

Summary of Potomac River Regulations & Orders Pertaining to Commercial Oystering

Revised September 2022

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 \$150.00. 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(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.

Reg. I Sec. 2(g) Oyster Buy Boat License

For each person desiring to purchase any oysters harvested from the Potomac River on the Potomac River, they shall first purchase an Oyster Buy Boat License for a fee of \$250.00, to be used on a vessel at least 40 feet in length. No more than one Oyster Buy Boat License may be issued for use on any single boat. To qualify for a PRFC Oyster Buy Boat license, the applicant must be a certified dealer or working on behalf of a certified dealer on the Interstate Certified Shellfish Shippers List (ICSSL).

No hand tongs, power assisted hand tongs, hand scrapes, dredges, dive gear, or patent tongs may be aboard any Oyster Buy Boat at any time. Oyster Buy Boats are not permitted to engage in any oyster harvest activity. Oyster Buy Boats must display or have on board all tags, licenses or markings required by the PRFC.

All oysters must be contained in large oyster vats, and each vat must be properly tagged with a certified dealer tag, as required by the National Shellfish Sanitation Model Ordinance. All PRFC issued harvester identification tags collected from the bushel baskets of oyster purchased each day, shall be batched and kept for 90 days (required time period). It shall be unlawful for any Oyster Buy Boat to purchase oysters in excess of the riverwide daily oyster bushel limit (set by PRFC Order) from any PRFC licensed Hand Tong or Hand Scrape vessel. It shall be unlawful for any Oyster Buy Boat to purchase oysters from any person or vessel that has not been issued a valid PRFC oyster harvest license.

During the established oyster harvest season for the Potomac River, Oyster Buy Boat licensees or operators must comply with applicable shellfish regulations for Maryland, when landing oysters in Maryland, or with Virginia, when landing oysters in Virginia (e.g. Vibrio Control Plans).

The Oyster Buy Boat License issued pursuant hereto may be used by a duly authorized agent or employee of the Oyster Buy Boat licensee, as the Oyster Buy Boat operator, provided said agent or employee and the Oyster Buy Boat License are aboard the boat used in purchasing oysters and the Oyster Buy Boat licensee shall continue to be responsible therefore. Oyster Buy Boats must have buyer tickets, certified dealer tags, and harvester identification tags from each bushel purchased available for inspection by any duly authorized officer or PRFC representative. The Oyster Buy Boat licensee shall keep an accurate and complete daily account of any oysters purchased, and submit their report weekly, with their tax payment due thereon, to the Potomac River Fisheries Commission not later than Thursday of the week following, on forms furnished by the Potomac River Fisheries Commission.

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).

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".

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.

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 re-cull, 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.

Oyster Sanctuaries & Oystering in Closed Areas

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) Oyster Inspection 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 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.

Reg. IV, Sec. 2(a) Late Payments. Any tax payments received after the due date specified in sections 1(a) and 1(b) shall be subject to a late charge plus interest calculated as follows:

- (1) Late charge shall equal \$100.00 before any interest is added;
- (2) Interest shall be calculated at the rate of \$1.00 per day, and the interest shall accrue each day the payment is late.

PRFC Orders pertaining to Oysters continue on next page

PRFC ORDERS PERTAINING TO OYSTERS

O R D E R #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 #2019-10 Rotational Natural Oyster Harvest Bar Established (Bluff Point Bar)

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 #2019-10 shall become effective July 1, 2019 and remain in effect until further notice.

O R D E R #2016-08

Oyster Management Reserve Area Closed (Cobb Island Bar)

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.

O R D E R #2020-12 Rotational Natural Oyster Harvest Bar Established (Green Hill/Old Farm)

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 until October 1, 2020.

AND, IT IS FURTHERED DECLARED AND ORDERED: That this Order #2020-12 shall become effective September 28, 2020 and remain in effect until further notice.

O R D E R #2018-10 Special Management Area Established (Knotts Hollow Bar)

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 Special Management Area 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 Knotts Hollow Bar (100 acres) is designated as a Special Management Area. Knotts Hollow Bar is enclosed within the following described boundaries: "Beginning at a point Beginning at a point at or near Lat. 38° 13.430' N., Long. 76° 41.012' W., then running 355° (True) to a point at or near Lat. 38° 13.642' N., Long. 76° 41.035' W., then running 79° (True) to a point at or near Lat. 38° 13.795' N., Long. 76° 40.043' W., then running 122° (True) to a point at or near Lat. 38° 13.688' N., Long. 76° 39.828' W., then running 181° (True) to a point at or near Lat. 38° 13.455' N., Long. 76° 39.832' W., then running 268° (True) 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 Knotts Hollow Bar, the boundaries as described above, unless the Commission so chooses to open the area (Reg. I, Sec. 8(a)).

AND, IT IS FURTHERED DECLARED AND ORDERED: That this Order #2018-10 shall become effective March 12, 2018 and remain in effect until further notice.

O R D E R #2018-18 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, (by the most current version):

HEREBY DECLARES AND ORDERS: By reference to the Code of MD 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 #2018-18 shall become effective October 31, 2018 and remain in effect until further notice.

O R D E R 2022-13 2022-2023 Jones Shore Bar Oyster Season, Areas, Dates, Days, and Time Limits

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources on the Jones Shore Bar and pursuant to its authority under Regulation II, Section 2(b) and Regulation I, Section 7(a) **HEREBY DECLARES AND ORDERS:** The 2022-2023 oyster season, areas, dates, days open and time limits shall be as follows:

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1, 2022 thru Mar. 31, 2023	Monday thru Friday	Sunrise to 3:00 p.m.

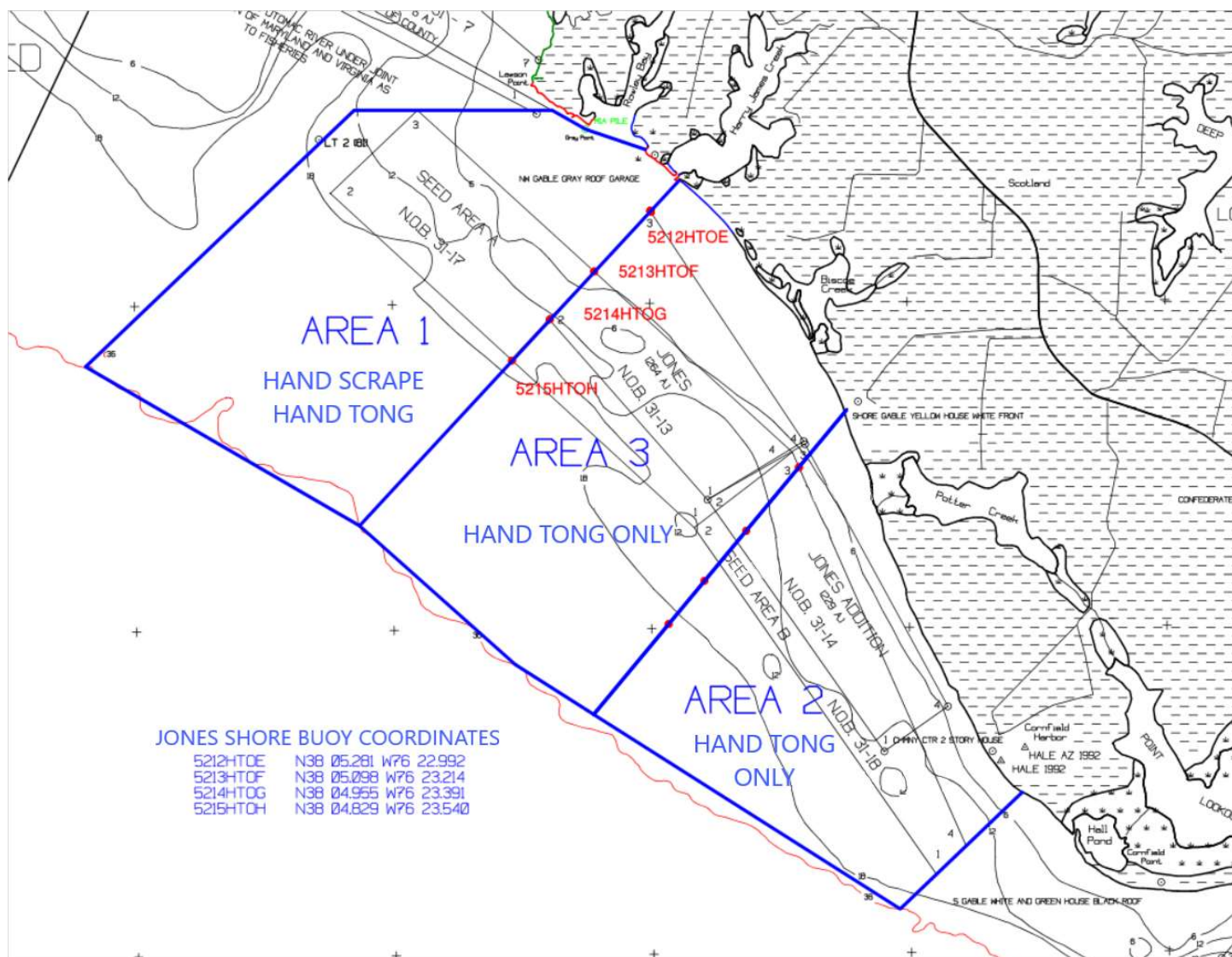
Area open to Hand Tonging - That portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: Beginning at a point on shore above Hall Pond, MD (38°03.490' N, 76°21.566' W); thence southwesterly to a point (38°03.134' N, 76°22.044' W), which is the intersection of an established fish trap area as delineated on NOAA chart #122233; thence northwesterly along the fish trap area line to a point (38°03.738' N, 76°23.228' W); thence northwesterly along the fish trap area line to a point (38°03.892' N, 76°23.530' W); thence northwesterly along the fish trap area line to a point (38°04.323' N, 76°24.132' W); thence northwesterly along the fish trap area line to a point (38°04.816' N, 76°25.192' W); thence northeasterly to a point (38°05.599' N, 76°24.143' W); thence easterly to a point (38°05.594' N, 76°23.374' W) along the shoreline south of Calvert Bay, MD; thence southeasterly to Gray Point, MD at the mouth of Rowley Bay (38°05.536' N, 76°23.245' W); thence southeasterly along the shore following the jurisdictional boundary of the Commission to the point of beginning.

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Scraping	Nov. 1, 2022 thru Feb. 28, 2023 Mar.1 thru Mar. 31, 2023	Monday, Wednesday, Friday Monday thru Friday	Sunrise to 3:00 p.m. Sunrise to 3:00 p.m.

Area open to Hand Scraping - That portion of the Potomac River commonly known as Jones Shore (Area 1) and enclosed within the following described boundaries: Beginning at a point (38° 5.594' N, 76° 23.374' W) along the shoreline south of Calvert Bay, MD; thence westerly to a point (38° 5.599' N, 76° 24.143' W), thence southwesterly to a point (38° 4.816' N, 76° 25.192' W), which is the intersection of an established fish trap area as delineated on NOAA chart #12233; thence southeasterly along the fish trap area line to a point (38° 4.323' N, 76° 24.132' W); thence northeasterly to a point (38° 5.377' N, 76° 22.886' W); thence northwesterly following the jurisdictional boundary of the Commission to the point of the beginning. (See attached map)

BE IT FURTHER 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 #2022-13 shall become effective October 1, 2022 and remain in effect until further notice.



O R D E R #2022-14 2022-2023 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 2022-2023 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, 2022 thru Mar. 31, 2023	Monday thru Friday	Sunrise to 3:00 p.m.
Hand Scraping	Nov. 1, 2022 thru Mar. 31, 2023	Monday thru Friday	Sunrise to 3:00 p.m.

BE IT FURTHER 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 #2022-14 shall become effective October 1, 2022 and remain in effect through March 31, 2023.

O R D E R #2022-15 Riverwide Daily Oyster Bushel Limits

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

HEREBY DECLARES AND ORDERS: for the 2022-2023 commercial oyster season, from October 1, 2022 through March 31, 2023, there will be a riverwide daily bushel limit of eight (8) bushels per licensee, sixteen (16) bushels per vessel regardless of the number of licensees on board. This Order applies to licensees holding hand scrape and/or hand tong licenses.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2022-15 shall become effective October 1, 2022, and remain in effect through March 31, 2023.

O R D E R 2022-16 Rotational Natural Oyster Harvest Bar - Lower Cedar Point

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. Lower Cedar Point and Addition are located in the Potomac River on the Maryland side from Lower Cedar Point downstream to Cuckold Creek (includes Waverly).

HEREBY DECLARES AND ORDERS: That Lower Cedar Point Bar (150 acres) is closed to oyster harvest and it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time

on Lower Cedar Point Bar unless the Commission so chooses to open the area (Reg. I, Sec. 8(a)) or until 10 days after the MD DNR Fall Survey reports a sample of at least 70% market sized oysters. If the survey reports at least 70% of market sized oysters, the 2020 planting site would be open to harvest. The 2020 Lower Cedar Point Bar planting site is enclosed within the following described boundaries: "All the waters of Potomac River enclosed by a line beginning at a point defined by Lat. 38°20.185' N, Long. 76°58.678' W, then running 123° True to a point defined by Lat. 38°20.195' N, Long. 76°58.503' W, then running 205° True to a point defined by Lat. 38°20.120' N, Long. 76°58.759' W, then running 303° True to a point defined by Lat. 38°19.990' N, Long. 76°58.591' W." Lower Cedar Point Bar is enclosed within the following described boundaries: "All the waters of Potomac River enclosed by a line beginning at a point defined by Lat. 38°19.712' N, Long. 76°58.971' W, then running 335° True to a point defined by Lat. 38°19.888' N, Long. 76°59.077' W, then running 18° True to a point defined by Lat. 38°20.331' N, Long. 76°58.889' W, then running 90° True to a point defined by Lat. 38°20.330' N, Long. 76°58.514' W, then running 91° True to a point defined by Lat. 38°20.328' N, Long. 76°58.416' W, then running 195° True to a point defined by Lat. 38°19.780' N, Long. 76°58.600' W, then running 259° True to a point defined by Lat. 38°19.765' N, Long. 76°58.704' W, then running 256° True to the point of beginning." Lower Cedar Point Addition (574 acres) is open to oyster harvest during the oyster season.

BE IT FURTHER DECLARED AND ORDERED: That this Order #2022-16 shall become effective September 18, 2022 and remain in effect until December 18, 2022.

ORDER #2022-18 Rotational Natural Oyster Harvest Bar – Gum Bar

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 until October 1, 2022.

AND, IT IS FURTHERED DECLARED AND ORDERED: That this Order #2022-18 shall become effective September 18, 2022 and remain in effect until further notice.