

MINUTES OF THE MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
MAY 11, 1984

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

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

VISITORS - Paul C. Wentzell, Henry C. Batchelor, John F. Mattingly, Maryland Department of Natural Resources Police; Bill Sieling, Harley Speir, Charles Frisbee, DNR; Elgin Dunnington, U of MD CBL; Frank Wojcik, VIMS; Brady Bounds, Mid-Atlantic Sportfishing Council; Robert J. Markland, Donald O'Bier, VMRC Police; Ben Daniels, VMRC; Edward Dent, Jessie Dent, Danny Arnold, Walter Morris, Robert T. Brown, George Robberecht, Richard Daiger, Wayne Balderson, Veremdell Hudnall and several others who did not sign the register.

PRESS - Vicki Volk, WPTX; Isabel Gough, Richmond News Leader; Larry Evans, The Free Lance-Star; Christine Reed, Richmond Times Dispatch; Joseph Norris, Engerprise

The meeting was called to order at 9:00 a.m. by Chairman Mapp, Mr. Mapp requested consideration of the Minutes of the February 3, 1984 meeting, copies of which had previously been sent to each Commissioner. The following motion was made by Mr. Browning and seconded by Mr. Pruitt:

THAT THE MINUTES OF THE FEBRUARY 3, 1984 MEETING BE APPROVED AS WRITTEN AND DISTRIBUTED. The motion was approved.

WESTMORELAND COUNTY WATERMEN, ET AL VERSUS PRFC

Mr. Hutt reported that Judge Robert R. Merhige, Jr., U. S. Federal District Court, Richmond, VA rendered a decision on February 28, 1984 in favor of the Commission and upheld the regulation changes which had been challenged. The court has not rendered a written decision as yet. Chairman Mapp ordered that this report be made a part of these minutes.

OYSTER REPLETION PROGRAM

Mr. Carpenter reported that the seed portion of the program was completed in April and that 15,300 bushels of seed had been removed from area #2 of Jones Shore and planted on Sheepshead. He also stated that, as of May 10, 1984, 125,000 bushels of shell had been planted and the program is progressing very smoothly. Chairman ordered that this report be made part of the minutes.

ASMFC's STRIPED BASS MANAGEMENT PLAN

Mr. Harley Speir addressed the Commission and gave a report on the Atlantic States Marine Fisheries Commission's (ASMFC) Striped Bass Management Plan. The Scientific and Statistical Committee of the ASMFC recommended that coastal states reduce their striped bass harvest. For those states that have a 14 inch TL inland and/or a 24 inch TL ocean limit, the harvest reduction should be 55%. For those states with a 15 inch TL inland and/or a 26 inch TL ocean limit, the harvest reduction should be 50%. These reductions if accomplished coast-wide, should give a six fold increase in egg production and lead to an increasing population. He also gave a rundown on the regulations/laws of all Atlantic coast states and their progress in complying with the management plan for striped bass. The 1983 regulations which closed the river during parts of the year, reduced the maximum length of gill nets, raised the minimum gill net mesh size and limited sport fishermen to 10 striped bass per day, resulted in a calculated 50% reduction in overall harvest. A reduction of the sport fishing creel limit to 5 fish per person, per day, would result in a total reduction of 55% in the Potomac River harvest. This creel limit would then also be consistent with the limits in both Maryland and Virginia.

Mr. Bounds, speaking for the Mid-Atlantic Sportfishing Council, said his organization has no objection whatever to a 5 fish per day creel limit in the Potomac.

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

THE POTOMAC RIVER FISHERIES COMMISSION, HAVING FOUND IT NECESSARY FOR THE PRESERVATION OF THE ROCK FISH POPULATION, AND PURSUANT TO ITS AUTHORITY UNDER REGULATION III, SECTION 13(b), HEREBY DECLARES AND ORDERS THAT THE CATCH LIMIT FOR ROCK OR STRIPED BASS (*MORONE SAXATILIS*) ESTABLISHED BY REGULATION III, SECTION 10(a)(3) SHALL BE REDUCED FROM TEN TO FIVE (5) FISH PER PERSON PER DAY. THE COMMISSION FURTHER ORDERS THAT THIS CHANGE SHALL TAKE EFFECT IN 30 DAYS (JUNE 11, 1984) AND WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE. The motion was approved.

Mr. Russell questioned how the 55% reduction will be accomplished. Mr. Carpenter said that today's action and the PRFC regulations, effective January 1, 1984 had accomplished this reduction and that this information should be sent to ASMFC.

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

TO INFORM THE ASMFC THAT THE PRFC HAS ENACTED REGULATIONS TO ACCOMPLISH THE PROPOSED 55% REDUCTION.

Mr. Frisbee suggested that this letter should include an explanation of how the PRFC accomplished these results.

Mr. Russell amended his motion to include Mr. Frisbee's recommendation and Mr. Parran seconded the amendment. The amended motion was approved.

O P E N P U B L I C H E A R I N G

The public hearing on proposed regulation changes which will establish a 12" minimum length on summer flounder and a 10" minimum length on white catfish opened at 9:33 a.m.

Mr. Carpenter stated the proposed regulation changes and notice of today's public hearing had been duly advertised as required by the Compact. He then called attention to a report by Elgin Dunnington, Martin Wiley, CBL and Frank Wojcik, VIMS, copies of which were available. In summary, the scientific advisors reported that they believed that the proposed minimum size limit is marginal, in that it may allow sufficient numbers of white catfish to reproduce before they are subjected to removal from the population by the fishery. However, at this size, preservation of an adequate spawning population will depend more on the magnitude of the harvests and on escapement, rather than on the question of the spawning opportunities for these small fish before they become catchable by the proposed standards.

Recent observations in Virginia indicate that Chesapeake populations of summer flounder are part of a southern race which reaches sexual maturity at a smaller size than do northern strains. Thus substantial numbers of this species may be expected to have spawned at least once before they enter the fishery at 12 inches. However, as is the case with the white catfish, preservation of an adequate brood stock will depend to a considerable extent on harvest pressure. Mr. Wojcik said the scientists could not recommend a size limit any less than 12 inches on summer flounder. He also stated that there are so few white catfish in the Potomac River that some action to protect that population should be taken.

Mr. Jimmy Dent asked that we adopt the proposed 10 inch size limit on white catfish and leave the remainder of the catfish limits as they now stand.

Mr. Dutton said that he does not object to the proposed regulation changes.

Mr. Brady Bounds speaking for the Mid-Atlantic Sportfishing Council stated no objection to the proposed changes to the size of white catfish and summer flounder. They believe this Commission should develop a joint plan with Maryland and Virginia and we still lack a long range fishery plan. They

would like to see regulation changes accompanied by data showing the scarcity of the fish. They urged a 5% tolerance level. They would also like to see sport fishermen serve on the legislative committee.

Mr. Robert T. Brown agreed with the 10 inch minimum on white catfish. Summer flounder does not seem to be a problem and supported the proposal with a tolerance.

There being no one else wishing to speak the public hearing was closed at 9:45 a.m.

C L O S E P U B L I C H E A R I N G

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

TO ADOPT REGULATION III, SECTION 11 AS PROPOSED AND ADVERTISED AND FURTHER THAT THESE CHANGES BE EFFECTIVE AS OF JUNE 11, 1984. The motion was approved.

HAND SCRAPE

Mr. Carpenter said that from time to time there have been requests brought before the Commission and the legislative committee to expand the hand scrape area. The legislative committee has, on previous occasions, believed that this would not be in the best interest of the oyster fishery. Several CBL/VIMS joint reports have evaluated the hand scrape question and continually recommend no change in the allowable area. However, at Mr. Daiger's request, the Chairman placed this item on the agenda for today's meeting.

Mr. Daiger reviewed the Westmoreland County Watermen's Association "Program of Action" which included a request to expand the hand scrape area. Studies indicate that the oyster strike occurs in the current hand scrape area. The scientists explained that is because the hand scrape area was originally chosen in the portion of the river with the best potential for strike. The watermen believe it is because the hand scrapers clean the bottom and they would also support a catch limit on the hand scrapers. They requested the line be extended upriver to Hollis' Marsh/St. Clements Island.

Mr. Pruitt asked what was the average tonger's catch per day. The watermen replied an average of three bushels in March. Mr. Robert T. Brown spoke in favor of moving the line stating times are hard and they need more area to work.

Mr. Parran asked if there was any change in attitude toward leasing. Mr. Brown said "no", the watermen are not in favor of leasing.

Mr. Dunnington, in reply to the question whether scientists are opposed to dredging, said they are not opposed where it does not harm the bottom. What they are opposed to is any increase in the gear efficiency at a time when harvests and replenishment efforts are declining.

Mr. Dutton speaking for some Charles County watermen, believes the resource cannot withstand the additional pressure of dredging, and was opposed to moving the line.

Mr. Pruitt asked Mr. Brown if he thought the area could withstand the additional harvest pressure. Mr. Brown said he does not believe there are many boats working in the hand scrape area, and the proposed extended area is not being worked now by tongers.

Mr. Dutton said if you expand the area, you will have more people coming into the fishery. With tongs you leave some oysters on the bars but you leave nothing with hand scrapes.

Mr. Parran said that if it came to a vote today he would not vote to expand the area. He had been in contact with Mr. Zeni who could not be here today but would like to have the opportunity to express his views on the subject. Mr. Pruitt said, after listening to the comments today, he could vote to extend the area.

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

TO OBTAIN ANY ADDITIONAL INFORMATION PERTINENT TO THIS SUBJECT AND POSTPONE A FINAL DECISION ON EXTENDING THE HAND SCRAPE AREA UNTIL THE NEXT MEETING. The motion was approved.

DISBURSEMENTS AND CASH ON HAND

Disbursements for the third quarter of FY 83-84 (Jan-Mar) were presented by budget item \$22,045.70. Mr. Carpenter pointed out that when the bills are paid during the next quarter for the seed and shell plantings, it will bring the repletion expenses in line with the budgeted amount.

A statement of cash balances as of May 9, 1984 was presented as follows:

First VA Bank - Northern Neck:

Checking (includes \$200.00 Petty Cash)	\$ 31,545.23
Certificate of Deposit	250,000.00

Maryland National Bank:

Savings: (Maryland office)	18,407.25
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Peoples Bank of Montross:

Certificate of Deposit	<u>50,000.00</u>
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Grand total in banks	\$349,952.48
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The following motion was made by Mr. Pruitt and seconded by Mr. Parran:

THAT THE FY 83-84 THIRD QUARTER DISBURSEMENTS OF \$22,045.70 BE APPROVED. The motion was approved.

OYSTER HARVEST

Mr. Carpenter presented the final oyster harvest report for the 1983-84 season. The report shows a total harvest of 73,705 bushels taken by 723 tongers and hand scrapers. The most productive bars were Ragged Point, Swan Point and Jones Shore. Mr. Carpenter noted that while the hand scrape harvest increased from last season by about 40%, the number of men working increased by 75%, thus the catch per man was actually lower this season. The number of tongers decreased as did the oyster harvest. The following motion was made by Mr. Browning and seconded by Mr. Russell:

TO ACCEPT THE OYSTER HARVEST REPORT AS PRESENTED. The motion was approved.

CLERKS OF COURT OFFICES

The PRFC has an agreement to allow watermen to obtain some types of temporary licenses from the Clerk of the Circuit Court in some Maryland Counties. The lack of license sales in Wicomico, Somerset, Talbot, Queen Anne and Dorchester Counties has prompted a request by those clerks to discontinue this practice. Mr. Carpenter requested permission to discontinue the service in the above counties, noting this would not affect Charles and St. Mary's Counties. Lt. Col. Wentzell said the DNR has two regional offices on the Eastern Shore that could possibly perform this service.

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

TO DISCONTINUE THE PRACTICE OF ISSUING TEMPORARY LICENSES IN THE EASTERN SHORE COUNTIES AND THAT CONTACT BE MADE TO DETERMINE IF DNR CAN PROVIDE THIS SERVICE IN THAT AREA. The motion was approved.

WARNING TICKETS

Mr. Carpenter reviewed a Policy Statement regarding the issuance of warning tickets for minor violations of the Potomac River Fisheries Commission's

regulations. He gave the background of the request and authorization for warning tickets and asked for guidance from the Commission on the use of this system. Mr. Hutt believes that the policy statement is well-written and if the system is not abused, it would be very helpful.

Mr. Pruitt was in favor of the system but felt it had to be uniformly applied. He believed that the heads of both law enforcement departments should meet and agree on a uniform procedure. The following motion was made by Mr. Pruitt and seconded by Mr. Russell:

TO APPROVE THIS POLICY STATEMENT AS A GUIDELINE FOR THE LAW ENFORCEMENT OFFICERS AND THAT A COPY BE ATTACHED TO AND MADE PART OF THESE MINUTES. The motion was approved.

SPRING OYSTER SURVEY

Mr. Dunnington reviewed the fall oyster bar survey and stated that a spring survey had been conducted in March 1984. The survey confirmed last fall's finding that the very light 1983 spatfall is confined to the lower 10 miles of the river near its mouth. Some mortality was found throughout the river. Samples from some of the bars were taken to VIMS to be examined to try and determine the causes of the mortality. However, there is no firm indication of what had caused the mortality.

OYSTER SEASON

Mr. Daiger said he had asked Mr. Hutt if the oyster season could be extended by one week. Mr. Carpenter said that as a result of that request a telephone poll of the Commissioners showed only one Commissioner, Mr. Pruitt, was in favor, therefore the season was not extended.

SURPLUS EQUIPMENT

Mr. Carpenter asked the Commission to declare an A. B. Dick Model 525 Mimeograph (purchased March 1979) and a Victor Calculator (purchased July 1974) as surplus equipment. Both of these items have been replaced with more up-to-date machines.

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

TO DECLARE THE A. B. DICK MIMEOGRAPH AND VICTOR CALCULATOR SURPLUS EQUIPMENT. The motion was approved.

AUDIT

Mr. Carpenter reported that we have received copies of the Joint Audit Report prepared by the Maryland and Virginia auditors. All funds had been accounted for properly during the FY 82-83 year and each Commissioner was sent a copy of the Report on Audit.

REQUEST FOR BAIT NET

The Tri-County Watermen's Association representing watermen from upper Westmoreland, King George and Stafford Counties, Virginia presented a request to permit the eel fishermen to fish a single 600 foot gill net, 4" or 4-1/2" stretched measure, #69 twine, 10 ft. in depth, from April 1 to April 30, for the purpose of catching eel bait. Each individual would be required to call the PRFC before setting the net to give its location and call again when he removes the net. The eelers are having problems in getting eel bait during this period because of the ban on gill nets which went into effect this year. Mr. Parran suggested sending this request to the legislative committee for consideration.

Mr. Hutt suggested when we are dealing with a special segment of the fishery we should be sure to appoint fishermen interested in that segment to the legislative committee.

Mr. Robberecht took issue with this request stating that there is no problem in obtaining eel bait. He also asked for a minimum mesh size of 1/2" x 1" for eel pots. Mr. Bounds requested that sport fishermen be represented on the legislative committee as their input is very much needed. Mr. Daiger requested that consideration be given to the time that the legislative committee meets, possibly making these meetings in the evening.

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

TO REFER THE REQUEST OF THE TRI-COUNTY WATERMEN'S ASSOCIATION AND MR. ROBBERECHT TO THE LEGISLATIVE COMMITTEE AND THAT EELERS ARE ASKED TO SERVE ON THIS COMMITTEE. The motion was approved.

BUDGET FOR FY 1985

Mr. Parran presented the proposed budget for the next fiscal year. The following motion was made by Mr. Browning and seconded by Mr. Pruitt:

TO ADOPT THE 1984-85 BUDGET AS PRESENTED, A COPY OF WHICH IS ATTACHED TO AND MADE A PART OF THE MINUTES. The motion was approved.

NOMINATING COMMITTEE

In view of the fact that Chairman Mapp's term as Commissioner will expire on June 30, 1984, Mr. Mapp appointed Mr. Parran and Mr. Browning to the nominating committee for a report to be presented at the next meeting.

HYDRILLA

Mr. Dutton said that, if all the press reports are true, Hydrilla, a water weed, is going to erupt into one of the biggest problems we have in the upper river.

Mr. Frisbee gave a report on the problem Florida is having with Hydrilla. He said that in Florida over one-half million acres have been infested with this weed. It smothers fish and clogs motors, etc. So far nothing has been found to kill this weed.

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

THAT THE EXECUTIVE SECRETARY IS INSTRUCTED TO INVESTIGATE THE HYDRILLA, AND EVALUATE WHAT COURSES OF ACTION, INCLUDING LEGAL ACTIONS, ARE AVAILABLE TO THE COMMISSION TO MITIGATE THE ADVERSE IMPACT OF THIS WEED. AND FURTHER, THAT THE COMMISSION SHOULD BECOME MORE ACTIVE AND AGGRESSIVE IN THE AREA OF PROTECTING THE RIVER FROM ALL FORMS OF POLLUTION. The motion was approved.

MISCELLANEOUS

Mr. Robert T. Brown complained about some fishing stands which have been licensed but not fished in the past three years and that these stands are in an area in which he would like to license pound nets.

Mr. Mapp instructed Mr. Carpenter to investigate the situation and determine an appropriate response.

Mr. Brown also requested permission to dredge an area near Sheepshead to remove iron ore which interferes with using a haul seine in the area. Mr. Carpenter said he will arrange to have an inspector present to oversee such an operation.

DELINQUENT CATCH REPORTS

Mr. Mapp read the list of 23 persons delinquent in filing required seafood catch reports. Two persons appeared and were sworn in and the following actions were taken:

HUDNALL, VEREMDELL - Said he had sent in reports but they must have been misplaced. The following motion was made by Mr. Parran and seconded by Mr. Browning:

TO ADOPT THE HEARING OFFICER'S RECOMMENDATION OF TWO WEEKS SUSPENSION ON ALL LICENSES AND PROBATION FOR ONE YEAR THEREAFTER. The motion was approved.

MORRIS, JR., WALTER THOMAS - The following motion was made by Mr. Parran and seconded by Mr. Russell:

TO ADOPT THE HEARING OFFICER'S RECOMMENDATION THAT HE BE PLACED ON PROBATION FOR ONE YEAR FROM THE DATE OF ISSUANCE OF NEXT LICENSE. The motion was approved.

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


TO ADOPT THE REMAINING 21 RECOMMENDATIONS OF THE HEARING OFFICER FOR THE PERSONS DELINQUENT IN FILING SEAFOOD CATCH REPORTS. The motion was approved.


NEXT MEETING

The next regular meeting will be held on August 3, 1984. The location to be announced by the Chairman.

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

THAT THE MEETING BE ADJOURNED. The motion was approved and the meeting adjourned at 11:05 a.m.


Ivan D. Mapp
Chairman


R. Wayne Browning
Secretary

POCOMAC RIVER FISHERIES COMMISSION
1984-85 BUDGET

515 A

DISBURSEMENTS

	<u>1984-1985 BUDGET</u>	
<u>PERSONAL SERVICES:</u>		
101 Compensation of Commissioners	\$ 1,800.00	
102-108 Salaries	61,368.00	
109 Part-time Help	5,000.00	
112 Commissions to Clerks license sales	450.00	
199 Other personal services (janitorial)	<u>600.00</u>	\$ 69,218.00
<u>CONTRACTUAL SERVICES:</u>		
201 Advertising	5,000.00	
204 Postage	2,400.00	
205 Telephone	4,000.00	
208 Electric Current	1,200.00	
212 Lease of Equipment	220.00	
214 Membership dues & subscriptions	350.00	
216 Printing regulations	2,000.00	
220 Travel Expenses	8,000.00	
221 Water Service	250.00	
224 Photographic Services - Charts	600.00	
270 Repairs to equipment	500.00	
280 Interest Expense	500.00	
299 Other Contractual Services	30,000.00	
301 Automotive Expense	1,200.00	
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>	\$ 63,170.00
<u>CURRENT CHARGES & OBLIGATIONS:</u>		
240 Insurance - surety bonds, fire, auto liability, workmen's comp.	<u>2,200.00</u>	2,200.00
<u>PENSION AND OTHER CONTRIBUTIONS:</u>		
510 Retirement	6,400.00	
511 Group Life Insurance	165.00	
512 Group Health Insurance	6,500.00	
513 Employer's O.A.S.I.	<u>3,875.00</u>	16,940.00
<u>CAPITAL OUTLAYS:</u>		
801 Office & Other Equipment	2,000.00	
802 Furniture and Fixtures	1,000.00	
803 Auto	7,500.00	
805 Improvements to Building	<u>1,200.00</u>	11,700.00
<u>DEVELOPMENT & REPLETION EXPENSES:</u>		
225,331,333 & 335 Seed Oyster and/or Shell	<u>282,272.00</u>	282,272.00
UNEXPENDED CASH BALANCE:	<u>30,000.00</u>	<u>30,000.00</u>
		\$475,500.00

POTOMAC RIVER FISHERIES COMMISSION
RECEIPTS

	1984-85 <u>BUDGET</u>
UNEXPENDED CASH BALANCE BROUGHT FORWARD: (as of 7/1/84)	\$ 20,000.00
SALE OF LICENSES:	
FISH	30,000.00
OYSTER	60,000.00
CRAB	20,000.00
CLAM	500.00
OYSTER BUSHEL INSPECTION TAX:	25,000.00
APPROPRIATIONS BY STATE:	
MARYLAND	150,000.00
VIRGINIA	150,000.00
INTEREST ON SAVINGS (C/D's)	15,000.00
MISCELLANEOUS: CONFISCATED PROPERTY & SALE OF TAGS, ETC.	5,000.00
TOTAL	<hr/> \$475,500.00

515C

The institution of a warning ticket system for use on the Potomac River is being implemented to provide the law enforcement officers with an educational tool to increase the compliance of the PRFC regulations on the Potomac River. Effective enforcement of any law or regulation is dependent in large part, on the wise use of the individual officer's experience and discretion in each case. The warning ticket should allow the officer greater flexibility in the exercise of that discretion.

In general, we would expect warning tickets would be used primarily in those cases where a technical infraction of the "non-conservation" type regulations occur. For example, illegible numbers on a few crab pot corks, when the majority are marked correctly; improper display of the licensee's tag; inadvertently leaving the "paper" license ashore; no reflective tape on gill net markers; or pound net stakes in poor repair. Occasionally circumstances surrounding a violation of a "conservation" type regulation may, in the officer's judgment, warrant the issuance of a warning in lieu of a citation. Examples might include; a relatively minor offense committed by a juvenile or Mr. John Q. Public keeping an undersize fish because he has "never seen one that looks like this." However, written warnings are only to be used for offenses for which a citation could be issued.

Just as the officers will use this system as an educational tool to instruct the public, the Commission will use it to further its goal of the establishment and maintenance of a program to conserve and improve the seafood resources of the Potomac River. The information gathered will be used to study catagories of violations rather than creating a record on an individual case by case violation.

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