

Proceedings of a meeting of the Potomac
River Fisheries Commission and "Public
Hearing Committee" held November 16,
1973 at Milton M. Somers School,
La Plata, Maryland

PRESENT - MEMBERS: Commissioners John Thomas Parran, Jr., James
E. Douglas, Jr., J. Clifford Hutt, James L.
Sisson, Jr. (Absent: Richard E. Lankford
and Roy E. Julie, Jr.)

OFFICERS: K. Thomas Everngam, Legal Officer; Robert M.
Norris, Jr., Executive Secretary; Kirby A.
Carpenter, Assistant Executive Secretary)

VISITORS: (See copy of attendance register attached)

Mr. Parran called the meeting to order at 9:45 a.m. and announced that this would not be the official quarterly meeting because of the lack of a quorum. In response to query by Mr. Parran, Mr. Everngam said that the Commissioners present could act as a hearing body and conduct the Public Hearing on the Proposed Regulations, and action could be taken at the next full Commission meeting based on today's hearing proceedings.

Mr. Parran thereupon announced that the Commissioners present would constitute a "Hearing Committee" and the Public Hearing would be held on the Proposed Regulations (copy of which is attached and a part of this record). Also, the "open forum discussion" would be held on the question of the advisability and desirability of asking the Legislatures of Maryland and Virginia to empower the PRFC to legalize and regulate the taking of oysters by dredging.

The proposed change in Section ten (10), Regulation III, concerning sizes of stretched mesh and allowing use of monofilament net was read. Mr. J. W. Dutton spoke in favor of the changes, especially limiting gill nets to 6" stretched mesh. He said instead of keeping gill net minimum to 2-1/2", that it should be changed to 3-1/4". He added, with no present maximum stretched mesh size on gill nets, that much net of 10" to 14" mesh is being used.

W. E. Ashburn and Leslie Wilson also spoke in favor of the proposed regulations.

Section eleven (11), Regulation III, concerning sizes of commercial fish was read at the Commission's request since sections 10 and 11 are related. It was explained that the proposed change in this section would allow gill net fishermen to keep striped bass in excess of 15 pounds and remove any size limit on white perch. Mr. Dutton said that many Charles County watermen were present - would the Commission like to hear from each one? Mr. Parran suggested that a vote be taken. This was done with thirty-five (35) fishermen voting in favor of the change, and no votes against.

Mr. Parran asked if anyone would like to speak in opposition to the proposed regulation change. Mr. Robert Rubelmann, of the Fisheries Section of the Maryland Department of Natural Resources, said:

1. Maryland Department of Natural Resources is opposed to allowing gill net (or other commercial gear) fishermen to keep striped bass over 15 pounds.
2. That proposed use of monofilament net disturbs him because,
 - (a) It extends fishing season into crabbing season.
 - (b) Diving ducks get caught in monofilament net.
3. Approves of smaller mesh in gill nets as a step in the right direction.
4. That twine size should be limited (he did not say 'large' or 'small', but gave the impression that it should be small to allow large fish to break through). He said that large numbers of big fish, depending on twine size, will be caught in monofilament net. They will not gill if mesh is small enough but will roll up in net. However, if twine is small, they can break out.
5. That Maryland law prohibits possession of striped bass in excess of 15 pounds, and they cannot be landed legally in Maryland.
6. The DNR Fisheries Section finds few 15 lbs. or under striped bass with ripe roe.
7. Since 1969 annual catch of white perch has been declining drastically. Data does not indicate any stunted white perch.

Capt. Harvey Cook, of Department of Natural Resources Marine Police, said that law enforcement officers are opposed to the taking of striped bass in excess of 15 lbs.

In rebuttal, Mr. Dutton says that any net catches ducks and this constitutes a nuisance - wishes it could be prevented. Also, that VIMS report to him says that coarse twine does not entangle fish as does small size twine.

Mr. Parran reported one letter received by the PRFC, which was from the Isaac Walton League Chapter in Riverdale, Maryland, in which the Chapter opposed the taking of striped bass in excess of 15 pounds each.

Mr. Rubelmann added that since the 15 lb. limit was put on striped bass, the population is greater than ever before.

Mr. Parran asked for other comments: Dr. Davis, of the Virginia Institute of Marine Science, agreed with Mr. Rubelmann that trend of catch of striped bass has been up since 1930 - greater in Maryland waters than in Virginia waters. He said that monofilament net is used in Virginia with approximate size limit 30 lbs. (40 inch limit and two per day). He questions the legality of being in defiance of law in another jurisdiction, if at point of capture the fish is legal.

Dr. Davis also questions the viability of the eggs of large striped bass and said they do not spawn every year.

As far as substituting 1-1/2" stretched mesh for 2" mesh in pound nets, he thinks it will not save small fish - that survival of small fish when culled is poor - that conservation of small fish would be better served with the 2" stretched mesh.

Dr. Ted Koo, of the Chesapeake Biological Laboratory, stated he cannot say "yes" or "no" on merit of allowing large striped bass to be taken, but re viability of eggs, all researchers find eggs that do not hatch - true in nature - mortality very high in nature. He said that work on viability and germination of striped bass eggs has been very scant - this is an area where much work (research) needs to be done; that laboratory work with excellent controls is required.

Dr. Koo said that data on optimum number of striped bass females that enter the river is needed. Too, females mature more slowly than males - 5 year old female equivalent to 3 year old male. Females become fertile at about 4 years - males at about 2 or 3 years.. We should know the proportion of large females to other females - this is important, but no work has been done on this. Larger fish migrate up the bay and coast - catches in Massachusetts, Connecticut, et cetera, come largely from Chesapeake Bay.

In answer to Mr. Butt's question, Dr. Koo said he does not have data on quantities of white perch and there is no harvest effort data: 'stunting', he thinks, depends on food supply and racial type, et cetera.

Re white perch, Dr. Davis commented that the present 8" limit excludes the taking of all males - they die before reaching that length. However, smaller fish do not command as high a market price as the larger, so some thought must be given to this angle.

Then going back to striped bass, Dr. Davis said there are 15 lb. plus fish being taken now - and will the new approach utilize the fish that are trapped anyway and would more or less be caught?

Mr. Rubelmann said that Maryland finds very few female striped bass under 15 lbs. on the spawning grounds - - Dr. Koo said this is not known to him - - that he would like to see more research and data on this statement.

Dr. Davis says the population of striped bass above 15 lbs. is about 2% - are they equally divided between male and female? Mr. Rubelmann responded that striped bass can live to 50-70 year age, so the number of big fish is accumulative - therefore in gross numbers, there may be more mature females than we think.

Mr. Sisson questioned what should be done since large fish are being taken anyway - - what do we do? Mr. Rubelmann says that size of mesh is not governing factor - large thread is important. He will support limit of 6" stretched mesh with large thread - - he will not support, under any conditions, the taking of striped bass over 15 lbs. Mr. Rubelmann thinks the Maryland law is good and should prevail, but that if we give the commercial fishermen an excuse to keep any over-size fish at all that the privilege would be abused.

(At this point Mr. Dutton made some comments, but they applied mostly to politics).

Mr. Harry Stine commented that all size striped bass (and he said he has been fishing all his life) migrate from lower river to the Indian Head area in March, April and May each year and that the large fish caught in haul seines and pound nets are not killed but when trapped in gill nets they are.

Section 12, Regulation III was considered: it was explained that the only change therein was to allow a tolerance of four (4) undersized hard crabs per bushel and ten (10) undersized crabs per barrel: otherwise the section remains unchanged. A vote indicated all responses in favor of the change with no objections.

Captain Cook, of the Maryland Marine Police, requested the Commission to consider for future inclusion in the Regulations a provision requiring crabbers to have a "cull box" on boat into which all crabs are dumped from the pots, and that this not exceed two (2) bushels capacity; that all crabs in excess of the capacity of this box, at all times, be culled and in baskets in the boat. Mr. Parran asked the Legislative Committee to put this on their agenda for the next changes in Regulations.

This ended the public hearing session on the proposed regulations, and at 11:45 a.m., Mr. Parran declared a recess for ten (10) minutes.

At 11:55 a.m. the group re-convened for the open forum discussion concerning dredging for oysters in the Potomac River. However, at this time, Mr. Walter Kline, Director of Environmental Matters for the Washington Suburban Sanitary Commission, asked for time to present a paper relating to work done by the WSSC in Anacostia River to eliminate barriers to anadromous fish, such as shad and river herring migrating upstream to spawn. Mr. Kline said that "drop" structures (in effect "dams" to slow the flow of water) in the Northeast and Northwest branches of the Anacostia had been and were being modified to allow roe and sperm laden fish to proceed upstream to proper areas to spawn and indicated great success in this project, even for the 1973 spawning season. He said this is the first time in 30 years that fish have been able to get to the Anacostia headwaters. Copies of his talk were distributed, and a copy is attached to this record for future reference.

Mr. Parran declared the floor open for discussion on methods of taking oysters other than by hand tongs.

Mr. Dutton spoke saying that he is opposed to power dredging but in favor of small hand scrapes being legalized. He suggested that if the PRFC thinks well of the idea, that the Legislatures of each state be requested to amend the 1958 Potomac River Compact giving the PRFC the authority to regulate such a fishery.

Mr. Thomas Shymansky spoke in favor of the above suggestion. Mr. Harry Stine likewise, with the suggestion that a catch limit be imposed - he thinks hand scraping would be beneficial to the oyster beds. Messrs. Stanley Rollins, Stanley Wilson endorsed the above.

Mr. Tucker Brown, of St. Mary's County, spoke in favor of modernizing the method of catching oysters, but that he would go a step further and allow the small scrape to be pulled by a small winch powered by a small air-cooled motor.

At this point, Mr. Parran asked for a show of hands in favor of legalizing the use of small dredges; a show of hands counted twenty-eight (28) in favor, and none against.

Mr. Hutt commented that he would like a larger group supporting any request of this nature.

Mr. Rubelmann reported that the Maryland General Assembly had asked the Maryland Department of Natural Resources to study the subject of dredging in Chesapeake Bay and tributaries, and that the report was due in time for the 1974 Session. The Commission asked Mr. Rubelmann if he would include in his study a definitive statement regarding this move for the Potomac River, to which he readily agreed.

Dr. Davis spoke for the position of the Virginia Institute of Marine Science - saying that the best fishery management is possible when the PRFC has the most flexibility. He said they would trust the judgment of the PRFC if they had the authority to regulate dredging.

There being no further comments, Mr. Parran closed the meeting at 12:15p.m.



John T. Parran, Jr.
Chairman



J. Clifford Hutt
Secretary