

DEPARTMENT OF THE ARMY  
U.S. ARMY ABERDEEN PROVING GROUND  
Aberdeen Proving Ground, Maryland 21005-5001

APG Regulation  
No. 210-10

1 January 2001

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

The term "he" (and its derivatives) when used  
in this regulation represents both the masculine  
and the feminine genders; exceptions will be noted.

Table of Contents

	Paragraph	Page
Purpose.....	1	1
Scope.....	2	1
General.....	3	1
Definitions.....	4	2
Responsibilities.....	5	3
Access/Entrance to Restricted Waters by the Public..	6	4
Commercial Fishing and Crabbing Permits.....	7	5
Commercial Fishing and Crabbing Regulations.....	8	6
Equipment Prohibitions.....	9	6
Penalties.....	10	6
References.....	11	8
Appendix "A" (Boundary Description).....		9
Appendix "B" (Class A Violations).....		10
Appendix "C" (Class B Violations).....		11

1. PURPOSE: This regulation establishes responsibilities, rules, and procedures for the use and navigation of the restricted waters of Aberdeen Proving Ground (APG). It also includes procedures and permit requirements for the taking of fish, crabs, eels, and other aquatic life for commercial purposes.

2. SCOPE: This regulation applies to all personnel engaged in boating, fishing, crabbing, hunting, or other activities not in the course of official Government duties, while in waters under the special maritime jurisdiction of the United States Army, Aberdeen Proving Ground.

3. GENERAL:

a. This regulation implements the authority delegated to the Commander, Aberdeen Proving Ground, Maryland, by the Secretary of the Army to control the restricted waters of APG. The Commander enforces the provisions of this regulation through the Provost Marshal, Aberdeen Proving Ground, and such other military and civilian personnel as he may designate.

\*This regulation supersedes APG Regulation 210-10, 1 September 1993.

b. Restricted waters are defined in section 140, part 334, title 33, Code of Federal Regulations (33 CFR 334.140), and shown in detail on National Ocean Survey Chart 12273. (See appendix A.)

c. Noncommercial fishing activities will be conducted in accordance with APG Regulation 210-26, Recreational (Noncommercial) Fishing Rules. All hunting activities will be conducted in accordance with APG Regulation 200-6. Recreational Hunting and Trapping at Aberdeen Proving Ground.

d. 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.

e. The entry into any waters or onto any lands closed to access by the public without the expressed written permission of the Commander, Aberdeen Proving Ground, 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.

#### 4. DEFINITIONS:

The following terms shall be defined as indicated for the purposes of this regulation, and those permits issued hereunder:

a. Commercial Fisherman. 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 United States Army, Aberdeen Proving Ground, 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).

b. 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, or turtle, or other aquatic marine life from waters under the special maritime jurisdiction of the United States Army, Aberdeen Proving Ground, Maryland.

c. Fixed Nets. A pound net, staked or anchored gill net, hedge fyke net, hoop net, pot net, eel pot, crab pot and all other types of nets fastened by means of poles, stakes, weights, or anchors.

d. Authorized Use-Navigation. Using a vessel to traverse a water area or anchoring a vessel in a water area. A vessel or person which touches 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 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) including, but not limited to, swimming, scuba diving, or other purpose, that person is not navigating and is in violation of this regulation.

1 January 2001

APGR 210-10

5. RESPONSIBILITIES:

a. The Provost Marshal, Directorate of Law Enforcement and Security (DLES), U.S. Army Garrison, Aberdeen Proving Ground (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, and 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.

(2) 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, is hereby also authorized and empowered to take and 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 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.

(3) Recommend to the Directorate of Public Works (DPW), USAGAPG, the placement of signs, on adjacent land areas, permanently displaying limits of restricted waters and identifying main geographic locations.

b. Chief, Recreation Division, Directorate of Community and Family Activities (DCFA), USAGAPG, will:

(1) Sell APG Application/Permit for Commercial Fishing & Crabbing (STEAP-SO Form 9-R) authorized by this regulation, and receive \$2 for each permit sold. In addition to issuing the permits authorized by this regulation, will also provide all commercial fishermen with a copy of this regulation, and instruct all commercial fishermen to become familiar with this regulation.

(2) All permit fees collected in accordance with the provisions of this regulation will be deposited in 21X5095 accounts to be administered by the APG Natural Resources Biologist with oversight by the Installation Conservation and Beautification Committee, to be used for natural resources protection and management of the fisheries resources, to include support of DLES marine law enforcement activities.

c. The Director, Public Works, USAGAPG, will erect signs and maintain "Restricted Area" marker buoys, in accordance with the following and as recommended by the Provost Marshal.

(1) Signs will be displayed indicating limits of restricted waters and identifying main geographic locations as follows: Locust Point, Sandy Point, Bear Point located on Spesutie Island, Black Point, Stony Point, Taylor Island Point and Abbey Point located on the bay front of APG proper; and the Bush River, Bush Point, Pond Point, and Chillbury Point; on Gunpowder Neck along the Bush River, Fairview Point, Tapler Point, Wilson Point, Briery Point, Lego Point, and Robbins Point; on the Gunpowder River along the easterly side of Gunpowder Neck, Ricketts Point, Days Point, Maxwell Point, and Piney Point; on the westerly side of Gunpowder River, Battery Point, White Oak Point, Lower Island, and Brier Point.

(2) At the mouth of the following tributaries, streams or designated restricted areas: Back Creek, Spesutie Narrows, Mosquito Creek, Delph Creek, Romney Creek, Abbey Creek, Cod Creek, Monks Creek, Kings Creek, Boone Creek, Canal Creek, and Reardon Inlet.

d. The Commander, U.S. Army Aberdeen Test Center, APG, will also maintain the safety and security requirements of paragraph 6 when entry into the restricted waters is prohibited.

e. The Director, Safety, Health and Environment (DSHE), USAGAPG, in coordination with the Installation Conservation and Beautification Committee, will 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.

#### 6. ACCESS/ENTRANCE TO RESTRICTED WATERS BY THE PUBLIC.

a. The following water areas are closed to the public at all times:

(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 a woods, bounded on the south by a marsh.

(5) Any other areas specifically designated by the Commander, APG.

b. The following waters are closed to commercial fishing:

(1) Beginning with the first day of February, and including the last day of the month, those portions of the Bush and Gunpowder Rivers under jurisdiction of the U.S. Army, APG, are closed to all "fixed net" commercial fishing activities. All commercial fishing nets (fixed nets as defined in 33 CFR 334.140 and this regulation) will be removed from the waters of the Bush and Gunpowder Rivers from the first day of February to the last day of February, inclusive.

(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 are closed to commercial fishing.

(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, are closed to commercial fishing.

c. The remainder of the restricted areas are normally open for authorized use (See "Authorized Use" in Definitions) during the following hours:

(1) Monday through Thursday 5:00 p.m. to 7:30 a.m.

(2) From 5:00 p.m. on Friday to 7:30 a.m. on Monday.

(3) National (not State) holidays 5:00 p.m. the day preceding the holiday to 7:30 a.m. 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.

#### 7. COMMERCIAL FISHING AND CRABBING PERMITS.

##### a. Applications.

(1) Commercial fishermen desiring to take crab, eel, 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.

(2) 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, is eligible for a permit.

(3) Application for a permit must be made at Outdoor Recreation, Recreation Division, Directorate of Community and Family Activities, Building 2407. 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 Aberdeen Proving Ground 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 of such permit.

b. Permit Fees. The annual Application/Permit for Commercial Fishing & Crabbing fee will be \$50.00, and be valid for the period, 1 September through 31 August.

1 January 2001

APGR 210-10

c. Conditions.

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

(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/CRABBING REGULATIONS.

a. All commercial fishermen 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.

c. Holders of permits to commercially fish or crab will report their catch monthly to the Commander, U.S. Army Garrison, Aberdeen Proving Ground, ATTN: AMSSB-GSH-ER, 2201 Aberdeen Boulevard, Aberdeen Proving Ground, Maryland 21005-5001. This report will be signed by the commercial fisherman 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 of 0330 and 2100 (3:30 a.m. and 9:00 p.m.) prevailing time.

9. EQUIPMENT PROHIBITIONS.

a. The use of haul seines in the waters under jurisdiction of the U.S. Army, Aberdeen Proving Ground, is prohibited.

b. The use of stakes or poles, driven into the ground or bottom, 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 the U.S. Army, Aberdeen Proving Ground, is prohibited.

10. PENALTIES. 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.

a. Any person who enters the restricted waters during posted or announced periods prohibiting entry, without the expressed authority of the Commanding Officer, APG, or who violates any other provision of 33 CFR 334.140, Code of Federal Regulations, is guilty of a misdemeanor, conviction thereof is punishable by a fine not exceeding \$5,000 and/or imprisonment not exceeding 6 months. Violators will be prosecuted in the U.S. Magistrate Court or court martial under the Uniform Code of Military Justice, as appropriate.

b. 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 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 B.)

(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 the 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 C.)

3. Procedure. 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.

(a). Any permits held in force by the person or persons committing the violation shall be surrendered immediately to the APG Provost Marshal or his designated representative.

1 January 2001

APGR 210-10

(b). Violators will be allowed 10 working days to respond to the suspension or revocation. The response will be in writing to the Deputy Installation Commander, U.S. Army Garrison, Aberdeen Proving Ground, 2201 Aberdeen Boulevard, Aberdeen Proving Ground, Maryland 21005-5001. The decision of the Deputy Installation Commander will be final.

(c). 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.

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

11. REFERENCES:

- (a) Annotated Code of Maryland
- (b) U.S. Dept. of Commerce, NOAA Navigational Chart # 12273
- (c) Section 3, title 33, United States Code, Regulations to Prevent Injuries from Target Practice.
- (d) Section 1382, title 18, United States Code, Entering Military, Naval or Coast Guard Property.



## Appendix A

## BOUNDARY DESCRIPTION

Restricted area defined. The following indicates the limits of the waters of or adjacent to the Aberdeen Proving Ground, Maryland, and inside of which boundaries will lie the restricted area known as the Aberdeen Proving Ground, Maryland.

Beginning at a point on the westerly side of Chesapeake Bay, at the south side of Swan Creek, Harford County, Maryland, 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 straight line which passes through monuments No. 124 and No. 125 on 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 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 with the southeasterly line of the right of way of the Pennsylvania Railroad; thence northeast along the Pennsylvania Railroad following the reservation boundary line to shore 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).

1 January 2001

APGR 210-10

APPENDIX B

CLASS "A" VIOLATIONS

1. The violation of Maryland Natural Resources Article, Title 4, Section 505 "Disturbing fish, nets, or gear of another."
2. 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, Aberdeen Proving Ground.
3. Any use or attempted use of explosives, chemicals or electrical devices to catch, take, or kill, any fish or other aquatic life.
4. 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.
5. 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 United States Army, Aberdeen Proving Ground.
6. 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 United States Army, Aberdeen Proving Ground.

APPENDIX C

CLASS "B" VIOLATIONS


1. Failure to apply for and obtain any APG Commercial Fishing/Crabbing Permit as required by this regulation.
2. 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 the United States Army, Aberdeen Proving Ground.
3. Conducting commercial fishing/crabbing operations in areas which have been closed to the public by the United States Army, Aberdeen Proving Ground, or in areas where commercial fishing/crabbing operations are prohibited by the State of Maryland.

APGR 210-10

1 January 2001

(AMSSB-GSO)

FOR THE COMMANDER:

  
DAVID G. BURDICK  
Adjutant General

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