

MINUTES OF THE REGULAR MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
AUGUST 11, 1989

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

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

PRESS: Joe Sedlock - The Enterprise; Joseph Norris - St. Mary's Countian; Dick Myers - St. Mary's Today; Paul Sullivan - Free Lance-Star and Isobel Gough - Richmond News Leader.

GUESTS: Lee Zeni, Interstate Commission on the Potomac River Basin; Bill Seiling, Maryland Department of Agriculture - Seafood Marketing; Richard Daiger, Virginia Extension Service; Pete Jensen, Verna Harrison, Jerry Tolodziecki and Marilyn Ford, Maryland D.N.R.; Jack Taylor, Edward M. Frere, John Mattingly, William R. Schuler and Christopher M. Sherman, MD D.N.R. Police; Ben Daniel, Jack Travelstead, Ellen Smoller and L. E. Vickers, Jr., Virginia Marine Resources; Herbert N. Sadler, Donald O'Bier, Michael Dobson, Arthur Walden, Ray Jewell, Herbert Grimstead, G. H. Letterwey, R. M. Widgeon, Ronald Garrett, V.M.R.C. Police; Elgin Dunnington, Chesapeake Biological Laboratory; Robert T. Brown, St. Mary's County Watermen's Association; William L. Rice, Charles County Watermen's Association; Willard Dutton, William Feldman, George Robberecht, Roy Amburn, Fred Haynie and several others who did not sign the register.

Chairman Parran called the meeting to order at 9:35 a.m. and welcomed all those in attendance.

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE MEETING OF APRIL 25, 1989 BE APPROVED AS WRITTEN AND DISTRIBUTED". The motion passed unanimously.

INTRODUCTIONS

The Chairman recognized Commissioner Pruitt who introduced Marine Patrol Officers of the Virginia Marine Resources Commission who were present as part of their in-service training and noted that Mr. Hutt, the legal officer, would brief them on the regulations of the Potomac after the meeting.

Mr. Jack Taylor of the Maryland Department of Natural Resources Police introduced the personnel present representing their department.

1989 OYSTER REPLETION PROGRAM REPORT

The Executive Secretary reported that the shell planting had been completed and that 25 acres at Jones Shore had been planted with 306,007 bushels of reef shell @ 34 cents per bushel, and 335,336 bushels of fresh shell @ 45 cents per bushel. This totaled 641,343 bushels planted at a total cost of \$260,783.27. Mr. Carpenter stated that no seed had been moved this Spring, they anticipate moving seed this Fall but so far there has been no spat set.

1989 STRIPED BASS SPAWNING STOCK ASSESSMENT SURVEY

Mr. Pete Jensen of the Maryland Department of Natural Resources reported that the stock assessment survey had been completed but to date, not all results had been calculated. A preliminary report had been provided to the Executive Secretary.

SOFT SHELL CLAM REFRIGERATION REQUIREMENTS

Mr. Carpenter stated that at the April 25th meeting, the Commission approved a clam survey policy and out of that came the discussion of refrigeration requirements after Mr. Jensen of the Maryland Department of Natural Resources asked the Commission to adopt the same requirements as Maryland. The Legal Officer advised we would need to go through the advertising and public hearing process before this could be adopted by the Commission. This item had been deferred until this meeting.

The proposed new regulations would require each clam harvesting vessel to have a refrigeration unit capable of reducing the internal temperature of soft shell clams of the species Mya arenaria to 60° F. The unit would have to be clearly labeled as such, and law enforcement officers would have the authority to open that unit for inspection.

Mr. Freeman asked if Potomac watermen use clams for crab bait. Mr. Jensen replied that some watermen do use razor clams for crab and eel bait and that the Maryland regulations exempted razor clams from the requirements.

Mr. William Rice of the Charles County Watermen's Association requested that specific wording be provided in the regulations to allow for the exemption of razor clams from these regulations.

The Commission agreed to provide for the exemption of razor clams from these requirements so long as each bushel of razor clams contain no more than 10% soft shell clams.

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

"THAT THE COMMISSION ADVERTISE THE PROPOSED REGULATIONS REQUIRING THE REFRIGERATION OF SOFT SHELL CLAMS FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 3, 1989." The motion passed unanimously.

DISBURSEMENTS AND CASH ON HAND

A report of the fourth quarter (April - June 1989) disbursements was presented by budget item which totaled \$299,304.02, of which \$256,260.47 were development and repletion expenses. The Executive Secretary noted no unusual expenditures. A statement of cash on hand as of August 9, 1989 was presented as follows:

FIRST VIRGINIA BANK - NORTHERN NECK:	\$311,590.55
(Checking - includes \$200.00 petty cash)	
FIRST NATIONAL BANK OF MARYLAND:	12,002.32
(Savings: Maryland Office)	
VIRGINIA LOCAL GOVERNMENT INVESTMENT POOL:	35,095.33
MARYLAND LOCAL GOVERNMENT INVESTMENT POOL:	33,709.44
Grand Total in Banks:	<u>\$392,397.64</u>

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

"THAT THE FOURTH QUARTER DISBURSEMENTS OF \$299,304.02 BE APPROVED AS PRESENTED". The motion passed unanimously.

FY 87-88 AUDIT REPORT

All Commission members reported that they had received their copies of the Fiscal Year 1987-88 Audit Report.

FISHERY MANAGEMENT PLANS

Mrs. Verna Harrison, Assistant Secretary of the Maryland Department of Natural Resources and Chairman of the Chesapeake Bay Living Resources Subcommittee, gave an indepth summary of the mission of this subcommittee. She highlighted the main objective which, at this point, is coordinating actions between Maryland and Virginia to develop Fishery Management Plans (FMP's) for Crab, Oyster and Shad. The Plans address specific problems and offers strategies to work within. The Plans acknowledge the Potomac River Fisheries Commission as a regulatory authority and allows one year for the Potomac River Fisheries Commission to review the Maryland and Virginia Plans and adopt appropriate action items as necessary and pertinent to the Potomac. Mr. Carpenter has been working with the committees as a representative for the Commission.

The Chairman asked Mr. Jack Travelstead and Mr. Pete Jensen to assist the Commission in developing the appropriate actions and implementations to address those problems and strategies identified in the Management Plan(s) which are within the purview of the Commission. They agreed to do so.

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

"THAT IT IS THE INTENT OF THE POTOMAC RIVER FISHERIES COMMISSION TO INCLUDE, WHERE APPROPRIATE, ACTIONS AND IMPLEMENTATIONS TO ADDRESS THOSE PROBLEMS AND STRATEGIES IDENTIFIED IN THE MARYLAND AND VIRGINIA BI-STATE FISHERY MANAGEMENT PLANS REGARDING THE RESOURCES IN THE POTOMAC." The motion passed unanimously.

Mr. Lee Zeni of the Interstate Commission on the Potomac River Basin stated that he was impressed with the efforts of Maryland and Virginia in working together to develop the Plans.

1989-90 OYSTER SEASON TIME LIMIT

The Executive Secretary reported that an informal survey showed that only the oysters left in March will be available for harvest in October. There was little evidence of new mortality, however, there was no spat set either. He recommended adopting an Order to restrict the harvesting time for the upcoming 1989-90 oyster season from sunrise until 12 noon through December.

Mr. Robert T. Brown representing the St. Mary's County Watermen's Association and Mr. William L. Rice representing the Charles County Watermen's Association, stated that they were in favor of a 12:00 noon cut of time.

ORDER #89-3

It was moved by Mr. Browning, seconded by Mr. Freeman and unanimously approved to adopt Commission Order #89-3 as follows:

ORDER #89-3

The Potomac River Fisheries Commission having considered the protection, promotion, growth and conservation of the oyster resources, and, pursuant to its authority under Regulation II, Section 3(b), HEREBY DECLARES AND ORDERS THAT:

Regulation II, Section 2(b) Time for Taking or Landing Oysters is hereby MODIFIED to read:

"It shall be unlawful for any person to take or attempt to take or catch oysters on Saturday or Sunday or before sunrise or after 12 noon (legal established time) on Monday through Friday. It shall be unlawful to land or unload oysters earlier than sunrise or later than sunset, or for any buy boat to unload oysters earlier than sunrise or later than sunset at any time."

AND IT IS FURTHER ORDERED that this Order #89-3 shall be effective October 1, 1989 and remain in effect through December 31, 1989.

CRAB HARVEST REPORT

A preliminary report on the crab landings to date showed a total of 40,598 bushels of hard crabs and 18,219 bushels of peelers had been harvested from the Potomac thus far this year.

EEL FISHERY

Mr. Robberecht who owns an eel processing plant, requested the Commission consider increasing the minimum mesh size requirement for eel pots from the present 1/2" x 1/2" to 1/2" x 1". His concern was that we are overfishing the eels and there are fewer and fewer eels each year.

Mr. Dutton stated that bigger eels don't attract crabs on a trot line.

Mrs. Ellen Smoller of the Virginia Marine Resources Commission reported that most states which have regulations on eel, require a mesh size of at least 1/2" x 1".

The Chairman stated that we would take this item under advisement for future consideration and asked Mrs. Smoller to investigate the Potomac eel fishery, including the live and bait segments of the industry, and to report her findings at the next meeting.

MILEAGE REIMBURSEMENT

Mr. Carpenter reported that Virginia has increased its mileage reimbursement amount to 24 cents per mile. The Commission is now paying 22 cents per mile.

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

"THAT THE COMMISSION INCREASE ITS MILEAGE REIMBURSEMENT AMOUNT TO 23 CENTS PER MILE, EFFECTIVE IMMEDIATELY." The motion passed unanimously.

CHARLES COUNTY CLERK'S OFFICE

Mr. Carpenter reported that he had been informed by Donna Burch, Clerk of Circuit Court, Charles County, that they will no longer be issuing Department of Natural Resources Licenses. Mrs. Burch expressed a desire to discontinue selling Potomac River Fisheries Licenses, but agreed to sell them at least through 1989. The Chairman stated that he would meet with Mrs. Burch and inform her of the Commission's desire to have our licenses available to the public through her office.

CHARTERBOAT HOOK AND RELEASE REQUEST

Mr. Roy Amburn of Reedville requested the Commission entertain the idea of establishing a "season" to catch and release striped bass. Mr. Amburn demonstrated a special hook without a barb, which he stated would prevent harming the fish. He suggested October and November as the ideal months for this "season" because of water temperatures and he felt the fish would be in good healthy condition. Mr. Amburn felt that the Commission would be able to derive good catch statistics if they allowed this controlled fishing activity.

EXECUTIVE SESSION

It was moved by Mr. Pruitt and seconded by Mr. Freeman to go into Executive Session at 11:13 a.m. to discuss legal matters. The motion passed unanimously.

The Commission reconvened to Regular Session at 11:30 a.m.

Commissioner Russell stated that he felt the Commission and everyone else had been "out on a limb" for such a long time regarding the striped bass fishery and taken too much grief to risk fouling things up now. He expressed his appreciation to everyone for their patience but requested they remain patient just a little longer until the rivers could be opened and regulated for everyone to use, not just the charter boat sector.

JURISDICTIONAL LINE - NANJEMOY

Mr. Carpenter reported that it had been brought to his attention that the jurisdictional line markers at Nanjmoey Creek were not accurate. It was reported because of a complaint that crabbers were working over the line. Mr. Dutton stated he knew the markers were in the wrong place. Mr. Jerry Tolodziecki, an engineer for the Department of Natural Resources, Waterway Division had looked at the site and stated that the piling should be approximately 150 feet further into the creek, but the water was too shallow for the pile driver to position them there. He further stated that the steel piling which are now in place have been there since 1977. The previous piling which were in the same identical spot had been established in the early 1960's. The Commission requested Mr. Carpenter to get with the engineers and resolve this matter.

DEFERRED COMPENSATION PLAN

The Executive Secretary reported that a request was made by several of the employees for the Commission to participate in the Deferred Compensation System provided by the Virginia Supplemental Retirement System, of which we are a member.

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

"THE COMMISSION AUTHORIZES ITS EMPLOYEES TO PARTICIPATE IN THE DEFERRED COMPENSATION PROGRAM PROVIDED BY THE VIRGINIA SUPPLEMENTAL RETIREMENT SYSTEM, PROVIDED HOWEVER, THERE WILL BE NO EMPLOYER SHARE CONTRIBUTION." The motion passed unanimously.

POLICY MANUAL

Mr. Carpenter presented the Commission with a final draft of the policy manual which contained a composite of the operating procedures adopted by the Commission and policy statements addressing particular items.

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

"THAT THE COMMISSION ADOPT THE POLICY MANUAL AS PRESENTED TODAY." The motion passed unanimously.

After further discussion, it was suggested that the "general policy" statements be placed in a separate document from the "operating procedure policies" of the Commission.

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

"THAT THE OPERATIONAL POLICY MANUAL AND THE GENERAL POLICY STATEMENTS BE SEPARATE DOCUMENTS, SAID DOCUMENTS TO BE EFFECTIVE AUGUST 11, 1989". The motion passed unanimously.

ASMFC MEETING

Mr. Carpenter stated that the Annual Atlantic States Marine Fisheries Commission Meeting would be held in October in the host state of New Hampshire. There was pertinent information in the agenda packet for Commissioners who wished to attend the meeting.

APPROPRIATIONS FOR FY 1990-91

It was suggested that the Commission request an increase in the appropriations from Maryland and Virginia for FY 90/91. Maryland had already proposed a figure and it was recommended that the PRFC request that same amount from Virginia as the Commission will only accept like amounts from both states.

MARYLAND STRIPED BASS FISHERY

Commissioner Peck stated that Governor Schaefer announced yesterday that, due to adequate numbers of the juvenile index, Maryland will provide a limited striped bass fishery next year. It is proposed that 750,000 pounds of fish may be harvested. Of this gross amount, Maryland will allocate 42.5% to the commercial industry, 42.5% to the recreational fishery and the balance allocated to the charter boat fishery. Mr. Peck stated that more details would be provided as they become available.

VIRGINIA STRIPED BASS FISHERY

Commissioner Pruitt read a statement from the Secretary of Natural Resources of Virginia which indicated that Virginia would likewise reopen the striped bass fishery within ASMFC guidelines. No regulatory procedures were expressed at this time.

POTOMAC RIVER STRIPED BASS FISHERY

When asked what the PRFC intended for its striped bass fishery, the Commission replied that it would depend on the final, formal actions of both Maryland and Virginia. However, the moratorium currently in effect would remain in place until June 1, 1990.

ROCKFISH STUDY GROUP

The Chairman appointed Mr. Freeman and Mr. Russell to co-chair the rockfish study group. This group was charged with reviewing the status of the rockfish and providing the Commission with ideas, suggestions and recommendations regarding the Potomac's rockfish fishery. The Commission will use this input when it determines the time and conditions are appropriate to modify the existing temporary restrictions on fishing.

DATE AND PLACE OF NEXT MEETING

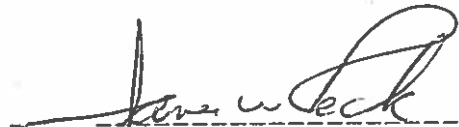
The next regular meeting of the Potomac River Fisheries Commission was scheduled for November 3, 1989 at 9:30 a.m. in the Commission Office, Colonial Beach, Virginia.

ADJOURN

It was moved by Mr. Browning and seconded by Mr. Freeman to adjourn the meeting at 12:20 p.m. The motion passed unanimously.



John Thomas Parran,
Chairman


James W. Peck,
Secretary