

MINUTES OF THE MEETING
POTOMAC RIVER FISHERIES COMMISSION
LA PLATA, MARYLAND
MAY 9, 1986

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

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

VISITORS - Marland Deen, Charles County Commissioner; Jack
Taylor, Paul C. Wentzell, Frank Wood, Gene
Marshall, MD DNR Police; Robert Markland, Donald
O'Bier, VMRC Police; Ben Daniel, L. E. Vickers,
VMRC; Bill Sieling, Janet Van Tassel, MD DNR;
James Rasin, ICPRB; Elgin Dunnington, CBL; Frank
Wojcik, VIMS; George Robberecht, Meverill Haynie,
Steve Bancroft, Joyce Heflin, Buddy Beauverd,
Robert Reamy, Robert T. Brown, Allen Dent, William
Cumberland, Thomas King, William Feldman, James W.
Dutton, A. E. Cather, Walter Hundley, Larry Aud,
Charles Bourne, Edward Dent, Kenneth L. Dent,
Denise Brentberg, Thomas Shymansky, Joseph
Norris and several others who did not sign the
register.

PRESS - Larry Evans, The Free Lance-Star; Barbara MacLeod,
The Enterprise and Dick Myers, WPTX

The meeting was called to order at 9:30 a.m. by Chairman Pruitt. Mr.
Pruitt requested consideration of the Minutes of the February 7, 1986 meeting,
copies of which had previously been sent to each Commissioner. The following
motion was made by Mr. Parran and seconded by Mr. Browning:

THAT THE MINUTES OF THE FEBRUARY 7, 1986 MEETING BE APPROVED AS WRITTEN
AND DISTRIBUTED. The 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 amendments opened at 9:35 a.m.
Mr. Pruitt noted that the subjects of today's hearing had been duly advertised.

POWER ASSISTED HAND SHAFT TONGS

Mr. Carpenter noted the amendments dealing with power assisted hand
shaft tongs which are designed to make their use legal in the Potomac
River. Mr. Parran asked if the power assisted hand tongs could be in any
way detrimental to the oyster population of the Potomac River. Mr.
Carpenter replied that this method would allow men to work in deeper water
and assist an oysterman in increasing his daily catch. Mr. Pruitt asked
if anyone in the audience wished to address the Commission on this issue.

Mr. Robert T. Brown, representing the St. Mary's County Watermen's
Association spoke in favor of this amendment because it would make it
easier for a man to make a good day's work. Mr. Dutton, representing the
Charles County Watermen's Association, spoke against the amendment. He
said the important question is whether the resource can accommodate this
more efficient method of tonging. Mr. Haynie spoke in favor as it would
help a man pull the tongs and make an easier day's work. Mr. Joseph
Norris spoke in favor because it is hard labor and would make it easier.
Mr. Thomas Shymansky spoke against their use in the Potomac River.
Mr. Feldman spoke in favor because it makes it easier on an oysterman's
back.

There being no others wishing to address the Commission on this issue,
the portion of the public hearing on power assisted hand shaft tongs closed
at 9:45 a.m.

HAUL SEINE

Mr. Carpenter reviewed the proposed change saying that it would allow haul seining on Friday evening. Currently, haul seining is prohibited between sunset on any Friday and sunset on the ensuing Sunday as a compromise with property owners along the shoreline.

Mr. Robert T. Brown spoke in favor of allowing more time to haul seine. They fish for migratory species which are only here the latter part of June and leave the middle of July. The additional time would be a great help. Mr. Bob Reamy spoke in favor of adding the extra day. The migratory habits of the fish have changed and the extra night would be very helpful.

There being no others wishing to address the Commission on this subject, the public hearing on haul seining was closed at 9:50 a.m.

SPORT FISHING LICENSE

Mr. Pruitt said this item, without specific regulations, was advertised for public hearing to allow input from the public on the advisability of a license system.

Mr. Dutton said he did not believe the PRFC should have a sport fishing license until the VMRC has a license requirement. Mr. Buddy Beaubear, Charter Boat Captain from Charles County spoke against it unless the Commission is in dire need of extra funds. The public is being overtaxed for fishing as it is.

Mr. Howard King, Maryland Tidwater Administration gave a presentation on Maryland's program. He reported that Maryland's Chesapeake Bay sports fishing license sales were \$1.2 million in 1985. These funds were used for biological research on striped bass stocks, artificial reef construction in the bay, the development of fishing piers and to finance sport fishing surveys. The license has generated a public awareness of some of the problems with the bay such as a reduction in some species. Mr. Parran asked if Mr. King could estimate the revenue that would be produced for the PRFC from a Potomac River sports fishing license. Mr. King replied that presently, he has not made such an estimate. Mr. Zeni said he believed it could be estimated by the number of boats registered and offered to look into this for the PRFC.

Mr. Pruitt said that at this time, Virginia is not considering a sports fishing license because of a number of problems and objections raised during public hearings throughout the state. He does not know what the General Assembly will do in the future.

Mr. Reamy objected on the grounds of it being just another way for the government to raise money from the taxpayers. He believes the rights of the people are gradually being taken away.

There were no other comments and the Chairman closed the public hearing at 10:35 a.m.

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

ACKNOWLEDGEMENT

Mr. Parran introduced Mr. Marland Deen, President of the Charles County Commissioners and Mr. Pruitt thanked him for coming. Mr. Deen welcomed the Commission to Charles County.

OYSTER CULL LAW COMMITTEE

Mr. Jack Taylor said the oyster cull law committee met on April 10 and May 1. They reviewed the spat set in the Potomac River over the past 25 to 30 years, and reviewed the laws of the Potomac River, Maryland and

Virginia. They listened to input from the watermen, the scientific community and the law enforcement personnel from Maryland and Virginia. The committee arrived at the recommendation that no change be made in the oyster cull law because of the uniqueness of the spat setting pattern of the Potomac River. In 1985 there was an extraordinary set. They believed that if the regulation was changed at this time, to account for the 1985 set, it may have to be repealed in a year of two and that the Order #86-1 was the correct and proper action to take. They recommended a pre-season survey to determine the spat set and then decide whether another order is needed for the next oyster season, and further recommended no change to the oyster cull law as it is currently written. The following motion was made by Mr. Browning and seconded by Mr. Zeni:

THAT THE REPORT OF THE OYSTER CULL LAW COMMITTEE BE ACCEPTED AND THE RECOMMENDATIONS CARRIED OUT. The motion was approved.

FEDERAL STRIPED BASS LEGISLATION

Mr. Carpenter reported that as a result of the telephone poll of the Commissioners, a letter had been written to the Honorable John B. Braux, Chairman of the Sub-Committee on Fisheries & Wildlife Conservation & the Environment and the Honorable John H. Chafee, Chairman of the Sub-Committee on Environmental Pollution endorsing the Studd's Bill rather than the Chafee Bill. Subsequent to this, Mr. Carpenter spoke with Jim McCullum of ASMFC and received an update on the status of the Federal legislation. The Studds version of the bill was passed by the full House on April 29, 1986, with several amendments: the effective time period was reduced from 30 months to 18 months, i.e., September 30, 1987. The bill would require ASMFC to meet twice a year to determine each state's compliance and/or effective enforcement, and includes language clarifying that only the Secretary of Commerce would have authority to lift a moratorium once the ASMFC determines remedial actions have been taken by that state. To date, no Senate action on this version has occurred.

COMMISSION INSURANCE REQUIREMENTS

Mr. Parran reported that he had reviewed the insurance coverage of the Commission, including the Auditors' recommendation that Mr. Carpenter be covered by a \$25,000.00 bond. Mr. Parran believes our current insurance coverage is sufficient. The coverage for the building, etc., should be adjusted for inflation and the bond for the Executive Secretary should be purchased when the policies are renewed in July. Mr. Carpenter explained that our agent estimates the insurance cost will double and he has reflected this in the proposed budget. He was directed by the Commission to proceed with obtaining the recommended insurance based on competitive bids.

DISBURSEMENTS AND CASH ON HAND

Disbursements for the third quarter of 85-86 (Jan-Mar) were presented by budget item which totaled \$34,857.89. Mr. Carpenter said there were no unusual expenditures during this quarter.

A statement of cash balances as of May 7, 1986 were presented as follows:

First VA Bank - Northern Neck:

Checking (includes \$200.00 petty cash)	\$110,869.16
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Maryland National Bank:

Savings: (Maryland office)	19,032.43
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Maryland Bank and Trust:

Certificate of Deposit	100,000.00
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Peoples Bank of Montross:

Certificate of Deposit	<u>100,000.00</u>
Grand total in banks	\$329,901.59

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

THAT THE FY 85-86 THIRD QUARTER DISBURSEMENTS OF \$34,857.89 BE APPROVED AS PRESENTED. The motion was approved.

OYSTER PRODUCTION REPORT

Mr. Carpenter called attention to the oyster production report pointing out that the most drastic change over the previous season was in the amount of oyster tax which increased from \$16,341.61 last year to \$40,544.68 this year. This was due to an increase in production and the increase in the oyster inspection tax from \$.25 to \$.50. Over 60% of the oysters harvested this season came from areas seeded in 1981 and 1982 in the upper river.

OYSTER REPLETION PROGRAM

To date, we have moved 57,000 bushels of seed. The average count has been between 400 and 500. Mr. Carpenter did not believe we would be able to complete the total 80,000 bushel program as proposed due to the marginal spat set. The fresh shell plantings have been started and should be completed by the end of June. We did not receive bids on as much fresh shell as we anticipated and will use reef shell to complete the program.

At 11:05 a.m. the Chairman called for a recess.

At 11:25 a.m. the meeting reconvened.

STRIPED BASS STOCK ASSESSMENT

Mr. Louis Rugolo, Maryland DNR, reported on the striped bass spawning stock assessment survey. The stock assessment has been done in three areas of the bay and the Potomac River. The results from the Potomac River work have not yet been completed. However, there does appear to be some recovery of the striped bass population. He spoke of the efforts of the states along the coast to protect the striped bass and insure recovery. The population is composed primarily of mature males and older females. In 1985, only a handful of females were found among the 6,000 fish sampled. It is a male dominated population. Maryland's moratorium and the amendments to the ASMFC Striped Bass Management Plan were adopted to protect the 1982 year class which was the strongest year class in recent years. Females start to mature at age four and by age six almost all females are sexually mature. They are observing a return of more fish to the bay, but that does not mean the stock is restored. He believed the Commission should consider how the present regulations are affecting the population structure. The 1983 and 1984 year classes have been protected by the 18" minimum size limit and the fish are returning in vast numbers. However, we still have to wait a while longer to give these fish a chance to spawn.

Mr. Zeni mentioned that the stock assessment program is expensive and is partially supported by the sports fishing license revenue.

CURRENT STRIPED BASS REGULATIONS

Mr. Carpenter said this is the third and final year of the temporary fishing restrictions which were adopted in 1983 and became effective in January 1984. The Commission will have to act on these restrictions before the end of the year or they will expire of their own accord. Mr. Zeni suggested that the scientific community look into the regulations and the present situation and make recommendations by the next meeting.

POWER ASSISTED HAND SHAFT TONGS

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

THAT REG. II, SEC. 1, SUBSECTIONS (a) THROUGH (j); SECTION 2, SUBSECTIONS (a)(1) AND (e); REG. I, SECTION 2, SUBSECTIONS (f)(1) THROUGH (f)(4), ALL DEALING WITH POWER ASSISTED HAND TONGS BE AMENDED AS ADVERTISED. The motion was approved.

HAUL SEINE

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

THAT REG. III, SECTION 9(a)(5) AS ADVERTISED BE AMENDED SO AS TO ALLOW HAUL SEINING ON FRIDAY EVENINGS ONLY DURING THE MONTH OF JULY AND THAT THIS SECTION AS HEREIN AMENDED BE APPROVED.

Mr. Brown said that in previous years there were 50 to 60 seiners in the Potomac River but that now there are only approximately five. Mr. Zeni said he did not believe the Commission could completely renege on a compromise made years ago.

The motion was approved.

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

THAT THE AMENDMENTS APPROVED BY THE TWO PREVIOUS MOTIONS SHALL BECOME EFFECTIVE IN 30 DAYS FROM THE DATE OF THIS MEETING. The motion was approved.

EEL POT MESH SIZE

Mr. Carpenter reported several persons had requested the Commission reconsider the eel pot mesh size regulation slated to become effective January 1987. He then reviewed the background on the change in the mesh size for eel pots by saying that a legislative committee was appointed by the Commission in 1984 to consider a suggestion to increase the minimum size for eel pots from 1/2" x 1/2" to 1/2" x 1". The suggestion was made because there was concern that eel stocks were being overfished. The committee recommended the increased mesh size and to allow a period of two years for fishermen to convert to the new gear. The recommendation was approved after a public hearing in November 1984.

Mr. William Dent, speaking for the Northern Virginia Watermen's Association, said things have changed and now a larger percentage of eels that are caught are being salted for the trot line market and that a smaller eel is more desirable for that market. The watermen are dependent on these eels for bait and it will hurt a lot of them if the size is changed. They do not believe there is any reason for this change and requested it not go into effect. Mr. Robberecht, an eel dealer from Montross, spoke in favor of the change which was approved two years ago. He believes the change is necessary to save the eel industry.

Mr. Zeni asked Mr. Dunnington for an opinion. Mr. Dunnington replied that there was evidence that over time smaller eels are being taken in the fishery and this is one sign of a stock being overfished. They recommended that the mesh size be changed in 1984 and continue to support the change.

Mr. Dutton did not believe that efforts should be made to save the eels because they eat the spawn of other fish. He asked that the eel pot mesh size remain at 1/2" x 1/2". Mr. Shymansky spoke in agreement with Mr. Dutton. Mr. Cumberland spoke against the larger mesh size.

Mr. Pruitt said that if the regulation slated to go into effect in January is to be changed, it will have to be advertised for another public hearing and asked that this be tabled until the next meeting.

BLACK BASS

Mr. Carpenter reported that we have observed an increase in the number of black bass being caught in the upper river over the last few years. Currently, the PRFC has a five fish creel limit but no minimum size limit. The District of Columbia is proposing a 12" minimum size limit and both Maryland and Virginia already have a 12" size limit.

Mr. Pruitt said he would appoint a committee of one scientific advisor from each state and a waterman from the area where black bass are being caught to make a recommendation at the next meeting.

WHITE PERCH

Mr. Dutton said a study should be made of the need for a size limit on white perch. Mr. Robert T. Brown spoke against any regulation on white perch. Mr. Dent said white perch are taken in trap nets and there is no way to cull the white perch from the bait fish.

Mr. Pruitt appointed Mr. Dutton, representatives from the scientific community and Mr. Brown to study the necessity for a size limit on white perch.

ACKNOWLEDGEMENTS

On behalf of the entire Commission, Mr. Pruitt expressed our appreciation for the Maryland police's continued support of the Commission's work. He welcomed Mr. Paul Wentzell back from extended sick leave. Mr. Wentzell then introduced Lt. Gene Marshall as the new lieutenant responsible for the southern region.

AUDIT AND BUDGET REPORT

Mr. Carpenter said that the 1984-85 joint audit report has been mailed by the Auditor directly to each Commissioner and other appropriate persons. The Auditor's recommendation to evaluate the Commission's insurance needs was dealt with earlier in the meeting.

The budget for FY 86-87 was presented. Estimated receipts and expenditures totaled \$473,000.00. The following motion was made by Mr. Zeni and seconded by Mr. Russell:

TO APPROVE THE FY 86-87 BUDGET AS PRESENTED AND THAT A COPY BE ATTACHED TO AND MADE PART OF THE MINUTES OF THIS MEETING. The motion was approved.

POUND NET STANDS

Mr. Robert T. Brown asked to address the Commission regarding his case which is pending in District Court in which he was charged with failure to remove his pound net poles as required by the regulations. He asked to be able to renew his pound net licenses as, at this point, he has not been convicted of anything. He agreed to move the stands 100 to 150 yards away from the area under investigation.

Mr. Hutt said it was his understanding that the case was continued because the judge requested more information as to the condition of the river bottom. The diver has been unable to obtain this information due to poor weather conditions. It was his opinion that the integrity of the area had to be preserved and he did not believe Mr. Brown should be permitted to compromise that site until the case has been resolved.

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

THAT NO LICENSES BE ISSUED WITHIN 400 YARDS OF THE SITE PREVIOUSLY LICENSED BY MR. BROWN UNTIL FINAL DISPOSITION BY THE COURT. The motion was approved.

POTOMAC RIVER FISHERIES COMMISSION
1986-87 BUDGET

DISBURSEMENTS

	<u>1986-1987 BUDGET</u>	
<u>PERSONAL SERVICES:</u>		
101 Compensation of Commissioners	\$ 1,800.00	
102-108 Salaries	91,681.00	
109 Part-time help	1,000.00	
112 Commissions to Clerks license sales	450.00	
199 Other Personal Services	<u>1,000.00</u>	\$ 95,931.00
<u>CONTRACTUAL SERVICES:</u>		
201 Advertising	5,000.00	
204 Postage	2,700.00	
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	3,000.00	
220 Travel Expenses	10,000.00	
221 Water Service	275.00	
224 Photographic Services - Charts	350.00	
270 Repairs to Equipment	1,000.00	
280 Interest Expense	500.00	
299 Other Contractual Services	5,000.00	
301 Automotive Expense	1,500.00	
309 Fuel for Heat	1,200.00	
313 Office Supplies	1,200.00	
330 Household Furnishings & Supplies	200.00	
332 Licenses, Tags, Report Books	<u>5,000.00</u>	\$ 42,695.00
<u>CURRENT CHARGES & OBLIGATIONS:</u>		
240 Insurance - surety bonds, fire, auto liability, workmen's comp.	<u>8,000.00</u>	\$ 8,000.00
<u>PENSION AND OTHER CONTRIBUTIONS:</u>		
510 Retirement	10,600.00	
511 Group Life Insurance	245.00	
512 Group Health Insurance	12,000.00	
513 Employer's O.A.S.I.	<u>6,000.00</u>	\$ 28,845.00
<u>CAPITAL OUTLAYS:</u>		
801 Office & Other Equipment	3,000.00	
802 Furniture and Fixtures	1,000.00	
805 Improvements to Building	<u>1,200.00</u>	\$ 5,200.00
<u>DEVELOPMENT & REPLETION EXPENSES:</u>		
225, 331, 333 & 335 Seed Oyster and/or Shell	<u>272,329.00</u>	\$272,329.00
UNEXPENDED CASH BALANCE:	<u>20,000.00</u>	\$ 20,000.00
		\$473,000.00

POTOMAC RIVER FISHERIES COMMISSION
1986-87 BUDGET

RECEIPTS

	<u>1986-87</u> <u>BUDGET</u>
UNEXPENDED CASH BALANCE BROUGHT FORWARD: (as of 7/1/86)	\$ 60,000.00
SALE OF LICENSES:	
FISH	15,000.00
OYSTER	30,000.00
CRAB	20,000.00
CLAM	0.00
OYSTER BUSHEL INSPECTION TAX	30,000.00
APPROPRIATIONS BY STATE:	
MARYLAND	150,000.00
VIRGINIA	150,000.00
INTEREST ON SAVINGS (C/D's)	17,000.00
MISCELLANEOUS: CONFISCATED PROPERTY & SALE OF TAGS, ETC.	<u>1,000.00</u>
TOTAL	\$473,000.00

May 9, 1986

La Plata, MD

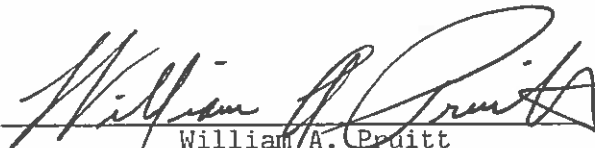
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Mr. Brown will be given his license for that location when the PRFC has been notified by the St. Mary's court that their direction has been complied with. Mr. Hutt recommended that Mr. Brown's lawyer contact the State's Attorney to resolve this problem.

NEXT MEETING

The date and place of the next meeting will be announced at a later date.

The meeting adjourned at 12:40 p.m.


William A. Pruitt
Chairman


Henry S. Braithwaite
Secretary