

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
JANUARY 8, 1982

440

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

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

VISITORS - Paul C. Wentzell, Frank I. Wood and Henry C. Batchelor, Maryland Marine Police; Charles M. Frisbee and William A. Outten, Maryland DNR; Elgin A. Dunnington and Dr. George Krantz, U of M, CEES; Dr. Herbert Austin, VIMS; Robert T. Brown, St. Mary's Watermen's Assoc., James W. Dutton, Richard Holbrook, Walter Parkinson, Wallace M. Owens, Wallace Owens, Jr., Garnett L. Reamy, Gene A. Hundley, Ken Smith, Abner E. Dudley, Percy H. Fines, William F. Sanders, Walter I. Maddox, B. Prevatt, Robert E. Pearson, L. A. Persinger, Charles S. Bourne, Melvin H. Dent, Scotty L. Dent, Allen Dent (and others who did not sign attendance roster).

PRESS - William (Rusty) Dennan, Free-Lance Star, Dick Myers, Maryland Independent

The meeting was called to order at 9:35 a.m. by Mr. Parran. He asked for consideration of the Minutes of the meeting and Public Hearing held on December 11, 1981, mimeographed copies of which had been previously sent to each Commissioner. The following motion was made and seconded:

"That the Minutes of the December 11, 1981 meeting be approved as written." The motion was approved.

POLLUTION - SLUDGE

Mr. Parran asked for report on sewage sludge disposal problems at Blue Plains Treatment Plant. Mr. Norris said there was nothing firm to report at this time.

REGULATION CHANGES

The Chairman asked the Commissioners if they wanted to consider and vote on each change or on the entire group as a block. Mr. Jensen proposed a separate vote on each proposal. Mr. Carpenter said some changes were contingent on others, and asked that consideration be in reverse of that at the Public Hearing, with the recodification and deletion sections being considered last.

Reg. I, Section 5(d) - Recreational or Sports Finfishing. In answer to Mr. Douglas's question, Mr. Wise explained the last sentence in this section was necessary for legal purposes. Mr. Wise suggested rewording the first sentence to read: "It shall be lawful to remove finfish by hook and line from the waters of the Potomac for recreation or sport without a license." A motion was made and seconded as follows:

"That Reg. I, Sec. 5(d) be adopted as a new subsection of the regulations with the revised language of the first sentence." The motion was approved.

Reg. III, Section 11 - Prohibited Sizes of Fish. Mr. Douglas suggested changing the 34" maximum length on rock to 32" to conform with Maryland regulations. Mr. Dutton responded that PRFC regulations currently allow a 32" fork length (FL) but if we change to a 32" total length (TL), the fishermen would be losers. He said the 32" FL is almost equal to a 34" TL and, therefore,

supported the advertised change. Mr. Wise suggested a change for clarity (and which is an allowable change) in the language of subsection (c) to read as follows: (c) Return of Incidental Catch. "Any fish whose size is prohibited by these regulations, which may be caught or entrapped as an incident to other lawful fishing activities, shall be immediately released and returned to the waters where found." A motion was made and seconded as follows: "That Reg. III, Section 11 be amended and adopted with the rewording of subsection (c) as stated above." The motion was approved.

Reg. III, Section 10. Catch Limits. A lengthy discussion ensued regarding the proposed limit of 2 American shad per day to be allowed in possession for personal consumption. Several suggestions were offered which put the limit on a percentage basis for pound netters, and some involved a higher number limit. Mr. Hickman made a motion to eliminate American shad from this section and also change black bass from #2 to #1 designation of subsection (a). The motion was seconded by Mr. Hunt. After a discussion of the motion, Mr. Douglas offered an amendment to Mr. Hickman's motion which would change the proposed limit on shad to read "2 per person per day or 2% per licensee by volume of the total catch in possession, whichever is greater," and to adopt Section 10 as amended. Mr. Douglas' motion was seconded and approved. A vote was then taken on the amended original motion. The motion passed by a 4 to 2 vote with Mr. Hickman and Mr. Hunt voting "No".

Reg. III, Section 9. Prohibited Areas and Seasons. Mr. Douglas recalled that there was much testimony about problems with this section at the Public Hearing. Mr. Dutton asked that it be considered in its entirety and not by subsections. The following motion was made and seconded:

"That the entire Section 9, which was advertised, not be adopted." The motion was approved.

The advertised proposed changes deleting the sentences dealing with the fishing seasons in Reg. I, Section 2(h)(1) & (2) and Section (i)(1) & (2) were not considered. Therefore, no change in the current regulations resulted. The following motion was made and seconded:

"That the Legal Officer be authorized to recodify Reg. III, Section 8, 9(a) & (b) and 10 to accommodate the changes adopted today." The motion was approved.

A motion was then made, seconded and approved as follows:

"That the regulations as adopted today become effective March 1, 1982, and that a copy of the regulations as advertised, and a copy as amended and adopted, be attached to and made part of the Minutes of this meeting."

REPLETION PROGRAM

Mr. Carpenter reported on the 1981 Repletion Program which ran from April thru December as follows:

	<u>Bushels</u>		<u>Acres</u>	<u>Cost</u>
Seed transplanting	303,000	19	560	\$158,884.75
Shell Plantings	402,787	2	Jones Shore & Knotts Hollow	<u>157,129.19</u>
				\$316,013.94

DAMAGE TO OYSTER BARS

Mr. Wise said a followup letter was sent to C & P Towing Co. about damage to Heron Island oyster bar resulting from the grounding of the barges and tug "SeaLevel" on June 3, 1981. C & P Towing Co. responded by letter dated 12/30/81, and without admitting any liability, offered a full settlement for the alleged damages of \$3,500.00. Mr. Wise advised the Commission to accept this offer and apply the funds to the oyster repletion program. A motion was made and seconded as follows:

"That the settlement proposed by C & P Towing Co. be accepted and the funds applied to the oyster repletion program." The motion was approved.

DISBURSEMENTS & CASH ON HAND

Disbursements for the second quarter (Oct-Dec) were presented by budget item. Mr. Norris said most expenditures were running in line with our budget estimates. They totaled \$166,605.74 of which \$109,891.31 was for oyster repletion work. He also reported the sale of oyster licenses was greater than estimates and, therefore, the oyster tax revenue will be more than estimated. Cash balances as of January 6, 1982 were presented as follows: Bank of Westmoreland - Checking - \$15,947.80 - Statement savings - \$1,426.59 - C/D \$60,000; Maryland National Bank - Savings \$566.32 - C/D \$100,000; Peoples Bank of Montross - C/D \$100,000. Total \$277,940.71. A motion to approve the second quarter disbursements of \$166,605.74 was made, seconded and approved.

OYSTER PRODUCTION REPORT

An oyster harvest report for the first three months of the season as compared with the same period last year was presented. It showed over 70,000 bushels harvested, 65,000 by hand tongs and 5,000 by hand scrapes. Last year tongs harvested 34,000 and scrapers 6,600 during the same period. This has generated just under \$17,000 in oyster tax vs \$9,900 last year. The number of licenses increased to 817 vs 551 last season. Sheepshead, Ragged Point and Swan Point lead in production by tongs. Great Neck and Hog Island accounted for the bulk of the hand scrape harvest. Mr. Brown suggested Sheepshead and Dukeharts Swash should be combined for statistics purposes. Mr. Carpenter said this had already been done.

REPLETION PROGRAM

Mr. Norris reported that the scientific and law enforcement advisors had met with the staff just after the last Commission meeting to develop a repletion program for 1982 to present to the Watermen's Advisory Committee. When presented, that committee incorporated several proposals in the plan submitted today for Commission approval. It was estimated that \$260,000 will be available for this 1982 program. The plan recommends 380,000 bushels of fresh shell and 214,000 bushels of seed transplanted from Jones Shore. The shell plantings are: Jones Shore - 200,000 bu. on 25 acres; Hog Island - 80,000 bu. on 15 acres; Bonums and St. Georges 50,000 bu. on 10 acres each area. The seed transplantings are: Cedar Point - 6,000 bu. and 16,000 bu. on each of the following: Cobb Bar, Coles Point, Great Neck, Gum Bar, Heron Island, Huggins, Knotts Hollow, Old Farm, Green Hill, Red Bar, Stony Point (Rosiers Creek), Sheepshead and Swan Point. An attempt will be made to prorate the number of bushels per acre with the average count per bushel. If the average count is 1,250 oysters per bushel - plant at the rate of 400 bushels per acre, if the average count is 1,000 oysters per bushel - plant at the rate of 500 bushels per acre, etc. Thus the acreage of each area will depend on the count of seed per bushel. The recommendation also established a minimum count of 350 per bushel for transplanting, but the count is expected to be in the 500-700 range.

The following motion was made and seconded:

"That the repletion program for 1982 as outlined above be adopted, and the staff is authorized to advertise for bids, award the contracts and begin work on the program" The motion was approved.

SCIENTIFIC ADVICE

Mr. Dunnington reported that there had been too little time since the last meeting to make a joint review and updating of the Plans for Management of the Fisheries of the Tidal Potomac River prepared jointly by VIMS and CBL in 1976, but hoped to have the assignment completed for the next meeting.

HAND SCRAPING

Mr. Dutton stated that the five year experimental hand scraping program will not be completed until March 1982. He requested that before any decision was made on continuing, expanding or ending the hand scraping, that a survey of the areas affected be made.

Mr. Brown is willing to participate in such a survey and asked that the survey be scheduled to allow time for a decision on expanding the area before next oyster season. The discussion moved onto other subjects, but when it returned, Mr. Russell said he believed a report from the scientists would be needed at the next meeting. The Chairman authorized the staff to begin the necessary surveys and advisory meetings prior to the next Commission meeting.

POWER DREDGING

Mr. Brown asked the Commission to consider seeking authorization to regulate power dredging as a method of modernizing oystering in the Potomac. Mr. Dutton believes in modernizing but he and Mr. Jensen questioned if the resource could stand the pressure and expressed concern about watermen who would be replaced by part-timers who are employed elsewhere. Mr. Douglas said such a change would require legislative approval from both states and felt Virginia would support it.

OYSTER TAX

Mr. Brown suggested it was time to increase the inspection tax on oysters. He believes the only way to increase production is for the harvester to pay enough in oyster tax to plant another bushel of seed for each bushel he harvests. Mr. Douglas mentioned a surtax on power dredged oysters as one possible means to increase revenues. But as far as an increase in the inspection tax, which is limited to 25¢ per bushel, that would require changing the Compact.

After a general discussion of both power dredging and the oyster tax, the following motion was made and seconded:

"That the Commission endorse the concept of seeking legislative authority to regulate power dredging; and together with that legislation to seek authority to charge a surtax on the oysters harvested by power dredging. Also, that the Commission promote a request for the States to study the Compact in light of the need to increase the inspection tax imposed on all oysters harvested." The motion was approved.

Mr. Douglas and Mr. Jensen agreed to work together to have the necessary legislation introduced in their respective legislatures this session.

NOMINATING COMMITTEE

Mr. Hunt reported that the committee had met but due to the impending change in the Virginia membership, he suggested reporting a slate of officers at the next meeting.

BUDGET COMMITTEE

The Chairman asked Mr. Hickman and Mr. Russell to serve on the budget committee.

RESOLUTIONS

At this point, Mr. Dutton asked if he could say a few words and was recognized by the Chairman. Mr. Dutton said there had been rumors that the Virginia Commissioners may be replaced. Speaking on behalf of the watermen he represented, and perhaps a few he didn't, he thanked the Virginia Commissioners for a job well-done. With their help, the period of their terms has been one of the most productive since the beginning of the Commission.

CATCH REPORTS

Mr. Scott L. Dent appeared before the Commission to request permission to obtain licenses in the future. Mr. Carpenter reviewed his record of failure to file reports and the actions taken by the Commission at previous meetings, wherein he was required to personally appear before the Commission before any new licenses could be issued. Mr. Dent explained that they have trouble with the mail service in his area, and attributed his problems to the mail service.

The following motion was made and seconded:

"That Mr. Scott Dent be allowed to obtain licenses only after all delinquent catch reports are filed and that he be placed on probation for one year after obtaining any license." The motion was approved.

FUTURE MEETING

The next meeting will be held on May 7, 1982, at 9:30 a.m. at the Commission office.

A motion to adjourn was made, seconded and approved at 12:10 p.m.



JOHN T. PARRAN, JR.
Chairman


FRANCIS J. RUSSELL
Secretary

*Re-official
by [unclear] 4 p.m.*