

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

**September 15, 2005**

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, repeal and/or adopt regulations as follows:

1. Amend Reg. 1, Sec. 1(b) so as to prevent the leasing of crab pot licenses by requiring the licensee to be present on the boat.
2. Amend Reg. 1, Sec. 1(c) so as to shorten the grace period from 9 months to 1 month for late renewals of limited entry fisheries licenses. To change the penalty provisions for late crab pot renewals by reducing the number of pots for all classes of crab pot licenses to some lower number of pots when renewing during the grace period.
3. Amend Reg. 1, Sec. 1(e) so as to restrict crab pot license transfers to immediate family members only (spouse, child or step child) and then only upon the death of the licensee; and provide that any crab pot license surrendered to the Commission shall revert to the Commission.
4. Repeal Reg. 1, Sec. 5(d). This section provides for reductions of certain commercial license fees for persons over 65 years of age.

**NOTICE OF HEARING  
September 15, 2005**

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, September 15, 2005 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](http://www.prfc.us/commission/press_releases.htm).

## PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF  
preventing the leasing of crab pot licenses by requiring the licensee to be present on the boat.

### **Regulation I**

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

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

## PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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Existing Text Under Consideration for Change

### FOR THE PURPOSE OF

shortening the grace period for late renewals and/or change the penalty provisions for late crab pot renewal.

## Regulation I

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

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

- (i) Applicants who submit applications by mail assume the risk of delay on the part of the Postal Service.
- (ii) Applications for renewal of such licenses must be submitted only during December preceding the year for which the license is intended or during January of the year for which the license is intended.
- (iii) Any such license, not renewed on or before the last day of January, which is not a Saturday, Sunday or legal holiday, may be renewed by the licensee only, upon the payment of twice the license fee or \$100.00 whichever amount shall be the greater, in addition to the published fees, on or before the last day of October, which is not a Saturday, Sunday or legal holiday at the principal office of the Commission. Any license renewed under this sub-section (iii) and then surrendered under Regulation I, Section 1(e), or any such license not renewed by such time shall become non-renewable and available under Regulation I, Section 1(d). In no event shall any crab pot license renewed under this sub-section (iii) be for more than 300 pots.

### Options: Different possible actions

Option A: No changes

Option B: Change October to FEBRUARY or some other month in between. (Changes the grace period for all late renewals from 9 months to 1 month)

Option C: Delete last sentence - ~~In no event shall any crab pot license renewed under this sub-section (iii) be for more than 300 pots.~~ (A 300-pot, 400-pot or 500-pot crab pot licensee would be allowed to pay monetary penalty and maintain their current number of pots.)

Option D: Change last sentence to read, "ANY CRAB POT LICENSE RENEWED UNDER THIS SUBSECTION (III) SHALL BE FOR {25% OR 50% OR 75% OR XX%} OF THE PRIOR NUMBER OF POTS." (All three classes would be treated equally with the same monetary and pot reduction penalty.)

**\*\*Note:** *Option B can be adopted with either Options C or D, but Options C and D are mutually exclusive.*

## PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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### FOR THE PURPOSE OF

restricting crab pot license transfers to immediate family members and then only upon the death of the licensee, and require that any crab pot license surrendered to the Commission will revert to the Commission.

### Regulation I

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

i) ~~GENERALLY. EXCEPT FOR CRAB POT LICENSES,~~ 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, ~~EXCEPT A CRAB POT 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.

ii) ~~Crab Pot License. Upon the death of a crab pot licensee, that person's crab pot license, including the current number of pots, shall only pass to an immediate family member, defined herein as only a spouse, child or stepchild, son-in-law or daughter-in-law. If no qualified immediate family member comes forward before the deadline established in Reg. I, Sec.1 (c)(iii), or a licensee desires to surrender the license it shall revert to the Commission.~~

**Note:** *The newspaper legal notice advertised list of immediate family members included only spouse, child and stepchild. The list on this proposal adds son and daughter-in-law as recommended by the advisory committee. The Legal Officers advise that if this section is adopted, the list must include spouse, child and stepchild, and may be expanded to include such others, as the Commission deems appropriate.*

# PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF  
repealing the reduced commercial license fees.

## Regulation I

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

~~Persons 65 years of age, or older, 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 fee of \$5.00 per license. Provided, however, such license(s) or any privilege(s) granted thereby shall be for the exclusive use of the licensee. 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) individual 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) personal 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 pound net.~~
- ~~(9) a single gill net either anchor, stake or drift.~~
- ~~(10) a single fyke, hoop or weir net.~~
- ~~(11) a single boat or vessel used by the licensee to take fish with fish trot line(s).~~
- ~~(12) a commercial hook and line.~~
- ~~(13) a single boat or vessel used by the licensee to take fish with fish pot(s).~~
- ~~(14) a single boat or vessel used by the licensee to take eels with eel pot(s).~~
- ~~(15) 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~~

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF  
lowering the target number of crab pot licenses from 500 to 400 before the random drawing provisions applies to new licenses.

**ORDER #2001-06 2005-08**  
(replaces ~~#97-01 2001-06~~)

**LIMITED ENTRY CRAB POT FISHERY**

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**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 ~~500~~ 400.

**AND IT IS FURTHER DECLARED AND ORDERED:** that this Order ~~#2001-06~~ 2005-08 shall become effective ~~March 17, 2001~~ October 1, 2005, supersedes and repeals Order ~~#97-01 2001-06~~, and will remain in effect until further notice.

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PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF  
allowing two crabbers to operate from the same boat.

**ORDER 2005-09**  
(Entirely New ORDER)

**TWO CRAB POT LICENSES ON ONE BOAT**

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**THE POTOMAC RIVER FISHERIES COMMISSION**, having determined high fuel prices caused a hardship on the crab fishery; and pursuant to its authority under Regulation I, Section 7(a),

**HEREBY DECLARES AND ORDERS:** the conditions for crabbers wishing to file for an exemption from the provisions of Regulation I, Section 2(d)(1) shall be as follows:

- a.) Only one exemption per person per year will be granted.
- b.) Both license holders must be aboard the boat when both sets of the pots are fished. If only one (1) licensee is present, then only his pots can be fished. Fishing the other person's pots will be a violation, and result in the revocation of the exemption.
- c.) In order to qualify for an exemption, both licensees have to have worked their respective license at least 120 days over the past three years.
- d.) Each licensee must file his own separate weekly seafood catch reports – no combined reports.
- e.) An application for such exemption must be filed with the Commission together with a \$50.00 fee.

**BE IT FURTHER DECLARED AND ORDERED:** this Order #2005-09 shall become effective October 1, 2005, and remain in effect until November 30, 2005.

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## PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF  
a new Commission policy.

**New Commission Policy:** Depending on the outcome of some of the proposed regulation changes, the Commission may need to adopt a new policy regarding notice to licensees.

In addition to the usual license renewal notice sent each December 1<sup>st</sup>, any crab pot licensee who has not renewed by January 15<sup>th</sup> each year will be sent a special reminder notice of the January 31<sup>st</sup> deadline.