

MINUTES OF THE MEETING  
POTOMAC RIVER FISHERIES COMMISSION  
COLONIAL BEACH, VIRGINIA  
NOVEMBER 18, 1983

PRESENT - COMMISSIONERS - Francis J. Russell, John T. Parran, Lee E. Zeni,  
William A. Pruitt, Ivan D. Mapp and R. Wayne  
Browning

OFFICERS - Kirby A. Carpenter, Executive Secretary and  
J. Clifford Hutt, Legal Officer

VISITORS - Paul C. Wentzell, Frank I. Wood, Harvey Cook,  
Natural Resources Police; Charles Frisbee,  
Beverly Jack, George Krantz, Bill Sieling,  
Dept. of Natural Resources; Elgin A. Dunnington,  
CBL; Donald O'Bier, Robert Markland, Oren Mears,  
VMRC; Dexter Haven, VIMS; Dennis Flynn, Southern  
Maryland RC&D; Richard Daiger, Robert T. Brown,  
Mark Norris, William Feldman, Meverill Haynie,  
Calvin Myers, Willard Dutton, Ralph Butler,  
Kenneth Wicker, James Chatham, Ralph R. Herbert,  
Robert Reamy, Thomas Young, David Young, Edward  
Newton, Wayne Balderson, and several others  
who did not sign the register.

PRESS - Isobel Gough, Richmond News Leader; Larry Evans,  
The Free Lance-Star; Joseph Norris, The Enterprise;  
and Viki Volk, WPTX

The meeting was called to order at 9:35 a.m. by Chairman Russell. Mr. Russell requested consideration of the Minutes of the August 5, 1983 meeting, mimeographed copies of which had previously been sent to each Commissioner. The following motion was made by Mr. Browning and seconded by Mr. Parran:

THAT THE MINUTES OF THE AUGUST 5, 1983 MEETING BE APPROVED AS WRITTEN AND DISTRIBUTED. The motion was approved.

DAMAGES TO HERON ISLAND OYSTER BAR

A report was given on the status of the balance owed by C & P Towing Company for damages to the Heron Island oyster bar. Mr. Pruitt stated that he would like to see this item settled and removed from the agenda. He suggested C & P Towing Company should arrange to borrow money from the bank, if needed, to settle this account. Mr. Hutt was instructed to write C & P Towing Company a letter demanding payment in full immediately.

OYSTER REPLETION PROGRAM

The 1983 oyster repletion program was interrupted this past spring, due to the low salinity caused by heavy spring rains. Assuming the weather holds we will have planted 207,700 bushels of seed at a cost of \$99,696.00 with an estimated cost of \$5,492.00 for count and control, making a total cost of \$105,188.00 when the program resumes. In September the counts were running 800 and 900 as compared to counts of 400 and 500 in May. Two loads of seed were planted on Bluff Point last May to experiment with plantings in low salinity. Careful monitoring of this planting confirmed that interruption of the program was warranted. One load of seed was planted on Beacon Bar to enhance the brood stock and hatchery planting after a survey revealed high salinity and good survival of the previous planting.

Mr. Carpenter noted this is the second largest seed planting program in the history of the PRFC and, having been interrupted by the low salinities this spring, the plantings were extended late into the fall. Mr. Russell suggested future programs should be confined to the April to September time frame.

HAND SCRAPE

Mr. Dunnington said a report by the scientific advisors had been circulated relating to the expansion of the hand scrape area. The addition of this year's data only served to reinforce the conclusions of a similar report presented a year ago, that the area of the river now used for hand scraping corresponds to the area where natural set occurs. That, further upriver you cannot expect reasonable production without transplanting seed. That, no seed be planted in the current hand scrape area, however, shell planting is a good way to increase production in that area. That the hand scrape area should not be moved further upriver because production cannot be maintained with the present limited resources available. And, that there is a definite correlation between shell planting and oyster harvest in that portion of the river.

Mr. Parran asked about the general condition of the area itself. Mr. Dunnington replied that when hand scrape was first initiated, it was widely predicted that the "cultivation" of the bottom would increase the strike. This has not occurred. The present condition of the bottom is about the same. If a bar has been worked hard it is evident by increased mortality. This is not necessarily bad it is just a fact of life.

Mr. Haven said he had co-authored the written report and concurred with Mr. Dunnington's summation of the findings.

EXTENSION OF PIER AT ST. CLEMENTS ISLAND

Mr. Robert T. Brown said that he has requested a court injunction to stop extension of a pier at St. Clements Island, and a hearing is scheduled for November 28. The Board of St. Mary's County Commissioners have said they will support his efforts. This pier extension will interfere with clamming, as well as a haul seine berth, in this area. He asked to have the Executive secretary available on November 28 to testify that this is a haul seine berth and furnish general information to the court. Mr. Russell requested the Legal Officer's opinion. Mr. Hutt replied that "you are dealing with regulations which are established by the Corps of Engineers and the State of Maryland." Maryland has followed the lawful processes as far as he can determine. In this particular instance, he did not believe the Commission has any grounds to object or endorse the pier extension. However, he saw no problems with Mr. Carpenter testifying to the facts which the court determines are relevant to this particular case.

DISBURSEMENTS & CASH ON HAND

Disbursements for the first quarter of FY 83-84 (Jul - Sept) were presented by budget item totaling \$102,945.40. The interruption of the seed transplanting program and the fact that some of the shells planted this year were not paid for until after July 1, resulted in a large balance brought forward. The auditors generally adjust the balance at the time the audit is conducted which has not been done this year. The Maryland appropriation was not reflected on the receipts page because it was not received in the first quarter but is included in the statement of cash on hand. The sale of oyster licenses and oyster inspection tax is falling short of projected amounts. Mr. Hutt recommended putting in a third column on the receipts page to show comparative receipts from the past year. Mr. Carpenter concurred with this suggestion. The statement of cash on hand as of November 16, 1983 is as follows:

First VA Bank - Northern Neck:

Checking (Includes \$200.00 Petty Cash)	\$ 22,271.87
Statement Savings	51,562.62
Certificate of Deposit	50,000.00

Maryland National Bank:

Savings: (for Maryland office) \$ 12,892.18

Maryland Bank and Trust Co.:

Certificate of Deposit 150,000.00

Peoples Bank of Montross:

Certificate of Deposit 50,000.00

Grand total in banks \$336,726.67

Mr. Parran made the following motion which was seconded by Mr. Mapp:

THAT THE FY 83-84 FIRST QUARTER DISBURSEMENTS OF \$102,945.40 BE APPROVED.  
The motion was approved.

OYSTER HARVEST

The oyster production report for the first six weeks of the season showed only 21,000 bushels harvested. This is about half of the harvest for a comparable period last year. The number of licensed tongers fell from 807 last year to 551 this year. However, the hand scrape licenses increased from 54 last year to 82 this year. The oyster harvest report shows that the most productive bars were: Ragged Point, Swan Point, Jones Shore, Sheepshead and St. George's.

OYSTER SURVEY - FALL 1983

In October, the annual fall oyster survey was conducted with personnel from VIMS, CBL, Maryland Department of Natural Resources, VMRC and PRFC staff. A report was given by Mr. Dunnington which included the results of a survey made in August as well as October. There was a moderately good but very late spatfall at the mouth of the river. Many of the spat seen in October were only a few days old and it is impossible to count such small spat accurately. There is a good possibility that if the spat survive the winter, you may see a good set in the lower river next spring. Heron Island and Huggins oyster bars were found to have above average mortalities. There was no evidence of any known diseases or predators in the samples which were examined at VIMS. Most of the boxes counted from these bars were several months old, thus recently collected samples probably do not reflect conditions that existed when the oysters were dying and the cause of the mortality is still under investigation. For the first time in two years the area above the bridge was surveyed. Seed planted in 1978 and 1980 on Beacon Bar has survived and is showing some growth. Just below the bridge there was an indication that there has been some natural reproduction over the last few years. It appears the brood stock planted in the upper river following AGNES, has been successful in helping to restore oysters to the upper river. An experimental planting on Bluff Point under very low salinity conditions resulted in a mortality close to 50%. As a result of this it was decided to delay planting seed in this area until there was an increase in salinity. Mr. Russell questioned the feasibility of setting a minimum salinity of 7ppt. before planting seed in an attempt to eliminate some of the mortality. Mr. Dunnington replied that it would be safer but unrealistic. There will be times even in the midst of the summer when the middle and upper river salinity would be below that level, and the planting would have to be done at some other time.

Mr. Carpenter said that following AGNES the Commission closed the river above the 301 bridge to oystering. That order is still in effect and he recommended that the restriction be lifted. He believed that watermen should be allowed to work this area if they so desire. The following motion was made by Mr. Parran and seconded by Mr. Pruitt:

TO OPEN THE AREA ABOVE THE 301 BRIDGE FOR OYSTERING. The motion was approved.

Mr. Mark Norris asked about the mortality on Cornfield Harbor. Mr. Russell said that on the last planting the spat was so small that you could not get a realistic count of the mortality. Mr. Dunnington said the heavy larvae set on other oysters indicates more shell is needed in that area.

#### STRIPED BASS

Dr. George Krantz presented Maryland's plan to increase production of striped bass. The juvenile striped bass young of the year index has been far below the 30 year average for four out of the last five years. The 1983 index number was determined to be 1.4 which is 85% below the average of 10.01. Essentially, Maryland's plan is to request that all the member states comply with the Atlantic States Marine Fisheries Commission's Interstate Striped Bass Management Plan and to consider some modifications to that plan. Dr. Krantz cited the list of ten suggested conservation actions which include: a five fish creel limit, banning the use of anchor gill nets, a 3-3/4" mesh in gill nets, increasing the area when the fishing ban is in effect, prohibit taking of trophy striped bass from January 1 to May 31, and prohibit the spring fishing for striped bass. He indicated the Governor of Virginia is also in agreement with this plan, and the PRFC's actions at the last meeting have already addressed the problems outlined in the plan.

Mr. Al Getz, Governor's Appointee to the ASMFC, thanked the Chairman for allowing him to speak. He believes Maryland and Virginia have been very successful in getting the other states to look at the problem realistically and understand that if they want to share the resource they must respond with complimentary actions in their states. He believes the PRFC has already responded and praised the Commission for its actions. He believes that man can truly raise wild fish economically, and that hatcheries could be in operation by next spring raising rock fish inexpensively.

On a related item, the Chairman introduced Mr. Dennis Flynn, Southern Maryland Resources & Conservation Board. Mr. Flynn presented a plan called EROSION CONTROL TARGET AREA, for the Prince George, Charles, St. Mary's, Calvert and Anne Arundel counties. An office would be established employing technically trained persons to assist the farmers in reducing the sediment run-off from farms surrounding the Bay. The farmers would be eligible for federal monies to create a buffer zone around the farms which would help solve this problem. The project is federally funded and the monies will be used in other parts of the country if it is not used in this area. Mr. Flynn asked the Commission to endorse the plan, since the agricultural community is identified as a major source of sediment which has an adverse impact on fisheries.

Mr. Zeni asked if this plan was part of the Mason-Dixon project. Mr. Flynn replied it is complimentary to the Maryland project for the upper Bay, but covers the counties noted earlier. There are also projects for the Northern Neck and Lower Eastern Shore.

Mr. Russell noted the goal of reducing sedimentation in the river will benefit the watermen ultimately.

The following motion was made by Mr. Mapp and seconded by Mr. Parran:

THAT THE POTOMAC RIVER FISHERIES COMMISSION ENDORSE THIS SOIL EROSION CONTROL PLAN AS EXPLAINED BY MR. FLYNN. The motion was approved unanimously.

The following motion was made by Mr. Zeni and seconded by Mr. Mapp:

THAT THE POTOMAC RIVER FISHERIES COMMISSION SUPPORT THE RECOMMENDATIONS OF THE SCIENTIFIC AND STATISTICAL COMMITTEE MADE TO THE ASMF BOARD. The motion was approved unanimously.

#### NOMINATING COMMITTEE

Mr. Russell appointed Mr. Parran and Mr. Browning to the nominating committee asking them to report at the next meeting.

REGULATION CHANGES

Mr. Richard Daiger presented a "Program of Action 1983" involving numerous suggested regulation changes, which had been drawn up by the Westmoreland County Chapter of the Virginia Watermen's Assoc. Mr. Daiger outlined the suggestions as follows: (1) any boat should be allowed to have a power or hand operated winch, spool or winder, (2) the cull limit for oysters under 3" should be changed from 5% to 10%, (3) the use of power or hand device to hand scrape (it would allow older persons and persons with bad backs to work a little easier), (4) expand the hand scrape area to include the area downstream from a line drawn between the Maryland/Virginia marker "PRV6B" at Hollis Marsh and the "Cross" on St. Clements Island, (5) the hand scrape season should begin on November 1 and run through March 31 and have the time extended from 1:00 p.m. to 2:00 p.m., (6) impose a catch limit of 10 bushels per man or 20 per boat, (7) the licensee should not have to be on board buy boats, (8) buy boat should not be subjected to the same cull law as the harvesters, and (9) a vessel may not be used for both catching and purchasing oysters on the same day.

Mr. Parran made the following motion which was seconded by Mr. Browning:

TO REFER THESE SUGGESTED CHANGES TO THE LEGISLATIVE COMMITTEE WHICH WILL INCLUDE TWO COMMISSION MEMBERS AND REPORT THE RECOMMENDED ACTIONS AT THE NEXT MEETING. The motion was approved.

HAND SCRAPE

Mr. Robert T. Brown said that in view of the rock fish ban, watermen have to find work. He requested that the hand scrape area be moved to a line from St. Catherine to King Copsico. He asked that the area to be reshelled on Jones Shore be opened for one week to allow the industry to catch any oysters before reshelling. Mr. Carpenter said it has been the practice of the Commission to use the seed transplanting boat to clean an area before reshelling.

Mr. Mark Norris requested that the use of patent tongs be allowed in areas where natural reproduction is occurring. Mr. Carpenter replied that patent tonging is currently prohibited by the Compact.

Mr. William Feldman requested that more shells be put in the lower river where hand scraping is currently permitted.

REGULATION CHANGES

Mr. Carpenter informed the Commission that the Atlantic States Marine Fisheries Commission has adopted a management plan for summer flounder. He suggested that this plan be evaluated by the legislative committee. Also, it had been brought to his attention that there may be a need to re-evaluate the size limit on white perch. The Chairman asked that both subjects be addressed by the legislative committee.

CATCH REPORTS

Six persons had been called before the hearing officer. In reviewing his recommendations regarding those individuals who had failed to file the required seafood catch reports, a discussion was held concerning whether a person who is called to a Commission hearing should be told prior to that hearing that the recommendation of the hearing officer was that no action be taken. This could indicate that there is no reason for the offender to attend the hearing. Mr. Carpenter explained that the guidelines which are followed by the hearing officer were adopted by the Commission several years ago. Mr. Hutt was directed to review the notice which is sent to the individual advising him of the Commission hearing. The following actions were taken:

ROBERT T. BROWN - The following motion was made by Mr. Parran and seconded by Mr. Mapp:

TO FOLLOW THE RECOMMENDATION SET BY THE HEARING OFFICER. The motion was approved.

RALPH BUTLER - Mr. Butler was still delinquent in the report for February. The following motion was made by Mr. Pruitt and seconded by Mr. Parran:

TO FOLLOW THE RECOMMENDATION SET BY THE HEARING OFFICER SUBJECT TO THE FILING OF THE FEBRUARY REPORT BY MR. BUTLER. The motion was approved.

THOMAS D. YOUNG - The following motion was made by Mr. Pruitt and seconded by Mr. Parran:

TO ALLOW MR. YOUNG THE PRIVILEGE OF OBTAINING HIS LICENSE FOLLOWING AN EXTENSIVE EXPLANATION OF THE CATCH REPORTING SYSTEM. The motion was approved.

There being no other persons called to this hearing present, the following motion was made by Mr. Parran and seconded by Mr. Browning:

TO ADOPT THE REMAINDER OF THE HEARING OFFICER'S RECOMMENDATION AS PRESENTED.

The following amendment to this motion was made by Mr. Mapp and seconded by Mr. Parran:

HOWEVER, IF THERE ARE EXTENUATING CIRCUMSTANCES IN ANY OF THE OTHER CASES BROUGHT TO OUR ATTENTION, THE EXECUTIVE SECRETARY IS TO POLL THE COMMISSION MEMBERS. The motion and amendment were approved unanimously.

#### NEXT MEETING

The next regular meeting will be held on February 3, 1983 at 9:30 a.m. at the Colonial Beach PRFC office.

#### EXECUTIVE SESSION

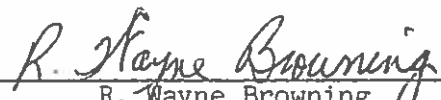
At 11:50 a.m. the following motion was made by Mr. Parran and seconded by Mr. Pruitt:

THAT THE COMMISSIONERS AND OFFICERS GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS. The motion was approved.

The meeting was reconvened at 12:15 p.m. and Mr. Parran made the following motion which was seconded by Mr. Browning:

TO ADJOURN THE MEETING AT 12:16 p.m. The motion was approved.

  
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Francis J. Russell  
Chairman

  
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R. Wayne Browning  
Secretary