

MINUTES OF THE MEETING  
POTOMAC RIVER FISHERIES COMMISSION  
STAFFORD, VA  
JULY 31, 1987

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

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

PRESS: Lawrence Latane, The Richmond Times Dispatch; Paul Sullivan, The Free Lance Star; Dick Meyers, Radio Station WPTX/WMOM.

GUESTS: J.E. Tolodziecki, Janet Van Tassel, John F. Mattingly, Woody Willing, Charles Frisbee and Louis Rogolo, MDDNR; Donald Z. O'Bier, Pete Kelley, S.M. Rogers and Ben Daniels, VMRC; Herb Austin, VIMS; Bob Bathy and Rupert Bonner, USFWS; Lee Zeni, ICPRB; Thomas Y. Savage, James W. Dutton, Samuel T. Bowlin and several others who did not sign the register.

The meeting was called to order at 9:30 a.m. by Chairman Francis J. Russell. Mr. Williams, the Stafford County Administrator, welcomed the Commission and guests to Stafford County and invited everyone to view a slide show on Stafford County after the meeting. The following motion was made by Mr. Browning and seconded by Mr. Parran:

"THAT THE MINUTES OF THE MAY 8, 1987 MEETING BE APPROVED AS WRITTEN AND DISTRIBUTED." The motion was approved.

#### REVIEW OF SOFT SHELL CLAMMING

Mr. Carpenter outlined some recommended changes to Regulation V, bringing to the Commission's attention the deletion of some duplications and wording changes. Mr. Browning noted that these changes would have to be advertised. Mr. Hutt recommended a Committee be appointed to review the regulation and that Mr. Carpenter coordinate the Committee. The following motion was made by Mr. Browning and seconded by Mr. Pruitt:

"THAT MR. PARRAN, MR. HUTT, MR. CARPENTER AND MR. JAMES LATHROUM BE APPOINTED TO SERVE ON THE COMMITTEE FOR CHANGES TO REGULATION V." The motion was approved unanimously.

Mr. Carpenter reviewed information on the request for opening additional clamming areas in Charles County. The results of a survey of the area had been presented at the last meeting. The current regulations prohibit harvest within 100 yards of shore or within 100 yards of oyster bars thus precluding working in these areas. Mrs. Harrison asked if these areas were used or useable in the oyster repletion program. Mr. Carpenter said that most of the area was suitable if funding was available, however, only Yellow Banks and a small area near Morgantown have been used for oyster seed plantings. Mr. Dutton voiced some concern over the grasses along the shore being disturbed if additional areas were opened. Mrs. Harrison felt this issue deserved more public input before any Commission action. She then made the following motion, seconded by Mr. Parran:

"THAT A HEARING ON THIS ISSUE BE HELD AT THE NEXT COMMISSION MEETING."

Mr. Hutt noted that opening or closing clamming areas did not require a change in the regulations with the associated legal requirements of a public hearing. He suggested that a more detailed description of the subject matter be sent to the local newspapers prior to the next meeting that would be sufficient public notice. The motion was approved.

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## FOURTH QUARTER DISBURSEMENTS AND CASH ON HAND

A report on 4th quarter disbursements by budget item was presented. It totaled \$192,493.21 of which \$155,808.60 was for the oyster repletion program. Mr. Carpenter noted payments of accrued leave for two former employees should have appeared on the third quarterly report but are included for approval purposes in this report. The following motion was made by Mr. Parran and seconded by Mr. Pruitt:

"THAT THE FOURTH QUARTER DISBURSEMENTS TOTALING \$192,493.21 BE APPROVED AS PRESENTED." The motion was approved unanimously.

A statement of cash on hand as of July 29, 1987 was presented as follows:

First Virginia Bank (checking)	\$120,748.44
First National Bank of MD (savings MD Office)	6,716.43
Maryland Bank and TRust (C/D)	100,000.00
Peoples Bank of Montross (C/D)	100,000.00
VALGIP (savings)	71,921.73
MDLGIP (savings)	71,271.11
**TOTAL**	<u>\$470,657.71</u>

Mr. Carpenter noted the balance reflected receipt of both Maryland and Virginia's annual appropriation and we have not yet been billed for this years reef shell plantings.

## REVIEW OF SEAFOOD CATCH REPORT HEARING PROCESS

Mr. Carpenter reviewed the seafood catch report hearing process established by the Commission in 1977 and amended in 1980. Recently we have had cases where people have applied for licenses after having previous licenses revoked. Revocation of a license requires the person to appear in person before the full Commission before new licenses can be issued.

Mr. Carpenter suggested that in those cases a time limit be established whereby the person would be able to obtain the license in person at the office of the Commission rather than being required to wait until the next Commission meeting. Such a modification in the policy would enable the staff to explain the Commission's regulations, procedures and policies to individuals who are returning after several years absence. The following motion was made by Mr. Pruitt and seconded by Mr. Parran:

"THAT THE SEAFOOD CATCH REPORTS ENFORCEMENT POLICY DATED DECEMBER 3, 1980, BE AMENDED BY ADDING THE SENTENCE: 'IN THE EVENT THE REVOCATION OCCURED MORE THAN THREE (3) YEARS PRIOR TO THE DATE OF APPLICATION, NEW LICENSES MAY ONLY BE OBTAINED IN PERSON AT THE POTOMAC RIVER FISHERIES COMMISSION'S OFFICE.', TO THE END OF ITEM #5 UNDER THE GENERAL CONSIDERATIONS." The motion was approved unanimously.

## OYSTER REPLETION PROGRAM

Mr. Carpenter reported that during May and June of this year Tall Timbers, Blake Creek, Piney Point, St. Georges Island, Hog Island and Lynches Point were planted with 400,661 bushels of fresh shell. Piney Point received additional reef shells in July when Jones Shore was planted. The fresh shell planting portion of the program, including count and control, was \$157,053.18, and as just stated the reef shells have not been billed. Mr. Russell recalled that no seed was available last Spring for transplanting however he would like to see more effort in the upper river in future years. Mr. Carpenter noted that there was some light natural set in the upper part of the river in 85 and 86 and that it may be far enough up the river to survive. Mr. Dutton noted that Becon Bar had some strike and he would like to see it loaded with seed.

Mr. Pruitt reported that Virginia and Maryland are both concerned about the future availability of fresh shells. He asked Mr. Carpenter where the Commission obtains its fresh shell supply. Mr. Carpenter replied the Virginia packing houses. Mr. Pruitt said that the future availability of fresh shell should be addressed jointly by Maryland and Virginia and the Commission thru its respective repletion committee's. Mrs. Harrison said that the disease situation should also be discussed in terms of where, when and the types of planting. She reported a recall to the Maryland Oyster White Paper Committee for that purpose and said the Commission will be invited to participate.

## REPORT ON BARGE GROUNDING

Mr. Carpenter outlined the events surrounding the grounding of a barge by the tug "Roleta" on the Huggins Oyster Bar. He said the event was documented by Officer Richard C. Carroll, MDNRP. The area was bouyed, surveyed and samples taken by experienced tongers and examined by Mr. Elgin Dunnington.

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His report found some barren bottom, dead oysters and oysters covered with mud in the affected areas. A total of approximately 15 acres, as determined by a Hydrographic Engineer, were involved. Mr. Hutt said that he has yet to receive a reply from the parties involved and is ready to take whatever additional action the Commission deems necessary. A motion was made by Mr. Parran and seconded by Mr. Pruitt:

"THAT MR. HUTT SHOULD ACTIVELY PURSUE LITIGATION IN ORDER TO RECEIVE FULL RESTITUTION FOR THE DAMAGE SUSTAINED BY THE GROUNDING OF THE BARGE BY THE TUG "ROLETA" ON THE HUGGINS OYSTER BAR."

Mr. Browning asked Mr. Parran to amend his motion to stipulate that "ALL COST FOR THE LITIGATION SHOULD BE ON A CONTINGENCY OR PERCENTAGE BASIS SUCH THAT NO ADDITIONAL COST TO THE COMMISSION WOULD BE INCURRED." Mr. Parran so amended his motion. Mr. Pruitt agreed and the motion was approved.

#### MINIMUM SIZE LIMIT FOR SPOTTED SEA TROUT

Dr. Rugulo, MDDNR, briefly outlined the life history and distribution patterns of the spotted sea trout. It is primarily a southern, warm water species, but there is evidence supporting spotted sea trout spawning in the Chesapeake Bay. Juveniles have also been found in the Bay. The objective of the size limit is to reduce the landings of the spawning females. The females mature at 3 years of age and 65-70% of the eggs are laid by the 3 year olds. Virginia, Maryland and Florida now have imposed a 12 inch minimum size limit. Mr. Russell pointed out some possible confusion with the current 10 inch size limit in the grey trout and a 12 inch limit for the spotted sea trout. They are very similar in appearance and he felt a 12 inch minimum size limit on both the grey and spotted sea trout should be considered. Mr. Bowling agreed with the same limits for both species of trout. A motion was made by Mr. Pruitt and seconded by Mrs. Harrison:

"THAT A 12 INCH MINIMUM SIZE LIMIT FOR BOTH GRAY AND SPOTTED SEA TROUT BE ADVERTISED FOR A PUBLIC HEARING AT SUCH TIME AS OTHER REGULATION CHANGES ARE TO BE CONSIDERED." The motion was approved.

#### BANKING

A motion was made by Mr. Parran and seconded by Mr. Pruitt:

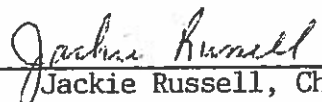
"THAT EFFECTIVE IMMEDIATELY THE CHAIRMAN, VICE CHAIRMAN, EXECUTIVE SECRETARY AND OFFICE MANAGER ARE EACH AUTHORIZED TO SIGN CHECKS IN AMOUNTS UP TO \$2,000.00. CHECKS IN AMOUNTS OVER \$2,000.00 SHALL BE SIGNED BY THE EXECUTIVE SECRETARY AND COUNTER SIGNED BY EITHER THE CHAIRMAN OR THE VICE CHAIRMAN. THIS MOTION SUPERCEDES ALL PREVIOUS MOTIONS IN REFERENCE TO AUTHORIZED SIGNATURES FOR THE CHECKING ACCOUNT." The motion was approved unanimously.

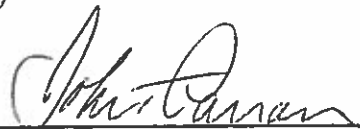
#### NEXT MEETING

The next meeting will be held FRIday November 6, 1987 at the office of the Commission in Colonial Beach, VA.

#### ADJOURN

A motion was made, seconded and approved to adjourn at 11:00 a.m.

  
Jackie Russell, Chairman

  
John T. Parran, Secretary