

MINUTES OF THE MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
AUGUST 21, 1981

PRESENT: COMMISSIONERS - John T. Parran, Jr., Chairman, William P. Jensen, Francis J. Russell, Milton T. Hickman, James E. Douglas, Jr. (William P. Hunt absent).

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

VISITORS - Paul C. Wentzell, Chief, Maryland Marine Police, Franklin D. Wood and Henry C. Batchelor, Maryland Marine Police; Dexter S. Haven, Herb Austin and Dr. Frank O. Perkins, VIMS; Elgin A. Dunnington, C. B. L; Owen T. Mears, VMRC; Bill Sieling, DNR, Linda Bronston, St. Mary's Planning & Zoning; Charles D. Ellison, Jr., D. H. Steffens Co., Robert T. Brown, St. Mary's County Watermen's Assoc.; James W. Dutton, Walter I. Maddox, Douglas Cornelius, Irving Dyson, Carroll M. Milburn, Richard T. Rollins, R. N. Reamy, Sr., Lee Arnest, Ivan G. Evans and Steve Q. Maddox.

PRESS - Keith Epps, Free-Lance Star; Richard Polk, The Enterprise.

The meeting was called to order at 9:30 a.m. by Chairman John T. Parran, Jr. He asked for consideration of the Minutes of the June 5 1981 meeting, copies of which had been previously circulated to each Commissioner. The following motion was made and seconded:

"That the Minutes of the June 5, 1981 meeting be approved as written."
The motion was approved.

REPLETION PROGRAM

Mr. Carpenter gave a status report on oyster repletion program. The fresh shell planting was completed in July. Jones Shore (area #11, 49 acres) received 390,481 bushels of shell, Knotts Hollow 12,306 bushels of shell on 30 acres at a cost of \$154,151.29 plus \$2,977.90 count and control cost, totaling \$157,129.19. The seed transplanting portion of the program from Jones Shore area #6 is still underway. Thru August 14th, nine areas totaling 234 acres had been or are in the process of being planted with 100,700 bushels of seed with the average count ranging from 1,651 to 1,164 spat/bushel. He said the transplanting of 200,000 bushels authorized last spring should be completed by the end of September.

CLAMS

Mr. Norris reported that at the request of Commissioner Russell, two commercial clam boats, under supervision of two Virginia Marine Resources Commission Officers searched for clams between Cornfield Harbor and Point Lookout. One boat reported catching about 1/2 bushel and a few oysters, the other boat only had a few dozen clams and no oysters. Most of one day was spent looking for clams in this area but with such poor results the survey was called off. No further surveys have been attempted.

STRIPED BASS

A report on the Draft Fisheries Management Plan for the Striped Bass of the Atlantic Coast, Maine - North Carolina, December 1980 was presented by Mr. Carpenter. A brief background, a summary of each state's minimum and maximum size limits on striped bass and the recommended management measures were included. The items affecting the Potomac were recommendations to: 1) establish 14" fork length minimum size; 2) closure of all major spawning areas during

the spawning activity; 3) licenses be required of all catchers and buyers; and 4) data collection (which PRFC is now doing). Mr. Douglas said the plan would be discussed and voted on at the October meeting of the Atlantic States Marine Fisheries Commission. He felt the PRFC should await the outcome of that meeting before changing our present regulations.

HOUSING/INDUSTRIAL DEVELOPMENTS

A chronicle of developments regarding Maryland Rock Industries, Inc., was presented. The general permit process was outlined by Linda Bronston, St. Mary's County Planning & Zoning Office. Messrs. Dunnington, Brown and Dutton all expressed concern and questioned the advisability of dredging a channel in this natural oyster area, saying that dredging will pose problems and create stress (silting) to the oyster resources of the area. Mr. Chuck Ellison, of D. H. Steffens Co., Land Surveyor, who is preparing the engineering drawings said that Maryland Rock is quite eager to proceed with the project and would like to work with the watermen and the PRFC to minimize any adverse impact. The Chairman speaking for the Commission, expressed grave reservations about a channel in this area and he directed the staff to work with the Company and keep the Commission advised.

GUESTS

Mr. Parran introduced Dr. Frank O. Perkins. Dr. Perkins is the new Director of the Virginia Institute of Marine Science of the College of William and Mary. Dr. Perkins said he was pleased to be here today and the Commission could expect the same excellent cooperation of VIMS that it received under the previous Director.

Lt. Col. Paul C. Wentzell, Chief of the Maryland Marine Police introduced Capt. Frank Wood. Under a reorganization of the department Capt. Wood will now be the immediate supervisor of the Southern Maryland Region which includes the Potomac. Capt. Wood said he was looking forward to working with the Commission.

OFFICE

Mr. Norris said, at present, we do not have enough information regarding the renovation of the heating and A/C system to present to the Commission at this time.

SCIENTIFIC ADVICE

Dr. Austin reported that he and Mr. Dunnington were continuing to work on evaluation of the harvest efforts in the Potomac. However, they do not have a detailed report available, as yet.

DAMAGE TO OYSTER BARS

Mr. Norris reported that two surveys of the area surrounding the location where the tug "SeaLevel" had grounded on Heron Island had been conducted. The first survey determined that considerable damage to the oyster bar had occurred from the prop wash of the tug. The second survey outlined the extent of disturbances in the bottom by using a recording fathometer. Mr. Dexter Haven said the second survey revealed a one and one-quarter acre area directly affected by the grounding. To restore the damaged area would require a shell planting at the rate of 10,000 bu/ac followed by a 1,000 bu. seed planting. After a few minutes of discussion the following motion was made and seconded:

"That the Legal Officer contact all parties concerned seeking restitution and if none of the parties wishes to cooperate we should proceed through the courts." The motion was passed.

DISBURSEMENTS & CASH ON HAND

Disbursements by budget items for the quarter April thru June were presented. They totaled \$227,481.22 of which \$201,749.63 was for seed and shell plantings. Cash in banks as of August 19, 1981 were presented as follows:

Bank of Westmoreland -- Checking \$8,732.65, Savings \$10,006.27, C/D \$60,000.00; Maryland National Bank -- Savings \$9,248.95, C/D \$150,000.00; Peoples Bank of Montross -- C/D \$100,000.00 for a total of \$337,987.87. The following motion was made, seconded and approved:

"That the 4th quarter disbursements of \$227,481.22 be accepted and approved."

REGULATION CHANGES

Mr. Norris gave a report of the Legislative Committee as follows:

ITEM: SHAD - The committee recommends dropping present Reg. I, Sec. 2(t) which had been advertised and on which a public hearing had been held On June 6, 1980, with no action taken and in its place advertise a new regulation which would; 1) restrict twine size on gill nets to no less than #104 if nylon or #4 if monofilament throughout the entire river at any time becoming effective January 1, 1983; 2) restrict all gill, pound and fyke net fishing above power line (Moss Point to Possum Point) during April and May each year; 3) allow possession of Shad caught incidental to other catch.

The Chairman opened the floor to discussion. Mr. Dutton said the restriction should only be above Sycamore Point, not the power line, and it should run from April 1 to June 30 and he agreed with allowing the incidental catch. Dr. Austin, VIMS, said that although the spawning area may move up or down river in any given year the area above the power line represented an average and, therefore, supported the closure. Mr. Bob Reamy supported the efforts to close the Shad fishery but that it conflicted with a valuable Perch fishery in the upriver area, and asked that fyke nets be allowed. Mr. Jenkins said #69 twine was used in the winter gill net fishery for Rock and suggested it be restricted only from March 1 to December 30.

ITEM: ROCK - The Committee has reviewed the recommendations of the Draft Fisheries Management Plan for the Striped Bass of the Atlantic Coast and recommends:

1) a minimum size limit of 16" FL; 2) restrict net fishing above power line during April and May; and 3) maintain present 32" FL maximum size limit.

The floor was again opened for discussion. Mr. Dutton said the 16" minimum would be OK if the maximum limit was raised to 36". He also suggested banning all gill netting from January 1 to February 14 each year. Mr. Brown objected to the 16" minimum on a year-round basis. He said the 16" minimum could not be enforced with all the sports fishing activity in the summer months.

Mr. Jensen made a motion to adopt Regulation I, Section 2(t) as advertised. The Chairman called for a second to the motion, when no second was received he ruled the motion failed for the lack of a second.

Mr. Douglas then made a motion: "That Regulation I, Section 2(t) not be adopted and be withdrawn from consideration." The motion was seconded and approved, by a 4 to 1 vote.

Mr. Russell said it appears some more study on the Shad and Rock proposals is needed. The following motion was made and seconded:

"That the Committee meet again and consider the comments heard today and report back to the Commission." The motion was approved.

POTOMAC RIVER ENVIRONMENTAL FLOW-BY STUDY

Mr. Carpenter said that the Water Resources Administration of the Maryland Department of Natural Resources has been conducting an environmental flow-by study in the Potomac to assess the impact of low flows of fresh water into the estuary but that when the study was released for comment it lacked consideration for the estuary. Our concerns with the study were forwarded to Thomas Andrews, WRA, but to date, no response has been received. The Chairman asked that the Commission be kept informed on this matter.

SURPLUS EQUIPMENT

The following motion was made, seconded and approved.

"That the five drawer map file unit purchased October 12, 1967 from Stationers, Inc., for \$42.00 be declared surplus."

PERSONNEL

Mr. Norris told the Commission that Mrs. Ellinor Daniels was hired as Office Secretary to replace Mrs. Norma Rollins who recently resigned. Mr. Norris requested that Mrs. Daniels be authorized to sign licenses and also checks under \$2,000 without countersignature. The following motion was made, seconded and approved:

"That Mrs. Ellinor Daniels be authorized to sign licenses and checks amounting to less than \$2,000 without the countersignature of the Chairman or Vice Chairman."

POLLUTION

Mr. Dutton reported unusual amounts of what he suspects to be algae in the upper river extending down as far as the power lines. The scientific advisors were asked to investigate this matter.

CHAIRMAN

At 11:40 a.m. Mr. Parran had to leave the meeting and Mr. Douglas chaired the remainder of the meeting.

CATCH REPORTS

Mr. Wise presented a list of 14 individuals delinquent in filing their required catch reports and who were invited here today for a hearing before the Commission. The list included the Hearing Officer's recommendation on each individual.

Thomas Lee Arnest: Appeared and explained his failure to file was because of negligence and not intentional. A motion was made, seconded, and approved that the staff, "Revoke all licenses held by Mr. Arnest and that before any new licenses are issued to Mr. Arnest that all his past due reports must be filed."

Douglas H. Cornelius: Appeared and explained his reports are now filed. A motion was made, seconded, and approved, "That no disciplinary action be taken at this time."

Richard T. Rollins: Appeared. A motion was made, seconded, and approved, "That all his licenses be suspended for two weeks, one week of which deferred pending successful completion of probation. Suspension to begin Monday, August 24."

No one else called or invited to today's hearing was present. A motion was made, seconded, and approved as follows:

"That the recommendations of the Hearing Officer on all others, except the three who appeared, and Mr. Kress, be adopted and that any suspension become effective Monday, August 24."

After considering the records the following motion was made, seconded, and approved:

"That Jody James Kress's suspension be the first week of hand scrape season."

Four individuals who had been called to previous hearing and who could not get a license until they appeared before the Commission asked to be heard.

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Ivan Garner Evans: A motion was made, seconded and approved allowing him to purchase an oyster license.

Joseph T. Briscoe: A motion was made, seconded and approved delaying his purchase of an oyster license until October 15, 1981.

Irving A. Dyson: A motion was made, seconded and approved delaying his purchase of an oyster license until October 15, 1981.

Carol Michael Milburn: A motion was made, seconded and approved delaying his purchase of an oyster license until November 1, 1981.


FUTURE MEETINGS

The next meeting will be called by the Chairman.

At 12:10 p.m. a motion to adjourn was made, seconded and approved.



JOHN T. PARRAN, JR.
Chairman



FRANCIS J. RUSSELL
Secretary

Proof read - Kim J. Almond