

MINUTES OF THE MEETING  
POTOMAC RIVER FISHERIES COMMISSION  
COLONIAL BEACH, VIRGINIA  
SEPTEMBER 2, 1987

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

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

PRESS: Lem Lloyd, Maryland Independent; Lawrence Latane, The Times Dispatch; Win Sisson, The Enterprise; James Kennedy, The St. Mary's Tide; Paul Sullivan, The Free Lance Star; Isobel Gough, The Richmond News Leader and Dick Meyers, Radio Station WPTX/WMOM.

GUESTS: Jack Travelstead and Ben Daniel, VMRC, Rodger Mann, VIMS, Wayne Stallings, J.F. Mattingly, Janet Van Tassel and Pete Jensen, MDDNR, Elgin Dunnington, CBL, Mark Bundy, ICPRB, Robert T. Brown, St. Mary's County Waterman's Association, Enoch Bryant, Robert Shymansky, Johnny Burch, John Osakowicz, Thomas Swann, William L. Rice, William Feldman, Kris Minnick, Thomas Swann, Sr., Billy Kilinski, James A. Chatham, Richard Holbrook, Sonny Allen, Gene Huldly, James L. Jones, L.L. Curley, George Hubert, Roger Hill, Ivan G. Evans, Alfred D. Chatham, James M. Banagan, George Banagan, Willard Dutton, Thomas Shymansky, Harry Stine, Richard Daiger, Lewis T. Dameron, Jr., Vince DiRosario, Alexander Johnson and several others who did not sign the register.

The meeting was called to order at 1:00 p.m. by Chairman Francis J. Russell announcing this as a special called meeting to determine if additional conservation measures for the oyster resources are necessary. Mr. Carpenter read aloud the news release announcing this meeting and the issue before the Commission.

The Chairman asked Mr. Pete Jensen, Director of Tidal Fisheries DNR, to remark on the latest findings of the Maryland Oyster White Paper Committee. Mr. Jensen said that both short and long term items were being considered. They concern containing the diseased areas and conservation of the non-diseased areas including delaying the season, prohibiting Saturday oystering and maintaining the current 15 bushel limit. He added that the final decisions should be made at the next meeting of the Oyster White Paper Committee to be held September 8th. Jack Travelstead, Deputy Commissioner for the VMRC, reported on the situation in Virginia. The disease is extensive in Virginia as well as in Maryland. Virginia is considering conservation measures including time of day restrictions and closed areas. He remarked that the lower Rappahannock has very high mortality due to disease and that Pocomoke and Tangier Sounds are areas of high concern. They will continue to monitor the situation and impose total or partial closings if and when necessary.

Mr. Pete Jensen outlined the prevalence of the disease MSX and Dermo, noting that it has been observed as far North as the Bay Bridge on the Eastern Shore and just above the mouth of the Patuxant River on the Western Shore. The Choptank is heavily infected, and the mouth of the Patuxant is also affected. In the Potomac, the Maryland shore from Cornfield Harbor to Herron Island is affected. The degree of infection and mortality increases as you move down river with Cornfield the highest at about 65%. On the Virginia shore the areas below, but not including Ragged Point, are similarly affected. Cobb Island shows little evidence of mortality or mantle recession which is a sign of infection. Mr. Elgin Dunnington, CBL, noted that total box counts, when used as indicators of mortality, could be misleading because both recent and old boxes are counted. However, recent boxes show an alarming incidence of disease. Mr. Dunnington said that recovery will be very difficult unless restrictions are imposed. Oyster harvest in the Potomac is on a "put and take" basis and that current harvest is a direct result of repletion efforts.

#### HARVEST PATTERNS AND CURRENT OYSTER REGULATIONS

Mr. Carpenter presented information on the patterns of the past two seasons. It showed that 54% of the total seasons harvest occurred during the first 6 weeks in 1985/86 and 1986/87, respectively. The average catch per man drops as the season progresses. The reports demonstrate the crucial nature of the first 6 weeks. The current oyster regulations regarding the season, days, times, methods, etc. was reviewed.

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Mr. Russell said any consideration for restrictions in the Potomac will have to be assessed in conjunction with any restrictions that Maryland may impose for the Bay and its tributaries. He said the Commission wanted to have input from the Waterman's community concerning ideas on possible restrictions and that everyone would be given the opportunity to speak, he then asked Mr. Carpenter to outline staff's recommendations on possible restrictions.

Mr. Carpenter presented a two part proposal. Within the hand scrape area, including Jones Shore, harvest be allowed as currently regulated, i.e., starting October 1st hand tonging Monday thru FRIday, sunrise to 4:00 p.m. EDT (3:00 p.m. EST). In the balance of the river, harvest be allowed starting October 1st for hand tonging on Mondays, Wednesdays and FRIdays from sunrise to noon. He proposed these restrictions be imposed for at least the first six weeks of the season, thus allowing adequate time for review at the next regularly scheduled quarterly Commission meeting on November 6th. He suggested this approach should allow more harvest in areas where the risk of losses from disease are the greatest and hopefully help conserve the upriver oysters until later in the season.

The Chairman asked each Commissioner to comment of staff's proposal before he opened the floor to public comment. Mr. Pruitt felt the Mon/Wed/FRI restrictions may put undue burden on both the oysterman and packers, but agreed with the time limits. Mr. Parran felt the proposal may be appropriate. Mrs. Harrison asked to reserve her comments until she heard from those present. Mr. Browning agreed with the idea of encouraging harvesting in the lower river and questioned if it should be done sooner.

The scientific advisors reviewed the history, biology and management strategies for dealing with the disease and depending on whether MSX or Dermo is present, brood stocks should or should not be left on the bars. They noted relatively high incidences of disease on Herron Island, Huggins, Knotts Hollow and Posey's oyster bars in addition to those in the hand scrape area.

The Chairman then asked for comments or suggestions from the public. Mr. Robert Shymansky, an oyster buyer, objected to the staggered days in the upper river. He suggested Monday thru FRIday until noon with a 10 bushel per man limit. Mr. Rodger Hill, a tonger, suggested the upper river be closed entirely until Maryland opens its low risk areas. Mr. Bill Rice, a tonger, suggested five days a week until noon in the upper river without a per man bushel limit. Mr. Willard Dutton said if the Potomac is open while Maryland is closed, the five day harvest in the upper river will lead to overfishing. Mr. Harry Stine questioned the impact of the ISSC/FDA ruling that will impose area closures following a one inch rainfall. Mr. Jensen indicated that virtually all Maryland tributaries of the Potomac would be closed by that ruling for up to four days after the rain. Mr. Robert T. Brown agreed with harvesting as many oysters as possible in the lower river before they die. He suggested the bars on the Maryland side which are affected and above the hand scrape line be included in the "hand scrape area".

Mr. Parran made the following motion, seconded by Mr. Pruitt:

"THAT THE COMMISSION HAVE AN EXECUTIVE SESSION TO DISCUSS WITH THE LEGAL OFFICER THE LEGAL REQUIREMENTS BEFORE ANY COMMISSION ACTIONS ON THIS MATTER." The motion was approved.

The Chairman asked the waterman, packers and others present to use the next few minutes to see if a consensus recommendation could be developed. The meeting recessed at 2:10 p.m.

The meeting was reconvened at 2:50 p.m. The Chairman announced that the legal officer had advised the Commission in regards to legal procedures necessary to take any action. He also noted that knowledge of Maryland's final rules was necessary to assess the potential impact of any Commission action. He asked if the waterman and industry representatives were able to develop a consensus recommendation.

Mr. Brown, speaking for the group, suggested the Commission consider the following: For the first six weeks of the season, in the upriver areas unaffected by disease, allow tonging Monday thru Thursday from sunrise until noon with no bushel limit. In the lower river, including the affected bars of Heron Island, Huggins, Knotts Hollow, Poseys Bluff, Jones Shore and the hand scrape area, allow hand scraping and tonging Monday thru Friday from sunrise until 4:00 p.m. (3:00 EST).

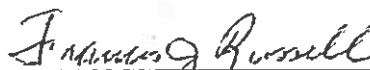
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Mr. Russell thanked everyone for the very careful consideration given to this issue. The following motion was made by Mrs. Harrison and seconded by Mr. Pruitt.

"THAT THE COMMISSION REVIEW THE SUGGESTIONS AND COMMENTS RECEIVED TODAY, AND THAT NO ACTION BE TAKEN UNTIL AFTER MARYLAND'S OYSTER WHITE PAPER COMMITTEE MEETS ON SEPTEMBER 8TH". The motion was approved.

Mr. Pruitt then moved "TO SCHEDULE A SPECIAL MEETING ON SEPTEMBER 11, 1987 AT 10:00 a.m., AND THAT THIS MEETING BE ADJOURNED". The motion was seconded and approved at 3:00 p.m.



Francis J. Russell, Chairman



John T. Parran, Secretary