

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
JULY 23, 1982

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PRESENT: COMMISSIONERS - John T. Parran, Jr., Francis J. Russell, R. Wayne Browning, and Ivan D. Mapp. (James E. Douglas, Jr., Chairman and William P. Jensen absent.)

OFFICERS - Robert M. Norris, Jr., Executive Secretary; Kirby A. Carpenter, Assistant Executive Secretary.

VISITORS - Paul C. Wentzell, Henry C. Batchelor, Frank I. Wood, Roy W. Rafter, Jack Taylor, Maryland Marine Police; Robert J. Markland, Virginia Marine Police; Bill Seiling; DNR; Elgin A. Dunnington, U of M, CEES; Dexter Haven, VIMS; Richard H. Daiger, Virginia Watermen's Assoc.; James W. Dutton, Charles County Watermen's Assoc.; Douglas H. Cornelius, St. Mary's Watermen's Assoc.; Harry T. Stine, Douglas Jenkins, plus several others who did not sign register.

PRESS - Lawrence Latane, Westmoreland News; Larry Evans, Free Lance-Star.

The meeting was called to order at 9:30 a.m. by Mr. Parran, Vice Chairman. He asked Mr. Norris to introduce the new Virginia Commissioner, Ivan D. Mapp of Virginia Beach, Virginia. Mr. Norris did so and said Mr. Mapp is presently a member of the Virginia Marine Resources Commission and is Commissioner of Revenue for the City of Virginia Beach.

Mr. Parran requested consideration of the Minutes of the May 7, 1982 meeting, mimeographed copies of which had been previously sent to each Commissioner. The following motion was made and seconded:

"That the Minutes of the May 7, 1982 meeting be approved as written and circulated." The motion was approved.

REPLETION PROGRAM

Mr. Carpenter gave a progress report on the oyster repletion program saying the shell planting of 475,000 bushels was completed by the end of June and distributed as follows: the upper half of area #12 on Jones Shore received 265,383 bushels, St. Georges Island - 50,710 bushels on 21 acres, Hog Island - 93,555 bushels on 15 acres and Bonums - 65,360 bushels on 11 acres. The total cost, including count and control, was \$185,083.55.

The seed transplanting was started early in May and 46,000 bushels were moved before the operation was halted temporarily. The work will resume next week and should be completed within two months.

JURISDICTIONAL MARKERS

Mr. Carpenter reported that 16 of our jurisdictional line markers, 4 are missing (from ice conditions) and 12 are in various stages of disrepair. We have contacted several marine contractors but have received only one bid which seems a bit high. That bid was for \$1,275 per day for labor only and from past experience the PRFC staff believes that the average driving rig can complete only one marker per day. He said that we hope to get additional bids in order to obtain more modest prices. The day markers have been ordered from the U. S. Coast Guard. A further report will be given at the next meeting.

DAMAGE TO OYSTER BAR

We have had no further word from C & P Towing Company regarding payment of damages to Heron Island oyster bar.

DISBURSEMENTS & CASH ON HAND

Disbursements for the fourth quarter (Apr-Jun) were presented by budget item. They totaled \$197,246.80 of which \$169,294.15 was for oyster repletion work. Mr. Browning inquired about the unexpended funds for contractual services from last year's budget. Mr. Norris explained by the anticipated expense of repairing the jurisdictional markers in FY 82 was not incurred but, as stated above, we hope to have it done in the current fiscal year. A motion to approve the fourth quarter disbursements of \$197,246.80 was made, seconded and approved.

A statement of cash on hand as of July 21, 1982 was presented as follows: First Virginia Bank - Northern Neck - checking \$2,029.27, savings \$665.55; Maryland National Bank - savings \$6,001.21, certificate of deposit \$260,000.00; Peoples Bank of Montross - certificate of deposit \$100,000.00 for a grand total of \$368,696.03.

SOFT SHELL CLAMS

Mr. Dunnington reported on the recent soft shell clam survey off Cobb Island and Cuckolds Creek areas, saying the 8 or 10 samples taken showed a small number of clams in one spot. It was not possible to determine the extent of the harvestable clams at Cobb Island in the short time allotted for the survey but there are some clams there. Although the Commission has the authority to open any area within its jurisdiction, Mr. Dunnington does not believe that the Cobb Island area could support any long term harvesting. Mr. Parran suggested that due to the lack of two Commissioners and no clammers being present, that this subject be brought up at the next meeting.

LEGISLATIVE COMMITTEE RECOMMENDATIONS

Mr. Norris reported that a legislative committee meeting had been held as directed. They reviewed many items but are recommending only those believed necessary. Some new sections are proposed as well as recodifying and rewording some sections for clarity. He then read each proposed change. Mr. Parran stated that we would have comments on the proposals following the reading. He then read a petition signed by ten (10) watermen from Colonial Beach and King George County area requesting that the Commission not close the river from January 1 thru February 14, (one of the changes) for the same reasons given at the previous hearing on December 11, 1981. Mr. Parran asked for further comments from the floor. Mr. Dutton said his understanding from previous discussions was that restricting winter gill netting was tied to closing the upper river and the two proposals should be considered as one. He also objected to the 150 ft. maximum distance allowed by regulations between stake gill net poles. Col. Wentzell said this ruling originated before we had anchor gill nets and there should be no objection to eliminating this 150 ft. requirement. Mr. Dutton said we should have another book with the intent of the law, or at least a regulation which states that only "licensed" gear is lawful in the Potomac. He cited the current gill net situation in Virginia as an example of possible problems.

Mr. Markland questioned why we propose to allow a 100 yd. trot line without a license and was told that Maryland allows this as a form of recreation and we have a limited demand in the Potomac River for it. He then said he does not believe we should allow free trot lines because free handlines, dip nets and collapsible pots seem sufficient for sport or recreation.

Mr. Browning questioned the proposal to not allow one free crab pot. Mr. Norris explained the privilege is abused by many persons who use many more than "one" pot and we are proposing alternate means for recreation or household use. Mr. Browning and Mr. Dunnington feel it is taking away a freedom and is not a material abuse. Mr. Dunnington firmly believes the fisheries of the river are public and not the property of any single group. Mr. Parran asked if much additional work would be involved in issuing a gratis license for one pot. Mr. Norris said it would be a time-consuming and expensive endeavor and possibly unworkable from an administrative and enforcement position. In reply to question Mr. Markland was told that a person with one free pot must abide by all the regulations except buying a license.

Mr. Parran asked for a motion to approve all of the above proposed changes except for Reg. I, Sec. 5(a) for a public hearing. The motion was made, seconded and approved.

A motion was then made to approve Reg. I, Sec. 5(a) and amend Sec. 5(e) by incorporating the single free crab pot provision into this section. Motion was seconded and approved.

A motion was made to eliminate the portion of Reg. I, Sec. 2(i)(1) referring to poles and stakes being spaced not more than 150 ft. apart in series. The motion was seconded and approved.

Mr. Norris reported the legislative committee suggested our regulations should contain more and, in some cases, better definitions of the gear and terms used throughout the book, and this should be the subject of a special working group. Mr. Parran asked Mr. Norris to begin a list of definitions and present it for consideration at a future meeting.

WARNING TICKETS

The legislative committee also recommends the adoption of a written warning ticket system. Both the Maryland and Virginia law enforcement representatives supported the concept of written warnings as well as the watermen who were present. Commissioner Mapp questioned the warning tickets saying if a person breaks the law a regular citation should be issued. Capt. Wood explained the warning tickets used elsewhere in Maryland have proven very helpful in obtaining compliance with the law and it is used by the court systems. Mr. Markland said the officers have always had the option of a verbal warning or issuing a citation and this would simply add a written warning.

The following motion was made and seconded.

"The Potomac River Fisheries Commission adopt a written warning ticket system for use by the Maryland and Virginia officers charged with enforcing Potomac River Fisheries Commission regulations." The motion was approved.

CATCH REPORTS

Mr. Parran explained that in the absence of a legal officer to act as a hearing officer, former Commissioner Rublemann served as a hearing officer. Mr. Rublemann's report on 15 persons delinquent in filing catch reports was reviewed. Mr. Parran asked if any of the 15 were present, but no one responded. Mr. Carpenter reported that Mr. Brent Aaron had called to say he was unable to attend today's hearing and asked if he could appear at the next meeting.

The following motion was made and seconded: "That the hearing officer's recommendations for the 15 persons delinquent in filing their seafood catch reports be adopted." The motion was approved.

OYSTER TAX

Mr. Dutton believes the oyster tax provision of the Compact could be interpreted to read the Commission was limited to a maximum increase of 25¢ per bushel per year. Mr. Parran said he would confer with Mr. Douglas about sending a letter to the appropriate persons concerning increasing the oyster tax.

FUTURE MEETING

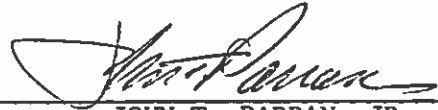
Mr. Jenkins asked if there was a possibility of starting the Commission meetings at 11:00 a.m. or noon to enable more watermen to attend. Mr. Parran said this would be brought up at the next meeting when all Commissioners are present.

The next meeting will be held at 9:30 a.m. October 1, 1982, at which time a public hearing on the proposed regulations will be held. Mr. Russell

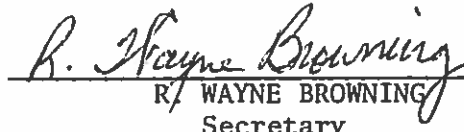
NOTE: APPROVALS ARE ONLY FOR PURPOSES OF ADVERTISING A PUBLIC HEARING - "

suggested we reserve the Fire Hall in anticipation of a large turnout at the public hearing. (Subsequent to this meeting a decision was made by telephone poll to change the meeting date to October 8, 1982.)

A motion to adjourn was made, seconded and approved at 11:40 a.m.



JOHN T. PARRAN, JR.
Vice Chairman



R. WAYNE BROWNING
Secretary

POTOMAC RIVER FISHERIES COMMISSION
1982-83 BUDGET

	1982-1983 BUDGET	
<u>PERSONAL SERVICE:</u>		
101 Compensation of Commissioners	1,500.00	
102-108 Salaries	75,870.60	
109 Part-time Help	500.00	
112 Commissions to Clerks license sales	350.00	
199 Other personal services (janitorial)	<u>500.00</u>	\$78,720.60
<u>CONTRACTUAL SERVICES:</u>		
201 Advertising	3,500.00	
204 Postage	1,800.00	
205 Telephone	3,400.00	
208 Electric Current	750.00	
212 Lease of Equipment	180.00	
214 Membership dues & subscriptions	350.00	
216 Printing Regulations	1,000.00	
220 Travel Expense	6,000.00	
221 Water Service	165.00	
224 Photographic Services - Charts	400.00	
270 Repairs to equipment	700.00	
280 Interest Expense	500.00	
299 Other Contractual Services	15,000.00	
301 Automotive Expense	3,000.00	
309 Fuel for Heat	1,200.00	
313 Office Supplies	1,000.00	
330 Household Furnishings & Supplies	250.00	
332 Licenses, Tags, Report Books	<u>4,500.00</u>	43,695.00
<u>CURRENT CHARGES & OBLIGATIONS:</u>		
240 Insurance - surety bonds, fire, auto liability, workmen's comp.	<u>3,000.00</u>	3,000.00
<u>PENSION AND OTHER CONTRIBUTIONS:</u>		
510 Retirement	5,773.78	
511 Group Insurance	180.00	
513 Employer's O.A.S.I.	<u>5,017.42</u>	10,971.20
<u>CAPITAL OUTLAYS:</u>		
801 Office & Other Equipment	1,400.00	
802 Furniture and fixtures	300.00	
805 Improvements of Building	<u>1,200.00</u>	2,900.00
<u>DEVELOPMENT & REPLETION EXPENSES:</u>		
225,331,333 & 335 Seed oysters and/or shells	<u>408,458.80</u>	408,458.80
<u>UNEXPENDED CASH BALANCE:</u>		
	<u>20,000.00</u>	<u>20,000.00</u>
TOTAL:		<u>567,745.60</u>

POTOMAC RIVER FISHERIES COMMISSION

1982-83 BUDGET

RECEIPTS

	<u>1982-1983 BUDGET</u>
UNEXPENDED CASH BALANCE BROUGHT FORWARD: (as of 7/1/82)	\$115,945.60
SALE OF LICENSES:	
Fish	30,000.00
Oyster	50,000.00
Crab	20,000.00
Clam	300.00
OYSTER BUSHEL INSPECTION TAX:	25,000.00
APPROPRIATIONS BY STATE:	
Maryland	150,000.00
Virginia	150,000.00
INTEREST ON SAVINGS (C/D's)	25,000.00
MISCELLANEOUS: CONFISCATED PROPERTY & SALE OF TAGS, ETC.	<u>1,500.00</u>
TOTAL	\$567,745.60