

Summary of Potomac River Regulations Pertaining to Commercial Crab Potting

Revised April 13, 2012

Reg. I, Sec. 1(e) Death of Licensee or Surrender of License. Upon the death of the licensee, a limited entry license or a fixed fishing device license and all rights pertaining thereto shall pass to those lawfully entitled thereto. If any licensee desires to surrender his or her limited entry or fixed device license, he or she may do so by delivering same to the Commission office at any time together with a statement of intent to that effect. The Commission may thereupon issue another limited entry or fixed device license for the surrendered license to any other applicant who has made timely application therefore.

Reg. I, Sec. 2 Commercial License Registration. Any person desiring to purchase any Potomac River Fisheries Commission commercial fish, crab, clam, or oyster license or licenses on or after July 1st each year shall first be registered with the Commission for a fee of \$50.00. This registration fee must be paid in full, in addition to the published license fees, and prior to any commercial license being issued. Only one registration fee per person per year (July 1st through June 30th next) is required. (Effective date: July 1, 2011)

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 \$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 crab 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. 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. The maximum number of pots may not exceed the number specified on the license. Whenever crab pots are being set, fished, or removed the licensee must be aboard the boat or vessel and have his/her license 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).

Reg. I, 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 and boat number; the name, address, and date-of-birth of the designated fisherman; 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 vessel and available for inspection whenever the designated fisherman is using the license.

Reg. I, Sec.2(d)(3) Crab Pot Limits. Notwithstanding the provisions of Regulation I, Section 2(d)(1), the Commission may from time to time and by 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.

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).

Reg. I, Sec. 2(d)(5) Crab Pot ID Tags/Decals Fee and Replacements

- i) The fee for crab pot ID tags/decals shall be \$50.00 per crab pot license. Crabbers must declare their intent to be 'active' or 'inactive' at the time of their license renewal/issue. The fee is payable at the time of renewal/issue for 'active' crabbers wishing to receive ID tags/decals by March 15th. 'Inactive' crabbers wishing to become 'active' must contact the office and pay the fee at least 45 days prior to receiving their ID tags/decals. ID tags/decals will be available for pick up at the Commission office, or can be shipped to the crabber for the established shipping and handling charge.
- ii) Replacement ID tags/decals – The original number of ID tags/decals issued will be the lawful number of pots that can be set plus 5% as replacement ID tags/decals. Replacement ID tags/decals in excess of the original number issued may

be purchased for \$1.00 each up to an additional 5%. Any further request for replacements must be accompanied by an incident report on forms supplied by the Commission. The Commission may, after review of the incident report, either grant or refuse to honor such request.

iii) In the event of a river wide or defined area weather event, the Commission, by Order, may suspend the crab pot ID tags/decals requirement for such period of time(s) or area(s) as it determines.

(Effective date: April 1, 2012)

Reg. I, Sec. 3(c) Float Free Channels. It shall be unlawful for any person to set, place or fish any bait, eel, fish or crab pot, or any fish or crab trot line within the limits of a federally identified navigational channel entering the Potomac River from any tributary. Nor shall the gear be placed in such a manner that the buoy identifying the gear is within the limits of such channels.

For the purpose of this regulation, the limits of a channel are defined as the width between corresponding port and starboard navigational aids or a width of 200 feet from a single navigational aid on the channel side, whichever is greater, from the first marker (#1 Green or #2 Red) to the mouth of the tributary. Any such device or buoy set, placed or fished in violation of this section may be seized by any duly authorized enforcement officer pending adjudication of the case.

Reg. I, Sec. 3(d) Abandoned Fishing/Crabbing Gear. It shall be unlawful to abandon any fishing or crabbing gear, whether licensed or unlicensed, within the Potomac River. Any duly authorized enforcement officer who suspects any gear is abandoned shall identify such gear with a Commission supplied "Notice to Remove" tag. This tag shall list the date installed, the officer's name or unit number and the appropriate number of days before it is declared abandoned. If the gear identified with a "Notice to Remove" tag remains in the Potomac after the deadline it may be seized and disposed of at the discretion of said enforcement officer to the best interest of the Potomac River. The number of days needed for gear to be declared abandoned shall be: for non-fixed gear - 7 days; for fixed gear - 30 days.

Reg. I, Sec. 5(d) Reduction of License Fees Except persons born after July 15, 1945, 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) 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) 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.

Reg. VII, Sec. 1 - Definitions:

- (a) **Crab Pot** - A device used to catch crabs and includes both hard crab pot and peeler crab pot as herein defined.
- (b) **Hard Crab Pot** - A cubed shaped wire device used to catch crabs, measuring no more than twenty four inches (24") on any one edge, with a mesh not less than one and one-half inches (1-1/2") measured along its longest axis, constructed with one (1) or more funnel shaped entrance port(s), a bait compartment, and having an upper and lower chamber.
- (c) **Peeler Crab Pot** - A cubed shaped wire device used to catch peeler crabs, measuring no more than twenty four inches (24") on any one edge, with a mesh not less than one inch (1") measured along its longest axis, and baited with only live adult male crabs. It is unlawful to place food for the male crab in peeler pots. If constructed with a bait compartment, such compartment must have a closed door.
- (d) **Peeler Trap or Crab Pound** - A device used to catch peeler crabs consisting of an enclosure or retention box no larger than four feet by four feet (4' x 4') and a single row of hedging no more than seventy-five feet (75') in length. The

retention box must have a mesh size not less than one inch (1") measured along its longest axis. There must be twelve inches (12") of air space between the surface of the water at mean high tide and the top of the trap. The licensee must remove all stakes or poles within thirty (30) days of either: (a) the last day of fishing activity, or (b) the last day of the season, whichever come first.

- (e) **Mature Female Crab** - A female crab identified by the rounded apron.
- (f) **Peeler Crab** - A crab having a soft shell that is developing under the hard shell, on which there is a white, pink or red line or rim on the edge of that part of the back fin next to the outer section of this fin. After June 15th each year, only crabs showing a pink or red line or rim are considered peelers.
- (g) **Possession** - Any crab not in a culling container shall be deemed to be in possession.
- (h) **Transit** - A boat or vessel shall be deemed to be in transit when crabs are no longer being taken aboard or the boat or vessel is not in close proximity to crab pots identified as those belonging to the licensed vessel containing the crabs.
- (i) **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.

Reg. 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 ¼" 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.

Reg. VII, Sec. 2(b) Method of Measurement. Measurement shall be across the shell from tip to tip of the spike.

Reg. VII, Sec. 2(c) Return of Incidental Catch. Any crab which is prohibited or of a size less than permitted which may be caught as a result of other lawful activities shall be released and returned to the water. Provided however a tolerance of four (4) undersized hard crabs per bushel, or ten (10) undersized hard crabs per barrel shall be allowed.

Reg. VII, Sec. 3(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.

Reg. VII, Sec. 3(b) Identification of Pots. Licensees may set crab pots singularly or attached to a crab pot longline, or both. The marking requirements are as follows:

- i) For singularly set pots –
 - a. 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 either branded into the buoy or painted 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.
 - b. Each crab pot buoy shall also have one PRFC issued crab pot identification tag/decal attached/displayed in a manner as to be clearly visible on the surface of the water.
- ii) For pots attached to a crab pot longline –
 - a. Each longline shall be identified with a spar buoy placed at each end of the longline. Each spar buoy must have an 18 inch square flag legibly displaying the letters "CP", the boat decal number and either "15 pots" or "30 pots" in not less than 4 inch letters/numerals. The bottom of such flag shall be at least 4' above the water.
 - b. PRFC issued crab pot identification tag/decal shall be attached/displayed to one spar buoy and the number of tags/decals shall correspond to the number of pots shown on the flag (15 or 30).

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. **Effective date: April 1, 2012)**

Reg. VII, Sec. 4(a) Crab Season. 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 and/or areas, for all or only specified life stage 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.

Reg. VII, Sec. 5(a) Dredge or Scrape. It shall be unlawful to take or catch or attempt to take or catch crabs by means of dredge or scrape.

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

Reg. VII, Sec. 5(c) Crabbing Near Public Bathing Beach. It shall be unlawful to commercially take or catch or attempt to commercially take or catch crabs and fish within 200 yards of any public bathing beach during the months of May, June, July, August and September of any year.

Reg. VII, Sec. 5(d) Crab Pot Longlines Each longline shall be identified as required in Reg. VII, Sec3(b)(ii) and contain either up to 15 crab pots or no more than 30 crab pots and each line will be counted as either 15 pots or 30 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 20' MLW.

Reg. VII, Sec. 6(a) Culling Container. Each vessel shall be equipped with one and only one crab culling container, which shall not be a basket or barrel. No crabs shall be in such container while the vessel is in transit and all crabs being transported on the Potomac shall be in baskets or barrels.

Reg. VII, 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 inches in opposite exterior vertical panels of the upper chamber of the pot.
- (ii) Peeler Pot - At least two cull rings at least 1-1/2 inch in opposite exterior vertical panels of the upper chamber of the pot.
- (iii) Peeler Trap - At least four cull rings at least 1-1/2 inch, one on each side of the holding compartment and placed in such a manner as to be below mean low tide.

Reg. VII, Sec. 6(c) Separation of Crabs. Once taken hard males, hard females, peelers and soft shell crabs shall be kept separate from each other.

Reg. VII, Sec. 7(a) Catch Limits. The Commission may from time to time and by appropriate Order, specify a daily crab harvest limit. Such limit may be for the entire season or only specified period(s) of time, 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 take, catch, sell, offer to buy or sell, expose for sale, or have in possession more than the limit(s) specified under such order.

CRAB POT ORDERS

ORDER #2005-08 LIMITED ENTRY CRAB POT FISHERY

THE POTOMAC RIVER FISHERIES COMMISSION, having acted to declare the crab pot fishery a limited entry fishery and pursuant to its authority under Regulation I, Section 2 (d)(1), **HEREBY DECLARES AND ORDERS**: that the maximum number of crab pot licenses allowable in the Potomac River for any license year shall not exceed the number of licenses issued the previous license year.

BE IT FURTHER DECLARED AND ORDERED: that persons eligible for the above established limited entry licenses shall be the Potomac River crab pot licensees from the previous year, including those persons eligible under Regulation I, Section 1(e) (*Death of Licensee or Surrender of License*).

BE IT FURTHER DECLARED AND ORDERED: that any crab pot license not renewed on or before January 31st of each year shall only be renewable under the provisions of Regulation I, Section 1(c)(iii).

BE IT FURTHER DECLARED AND ORDERED: that un-renewed crab pot licenses shall not be made available for a public random drawing as provided for in Regulation I, Section 1(d), unless and until the number of licenses issued is less than 400.

AND IT IS FURTHER DECLARED AND ORDERED: that this Order #2005-08 shall become effective October 1, 2005, supersedes and repeals Order #2001-06, and will remain in effect until further notice.

ORDER #2008-07 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: 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.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2008-07 shall become effective July 1, 2008 and remain in effect until such time as the Commission has taken further action.

ORDER #2008-09 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: 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.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2008-09 shall become effective July 1, 2008 and remain in effect until such time as the Commission has taken further action.

ORDER #2011-06 TWO CRAB POT LICENSES ON ONE BOAT

THE POTOMAC RIVER FISHERIES COMMISSION, having determined it is desirable to allow certain exemptions to the single license per boat requirement of Reg. I, Sec. 2(d)(1); and pursuant to its authority under Regulation I, Section 7(a).

HEREBY DECLARES AND ORDERS: the criteria for crab pot licensees wishing to file for an exemption from the provisions of Regulation I, Section 2(d)(1) shall be as follows:

- a) Both licensees must have actively crabbed in the Potomac River for least 30 days in each of the last 2 years.
- b) Both licensees have all seafood harvest reports filed at the time of their application. Neither licensee has had any PRFC license revoked or suspended by Commission action within the last 2 years.
- c) Neither licensee has any PRFC violations of Reg. VII within 2 years immediately prior to the date of their application for the exemption.
- d) No more than two licensees can file for a single permit.
- e) Both licensees have to be natural persons.

BE IT FURTHER DECLARED AND ORDERED: the conditions of the permit shall be as follows:

- a) Only one exemption per licensee per year will be granted.
- b) Both licensees, both crab pot decals and both sample buoys must be aboard the boat when both sets of the pots are set, pulled or fished. If only one (1) licensee is present, then only the pots licensed in his/her name can be set, pulled or fished. Setting, pulling or fishing the other person's pots will be a violation of this Order, and result in the immediate revocation of the exemption.
- c) The idle boat may not be used for crabbing in the Potomac River while the permit is valid.
- d) Each licensee must file his own separate weekly seafood catch reports – no combined reports.
- e) All pots set and/or used with this exemption must have a PRFC issued, numbered decal/tag attached to each buoy.
- f) An application for such exemption must be filed with the Commission together with a \$50.00 fee.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2011-06 shall become effective January 1, 2011, shall supersede and repeal Order #2009-05 and remain in effect until further notice.

ORDER #2012-06 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:
 - i) Males and immature females – December 1 through March 31 next succeeding.
 - ii) Mature females –
 - a) Above St. Clements Island / Hollis Marsh from 9/20/2012 to 9/30/2012
 - b) Below St. Clements Island / Hollis Marsh from 10/4/2012 to 10/14/2012
- (2) Soft crabs – October 31 through April 30 next succeeding.
- (3) Peeler crabs – October 31 through April 30 next succeeding.

IT IS FURTHER DECLARED AND ORDERED: 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 – July 1 through April 30 next succeeding.

AND IT IS FURTHER DECLARED AND ORDERED: this Order # 2012-06 shall become effective April 1, 2012 and remain in effect until further notice.