

MINUTES OF THE MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
JANUARY 14, 1985

530

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

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

VISITORS - Dr. Torrey Brown, Secretary, Department of Natural Resources; Paul C. Wentzell, Henry C. Batchelor, John Mattingly, DNR Police; Dr. George Krantz, Charles Frisbee, Janet Van Tassel, Dept. of Natural Resources; Robert Markland, Donald O'Bier, VMRC; Dr. Herb Austin, Frank Wojcik, VIMS; Elgin Dunnington, Eileen Sitzler-Hamilton, CBL; Paul Perry, Irwin Alprin, ASMFC; David Loveland, D.C. Government; David Sayre, St. Mary's County Commissioner; Marland Deen, Eleanor Carico, Loretta Nimmerichter, Charles County Board of Commissioners; Samuel C. Linton, Charles County Delegate; E. W. O'Neill, Chairman Westmoreland County Board of Supervisors; J. F. McHugh, Mid-Atlantic Fisheries Management Council; Brady Bounds, Mid-Atlantic Sport Fishing Council; Bobby Self, Willard Elliott, Horace Ashton, Walter Hundley, Meverill Haynie, Westmoreland County Watermen's Assoc., Wayne Balderson, W. E. Green, Roger Green, Jeff Schenemann, Artis Schoen, Martin Lunsford, Ivan Evans, Webster Chatham, Percy Fines, Archie Newton, Walter Parkinson, Tri-County Watermen's Assoc., Tony Childress, John Redmond, Warren McKenney, Johnny Burch, William Rice, John Osakowicz, Jessie Dent, Edward Dent, Kenneth Cumberland, Bryn Jewell, Jack Daniels, Robert T. Brown, St. Mary's County Watermen's Assoc., Winston Baldwin, Billy Roberts, William Redmond, Paul Thompson, Tucker Brown, Phil Hayden, Donald Markwith, Thomas Hall, Bill Swann, James Jones, Harvey Stine, Walter Maddox, Willard Dutton, Charles County Watermen's Assoc., Joseph Norris, Douglas Jenkins, Charles Mason, George Melson, Elgin Nininger, Roy Fenwick, Jr., Thomas Swann, Allan Shymansky, Leo Forbes, Randy Harding, Gene Hundley, Walter Lane, George Perry, Francis Haynie, Luther Headley, Kennety Wicker, Thomas Wise, Sheldon Russell, Elmer Baily, Richard Holbrook, Marvin Newton, Hugh Newton, Wallace Owens, Wallace Owens, Jr., John Higgins, Wilhemine Higgins, Allen Dent, Paul Limerick, Martin Poe, A. J. Corey, Bob Kopel, Paul Zanko, Thomas Shymansky, Albert Guy, Dennis Newton, Richard Sandy, Charles Clark, Donald Clark, Charles Hundley, Randolph Bowen, Thomas Swann, Charles Bourne, Lewis Persinger, Bert Hayden, Gene Taylor, Mike Hayden, Abner Dudley, William Sanders, Robert Gutridge, Donald Davis, Bill Bowie, Howard Coulby, Ed Cox, A. E. Cather, F. G. Andes, A. A. Beauverd, Lynn Rees, David Butler, David Mace, Alfred Chatham, George Herbert, Manning Brent, Sylvia Rollins, Jack Landman, H. S. Morgan, Jim Cummins, D. Garlan, Julian Gallagher, Kenneth Pearson, Charles Gerck, Norman Brock, Howard Smith, Sherman Davis, Robert Pearson, William Sydnor, Thomas King, Forest Bullock, Wayne Willett, Ralph Pickeral, Maurice Fulmer, Ed Marsh, Tom Salenger and several others who did not sign the register.

PRESS - Isobel Gough, Richmond Dispatch, Larry Evans,
The Free Lance-Star, Angus Phillips, The Washington
Post and Matt Kaye, WKIK

The meeting was called to order at 2:30 p.m. by Chairman Pruitt.
At the Chairman's request, Mr. Browning gave the invocation.

The Chairman then welcomed everyone to the meeting and said that as stated in the News Release, that since the last regular meeting, the Scientific & Statistical Board of the ASMFC had met and one of its recommendations calls for a total moratorium on rock fishing in the Potomac River. At this meeting this recommendation will be considered as well as any other measures needed to conserve the rock fish. He requested that the comments from the floor be concise and as brief as possible.

At this point Mr. Carpenter reviewed the handouts of the striped bass landings and a graphic presentation. The catch statistics for the year through December has reached approximately 630,000 lbs. However, this figure may be larger when the rest of the catch reports have been received. Mr. Carpenter also called attention to the young-of-the-year index, information on the age, length and weight of rock fish, the size distribution of last year's catch and the mean length caught by various gill net sizes. Mr. Pruitt said he has received correspondence from the Virginia Seafood Council opposing a total moratorium and a letter from the Chesapeake Bay Commission in favor of the total moratorium which he read to the attendees. Mr. Pruitt asked that this be made a part of the record. He then asked for opinions from the scientific advisors.

Dr. Herb Austin reviewed the spawning of the rock fish and the importance of protecting the 1982 year class. He mentioned the concept of increasing the number of eggs, however, they will not necessarily mean that it will produce a large number of fish. When you look at a dominant year class, it does not necessarily follow that they will have high production. The main concern of the scientists is that there is a limit below which the rock fish cannot reproduce successfully. The larger the spawning stock size, the larger chance for survival.

Mr. Elgin Dunnington of CBL said they agree with Dr. Austin and said that it is very important that the 1982 year class survive to spawn more than once. Simply enabling the fish to reach the first step would not necessarily result in large production.

Dr. Eileen Sitzler-Hamilton of CBL said that approximately 30% of the fish caught this year were two years old. None of the two year olds were sexually mature.

Dr. George Krantz recalled the last meeting and to refresh the memories, showed the graphs that had been used. He said you need a given number of young fish to produce a successful harvest. The Potomac River is of paramount importance to producing the young. February and March are the periods of high harvest. Any management plan for spawning fish must include the Potomac River as well as Maryland. There has been a radical reduction in the number of fish caught by sport fishermen. The Potomac River is extremely important to spawning. If we do nothing, by the year 2000 we will be out of fish. If the PRFC does not go along with the moratorium, recovery will be hampered. The Chesapeake Bay is the primary stock of the coastal stocks.

At this point, Mr. Pruitt asked if there were any Federal representatives present. Mr. Pruitt recognized a representative from Congressman Bateman's office who had no comment. He then recognized state and local representatives. Mr. Samuel Linton said a lot of persons have made their livelihood on the river but no one can dispute the evidence being presented at this meeting. However, the situation on the Potomac changes from year to year. The PRFC was made responsible for the Potomac River. Putting a moratorium on fishing is a drastic step and he was of the opinion that the responsibility for the river should remain in the hands of the PRFC.

Mr. Everett O'Neill, Chairman Westmoreland County Board of Supervisors offered a resolution of the Board of Supervisors of Westmoreland County opposing any further restrictions on the taking of striped bass in the Potomac River beyond those currently in force and recommends to the PRFC

that none be adopted until such time as a stronger case can be made for the necessity of such restrictions and the human impact can be assessed. Messrs. English and Sydnor voiced their agreement with this resolution.

The Commissioners from Charles County each expressed their concern for the watermen and agreed with what was stated by Mr. Linton.

Mr. David Sayre said he worked as a commercial waterman for many years and has always been interested in conservation. In the past there has been low cycles and high cycles. He believes that this is strictly a problem for the PRFC. He believes that each fisherman should fare alike. He wants everyone to be able to make a living now and in the future. If a moratorium is believed necessary, then we should have it and it should be for the entire Chesapeake Bay.

Mr. Meverill Haynie, President of Virginia Watermen's Association offered two proposals. First, let the season stand as it is and second, let the watermen use 7" and up mesh size net to catch the larger fish. These proposals will let the watermen make a living and the spawning fish will not be disturbed. He said the CBL biologist said the small fish are the spawning fish and the Maryland DNR said it is the big fish. Mr. Haynie asked that the Commissioners work for the benefit of the water. Mrs. Hamilton replied that once the fish reach sexual maturity, they all spawn. Mr. Braithwaite asked if these proposals had the consensus of the Virginia Watermen's Assoc., and Mr. Haynie replied they did.

Mr. Parran asked if the scientific advisors would care to comment. Mrs. Hamilton replied that under this proposal, the small fish would be caught in the fall and the big fish in the spring. She was, therefore, opposed to the possible overharvest. Dr. Austin said that the older fish individually produce more eggs, however, there are so few of them that the four to six year old fish are producing the most eggs simply because there are more fish that age than there are older fish.

Mr. Robert T. Brown reviewed the past actions of the PRFC and it is his opinion that the PRFC set a standard for the other states in attempting to conserve the rock fish. He cited the fact that fishing effort has been reduced by 55% as required by ASMFC and asked that the watermen be given the chance to see if the regulations already in effect are working, as this is only the second year and they have not been given an opportunity to work. He said a moratorium is not the answer but requested that if a moratorium is imposed, let the Federal Government do it and include the whole east coast. He asked that the rest of the coast follow the practices of the Potomac River Fisheries Commission to insure a viable rock fish fishery for the future of the commercial and sport fishing interests. Mr. Pruitt questioned the presence of the 7" to 10" rock fish in the Potomac and Mr. Brown replied that there is no way they came from the 1982 year class.

Mr. Marvin Newton asked what is the percentage of the spawn that survive. Dr. Krantz replied that it varies from year to year, but that harvests reduce the number of the survivors.

Mr. Bill Goldsborough, Chesapeake Bay Foundation, said they completely support the Maryland moratorium and feel that a complete moratorium would lead to a faster recovery. The Chesapeake Bay Commission has already endorsed the moratorium. The ASMFC recognized that fishing pressure on the present stock could be critical. He asked that the Commissioners consider the moratorium as this would be in the best interest of those that fish in the Bay. He agreed that pollution is a problem affecting the rock in the Bay, but the main reason for the moratorium is to maintain some fish until the pollution is cleaned up.

Mr. Wayne Balderson believes it will be a long time before the river is cleaned up. The answer for the future is not a moratorium but a fish hatchery. The development along the river precludes cleaning up of the river. He spoke opposing the moratorium.

Mr. Jack Higgins opposed the moratorium. He believes the PRFC has complied with the 55% reduction by the partial moratorium and cutting the size of the gill net stands in half.

Mr. Bryn Jewell agrees with the temporary restrictions imposed last year. Believes the fish are on the way back as a result of our restrictions and we only have about two more years before they will be back to normal.

Mr. Brady Bounds, Mid-Atlantic Sport Fishing Council referred to the ASMFC stand on the reduction of fishing effort and reviewed the Studts bill. He said that if the PRFC fails to invoke a moratorium, his Council is prepared to petition the Department of Commerce to take appropriate action. He mentioned the financial loss to the commercial watermen and said that the state of Maryland has extended the courtesy to the Potomac River fishermen eligibility for compensation. Mr. Braithwaite asked if he thought the Federal Government would subsidize the Maryland and Virginia fishermen. Mr. Bounds replied that this had been recommended and is being worked on in Maryland.

Mr. John Rayfield, Congressman Bateman's office, stated it would be 1986 before this could be enacted by the Federal Government.

Mr. Walter Parkinson said there have been good years and bad years. In the last two years the catch has increased. These fish were caught before any of these regulations had a chance to take effect. He said that a lot of people who draw big salaries are asking for a moratorium. He asked that the Commissioners take time to see if the present restrictions will have an effect. He requested that if any increase in the minimum size is needed, it be kept at 16" or not more than 18". He did not believe the scientists know any more than he does about the fish. There were as many rock fish in October as he has ever seen. He believes it is almost impossible to determine how many fish are in the river because fish move. Give the present regulations a chance to work.

Mr. Tucker Brown of the Maryland Watermen's Assoc., is opposed to the moratorium. He believes that once the rock fish is taken off the menu, the public will stop wanting it. He asked that the PRFC please not follow Maryland. The watermen have a great respect for the PRFC. The moratorium is too drastic a step to take. Go with the present regulations and see what happens. If the Federal Government steps in, let them, they will then close the whole coast.

Mr. Irwin Alprin of the ASMFC said that he wanted to make it clear that there is no Federal management plan for striped bass at this time, there is only the ASMFC plan. Mr. Jack Higgins asked Mr. Alprin if the Potomac River is in compliance and Mr. Alprin said it had been so stated here today by someone.

Mr. James McHugh questioned the compliance with the 55% in the Potomac River. The ASMFC Plan calls for a 55% reduction in harvest. He cited the fact that although the fishing effort has been reduced, the harvest figures were up rather than showing a 55% reduction. Mr. Alprin replied that the Scientific and Statistical Committee of the ASMFC did not evaluate the PRFC. ASMFC cited that Virginia was in compliance but not Maryland. Mr. Austin said that the figures for Virginia did not include the PRFC, however, from the data that was provided, it appeared that the Potomac River would show a 50% to 60% reduction. Mr. McHugh said he did not have any immediate concern regarding Federal intervention.

Mr. Douglas Jenkins referred to the PRFC landings. With a 55% reduction in effort, there were 631,227 lbs. of fish harvested. If 100% of effort had been used, the landings would have been equal to the past years of 1960 and 1964. The fish have enough protection, it is the watermen who need the protection. He believes that all restrictions should be tabled and representatives from each state come up with a plan for a 28" size limit on the coast.

Mr. Paul Ebert speaking as a sport fisherman, said he has a lot of friends who are watermen and if you close down the fishery altogether, he believes it would not be in the best interest of these watermen, knowing what they will have to face. He asked that we stick with the present restrictions and do nothing further.

Mr. Charles Mason said the \$25.00 commercial hook and line license has created a lot of commercial fishermen from the ranks of the sport fishermen.

Mr. Allen Dent said that if the fishing regulations were normal last year, the watermen would have harvested 1,000,000 lbs. of fish. If they cannot fish, what are they going to do with their net and gear. He agreed with using a 7" net as that would mean that all the fish caught had spawned at least twice.

Mr. Wendall Kessler discussed the number of years he has fished. He admits that scientific knowledge is a grand thing and he has a great respect for it but common sense is also very important and the watermen should not discredit the scientific community because their knowledge is also needed.

Mr. Robert Reamy agrees that the PRFC has done a fine job and should be allowed to control the river. Nothing has been mentioned about the shad, perch, herring, etc. There used to be herring houses which no longer exist. We have a plan which has met all the criteria so lets stick with it.

Mr. James Dutton said that in looking back over the years, the PRFC has done a good job. However, in 1973 the watermen told the Commission that there would be a reduction in rock fish and it coincided with the arrival of the blue fish. He gave a chronology of the actions taken over the past years in Maryland to protect the rock fish. The Compact was the best thing that ever happened to the river. It has brought peace to the river and it is time that DNR admits that they are wrong about rock fish being an endangered species. He asked that the PRFC restrictions be left intact for the year 1985. He asked the Commissioners to be men and vote against this pressure for a moratorium. Everyone who wants a moratorium is a person with another job. He asked that God help the Commissioners.

Mr. Pruitt said it was mentioned that PRFC has met the ASMFC requirements but not all of them.

Mr. Lee Zeni said he had participated in the ASMFC meetings and had listened to Chesapeake Bay Commission discussions. None of them felt it was an easy decision. They recognized that people make their living fishing, but in spite of these things, additional restrictions are needed. They did not believe that the 55% reduction was sufficient. He said he had listened to both common knowledge and scientific knowledge and, over the years, they have said the rock fish need help. He described how the analysis is done. He believes the fish in the river now are from the 1982 dominant year class. Maryland is going to build a hatchery. If the fish can be raised to a certain size they can withstand the problems in the Bay. The young-of-the-year are used as an index. He said it was his inclination to move for a total moratorium because it is considered critical to the rock fish. He has learned to appreciate the wisdom of the Commissioners and he asked for their opinions and comments.

Mr. Browning believes that some of the state agencies are sincere in their belief of the need for a complete moratorium. He wants to save the rock fish but not put the watermen out of business. He is not convinced we should have a complete moratorium.

Mr. Parran said the watermen were to be complimented on the way they made their presentations to the Commission and he thanked everyone for presenting the facts. He is not in favor of a full moratorium but he will listen to the other Commissioners.

Mr. Russell said he appreciated working with all the advisors, watermen, and Commissioners but it was his personal conviction that enough has been done and he is not in favor of any more restrictions. He will leave this meeting feeling that he has done his best.

Mr. Braithwaite believes that we need some restrictions in order for the rock fish to mature and spawn but he was not in favor of a moratorium. He was in favor of leaving the temporary restrictions as they are and give consideration to 7" mesh size net and increasing the minimum fish size.

Mr. Pruitt spoke about his background as a waterman and his respect for all opinions he had heard today. He stated his opposition to a moratorium but felt the facts could not be ignored. He said he was prepared to vote for further restrictions but not a total moratorium.

At 5:25 the Chairman called for a recess.

The meeting was reconvened at 5:40 p.m.

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

THE POTOMAC RIVER FISHERIES COMMISSION, HAVING FOUND IT NECESSARY FOR THE PRESERVATION OF THE ROCK FISH POPULATION IN THE POTOMAC RIVER, AND PURSUANT TO ITS AUTHORITY UNDER REGULATION III, SECTION 13(b), HEREBY DECLARES AND ORDERS: THAT THE CLOSURE AND PROHIBITIONS ESTABLISHED IN REGULATION III, SECTION 13(c), PAR. (1) AND (2) BE AMENDED SO AS TO INCLUDE THE PERIOD OF FEBRUARY 15 TO APRIL 1, AND THAT THIS ORDER BECOME EFFECTIVE 30 DAYS FROM THIS DATE, i.e., FEBRUARY 13, 1985. IT IS FURTHER ORDERED THAT THE CHAIRMAN APPOINT A TASK FORCE TO CONSIDER WHETHER OR NOT ADDITIONAL ACTIONS SHOULD BE TAKEN TO PRESERVE THE ROCK FISH POPULATION INCLUDING BUT NOT LIMITED THERETO, (1) INCREASING THE MINIMUM SIZE LIMIT FOR ROCK FISH, (2) LARGER MESH SIZES ON GILL NETS, AND (3) SOME METHOD OF COMPENSATION TO THOSE WATERMEN WHO WILL LOSE INCOME AS A RESULT OF FURTHER RESTRICTIONS ON ROCK FISH HARVEST.

A roll call vote was taken: Mr. Pruitt, Mr. Zeni, Mr. Browning and Mr. Parran voted YES; Mr. Russell and Mr. Braithwaite voted NO. The Chairman ruled the motion approved.

Mr. Carpenter reported that following the November 1 meeting, several watermen had renewed their gill net stands believing the season would be unchanged from last year. However, since the announcement of this meeting, several watermen had chosen to wait until they were sure what action would be taken today.

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

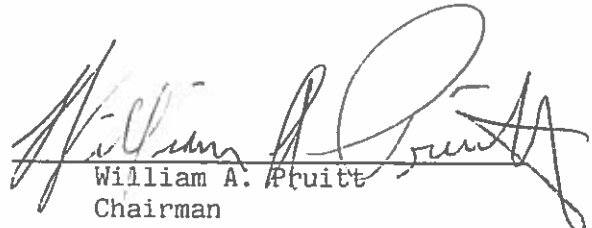
THE POTOMAC RIVER FISHERIES COMMISSION, HAVING ADOPTED ORDER NO. 85-1 THEREBY PROHIBITING THE USE OF GILL NETS FOR FIVE MONTHS, HEREBY DECLARES AND ORDERS: THAT THE LICENSE FEE STIPULATED IN REGULATION I, SECTIONS 2(h)(2) AND 2(i)(1) FOR 1985 SHALL BE \$12.50. AND IT IS FURTHER ORDERED THAT A REFUND OF THE DIFFERENCE BE PAID ON ANY SUCH 1985 LICENSES ISSUED BETWEEN DECEMBER 1, 1984 AND JANUARY 14, 1985, AND THAT THIS ORDER BE EFFECTIVE IMMEDIATELY. The motion was approved.

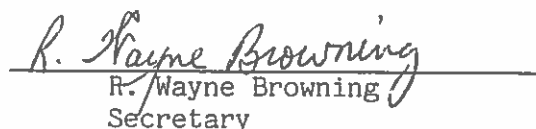
NEXT MEETING

The next meeting will be held on March 15, 1985 at Colonial Beach in the PRFC office.

ADJOURNED

The meeting adjourned at 5:50 p.m.


William A. Pruitt
Chairman


R. Wayne Browning
Secretary

Chesapeake Bay Commission

January 14, 1985

Commissioners

Hon Robert S. Blaxom
VA House of Delegates

Hon Torrey C. Brown, MD
Secretary
MD Natural Resources

Hon Elmo G. Cross, Jr
Senate of Virginia

Hon Betty J. Diener, PhD
Secretary
VA Commerce and Resources

Hon. Bernie Fowler
MD State Senate

Hon. Joseph V. Garton, Jr
Senate of Virginia

Hon. Irvine B. Hill
Virginia Citizen

Hon. James E. McClellan
MD House of Delegates

Hon. W. Taylor Murphy, Jr
VA House of Delegates

Hon. Thomas A. Rymer
MD House of Delegates

Hon. S. Wallace Steffen
VA House of Delegates

Hon. Michael H. Weir
MD House of Delegates

Hon. Gerald W. Winegrad
MD State Senate

Hon. Jack F. Witten
Maryland Citizen

Staff

Ms. Margaret R. Johnston
Executive Director

Mr. J. Claiborne Jones
Assistant Director

Ms. Patsy S. Cress
Administrative Assistant

Mr. William Pruitt, Chairman
Potomac River Fisheries Commission
222 Taylor Street
Colonial Beach, VA 22443

Dear Mr. Pruitt:

On December 12, 1984 the Chesapeake Bay Commission adopted two resolutions which I believe are relevant to the Potomac River Fisheries Commission's deliberations:

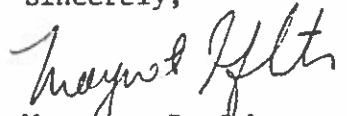
1. That there should be effective on January 1, 1985 a moratorium on striped bass fishing in Maryland waters including the Potomac River and all its tributaries and in the lower Chesapeake Bay waters leading to and from the Maryland spawning grounds.

2. That the Chesapeake Bay Commission should encourage other Atlantic coastal states to consider greater restrictive measures, including moratoria, on the harvesting of the striped bass population.

The vote on the first resolution was eight to four; the vote on the second resolution was unanimous.

Please take these resolutions into account in your deliberations on January 14, and make them part of the record.

Sincerely,


Margaret R. Johnston
Executive Director

MRJ:pc