

PROPOSED AMENDMENTS TO THE REGULATIONS
of the
POTOMAC RIVER FISHERIES COMMISSION
May 15, 2008

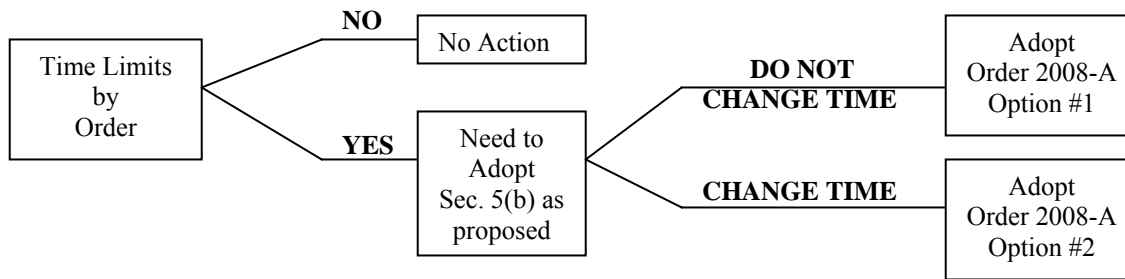
Pursuant to the Potomac River Compact of 1958, as duly enacted into law by the General Assemblies of the States of Maryland and Virginia and duly ratified by the Congress of the United States of America, the Potomac River Fisheries Commission hereby proposes to amend and/or adopt regulations as follows, so as:

1. To amend **Reg. VII, Sec. 5(b)** to enable the Commission to issue Orders to set commercial crabbing time limits for specified time of day and/or day-of-week, for the entire season or parts thereof, for all or only specified life stages and/or sexes and may be different for specific areas of the river. Adoption of this amendment may result in change(s) to the time limits for this year and future years.
2. To amend **Reg. I, Sec. 2(d)(3)** to enable the Commission to issue Orders to set a lower limit on the number of pots that may be set per license. Such limits may be for the entire season or only specific period(s) of time, and/or for all or only specific areas of the river. Adoption of this amendment may result in change(s) to the number of pots that may be set for this year and future years.
3. To amend **Reg. VII, Sec. 4(a)** to enable the Commission to issue Orders to set the crab season dates. Such date(s) may be the same or different for various gears, for all or only specified life stages and/or sexes. Adoption of this amendment may result in change(s) to the season dates for this year and future years.
4. To amend **Reg. VII, Sec. 2(a)** *Option one:* to establish a 5.5" minimum size limit on hard crab, except for mature females, all year and establish a 6.5" maximum size limit on mature female crabs. *Option two:* to enable the Commission to issue Orders to set crab size limits. 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. Adoption of *option 2* of this amendment may result in change(s) to the size limits for this year and future years.
5. To amend **Reg. I, Sec. 2(d)(1)** to require the crab pot licensee to be aboard the boat whenever the crab pots are set, fished or removed.
6. To adopt **Reg. I, Sec. 2(d)(2)** to provide for a temporary designated fishermen exemption to **Reg. I, Sec. 2(d)(1)**.
7. To adopt **Reg. VII, Sec. 5(e)** to prohibit any crab pots in waters greater than 30 feet MLW and in the area bounded by a straight line between the federally maintained navigational aids R N #10, R N #12, R N # 14, G C # 13, G C #11, a point 500 yards due north of Ragged Point Light and R N # 10 the point of beginning.
8. To amend **Reg. VII, Sec. 6(b)** to increase the hard crab pot cull ring size from 2 3/16" to 2 1/2" (note - the 2 5/16" ring remains unchanged), increase the peeler pot and peeler trap cull ring size from 1 1/2" to 2 3/16" and require all cull rings to be open at all times. (effective 2009)
9. To adopt **Reg. VI, Sec. 4(f)** to prohibit recreational crabbing from sunset to one (1) hour before sunrise, except for person(s) using dip nets and/or hand lines from the shore or a pier.
10. To adopt **Reg. VI, Sec. 4(g)** to prohibit recreational crabbers from taking any female hard crabs.
11. To amend **Reg. VI, Sec. 4(a)** and **4(e)** to lower possession limits for recreational crabbers.
12. To amend **Reg. I, Sec. 2(f)(3)** to remove the HS vessel replacement tag fee.

NOTICE OF HEARING
May 15, 2008

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, May 15, 2008 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.

Reg. VII, Sec. 5(b) Time Limits Decision Tree



PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

Enabling the Commission to set time limits for commercial crabbing by Order

Reg. VII, Section 5 . . . Prohibited Areas, Times and Methods of Crabbing

Sec. 5(b) ~~Crabbing at night~~ Time Limits

~~Except person(s) using recreational dip nets and/or hand lines from the shore or a pier, 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.~~

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.

Proposed effective date – July 1, 2008

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

if the Commission **ADOPTS** Reg. VII, Sec. 5(b) as proposed,
and **DOES NOT WANT TO** change the time limits for crabbing, adopt Order 2008-A (**Option #1**)
or **WANTS TO** change the time limits for crabbing, adopt Order 2008-A (**Option #2**)

DRAFT ORDER #2008 – A

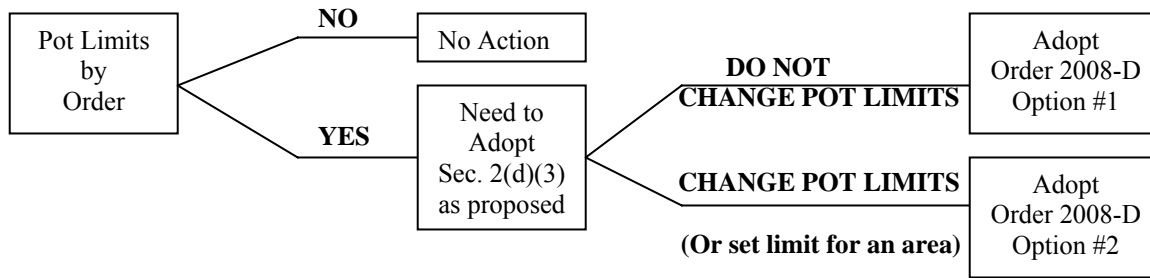
COMMERCIAL CRAB FISHERY TIME LIMITS

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:**

- Opt. #1** { (1) 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.
- Opt. #2** { (1) It shall be unlawful for any person to commercially harvest crabs, with crab pots between 2:00 p.m. through 6:00 a.m. during the months of April, September, October and November, and between 1:00 p.m. through 5:00 a.m. during the months of May, June, July and August.
- (2) It shall be unlawful for any person to commercially take or catch crabs by all other gears 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-A shall become effective **July 1, 2008** and remain in effect until such time as the Commission has taken further action.

Reg. VII, Sec. 2(d)(3) Pot Limits Decision Tree



PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

providing the Commission with the authority to set a lower number of crab pots by Order.

Reg. I, Section 2 . . . License Fees - Crab

Sec. 2(d)(3) Crab Pots Limits

Notwithstanding the provisions of Regulation I, Section 2(d)(1), ~~those persons previously holding a 300, 400, or 500 pot license,~~ the commission may from time to time and by a 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. ~~shall be limited to licenses permitting 285, 380, or 475 respectively for the calendar year 2004 and thereafter.~~

Proposed effective date – July 1, 2008

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

if the Commission **ADOPTS** Reg. I, Sec. 2(d)(3) as proposed,
and **DOES NOT WANT TO** change the pot limits for crabbing, adopt Order 2008-D (**Option #1**)
or **WANTS TO** change the pot limits for crabbing, adopt Order 2008-D (**Option #2**)

DRAFT ORDER #2008 – D

COMMERCIAL CRAB FISHERY POT LIMITS

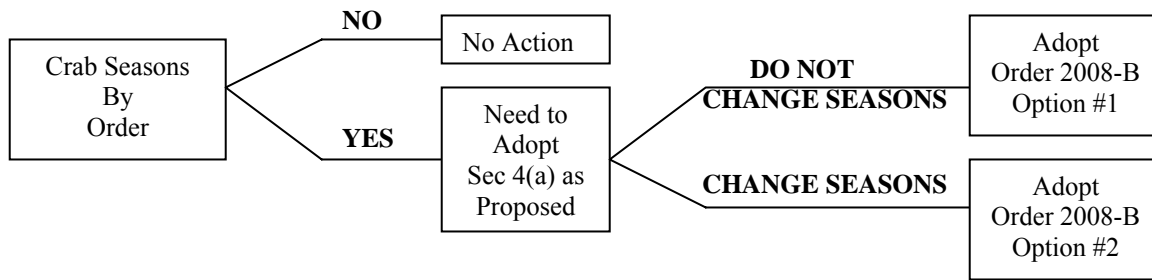
THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the crab population, having considered the protection, promotion, growth and conservation of the crab resources, and provisions of Regulation I, Section 7(a) and Regulation I, Section 2(d)(3); **HEREBY DECLARES AND ORDERS:**

Opt. #1 { (1) 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.

Opt. #2 { (1) Those persons currently holding a 285, 380, or 475 pot license shall be limited to setting only 270, 360, and 450 respectively from the effective date of this Order, and each year thereafter.
(2) It shall be unlawful for any person to set or fish more than 200 crab pots in waters of the Potomac River lying upstream of the power lines at Possum Point, VA and Moss Point, MD.

AND, IT IS FURTHER DECLARED AND ORDERED: this Order #2008-D shall become effective **July 1, 2008** and remain in effect until such time as the Commission has taken further action.

Reg. VII, Sec. 4(a) Crab Seasons Decision Tree



PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

providing the Commission with the authority to set the season dates by Order.

Reg. VII, Section 4 . . . Seasons

Sec. 4(a) Crab Season

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 from December 1 through March 31 next succeeding.~~ **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, 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 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.

Sec. 4(b) Hard & Soft Crab Season

It shall be unlawful for any ~~person engaged in crabbing to take, catch, or possess any hard or soft crabs in the Potomac River from December 1 through March 31 next succeeding.~~

Sec. 4(c) Peeler Crab Season

It shall be unlawful for any person ~~en-gaged in crabbing to take, catch, or possess any peeler crabs in the Potomac River from December 1 through March 31 next succeeding.~~

Proposed effective date – July 1, 2008

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

if the Commission **ADOPTS** Reg. VII, Sec. 4(a) as proposed,
and **DOES NOT WANT TO** change the seasons for crabbing, adopt Order 2008-B (**Option #1**)
or **WANTS TO** change the seasons for crabbing, adopt Order 2008-B (**Option #2**)

DRAFT ORDER 2008 – B

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:

- (1) Hard crabs: Males and immature females – December 1 through March 31 next succeeding.
Mature females – December 1 through March 31 next succeeding.

- (2) Soft crabs – December 1 through March 31 next succeeding.

- (3) Peeler crabs – December 1 through March 31 next succeeding.

IT IS FURTHER DECLARED AND ORDERED: That it shall be unlawful to set, fish or use in the Potomac River any:

- (1) Crab pots – December 1 through March 31 next succeeding.
(2) Trotlines and dip nets – December 1 through March 31 next succeeding.
(3) Peeler traps – ~~December 1 through March 31~~ August 1 through April 30 next succeeding.

- (1) Hard crabs: Males and immature females – November 16 through April 14 next succeeding.
Mature females – November 1 through April 14 next succeeding.

- (2) Soft crabs – October 1 through April 30 next succeeding.

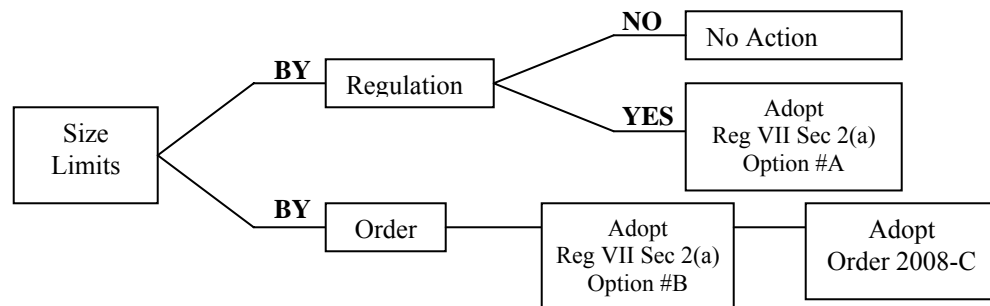
- (3) Peeler crabs – October 1 through April 30 next succeeding.

IT IS FURTHER DECLARED AND ORDERED: That it shall be unlawful to set, fish or use in the Potomac River any:

- (1) Crab pots – November 16 through April 14 next succeeding.
(2) Trotlines and dip nets – November 16 through April 14 next succeeding.
(3) Peeler traps – August 1 through April 30 next succeeding.

AND, IT IS FURTHER DECLARED AND ORDERED: that this Order #2008-B shall become effective July 1, 2008 and remain in effect until further notice.

Reg. VII, Sec. 2(a) Size Limits Decision Tree



PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

enabling the Commission to set size limits on hard crabs, soft crabs and peeler crabs by Regulation **(Option # A)** or by Order **(Option # B)**

Reg. VII, Section 2 . . . Size Limits.

Sec. 2(a) Size Limits (Option #A)

It shall be unlawful for any person to take, catch, keep in floats, or have in possession any:

- ~~(1) hard crabs, except m ature female crabs, less th an 5 inches from April 1 through July 9 and hard — crabs, except mature female crabs, less than 5 ½ inches. from July 10 through the end of the season.~~
- (2) mature female hard crabs, greater than 6 ½ inches.**
- ~~(3) (2) peeler crabs less than 3 ½ inches.~~
- ~~(4) (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 effective date – July 1, 2008

Sec. 2(a) Size Limits (Option #B)

~~It shall be unlawful for any person to take, catch, keep in floats, or have in possession any:~~

- ~~(1) hard crabs, except m ature female crabs, less than 5 inches from April 1 through July 9 and — hard crabs, except mature female crabs, less than 5 ½ inches from July 10 through the end of the season.~~
- ~~(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.~~

The Commission may from time to time and by appropriate Order, specify crab size limits. 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 in the Potomac River. It shall be unlawful for any person to take, catch, sell, offer to buy or sell, expose for sale, or have in possession crabs that do not adhe re to the size limits specified in such Order. Once taken hard, peeler and soft shell crabs shall be kept separate from each other. Proposed effective date – July 1, 2008

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

No Order is needed if Option #A is selected.

If Option #B is selected, Order 2008-C must be adopted with amendments as needed.

DRAFT ORDER 2008 - C

CRAB SIZE 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 pursuant to its authority under Regulation I, Section 7(a) and Regulation VII, Section 2(a), **HEREBY DECLARES AND ORDERS:** That 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 inches from April 1 through July 9 and hard crabs, except mature female crabs, less than 5 ½ inches. from July 10 through the end of the season.~~
- (2) mature female hard crabs, greater than 6 ½ inches.
- (3) peeler crabs less than 3 ½ inches.
- (4) 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.

AND, IT IS FURTHER DECLARED AND ORDERED: this Order #2008-C shall become effective July 1, 2008 and remain in effect until such time as the Commission has taken further action.

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

requiring that the crab pot licensee must be aboard the boat.

Reg. I, Section 2 . . . License Fees - Commercial

Sec. 2(d)(1) Crab Pots

For each boat or vessel used in tak ing or catching crabs with crab pots, as defined in Regulatio n VII, Section 1(a), a minimum license fee of \$135.00 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 \$200.00 for up to 400 cr ab pots and a license fee of \$265.00 for up to 500 crab pots shall also be available for 1995 to those persons holding a valid 1994 crab pot license. Provid ing that thereafter, such persons may continue to renew their license for the num ber of pots selected in 1995 or for a lesser num ber of pots as set forth above, but in no inst ance 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. The maximum number of pots may not exceed the num ber specified on the licens e. Whenever crab pots are being set, fished, or removed the ~~license~~ licensee must be aboard the boat or vessel a nd have his/her license available for inspection by an autho rized enforcement officer of the S tate of Maryland or Virginia or agent of the P otomac River Fisheries Commission. Renewal of such license shall be pursuant to Regulation I, Section 1(c).

Proposed effective date – July 1, 2008

FOR THE PURPOSE OF

allowing some temporary designated fisherman exemption to Reg. I, Section 2(d)(1).

Reg. I, Section 2 . . . License Fees – Commercial

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 an d boat number; the name, address, and date-of-birth of the designated fisherm an; 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 vess el and available for inspection whenever the designated fisherman is using the license.

Proposed effective date – July 1, 2008

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

promoting conservation of the crab resource by establishing a pot-free sanctuary, primarily for mature female escapement, from the Potomac River by providing a maximum water depth for setting crab pots during the fall.

Reg. VII, Section 5 . . . Prohibited Areas, Times and Methods of Crabbing

Sec. 5(e) Crab Pot Depth Restrictions

It shall be unlawful to place, set or fish any crab pot in waters greater than 30 feet MLW, and in the area bounded by straight lines between the federally maintained navigational aids Red nun #10, Red nun #12, Red nun #14, Green can #13, Green can #11, a point 500 yards due north of Ragged Point Light and Red nun #10 at the point of beginning from September 1st through the end of the season.

Proposed effective date – July 1, 2008

FOR THE PURPOSE OF

increasing the cull ring sizes, from 2-3/16" to 2-1/2" in hard crab pots and from 1-1/2" to 2-3/16" in peeler pots and peeler traps.

Reg. VII, Section 6 . . . Culling of Crabs

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 2-1/2 inches in opposite exterior vertical panels of the upper chamber of the pot. ~~Between July 1 and April 30 next succeeding the cull rings must be unobstructed.~~
- (ii) Peeler Pot - At least two 1-1/2 2-3/16 inch cull rings in opposite exterior vertical panels of the upper chamber of the pot.
- (iii) Peeler Trap - At least four 1-1/2 2-3/16 inch cull rings, one on each side of the holding compartment and placed in such a manner as to be below mean low tide.

Proposed effective date – January 1, 2009

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

prohibiting recreational crabbing from sunset to one (1) hour before sunrise, except for person(s) using dip nets and/or hand lines from the shore or a pier.

Reg. VI, Section 4 . . . Sport Crabbing

Sec. 4(f) Time Limits (formerly Reg. VII, Section 5(b) Crabbing at night)

Except person(s) using recreational dip nets and/or hand lines from the shore or a pier, it shall be unlawful for any person to ~~recreationally~~ 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.~~

Proposed effective date – July 1, 2008

FOR THE PURPOSE OF

prohibiting recreational crabbers from taking any female hard crabs.

Reg. VI, Section 4 . . . Sport Crabbing

Sec. 4(g) Female Hard Crabs Prohibited

It shall be unlawful for any person crabbing recreationally, with or without a license, to take, keep or have in possession any female hard crabs.

Proposed effective date – July 1, 2008

FOR THE PURPOSE OF

lowering possession limits for recreational crabbers.

Reg. VI, Section 4 . . . Sport Crabbing

Sec. 4(a) Exemptions w/o sport crabbing license

The taking or catching of crabs for sport, recreation or immediate household use, without a license, shall be lawful provided that no person shall in any one day take more than ~~four (4)~~ three (3) dozen hard crabs, and ~~two (2)~~ one (1) dozen soft crabs or peeler crabs or to exceed ~~one (1) bushel~~ five (5) dozen of hard crabs or ~~three (3)~~ two (2) dozen soft crabs or peeler crabs per boat per day by:

- (1) no more than two (2) hard crab pots fished by the owner and marked with a buoy that is easily visible on the surface and legibly displays the owner's initials in not less than one (1) inch letters;
- (2) no more than two (2) hard crab pots attached to a pier;
- (3) a single trot line per boat no longer than six hundred feet (600') marked with a buoy on each end;
- (4) no more than ten (10) collapsible crab traps per boat;
- (5) dip nets, and/or;
- (6) hand lines, but by no other means.

Proposed effective date – July 1, 2008

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

lowering possession limits for recreational crabbers.

Reg. VI, Section 4 . . . Sport Crabbing

Sec. 4(e) Harvest Limits w/ sport crabbing license

It shall be unlawful during any single day for any person aboard any boat licensed under this Section 4 to remove from the Potomac River more than ~~one (1) bushel~~ **five (5) dozen** of hard crabs and two (2) dozen soft or peeler crabs, not to exceed ~~2~~ **one (1)** bushels of hard crabs and ~~4~~ **three (3)** dozen soft or peeler crabs per boat per day.

Proposed effective date – July 1, 2008

FOR THE PURPOSE OF

removing the HS vessel replacement tag fee from the regulation, it will be covered by the Replacement Tag Fee imposed by the Commission for all other tags (\$10.00).

Reg. I, Section 2 . . . License Fees - Commercial

Sec. 2(f)(3) Vessel License - HS

For each boat or vessel used in taking or catching oysters with a hand scrape, a license fee of \$190.00. Whenever the hand scrape is aboard the vessel the said license shall be aboard the boat or vessel and available for inspection by any authorized enforcement officer of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. No more than one license may be issued to any one vessel for a hand scrape and no more than one hand scrape may be on board any vessel so licensed at any time. Each vessel so licensed shall be issued a set of "hand scraping" (HS) tags, which shall be firmly attached to both sides of the vessel described in the license. 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 hand scrape from any vessel not displaying said tags. ~~A replacement set of tags will be issued for a fee of \$5.00 upon proof of loss of the original.~~

Proposed effective date – July 1, 2008