

# POTOMAC RIVER FISHERIES COMMISSION MEETING

MAY 8, 1987

COMMISSIONERS: John T. Parran, William A. Pruitt, Verna E. Harrison, R. Wayne Browning, Henry S. Braithwaite and Francis J. Russell.

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

PRESS: Peter Durantine, The Times Cresent, Lawrence Latane, The Richmond Times Dispatch, Isabel Gough, The Richmond News Leader and John Sullivan, The Free Lance Star.

GUESTS: Elgin Dunnington, CBL, Robert J. Markland, Doanld Z. O'Bier and L.E. Vickers, VMRC, Gene Marshall, Woody Willing, John Mattingly, Janet Van Tassel, Jerry Tolodziecke and Paul Massicot, MD DNR, Paul B. Wather, Jr., Patrick Wathen, Tucker Brown, James Lathroum, James W. Dutton and several others who did not sign the register.

The meeting was called to order at 9:30 a.m. by Vice Chairman Browning. Mrs. Verna Harrison was introduced by Mr. Parran as the new Commissioner, representing Maryland, who will be replacing Mr. Lee Zeni. The following motion was made by Mr. Parran and seconded by Mr. Russell:

"THAT THE MINUTES OF THE FEBRUARY 6, 1987 MEETING BE APPROVED AS WRITTEN AND DISTRIBUTED." The motion was approved.

## IMPACT OF ORDER 87-1 (LOWER RIVER OYSTER CULL LAW)

Mr. Carpenter noted that the Order 87-1 did encourage harvest from the lower river area and that an ongoing active repletion program in that area should be conducive to future harvest. There was no significant increase in the catch, but the change in the cull law did relax the watermen's concern regarding cull law violations for spat. The following motion was made by Mr. Parran:

"THAT THE ORDER 87-1 BE EXTENDED FROM OCT. 1, 1987 THRU MARCH 31, 1988." The motion was approved unanimously.

## REPORT ON UPPER RIVER

Mr. Carpenter noted that about 300 bushels had been harvested from the area opened at the last meeting and that Beacon Bar and Popes Creek were the more productive bars within that area. Mr. Carpenter also added that the Potomac River Fisheries Commission received some criticism concerning the opening of the upper river and the low catch in those areas. We have received questions concerning refunds of license fees. Mr. Parran said that the Potomac River Fisheries Commission should deny such requests. Mr. Russell said a copy of the harvest report that shows 19 bars in other areas of the river, in either actual catch or in the catch per man/day, should be included in the response to refund requests. Mr. Hutt suggested the Chairman's signature should be on all correspondence concerning this matter and it should include a note on the danger of setting the precedent of returning license fees.

## SOFT SHELL CLAM SURVEY

Mr. Carpenter reported that 3 vessels and crews were provided by the clambers for the survey. Mr. Elgin Dunnington reported that substantial clam populations were found in shallow water in the area between Cedar Point and Swan Point, as well as the area between Swan Point and Neale Sound. Three places were noted to have clams in

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sufficient numbers to support commercial harvesting. He also noted the spot sampling methods of the survey are not adequate to determine exact population. Mr. Carpenter said the current line at St. Clements Island was causing some problems and suggested that a line be re-drawn from the Cross to the Nun Buoy. Mr. Tucker Brown said that the Nun Buoy is often out of position and this could lead to enforcement problems. He recommended that line be drawn from the stone pile to the bell buoy. He volunteered the Clammers Association to erect a stationary marker. Mr. Jerry Toloziecki Maryland DNR Engineer, came forward to mark both lines of the clamming chart. Mr. Carpenter noted that the entire shore line is rip-rap and a permanent marker would be more specific than the reference made to "a pile of rocks" location. Mrs. Harrison noted the island is a Maryland State Park and Park authority approval should be gained. She checked with them and reported that a marker can be placed on the land at St. Clements Island. The following motion was made by Mr. Russell and seconded by Mr. Braithwaite:

"THAT THE EASTERN BOUNDARY OF CLOSED AREA E, THE PRFC SOFT SHELL CLAMMING CLOSED AREAS CHART DATED 1/1/83, BE AMENDED TO READ AS FOLLOWS: "EASTERN BOUNDARY IS A LINE IDENTIFIED BY SIGHTING OVER THE POTOMAC RIVER U.S. COAST GUARD CHANNELL BELL BUOY "F" OVER A 4" x 4" POST ON THE SOUTH WESTERN TIP OF ST. CLEMENTS ISLAND. THENCE, FOLLOWING THE SHORELINE TO PRFC MARKER PRM4B AND THENCE, TO PRFC MARKER PRM4C AND THAT THIS MODIFICATION SHALL BE EFFECTIVE 6/1/87/" The motion was approved unanimously.

Mr. Carpenter said he would coordinate the establishment of the marker with the Clammers, the park authorities and the engineers.

Mr. Tucker Brown gave a lengthy presentation supporting opening additional clamming ground and removing the distance from the shore limitations. He also stated that the Maryland Clammers Association were in support of a clam tax that would be payable to the Potomac River Fisheries Commission. Mr. Brown asked for a complete re-survey of the clam/oyster area in the Potomac River. Mr. Parran asked Mr. Dunnington if the re-survey was feasible. Mr. Dunnington said that a re-survey should only be conducted with a "best use criteria" in mind for the bottom and that a river wide re-survey would be a monumental task, the largest undertaking in the history of the Commission. Mr. Dutton said that dredging the bottom for clams is very damaging to the river bottom. Mr. Dunnington said that the effects of dredging are transitory and that the real threat of damage is related to the intensity of the harvesting activity. If enough area is left open to harvesting, damage is dispersed. He also noted that no submerged aquatic grasses were found in the surveyed area.

Mr. Browning asked for recommendations resulting from the survey. Mr. Carpenter said that although the area surveyed was on charted oyster bars, no oysters were found. The current regulations would prohibit opening the area for clamming without reclassifying the area. Mr. James Lathroum, president of St. Mary's Clammers Association, believed clams are available up and down the Potomac and requested opening the surveyed areas. Mr. Russell asked if additional clam area should be opened on the Virginia side where no oyster bars are present. Mr. Browning said that side was not surveyed and he felt not enough data was available. Mr. Pruitt said that additional information was needed to make a decision and it should be brought before the Commission at the next meeting. The following motion was made by Mr. Pruitt and seconded by Mr. Russell:

"THAT THE EXECUTIVE SECRETARY MEET WITH THE CLAMMERS, LAW ENFORCEMENT AND SCIENTISTS TO DEVELOP RECOMMENDATIONS ON THE AREAS OPEN FOR HARVEST OF SOFT SHELL CLAMS AND THAT REGULATION V BE REVIEWED FOR ANY NECESSARY CLARIFICATION."

The motion was approved unanimously.

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## STRIPED BASS CONTAMINANT STUDY

Mr. Carpenter reported receiving a response from the Virginia State Water Control Board regarding possible problems in sewage treatment plant releases. The subject was outlined in a report by Lenwood Hall on contamination in striped bass spawning areas. Copies of the response were forwarded to both VIMS and CBL for review and comment at today's meeting. Mr. Dunnington said that the State Water Control Board's response, although not a detailed one, implied that the undisclosed release was not a major concern.

## DISBURSEMENTS AND CASH ON HAND

Mr. Browning asked for consideration of the third quarter disbursements. A statement of cash on hand as of 5/6/87 was presented as follows:

## CASH BALANCES IN BANKS AS OF MAY 6, 1987:

<u>First Virginia Bank - Northern Neck:</u>	
Checking (includes \$200.00 petty cash)	\$124,468.12
<u>First National Bank of Maryland:</u>	
Savings: (Maryland Office)	5,942.92
Virginia Local Government Invest. Pool	110,493.00
Maryland Local Government Invest. Pool	<u>110,421.99</u>
Grand Totals in Banks	\$351,326.03

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

"THAT THE 3RD QUARTER DISBURSEMENTS TOTALING \$31,487.24 BE APPROVED AS PRESENTED." The motion was approved.

## AUDIT REPORT

Mr. Carpenter noted that the 1985-86 joint audit report had been mailed by the Auditor directly to each Commissioner and other appropriate persons. The report found all monies accounted for properly. A motion was made and seconded:

"TO APPROVE THE 85-86 JOINT AUDIT REPORT." The motion was approved unanimously.

## REPORT ON THE PUBLIC HEARING

Mr. Parran presented the "Record of Public Hearing, May 1, 1987" as follows:

"The Public Hearing on the proposed change in Regulation I, Section 6, General Penalty Provisions was called to order by Mr. Parran at 9:30 a.m. Mr. Carpenter reported that the proposed amendment and notice of today's Public Hearing had been duly advertised as required by the Compact. Mr. Hutt noted the advertised version has been amended to exempt violations of Reg. III, Sec. 14 from the \$500.00 maximum penalty on the first offense. However, it is not a change in the current regulation and therefore would not require readvertising.

Mr. Parran, noting no one present, suggested we wait a few minutes before adjourning. The proposed bond schedule to be adopted by the Commission, subject to the provisions of the proposed regulation change was reviewed.

Since no one appeared, Mr. Parran said the Hearing record would remain open until the Commission meeting on May 8, 1987.

Since the Public Hearing was continued to today, the Vice Chairman declared the Public Hearing open, and asked if any one present wished to speak on the proposed amendments. There was no response, therefore Mr. Browning closed the Public Hearing.

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

"THAT REGULATION I, SEC. 6. AS ADVERTISED AND AMENDED AS NOTED IN THE PUBLIC HEARING RECORD BE ADOPTED, EFFECTIVE JULY 1, 1987." The motion was approved unanimously.

#### POSTABLE FINES/APPEARANCE BONDS

Subject to the provisions of Reg. I, Sec. 6(b), as just adopted, Mr. Hutt presented a proposed bond schedule. The adoption of such a schedule will allow defendants to pre-pay a fine or post an appearance bond in lieu of a personal appearance before the court for only those violations specifically listed in the schedule. The schedule has been presented to the appropriate judges and State/Commonwealth's Attorney's for review and comment. To date no comments have been received.

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

"THAT THE POSTABLE FINE OR APPEARANCE BOND SCHEDULE, AS PRESENTED, BE ADOPTED; THAT IT BECOME EFFECTIVE JULY 1, 1987 AND THAT A COPY BE ATTACHED TO AND MADE PART OF THESE MINUTES."

#### OYSTER HARVEST

A report on the 1986-87 harvest season was presented. It showed a 17,000 bushel increase in the tongers harvest over last year and a 7,000 bushel decrease in hand scrape harvest. The total harvest was 91,000 bushels. Hand scrape license sales were less than the previous year while tonging licenses increased. The catch by bar report showed Swann Point, Cedar Point, Gum bar and Old Farm the most productive areas. The river wide season average catch per tonger was 6.4 bushels while the scrapers average was 3.3 bushels per man. The difference between the buyers and harvesters totals was less than 1%.

Mr. Carpenter called attention to a report showing the oyster landings by port or creek within each county. This was the first year that such information was recorded. This type of information may be useful in planning county economic policies and provide documentation for Corps of Engineers channel maintenance programs.

#### REPLETION PROGRAM

Mr. Carpenter reported that no bids were received as the result of advertising in the local papers. He therefore negotiated contracts for the fresh shell planting, approved at the last meeting, at a cost of .38/bushel. The fresh shell plantings began on May 13, and if all goes well, the entire reef shell planting will be done in conjunction with the Maryland program some time in late June or early July.

#### BUDGET COMMITTEE

Mr. Russell and Mr. Braithwaite presented the 1987-88 Budget Report to the Commission. The following motion was made by Mr. Pruitt and seconded by Mr. Parran:

"THAT THE BUDGET FOR FISCAL YEAR 1987-88 BE APPROVED AS WRITTEN AND THAT A COPY BE ATTACHED TO AND MADE PART OF THESE MINUTES." The motion was approved unanimously.

#### NOMINATING COMMITTEE

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

"THAT MR. RUSSELL BE ELECTED AS CHAIRMAN AND MR. PARRAN BE ELECTED AS SECRETARY AND MR. BROWNING CONTINUE TO SERVE AS VICE CHAIRMAN FOR THE COMMISSION." The motion was approved unanimously.

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#### PERSONAL

Mr. Carpenter informed the Commission that the Commission's Administrative Assistant, Mr. Mike McKenney will be leaving his employment in June after being accepted into law school. Mr. Carpenter mentioned the fact that Mr. McKenney will be sorely missed and commented on the excellent manner in which he has served the Commission during his employment. All wished Mr. McKenney much luck and success in his future endeavors.

Mr. Carpenter informed the Commission of an option recently provided by the Virginia Supplemental Retirement System that allows employees at age 55 with 30 years of service to retire with full benefits. The VSRS anticipates no additional cost to employers if the option is made available by the employer to their employees. The following motion was made by Mr. Pruitt and seconded by Mr. Braithwaite:

"THAT THE 55/30 RETIREMENT PLAN BE MADE AVAILABLE TO THE POTOMAC RIVER FISHERIES COMMISSION EMPLOYEES AND THAT THE EXECUTIVE SECRETARY BE AUTHORIZED TO COMPLETE THE NECESSARY VSRS FORMS." The motion was approved unanimously.

#### DELIQUENT CATCH REPORTS

Mr. Carpenter reviewed the procedures for notification of an individual with respect to delinquent catch reports. The final determination made by the Commission for each individual is kept in a permanent file. A number of the violations occurred many years ago and often an individual cannot obtain a license before appearing before the Commission. He suggested some time limit to purge the records. Mr. Hutt suggested a period of 5 years that would be self regulating in cleaning the records. Mr. Browning asked Mr. Carpenter to come up with some suggested wording for consideration at the next meeting. The Chairman asked if any of the 25 persons delinquent in filing the reports was present. No one was present. The following motion was made by Mr. Parran and seconded by Mr. Pruitt:

"THAT THE HEARING OFFICERS RECOMMENDATIONS ON THE 25 PERSONS LISTED IN THE HEARING OFFICERS REPORT BE APPROVED AS PRESENTED." The motion was approved.

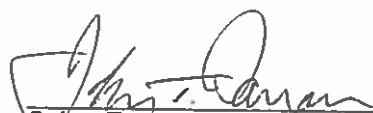
#### NEXT MEETING

The next meeting will be held July 31, 1987. The location will be announced at a later date.

#### ADJOURN

A motion to adjourn was made by Mr. Pruitt and seconded by Mr. Parran.

  
Jackie Russell, Chairman

  
John T. Parran, Secretary



OTOMAC RIVER FISHERIES COMMISS.  
1987-88 BUDGET

ADOPTED AND APPROVED May 8, 1987

DISBURSEMENTS

	1987-1988 <u>BUDGET</u>	
<u>PERSONAL SERVICES:</u>		
101 Compensation of Commissioners	\$ 1,800.00	
102-108 Salaries	96,709.00	
109 Part-time Help	1,000.00	
112 Commissions to Clerks license sales	500.00	
199 Other Personal Services	<u>1,800.00</u>	\$101,809.00
<u>CONTRACTUAL SERVICES:</u>		
201 Advertising	5,000.00	
204 Postage	2,700.00	
205 Telephone	4,400.00	
208 Electric Current	1,300.00	
212 Lease of Equipment	220.00	
214 Membership dues & subscriptions	350.00	
216 Printing Regulations	3,000.00	
220 Travel Expenses	12,000.00	
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	1,200.00	
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>	\$ 44,895.00
<u>CURRENT CHARGES &amp; OBLIGATIONS:</u>		
240 Insurance - surety bonds, fire, auto liability, workmen's comp.	<u>6,000.00</u>	\$ 6,000.00
<u>PENSION AND OTHER CONTRIBUTIONS:</u>		
510 Retirement	11,160.00	
511 Group Life Insurance	262.00	
512 Group Health Insurance	8,500.00	
513 Employer's O.A.S.I.	<u>6,343.00</u>	\$ 26,265.00
<u>CAPITAL OUTLAYS:</u>		
801 Office & Other Equipment	2,000.00	
802 Furniture and Fixtures	1,000.00	
803 Auto	8,000.00	
805 Improvements to Building	<u>3,000.00</u>	\$ 14,000.00
<u>DEVELOPMENT &amp; REPLETION EXPENSES:</u>		
225, 331, 333 & 335 Seed Oyster and/or Shell	<u>226,531.00</u>	\$226,531.00
UNEXPENDED CASH BALANCE:	<u>20,000.00</u>	<u>\$ 20,000.00</u>
		\$439,500.00

POTOMAC RIVER FISHERIES COMMISSION  
1987-88 BUDGET

ADOPTED AND APPROVED May 8, 1987

RECEIPTS

	<u>1987-88 BUDGET</u>
UNEXPENDED CASH BALANCE BROUGHT FORWARD: (as of 7/1/87)	\$ 36,000.00
SALE OF LICENSES:	
FISH	10,000.00
OYSTER	25,000.00
CRAB	20,000.00
CLAM	500.00
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	\$439,500.00



MARYLAND - VIRGINIA  
 "Potomac River Compact of 1958"



POTOMAC RIVER FISHERIES COMMISSION

222 Taylor Street  
 P. O. Box 9  
 COLONIAL BEACH, VIRGINIA 22443

804/224-7148

SCHEDULE OF POSTABLE FINES OR APPEARANCE BONDS  
 FOR FIRST OFFENCES  
 EFFECTIVE 7/1/87

TYPE OF VIOLATIONS	REG.	SEC.	SS.	BOND
<b>GENERAL</b>				
Commercially fishing/crabbing	I	3	(b)	\$50.00 or 2X
oystering/clamming w/o license				license fee
Violations of household use provisions	I	5	(b)	25.00
Improper or no identification				
of pots, nets, gear, vessel, ect.				
" " PN, GN, FN	I	2	(n)(9)	50.00
" " FISH TL	I	2	(q)	"
" " DG	I	2	(i)(2)	"
" " EP, FP, BP	I	2	(m)(4)	"
" " CP	I	2	(d)	"
" " OT	I	2	(f)(1)	"
" " HS	I	2	(f)(3)	"
" " SC	V	1	(c)	"
<b>OYSTERS</b>				
Unculled oysters - 6 to 10%	II	2	(f)	100.00
" " - 11 to 15%	"	"	"	150.00
" " - 16 to 25%	"	"	"	250.00
" " - 26 and over	"	"	"	300.00
Oysters in containers	II	2	(g)	100.00
Not culling on oyster bar	II	2	(f)	100.00
Tonging during closed season	I	2	(f)(i)	150.00
Tonging before or after closed hours	I	2	(b)	150.00
Hand scraping during closed season	II	2	(a)(2)	250.00
Possession of hand scrape before				
or after hours (on lawful days)	II	2	(a)(2)	100.00
Use of handscrape before or after				
hours (on lawful days)	II	2	(a)(2)	200.00
Operating a vessel with patent tongs				
or dredging equipment w/o a permit	II	2	(e)	25.00

CONTINUED ON NEXT PAGE

# BOND SCHEDULE EFFECTIVE 7/1/87 (CON'T)

TYPE OF VIOLATIONS	REG.	SEC.	SS.	BOND
CRAB				
				\$/Bu.      \$/Barrell
Unculled crabs	- 5 to 9	11 to 24	III 12	\$50.00
" "	-10 to 14	25 to 39	" "	100.00
" "	-15 to 25	40 to 59	" "	150.00
" "	-26 & over	60 & over	" "	300.00
" "	-By noncommercial persons		" "	30.00
Transporting crabs not in baskets/ barrels	III	12	(c)	50.00
No culling container on board	III	12	(c)	50.00
FISH				
Under size rock	Order # 86-2			100.00/fish
Under size fish (all others)	III	11(a)(1)-(3)		
		&(5)-(10)		10.00/fish
Possession of oversize rockfish	III	11 (a)(4)		250.00/fish
Failure to remove net stakes	I	2 (s)		10.00/stake
				100.00min.
Failure to maintain stakes or buoys in good condition or proper height	I	2 (n)(10)		10.00/stake
				50.00min.
Fishing during closed season	III	9(a)(1)-(5)		150.00
No reflective material on GN or PN net	I	2 (s)		50.00
GN set out of location	I	2 (s)		50.00
GN set in water depth more than 36' MLW	I	2 (h)(2)		250.00
Exceed min. or max. mesh size	III	8 (b)		200.00
Violation of haul seine regulations	III	8 (c)		150.00
CLAM				
Clamming in closed area	V	5 (d)		500.00
Undersized clams - 6 thru 10%	V	6		100.00
" " -11 thru 15%	"	"		150.00
" " -16% & over	"	"		250.00
Exceeding catch limits	V	4 (c)		100.00

\*\*\*\*\*  
 \* NOTE: Bonds on a per fish or per stake basis may not exceed \*  
 \* \$500.00 total per ticket. Offenses not listed are not bonded and \*  
 \* therefore would require a "MUST APPEAR" notice. \*  
 \*\*\*\*\*

## KEY

PN - Pound net	EP - Eel pot	OT - Oyster Tonger
GN - Gill net	FP - Fish pot	HS - Hand Scrape
FN - Fyke net	BP - Bait pot	SC - Soft Shell Clam
TL - Trot line	CP - Crab pot	MLW - Mean Low Water
DG - Drift gill		