

NOTICE OF HEARING

PROPOSED AMENDMENTS TO THE REGULATIONS of the POTOMAC RIVER FISHERIES COMMISSION

February 19, 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(d)(1) to reduce the maximum number of crab pots per boat from 300/400/500 to 150/200/250 and repeal Reg. I, Sec. 2(d)(3); or amend Reg. I, Sec. 2(d)(3) to establish the maximum number of crab pots per boat for 2004.
2. Amend Reg. VII, Sec. 2(a) to increase minimum size limit for peeler crabs to 3 ½" and hard crabs to 5 ½".
3. Amend Reg. I, Sec. 2(d)(1) by removing requirements to display the decal and mark pots; recodify Reg. VII, Sec. 3 through 9 to sections 4 through 10; adopt a new Reg. VII, Sec. 3 dealing with the display of decals and identification of pots; and adopt a new Reg. VII, Sec. 5(d) dealing with limitations on crab pot long lines so as to restrict their use to waters greater than 36' (committee recommendation was greater than 18') in the area downstream of a line from Bonum Creek, VA to Piney Point, MD (committee recommendation was downstream of St. Clements Island) during April and November (committee recommendation was April, May, October and November); recodify Reg. VII, Sec. 1(f) through 1(h) to Sec. 1(g) through 1(i); and adopt a new Reg. VII, Sec. 1(f) to define crab pot longlines.
4. Amend Reg. III, Sec. 11(c)(2) to include gill nets as gear permitted to retain a limited amount of American or hickory shad as lawful by-catch.

NOTICE OF HEARING February 19, 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, February 19, 2004 at 2:00 p.m. in the Hearing Room of the Potomac River Fisheries Commission Building at 222 Taylor Street, Colonial Beach, Virginia. The precise text of the proposed amendments follows.

Notice is also given that the Commission will hold a public discussion on the merits of starting a small mesh summer gill net fishery at this same meeting.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

reducing the maximum number of crab pots from 300/400/500 per boat to 150/200/250 and or a single maximum for all boats and recodify decal display and crab pot marking requirements.

Regulation I

Sec. 2(d)(1) Crab Pots

For each boat or vessel used in taking or catching crabs with crab pots, as defined in Regulation VII, Section 1(a), a minimum license fee of \$100.00 valid for the use of up to 300 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. A license fee of \$150.00 for up to 400 crab pots and a license fee of \$200.00 for up to 500 crab pots shall also be available for 1995 to those persons holding a valid 1994 crab pot license. Providing that thereafter, such persons may continue to renew their license for the number of pots selected in 1995 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. No more than one license may be issued to any single boat and the maximum number of pots may not exceed the number specified on the license. ~~Each crab pot set 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 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. The boat decal must be displayed in a clearly visible position on the outside starboard side of the hull of the boat or vessel. Any crab pot in the water not identified in this manner may be seized by the duly authorized enforcement officers and shall be subject to forfeiture. Whenever crab pots are being set, fished, or removed the license must be aboard the boat or vessel and 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).~~

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
limiting the amount of pots to those holding a license.

Regulation I

Sec 2(d)(3) Crab Pots **Option 1**

Notwithstanding the provisions of Regulation I, Section 2(d)(1), those persons previously holding a 300, 400, or 500 pot license shall be limited to licenses permitting 285, 380, or 475 respectively for the calendar year 2003 **2004**.

~~Sec 2(d)(3) Crab Pots~~ **Option 2**

~~Notwithstanding the provisions of Regulation I, Section 2(d)(1), those persons previously holding a 300, 400, or 500 pot license shall be limited to licenses permitting 285, 380, or 475 respectively for the calendar year 2003.~~

FOR THE PURPOSE OF
setting the 2004 size limits for hard crabs and peelers.

Regulation 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 **5¼"** inches from April 1 through July 14, 2003**4** and hard crabs, except mature female crabs, less than 5 ½ inches from July 15th, 2003 ~~and thereafter~~ **through the end of the season.**
- (2) peeler crabs less than ~~3¼~~ **3½** 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.

Once taken hard, peeler and soft shell crabs shall be kept separate from each other.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
recodify decal display requirements and identification of crab pot buoys
and enable crab pot longlines.

Regulation VII

Sec. 3 Display of Decal and Identification of Pots

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.

b) Identification of Pots. Licensees may either set crab pots singularly or attached to a crab pot longline, but not both at the same time. The marking requirements are as follows:

- i) For singularly set pots - 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 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.
- ii) For pots attached to a crab pot longline - Each longline shall be identified with a spar buoy that has an 18 inch square white flag legibly displaying the letters "CP" and the decal number provided with the license in not less than 4 inch letters/numerals. The bottom of such flag shall be at least 4' above the water.

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.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
regulating areas and times crab pot longlines may be fished.

Regulation VII

Sec. 5(d) Crab Pot Longlines

Each longline shall contain no more than 20 crab pots and each line will be counted as 20 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 36' MLW, upstream of a line drawn from the Mouth of Bonum Creek and Piney Point, or between May 1st and October 31st each year.

FOR THE PURPOSE OF
defining a crab pot longline.

Regulation VII

Sec. 1(f) 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.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
adding gill nets as part of the return of incidental catch.

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 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.