

**Proposed Amendments To The Regulations
Of The
Potomac River Fisheries Commission**

November 15, 2006

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. **Reg. I, Sec. 2(d)(1)** – To clarify that only one crab pot license per person per boat can be issued.
2. **Reg. I, Sec. 2(d)(4)** – To adopt a new section to allow 2 lesser number-of-pot licenses to be combined to make a 400 or 500-pot license.
3. **Reg. I, Sec. 2(f)(1) and Sec. 2(f)(4) and Sec. 2(l)(2)** – To replace the word “individual” with the words “natural person” in the 1st sentence of each section.
4. **Reg. I, Sec. 2(k)** – To delete the word “weir” and redefine fyke and hoop nets and limit their locations to waters less than 6’ MLW.
5. **Reg. I, Sec. 3(a)** – To add the term “limited liability company” and recodify as Reg. I, Sec. 3(a)(1).
6. **Reg. I, Sec. 3(a)(2)** – To add a new section as follows: “Natural Person - A natural person shall mean a single human being”.
7. **Reg. I, Sec. 3(e)** – To clarify “in possession”, and to replace “or” with “and/or” in the last sentence.
8. **Reg. I, Sec. 5(d)** – To replace the word “persons” with the words “natural persons” in the 1st sentence, and to delete the words “individual” and “personal” in item #(4) and #(6).
9. **Reg. II, Sec. 1(h)** – To repeal and recodify subsections (i), (j) and (k) as (h), (i) and (j).
10. **Reg. III, Sec. 10(b)** – To change the words “individual fisherman” to “licensee”, and require party, company, corporation, firm or association ownerships to designate a single authorized user of the striped bass ID tags.
11. **Reg. VI, Sec. 5(a)** – In the last sentence, to replace the first word “individual” with the words “natural person” and the second word “individual” with the words “his/her”.
12. **Reg. VI, Sec. 5(b) item # (4)** – To replace the first word “person” with the word “personal” and the second word “person” with the words “natural person”.
13. **Reg. VI, Sec. 5(c)** – To delete the words “of a person” in the first line, and replace the words “If that person” with the words “If a natural person” in the second line.

**NOTICE OF HEARING
November 15, 2006**

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 Wednesday, November 15, 2006 at 1:00 p.m. in the John Thomas Parran Hearing Room of the Potomac River Fisheries Commission Building, 222 Taylor Street, 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.

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Purpose: To clarify that only one crab pot license per person per boat can be issued.

Reg. 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 crab pot license may be issued to any person and/or for any single boat, and The maximum number of pots may not exceed the number specified on the license. 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).

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Purpose: To allow two lesser number of pot licenses to be combined to make a 400 or 500 pot license.

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).

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Purpose: To allow regulations that are able to differentiate between a single human being and the term 'person' that includes other entities, and to remove a duplicate regulation (II, Sec. 1(h)).

Reg. I, Sec. 3(a)(1) Person

A person shall mean any individual, party, company, corporation, limited liability company, partnership, firm or association.

Reg. 1, Sec. 3(a)(2) Natural person

A natural person shall mean a single human being.

~~Reg. II, Sec. 1(h) Person~~

~~A person shall mean any individual, party, company, corporation, partnership, firm or association.~~

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Purpose: To clarify 'in possession' and that striped bass identification tags may be recalled "and/or" refused in the future, as opposed to the current "either or" option.

Reg. I, Sec. 3(e) Unlawful to Counterfeit, Alter or Modify Striped Bass Identification Tags

It shall be unlawful to counterfeit, alter or modify any Potomac River Fisheries Commission striped bass identification tag, or to possess, use or attempt to use any counterfeit, altered or modified tag(s). Each such tag shall constitute a separate offense. ~~All~~ Any such tag(s) found by any authorized officer or agent of the Commission are to be seized, together with any fish and all other tags in possession and/or having been issued to such person. In addition to any penalty imposed under Regulation I, Section 6, the Commission may, after a hearing, recall all striped bass identification tags issued to any person found guilty of this section, and/or refuse to issue any tags in the future to him or his assignee.

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Purpose: To change 'individual fisherman' to 'licensee' and allow party, company, corporation, partnership, firm or association ownerships to designate an authorized user of the striped bass ID tags.

Reg. III, Sec. 10(b) Striped Bass Tagging

Each commercially caught striped bass must be individually identified with a striped bass identification tag provided by the Potomac River Fisheries Commission. Said tags must be applied as soon as feasible and in no event shall any commercially caught striped bass be removed from the Potomac River or from the boat at the point of landing, whichever occurs first, without said tag being permanently affixed. The tags shall be issued to a licensee and they ~~an individual fisherman~~ cannot be transferred or sold, ~~nor~~ or otherwise used by anyone except that licensee ~~any other individual fisherman~~. In the event the licensee is not a natural person, only the entity's authorized user, who must be a natural person, can use the tags and his name must be on file with the Commission. Subject to the terms of Regulation I, Section 1(e), tags returned with a surrendered license may be reissued with any resultant new license. All unused tags must be returned to the Commission after each respective fishing season. The words "as soon as feasible" as used herein shall mean for the: i) Commercial Hook and Line Fishery - as soon as the fish is taken and before it is put into the cooler or storage area; ii) Pound Net Fishery - as soon as the fish are taken and before the boat leaves the net site; and iii) Gill Net Fishery - as soon as each separate piece of net is fished and before the boat leaves the net site.

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Purpose: To define hoop and fyke nets, and limit their location to waters less than 6 feet MLW.

Reg. I, Sec. 2(k) ~~Fyke or Hoop or Weir Net~~

For each fyke net or hoop net, ~~weir~~ or similarly fixed device for catching fish or eels, a license fee of \$25.00. ~~A fyke net, hoop net, or weir shall be defined as a fixed fishing device which~~ “Hoop net” means a fixed finfish entrapment device consisting of a series of hoops or frames covered by web netting, and having one or more internal funnel-shaped throats with tapered ends directed away from the mouth of the net. “Fyke net” is a modified hoop net with a set of wings attached to the mouth of the net with a leader. The wings are generally held open in a heart-shape by poles/stakes, and the leader/hedging extends toward the shoreline from the heart. There is no pound, pocket or crib associated with a hoop or fyke net. A hoop net or a fyke net shall not exceed a maximum length of 300 feet and may not be licensed for water greater than 6 feet MLW. When fished by the same licensee in the same row there shall be at least 100 feet of clear, unobstructed interval or open space between no more than three successive nets before the 200 feet requirement of Regulation I, Section 2(o) shall apply. Each net shall be identified as required by Regulation I, Section 2(n)(8) and marked as required by Regulation I, Section 2(s)(3).

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Purpose: To replace the word "individual" with the words "natural person" in the 1st sentence of each section.

Reg. I, Sec. 2(f)(1) Tonging

For each ~~individual~~ natural person working on any boat used in taking or catching oysters by hand tongs or power assisted hand tongs, a license fee of \$75.00. 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 \$10.00 per set to the captain or operator of the vessel.

Reg. I, Sec. 2(f)(4) Personal License - HS

For each ~~person~~ natural person aboard a vessel licensed for hand scraping, a license fee of \$125.00.

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Reg. I, Sec. 2(l)(2) Hook and Line

For each ~~person~~ **natural person** licensed to commercially fish as defined in Regulation I, Section 5(a) with a hook and line and/or a rod and reel, except fish trot line, a license fee of \$50.00. A maximum number of hook and line licenses may be established from time to time by the Commission thereby making it a limited entry fishery. Renewal of such license shall be pursuant to Regulation I, Section 1(c). Whenever the licensee is fishing under this license the boat or vessel being used shall fly the pennant, that was issued with the license, in such a manner as to be clearly visible to passing boats. When a sole licensee, who has paid the full license fee, is aboard the vessel and the said pennant is being displayed he may be accompanied by no more than 2 unlicensed crew member{s}. This license may not be used or the pennant flown from a licensed charter boat that has fee paying passengers aboard. Any boat or vessel not flying such pennant shall be deemed to be sport fishing and all persons shall be subject to those license requirements, seasons, creel and size limits.

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Purpose: To replace the word “persons” with the words “natural persons” in the 1st sentence, and to delete the words ‘individual’ and ‘personal’ in item #(4) and #(6).

Reg. I, Sec. 5(d) Reduction of License Fees

~~Persons~~ **Natural 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 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.

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Purpose: In the last sentence, to replace the first word 'individual' with the words 'natural person' and the second word 'individual' with the words 'his/her'.

Reg. VI, Sec. 5(a) License Required

It shall be unlawful for any person to take, catch or remove or attempt to take, catch or remove finfish from the Potomac River for sport, recreation or immediate household use, from any boat or vessel not properly licensed for sport fishing and displaying a valid decal. Provided, however, that each ~~individual~~ **natural person** aboard a pleasure boat or rental boat, as herein defined, may substitute an ~~individual~~ **his/her** sport fishing license in lieu of the vessel license.

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Purpose: To replace the first word 'person' with the word 'personal' and the second word 'person' with the words 'natural person'.

Reg. VI, Sec. 5(b) License Fees

The annual sport fishing license fees payable to the Commission under Regulation VI shall be as follows:

- (1) Pleasure Boat - \$30.00 per boat.
- (2) Charter Boat:
 - (i) Carrying 3 or less passengers - \$150.00 per boat.
 - (ii) Carrying 6 or less passengers - \$240.00 per boat;
 - (iii) Carrying 7 or more passengers - \$290.00 per boat.
- (3) Rental Boat - \$25.00 per boat or \$500.00 per fleet plus \$1.00 per each boat in the fleet.
- (4) ~~Person~~ **Personal** - \$7.50 per ~~person~~ **natural person**. A Personal sport fishing license is not required when fishing from a properly licensed boat.

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Purpose: To delete the words 'of a person' in the first line; and replace the words 'If that person' with the words 'If a natural person' in the second line.

Reg. VI, Sec. 5(c) Exemptions

A Potomac River sport fishing license is not required ~~of a person~~:

(1) ~~If that person~~ **If a natural person**:

- (i) is 65 years of age or older;
- (ii) is less than 16 years of age;
- (iii) holds a valid tidal/salt water sport fishing license issued by another political jurisdiction granting reciprocal privileges with this Commission;
- (iv) is fishing from a boat holding a valid tidal/salt water fishing license from other political jurisdictions granting reciprocal privileges with this Commission;
- (v) is commercially fishing and possesses a valid commercial fishing license from the Potomac River Fisheries Commission; or
- (vi) is not fishing from a boat or vessel.

(2) During the following periods:

- (i) the three (3) days before, the holiday itself, and the three (3) days after Memorial Day, July 4th and Labor Day; or
- (ii) any other Federal holiday.