

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
NOVEMBER 9, 1979

PRESENT: Commissioners: Chairman John T. Parran, Jr., Robert J. Rubelmann, Richard E. Lankford, Milton T. Hickman, William P. Hunt, (James E. Douglas, Jr. absent)

Officers: Robert M. Norris, Jr., Executive Secretary; Kirby A. Carpenter, Assistant Executive Secretary; J. Owen Wise, Legal Officer

Visitors: Dr. Peter E. Wagner, Director, UMCEES; Dr. George Krantz, UMCEES - Horn Point; W. Peter Jensen, Director, Maryland DNR - Tidewater Fisheries; Bill Sieling, Maryland DNR - Fisheries Extension Service; Pam Lunsford, Maryland DNR - Fisheries Administration; Paul C. Wentzell, Chief, Maryland Marine Police; Janet Van Tassel and Diane G. Horich, Maryland DNR - License Service; Howard S. Hudnall, Robert J. Markland and Donald O'Bier, Virginia Marine Resources Commission; Dr. Herbert Austin, Virginia Institute of Marine Science; Dennis McCartney, U. S. Steel Realty Development; Douglas Jenkins and Wade Chatham, Virginia Watermen's Association; Phil Robrecht, St. Mary's County Watermen's Association.

Press: Rusty Dennen, The Free Lance-Star; Brad Cavedo, Richmond Times-Dispatch; Dick Myers, The Maryland Independent; Jose Norris - Radio Station WKIK; Richard Polk, The Enterprise; Isabel Gough - The Richmond News Leader.

The meeting was called to order at 9:30 a.m. by Chairman John T. Parran, Jr. Mr. Parran asked for consideration of the Minutes of the August 31, 1979 meeting stating that mimeographed copies had been previously circulated to each Commissioner. The following motion was made and seconded:

"That the Minutes of the August 31, 1979 meeting be approved as written." The motion was approved.

DREDGING/PATENT TONGING PERMITS

Mr. Carpenter reported that a Committee of watermen, police and staff (Lt. Col. Paul C. Wentzell, Maryland Marine Police, Lt. Henry C. Batchelor, Maryland Marine Police, Acting Supervisor Donald Z. O'Bier, Virginia Marine Resources Inspector, Robert T. Brown, President St. Mary's County Watermen's Association, (absent) Douglas F. Jenkins, President Virginia Watermen's Association, Robert M. Norris, Jr., PRFC) had met and recommended a permit system for transfer of dredges, patent tongs and related equipment aboard vessels in the Potomac as follows: The permit to be valid for one month or part of a month where now valid for only one week or part of a week; and to allow possession of the dredge, currently not permitted, on board. Specimens "Convenience Permit to Transport Patent Tongs and/or Oyster Dredge and Related Equipment in the Potomac River" incorporating the above were submitted for approval. The following motion was made and seconded:

"That the 'Convenience Permit to Transport Patent Tongs and/or Oyster Dredge and Related Equipment in the Potomac River' as recommended be approved for use, effectively immediately." The motion was approved.

JURISDICTIONAL LINE MARKERS

Mr. Carpenter reported that several marine contractors had been asked to quote on cost of replacing markers damaged or destroyed by ice last winter. Only one contractor was free to bid, therefore, we have entered into an agreement with Mr. William J. Blanton, Jr., T/A Marine Structural Applications, Woodbridge, Virginia for repair and/or replacement of the markers. The work should start on or about November 19, 1979. Marine Structural Applications will furnish the equipment, labor and incidental materials for replacing six markers and repairing eight (8) others for \$10,500. The pipe and daymarkers will be supplied to the contractor by the PRFC.

OYSTER PRODUCTION REPORT

A report on the oyster harvest from October 1 thru November 7 was offered by Mr. Norris showing catch to be less than previous Fall for same period. He explained that fewer licenses sold and windy weather seemed to be part of the reason for the reduced production; he suggested heavy harvest effort in prior two years is a contributing factor also.

He said the three most productive tonging bars are Jones Shore, Cornfield and Sheepshead in that order. Hog Island leads Great Neck in hand scrape harvest.

DISBURSEMENTS AND CASH ON HAND

Disbursements of \$23,227.29 for the July-September quarter of FY 80 by budget item prorated against annual budget totals was presented. The following motion was made and seconded:

"That the first quarter disbursement report be accepted and approved." The motion was approved.

A statement of cash on hand as of 11/7/79 was presented as follows:

Bank of Westmoreland: Checking	\$ 24,134.96
C/D	40,000.00
Savings	6,123.92
Peoples Bank of Montross: C/D	50,000.00
Maryland National Bank: Savings	5,449.04
C/D	80,000.00
Maryland Bank & Trust Company: C/D	30,000.00
	<u>\$235,707.92</u>

NOMINATING COMMITTEE

Chairman Parran appointed Mr. Hunt and Mr. Lankford as the Nominating Committee to report a slate of officers for 1980 at the next meeting.

PERMITS

Mr. Norris said the PRFC has received a request from Mr. Gilbert Kent for a permit to use a small electric winch to pull the anchor on his tonging boat. Mr. Kent explained that bending over to pull the anchor aggravates a cardiac weakness and presented his physician's statement certifying this. Mr. Wise recommended the Commission consider granting Mr. Kent's request by a letter of permission, based on the doctor's advice and recommendation since our permit is approved for transportation, but not use of a winch. Mr. Parran queried the Commissioners, who agreed to a letter of permission for use of a low-powered winch in this particular case.

GUEST

Mr. Parran introduced the following guests at today's meeting and asked each if they wished to say a few words:

Ms. Diane G. Horich - Maryland DNR
Ms. Janet Van Tassel - Maryland DNR
Dr. Peter Wagner
Supervisor Donald O'Bier
Mr. W. Peter Jensen

OPEN PUBLIC HEARING

At 9:40 a.m. Chairman Parran called a recess in the meeting and declared the Public Hearing on proposed regulations open. He asked if the Commission had complied with the notification and advertising requirements of the compact for proposed regulations. Mr. Norris said that all proper steps had been taken for the Public Hearing. Copies of the changed Regulations were distributed.

At Mr. Parran's request, Mr. Norris explained the purpose of each regulation change and there was consideration of each in the following order:

Regulation I, Section 2 (h)(2) - Purpose of change is to allow the use of anchor gill nets - no stake nets - during June, July, August, except on weekends. Mr. Douglas Jenkins and Mr. Phil Robrecht both spoke in favor of the change. Mr. Rubelmann made a motion not to adopt the regulation change. The motion was seconded, Mr. Rubelmann explained that he objected to the change because of the large number of recreational and pleasure boaters using the river during the summer and the additional hazard caused by more fixed fishing gear in the river. He felt the probable catch will not justify the risk of conflict between the commercial and recreational fishermen. Lt. Col. Wentzell was asked about enforcement problems and he commented that more traffic generated more problems, but he saw no major problem with this change. On a vote, the motion was disapproved. The following motion was then made and seconded:

"That Regulation I, Section 2 (h) (2) be approved as advertised." The motion was approved.

Regulation I, Section 2 (m) - Purpose of the change is to define "fish or eel pots, when placed in a series" and describing how to identify such pots. There were no comments regarding this change. The following motion was made and seconded:

"That Regulation I, Section 2 (m) be approved as advertised." The motion was approved.

Regulation I, Section 2 (n) - Purpose of the change is to clarify the time for renewing license of previously assigned fixed fishing device to prevent forfeiture of location. There were no comments regarding this change. The following motion was made and seconded: "That Regulation I, Section 2 (n) be approved as advertised." The motion was approved.

Regulation II, Section 2 (e) - Purpose of change is to prohibit the use of a winch, spool, winder, etc. on oyster boats only. Mr. Rubelmann asked if the section could be modified at this time to permit the use as well as the transportation of the equipment. Mr. Wise explained that such a change would be substantial and could not be made. There were no other comments. The following motion was made and seconded:

"That Regulation II, Section 2 (e) be approved as advertised." The motion was approved.

Regulation II, Section 13 - Purpose of the change is to add a new section which gives a method for computation of time for performance of an act which is required by regulation. There were no comments regarding this regulation. The following motion was made and seconded: "That Regulation II, Section 13 be approved as advertised." The motion was approved.

Mr. Rubelmann explained he had not supported any of the changes because he felt the expense of the advertising and Public Hearing were not justified by the "housekeeping" type changes and suggested that in the future such changes wait until such time that substantial changes are needed.

CLOSE PUBLIC HEARING

The following motion was then made and seconded "That the five regulation changes as advertised, considered and approved be adopted to become effective January 1, 1980.

REPLETION PROGRAM

Mr. Phil Robrecht, speaking for the St. Mary's County Watermen's Association, said his association felt the repletion program should plant more seed and less shell in the future. He also spoke against the practice of making an oysterman either "buy" his oysters or plant them when found violating the cull law. Mr. Norris reminded everyone that in general we have had a balanced seed/shell planting program over the years. He said that usually the annual decision whether or not to plant or transplant seed has depended on availability of seed, the cost and the need of upriver bars for recruitment, plus a need in the Potomac to expand "plant and grow" oyster areas by planting shell. Mr. Robrecht suggested James River seed but had no idea of availability or cost of such seed.

Mr. Douglas Jenkins recommended that regardless of the cost, one-half of each year's repletion funds should be spent on seed.

The Chairman asked that the repletion committee meet before the next Commission meeting and consider the above request.

HOUSING/INDUSTRIAL DEVELOPMENTS

Mr. Parran recognized Mr. Dennis McCartney, U. S. Steel Realty Development, who stated U. S. Steel was trying to develop Swann Point as a "second" home community. He stressed U. S. Steel's difficulty in past years and their intention to fully comply with all requirements imposed by the authorities in Maryland. Dr. Krantz stated that he only had access to limited information and that additional data was needed before he and Dr. Austin could adequately assess any impact the project may have on Swann Point Oyster Bar. The Chairman asked Dr. Krantz to work thru the staff who would try to get the needed information.

CATCH REPORTS

Mr. Carpenter reported that the National Marine Fisheries Service have announced plans to discontinue publication of the Monthly Fisheries Landings Bulletin. Mr. Rubelmann advised that the data will still be available thru a central computer system, and therefore he sees no reason for the PRFC to object to the NMFS new policy.

HAND SCRAPING

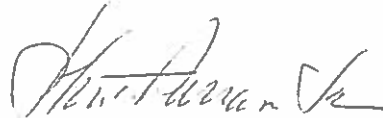
Mr. Wade Chatham asked that the Commission consider opening some additional areas for hand scraping. He suggested that the area for scraping be extended upriver on the Virginia shore to Ragged Point (but not including the bar itself) and on the Maryland shore upriver to Huggins (but not including the bar itself).

The Chairman asked for a report on the probable effects of opening more area to be made at the next meeting.

FUTURE MEETINGS

The date and place of the next meeting will be announced by the Chairman at a later date.

A motion to adjourn was made, seconded and approved at 10:35 a.m.



JOHN T. PARRAN, JR.
CHAIRMAN



MILTON T. HICKMAN
SECRETARY