June 1 through December 15	18" min. / 36" max. 18" min. / no max.
3) Miscellaneous Commercial Gear: (Includes Haul Seine and Fyke Net Only)	February 15 through March 25 June 1 through December 15	18" min. / 36" max. 18" min. / no max.
4) Gill Net:	SEE THE CURRENT GILL NET SEASON & RESTRICTIONS ORDER	

**BE IT FURTHER DECLARED AND ORDERED:** except for the gear types or segments listed herein and within the specified dates, it shall be unlawful to take, catch, and remove any striped bass from the Potomac River during any other times of the year or by any other means.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-05 shall become effective January 1, 2017, shall supersede and repeal Order #2016-05, and remain in effect until further notice.

# FISH

## ORDER #2017-08 (replaces #2016-10 "Revised")

### COMMERCIAL ATLANTIC MENHADEN CATCH LIMITS AND RESTRICTIONS

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary to comply with certain provisions of the Atlantic States Marine Fisheries Commission (ASMFC) Amendment 2 and Addendum I to the Interstate Fishery Management Plan (IFMP) for Atlantic Menhaden and the provisions of Regulation I, Section 7(a)(2):

**HEREBY DECLARES AND ORDERS:** the catch limit for Atlantic menhaden provided for in Regulation III, Section 10(a) shall be 2,709,809 pounds. A weekly menhaden harvest call-in program will be imposed when 70 percent of the catch limit is projected to be landed. When the PRFC Atlantic menhaden catch limit is reached, all commercial fisheries shall be closed to all gear types.

**BE IT FURTHER DECLARED AND ORDERED:** When the commercial fisheries for Atlantic menhaden are closed, subject to the provisions of the ASMFC Amendment 2 and Addendum I to the IFMP for Atlantic Menhaden, PRFC commercial fishermen using stationary multi-species gear are permitted to possess and/or land no more than 6,000 pounds of Atlantic menhaden for a single vessel per day, which must be harvested by the licensee from his licensed net(s). In this case, stationary multi-species gears are defined as pound nets, anchored/staked gill nets, and fyke nets. Exception – a single vessel may land/possess no more than 12,000 pounds of Atlantic menhaden per day when there are two PRFC pound net licensees physically on board who each have at least one of their pound nets set and fishing and prior to the fishery being closed and the by-catch provisions being implemented, no more than 6,000 pounds of Atlantic menhaden are harvested from either of the licensees nets.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2017-08 shall become effective June 10, 2017 shall supersede and repeal 2016-10 "Revised", and remain in effect until June 1, 2018.

# OYSTER

## ORDER #2012-09 (replaces 2011-09)

### Oyster License Surcharge Fees

**THE POTOMAC RIVER FISHERIES COMMISSION**, having considered the protection, promotion, growth and conservation of the oyster resource and pursuant to its authority under Regulation I, Sections 2(f) and 7(a).

**HEREBY DECLARES AND ORDERS:** establishment of a \$300.00 per person oyster license surcharge fee.

**BE IT FURTHER DECLARED AND ORDERED:** that oyster license surcharge fees collected will be used to purchase natural seed for planting.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2012-09 shall become effective September 30, 2012 and remain in effect until further notice.

## ORDER #2014-08

### Rotational Natural Oyster Harvest Bar Established

**THE POTOMAC RIVER FISHERIES COMMISSION**, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to establish a Rotational Natural Oyster Harvest Program for the purpose of rehabilitating the oyster fishery in the middle-river area of the Potomac River, and subject to its authority under Regulation I, Section 8(a): **HEREBY DECLARES AND ORDERS:** that Pascahanna Bar (99 acres) is designated as a Rotational Natural Oyster Harvest Program area.

**BE IT FURTHER DECLARED AND ORDERED:** That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Pascahanna Bar for four years as the rotational program's design is followed.

**AND, IT IS FURTHERED DECLARED AND ORDERED:** That this Order #2014-08 shall become effective September 1, 2014 and remain in effect through September 30, 2018.

# OYSTER

## ORDER #2014-09

### Molluscan Shellfish Compliance with NSSP Model Ordinance Requirements

**THE POTOMAC RIVER FISHERIES COMMISSION**, for the purpose of protecting the health of the public that consumes shellfish harvested from the Potomac River, finds it necessary to comply with the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, 2011 Revision:

**HEREBY DECLARES AND ORDERS:** By reference to the Code of Maryland Regulations (COMAR) *10.15.07.01*, and in addition

A shellfish harvester shall:

- (1) Harvest in accordance with the National Shellfish Sanitation Program Model Ordinance that is incorporated by reference in COMAR 10.15.07.01A and
- (2) From May 1 through September 30:
  - a) Protect harvested oysters from direct sun by providing shade over the area where the harvested oysters are stored;
  - b) Maintain air flow to the area where the harvested oysters are stored;
  - c) Document the harvest start time, which is the time the first oysters are removed from the water, on a harvest trip record or harvest tag; and
  - d) Provide the harvest time record as set forth in §A(1)(d) of this regulation to a dealer on delivery.
- (3) Shellfish harvesters shall conform to the curfew restrictions of the State where their harvested shellfish are landed. The curfew restrictions are as follows:
  - a) From May 1 through May 31, a shellfish harvester shall deliver harvested oysters to a dealer by
    - (i) Sunset on the day of harvest in Maryland
    - (ii) 11:00 a.m. on the day of harvest in Virginia
  - b) From June 1 through June 30, a shellfish harvester shall deliver harvested oysters to a dealer by
    - (i) 11:30 a.m. on the day of harvest in Maryland
    - (ii) 10:00 a.m. on the day of harvest in Virginia
  - c) From July 1 through July 31, a shellfish harvester shall deliver harvested oysters to a dealer by:
    - (i) 10:30 a.m. on the day of harvest in Maryland
    - (ii) 10:00 a.m. on the day of harvest in Virginia

# OYSTER

## ORDER #2014-09

### **Molluscan Shellfish Compliance with NSSP Model Ordinance Requirements - continued**

- d) From August 1 through August 31, a shellfish harvester shall deliver harvested oysters to a dealer by:
  - (i) 10:30 a.m. on the day of harvest in Maryland
  - (ii) 10:00 a.m. on the day of harvest in Virginia
- e) From September 1 through September 30, a shellfish harvester shall deliver harvested oysters to a dealer by:
  - (i) 12:30 p.m. on the day of harvest in Maryland
  - (ii) 12:00 p.m. on the day of harvest in Virginia

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2014-09 shall become effective June 22, 2014 and remain in effect until further notice.



# OYSTER

## ORDER #2015-10

### Rotational Natural Oyster Harvest Bar Established

**THE POTOMAC RIVER FISHERIES COMMISSION**, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to establish a Rotational Natural Oyster Harvest Program for the purpose of rehabilitating the oyster fishery in the middle-river area of the Potomac River, and subject to its authority under Regulation I, Section 8(a), **HEREBY DECLARES AND ORDERS:** that Bluff Point Bar (50 acres) is designated as a Rotational Natural Oyster Harvest Program area. Bluff Point Bar is enclosed within the following described boundaries: “Beginning at a point off Bluff Point, Virginia (38°16.49 North Latitude, 76°58.32 West Longitude); thence southwesterly to a point (38°16.35 North Latitude, 76°58.52 West Longitude); thence northwesterly to a point (38°16.53 North Latitude, 76°58.93 West Longitude); thence northeasterly to a point (38°16.64 North Latitude, 76°58.82 West Longitude); thence southeasterly to the point of beginning.”

**BE IT FURTHER DECLARED AND ORDERED:** That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Bluff Point Bar, the boundaries as described above, for four years as the rotational program’s design is followed.

**AND, IT IS FURTHERED DECLARED AND ORDERED:** That this Order #2015-10 shall become effective July 11, 2015 and remain in effect until July 31, 2019.

## OYSTER

### ORDER #2016-08

#### Oyster Management Reserve Area Closed

**THE POTOMAC RIVER FISHERIES COMMISSION**, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to expand oyster seed planting for the Oyster Management Reserve Program to Cobb Island Bar, which is designated as an Oyster Management Reserve Area and subject to its authority under Regulation I, Section 8(a), Regulation VIII, Section 6(a) and 6(b): **HEREBY DECLARES AND ORDERS:** that Cobb Island Bar (360 acres) is closed to oyster harvest for any person to take, catch or attempt to take or catch oysters by any means at any time.

**BE IT FURTHER DECLARED AND ORDERED:** That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Cobb Island Bar unless the person is an eligible participant, crew, or helper in the Oyster Management Reserve Program and this area has been announced as being open and ready for harvest by the Commission.

**AND, IT IS FURTHERED DECLARED AND ORDERED:** That this Order #2016-08 shall become effective September 1, 2016 and remain in effect until further notice.

### ORDER #2016-09

#### Rotational Natural Oyster Harvest Bar Established

**THE POTOMAC RIVER FISHERIES COMMISSION**, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to establish a Rotational Natural Oyster Harvest Program for the purpose of rehabilitating the oyster fishery in the middle-river area of the Potomac River, and subject to its authority under Regulation I, Section 8(a): **HEREBY DECLARES AND ORDERS:** that Green Hill Bar/Old Farm Bar (149 acres) is designated as a Rotational Natural Oyster Harvest Program area.

**BE IT FURTHER DECLARED AND ORDERED:** That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Green Hill Bar/Old Farm Bar for four years, until September 30, 2020 as the rotational program's design is followed.

**AND, IT IS FURTHERED DECLARED AND ORDERED:** That this Order #2016-09 shall become effective September 1, 2016 and remain in effect until September 30, 2020.

# OYSTER

## ORDER #2017-07

### Rotational Natural Oyster Harvest Bar Established

**THE POTOMAC RIVER FISHERIES COMMISSION**, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to establish a Rotational Natural Oyster Harvest Program for the purpose of rehabilitating the oyster fishery in the middle-river area of the Potomac River, and subject to its authority under Regulation I, Section 8(a): **HEREBY DECLARES AND ORDERS:** that Gum Bar (650 acres) is designated as a Rotational Natural Oyster Harvest Program area.

**BE IT FURTHER DECLARED AND ORDERED:** That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Gum Bar for at least three (3) years, or until September 30, 2020, or any extended time as deemed by the Commission.

**AND, IT IS FURTHERED DECLARED AND ORDERED:** That this Order #2017-07 shall become effective June 10, 2017 and remain in effect until September 30, 2021.

## **POLICY**

### **HAUL SEINE / CRAB POT AREAS**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it desirable to develop guidelines to foster cooperation between the haul seine fishery and the crab pot fishery regarding the use of the same areas; and wishing this to be a voluntary system, **HEREBY ESTABLISHES THE FOLLOWING GUIDELINES:**

#### **FOR HAUL SEINE LICENSEE:**

- a) A haul seine licensee, wishing to haul a particular area where crab pots are set, is to buoy the area with at least four (4) buoys that project at least 4 ft. above the water's surface and have the licensee's name and telephone number in legible letters and numbers.
- b) Prior to placing the buoys, the Maryland Department of Natural Resources (MdDNR) (800-419-0743) or the Virginia Marine Resources Commission (VMRC) (800-541-4646), depending on which shore is to be marked, and the Potomac River Fisheries Commission (800-266-3904), must be notified of the specific area where the haul is to be made and the intended date and time.
- c) Buoys must be placed 3 days prior to the intended haul and must be removed as soon as the haul is complete, but not later than 7 days of being set and,

#### **FOR CRAB POT LICENSEE:**

- d) Once the area is buoyed, no additional crab pots are to be set within the confined area.
- e) Any crab pots set within the confined area should be moved outside of that area.
- f) Crab pots can be replaced after the haul is complete and the buoys are removed, or 7 days after the buoys are set, whichever comes first.

**THE POTOMAC RIVER FISHERIES COMMISSION** will furnish a copy of these guidelines to all PRFC haul seine and crab pot licensees. And, further the Commission will monitor and evaluate this voluntary system during 2007.

This Policy was adopted by the **POTOMAC RIVER FISHERIES COMMISSION** at a regular public meeting held February 16, 2007 in Colonial Beach, VA.

## **POLICY**

### **COMMERCIAL STRIPED BASS HOOK & LINE TAG EXCHANGE PROGRAM**

The Potomac River Fisheries Commission (PRFC), having found it desirable to develop guidelines to allow participants in the commercial Striped Bass hook & line fishery to transfer tags to other eligible participants in the fishery, wishing this to be a voluntary, opt in process, **HEREBY ESTABLISHES THE FOLLOWING GUIDELINES:**

#### **WHO IS ELIGIBLE:**

- a) Any PRFC commercially licensed hook & line fisherman who has not had a striped bass hook & line conviction in the past year, is not currently on probation, and who has not had a Striped bass hook & line tag audit penalty in the past year.
- b) Any PRFC licensed hook & line fisherman who has unused tags may transfer his tags.
- c) Any eligible PRFC licensed hook & line fisherman (transferee) who has used ALL of his/her tags for the current fishing season may receive tags from any eligible PRFC licensed hook & line fisherman (transferor) who has unused tags for that season.

#### **HOW TRANSFERS ARE DONE:**

- a) In order to participate in the PRFC Commercial Striped Bass Hook & Line Tag Exchange Program, prospective participants must opt in by agreeing to allow PRFC to provide some or all of their personal contact information (name, phone number, address, and/or email) to other opt in participants.
- b) Transferees must use all of their tags (tag out) before they can receive any tags through a transfer.
- c) Both parties must come in person at the same time to the PRFC office, or alternatively, a notarized letter giving permission from the transferor to the transferee must be brought in at the time of the transaction. Proxies for either party will not be allowed. Both parties will be required to have their catch records up to date.
- d) Each individual transfer of tags between two H&L licensees will be considered a transaction, and will be subject to a \$25 administration fee.

#### **EACH TRANSFER TRANSACTION CONSISTS OF TWO PARTS:**

- a) The H&L licensee (transferor) transferring tags will first conduct a transaction to return a specified quantity of tags to PRFC, and designate a recipient of the transfer (transferee). The transferor must bring his/her tags to the PRFC office.
- b) The designated H&L transferee will conduct a transaction at the PRFC office to be reissued the specified quantity of tags being transferred, and pay an Administrative fee of \$25 (flat rate regardless of the number of tags transferred). Tags are then officially assigned to the H&L transferee, and they become his/her responsibility.

## **POLICY**

### **OTHER REQUIREMENTS:**

- a) The number of tag transactions that any qualified H&L participant may conduct through the course of the season is unlimited.
- b) A minimum of ten (10) tags must be transferred. All transfer of tags must be in consecutive order.
- c) The PRFC Commercial Striped Bass Hook & Line Tag Exchange Program would be evaluated prior to the 2017 season. A review would occur during summer/fall of 2016.

**THE POTOMAC RIVER FISHERIES COMMISSION** will furnish a copy of these guidelines to all PRFC commercial Striped Bass hook & line licensees, and further the Commission will monitor and evaluate this tag exchange program during the 2016 fishing season.

This Policy was adopted by the **POTOMAC RIVER FISHERIES COMMISSION** at a regular public meeting held September 10, 2015 in Colonial Beach, VA.