

Department of the Army
US Army Aberdeen Proving Ground
Aberdeen Proving Ground, Maryland 21005-5001
1 December 2018

Installation
USE AND NAVIGATION OF RESTRICTED WATERS OF ABERDEEN PROVING
GROUND AND CONTROL OF COMMERCIAL FISHING AND CRABBING

Summary. This regulation prescribes policies, assigns responsibilities, and establishes procedures to be used in conjunction with the Army Regulation (AR) 200-1, Environmental Protection and Enhancement, for the use and navigation of restricted waters of this installation and the permit requirements for the taking of fish, crabs and other aquatic life for commercial purposes.

Applicability. The policy and guidance prescribed by this regulation applies to all U.S. Army Garrison Aberdeen Proving Ground (USAGAPG) elements and tenants. It also applies to all personnel engaged in boating, fishing, crabbing, or other activities not in the course of official Government duties, while in waters under the special maritime jurisdiction of the U.S. Army, Aberdeen Proving Ground (APG).

Suggested Improvements. The proponent of this regulation is the Environmental Division, Directorate of Public Works (DPW). Users are invited to send comments and suggested improvements on Department of the Army (DA) Form 2028, Recommended Changes to Publications and Blank Forms, directly to DPW, Environmental Division, 8198 Blackhawk Road, Building E5183, APG, MD 21010-5423.

Distribution. This publication is intended for public release and is available on the Installation Management Community SharePoint Portal under APG Policies and Regulations, and also available through the APG Directorate of Family, Morale, Welfare, and Recreation (DFMWR), Community Recreation Division, Outdoor Recreation Program and Hunting Facilities and <https://aberdeen.armymwr.com/programs/marinas> under Boating and Fishing program page, Fishing at APG drop down.

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_____ *This regulation supersedes APG Regulation 210-10, 1 December 2010.

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1. Purpose. This regulation establishes responsibilities, rules and procedures for the use and navigation of the restricted waters of APG. It also includes procedures and permit requirements for the taking of fish, crabs, and other aquatic life for commercial purposes.

2. References. See Appendix A.

3. Explanation of Abbreviations and Terms. Abbreviations and terms used in this regulation are explained in the Glossary.

4. Scope. This regulation applies to all personnel engaged in commercial boating, fishing, crabbing, or other activities not in the course of official Government duties, while in waters under the special maritime jurisdiction of APG.

5. General.

a. Laws:

(1) Restricted waters are defined in 33 Code of Federal Regulations (CFR) 334.140, and shown in detail on National Ocean Survey Chart 12273. This regulation implements the authority delegated to the Commander, APG, by the Secretary of the Army to control the restricted waters of APG. Entry into any waters or onto any lands closed to access by the public without the expressed written permission of the Commander, APG, is prohibited, and is punishable by fine and/or imprisonment. Nothing in this regulation will grant, or be construed to grant, the Commander's authorization for such entry into these closed areas.

(2) Federal and Maryland fishing laws and regulations apply at APG. These laws and regulations are found in the Maryland Department of Natural Resources (MDNR) Laws and Regulations of the State of Maryland, and the U.S. Department of Interior Fish and Wildlife Service regulations relating to fisheries. These laws and regulations are enforced by Conservation Enforcement Officers under the Directorate of Emergency Services (DES). Violations of Federal, State or APG regulations will be cause to bar violators from use of restricted waters at APG. Criminal violations will be prosecuted in the U.S. Magistrates Court.

b. Permits: All personnel desiring to engage in commercial fishing or crabbing in APG waters must have an APG Commercial Fishing Permit/Crabbing Permit sold by DFMWR. Any person holding a valid Maryland commercial fishing license and not otherwise ineligible due to either a violation of any provision of this regulation or any prior version thereof, or having been ordered off or removed from the installation by the Commander, APG or his authorized representatives, is eligible for a permit. Commercial Fishing Permit Fees at APG are published annually and are set by the Garrison Fish and Wildlife Biologist after consultation with the Installation Conservation Subcommittee. Details on obtaining a permit are found in paragraph 7. Noncommercial fishing activities will be conducted in accordance with APG Regulation (APGR) 210-26,

Recreational (Noncommercial) Fishing Rules. All hunting activities will be conducted in accordance with APGR 200-6, Recreational Hunting and Trapping at APG.

c. Safety: Due to the history of testing and training activities at APG, encountering unexploded ordnance is a possibility. Objects encountered in fishing areas must be reported by calling 911. Nets placed in the restricted waters are subject to damage from weapons and watercraft testing, and the risk of such damage will be assumed by the holder of the permit. Prior to being issued a permit all applicants must sign an Assumption of Risk Agreement.

6. Responsibilities.

a. Commander, U.S. Army Aberdeen Test Center, APG, will maintain the safety and security requirements of paragraph 10 when entry into the restricted waters is prohibited.

b. Director, Emergency Services, USAGAPG, will:

(1) Enforce the provisions of this regulation, 33 CFR 334.140, Federal statutes and related regulations, and Maryland statutes and regulations under the Assimilated Crimes Act. He, or his designated representative, will have the authority to stop and board all vessels, inspect all cargoes and fishing equipment, conduct marine safety equipment inspections, while such vessels are within the restricted waters of APG for the purpose of ascertaining compliance with this regulation, 33 CFR 334.140 or any other applicable State or Federal law. When he, or his designated representative, who is authorized to enforce the provisions of this regulation, arrests, cites, or otherwise takes a person into custody for violating any provision of this regulation, he is hereby also authorized and empowered to impound as evidence any property found in the possession of the accused and susceptible of use in committing the offense of which the person is accused. Such property will include, but is not limited to, firearms, fishing paraphernalia, nets, pots, traps, boats or any other device, appliance or conveyance. If the accused is acquitted, the property seized will be returned. If the person is convicted and pays the fine, costs and other penalties, the property will be returned, unless otherwise directed by the court. However, if the accused fails to pay the fine or costs, or fails to appear in court as directed, the court may direct the property to be confiscated and sold at public auction in such a manner as provided by law.

(2) Recommend to the Director, DPW, USAGAPG, the placement of signs, on adjacent land areas, permanently displaying limits of restricted waters.

c. Director, Family, Morale, Welfare, and Recreation, USAGAPG will:

(1) Sell APG Application/Permit for Commercial Fishing & Crabbing (IMAP-MWR Form 9R) authorized by this regulation, and receive an administrative and activity fee for each permit sold. The activity fee charged by FMWR is an addition to the permit fee deposited into the 21X5095 accounts to be administered by the Fish and Wildlife

Biologist, DPW Natural Resources Branch, USAGAPG, with oversight by the Installation Conservation subcommittee, to be used for natural resources protection and management of the fisheries resources, to include support of DES conservation law enforcement activities directly associated with fisheries conservation.

(2) DFMWR, Outdoor Recreation, will maintain an accurate and current register of the persons granted APG commercial fishing permits, to include APG permit and State license numbers. A copy of the completed APG commercial fishing permit must be on file at DFMWR. Upon request a copy of the participant commercial ledger will be provided to the APG Conservation Law Enforcement and DPW Fisheries Manager during and at the end of the permit year.

(3) In addition to issuing the permits authorized by this regulation, DFMWR will provide all commercial fisherman with link to a copy of APGR 210-10, and instruct all APG Regulation 210-10 - 1 May 2018 commercial fishers to become familiar with this regulation. Link can be found on <https://aberdeen.armymwr.com/programs/marinas> under Boating and Fishing program page, Fishing at APG drop down.

d. Director, Public Works, USAGAPG will:

(1) Issue and publish the governing regulation.

(2) Erect signs and maintain "Restricted Area" marker buoys, as recommended by DES.

(3) Provide professional guidance for all proposed fisheries projects, conduct fisheries studies, analyze harvest data and recommend methods of harvest, quotas, seasons and number of permits to be issued, in coordination with the Installation Conservation subcommittee.

7. Procedures.

a. Applications for permits.

(1) Commercial fishers desiring to take crabs, eels, fish or other aquatic life for commercial purposes within the restricted waters of APG are required to have a written permit from the Commander, APG or his authorized representatives.

(2) Any person holding a valid Maryland commercial fishing license and not otherwise ineligible due to either a violation of any provisions of this regulation or any prior version thereof, or having been ordered off or removed from the installation by the Commander, APG or his authorized representatives is eligible for a permit.

(3) Application for a permit must be made at Outdoor Recreation, Recreation Division, DFMWR, Building 2184, 6627 Aerospace Road, APG, MD 21010-5243. Proof of a valid Maryland commercial fishing license and current boat registration are required

and must be presented prior to the issuance of a commercial permit.

(4) Consent will be deemed granted by the applicant for any such permit to allow law enforcement officers enforcing the provisions of this regulation, to board and inspect the cargo of any vessel or boat within the jurisdictional boundaries of the APG engaged in commercial fishing activities, to ascertain compliance with applicable State or Federal statutes or regulations, or the provisions of this regulation. Failure or refusal by the operator of such vessel to allow such inspection will be deemed sufficient cause for the revocation and permanent bar of permit/permittee from restricted waters of APG.

(5) Permit Fees. The annual Application/Permit for Commercial Fishing & Crabbing fee will be \$100.00, as of 2018, and be valid for the period 1 September through 31 August.

b. Conditions.

(1) All permits granted will be deemed to be granted by the Commander, APG or his authorized representatives, and the power and authority to revoke such permit is vested in the Commander, APG or his authorized representatives.

(2) Permits must be in the possession of the assignee when commercially fishing or crabbing in the restricted waters of APG.

(3) Permits are not transferable.

8. Commercial Fishing and Crabbing Rules.

a. All commercial fishers who are in possession of a valid APG permit issued in accordance with this regulation will be permitted to fish (excluding pound net and haul seine operations) in any authorized fishing area, in accordance with this regulation and applicable Maryland laws and regulations.

b. Commercial fishing and crabbing operations will not be conducted on or from the shorelines of APG to include placing anchors, ropes, poles, stakes and/or markers.

c. Holders of APG commercial fishing permits will mail a monthly report on their catch to the Commander, USAGAPG, ATTN: Fisheries Manager, IMAP-PWE, 8198 Blackhawk Road, Building E5183, APG, MD 21010-5243. These reports shall be submitted on a monthly basis and shall be deemed late if not received by the 15th of the following month. Each report will be signed by the commercial fisher and contain the species, pounds, and general location of the catch. A signed copy of the required Maryland Commercial Fishing Report is acceptable as satisfying this requirement. Failure to make or file a report of catch will result in the suspension of this permit and/or the denying of an additional permit.

d. Commercial crabbing will only be conducted between the hours compliant with the State of Maryland in 08 Code of Maryland Regulation 02.03.11 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.03.11.htm>. If exigent circumstances are present due to military mission activities, case-by-case exceptions may be made at the discretion of APG DES.

9. Equipment Prohibitions.

a. The use of haul seines and/or pound nets in the waters under jurisdiction of APG is prohibited.

b. The use of stakes or poles, driven into the ground or bottom in the waters under jurisdiction of the U.S. Army, APG, is prohibited. All nets will be either anchored with conventional anchors or allowed to drift with the tides and currents.

c. The use of crab scrapes or dredges in waters under jurisdiction of APG is prohibited.

10. Access/Entrance to Restricted Waters by the Public.

a. The following water areas are closed to the public at all times. Additional info can be found in Appendix B.

(1) Spesutie Narrows: all waters north and west of a line between Bear Point and Black Point.

(2) All tributaries, creeks, and inlets except Lauderick Creek.

(3) Romney Creek and those waters immediately off the mouth of Romney Creek.

(4) The waters adjacent to Abbey Point Recovery field, more accurately described as follows: The water adjacent to a cleared field located approximately midway between Romney Creek and Abbey Point being bounded on the north by woods, bounded on the south by a marsh.

(5) Any other areas specifically designated by the Commander, APG or his authorized representatives.

b. The following waters are closed to commercial fishing.

(1) Spesutie Narrows: all waters north and west of a line between Bear Point and Black Point.

(2) The waters on the northern side of Seneca Creek, shoreward of a straight line drawn between Lower Island Point and Brier Point, more commonly referred to as Hawthorne Cove.

(3) The waters on the easterly side of the Bush River, extending offshore 200 meters, from Pond Point to concrete monument # 64, south of Chelsea Chimney.

(4) The waters on the westerly side of the Bush River, extending offshore 200 meters from the mouth of Coopers Creek to the mouth of Boone Creek.

(5) The waters inside Redman Cove, from a line beginning at Pond Point extending southwest to the next southern unnamed point.

(6) The waters inside Towner Cove, from a line beginning at the unnamed point at the northern edge of Towner Cove extending south to the unnamed point at the southern edge of Towner Cove.

(7) The waters on the easterly side of the Gunpowder River, extending offshore 200 meters, from Rickett Point extending 1500 meters north to an unnamed point.

(8) The waters on the easterly side of the Gunpowder River, extending offshore 200 meters from the mouth of Swaderick Creek, southward including all of Maxwell Point, to the mouth of Watson Creek.

c. The remainder of the restricted area is normally open for authorized use (see "Authorized Use" in Glossary) during the following hours.

(1) Monday through Thursday 5:00 pm to 7:30 am.

(2) From 5:00 pm on Friday to 7:30 am on Monday.

(3) National (not State) holidays, 5:00 pm the day preceding the holiday to 7:30 am the day following the holiday.

d. Except in extreme weather conditions, APG Patrol boats, during testing activities, will be stationed on the perimeter of all closed waters to alert boaters to such area closures.

11. Penalties.

a. In addition to this regulation, Federal and the State of Maryland fish and commercial fishing laws will apply at APG. If both Federal and State laws apply, the most restrictive will prevail.

b. Any person who enters the restricted waters during posted or announced periods prohibiting entry, without the expressed authority of the Commander, APG, or who violates any other provision of 33 CFR 334.140, is guilty of a misdemeanor, conviction thereof is punishable by a fine not exceeding \$500 and/or imprisonment not exceeding 6 months. Violators will be prosecuted in the U.S. Magistrate Court or court marshaled under the Uniform Code of Military Justice, as appropriate.

c. Any person/persons engaged in commercial activities that refuse to allow APG authorities/police to board their vessel for inspection of commercial catch and to verify required documentation, are in violation. The permit holder's permit will be terminated and revoked and the permit holder will be barred from conducting commercial fishing activity on APG.

d. The violation of any provision of this regulation will be deemed sufficient cause for the revocation or suspension of any permit issued under this regulation and/or the permanent bar of the individual(s) from commercial fishing activities in APG waters. Appeals to the suspension and/or permit revocation will be submitted to the Civilian Deputy, USAGAPG, within 15 working days from receipt of the suspension letter. Appeals received after 15 days will not be considered. The revocation or suspension of a permit will be in accordance with the following:

(1) Suspension: Any violation of federal or state law and/or regulations, or U.S. Army or APG regulations will be cause for the immediate suspension of the APG Commercial Fishing/Crabbing permit, for a period of one (1) year.

(2) Revocation: Commercial fishing and crabbing permits shall be revoked under the following circumstances.

(a) The commercial fishing/crabbing permit of any person which is issued under the provisions of this regulation will be revoked upon commission of any Class "A" violation. (See appendix C.)

(b) The commercial fishing/crabbing permit of any person who shields or conspires with another in the commission of any Class "A" violation, or who, upon inquiry, withholds information from enforcement officers authorized to enforce the provisions of this regulation, or who hinders, obstructs, or interferes with any officer charged with the enforcement of this regulation will be revoked.

(c) The commercial fishing/crabbing permit of any person, which is issued under provisions of this regulation will be revoked upon the commission of a violation of any federal or state law and/or regulation, or Army or APG regulation, including the commission of a Class "B" violation. (See appendix D.)

e. Procedure.

(1) Violations will be properly annotated by a Military Police Report (DA Form 3975). The Provost Marshal, or his designated representative, will immediately suspend or, as provided for above, revoke the violator's permit to fish or crab commercially in APG waters. The permit holder will subsequently be notified in writing by the Provost Marshal, of the terms or conditions of the suspension or revocation, the time limit to respond in writing, and the name and address of the official to whom to respond.

(2) Any permits held in force by the person or persons committing the violation shall be surrendered immediately to the APG DES or the APG DES Director's designated representative.

(3) Violators will be allowed 10 working days to respond to the suspension or revocation. The response will be in writing to the Commander, USAGAPG, 6429 Boothby Hill Ave., APG, MD 21005-5001. The decision of the Garrison Commander will be final.

(4) Persons may not re-apply for an APG Commercial Fishing/Crabbing permit until three (3) years after the most recent violation upon which the revocation is based.

(5) Violations that are criminal in nature will be referred to the Special Assistant United States Attorney for action.

(IMNE-APG-PWE)



ROBERT L. PHILLIPS
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Commanding

**Appendix A
References**

**Section I
Required Publications**

Annotated Code of Maryland

16 USC 670a-670o, 74 Stat. 1052
Sikes Act

18 USC Section 1382
Entering Military, Naval or Coast Guard Property

33 CFR Section 334.140
Chesapeake Bay; U.S. Army Proving Ground Reservation, Aberdeen, MD

AR 190-29
Misdemeanors and Uniform Violation Notices referred to U.S.

AR 200-1
Environmental Protection and Enhancement

AR 335-15
Management Information Control System

APGR 210-10
Use and Navigation of Restricted Waters of Aberdeen Proving Ground and Control of Commercial Fishing and Crabbing

APGR 210-26
Recreational (Noncommercial) Fishing Rules

Magistrates or District Courts

U.S. Department of Commerce, NOAA Navigational Chart #12273

Section 3, title 33, United States Code (USC)
Regulations to Prevent Injuries from Target Practice

Section 1382, title 18, USC
Entering Military, Naval or Coast Guard Property

Section II
Related Publications

APGR 385-1
Range Administration

Section III
Referenced Forms

IMAP-MWR Form 9R Application/Permit for Commercial Fishing and Crabbing

DA Form 3975 Military Police Report

Appendix B Boundary Description

Restricted area defined. The following indicates the limits of the water of or adjacent to APG, MD, and inside of which boundaries will lie the restricted area known as APG, MD.

Beginning at a point on the westerly side of Chesapeake Bay, at the south side of Swan Creek, Harford County, MD, the most northerly point of the reservation known as Plum Point; thence southeasterly along the low water mark on the shore of Chesapeake Bay to and across the north entrance of Spesutie Narrows to and thence along the low water mark on the north shore of Spesutie Island to Locust Point; thence along straight line from Locust Point to Turkey Point for a distance of approximately 1400 yards; thence following a line parallel with and 1,000 yards from the low water mark on the easterly shore of Spesutie Island to a point 1,000 yards due southeast of Sandy Point; thence approximately southwest in a straight line to a point approximately 1,250 yards S. 10 degrees 30' W. from Bear Point; thence approximately 9,275 yards S. 51 degrees 04' W. to a point in Chesapeake Bay about 1,700 yards due east from Taylor Island Point; thence southwesterly in a straight course, except such variations as may be necessary to include all of Pooles Island to the south-westerly point of Pooles Island; thence in a northwesterly direction to the most southwesterly point of Spry Island, including all of Spry Island; thence northwesterly in a straight line to extreme southerly island off Lower Island Point; thence north-westerly in a straight line through Brier Point to a point in Seneca Creek where this line intersects a straight line which passes through monuments No. 124 and No. 125 on the westerly part of Carroll Island; thence northwesterly in a straight line passing through Marshy Point, at the junction of Dundee Creek and Saltpeter Creek, to the intersection of the centerline of Reardon Inlet with Gunpowder River, except such variations as may be necessary to exclude any and all parts of the point of land on the westerly side of Gunpowder River about one mile south of Oliver Point; thence northerly along the center line of Reardon Inlet to its intersection along the Pennsylvania Railroad following the reservation boundary line to short of Bush River, and along its westerly shore to Fairview Point; thence northeast in a straight line across Bush River to concrete monument No. 64 located on the eastern shore of Bush River, south of Chelsea; thence along the eastern shore of Bush River northerly to the mouth of Sod Run; thence by a broken line along the boundary of the reservation to Swan Creek; and thence in a straight line to Plum Point. (The above description may be traced on coast and Geodetic Chart No. 1226.)

Appendix C

Class “A” Violations

The violation of Maryland Natural Resources Article, Title 4, Section 505, “Disturbing fish, nets, or gear of another.”

Any violation involving the use or attempted use of any net, trap, seine or pot, the use of which is prohibited by the State of Maryland or the United States Army, APG.

Any use or attempted use of explosives, chemicals or electrical devices to catch, take, or kill any fish or other aquatic life. (Except as otherwise permitted by MDNR for scientific purposes).

Conducting commercial fishing/crabbing operations in APG “Restricted Areas” or other designated non-fishing or non-crabbing areas, i.e., Romney Creek, Boone Creek, Hardstand #2 to Pond Point (Bush River), etc.

The unlawful taking or possession of fish or other aquatic marine life in APG waters, during the closed season on same, as established by the State of Maryland or the U.S. Army, APG.

Failure to comply with established quotas or limits on the size or quantities of fish, crabs or other aquatic marine species imposed by the State of Maryland or the U.S. Army, APG.

Appendix D
Class "B" Violations

Failure to apply for, and obtain, any APG Commercial Fishing/Crabbing Permit as required by this regulation.

Failure to properly identify or clearly mark for identification purposes commercial fishing or crabbing equipment or apparatus being utilized for commercial purposes in waters under jurisdiction of APG.

Conducting commercial fishing/crabbing operations in areas which have been closed to the public by APG, or in areas where commercial fishing/crabbing operations are prohibited by the State of Maryland.

GLOSSARY

Section I Abbreviations

APG

Aberdeen Proving Ground

APGR

Aberdeen Proving Ground Regulation

AR

Army Regulation

CFR

Code of Federal Regulations

DA

Department of the Army

DES

Directorate of Emergency Services

DFMWR

Directorate of Family, Morale, Welfare and Recreation

DPW

Directorate of Public Works

MD

Maryland

MDNR

Maryland Department of Natural Resources

NOAA

National Oceanic and Atmospheric Administration

USAGAPG

U.S. Army Garrison Aberdeen Proving Ground

USC

United States Code

Section II Terms

Authorized Use-Navigation. Using a vessel to traverse a water area or anchoring a vessel in a water area. A vessel or person touching any land, except for an anchor, within the boundaries of APG is not using the area for navigation and is in violation of this regulation. Further, water skiing in the water area of APG is permitted when the water area is open for use by the general public, provided no water skier touches any land, either dry land (fast land) or any subaqueous land, and comes no closer than 200 meters from any shoreline. Further, if any person is in the water area of APG, outside of any vessel (except for the purpose of water skiing as outlined above) included, but not limited to, swimming, scuba diving, or other purpose, that person is not navigating and is in violation of this regulation.

Commercial Fisher. Any person who is required under the Natural Resources Article, Title 4, subtitles 2,7,8,9, or 10, of the Annotated Code of Maryland, to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters under the special maritime jurisdiction of the U.S. Army, APG, including those persons licensed to utilize trotlines in excess of 1200 feet for the purpose of taking crabs as required by Title 4-804(c).

Commercial Fishing. Any activity which results in the taking, possessing, or transporting, or the attempting to take, possess or transport, for commercial purposes, any finfish, crab, eel, turtle, or other aquatic marine life from waters under the special maritime jurisdiction of APG.

Section III Special Abbreviations and Terms

This section contains no entries.

