

MINUTES OF THE REGULAR MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
MAY 6, 1988

COMMISSIONERS: R. Wayne Browning - Chairman, John Thomas Parran - Vice-Chairman, John W. Freeman, Sr. - Secretary, Verna E. Harrison, William A. Pruitt and Francis J. Russell.

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

PRESS: Paul Sullivan - The Free Lance-Star, Lawrence Latane - The Richmond Times Dispatch, Jack Kershaw - WCMD Radio (La Plata) and Isobel Gough - Richmond News Leader.

GUESTS: Mark Bundy - ICPRB; Ben Daniel - VMRC; Donald Z. O'Bier - VMRC Police; Jack Taylor, W. B. Willing, John Mattingly and Frank Wood - Maryland Marine Police; Janet VAn Tassel and Charles Frisbie - MD DNR; Robert T. Brown, Samuel Bowling, William Rice, Willard Dutton, and several others who did not sign the register.

The meeting was called to order at 9:35 A.M. by Chairman R. Wayne Browning who welcomed all those present.

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

"THAT THE MINUTES OF THE FEBRUARY 19, 1988 MEETING BE APPROVED AS DISTRIBUTED". The motion passed unanimously.

HUGGINS OYSTER BAR DAMAGE

Mr. Hutt reported to the Commission that negotiations for settlement had fallen through. He told them that he had been in contact with the Attorney General's Office in Maryland and that they would assist us in filing suit against the barge operator through the State of Maryland. The Commission gave a general consensus for the Legal Officer to proceed with filing the suit with the Maryland Attorney General's Office assistance.

DEEP WATER OYSTER SURVEY REPORT

This survey was conducted on March 1 and 2, 1988 according to the conceptual plan outlined at the February 17, 1988 Commission meeting. Locations were selected based on charted bottom characteristics which suggested the possibility of finding deep water oysters. Thirty different locations were sampled, recovered material was sorted and recorded using the standard Maryland Oyster Bar Survey technique. Only one live market oyster was found and only a dozen market size boxes were observed. However, several samples found some spat and small oysters as well as boxes of those sizes. This suggests the anoxic conditions in the deeper waters of the Potomac during most summers will not allow oysters to survive long enough to reach a marketable size.

Mr. Parran asked what reaction the watermen had regarding this survey. Mrs. Harrison said that there will probably be another request to take another look this Fall because some people are saying that all locations were not looked at.

Mr. Russell asked if anyone knew why there was so much "red water" now. Mr. Dutton said that the power plant has scrubbers which remove the ash from their discharge and that they are probably not using them, which allows the ash to be discharged, making the water red. Mr. Carpenter said that it may also be some sort of algae and that he would contact some people to see if he could find out definitely what it was and report back to Mr. Russell.

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MODIFICATION OF POWER ASSISTED HAND TONG GEAR

The Executive Secretary reported that the Charles County Waterman's Association had asked the Commission to consider modifying the regulations on power assisted hand tongs allowing them to be raised above the surface of the water all the way to the cull board. Mr. Carpenter said that in the agenda packet he had provided the Commissioners with a comparison table showing the average catch per man-day for tongers with and without the power assisted gear. He summarized the report by stating that on the average there is a 50% increase in the catch per man when the power assisted tongs are used. He also noted that use of power assisted hand tongs accounted for 17% of the total harvest; 12% of the man-days effort and 6% of the tong boats licensed. Mr. Carpenter said that it would be his recommendation to wait at least one more year before modifying the definition because the use of power assisted hand tongs were first allowed in the Potomac during the 1986-87 season. Waiting at least another year would allow more data to be evaluated to give a more accurate picture of the use of the gear.

Several guests and some of the Commissioners concurred that the reason for requesting the modification was to remove some of the physical burden from the watermen not to increase the catch. However, it was also agreed upon that with the use of the power assisted hand tongs, an oysterman would be able to make more "licks" in a day because of the removal of the physical strain, thus, allowing the oysterman to increase his catch.

The Legal Officer stated that as counsel to the Commission, he felt that the Compact would prohibit them from modifying the definition to allow the power assisted hand tongs to be raised to the culling board because this would be too similar to patent tongs. Mr. Hutt said that when the Commission decided to allow power assisted hand tongs, they allowed them to be raised to the water level so that there would be a definite difference between power assisted and patent tongs. He had determined that Maryland has the same regulation regarding this subject as the Commission now has.

Mr. Pruitt stated that he felt the definition of patent tongs was deficient because it does not state how the shellfish are caught. Patent tongs allow the operator to use mechanical devices to do all of the work and power assisted hand tongs only use mechanical gear to lift the tongs from the water, the actual tonging and emptying of the tongs are still done by hand. Mr. Carpenter said that the poor definition was probably due to the fact that patent tongs are specifically prohibited from the Potomac River, and that the devices which are allowed, have more detailed definitions. Mr. Pruitt said that he felt they should look a little deeper into this and make a decision in August.

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

"THAT THE COMMISSION POSTPONE ANY ACTION ON THE MODIFICATION OF THE DEFINITION OF POWER ASSISTED HAND TONGS UNTIL THE LEGAL OFFICER HAS THE OPPORTUNITY TO FURTHER REVIEW THE MATTER AND REPORT AT THE AUGUST MEETING". The motion passed unanimously.

Mr. Freeman suggested that Mr. Hutt try to get with some of the watermen to find out their opinions and some first hand information on how the gear would be operated. Mrs. Harrison said that she would volunteer someone from DNR to go with Mr. Hutt and she also stated that part of the Commission's strategy was to conserve the resource thru the use of inefficient harvest methods.

SLUDGE

Mr. Carpenter reported to the Commission that as directed at the last Commission meeting, he presented the information they recommended to the Westmoreland County Board of Supervisors concerning land application of sludge. Mr. Carpenter said that the Board of Supervisors looked upon the recommendation favorably but decided to go with the State program because the State will regulate the activities verses the County having to establish a department to oversee the operation if they modified the State permit requirements.

POTOMAC RIVER FISHERIES COMMISSION
1988-89 BUDGET

ADOPTED AND APPROVED May 6, 1988

DISBURSEMENTS

	1988-1989 <u>BUDGET</u>	
<u>PERSONAL SERVICES:</u>		
101 Compensation of Commissioners	\$ 1,800.00	
102-108 Salaries	103,485.00	
109 Part-time Help	1,000.00	
112 Commissions to Clerks	500.00	
License sales		
199 Other Personal Services	<u>1,800.00</u>	\$108,585.00
<u>CONTRACTUAL SERVICES:</u>		
201 Advertising	\$ 6,000.00	
204 Postage	2,700.00	
205 Telephone	4,400.00	
208 Electric Current	1,300.00	
209 Freight Expenses	100.00	
212 Lease of Equipment	200.00	
214 Membership Dues & Subscriptions	350.00	
216 Printing Regulations	3,000.00	
220 Travel Expenses	13,500.00	
221 Water Service	300.00	
224 Photographic Services - Charts	500.00	
270 Repairs to Equipment	1,000.00	
280 Interest Expense	500.00	
299 Other Contractual Services	5,000.00	
301 Automotive Expense	1,000.00	
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>8,000.00</u>	\$ 50,450.00
<u>CURRENT CHARGES & 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	\$ 11,076.00	
511 Group Life Insurance	275.00	
512 Group Health Insurance	10,000.00	
513 Employer's O.A.S.I.	<u>7,170.00</u>	\$ 28,521.00
<u>CAPITAL OUTLAYS:</u>		
801 Office & Other Equipment	\$ 6,000.00	
802 Furniture & Fixtures	1,000.00	
805 Improvements to Building	<u>3,000.00</u>	\$ 10,000.00
<u>DEVELOPMENT & REPLETION EXPENSES:</u>		
225, 331, 333 & 335 Seed Oysters and or Shell	<u>\$211,944.00</u>	\$211,944.00
<u>UNEXPENDED CASH BALANCE:</u>		
	<u>\$ 15,000.00</u>	\$ 15,000.00
		\$430,500.00

POTOMAC RIVER FISHERIES COMMISSION
1988-89 BUDGET

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RECEIPTS

	<u>1988-89 BUDGET</u>
UNEXPENDED CASH BALANCE FORWARD: (as of 7/1/88)	\$ 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:	20,000.00
APPROPRIATIONS BY STATE:	
MARYLAND	150,000.00
VIRGINIA	150,000.00
INTEREST ON SAVINGS (C/D's)	18,000.00
MISCELLANEOUS: CONFISCATED PROPERTY & SALE OF TAGS, ETC.	<u>1,000.00</u>
	\$430,500.00

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THIRD QUARTER DISBURSEMENTS

A report on the third quarter disbursements (January - March 1988) was presented by budget item which totaled \$37,636.43. A statement of cash on hand as of May 4, 1988 was presented as follows:

FIRST VIRGINIA BANK - NORTHERN NECK:	\$ 62,274.13
Checking (includes \$200.00 petty cash)	
FIRST NATIONAL BANK OF MARYLAND:	6,402.80
Savings: (Maryland Office)	
VIRGINIA LOCAL GOVERNMENT INVESTMENT POOL:	130,490.85
MARYLAND LOCAL GOVERNMENT INVESTMENT POOL:	<u>129,600.89</u>
Grand Totals in Banks:	\$328,768.67

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

"THAT THE THIRD QUARTER DISBURSEMENTS OF \$37,636.43 BE APPROVED AS PRESENTED". The motion passed unanimously.

1987-88 OYSTER SEASON HARVEST REPORT

The Executive Secretary provided each Commissioner with the evaluated results of the data the PRFC received from oystermen and buyers for the 1987-88 oyster season. Mr. Carpenter said that other than the drastic decrease in total harvest (1986-87 91,000 bu. to 1987-88 49,000 bu.), there were no other peculiarities. However, there was a discrepancy of 1,000 bushels between the Buyer's reports and the Tonger's reports, but the staff was in the process of auditing these reports to see if they could find the discrepancies. Also provided was the port or creek of landing information. Mr. Carpenter informed the Commission that this information may be very helpful in the event a Federal navigation project were to come about because it would help the Corps of Engineers to determine the economic impact value.

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

"THAT THE COMMISSION ACCEPT THE 1987-88 OYSTER SEASON HARVEST REPORT AS PRESENTED". The motion passed unanimously.

PROGRESS REPORT ON 1988 OYSTER REPLETION PROGRAM

Mr. Carpenter reported that we have received commitments for planting approximately 320,000 bushels of fresh shell at a cost of approximately \$135,000. All except the 50,000 bushels to be planted at Piney Point will be put on Jones Shore for seed production to be moved this Fall. The balance of the development & repletion monies will be used to plant reef shells on Jones Shore.

Mr. Russell asked what the difference in mortality was between moving the spat in the spring rather than in the Fall. Mr. Carpenter stated that from past experience the spat transplanted in the Fall has a very good survival rate. He believed most of the mortality observed this Spring in the Maryland program resulted from the effects of the diseases on the overwintering spat.

ECONOMIC IMPACT ASSESSMENT OF POTOMAC CRAB INDUSTRY

Mrs. Harrison introduced Mr. Mark Bundy from the Interstate Commission on the Potomac River Basin who, working with the Department of Natural Resources, developed a report on the economic impact of the Potomac crab industry.

Mr. Bundy provided each Commissioner with a copy of the report and explained how the results were computed. The report concluded that the crab industry provided \$1.7 million of additional gross output to the Potomac region. There were \$394,000 of employee income generated and that the local, State and Federal agencies received some \$616,000 in direct and indirect taxes because of the existence of a Potomac River crab industry.

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The report further explained that, fortunately, the recent increases in quantities of crabs harvested has increased the value of the impact of the crab industry as related to all other industries in the region. This has been of considerable importance considering the recent declines in other species such as oysters, whose economic impact has been lessened. These increases in crab landings represent increases in the sales of goods and services directly to the fishing industry, continued income to employees within the region and a corresponding increase in the sales of household goods and services. While alternative employment opportunities exist in some of the larger, more urban areas, few exist in many of the remote Bay communities. Without the increase in the abundance in crabs, many of the Potomac's fishing communities would suffer substantial economic losses.

The Commission thanked Mr. Bundy for his time and effort in providing this information to them, however, they would like to see the final report more strongly emphasize the "stability" factor of the crabbing industry in this area.

BUDGET COMMITTEE REPORT

The following motion was made by Mr. Parran and seconded by Mr. Freeman at 10:55 A.M.:

"THAT THE COMMISSION GO INTO EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTERS". The motion passed unanimously.

The Commission reconvened to regular session at 11:20 A.M. and reported that no action was taken.

Mr. Freeman presented a proposed budget for FY 88-89. The budget committee lowered the staff's estimate for oyster bushel tax by \$5,000 and an appropriate adjustment was made in the contingency fund. This \$5,000 adjustment was made because the committee felt that there would not be enough oysters in the Potomac next season to substantiate the higher figure. Thus the proposed FY 88-89 budget totaled \$430,500, of which, \$211,944 was estimated for oyster development and repletion expenses.

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

"THAT THE FY 1988-89 BUDGET BE APPROVED AS PRESENTED BY THE BUDGET COMMITTEE AND THAT A COPY BE ATTACHED TO AND MADE PART OF THE MINUTES OF THIS MEETING". The motion passed unanimously.

ROCKFISH STUDY GROUP

The Chairman reported that he wished to appoint a Rockfish Study Group which would have the same format as that of several years ago when the current restrictions on fishing for rock were implemented. He asked the Executive Secretary to contact those persons and prepare a list of interested persons for his consideration at the next meeting.

POLICY REVIEW COMMITTEE

Chairman Browning asked Commissioners Harrison and Pruitt to serve as a policy review committee. They were asked to review the Commission Policies and recommend any modifications or new policies as they determine appropriate.

SLUDGE

Mr. Sam Bowling of Charles County requested that the Commission support a recommendation by the "Critical Area Committee" that land application of sludge in Charles County not be allowed within a 1,000 foot buffer zone of any tidal waters. The Commission expressed concern regarding such a definite recommendation without further information. Mr. Bowling said the Charles County Commissioners will be acting on the proposal before the next scheduled PRFC meeting.

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

"THAT THE EXECUTIVE SECRETARY WRITE A LETTER ON BEHALF OF THE COMMISSION, TO THE CHARLES COUNTY AND ST. MARY'S COUNTY COMMISSIONERS, EXPRESSING THE CONCERNS OF THE COMMISSION REGARDING LAND APPLICATION OF SLUDGE AS DEVELOPED AT THE LAST MEETING IN RESPONSE TO WESTMORELAND COUNTY'S PROPOSAL ON LAND APPLICATION OF SLUDGE". The motion passed unanimously.

WHITE PERCH

Mr. Willard Dutton stated that he would like to see a study of the White Perch be implemented because these fish may be endangered as well as the Rockfish. He said that many of the watermen use the very small white perch for bait for their crab pots and that maybe there should be a size limit set on these fish also.

Mrs. Harrison proposed that the Commission analyze the status of the white Perch. The Chairman asked the staff to present the available information on white perch at the next meeting.

AQUACULTURE MEETING

Mr. Bill Sieling announced that there would be a joint MD/VA Aquaculture Conference to be held in Waldorf, Maryland on June 8 & 9, 1988 and invited all to attend. He stated that the main topic of the meeting would be the problems, politics and potential of Aquaculture in Maryland and Virginia.

PUBLIC HEARING

Chairman Browning announced that a public hearing scheduled today for proposed regulation changes would not be held because one newspaper failed to properly advertise the notice of hearing, and that the public hearing had been rescheduled for June 10, 1988 at 11:00 A.M. Noting that the other newspapers had correctly advertised the hearing, he asked if anyone present wished to address the Commission on any of the proposed regulation changes. No one asked to speak.

CATCH REPORT HEARING

The Hearing Officer's report and recommendations for ten persons delinquent in filing the required seafood catch reports was reviewed. The Chairman asked each person to come forward as his name was read. None of the individuals were present. The following actions were taken by a motion duly made, seconded and approved:

BROWN, JR., JOHN FRANCIS - No action.

CARPENTER, JR., RICHARD WILLIAM - Two weeks suspension on all licenses deferred pending successful completion of probation.

DELANEY, DONALD PERRY - Probation for one year.

FARRELL, STACEY SYLVESTER - Probation for one year.

HUSEMAN, HARRY BENJAMIN - Must appear before the Commission before any new licenses can be issued.

JACKSON, DANIEL WEBSTER - Must appear before the Commission before any new licenses can be issued.

SPEISER, CHARLIE E. - Must appear before the Commission before any new licenses can be issued.

SULLIVAN, LAWRENCE KEVIN - Must appear before the Commission before any new licenses can be issued.

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UNKLE, KIM RAYNARD - Two weeks suspension on all licenses deferred pending successful completion of probation.

WATHEN, JR., PAUL B. - Two weeks suspension on all licenses.

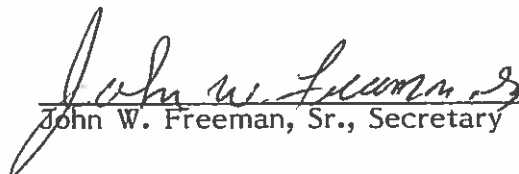
DATE AND PLACE OF NEXT MEETING

As noted earlier, a special Commission meeting will be held in conjunction with the Public hearing on June 10, 1988. The next regular meeting was tentatively scheduled for the first Friday in August.

ADJOURNMENT

It was moved by Mr. Pruitt and seconded by Mr. Parran and unanimously approved to adjourn the meeting at 11:40 A.M.


R. Wayne Browning, Chairman


John W. Freeman, Sr., Secretary