

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
DECEMBER 11, 1981

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

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

VISITORS - Paul C. Wentzell, Henry C. Batchelor, Maryland Marine Police; Elgin A. Dunnington, CBL; George Krantz, CEES; Dexter Haven, James Loesch, VIMS; Oren Mears, Donald Z. O'Bier and L. E. Vickers, VMRC; William Outen, Charles Frisbe and Bill Sieling, DNR; John K. Parlett and John W. Quade, Maryland House of Delegates; Tayloe Murphy, Virginia House of Delegates; John H. Chichester, Virginia State Senate; James W. Dutton, Charles County Watermen's Assoc.; Robert T. Brown, St. Mary's County Watermen's Assoc.; Walter Parkinson, Donald Markwith, Elgin Nininger, Jimmy Wilkerson, Michael Mayo, Richard Holbrook, Jeff Walters, Allen Powell, Robert Pearson, Roy Fenwick, J. C. Owens, W. W. Owens, Wallace Owens, Jr., Wallace Owens, Dennis Gallahan, Gary Owens, Jessie Dent, Melvin Dent, Garnett Reamy, Mike Harding, D. B. Kelly, Walter L. Hundley, Gene Hundley, Stanley Marks, C. E. Clark, E. Jones, Eugene Bowie, Sr., Arthur Loving, Conroy Newton, Hugh Newton, Charles Conklin, Jerry Elliott, Edward Dent, Kenneth Cumberland, William Dent, Douglas Jenkins, of Virginia and Victor Liquori (Williamsburg, VA); John Burch, George Stine, Warren Yates, Harvey Stine, Walter Brackett, Harry T. Stine, Thomas Shymansky, Robert R. Tavenner, Thomas Swann, Richard Watson, Lee Stine, William Swan, James T. Stine, Eschol Franklin, William Rice, John Osakowicz, Lloyd C. Heller, of Maryland plus many others. The visitors totaled about 150 persons.

PRESS - Keith Epps, Free-Lance Star, Dick Myers, Maryland Independent and Isabel Gough, Richmond News Leader.

Chairman Parran called the meeting to order at 9:50 a.m. Mr. Dutton asked that because of the overflow crowd that the meeting be moved to the Colonial Beach Fire House. Mr. Douglas made a motion to reconvene the meeting at the Fire House. The motion was seconded and approved.

The meeting was reconvened at 10:00 a.m. in the Colonial Beach Fire House. Mr. Parran called for consideration of the minutes of August 21, 1981 meeting, copies of which had been previously circulated to each Commissioner. The following motion was made and seconded:

"That the Minutes of the August 21, 1981 meeting be approved as written." The motion was approved.

OPEN PUBLIC HEARING

Mr. Parran opened the Public Hearing at 10:03 a.m. stating that the purpose of today's hearing was to receive comments on the proposed modifications to regulations which had been duly advertised. He said anyone wishing to speak would be heard but asked that they be brief in their comments and not repeat what others may already have said.

Mr. Carpenter outlined the background of the proposed regulations and stated that the modifications and notice of hearing had been advertised as required by the Compact. He said copies of these changes are available at the entrance. He explained that a portion of the changes dealt with renumbering and retitling Reg. III, Sections 8, 9 (a) & (b) and 10, with no change in the text of the current regulations.

Mr. Carpenter read the text of the proposed Reg. III, Sec. 9. Prohibited Areas and Seasons. The proposed changes consist of establishing a closed area for gill and pound net fishing or catching rock fish from January 1 to June 30 each year upstream of Sycamore Point/Indian Head. They would eliminate a six week period (Jan 1 to Feb 14) each year for setting anchor or stake gill nets throughout the entire river.

The Chairman opened the floor for discussion and asked that each speaker identify him or herself.

Delegate Parlett and Mr. Reamy, a seafood dealer, spoke in opposition to the subject.

At this point the Chairman asked the scientific advisors to comment. Dr. Loesch made a brief statement. Mr. Dunnington suggested we review the information on catches assembled by the staff before he commented.

Mr. Carpenter presented a list of the number of licenses issued and the number of fishermen. It showed 607 nets licensed in 1967, 469 licenses sold to 151 fishermen in 1978 and by 1981 the numbers had increased to 1,008 licenses issued to 229 men. He then presented the rock fish catches reported by the fishermen from 1967 thru 1981. This data was presented in graph form using slides and a projector. The number of pounds of fish landed were listed in a handout. Four graphs were presented and explained, and summarizing, the total catch had dropped from 1,500,000 lbs high in 1974 to less than 300,000 lbs by 1979. The catch was analyzed by area of catch and, in general, the January and February catch was exceeded by the March catch.

Mr. Dunnington, CBL - He said it is important to keep in mind we are dealing today with many more fishermen fishing many more nets during a period of declining fish catches. He also cited the relatively low catches in January and February. We have to look at the overall picture and decide whether to let the overharvest continue or try to do something now for the future. He believed the high prices, lower catches and increased effort could easily endanger the survival of the species.

Mr. Carpenter read the text of the proposed Reg. III, Sec. 10. Catch Limits. He explained that the reference to American shad was new as well as the text, however, the limit on black bass was taken from the current regulations. The Chairman again opened the floor for comment on this proposal. Three fishermen spoke in opposition and Delegate Quade suggested giving the law enforcement officers more flexibility in enforcement.

Mr. Carpenter read the text of proposed Reg. III, Sec. 11. Prohibited Sizes of Fish. The only change in this section deals with rock and the method of measurement. The minimum size was proposed to go from 12" fork length to 14" total length and the maximum from 32" FL to 34" TL. Five fishermen spoke and generally supported this change.

Mr. Carpenter read the text of the proposed Reg. I, Sec. 5(d) Recreational and Sports Finfishing. He explained this was an entirely new subsection dealing with recreational or sports finfishing whereby the Commission would regulate the fishery in the Potomac. Seven fishermen spoke giving variations on the change but generally in support of this proposal.

Mr. Carpenter read the last group of proposed changes which would delete the references to fishing seasons contained in Reg. I, Sec. 2(h)(1), 2(h)(2), 2(i)(1) and 2(i)(2) because these seasons will be covered by the proposed Reg. III, Sec. 9(b), if adopted.

There were no comments on these changes, nor any further comments on any of the above proposals.

The Chairman announced the Public Hearing concluded and that no decision would be made on the proposals today. At 12:00 a.m. he declared a 10 minute recess during which a large number of visitors left the meeting.

CLOSE PUBLIC HEARING

At 12: 10 p.m. the Chairman called the meeting back to order and asked for the progress report on the seed planting.

REPLETION PROGRAM

Mr. Carpenter presented a status report on the 1981 oyster repletion program thru today. It showed a total of 280,900 bushels of shell strike transplanted from Jones Shore to 18 mid and upriver oyster bars. The size of the plantings ranged from 12 to 47 acres and totaled 525 acres. The counts of seed and/or juvenile oysters/bu. ranged from 720 to 1651 with the average just over 1,000. He noted the program is still underway and should be completed within the next week or two, weather permitting. This will bring the total transplanting to over 300,000 bushels on 542 acres and 19 areas. It is costing 50¢/bu. plus count and control (supervision of loading and planting). This year's program will be the largest single year seed planting in PRFC history.

Mr. Parran recalled that this program was made possible by the good graces of the Lord providing a tremendous set last year and the states of Maryland and Virginia providing an increase in their appropriations to help finance the repletion programs. He asked Mr. Norris to formulate a letter to the proper persons in each state thanking them and providing them with a complete report on this year's repletion program.

CONFISCATED PROPERTY

Mr. Carpenter reported that all illegal fishing gear confiscated during this year had been destroyed and all legal equipment had been sold at public auction. Proceeds from the sale were \$1,281.00, less \$246.31 for advertising cost and the auctioneer's fee, for a net of \$1,034.69, less billing by one newspaper for one week not yet received.

HOUSING/INDUSTRIAL DEVELOPMENTS - DREDGING POSEY'S BLUFF

Mr. Norris reported receipt of a notice from the Corps of Engineers and St. Mary's County Commission on Planning & Zoning, that Maryland Rock Industries, Inc. have withdrawn their application to dredge an access channel thru Posey's Bluff oyster bar and that Maryland Rock is considering establishing their operation within Breton Bay. Since the project, as now proposed, will be outside PRFC jurisdiction and no adverse impact is expected, he suggested that no further consideration of this matter is needed at this time.

DAMAGE TO OYSTER BARS

The Legal Officer, Mr. Wise, reported that he had written to all parties concerned about the grounding of the tug "SeaLevel" on Heron Island oyster bar, C & P Towing Co., Inc. was the only one who responded, and they did so by asking for copies of the scientific reports on the damage. That information was sent on October 2, 1981 and we still have not heard from them; it therefore appears that the only step left is to file suit but it may not be worthwhile unless the watermen, in a "class action" join the PRFC in a claim. A discussion ensued concerning the fact that oysters are a common property resource and the PRFC is the custodian. Mr. Parran suggested writing a "follow-up" letter, and keeping the Commission advised on any developments.

NOMINATING COMMITTEE

Chairman Parran appointed Mr. Hunt and Mr. Jensen as the Nominating Committee to report a slate of officers for 1982 at the next meeting.

DISBURSEMENTS & CASH ON HAND

Disbursements as listed by budget items for the quarter July-September were presented. They totaled \$70,054.50 of which \$42,104.31 was for seed and shell plantings. Cash in banks as of December 9, 1981 were reported as follows: Bank of Westmoreland - Checking \$11,037.51, statement savings \$1,426.59 and C/D \$60,000; Maryland National Bank - Savings \$13,291.32, C/D \$100,000; Peoples Bank of Montross - C/D \$100,000 for a total of \$285,755.42. A motion was made, seconded, and approved that the disbursements of \$70,054.50 be approved.

HAND SCRAPING

Mr. Robert T. Brown was recognized and said that the five year hand scraping experiment would end this March. He said the catch reports on Hog Island rose from 7,500 bushels during the five years before legalizing hand scraping to 35,000 bushels during the five year experiment. He believes this is proof hand scraping is good and it has improved the oyster bars. He wants to request opening the entire river to hand scraping, but realizes it would have to be done piece by piece. Therefore, he asked that the hand scraping limit be moved upriver to a line running from St. Clements Island (PRM4A) to Hollis Marsh (PRV6B). In addition he wants five days a week, five hours per day and a catch limit of 12 bushels per man and a maximum of 36 bushels per boat. He further asked the Commission to consider power dredging (a small power winch to pull up the hand scrape). He asked this be done before next season begins and said if the line is moved as requested, the seed plantings in the future should be divided 60/40 with the 60% going to the hand scrape areas.

Mr. Douglas asked what the catch per man is now running and how much increase in area was requested. Mr. Norris answered by saying 11 to 12 bushels per man when hand scraping started and that by moving the line as suggested, he estimates it would increase the hand scraping area 2 to 2½ times.

Mr. Parran suggested in light of the impending end of the experiment and the suggestion made today, the Commission should review the "Plans for Management of the Fisheries of the Tidal Potomac River", which was prepared for the PRFC by VIMS and CBL a few years ago. He asked Mr. Dunnington and Mr. Haven to work on this review.

Mr. Douglas reminded everyone that power dredging is currently illegal in both states and prohibited by the Compact. If power dredging were to be contemplated by the Commission, the first thing to be done would be to get legislative approval.

OYSTER TAX

Mr. Brown suggested it was time to raise the oyster inspection tax. He felt \$1.00/bushel was possible since oysters are selling for up to \$15.00 a bushel. When we seek legislative authority to allow power dredging, request an increase in the tax limit at the same time. Virginia is currently \$.50 and Maryland is proposing to go to \$.45 next season.

OYSTER BAR SURVEY

Dr. Krantz reported on the annual fall survey run the first week of October. During the survey representative oyster bars were examined. The oysters were generally found to be in good shape for the season. The 1981 spat set appeared in very low numbers upriver further than in any year since AGNES and he considered even the low set count a favorable sign. In the lower river, the spat set appeared sufficient to sustain the current harvest levels. On Jones Shore the set ranged from 200 to 800 spat/bu. and an average of 500. This should be sufficient for seed transplanting next spring.

OYSTER PRODUCTION REPORT

Mr. Norris presented a report of oyster harvest thru December 9th indicating the catch to be better than twice that of last year for the same period 60,566 bu. vs. 27,675 bu; he said this translates to taxes collected of \$15,225.35 -- that of the hand tonging bars. Sheepshead is the leading producer, followed by Ragged Point, Cobb Bar and Swan Point. Hog Island and Great Neck rank 1 and 2 for hand scrape harvest. The increase is partly attributed to a 50% increase in the number of licenses sold this year resulting in greater harvest effort because the continuing repletion efforts of the Commission apparently are beginning to pay dividends in greater oyster population on a greater number of bars.

AUDIT REPORT

Mr. Norris said the results of the annual joint Maryland/Virginia audit for fiscal year ending June 30, 1981 have been received, indicating that copies were mailed directly to each Commissioner and the PRFC office by the auditors. Mr. Parran said the report showed everything accounted for properly and commended Mr. Norris and the PRFC staff for a fine job.

APPROPRIATION REQUEST

Mr. Norris requested authority to write a request for the FY 83 appropriations of \$150,000 from each state. Mr. Jensen said that amount already had been included in the FY 83 DNR budget. Mr. Douglas said there had been a mixup in the amount requested in Virginia's biennium budget, but he had subsequently requested an appropriation of \$150,000 in FY 83 also. Mr. Parran suggested that this request for next year's funds could be incorporated into the report to the Secretaries on this year's repletion program.

CATCH REPORTS

Mr. Joseph N. Smith asked to be heard at this time. He explained he was unable to obtain an oyster license in October pending his appearance before the Commission. Mr. Wise reviewed his case history which included violations of the catch reporting regulation. Mr. Smith said he had sent messages on the back of envelopes, which we apparently did not receive.

Mr. Russell made a motion to allow Mr. Smith to obtain any PRFC license and he be placed on probation for one year. The motion was seconded and approved.

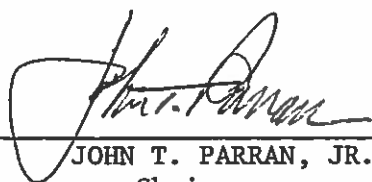
POLLUTION

Mr. Dutton asked about the disposal of sewage sludge from Blue Plains STP and questioned if it was being dumped in the Potomac. Mr. Parran said the Southern Maryland Tri-County Council is also concerned with this question and felt PRFC and TCC could work together. PRFC staff is to try to get some information on this subject.

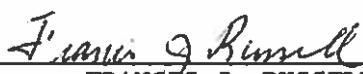
FUTURE MEETINGS

The next meeting was set for January 8, 1982 at 9:30 a.m. in Colonial Beach, Virginia.

A motion to adjourn was made, seconded and approved at 1:20 p.m.



JOHN T. PARRAN, JR.
Chairman



FRANCIS J. RUSSELL
Secretary

*Sheepshead
P. Hallbrook
E. Dutton*