

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
SEPTEMBER 5, 1980

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

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

Visitors - Elgin A. Dunnington, CBL; Walter J. Hoagman, VMRC; Frank J. Wojcek, VIMS; Don Webster, U of M Sea Grant; Bill Sieling, Mark M. Bundy, Pam Lunsford, John W. S. Foster, W. R. Carter & Beverly Jack, Md. DNR; David Sayre and Richard D. Arnold, St. Mary's County Commissioners; Steve Mayer, Tri-County Council; Douglas Jenkins, Va. Watermen's Association; Robert T. Brown, St. Mary's County Watermen's Association; James E. Woodall, Raymond S. Morgan, C. Tommy Dent, Elgin Nininger, Jr., Allen Dent, Thomas J. King, Jessie Dent, Edward Dent, Artis Schoen, Hugh Newton, George Decatur, Jerry Decatur, Marvin Newton, Bruce Newton, Dennis Newton, Robert Faunce, Kenneth Dent, Kenneth L. Cumberland, James W. Dutton, George Robberecht, Maurice L. Bosse, Edward Dent, Jimmy Dent.

Press - Isabel Gough, Richmond News Leader; Rusty Dennen, The Free Lance-Star

The meeting was called to order at 9:30 a.m. by Chairman James E. Douglas, Jr. He asked for consideration of the Minutes of the June 6, 1980 meeting which had been previously circulated to each Commissioner. Mr. Wise requested that the Minutes be corrected to show the word "might" not "would" on the second line under "Seed Area Requested by St. Mary's County" on Page 2. The correction was noted and the following motion was made and seconded:

"That the Minutes of the June 6, 1980 meeting as corrected above be approved." The motion was approved.

SURPLUS EQUIPMENT

Mr. Norris reported that the 1974 Plymouth auto was sold by "sealed bids" on July 1, 1980. The car was sold for \$253.50, the highest bid received.

CONFISCATED PROPERTY

A public auction was held on July 1, 1980 to dispose of the legal nets and equipment as listed at the last meeting. The sale was well attended and the nets and equipment brought \$1,230. Advertising costs were \$324.10; auctioneer \$100; netting a \$805.90 profit.

ECONOMIC STUDY

Mr. Mark Bundy reported he has learned that the proposed Maryland study of the impact of seafood on the economy was not funded by NMFS as he thought was true at our last meeting. He plans to resubmit a proposal to NMFS in FY 81 which will include a joint Maryland-Virginia baywide study including the Potomac River. In the meantime he is continuing on a low level in-house effort which will include some work on the Potomac as a sub-area. He asked the Commission's cooperation in supplying information concerning the Potomac which Mr. Douglas said would be made available to him.

REGULATION CHANGES

Mr. Norris reported that, as directed at the last meeting, the Staff investigated the catfish/eel fishery and alternative proposals on the shad fishery. He said they had met on several occasions with many fishermen regarding the subject fishery. Scientific and law enforcement advice was also sought. A report was prepared and presented by subject as follows:

Shad - Recommended a complete ban on taking any anadromous species upriver of the power transmission lines (Moss Pt.-Possum Pt.) during April and May each year. Also ban use of #69 or smaller (or its equivalent) size twine in gill nets in entire river during April and May.

A considerable amount of discussion by fishermen, scientists and Commissioner took place regarding the pros and cons on the shad recommendation, including use of minimum 4" stretched mesh and asking Inland Fisheries to close streams to dip netting. Mr. Rubelmann suggested that since we had already advertised a proposed regulation which is scheduled to be reconsidered after the first of the year, that no action be taken on this proposal at this time. Mr. Douglas queried the Commission and announced a consensus that no action on restricting the taking of shad be taken.

Catfish - Recommended exempting the "bullhead" (common term for the brown catfish) from 8" minimum size limit on catfish.

Discussion on this proposal included adding a 15% tolerance cull law, but was not incorporated into the proposal. The following motion was made and seconded:

"That the staff prepare a regulation to accomplish the recommended change." The motion was approved.

Renewal of Fishing Licenses - Recommended amending Regulation I, Section 2 (n) to clarify the requirements and rights to renew a fixed fishing device license. A motion was made, seconded and approved directing the staff to continue work on this regulation change.

Oysters - Recommended incorporating the current policy on tonging times into the regulations. The following motion was made and seconded:

"That the Staff modify Regulation II, Section 2 (b) specifying the times for taking oysters." The motion was approved.

The Chairman requested the staff to prepare the above regulation changes for the next meeting prior to any authorization for advertising.

REPLETION PROGRAM

Mr. Carpenter reported on the 1980 oyster repletion program. He said the seed planting portion was reported at the last meeting and the shell planting consisted of 223,895 bu. of fresh shell and 194,469 bu. of reef shell planted on 53 acres on Jones Shore plot #6. The reef shell cost 29.9¢/bu. and the fresh varied between 34½¢ to 35½¢/bu. Adding \$3,957.31 for count and control, the total shell planting cost \$140,124.17. In summary, the 1980 repletion program included: 30,659 bu. of seed @\$104,447.65; 418,364 bu. of shell @\$140,124.17 for a grand total of \$244,571.82.

Mr. Dunnington said that preliminary reports indicate that the Potomac is receiving a good "set" in the lower river. He pointed out that if more money had been available to plant shell this year that probably the ultimate return would have been higher than purchasing seed from outside areas.

SLUDGE COMPOSTING

Mr. Douglas recognized Commissioners Richard Arnold and David Sayre of St. Mary's County. Mr. ARnold said he had come to today's meeting to inform the PRFC of a reported plan to barge sewage sludge down the Potomac to St. Mary's County. Details of the plan beyond that point are very sketchy and he has been unable to get any satisfactory answers. He announced the St. Mary's Commissioners' plan to seek an injunction to stop any transportation of sludge into St. Mary's County--either on land or by water if this is attempted. He also invited the PRFC to attend a public meeting in St. Mary's on this subject.

St. Mary's County Commissioner, David Sayre, also spoke on the subject and requested the PRFC's support in his county's opposition to the sludge proposal.

Commissioner Parran asked that no one misinterpret his comments, but if the Potomac is ever to be clean, sludge must be removed from sewage and properly disposed of. He said that perhaps the St. Mary's plan may not be the correct answer to the problem, eventually some solution has to be found to dispose of sewage sludge.

DISBURSEMENTS AND CASH ON HAND

Disbursements for the April-June quarter FY 80 were \$158,290.73. This included \$130,281.70 for repletion work. The statement also showed an additional \$104,191.08 for repletion work paid in July 1980. It was presented by budget item prorated against the annual budget. For the year end total, the amount spent (\$338,483.91) represents 98% of the budget. The following motion was made and seconded.

"That the fourth quarter disbursements of \$158,290.73 be accepted and approved." The motion was approved.

A statement of cash on hand as of 9/2/80 was presented as follows: Bank of Westmoreland, Checking \$5,940.12; statement savings \$932.32, C/D \$50,000; Maryland National Bank, Savings \$3,672.71, C/D \$30,000; Maryland Bank & Trust Co., C/D \$30,000; Bank of Southern Maryland, C/D \$50,000; Peoples Bank of Montross, C/D \$50,000; total \$220,545.15.

JURISDICTIONAL LINE MARKERS

A member of the St. Mary's County delegation asked that the Jones Shore Seed Area markers be lighted in the interest of safety. Mr. Carpenter explained that installing and maintaining lights on the markers was quite costly and that we have U.S. Coast Guard approval and have placed two day markers back to back on each piling (one pointing each direction). White paint and reflective glass beads have been purchased to paint each piling to give a reflective effect at night. He felt the steps already taken should alleviate some of the concerns expressed today.

REGULATION CHANGES

Douglas Jenkins requested the Commission liberalize the oyster cull law on Jones Shore by allowing a market oyster with spat(s) less than 1" in length attached to be kept. The following motion was made and seconded:

"That the requested change be considered by the staff when considering the other regulation changes discussed earlier." The motion was approved

Mr. Dutton suggested a license system under which each license would be given one permanent number for all types of licenses and with each licensee making his own tags. He said he felt this would save the Commission the cost of buying tags each year. Mr. Norris explained the tags were not that expensive plus our accounting system is tied to the tag numbering; also the law enforcement officers are generally satisfied with our system.

CATCH REPORTS

Mr. J. Owen Wise, Hearing Officer, presented his report and recommendations concerning 30 licensees delinquent in filing the required seafood catch reports. He explained the normal procedure previously adopted by the Commission was used in advising each licensee of today's proceedings.

Mr. Robert Brown, speaking in behalf of the St. Mary's County watermen, said he felt the Commission had been too harsh in dealing with some past offenders. He named Mr. Mack and Mr. Young as two that had requested he speak in their behalf to lessen the restrictions placed on obtaining their new license. Mr. Arnold also spoke in behalf of Mr. Mack asking the Commission to reconsider his case.

Mr. Brown said he understood the importance of the catch reports. He suggested that a more standardized policy of enforcement be adopted so that an offender would know in advance what to expect if he fails to file the reports. He suggested a system where a first offense would result in one week suspension, 2nd offense - 2 weeks, 3rd offense - 3 weeks, etc.

Mr. Douglas asked the Commissioners to note that in addition to the two appeals via representatives, letters of appeal had been received from Mr. Gardner and Mr. Morgan.

After some discussion among the Commissioners as to the mechanics of handling these appeals, the following motion was made and seconded.

"That a committee of Commissioners, counsel and staff be appointed to review these and all previous cases. This committee shall be empowered to adjust (by a lesser punishment) any prior disposition of a catch-reporting violation and further that this committee recommend a policy with regard to future dispositions." The motion was approved. The Chairman then appointed Commissioners Parran and Rubelmann, Mr. Wise and PRFC Staff to the Committee. He asked that they meet as soon as possible.

The Commission then considered the 30 cases being brought up today. Mr. Robert Faunce appeared and explained his misunderstanding of the reporting requirements. A motion was made, seconded and approved amending the recommendation "from no new licenses for 1981 to probation for one year on his eel pot license."

The Commissioners then reviewed the cases before the following motion was made and seconded:

"That the 30 recommendations with Mr. Faunce's as amended above and the remaining 29 be adopted as is or as modified by the Committee named earlier." The motion was approved.

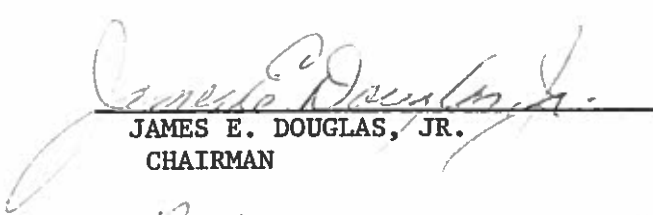
Mr. Morgan asked to present his case to the committee which would be considering his appeal of the decision made at the June 6, 1980 meeting. He explained that last year was the first time he ever had an OT tag and he had worked on another boat. He was confused, but now understands the requirements. He was told that he would be informed of the Committee's actions as soon as possible.

FUTURE MEETINGS

Mr. Parran noted the Interstate Commission on the Potomac River Basin was holding a public meeting on October 17 and 18 in St. Mary's City and that many topics concerning the Potomac, including sludge, would be discussed.

The next regular meeting of the PRFC was set for October 31, 1980 at 9:30 a.m. at Colonial Beach, Virginia.

A motion to adjourn was made, seconded and approved at 12:15 p.m.


JAMES E. DOUGLAS, JR.
CHAIRMAN


ROBERT J. RUBELMANN
SECRETARY