

MINUTES OF THE MEETING
POTOMAC RIVER FISHERIES COMMISSION
GWYNN'S ISLAND, VIRGINIA
AUGUST 3, 1984

516

PRESENT: COMMISSIONERS - Francis J. Russell, William A. Pruitt, John T. Parran,
R. Wayne Browning, Lee E. Zeni, and Henry S.
Braithwaite

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

VISITORS - Paul C. Wentzell, Maryland Department of Natural
Resources Police; Robert Markland, Donald O'Bier,
Virginia Marine Resources Police; S. M. Rogers,
Ben Daniels, Virginia Marine Resources; Elgin A.
Dunnington, Chesapeake Biological Laboratory;
Frank Wojcik, VIMS; Dexter Haven (Ret) VIMS;
William Outten, DNR; John McGlennon, Congressional
Candidate & Hugh Waters, Asst.; Richard Daiger,
Robert Reamy, Robert T. Brown, Robert Taylor,
Joe Neale and several others who did not sign
the register.

PRESS - Isabel Gough, Richmond News Leader; Tina Brown,
Daily Press

The meeting was called to order at 9:35 a.m. by Vice Chairman Russell.
The meeting was delayed 35 minutes in order to allow more time for visitors
to arrive because highway maintenance required an untimely detour enroute to
Gwynn's Island.

Each Commissioner and member of the PRFC staff introduced himself for
the benefit of visitors and members of the press. At this point Mr. Pruitt
introduced the new Virginia Commissioner, Mr. Henry S. Braithwaite. Mr.
Braithwaite is from the Virginia Beach area and is engaged in the seafood
business.

Mr. Russell requested consideration of the Minutes of the May 11, 1984
meeting, 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 MAY 11, 1984 MEETING BE APPROVED AS WRITTEN
AND DISTRIBUTED. The motion was approved.

NOMINATING COMMITTEE

Mr. Browning, speaking for the Nominating Committee, nominated Mr.
William A. Pruitt as Chairman. All other officers would remain the same.
The following motion was made by Mr. Zeni and seconded by Mr. Parran:

TO ACCEPT THE NOMINATING OF MR. PRUITT AND ELECT HIM AS CHAIRMAN. The
motion was approved.

At this point in the meeting Mr. Russell turned the chair over to
Mr. Pruitt.

OYSTER REPLETION PROGRAM

The repletion program, as recommended by the repletion committee and
approved by the Commission, was completed the latter part of June. Fresh
shells were planted on five oyster bars in the lower river and a fifty
acre area of Jones Shore was planted with reef shells. It was noted that
Bonums had received some reef shell as well as the fresh shell due to the
unavailability of fresh shell.

Mr. Zeni asked where the fresh shell had been purchased and Mr.
Carpenter replied from the oyster houses in the area. Mr. Zeni requested that

the agenda for the next meeting contain a discussion of the practicality of putting all fresh shell back in the system rather than having them syphoned off into other uses. Mr. Carpenter said that several of the oyster houses in Maryland are situated in remote areas which makes the cost prohibitive.

EXPANSION OF THE HAND SCRAPE AREA

The expansion of the hand scrape area was the next item on the agenda but Mr. Parran recommended placing this item later in the meeting to allow time for more people to arrive who may wish to express an opinion.

RECOGNITION OF VISITOR

Mr. Parran recognized Mr. John McGlennon who is a congressional candidate from this area of Virginia. He thanked him for his interest in our meeting and wished him well in his endeavors.

HYDRILLA

Mr. Carpenter reported that the subject of Hydrilla infestation was raised at the last meeting and as a result of that and further discussions a tour of the Dyke Marsh area was arranged for the benefit of advisors, Commissioners, watermen and representatives from Maryland and Virginia. Several watermen in the upper river area are working with us in trying to keep us informed on where they believe they have sighted it and occasionally bring in a sample to determine whether it is actually Hydrilla or Elodea (a very similar looking native plant). Mr. Parran said that there are several submerged aquatic plants coming back into the Potomac and we must take precautions not to discourage the advantageous native plants. Mr. Zeni mentioned some of the advantages of Hydrilla in the area of soil erosion and cleaner water. He believes that we must be very careful if we should give consideration to herbicides. He was very glad to see the recurrence of vegetation. Mr. Pruitt was pleased with the response and cooperation from the watermen, advisors and representatives. Mr. Carpenter said the Commission will continue working with the watermen to monitor the growth of Hydrilla.

Mr. Carpenter reported that, in conjunction with the Hydrilla investigation, a tour of the Blue Plains Waste Water Treatment Facility had been conducted. We learned that the District is trying to do a good job, but there is a lack of personnel and backup equipment to maintain the plant in top working order.

Mr. Parran believes that the Commission should be more aggressive in the area of pollution. He asked that Mr. Carpenter consider arranging to visit other sewage disposal plants in the Washington area.

DISBURSEMENTS AND CASH ON HAND

Disbursements for the fourth quarter of FY 83-84 (Apr-Jun) were presented by budget item which totaled \$206,059.20. Of that amount, \$171,617.89 was for the oyster repletion program as reported earlier. Mr. Pruitt asked what is included in confiscated property on the receipts statement. Mr. Carpenter said that it is mainly uncultured oysters for which the officer can accept a bond in lieu of returning the entire catch to the oyster bar. The load must then be recultured. Also any property seized by the officers, confiscated by the court, and subsequently sold by the Commission would be accounted for under this heading. Mr. Hutt said that when confiscated property is held pending disposition by the court it should be held in trust (make a separate account).

A statement of cash balances as of August 1, 1984 was presented as follows:

First VA Bank - Northern Neck:

Checking (includes \$200.00 Petty Cash)

\$ 24,687.92

Maryland National Bank:

Savings: (Maryland Office) \$ 20,559.64

Maryland Bank and Trust Company:

Certificate of Deposit 150,000.00

Total \$195,247.56

Review of the statement of cash on hand showed we had not yet received the appropriation from Maryland. Mr. Zeni said he would look into this and it should be received shortly.

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

THAT THE FY 83-84 FOURTH QUARTER DISBURSEMENTS OF \$206,059.20 BE APPROVED.
The motion was approved.

LEGISLATIVE COMMITTEE REPORT

A special legislative committee meeting was held on July 26, 1984 at 7:00 p.m. to discuss and review two items assigned to it by the full Commission. (The meeting was held during evening hours for the convenience of the watermen who attend.) The two items were a request for a 1/2" x 1" minimum mesh size for eel pots and a request from the Tri-County Watermen's Association for an eel bait net. During the meeting Mr. Hutt stated that he believed the proposal for a bait net presented a number of legal questions. After further discussion Mr. Nininger, spokesman for the Tri-County Watermen's Association, suggested that at a later date his group might formulate a more workable proposal and withdrew his request for an eel bait net. After a lengthy examination of the information available, the legislative committee voted to recommend to the Commission the adoption of a 1/2" x 1" minimum mesh size for eel pots and to allow a period of two years for conversion to the new gear.

Mr. Parran asked about the cost of advertising this proposed regulation change for public hearing. Mr. Carpenter replied that it was in the range of \$2,000.00. There were several comments both for and against this proposed change. Due to the expense involved in advertising for public hearings, Mr. Russell believed we should have more than this one issue before holding a public hearing. Mr. Carpenter reminded the Commissioners that at the November meeting, a hearing will be necessary to continue, modify or relax the temporary restrictions imposed last year on gill netting.

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

TO ADVERTISE FOR PUBLIC HEARING A PROPOSED CHANGE IN THE MESH SIZE FOR EEL POTS TO 1/2" x 1" AND ALLOWING A TWO YEAR PERIOD FOR CONVERSION TO THE NEW SIZE. The motion was approved.

RESOLUTION OF APPRECIATION

At this point in the meeting Mr. Russell announced that we had prepared a Resolution of Appreciation for Mr. Dexter Haven. Mr. Haven came forward to receive the resolution which was read aloud by Mr. Parran. Mr. Haven recently retired from Virginia Institute of Marine Science and the resolution commended him for his advice, counsel and invaluable assistance over his many years of service to the oyster industry and this Commission.

STUDY GROUP

Mr. Pruitt announced the formation of a study group by Dr. Torrey C. Brown, Secretary, Maryland Dept. of Natural Resources and Ms. Betty J. Diener, Secretary, Commerce & Resources of Virginia. This group will study the effectiveness of and alternate funding sources for the Potomac River Fisheries Commission.

TEMPORARY RESTRICTIONS

Mr. Hutt called attention to the fact that the regulation which we adopted establishing limitations on gill netting was for the calendar year 1984 with wording such that it may be modified or extended at the discretion of the Commission. He advised we include notice of such pending actions in the advertisements for public hearing.

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

TO TAKE APPROPRIATE ACTION TO ADVERTISE THAT THE DECISION ON EXTENDING THIS RESTRICTION WILL BE DISCUSSED AT THE PUBLIC HEARING. The motion was approved.

PROTEST

Mr. Richard Daiger complained about the Commission meeting being held at Gwynn's Island which, for him, was 100 miles and two hours in travel time. Mr. Pruitt said it was felt that in having the meeting in Gwynn's Island, it would give the watermen from this area a chance to attend. The fact that they chose not to attend was not the fault of the Commission. Mr. Carpenter read a letter from Mr. James Willard Dutton which had been received registering a protest similar to Mr. Daiger's.

EXPANSION OF HAND SCRAPE AREA

For the last several years the Commission has received requests to expand the hand scrape area. A decision has to be made whether or not to advertise this proposal for public hearing.

Mr. Zeni's motion to deny the request to expand the hand scrape area did not receive a second.

A lengthy discussion on the pros and cons of expanding the hand scrape area ensued. Mr. Brown, Mr. Daiger and Mr. Reamy all spoke in favor of the expansion and requested a formal public hearing on the issue be held in a centrally located area during the evening to accommodate the working schedule of more watermen. In response to a question by Mr. Parran, the scientific advisors said their repeated studies of this proposal all conclude that the expansion is not advisable at this time.

Based on his personal convictions in this matter, Mr. Russell moved NOT TO ADVERTISE THIS PROPOSAL FOR A PUBLIC HEARING. Mr. Zeni seconded. Mr. Pruitt spoke strongly in favor of allowing the watermen and others the opportunity to address the Commission on this issue at a public hearing. Mr. Zeni withdrew his second and Mr. Russell withdrew his motion. The following motion was made by Mr. Zeni and seconded by Mr. Pruitt:

THAT WE ADVERTISE THE PROPOSED EXPANSION OF THE HAND SCRAPE AREA, MAKE ANY ADDITIONAL SURVEYS OF THE AREA, UPDATE THE INFORMATION FROM THE SCIENTIFIC COMMUNITY, HOLD A PUBLIC HEARING AND ONCE AND FOR ALL DECIDE YES OR NO.

Mr. Daiger asked if this proposal will include a harvest limit that he and others supported.

Mr. Zeni said he did not want to set a numerical limit at this time.

The motion was approved with Mr. Russell voting NO.

ADVISORS

Mr. Zeni asked for Commission endorsement of his representative to participate in committee meetings. It was agreed.

HOOK & LINE

Mr. Brown suggested that the hook and line licenses are being bought by sport fishermen to get around the five fish per person limit. He

suggested a moratorium on their issuance until the gill net moratorium is lifted. Mr. Carpenter said hook and line licenses have become very popular and he suspects they are directed at the rock fish.

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

TO REVIEW THE HOOK AND LINE LICENSE SITUATION AT THE NOVEMBER MEETING.
The motion was approved.

REGULATION CHANGE

Mr. Brown asked about getting permission to haul seine on Fridays in July and August. He asked about having this placed on the November agenda.

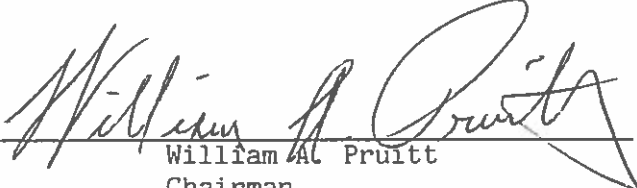
Mr. Zeni said he was opposed to having too many items on an agenda and Mr. Pruitt agreed.

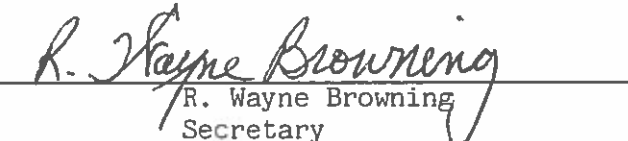
Mr. Pruitt said he would like to see this put on the agenda at the next meeting for discussion as a possible item for a public hearing later.

NEXT MEETING

The next meeting will be held in conjunction with the public hearing authorized here today, on November 1, 1984 at 7:00 p.m. at the King George High School in King George, VA.

At 11:50 a.m. a motion to adjourn was made, seconded and approved.


William A. Pruitt
Chairman


R. Wayne Browning
Secretary