

Summary of Potomac River Regulations & Orders Pertaining to Commercial Oystering

Revised September 2014

Reg. I, 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.

Reg. I, 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.

Reg. I, 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.

Reg. I, Sec. 2(f)(2) Power Assisted Hang 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.

Reg. I, 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.

Reg. I, Sec. 2 (f)(4) Personal License – HS. For each person aboard a vessel licensed for hand scraping, a license fee of \$155.00.

Reg. I, 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.

Reg. I, 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). (Effective July 1, 2014)

Reg. II, Sec. 1 – Definitions:

- 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.
- 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.

- 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.
- 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.
- 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.
- f) **Tong Boat** – Any boat on which, or from which tongs are used in taking or catching oysters.
- g) **Buy Boat** – Any boat engaged or used in buying, selling or transporting oysters caught or taken by other boats on the Potomac River.
- k) **Oyster Sanctuary** – A designated area that is closed to all commercial and recreational oyster harvest by any means at any time.
- 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.**

Reg. II, 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.

Reg. II, 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.

Reg. II, Sec. 2(a)(4) Closed Areas for Hand Scraping. 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 PRM3A", "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 "PRM3E" and,
3. Being all that portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries; "Beginning at the Potomac River Fisheries Commission marker 'PRM1B' (38°06.13" North Latitude 76°24.57' West Longitude) at Kitts Point, St. Mary's County, Maryland: thence southeasterly to a point (38°05.35.5" North Latitude, 76°24.17.8" West Longitude) at the SMTIH CREEK APPROACH LIGHT NO.2 (LL3330) at the mouth of Smith Creek; thence southwesterly to a point (38°04.31.5" North Latitude, 76°.26.04.2" West Longitude) at ST. MARY'S RIVER JUNCTION LIGHTED BUOY (LL3334) at the mouth of St. Mary's River; thence southeasterly to a point (38°02.19.5" North Latitude, 76°21.18.2" West Longitude) which is the intersection of the established fish trap area as delineated on NOAA chart #12233 and a line extending due south of the mouth of Hall Pond at Cornfield Point; thence in a straight line due north to the jurisdictional line of the Commission; thence northwesterly following the jurisdictional boundary of the Commission to marker 'PRM1B' the point of beginning.

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission's authority to open or close areas pursuant to these Regulations.

Reg. II, 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.

Reg. II, 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.

Reg. II, 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.

Reg. II, 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

Reg. II, 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.

Reg. II, 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 cultch, 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.

Reg. II, Sec. 2(f)(3) Possession. All shells and oysters, once past the culling board, shall be deemed in possession of the licensee.

Reg. 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.

Reg. II, 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.

Reg. II, 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.

Reg. II, 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 this Regulation.

Reg. II, 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.

Oyster Measures

Reg. II, 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.

Reg. II, 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.

Reg. II, Sec. 4(b) Taking or Catching of Oysters in Closed Areas. It shall be unlawful to take oyster from any area which has been closed by any action, rule or regulation of the Potomac River Fisheries Commission.

Reg. II, Sec. 5(a) Seafood Catch Reports Due Weekly. Every person licensed by the Commission and engaged in the business of taking or catching crabs or finfish; every licensed charter boat captain; 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.

Reg. IV, 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 of 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 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.

Reg. IV, 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.

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.

Reg. VIII, Sec. 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.

Reg. VIII, Sec. 2 - Definitions:

Hand Tongs – As defined in Reg. II, Sec. 1(a).

Hand Scrape – As defined in Reg. II, Sec. 1(e).

Natural Person – As defined in Reg. I, Sec. 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 Reg. I, Sec. 3(a)(1).

Power Assisted Hand Tongs – As defined in Reg. II, Sec. 1(b).

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 Reg. II, Sec. 3(a).

Reg. VIII, Sec. 3 General Provisions The provisions of Reg. I, Sec. 6 and Reg. III, Sec. 1, Sec. 2, Sec. 3, Sec. 4, and Sec. 5 apply to the Oyster Management Reserve Program.

Reg. VIII, Sec. 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 1st through December 31st each year. No person may purchase more that three (3) Oyster Management Reserve Licenses.

Reg. VIII, 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 Sec. 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.

Reg. VIII, 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 Sec. 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 provisions in the Regulation, including submitting oyster harvest reports and complying with the identification tagging requirements.

Reg. VIII, Sec. 4(c) Crew Any participant who purchased an Oyster Management Reserve License, under Section 4(a) or 4(b) above, may purchase one or two additional license(s) for crew member(s) at a fee of \$600.00 each. 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.

Reg. VIII, 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.

Program Eligibility Requirements

Reg. VIII, 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.

Reg. 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.

Oyster Management Reserve Areas Established

Reg. VIII, 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.

Reg. VIII, 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 Cobb Island Bar, Ragged Point Bar and Addition, or other areas/bars designated as Oyster Management Reserve Areas unless the person is a participant or crew who meets the eligibility criteria in Section 5(a) of the Regulation and the Oyster Management Reserve Areas have been announced as being open and ready for harvest by the Commission.

Provisions for the Taking or Catching of Oysters

Reg. VIII, 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.

Reg. VIII, 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.

Reg. 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.

Reg. VIII, 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 within 24 months of the date of purchase.

Reg. VIII, 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.

Reg. VIII, Sec. 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.

Reg. VIII, Sec. 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.

Reg. VIII, Sec. 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.

Reg. VIII, Sec. 11 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.

Reg. VIII, Sec. 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
ORDERS PERTAINING TO OYSTERS**

ORDER #2012-09

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.

O R D E R #2013-09

Rotational Natural Oyster Harvest Program 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 Lower Cedar Point Bar (150 acres) and Addition (574 acres) are 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 Cedar Point Bar and Addition for four years as the rotational program's design is followed.

AND, IT IS FURTHERED DECLARED AND ORDERED: That this Order #2013-09 shall become effective September 1, 2013 and remain in effect until September 30, 2017.

O R D E R #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 until September 30, 2018.

O R D E R #2014-09

MOLUSCAN 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
 - 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.

ORDER #2014-10

2014-2015 OYSTER SEASON DATES, DAYS, AND TIME LIMITS

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources and pursuant to its authority under Regulation II, Section 2(b) and Regulation I, Section 7(a)(1), **HEREBY DECLARES AND ORDERS:** The 2014-2015 oyster season dates, days and time limits shall be as follows:

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand TONGING	Oct. 1 thru Dec. 31, 2014	Monday thru Friday	Sunrise to 1:00 p.m.
	Jan. 1 thru Mar. 31, 2015	Monday thru Friday	Sunrise to 3:00 p.m.
Hand Scraping	Nov. 1, 2014 thru Mar. 31, 2015	Monday thru Friday	8:00 a.m. to 1:00 p.m.

BE IT FUTHER DECLARED AND ORDERED: Possession of a hand scrape shall be permitted during the aforesaid times and from one hour before and for two hours after such times. The use or possession of any hand scrape at any other time is unlawful.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2014-10 shall become effective September 30, 2014 and remain in effect through March 31, 2015.
