

Summary of Potomac River Regulations Pertaining to Commercial Crab Potting

Revised July 1, 2021

Reg. I, 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 commercially take and catch finfish and/or crabs or 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.

Reg. I, 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.

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, which will be deposited into the Commission's general fund. 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(d)(1) Crab Pots. 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. The crab pot licensee may continue to renew their license for the same number of pots 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 natural 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).

Note: Any person (individual, party, company, corporation, limited liability company, partnership, firm or association) who holds a valid PRFC Commercial Crab Pot License as of November 12, 2018 will be grandfathered in to the PRFC Commercial Crab Pot Fishery. A PRFC Commercial Crab Pot License held by a person as of November 12, 2018 may only be renewed each year by that specific person until that time when it may be surrendered to the PRFC and re-issued to a natural person. As of November 12, 2018 and thereafter, any person (individual, party, company, corporation, limited liability company, partnership, firm or association) not already grandfathered in to the PRFC Commercial Crab Pot Fishery will be ineligible to obtain a PRFC Commercial Crab Pot License.

Reg. 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.

Reg. I, 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.

Reg. I, 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).

Regulation I, Sec. 2(d)(5) Crab Pot ID Tags/Decals Fee and Replacement - (effective 12.1.2021)

- i) The fee for crab pot ID tags/decals shall be \$75.00 per crab pot license. The fee shall be paid at the time of Crab Pot License renewal/issue. Any crabber renewing their Crab Pot License after January 31, during the grace period through April 30, shall pay a \$25.00 administrative fee plus the \$75.00 crab pot ID decal 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.
- 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 percent 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 percent. 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.

Reg. I, 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 and have reported harvest 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.
- 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.

Reg. I, Sec. 2(d)(7) Assigned User/Agent of Crab Pot License. When a person (i.e. company, corporation, limited liability company, partnership, firm or association) holds a valid PRFC commercial crab license, a natural person, who is a citizen of the United States, having been so for the 12 month period immediately preceding the application for the license, must be recorded as the assigned user/agent for the license holder on the license. It shall be unlawful for any person (i.e. company, corporation, limited liability company, partnership, firm or association) who holds a valid PRFC commercial crab pot license to assign the user/agent of such crab pot license to any natural person who (1) holds a valid Potomac River Fisheries Commission commercial crab pot license; (2) is currently assigned as a user/agent of a valid Potomac River Fisheries Commission commercial crab pot license; or (3) has any Potomac River Fisheries Commission license(s) revoked. Except when renewing this license, if the license holder wants to assign this license to a different assigned user/agent there will be a fee of \$50.00. Whenever crab pots are being set, fished, or removed the assigned

user/agent must be aboard the boat or vessel and have the license available for inspection by an authorized enforcement officer of Maryland or Virginia or an agent of the PRFC.

Reg. I, 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.

Reg. I, 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 "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.

Reg. I, 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, provided, however, that no person under the age of 65 is permitted aboard such vessel.
- (6) oyster hand scrape.
- (7) oyster hand scrape vessel, provided, however, that no person under the age of 65 is permitted aboard such 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.

Reg. VII, Sec. 1 - Definitions:

- (a) **Crab Pot** - A device used to catch crabs and includes both hard crab pot and peeler crab pot as herein defined.
- (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.
- (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.
- (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 come first.
- (e) **Mature Female Crab** - A female crab identified by the rounded apron.
- (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 15th each year,

only crabs showing a pink or red line or rim are considered peelers.

- (g) **Possession** - Any crab not in a culling container shall be deemed to be in possession.
- (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.
- (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.

Reg. VII, 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.

Reg. VII, Sec. 2(b) Method of Measurement. Measurement shall be across the shell from tip to tip of the spike.

Reg. VII, 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.

Reg. VII, 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.

Reg. VII, 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:

- 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.

Reg. VII, 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.

Reg. VII, 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.

Reg. VII, 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.

Reg. VII, 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.

Reg. VII, Sec. 5(d) Crab Pot Longlines Each longline shall be identified as required in 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.

Reg. VII, 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.

Reg. VII, 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.

Reg. VII, Sec. 6(c) Separation of Crabs. Once taken hard males, hard females, peelers and soft shell crabs shall be kept separate from each other.

Reg. VII, 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.

CRAB POT ORDERS

ORDER #2005-08

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.

ORDER #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.

ORDER #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.

ORDER #2021-07 2021 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:

Hard crabs: – December 1 through March 31 next succeeding.

Mature females – In addition to the season, see the Order for River Wide Female Crab Harvest Limits.

Soft crabs – October 31 through April 30 next succeeding.

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:

Crab pots – December 1 through March 31 next succeeding.

Trotlines and dip nets – December 1 through March 31 next succeeding.

Peeler traps – July 1 through April 30 next succeeding.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2021-07 shall become effective March 31, 2021 and remain in effect until further notice.

ORDER #2021-08 RIVER WIDE FEMALE CRAB HARVEST LIMITS FOR MANAGEMENT YEAR 2021-2022

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 twelve (12) bushels for 300 pot licenses; sixteen (16) bushels for 400 pot licenses and twenty (20) bushels for 500 pot licenses of female crabs per day from July 1, 2020 through June 30, 2022 in the Potomac River.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2021-08 shall become effective July 1, 2021 supersedes and repeals Order #2020-08 and will remain in effect through June 30, 2022.