

**PROPOSED AMENDMENTS TO THE REGULATIONS
of the
POTOMAC RIVER FISHERIES COMMISSION**

December 2, 2004

Pursuant to 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 Potomac River Fisheries Commission hereby proposes to amend and/or adopt regulations as follows:

1. Amend Reg. I, Sec. 2(n)(9) so as to establish a time limit for removal of gill net markers and buoys at the end of the season.
2. Amend Reg. II, Sec. 2(a)(4) so as to re-title the regulation to read Closed Areas for Hand Scraping.
3. Amend Reg. II, Sec. 5(a) so as to exclude charter boat captains from filing weekly catch reports.
4. Amend Reg. III, Sec. 11(c) so as to modify the American Shad by-catch provision for gill nets by removing the 2% by volume limitation.

NOTICE OF HEARING

December 2, 2004

Notice is hereby given to all interested persons that a public hearing will be held by the Potomac River Fisheries Commission on adoption of the foregoing proposed regulations or amendments to the regulations of the Commission on Thursday, December 2, 2004 at 2:00 p.m. in the John T. Parran Hearing Room of the Potomac River Fisheries Commission Building at 222 Taylor Street in Colonial Beach, Virginia. The precise text of the proposed amendments is available at the Commission office or by calling (800) 266-3904 or (804) 224-7148 or visit our website—http://www.prfc.us/commission/press_releases.htm.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
providing clarity for when gill net markers are to be removed.

Regulation I

Section 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 24 hours of the net being removed, but, in no event later than the closing of the spring season.

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New Language

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FOR THE PURPOSE OF
re-titling the regulation to read Closed Areas for Hand Scraping.

Regulation 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 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" 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 SMITH 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. This regulation shall remain in effect until April 1, 2009, afterwhich this regulation shall revert to the language that was in effect on November 6, 2003.

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New Language

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FOR THE PURPOSE OF
excluding charter boat captains from filing weekly catch reports.

Regulation II

Sec. 5(a) Reports Due Weekly

Every person licensed by the Commission and engaged in the business of taking or catching crabs or finfish; every ~~every~~ **excluding** licensed charter boat captains; 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.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
modifying the American Shad by-catch provision for gill nets.

Regulation III

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 pound nets and gill nets. A tolerance of 2% by volume of the total catch in possession, not to exceed one standard bushel per licensee, of American or hickory shad shall be allowed.
- (3) For gill nets. A tolerance of one standard bushel per licensee of American or hickory shad shall be allowed.
- (3) (4) For qualified pound netters using fish cull panels. A tolerance of 2% by volume of the total catch in possession, not to exceed one standard bushel, of summer flounder and weakfish shall be allowed for qualified pound netters. A qualified pound netter is a licensee who has all of his pound nets certified by the Commission, or its agent, as having unobstructed PRFC approved fish cull panels properly installed in each net. If two or more licensees are working together, i.e., using the same boat to land their catch, all nets belonging to them must also be certified. The licensee agrees to show all fish cull panels to 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 will result in the immediate de-certification of all nets belonging to the licensee or licensees if two or more persons are working together.