

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

September 13, 2007

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. So as to change the gill net season from a calendar year to a fiscal year and add November to the renewal period for gill nets by adopting/amending the following regulations: **Reg. I, Sec. 1(a), 1(c), 2(n)(4) and Reg. III, Sec. 13(d)**.
2. So as to define high-grading and when it is unlawful by adopting/amending the proposed regulations as follows: **Reg. VI, Sec. 1(g) and 5(f)**.
3. So as to make it unlawful to spear or gaff striped bass at any time by adopting/amending the proposed regulations as follows: **Reg. III, Sec. 6(a), (b), (c)** and to repeal **Reg. III, Sec. 7** and readopt as **Reg. III, Sec. 6(b)** unchanged.
4. So as to propose new commercial license fees under **Reg. I, Sec. 2 – License Fees** as follows: PN - \$150, GN - \$50, HS - \$150, FN - \$40, FTL - \$40, FP - \$75, EP - \$100, BP - \$75, HL - \$75, CBC - \$75, Crab Dip Nets & Trot Lines - \$75, PT - \$25, CP-300 - \$150, CP-400 – \$225, CP-500 – \$300, Oyster tonger - \$100, “OT” Tags for boat - \$25, P.A. Hand Tongs - \$75, HSV - \$200, HS Ind. - \$175, Oyster buyer - \$125 and Clam Dredge - \$300.

**NOTICE OF HEARING
September 13, 2007**

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 13, 2007 at 2:00 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 change the license year for gill nets.

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 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.

NEW LANGUAGE

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Purpose: To change the license year for gill nets.

Reg. I, Sec. 1(c) Limited Entry Fisheries

A limited entry fishery is a fishery where the number of licenses available is 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 **GILL NET** licenses must be submitted only during **NOVEMBER, December OR JANUARY** ~~preceding the year for which the license is intended or during January~~ of the **LICENSE** year for which the license is intended.
- (iii) Applications for renewal of **ALL OTHER** 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.
- (iv) 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 April, 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).

NEW LANGUAGE

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Purpose: To change the license year for gill nets.

Reg. I, Sec. 2(n)(4) Time and Place for Submitting and Issuing Renewal Licenses

Applicants who submit applications by mail assume the risk of delay on the part of the postal service.

i.) Application for renewal of a **GILL NET** license under (n)(1) at a currently licensed location may be submitted only during **NOVEMBER, December OR JANUARY** ~~preceding the year for which the license is intended or during January~~ of the year for which the license is intended. Any **GILL** net license location for which a renewal license has not been issued on or before the last day in January which is not a Saturday, Sunday or legal holiday, shall become vacant and unlicensed with no outstanding renewal rights for that location as of the end of that day.

ii.) Application for renewal of a **POUND NET OR FYKE NET** license under (n)(1) at a currently licensed location may 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. Any **POUND NET OR FYKE** net license location for which a renewal license has not been issued on or before the last day in January which is not a Saturday, Sunday or legal holiday, shall become vacant and unlicensed with no outstanding renewal rights for that location as of the end of that day.

iii.) If the maximum number of licenses had been issued the previous year for the fishery, any non-renewed licenses shall become available under Regulation I, Section 1(c). Otherwise, any applicant may submit an application for that location on or after the first day in February, which is not a Saturday, Sunday or legal holiday. On the first day of February which is not a Saturday, Sunday or legal holiday, licenses for a fixed location will be issued in person only at the principal office of the Commission.

NEW LANGUAGE

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Purpose: To change the license year for gill nets.

Reg. III, Sec. 13(d) Individual Striped Bass Allocation Transfer
from Gill Net to Commercial Hook and Line

Any person meeting the qualifying conditions listed below may surrender one or more gill net license(s) for the purpose of being able to obtain a commercial hook and line license and take his striped bass allocation with that gear. To qualify a person must:

1. Have a valid Potomac River gill net license;
2. Must declare his intent **DURING THE GILL NET RENEWAL PERIOD** ~~between December 1 and January 31 next;~~
3. Surrender the gill net stand license(s) and its (their) associated rights and privileges; and
4. Purchase a commercial hook and line license, **VALID FOR THE NEXT YEAR**, at **NEXT YEAR'S** ~~the current~~ license fee plus **NEXT YEAR'S** ~~the current~~ license fee for each gill net stand surrendered in excess of the first stand.

Any hook and line license obtained in this manner will carry all rights and privileges associated with such license providing the gill net license privileges and rights are surrendered and forfeited.

Any gill net license(s) surrendered under this option will thereafter remain as a hook and line license. Thereby, permanently reallocating striped bass identification tags from the gill net fishery to the hook and line fishery, increasing the hook and line quota and increasing the maximum number of licenses within that limited entry fishery and reducing the gill net quota and the maximum number of gill net stands available within that limited entry fishery in the Potomac, as provided in the appropriate Commission Order pertaining to commercial hook and line and gill net limited entry.

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Purpose: To define high-grading and when it is unlawful.

Reg. VI, Sec. 1(g) High-grading

The practice of selecting only the most desirable (e.g. largest, valuable) individuals when harvesting a natural resource.

Note: Existing Reg. VI, Section 1 (g) though (l) become (h) through (m) unchanged

Reg. VI, Sec. 5(f) High-grading Prohibited

Except large mouth bass, it shall be unlawful to return fish to the water after it is placed into a cooler, bucket or other storage container or area.

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Purpose: To make it unlawful to spear or gaff striped bass at any time.

Reg. III, Sec. 6 ~~Dynamiting~~ Unlawful Activity

Sec. 6(a) Dynamiting Unlawful

No person shall place, throw or make use of dynamite or other explosive substance so as to kill fish and seafood in the Potomac River, except for bona fide engineering, scientific, or mining purposes, for which purposes a permit must be secured from the Potomac River Fisheries Commission.

~~Sec. 7(a)~~ Sec. 6 (b) Thrashing Unlawful

It shall be unlawful for any person to whip or beat any of the waters of the Potomac River with poles, sticks, or any other thing, for the purpose of driving fish into nets, seines, or any other contrivance for catching fish.

Sec. 6 (c) Gaffing Unlawful

It shall be unlawful for any person to spear or gaff, or attempt to spear or gaff any striped bass at any time.

Section 7 Thrashing Unlawful

Repealed and reenacted as Reg. III, Section 6 (b) unchanged.

Proposed Commercial License Fee Changes

<u>Fish Licenses</u>			
<u>Gear</u>	<u>Regulation</u>	<u>Current 2007</u>	<u>Advertised Fees</u>
Pound Net	Reg. I, Sec. 2(h)	100	150
Gill Net	Reg. I, Sec. 2(i)(1)	30	50
Haul Seine	Reg. I, Sec. 2(j)	100	150
Fyke Net	Reg. I, Sec. 2(k)	25	40
Fish Trot Line	Reg. I, Sec. 2(l)(1)	25	40
Fish Pot	Reg. I, Sec. 2(m)(2)	50	75
Eel Pot		75	100
Bait Pot		50	75
Hook & Line	Reg. I, Sec. 2(l)(2)	50	75
Charter Boat Captain	Reg. I, Sec. 2(u)	50	75
<u>Crab Licenses</u>			
<u>Gear</u>	<u>Regulation</u>	<u>Current 2007</u>	<u>Advertised Fees</u>
Dip Nets & Trot Lines	Reg. I, Sec. 2(a)	50	75
Peeler Traps	Reg. I, Sec. 2(b)	15	25
Crab Pots – 300	Reg. I, Sec. 2(d)(1)	100	150
Crab Pots – 400		150	225
Crab Pots – 500		200	300
<u>Oyster Licenses</u>			
<u>Gear</u>	<u>Regulation</u>	<u>Current 2007</u>	<u>Advertised Fees</u>
Oyster Tonger	Reg. I, Sec. 2(f)(1)	75	100
“OT” Tags for Boat	Reg. I, Sec. 2(f)(1)	10	25
P.A. Hand Tongs	Reg. I, Sec. 2(f)(2)	50	75
Hand Scrape Vessel	Reg. I, Sec. 2(f)(3)	150	200
Hand Scrape Ind.	Reg. I, Sec. 2(f)(4)	125	175
Oyster Buyer	Reg. I, Sec. 2(g)	100	125
<u>Clam Licenses</u>			
<u>Gear</u>			
Dredge	Reg. I, Sec. 2(t)	200	300