

Summary of Potomac River Regulations Pertaining to Commercial Oystering
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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.

Reg. I, Sec. 2(f) Oyster License Surcharge

Any person desiring to purchase any Potomac River Fisheries Commission oyster license(s) shall first pay an oyster license surcharge as established from time to time by Commission Order, not to exceed \$350.00 per person per year. This oyster license surcharge fee must be paid in full, in addition to the published oyster license fees, and prior to any commercial oyster license being issued. Only one surcharge per person per season is required.

Reg. I, Sec. 2(f)(1) Tonging. For each natural person working on any boat used in taking or catching oysters by hand tongs or power assisted hand tongs, a license fee of \$95.00. 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 \$15.00 per set to the captain or operator of the vessel.

Reg. I, Sec. 2(f)(2) Power Assisted Hang Tongs. For each boat or vessel used in taking or catching oysters rigged to use power assisted hand tongs, a license fee of \$65.00. This fee shall be in addition to that provided for in sub-section (f)(1) and must be obtained by the captain or operator of the vessel.

Reg. I, 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.

Reg. I, Sec. 2 (f)(4) Personal License – HS. For each person aboard a vessel licensed for hand scraping, a license fee of \$155.00.

Reg. I, Sec. 2(g) Oyster Buyer's License. For each person buying or purchasing oysters in excess of 25 bushels a year on the Potomac River, a license fee of \$125.00. The license issued pursuant hereto may be used by a duly authorized agent or employee of the licensee for temporary or emergency purposes, provided said agent or employee and the license are aboard the boat used in purchasing oysters and the licensee shall continue to be responsible therefore.

Reg. II, Sec. 1 – Definitions:

- a) **Hand Tongs** – Any pincers, nippers, tongs, or similar device used in catching oysters which consist of two shafts or handles attached to opposable and complementary pincers, baskets or containers operated entirely by hand from the surface of the water and which device has no external or internal power source.
- b) **Power Assisted Hand Tongs** – Any hand tongs opened, closed and emptied by hand, which can be lifted by mechanical means of a single rope or cable attached to only a single shaft.
- c) **Patent Tongs** – Any pincers, nippers, tongs or similar device used to take or catch oysters and raised with rope, cable or other hoisting gear, the use of which on the Potomac River is prohibited by the Potomac River Compact of 1958.

- d) **Dredge** –Any dredge, scoop or similar device used in taking or catching shellfish by dragging, which is hauled and operable by the use of a winch, winder, spool or other hoisting gear.
- 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.
- f) **Tong Boat** – Any boat on which, or from which tongs are used in taking or catching oysters.
- g) **Buy Boat** – Any boat engaged or used in buying, selling or transporting oysters caught or taken by other boats on the Potomac River.
- i) **Commission** – Potomac River Fisheries Commission.
- j) **Potomac River** – All those waters commonly known as the Potomac River lying within the limits of the State of Maryland as defined and delineated by the Potomac River Compact of 1958.
- k) **Oyster Sanctuary** – A designated area that is closed to all commercial and recreational oyster harvest by any means at any time.

Reg. II, Sec. 2(a)(1) Devices for Taking or Catching Oysters. It shall only be lawful to take, catch or remove oysters commercially from the waters of the Potomac River by means of hand tongs, power assisted hand tongs, or a hand scrape, as defined in these regulations, and by no other means. On Heron Island Oyster Bar, only hand tongs and power assisted hand tongs 18 feet or less in length may be used or possessed aboard any boat or vessel engaged in any oystering activity. A hand tongs length shall be measured along the shaft from the end to the tip of the teeth.

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.

Reg. II, Sec. 2(a)(4) Closed Areas. 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 PRM3A", "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 "PRM3E" 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 SMTIH 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.

Reg. II, Sec. 2(b) Season Dates, Days and Times for Taking or Landing Oysters. The Commission may from time to time and by appropriate Order, specify the oyster season dates, days and times during which oysters may be taken or caught and the manner of such taking or catching. It shall be unlawful to take any oysters in violation of such Order. It shall be unlawful for any person to take or attempt to take or catch oysters on Saturday or Sunday. It shall be unlawful to land or unload oysters earlier than sunrise or later than sunset, or for any buy boat to unload oysters earlier than sunrise or later than sunset at any time.

Reg. II, Sec. 2(c) Interference with Buoys and Markers. It shall be unlawful for any person other than a duly authorized enforcement officer, or agent of the Potomac River Fisheries Commission to move, damage, destroy or deface any Potomac River Fisheries Commission buoy, marker, monument or any scientific devices placed in the waters of the Potomac River, or to fasten, tie or anchor any boat thereto.

Reg. II, Sec. 2(d) Seafood in Polluted Areas. It shall be unlawful for any person to take or catch shellfish in any area closed by the Maryland Department of the Environment or other duly authorized governmental agency, except that oysters and other seafood may be transplanted from such polluted areas during the closed season by the Potomac River Fisheries Commission.

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.

Oyster Cull Law

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.

Reg. II, Sec. 2(f)(2) Culling Required. All oysters taken from the Potomac River shall be culled at the point where taken by the person or persons taking, catching or removing said oysters. All culling shall be completed and the cull board cleared within fifteen (15) minutes after the lawful time for taking or catching oysters. All oysters required by subsection f (1) to be culled exclusive of cultch, whether attached to an otherwise lawful oyster or not, shall be culled and returned, together with all empty shells, to the rock, bed or shoal whence taken. Whenever any oyster required by subsection f(1) to be culled adheres so closely to an otherwise lawful oyster as to render removal impossible without destroying the unlawful oyster, then such oysters, including the lawful oysters, shall be returned to the rock, bed or shoal whence taken.

Reg. II, Sec. 2(f)(3) Possession. All shells and oysters, once past the culling board, shall be deemed in possession of the licensee.

Reg. II, Sec. 2(f)(4) Inspection. Any duly authorized officer is hereby authorized to examine the cargo, hold bin, cabin or lot of oysters and the officer shall take for inspection at least one-half bushel tub of oysters from any portion of the cargo, provided that said entire one-half bushel tub examined shall be taken at one place in the pile of oysters. Included herein is the right to take for inspection any tub of oyster shoveled during unloading process.

Reg. II, Sec. 2(g) Concealment of Oysters. It shall be unlawful for any person to conceal any oysters in the shell in a cabin, compartment, locker, cupboard, washboard, or other place on any vessel in the Potomac River where they are not clearly visible and readily accessible for inspection at all times by duly authorized officers of the Potomac River Fisheries Commission. All oysters in the shell found on any vessel in the Potomac River shall at all times be in bulk quantity in a pile or piles on the culling board, or in plain view in the bottom of any vessel, and at no time shall they be placed or deposited on the washboards, or in any basket, box, sack, bag, or other container, except when actually unloading. No shucked oysters shall be permitted aboard any vessel in the Potomac River licensed under the provisions of these Regulations during the oyster tonging season.

Reg. II, Sec. 2(h) Unculled Oysters Unlawful. It shall be unlawful for any person on the Potomac River to offer for sale or have in his possession oysters, which have not been culled as required by this Regulation.

Reg. II, Sec. 3(a) Measures Used for Oysters in Shell and Oyster Shells. All oysters in the shell and all oyster shells sold in the Potomac River shall be measured either in a half-bushel tub, a bushel tub, or a US Standard Bushel Basket and no other measures shall be used for measuring either oysters in the shell or oyster shells. A US Standard Bushel Basket shall be defined as a "Dry Volume US Bushel" containing 2,150.42 cubic inches. A half bushel tub and a bushel tub shall be an iron circular tub with straight sides and a straight solid bottom with holes in the bottom for draining; such holes to be no larger than one inch in diameter; and all measurements to be taken from inside to inside, and the dimensions shall be as follows:

Half Bushel Tub – Fifteen inches across the top, thirteen across the bottom, and seventeen inches diagonally from the inside chine to the top.

Bushel Tub – Eighteen inches across the top, sixteen and one-half inches across the bottom, and twenty one inches diagonally from the inside chine to the top.

All oysters measured in the shell as herein required, shall be even measure to the top of the tub or basket only.

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.

Reg. II, Sec. 4(b) Taking or Catching of Oysters in Closed Areas. It shall be unlawful to take oyster from any area which has been closed by any action, rule or regulation of the Potomac River Fisheries Commission.

Reg. II, Sec. 5(a) Reports Due Weekly. Every person licensed by the Commission and engaged in the business of taking or catching crabs or finfish; every licensed charter boat captain; every captain or operator of a boat licensed with "OT" or "HS" tags and every soft shell clam dredge licensee, shall keep an accurate and complete daily account of his or his boat's catches and dealings on forms to be supplied or furnished by the Commission. Such daily records of the catches and dealings shall be delivered to, or mailed in time to arrive at, the Commission Office no later than Thursday of the following week.

Reg. IV, Sec. 1(a) Tax Imposed. The Potomac River Fisheries Commission hereby imposes an inspection tax of \$1.00 per bushel on all oysters caught within the limits of the Potomac River within the jurisdiction of the Commission. The tax shall be paid by the buyer at the place in Maryland or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel. The tax shall be paid to an agent of the Potomac River Fisheries Commission or to such officer or employee of the Virginia Marine Resources Commission, or of the Maryland Department of Natural Resources, as may be designated by the Potomac River Fisheries Commission, and by him paid over to the Potomac River Fisheries Commission. Any officer or employee of the Virginia Marine Resources Commission, or of the Maryland Department of Natural Resources, or agent of the Potomac River Fisheries Commission shall have the right to board any licensed oyster boat or buy boat or vessel on the Potomac River within the jurisdiction of the Potomac River Fisheries Commission, and examine any records, and count the bushels or oysters thereon taken from the Potomac River, and may issue a tax bill or statement therefore, to be presented to the buyer at the place in Maryland or Virginia where said oysters, are unloaded from said boat or vessel and are to be shipped no further in bulk in vessel, and where the tax thereon must be paid.

Reg. IV, Sec. 1(b) Records Required to be Kept. All persons buying, taking or dealing in Potomac River oysters, or harvesters, marketing or planting their own or another's oysters, shall keep an accurate and complete daily account of their purchases, dealing, marketing or planting, and submit their account weekly, with the tax payment due thereon, to the Potomac River Fisheries Commission not later than Thursday of the week following, on forms to be furnished by the Potomac River Fisheries Commission.