

PROPOSED AMENDMENTS TO THE REGULATIONS
of the
POTOMAC RIVER FISHERIES COMMISSION
September 10, 2009

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, adopt and/or repeal all oyster fishery regulations and orders, which are **Regulation I, Sections 2 and 5** and all of **Regulation II, Sections 1 through 7** and **Order 2008-11**, as appropriate and necessary to achieve any one or combination of the options listed below:

Options for this public hearing will include the following:

1. A moratorium on oystering in specific area(s) up to and including the entire Potomac River.
2. Change the opening and closing season dates and/or times (i.e., shorten the season/times).
3. Status quo, where the Regulations will remain as they were during the 2008-09 season.
4. Open Jones Shore to hand scraping.
5. Changing the minimum size limit, establish a maximum size limit, and/or a slot limit.
6. Opening new area(s) up to and including the entire river to hand scraping.
7. Establish a new oyster sanctuary in the area of the Hog Island fishing reef, and/or modify the boundary of the Heron Island sanctuary.
8. To take no action at all, such that the right to the use of "power" (i.e. winders) for hand scraping would terminate under the sunset provisions of the regulations of the PRFC.

NOTICE OF HEARING
September 10, 2009

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 10, 2009 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 visiting our website – http://www.prfc.us/commission/press_releases.htm.

Reference - Public Hearing Notice – Item # 1

PROPOSED AMENDMENTS TO THE REGULATIONS/ORDERS

New Language

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FOR THE PURPOSE OF
closure of the Potomac River oyster fishery

Order 2009- XX

OYSTER FISHERY CLOSED

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources and pursuant to its authority under Regulation I Section 8 (a), **HEREBY DECLARES AND ORDERS:** The closure of the entire Potomac River to the taking, catching or removing of any oysters by any means.

BE IT FURTHER DECLARED AND ORDERED, pursuant to its authority under Regulation II Section 2 (b): There will be no open oyster season in the Potomac River.

AND IT IS FURTHER DECLARED AND ORDERED: That this Order 2009-xx shall become effective September 30, 2009 and remain in effect until further notice.

PROPOSED AMENDMENTS TO THE ORDERS

New Language

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FOR THE PURPOSE OF
a possible moratorium or changing the oyster season dates, days and time limits for 2009-2010.

O R D E R #2008-11 2009-XX
(replaces #2007-10 2008-11)

**2008-2009 2009-2010 OYSTER SEASON DATES,
DAYS AND TIME LIMITS**

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources and pursuant to its authority under Regulation II, Section 2(b) and Regulation I, Section 7(a)(1), **HEREBY DECLARES AND ORDERS:** The ~~2008-2009~~ 2009-2010 oyster season dates, days and time limits shall be as follows:

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1 XX thru Dec. 31 XX , 2008 9 Jan. 1 XX thru Mar. 31 XX , 2009 10	Monday thru Friday Monday thru Friday	Sunrise XX to 4:00 XX p.m. Sunrise XX to 3:00 XX p.m.
Hand Scraping	Nov. 3 XX , 2008 9 thru Mar. 31 XX , 2009 10	Monday thru Friday	8:00 XX a.m. to 4:00 XX p.m.

BE IT FUTHER DECLARED AND ORDERED: Possession of a hand scrape shall be permitted during the aforesaid times and from one hour before and for two hours after such times. The use or possession of any hand scrape at any other time is unlawful.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2008-11 2009-08 shall become effective September 30, 2008 9 and remain in effect through March 31, 2009 10.

Reference- Public Hearing Notice – Item #3

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
keeping the oyster regulations status quo.

Reg. II, Sec. 1(e) Hand Scrape

Any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from the water bottom or the bed of a body of water, which device has no external or internal power source and may be attached to a winch, winder, spool or other hoisting gear. ~~This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.~~

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

~~Deleted Text~~

FOR THE PURPOSE OF
keeping the oyster regulations status quo.

Reg. II Sec. 2(a)(3) Equipment Prohibited Aboard Hand Scrape Vessel

No hand tongs or power assisted hand tongs may be used or possessed aboard any hand scrape licensed vessel at the same time as said hand scrape, nor may any dredge or hand scrape be used or possessed aboard any hand tong or power assisted hand tong licensed vessel at the same time as said hand tongs or power assisted hand tongs. ~~This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.~~

Reference- Public Hearing Notice – Item #3

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

~~Deleted Text~~

FOR THE PURPOSE OF
keeping the oyster regulations status quo.

Reg. II, Sec. 2(a)(4) Closed Areas for Hand Scraping

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

- (1) “All areas lying upstream from a straight line between a point (38°16.02’ North Latitude, 76°52.00’ West Longitude) at Neal Sound Entrance Light #2 in Charles County, Maryland and a point (38°11.52’ North Latitude, 76°54.20’ West Longitude) at the mouth of Popes Creek in Westmoreland County, Virginia and,
- (2) Heron Island Oyster Bar, bound on the north by the PRFC/DNR jurisdictional line, as marked by markers PR “M3A”, “M3B”, “M3C”, “M3D” and “M3E”; on the west by Dukeharts Channel, as marked by the navigational aids “G C1”, “FL G3” and “G C5”; on the south by the Potomac main channel, as marked by navigational aids “R N 14” and “R N 12”; and, on the east by Breton Bay Channel, as marked by navigational aid “R G N ‘Hi’” and Marker “PR M3E” and,
- (3) Being all that portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: “Beginning at the Potomac River Fisheries Commission marker ‘PRM1B’ (38°06’13” North Latitude, 76°24’57” West Longitude) at Kitts Point, St. Mary’s County, Maryland; thence southeasterly to a point (38°05’35.5” North Latitude, 76°24’17.8” West Longitude) at the SMITH CREEK APPROACH LIGHT NO. 2 (LL3330) at the mouth of Smith Creek; thence southwesterly to a point (38°04’31.5” North Latitude, 76°26’04.2” West Longitude) at ST. MARY’S RIVER JUNCTION LIGHT ED BUOY (LL3334) at the mouth of St. Mary’s River; thence southeasterly to a point (38°02’19.5” North Latitude, 76°21’18.2” West Longitude) which is the intersection of the established fish trap area as delineated on NOAA chart #12233 and a line extending due south of the mouth of Hall Pond at Cornfield Point; thence in a straight line due north to the jurisdictional line of the Commission; thence northwesterly following the jurisdictional boundary of the Commission to marker ‘PRM1B’ the point of beginning.”

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission’s authority to open or close areas pursuant to these Regulations. ~~This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.~~

Reference- Public Hearing Notice – Item #3

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
keeping the oyster regulations status quo.

Reg. II, Sec. 2(e) Unlawful Equipment

It shall be unlawful for the owner , captain, master, or any member of the crew of any boat engaged in taking, catching or removing oysters from the Potomac River, or any boat with oysters on board, to have on board such boat, or in tow, or to permit on board or in tow, any dredge or patent tongs, unless said person has a written permit from the Potomac River Fisheries Commission. ~~This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.~~

Reference- Public Hearing Notice – Item #4

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

Deleted Text

FOR THE PURPOSE OF
opening Jones Shore to hand scraping.

Reg. II, Sec. 2(a)(4) Closed Areas for Hand Scraping

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

- (1) "All areas lying upstream from a straight line between a point (38° 16.02' North Latitude, 76°52.00' West Longitude) at Neal Sound Entrance Light #2 in Charles County, Maryland and a point (38°11.52' North Latitude, 76°54.20' West Longitude) at the mouth of Popes Creek in Westmoreland County, Virginia and,
- (2) Heron Island Oyster Bar, bound on the north by the PRFC/DNR jurisdictional line, as marked by markers PR "M3A", "M3B", "M3C", "M3D" and "M3E"; on the west by Dukeharts Channel, as marked by the navigational aids "G C1", "FL G3" and "G C5"; on the south by the Potomac main channel, as marked by navigational aids "R N 14" and "R N 12"; and, on the east by Breton Bay Channel, as marked by navigational aid "R G N 'Hi'" and Marker "PR M3E" and,
- (3) ~~Being all that portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: "Beginning at the Potomac River Fisheries Commission marker 'PRM1B' (38°06'13" North Latitude, 76°24'57" West Longitude) at Kitts Point, St. Mary's County, Maryland; thence southeasterly to a point (38°05' 35.5" North Latitude, 76°24'17.8" West Longitude) at the SMITH CREEK APPROACH LIGHT NO. 2 (LL3330) at the mouth of Smith Creek; thence southwesterly to a point (38°04'31.5" North Latitude, 76°26'04.2" West Longitude) at ST. MARY'S RIVER JUNCTION LIGHTED BUOY (LL3334) at the mouth of St. Mary's River; thence southeasterly to a point (38°02'19.5" North Latitude, 76°21'18.2" West Longitude) which is the intersection of the established fish trap area as delineated on NOAA chart #12233 and a line extending due south of the mouth of Hall Pond at Cornfield Point; thence in a straight line due north to the jurisdictional line of the Commission; thence northwesterly following the jurisdictional boundary of the Commission to marker 'PRM1B' the point of beginning."~~

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission's authority to open or close areas pursuant to these Regulations. ~~This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.~~

Reference- Public Hearing Notice – Item #5

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF

Changing the minimum size limits, establish a maximum size limit and/or slot limit.

Reg. II, Sec. 2(f)(1) Sizes

It shall be unlawful for any person to take, catch, sell, offer to buy or expose for sale or have in possession oysters which consist of five percent (5%) or more by volume of oyster shells and oysters whose shells measure less than ~~three (3) inches~~.

Option A:

four (4") inches.

Option B:

three (3") inches; or oysters whose shells measure greater than four (4") inches, providing however, there is a zero percent (0%) tolerance for oversize oysters.

Reference- Public Hearing Notice – Item #6

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

Deleted Text

FOR THE PURPOSE OF
opening new areas to hand scraping.

Reg. II, Sec. 2(a)(4) Closed Areas for Hand Scraping

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

Option A

No closed areas (or Repeal Reg. II, Sec. 2(a)(4))

Option B

All areas lying upstream of the US Route 301 Bridge.

- (1) ~~“All areas lying upstream from a straight line between a point (38° 16.02’ North Latitude, 76°52.00’ West Longitude) at Neal Sound Entrance Light #2 in Charles County, Maryland and a point (38°11.52’ North Latitude, 76°54.20’ West Longitude) at the mouth of Popes Creek in Westmoreland County, Virginia and;~~
- (2) ~~Heron Island Oyster Bar, bound on the north by the PRFC/DNR jurisdictional line, as marked by markers PR “M3A”, “M3B”, “M3C”, “M3D” and “M3E”; on the west by Dukeharts Channel, as marked by the navigational aids “G C1”, “FL G3” and “G C5”; on the south by the Potomac main channel, as marked by navigational aids “R N 14” and “R N 12”; and, on the east by Breton Bay Channel, as marked by navigational aid “R G N Hi” and Marker “PR M3E” and;~~
- (3) ~~Being all that portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: “Beginning at the Potomac River Fisheries Commission marker ‘PRM1B’ (38°06’13” North Latitude, 76°24’57” West Longitude) at Kitts Point, St. Mary’s County, Maryland; thence southeasterly to a point (38°05’35.5” North Latitude, 76°24’17.8” West Longitude) at the SMITH CREEK APPROACH LIGHT NO. 2 (LL3330) at the mouth of Smith Creek; thence southwesterly to a point (38°04’31.5” North Latitude, 76°26’04.2” West Longitude) at ST. MARY’S RIVER JUNCTION LIGHTED BUOY (LL3334) at the mouth of St. Mary’s River; thence southeasterly to a point (38°02’19.5” North Latitude, 76°21’18.2” West Longitude) which is the intersection of the established fish trap area as delineated on NOAA chart #12233 and a line extending due south of the mouth of Hall Pond at Cornfield Point; thence in a straight line due north to the jurisdictional line of the Commission; thence northwesterly following the jurisdictional boundary of the Commission to marker ‘PRM1B’ the point of beginning.”~~

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission’s authority to open or close areas pursuant to these Regulations. This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.

Reference- Public Hearing Notice – Item #7

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
modifying the boundary of Heron Island sanctuary
and adding Hog Island artificial reef to the oyster sanctuaries.

Reg. II, Sec. 4(a) Oyster Sanctuaries

The hereinafter listed areas of the Potomac River are declared to be oyster sanctuaries and thereby closed for the purpose of taking or catching or attempting to take or catch oysters by any means at any time. These areas are:

1. All natural oyster bars in the Potomac River, which are west and south of Upper Cedar Point Light #8, which includes the charted natural oyster bars of Metomkin Point (80 acres), Stuart Point (106 acres) and Chotank Lumps (207 acres); and,
2. The natural oyster bar Bluff Point Lumps (310 acres), which is an area north and east of the main ships channel, west of 76° 56.800' West Longitude, and south of 38° 17.600' North Latitude; and,
3. ~~All areas which cannot be harvested with 18 foot hand shaft tongs on the~~ The natural oyster bar Heron Island. Heron Island is that area which is south of the PRFC /DNR jurisdictional line, east of Dukeharts channel, west of Breton Bay channel and north of the Potomac River main channel.
4. The Hog Island Artificial Reef Area (50 acres), approximately 1.5 miles east of Hog Island and enclosed within the following described boundaries: “Beginning at a point on the northwest corner (38°02.276' North Latitude, 76°27.503' West Longitude); thence easterly to a point on the northeast corner (38°02.274' North Latitude, 76°27.194' West Longitude); thence southerly to a point on the southeast corner (38°02.030' North Latitude, 76°27.199 West Longitude); thence in a westerly direction to a point on the southwest corner (38°02.033' North Latitude, 76°27.508 West Longitude); thence in a northerly direction to the northwest corner, the point of beginning.

Reference- Public Hearing Notice – Item #8

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
updating Regulations dealing with the Jones Shore closure.

Reg. II, Sec. 1(e) Hand Scrape

Any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from the water bottom or the bed of a body of water, which device has no external or internal power source and may be attached to a winch, winder, spool or other hoisting gear. This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.

Reg. II, Sec. 1(e) Hand Scrape *(Reg. Book dated 4/1/2003)*

Any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water, which device has no external or internal power source and is cast, hauled, and operable only by hand, without attachment to any winch, winder, spool or other hoisting gear.

Reference- Public Hearing Notice – Item #8

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
updating Regulations dealing with the Jones Shore closure.

Reg. II Sec. 2(a)(3) Equipment Prohibited Aboard Hand Scrape Vessel

No hand tongs or power assisted hand tongs may be used or possessed aboard any hand scrape licensed vessel at the same time as said hand scrape, nor may any dredge or hand scrape be used or possessed aboard any hand tong or power assisted hand tong licensed vessel at the same time as said hand tongs or power assisted hand tongs. This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.

Reg. II, Sec. 2(a)(3) Equipment Prohibited Aboard Hand Scrape Vessel

(Reg. Book dated 4/1/2003)

No power or hand operated winder(s) or tongs may be used or possessed aboard the licensed vessel at the same time as said hand scrape, nor may any other power mechanism be aboard said vessel except the propulsion system or safety equipment not adapted for power winding.

Reference- Public Hearing Notice – Item #8

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

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FOR THE PURPOSE OF
updating Regulations dealing with the Jones Shore closure.

Reg. II, Sec. 2(a)(4) Closed Areas for Hand Scraping

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

- (1) “All areas lying upstream from a straight line between a point (38°16.02’ North Latitude, 76°52.00’ West Longitude) at Neal Sound Entrance Light #2 in Charles County, Maryland and a point (38°11.52’ North Latitude, 76°54.20’ West Longitude) at the mouth of Popes Creek in Westmoreland County, Virginia and,
- (2) Heron Island Oyster Bar, bound on the north by the PRFC/DNR jurisdictional line, as marked by markers PR “M3A”, “M3B”, “M3C”, “M3D” and “M3E”; on the west by Dukeharts Channel, as marked by the navigational aids “G C1”, “FL G3” and “G C5”; on the south by the Potomac main channel, as marked by navigational aids “R N 14” and “R N 12”; and, on the east by Breton Bay Channel, as marked by navigational aid “R G N ‘Hi’” and Marker “PR M3E” and,
- (3) Being all that portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: “Beginning at the Potomac River Fisheries Commission marker ‘PRM1B’ (38°06’13” North Latitude, 76°24’57” West Longitude) at Kitts Point, St. Mary’s County, Maryland; thence southeasterly to a point (38°05’35.5” North Latitude, 76°24’17.8” West Longitude) at the SMITH CREEK APPROACH LIGHT NO. 2 (LL3330) at the mouth of Smith Creek; thence southwesterly to a point (38°04’31.5” North Latitude, 76°26’04.2” West Longitude) at ST. MARY’S RIVER JUNCTION LIGHTED BUOY (LL3334) at the mouth of St. Mary’s River; thence southeasterly to a point (38°02’19.5” North Latitude, 76°21’18.2” West Longitude) which is the intersection of the established fish trap area as delineated on NOAA chart #12233 and a line extending due south of the mouth of Hall Pond at Cornfield Point; thence in a straight line due north to the jurisdictional line of the Commission; thence northwesterly following the jurisdictional boundary of the Commission to marker ‘PRM1B’ the point of beginning.”

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission’s authority to open or close areas pursuant to these Regulations. This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.

Reg. II, Sec. 2(a)(4) Closed Areas (*Reg. Book dated 4/1/2003*)

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

- (1) All areas lying upstream of a straight line between a point (38°14.00’ North Latitude, 76°43.10’ West Longitude) the southwest tip of Newtown Neck in St. Mary’s County, Maryland and a point (38°12.30’ North Latitude, 76°40.00’ West Longitude) at Potomac River navigational aid “Red Nun #12 and upstream of a straight line between said point and a point (38°09.87’ North Latitude, 76°45.14’ West Longitude) at the PRFC marker “PR V6B” at Hollis Marsh in Westmoreland County, Virginia.

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission’s authority to open or close areas pursuant to these Regulations.

Reference- Public Hearing Notice – Item #8

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

~~Deleted Text~~

FOR THE PURPOSE OF
adding Hog Island artificial reef to the oyster sanctuaries.

Reg. II, Sec. 4(a) Oyster Sanctuaries

The hereinafter listed areas of the Potomac River are declared to be oyster sanctuaries and thereby closed for the purpose of taking or catching or attempting to take or catch oysters by any means at any time. These areas are:

1. All natural oyster bars in the Potomac River, which are west and south of Upper Cedar Point Light #8, which includes the charted natural oyster bars of Metomkin Point (80 acres), Stuart Point (106 acres) and Chotank Lumps (207 acres); and,
2. The natural oyster bar Bluff Point Lumps (310 acres), which is an area north and east of the main ships channel, west of 76° 56.800' West Longitude, and south of 38° 17.600' North Latitude; and,
3. All areas which cannot be harvested with 18 foot hand shaft tongs on the natural oyster bar Heron Island. Heron Island is that area which is south of the PRFC /DNR jurisdictional line, east of Dukeharts channel, west of Breton Bay channel and north of the Potomac River main channel.
4. The Hog Island Artificial Reef Area (50 acres), approximately 1.5 miles east of Hog Island and enclosed within the following described boundaries: “Beginning at a point on the northwest corner (38°02.276' North Latitude, 76°27.503' West Longitude); thence easterly to a point on the northeast corner (38°02.274' North Latitude, 76°27.194' West Longitude); thence southerly to a point on the southeast corner (38°02.030' North Latitude, 76°27.199 West Longitude); thence in a westerly direction to a point on the southwest corner (38°02.033' North Latitude, 76°27.508 West Longitude); thence in a northerly direction to the northwest corner, the point of beginning.

Reference- Public Hearing Notice – Item #8

PROPOSED AMENDMENTS TO THE REGULATIONS

New Language

~~Deleted Text~~

FOR THE PURPOSE OF
updating Regulations dealing with the Jones Shore closure.

Reg. II, Sec. 2(e) Unlawful Equipment

It shall be unlawful for the owner , captain, master, or any member of the crew of any boat engaged in taking, catching or removing oysters from the Potomac River, or any boat with oysters on board, to have on board such boat, or in tow, or to permit on board or in tow, any dredge or patent tongs, unless said person has a written permit from the Potomac River Fisheries Commission. This regulation shall remain in effect until April 1, 2009, after which this regulation shall revert to the language that was in effect on November 6, 2003.

Reg. II, Sec. 2(e) Unlawful Equipment *(Reg. Book dated 4/1/2003)*

It shall be unlawful for the owner , captain, master, or any member of the crew of any boat engaged in taking, catching or removing oysters from the Potomac River, or any boat with oysters on board except oyster buy boats, to have on board such boat, or in tow, or to permit on board or in tow, any scoop, power and/or sail dredge, patent tongs, or any power or hand-operated winch, spool, winder, or other tackle used or usable in power or sail dredging and/or patent tonging unless said person has a written permit from the Potomac River Fisheries Commission.