

**MINUTES OF THE REGULAR MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH FIRE HOUSE
COLONIAL BEACH, VIRGINIA
NOVEMBER 8, 1991**

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

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

PRESS: Ann M. Maloney - The Enterprise, Isabel Gough - Richmond News Leader, Lynn Norris - The Westmoreland News and Lawrence Latane - Richmond Times Dispatch.

GUESTS: Elgin Dunnington - Chesapeake Biological Laboratory; Philip Sadler - Virginia Institute of Marine Science; Bill Sieling - Maryland Department of Agriculture; Captain Edward Frere and Sergeant John F. Mattingly - Maryland Department of Natural Resources; Rob O'Reilly, S. M. Rogers and J. C. Burton, Jr. - Virginia Marine Resources; Cdr. Steve Sharpe, Lt. Tony Johnson and Ltjg. Kyle McAvoy - Coast Guard, Marine Safety Office Baltimore; Robert T. Brown - PRFC Shellfish Advisory Committee Chairman and St. Mary's County Watermen's Association; James O. Drummond - PRFC Finfish Advisory Committee Chairman; William L. Rice - Charles County Watermen's Association; Brady Bounds - Maryland Saltwater Sportfisherman's Association; Betty Duty - Maryland Waterman's Association; Walter Parkinson, Billy Elliott, Ernest Hutsell, L. R. Self, Charles S. Bourne, Raymond E. English, George Perry, William L. Bowie, III, Thomas Booth, Jimmy Trossbach, Anna Beauchamp, Carroll Beauchamp, Eugene Booth, Walter Maddox, Theodore S. Klopsis, Edward R. Arnest, Alfred Rest, Jr., Marvin E. Barber, Bob Holden, Arthur Loving, Ted W. Slick, James Lathroum, Tucker Brown, Maurice Bosse, Joseph Gibson, Wayne Balderson, Bruce Scheible, Gregory N. Madjeski, Richard Bohn, Kenneth Wicker, W. A. Wicker, Richard Daiger, Francis Warring, W. E. Green, and several other who did not sign the register.

Chairman Peck called the meeting to order at 9:30 a.m. and welcomed all those in attendance.

APPROVAL OF MINUTES

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

"THAT THE MINUTES OF THE MEETING OF JULY 26, 1991 BE APPROVED AS WRITTEN AND DISTRIBUTED". The motion passed unanimously.

OPEN PUBLIC HEARING

The public hearing on proposed regulation amendments opened at 9:35 a.m. Chairman Peck noted that the subjects of today's hearing had been duly advertised.

FISH TROT LINE

Chairman Peck noted the proposed amendments regarding fish trot lines would license, define and regulate the use of a modified fish trot line and increase the license fee from \$10.00 to \$25.00 for either a conventional or modified fish trot line.

Captain Drummond reported that the Potomac River Finfish Advisory Committee was in support of this proposal. Mr. Billy Rice stated that the Charles County Watermen's Association also supported this proposal.

HICKORY SHAD

Chairman Peck noted the proposed amendments regarding hickory shad would impose a catch limit of two or two percent by volume of the total catch, which are the same restrictions as currently imposed on American shad.

Captain Drummond reported the Potomac River Finfish Advisory Committee supported the proposed catch limits.

EEL

Chairman Peck explained the proposal would impose a 6 inch minimum size limit for American eel. The Executive Secretary stated this proposal is the result of a Maryland-Virginia cooperative fishery management plan writing group trying to get uniform regulations established throughout the Chesapeake region. Virginia previously had a problem with a large number of elvers being caught in their tributaries and being exported to other countries. Virginia imposed a prohibition on the harvest of elvers to abate that fishery. Virginia has asked PRFC and Maryland to join them as an enforcement tool so that anyone caught with elvers cannot say they were caught in the Potomac River. He noted that the current 1/2 inch x 1/2 inch minimum mesh size for eel pots makes the capture of any eel less than 6 inches in length highly unlikely.

Captain Drummond reported the Potomac River Finfish Advisory Committee supported the 6 inch minimum size limit for eel.

Maurice Bosse of Roberecht Seafood and Brady Bounds of the Maryland Saltwater Sportfisherman's Association did not support the proposed size limit. They requested the Commission consider the adoption of a minimum size limit larger than 6 inches or increasing the minimum mesh size requirement for eel pots to 1/2 inch x 1 inch.

The Chairman pointed out that the Commission could not adopt regulations more stringent than those advertised.

SUMMER FLOUNDER

The Chairman stated that several studies have shown the summer flounder fishery to be in serious trouble on a coast wide basis. The Atlantic States Marine Fisheries Commission developed a fishery management plan designed to help restore the fishery. The proposed alternative amendments, which would increase the minimum size limit, establish a recreational creel limit and establish a closed season for any harvest of summer flounder, had been authorized by the Atlantic States Marine Fisheries Commission as meeting the plan requirements.

Captain Drummond reported the Potomac River Finfish Advisory Committee opposed increasing the minimum size limit for summer flounder and they also opposed any closed season or creel limit.

The charter boat captains present reported very low catches of flounder in the Potomac and were opposed to the proposal. Several people suggested tougher restrictions be placed on the ocean trawlers before any more regulations were adopted for the Potomac.

Mr. Brady Bounds spoke in favor of adopting restrictions to preserve the flounder fishery.

WEAKFISH

Chairman Peck stated the proposed amendments regarding weakfish would increase the minimum size limit from 10 to either 12 or 13 inches, impose a 5 or 10 fish creel limit and restrict the commercial season by 25%. These restrictions would be necessary in order to comply with the ASMFC Weakfish Management Plan. The Executive Secretary noted that the 25% reduction of commercial harvest had been reduced to 15% for the first year and increasing to 50% reduction by 1994. This change was made by the ASMFC at their meeting held October 7-9 in Baltimore.

Captain Drummond reported the Potomac River Finfish Advisory Committee supported a 12 inch minimum size limit. However, the committee did not support the proposed creel limit and/or closed season as they felt the increase in the minimum size limit would account for the necessary 15% reduction of commercial harvest.

Brady Bounds stated the Maryland Saltwater Sportfisherman's Association supported the proposal of a 5 fish creel limit with a 12 inch minimum size limit.

SPOT

The Chairman noted that the Chesapeake Bay Fishery Management Plan calls for Maryland, Virginia and the Potomac River Fisheries Commission seek public comment on the necessity of imposing a minimum size limit on spot.

Captain Drummond reported the Potomac River Finfish Advisory Committee opposed a minimum size limit on spot.

The Charles and St. Mary's County Waterman's Associations opposed a minimum size limit on spot. Testimony was given that if a minimum size limit was adopted for spot, a lot of pound netters would be put out of business because it was next to impossible to cull spot from a pound net catch. The crabbers stated they rely on the pound netters to provide them with crab bait, which sometimes is largely made up of spot.

PEELER CRABS

Chairman Peck stated the proposed regulation changes regarding peeler crabs would eliminate the "white" sign as part of their definition and increase the minimum size limit of peelers from 3 to 3-1/2 inches.

Robert T. Brown reported the Potomac River Shellfish Advisory Committee opposed both proposals stating there is no market for "white" peelers anyway and felt an increase in the minimum size limit would be unnecessary.

The Charles County Waterman's Association was also opposed to these proposals.

CRABBING

Chairman Peck reported the advertised proposal would prohibit any commercial crabbing activities after 2:00 p.m. each day.

Robert T. Brown reported the Potomac River Shellfish Advisory Committee was opposed to the proposed curfew by a vote of 6 to 5. Billy Rice stated this was a very controversial issue and that the Charles County Waterman's Association, overall, did not support the proposed curfew although several members were in favor of it. Those opposing it felt it would not help the crab population, it would put part time crabbers out of business and it specifically prohibits only the "commercial" crabbers.

Eight commercial crabbers present spoke in favor of the 2:00 curfew. They pointed out that most full time crabbers are through working prior to 2:00 p.m. anyway and eliminating some of the "part-time" crabbers could only increase the market for the full time commercial crabbers. In addition, they felt it would help reduce people tampering with other crabbers pots. They also felt that this would be a less painful restriction than one which may come later. The Executive Secretary reported receiving as many telephone calls in favor of the curfew as he received against it.

CLAMMING

Mr. Peck stated the commission would receive comment on amending the regulations so as to reduce the minimum distance from shore for clam dredging from 300 feet to either 200, 150 or 100 feet, establishing a 2:00 p.m. curfew for clamming, imposing an 8 bushel per day limit on soft shell clams between October 1 and May 14 and requiring a hearing to consider the revocation or suspension of the clam license of any person found in violation of the closed or prohibited area requirements for clam dredging.

The Executive Secretary noted that all of the clam proposals being considered today resulted from recommendations made by the clam industry to the Commission and by a subsequent meeting of the Soft Shell Clam Study Committee held July 19, 1991.

Robert T. Brown reported the Potomac River Shellfish Advisory Committee supported the adoption of a 100 foot minimum distance requirement, supported the 2:00 p.m. curfew and supported the 8 bushel per day limit between October 1 and May 14 as proposed. However, they recommended slight modifications to the proposal regarding license suspension. Their recommendation was to require a hearing to consider the revocation or suspension of the clam license of any person convicted of a second offense of the closed or prohibited area requirements for clamming in a given year, provided said area is properly buoyed.

The Chesapeake Bay Foundation asked the Commission to please consider SAV's when voting on this issue. Billy Rice stated that as long as SAV's would not be destroyed, he felt the clambers should be allowed to clam within 100 feet of shore.

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STRIPED BASS

The Chairman stated that although the suggested component for the 1992 gill net season were not regulation changes, they were asking for additional public input. The proposal, which was recommended by the Rockfish Study Group and approved by the Atlantic States Marine Fisheries Commission, included the following requirements: each licensee to declare his intent to fish by January 7, 1991; procuring his license by January 17, 1991; establishment of individual seasonal quotas; requiring each licensee to fish his/her own net; limiting each licensee to no more than 200 yards of net; the establishment of six, one-day seasons and establishing the overall yearly gill net quota.

Mrs. Anna Rest Beauchamp spoke against the proposal requiring each licensee to fish his/her own net. She stated that she inherited several gill net locations when her former husband died and she allows her son to fish her stands. Mr. Carpenter told Mrs. Beauchamp that she could now transfer up to four of her locations into her son's name, he would then be able to license a location himself, and that she would not have to be aboard the boat when the location in her son's name was being fished.

Bobby Self spoke against the one-day seasons. He felt each gill netter should be able to fish as many days as necessary until his quota was reached. Mr. Carpenter noted that last year, the 110,000 pound quota was exceeded during the first five days of a proposed 42 day season. The ASMFC tried unsuccessfully to reduce the 1992 Potomac gill net quota by the 1991 overage. They have, however, informed everyone that 1993 quotas will be reduced by any overage occurring in 1992. The proposal as presented allows time to check catch reports and close the fishery in time to prevent any sizable overage of the 1992 quota.

GENERAL CHANGES

The Executive Secretary explained that since the time the regulations were originally adopted, the names of the fishery management agencies for both the state of Maryland and Virginia have changed. Throughout the regulations the agencies are referred to as the "Department of Chesapeake Bay Affairs of Maryland" and the "Commission of Fisheries of Virginia". Approval of this proposal would allow changing the names to "Maryland Department of Natural Resources" and "Virginia Marine Resources Commission" wherever necessary in the regulations.

As no comments were received on this subject, the Chairman closed the public hearing closed at 11:10 a.m.

CLOSE PUBLIC HEARING

A short break was taken and the meeting reconvened at 11:20 a.m. The Chairman stated the Commission would consider the regulation changes prior to hearing old and new business as Commissioner Russell needed to leave the meeting early.

CONSIDERATION OF REGULATION CHANGES**REGULATION I, SECTION 2(L)(1)**

The following motion was made by Mr. Parran, seconded by Mr. Hudnall and unanimously approved:

"THAT THE COMMISSION AMEND REGULATION I, SECTION 2(L)(1) TO READ AS FOLLOWS:

(l)(1) Fish Trot Line. For each individual using a conventional or a modified fish trot line, a license fee of \$25.00. A conventional fish trot line is hereby defined as a series of hooks (i.e. two or more) connected by means of a single line not exceeding 1,200 feet in overall length, identified with at least one buoy attached to the connecting line. A modified fish trot line is hereby defined as a group of no more than 100 hooks individually buoyed and weighted and set or placed in a close proximity one to the next in a single row. Both the conventional and modified fish trot lines shall be constructed and set in such a manner that the hook(s) shall not be suspended above the river bottom.

REGULATION I, SECTION 2(Q)

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

"THAT THE COMMISSION AMEND REGULATION I, SECTION 2(Q) TO READ AS FOLLOWS:

(q) Identification of Fish Trot Line. Each buoy used to identify a fish trot line must be easily visible on the surface and must legibly display the letters "FL" and the tag number herein provided. The letters and numbers shall not be less than one (1) inch in height on a contrasting color background. The tag must be displayed in a clearly visible position on the outside starboard side of the vessel. Any fish trot line either conventional or modified found in the water not so identified may be seized by the enforcement officers and shall be subject to forfeiture.

REGULATION III, SECTION 9(A)

The following motion was made by Mr. Freeman, seconded by Mr. Hudnall and unanimously approved:

"THAT THE COMMISSION AMEND REGULATION III, SECTION 9(A) TO READ AS FOLLOWS:

(a) Gear Specific Fishing Seasons. The times during which gears or devices may be set are as follows:

- (1) Pound net, from February 15th through December 15th.
- (2) Anchor gill net, as may be fixed from time to time by Commission Order.
- (3) Stake gill net, as may be fixed from time to time by Commission Order.
- (4) Drift gill net, as may be fixed from time to time by Commission Order.
- (5) Haul Seine, from January 1st through December 31st, provided however, that such net(s) shall not be set or hauled in the Potomac River during the following periods: (a) between sunrise on any Saturday and sunset on the ensuing Sunday from June 1st through August 31st; and (b) between sunset on any Friday and sunset on the ensuing Sunday at all other times.
- (6) Conventional fish trot lines, from January 1st through December 31st.
- (7) Modified fish trot lines, from February 1st through March 15th and from October 1st through December 31st.

REGULATION III, SECTION 9(B)

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

"THAT THE COMMISSION ESTABLISH NO CLOSED SEASON FOR SUMMER FLOUNDER."

Upon a roll call vote, Mr. Freeman voted aye, Mr. Hudnall voted aye, Mr. Parran voted aye, Mr. Peck voted nay, Mr. Pruitt voted nay and Mr. Russell voted aye. The Chairman declared the motion carried.

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

"THAT THE COMMISSION ESTABLISH NO CLOSED SEASON FOR WEAKFISH."

Upon a roll call vote, Mr. Freeman voted aye, Mr. Hudnall voted aye, Mr. Parran voted aye, Mr. Peck voted nay, Mr. Pruitt voted aye and Mr. Russell voted aye. The Chairman declared the motion carried. Thereby, no amendments would be made to Regulation III, section 9(b).

REGULATION III, SECTION 10

Motions were made, seconded and unanimously approved to amend Regulation III, section 10 as follows:

Section 10..... Catch Limits

It shall be unlawful, during any single day, for any person to remove from the Potomac River by any means, or to possess, or to sell, or to offer for sale any fish which has been taken from the waters of the Potomac River, in excess of the limits provided herein (except as provided in Regulation III, Sec. 11(c)):

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(a) Commercial. The limits for any person who holds a valid commercial fish license issued by this Commission are:

- i) American shad. (*Alosa sapidissima*) Two or two percent by volume of the total catch in possession, whichever is greater.
- ii) Hickory shad (*Alosa mediocris*). Two or two percent by volume of the total catch in possession, whichever is greater.
- iii) Black bass. Either large or small mouth, five.
- iv) Striped bass (rockfish). As may be fixed from time to time by Commission Order.

(b) Charter. The limits for any fee paying person aboard any charter, party, head, or guide boat whose captain holds a valid charter boat captain's license issued by this Commission, shall be the same as those provided in sub-section (c) herein, except as contained herein:

- i) Striped bass (rockfish). As may be fixed from time to time by Commission Order.

(c) Recreational or Sport. The limits for any person not covered in sub-section (a) or (b) herein are:

- i) American shad (*Alosa sapidissima*). Two.
- ii) Hickory shad (*Alosa mediocris*). Two.
- iii) Black bass. Either large or small mouth, five.
- iv) Striped bass (rockfish). As may be fixed from time to time by Commission Order.
- v) Bluefish. Ten.
- vi) Red drum. Greater than 32" total length, two.
- vii) Summer flounder. Ten.
- viii) Weakfish or sea trout. Ten.
- ix) Spotted sea trout or speckled trout. Ten.

REGULATION III, SECTION 11

Motions were made, seconded and unanimously approved to amend Regulation III, section 11 as follows:

(a) Possession, etc. No person shall catch on the Potomac River or take or kill, sell, offer to buy or sell or expose for sale, or have in possession any:

- (1) Catfish:
 - i) Bullhead (*Ictalurus nebulosus*) (square tail) less than 6 inches;
 - ii) White (*Ictalurus catus*) (moderately forked tail) less than 10 inches; or
 - iii) Channel (*Ictalurus punctatus*) (deeply forked tail) less than 8 inches.
- (2) Yellow perch (*Perca flavescens*) less than 8 inches.
- (3) Pike or chain pickerel (*Esox niger*) less than 14 inches.
- (4) Striped bass or rockfish (*Morone saxatilis*) less than 18 inches or greater than 36 inches.
- (5) Sturgeon (*Acipenser brevirostrum*) of any size.
- (6) Weakfish or sea trout (*Cynoscion regalis*) less than 13 inches.
- (7) Spotted sea trout or speckled trout (*Cynoscion nebulosus*) less than 13 inches.
- (8) Hardhead or croaker (*Micropogonias undulatus*) less than 10 inches.
- (9) Bluefish or taylor (*Pomatomus saltatrix*) less than 8 inches.
- (10) Summer flounder (*Paralichthys dentatus*) less than 14 inches.
- (11) Black Bass or large mouth bass (*Micropterus salmoides*) less than 12 inches.
- (12) White Perch (*Morone americana*) less than 6 inches.
- (13) Red drum or puppy drum (*Sciaenops ocellatus*) less than 14 inches.
- (14) American eel (*Anguilla rostrata*) less than 6 inches.

(b) Method of Measurement. Measurement shall be from the tip of the nose to the end of the caudal fin or tail. No person shall alter the natural state of any species of fish listed in (a) above such that its length cannot be measured.

(c) Return of Incidental Catch. Any fish, whose size is prohibited or whose season is closed by these regulations, which may be caught or entrapped as an incident to other lawful fishing activities, shall be immediately released and returned to the waters where found. Provided, however, a tolerance of 5% per species of undersized white perch, catfish or summer flounder shall be allowed. The percentage will be determined by the count of the actual number of fish per species in possession or a sample of at least a one-half bushel oyster tub.

REGULATION III, SECTION 12

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

"THAT THE COMMISSION MAKE NO CHANGE TO REGULATION III, SECTION 12, THEREBY LEAVING THE MINIMUM SIZE LIMIT OF PEELER CRABS AT 3 INCHES AND LEAVING "WHITE" SIGN AS PART OF THE PEELER CRAB DEFINITION." The motion passed unanimously.

REGULATION III, SECTION 12(A)

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

"THAT THE COMMISSION AMEND REGULATION III, SECTION 12(A) BY ESTABLISHING A 2:00 P.M. CURFEW FOR COMMERCIAL CRABBING ACTIVITY."

Upon a roll call vote, Mr. Freeman voted nay, Mr. Hudnall voted nay, Mr. Parran voted aye, Mr. Peck voted aye, Mr. Pruitt voted nay and Mr. Russell voted nay. The Chairman declared the motion defeated.

REGULATION V, SECTION 4(A)

The following motion was made by Mr. Freeman, seconded by Mr. Hudnall and unanimously approved:

"THAT THE COMMISSION AMEND REGULATION V, SECTION 4(A) TO READ AS FOLLOWS:

(a) Catch Limit. It shall be unlawful for any person licensed hereunder to take or catch soft shell clams with any hydraulic or mechanical dredge or rig in the waters of the Potomac River or have in possession aboard a vessel in excess of the following daily limits per species:

- i) Mya arenaria or soft shell clams: between October 1 and May 14, 8 bushel baskets or clam containers between May 15 and September 30, 15 bushel baskets or clam containers; and
- ii) Tagelus or razor clams: no daily limit imposed

It shall be unlawful for any hydraulic or mechanical dredge or rig licensed for the taking or catching of soft shell clams to be employed for the taking or catching of more than the limit(s) established herein.

REGULATION V, SECTION 5(A)

The following motion was made by Mr. Pruitt, seconded by Mr. Russell and unanimously approved:

"THAT THE COMMISSION AMEND REGULATION V, SECTION 5(A) TO READ AS FOLLOWS:

(a) Prohibited Areas. It shall be unlawful to take or catch or attempt to take or catch any species of soft shell clams with any hydraulic or mechanical dredge within the following areas:

- (1) Within 100 yards of any commercially productive oyster tonging or hand scraping area as may now exist, or as may be defined on the charts of the Department of Natural Resources, or as may be established by survey of the Commission, or any area on which the Commission has planted oysters or shell; or
- (2) Within any area prohibited or closed by Commission Rule or Order, and marked with buoys or other markers by the Commission; or
- (3) Within 50 feet of any fish nets, wharf or pier, constructed or erected in, out in, over or under any of the waters of the Potomac River; or
- (4) Within 1,000 feet of any public bathing beach on the Potomac River during the months of May, June, July, August and September of any year; or
- (5) Within 150 feet of the mean low water marker of any Potomac River shore line; or
- (6) Within 500 yards of any occupied duck blind where decoys are set out, during the legal duck hunting season.

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REGULATION V, SECTION 5(B)

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

"THAT THE COMMISSION AMEND REGULATION V, SECTION 5(B) TO READ AS FOLLOWS:

(b) Prohibited Times. It shall be unlawful to take or catch or attempt to take or catch any species of soft shell clams with any hydraulic or mechanical dredge or to operate any hydraulic or mechanical dredge during the following periods:

- (1) On any Sunday, or
- (2) Between 2:00 p.m. and 1/2 hour before sunrise on any other day.

REGULATION V, SECTION 6(D)

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

"THAT THE COMMISSION AMEND REGULATION V, SECTION 6(D) TO READ AS FOLLOWS:

(d) Unlawful to Take or Catch Soft Shell Clams in Closed or Prohibited Areas. It shall be unlawful to take or catch, or attempt to take or catch any species of soft shell clams with any hydraulic or mechanical dredge, upon, or within, any area which has been closed by any rule, regulation or order of the Commission. A clamming dredge or rig within or crossing any area closed or prohibited by any rule, regulation or order of the Commission shall have the dredge's conveyor raised above the surface of the water. Upon the conviction of any licensee under this subsection the Commission shall hold a hearing to determine the length of the license suspension which will be imposed in addition to any other penalty imposed by the court.

ORDER #91-6 - 1992 GILL NET FISHERY

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

"THAT THE COMMISSION ADOPT ORDER #91-6 AS FOLLOWS:

ORDER #91 - 6**1992 GILL NET FISHERY**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population, and pursuant to its authority under Regulation III, Sections 13(b) and 13(c), **HEREBY DECLARES AND ORDERS:** the 1992 gill net fishery shall be allowed under the following conditions and limitations:

- a) Between December 9, 1991 and January 7, 1992 each person entitled to fish with a gill net and who desires to fish that net during 1992 must "declare" his intentions on forms provided by the Commission. Failure to do so by the cut-off date of January 7, 1992 will preclude the issuance of any 1992 gill net license to that individual or his assignee.
- b) On January 8, 1992 the target cap of 110,000 pounds will be divided by the number of persons declared under (a) above. Each fisherman will be notified of his individual 1992 allocation and he will have until January 17, 1992 to actually purchase his license for the specific location where the net must be set and fished during the season. Failure to select a specific location and purchase the license by the cut-off date of January 17, 1992 will preclude the issuance of any 1992 gill net license to that individual or his assignee.
- c) Each licensee will be limited to only one licensed location (stand) and no more than 200 yards of net may be set or fished per stand. Each licensee must be in the boat whenever his net is set, fished or retrieved.

- d) The 1992 anchor or stake gill net season will be six days - February 4, February 18, March 3, November 3, November 17 and December 1. No net may be set before 11:00 a.m. on any of the above six days and must be removed from the water no later than 11:00 a.m. the following day. Special time of day provisions may be allowed for any net location within the U.S. Navy Middle Danger Area (NSWC impact zone) as delineated on the PRFC fixed fishing device chart.
- e) It shall be unlawful to take, catch or remove more striped bass than one's individual quota. If an individual harvests 90% or more of his individual allocation, he will not be allowed to set his net or fish the balance of the "open" days, if any.
- f) Any licensee who controls more than one location (stand) and who is eligible to fish on November 3, November 17 or December 1 shall have the option of returning his original license and original "GN" tag to the office of the Commission and may purchase, for an additional \$25.00 license fee, a different stand for the remainder of the season and/or his individual quota.
- g) Failure to timely submit required reports will result in the immediate suspension of the license and the assumption that his full allocation was harvested (assessment of the penalty) when computing and reporting the total harvest.

AND IT IS FURTHER DECLARED AND ORDERED; that this Order #91-6 become effective December 8, 1991; and supersedes and repeals any previous Orders which may conflict with or address the provisions of this Order, and will remain in effect until further notice.

GENERAL CHANGES

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

"THAT THE COMMISSION AMEND ITS REGULATIONS TO REPLACE THE WORDS 'DEPARTMENT OF CHESAPEAKE BAY AFFAIRS OF MARYLAND' WITH 'MARYLAND DEPARTMENT OF NATURAL RESOURCES' AND REPLACE THE WORDS 'COMMISSION OF FISHERIES OF VIRGINIA' WITH 'VIRGINIA MARINE RESOURCES COMMISSION' WHEREVER FOUND THROUGHOUT THE REGULATIONS."

EFFECTIVE DATE

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

"THAT ALL REGULATIONS, SECTIONS AND SUBSECTIONS ADOPTED OR AMENDED TODAY SHALL TAKE EFFECT JANUARY 1, 1992."

BARGE GROUNDING - HUGGINS OYSTER BAR

The Legal Officer reported the litigation regarding the Huggins Oyster Bar grounding is progressing. He commended Sharon Benzil, Assistant Attorney General for Maryland for the wonderful job she has done on this case.

BOAT ACCIDENT - JURISDICTIONAL MARKER "PRV13C"

The Legal Officer reported receiving notification from the Commission's insurance carrier that settlement had been made in the suit filed against the Commission for injuries claimed to be sustained by a passenger of a boat which struck the Commission's jurisdictional marker at Quantico. He anticipated no further action on this matter.

BARGE GROUNDING - CEDAR POINT

The Executive Secretary reported a barge grounding on Cedar Point Oyster Bar which occurred September 6, 1991. An investigation has begun to estimate the amount of damage resulting from the grounding. He would keep the Commission informed of any new developments.

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FINFISH ADVISORY COMMITTEE VACANCY

The Executive Secretary noted the position of a recreational fisherman to represent Prince George's County on the Commission's newly appointed Finfish Advisory Committee was still open.

The Chairman considered the nominations and appointed Mr. Richard K. Clifton to fill the vacancy.

FIRST QUARTER DISBURSEMENTS AND CASH ON HAND

A report of the first quarter (July - September 1991) disbursements was presented by budget item which totaled \$124,672.70, of which \$1,500.00 were development and repletion expenses and approximately \$59,000.00 in jurisdictional line marker replacement expenses. A statement of cash on hand as of November 8, 1991 was presented as follows:

CASH BALANCES IN BANKS AS OF NOVEMBER 8, 1991:	
<u>First Virginia Bank - Northern Neck:</u>	\$44,383.47
Checking (includes \$200.00 Petty Cash)	
<u>First National Bank of Maryland:</u>	2,525.84
Savings: (Maryland Office)	
<u>Maryland National Bank:</u>	100,000.00
Certificate of Deposit	
<u>Peoples Bank of Montross:</u>	100,000.00
Certificate of Deposit	
<u>Virginia Local Government Investment Pool:</u>	49,025.29
<u>Maryland Local Government Investment Pool:</u>	47,498.24
GRAND TOTAL IN BANKS:	\$343,432.84

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

"THAT THE FIRST QUARTER DISBURSEMENTS OF \$124,672.70 BE APPROVED AS PRESENTED". The motion passed unanimously.

BANKING

The Executive Secretary reported the Southern Regional Office of the Maryland Department of Natural Resources has selected Maryland National Bank as its depository. That particular office issues Potomac River Fisheries Commission licenses and deposits the funds into a separate account for the PRFC. They have requested the Commission also open an account at the Maryland National Bank for convenience of depositing funds for the Commission.

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

"THAT AN ACCOUNT BE OPENED AND ESTABLISHED WITH THE PRINCE FREDERICK BRANCH OF THE MARYLAND NATIONAL BANK FOR THE PURPOSE OF PROVIDING A DEPOSITORY OF POTOMAC RIVER FISHERIES COMMISSION FUNDS RECEIVED THROUGH THE DNR OFFICE. THAT THE EXECUTIVE SECRETARY IS HEREBY AUTHORIZED TO SIGN CHECK AND/OR WITHDRAWAL ORDERS MADE PAYABLE TO THE POTOMAC RIVER FISHERIES COMMISSION IN ANY AMOUNT FOR THE PURPOSE ONLY OF TRANSFERRING FUNDS FROM THE MARYLAND NATIONAL BANK TO THE GENERAL OPERATING FUND OF THE POTOMAC RIVER FISHERIES COMMISSION IN THE FIRST VIRGINIA BANK IN COLONIAL BEACH, VIRGINIA. FURTHER, THE EXECUTIVE SECRETARY IS HEREBY AUTHORIZED TO CLOSE THE CURRENT ACCOUNT USED FOR THIS PURPOSE AT THE FIRST NATIONAL BANK OF MARYLAND." The motion passed unanimously.

CRAB HARVEST REPORT

A preliminary (April - October) report on the 1991 crab landings showed a total of 335,810 bushels of hard crabs and 43,864 pounds of peelers had been harvest from the Potomac. This compares with the 1990 April through October totals of 123,285 bushels of hard crabs and 49,006 pounds of peelers. The Executive Secretary drew attention to the fact that the hard crab harvest for 1991 was still running approximately three times that of 1990, as was noted at the last Commission meeting.

CLAM HARVEST REPORT

A 1991 Soft Shell Clam harvest report was presented. It showed a total harvest of 1,785 bushels with an average catch of 1.25 bushels per hour. In addition, a report on the Razor Clam harvest was also presented. It showed a total harvest of 484 bushels of razor clams with an average catch of 2.71 bushels per hour.

OYSTER HARVEST REPORT

An oyster harvest report was presented which showed the amount of tax collected, licenses sold and oyster harvest by bar and gear, for the period October 1, 1991 through November 6, 1991. The total harvest thus far was 19,280 bushels and the average catch per tonger was 6.13 bushels per day. The Executive Secretary noted that last year there were 41 productive oyster bars on the harvest report and this year there were only 16 so far. Also, last year, 9% of the total catch was harvested above the 301 bridge and so far this year 65% has been harvested above the bridge.

OYSTER SURVEY

The Executive Secretary reported the fall oyster survey, conducted November 4-7, 1991, recorded spat fall on Cedar Point better than recorded in 1985 and 1986, and may well rival the 1963 set. If the spat survive to market size, there should be good production in that area in about 4 or 5 years. However, the survey also showed the James River seed planted by the Commission this past spring was 100% infected with Dermo and the Piankatank River seed was approximately 78% infected.

Robert T. Brown suggested the Commission reduce the size limit and open the two seed areas for harvesting. The Commission referred this item to the Shellfish Advisory Committee for consideration.

APPOINTMENT OF 1992 OYSTER REPLETION COMMITTEE

Chairman Peck appointed the following individuals to serve as the 1992 Oyster Repletion Committee: **Industry Committee Members** - William L. Rice, James L. Jones, William Graves, William T. Feldman, Craig Kelley, Richard Holbrook, Roger Hill, Charles Squires, David Rowe, Eugene Booth, Thomas H. Samuels, James G. Thompson and John Allen. **Staff Committee Members** - Rodger Mann, George Krantz, John Mattingly, Almon Newsome, Elgin Dunnington, Bill Ootten, Mac Rogers and A. C. Carpenter. The Chairman noted that there was a vacancy on the Industry Committee representing St. Mary's County and requested that the Commissioner from that county make a recommendation to fill the vacancy. The Executive Secretary noted that Mr. Richard Daiger of the Virginia Extension Service had retired. The Chairman did not fill that position.

NOMINATING COMMITTEE

The Chairman appointed Commissioner Parran and Commissioner Freeman as the Nominating Committee, asking them to present, at the February meeting, a slate of officers to serve for 1992.

HOLIDAY

The Executive Secretary requested a change in the holiday schedule for the Commission office. The staff had asked to exchange the current Columbus Day holiday for the day after Thanksgiving.

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

"THAT THE COMMISSION REMOVE COLUMBUS DAY FROM THE LIST OF COMMISSION HOLIDAYS FOR EMPLOYEES AND ADD THE DAY AFTER THANKSGIVING." The motion passed unanimously.

SUMMER ANCHOR GILL NET FISHERY

Kenneth Wicker requested the Commission allow anchor gill netting in the spring for spot and perch. The Commission referred this item to the Finfish Advisory Committee.

NOVEMBER 8, 1991

COLONIAL BEACH, VIRGINIA

FRAUDULENT CHARTER BOAT CATCH REPORTS

Mr. Bob Holden, a charter boat captain from St. Mary's County, reported that several boats were intentionally filing erroneous catch reports with the Maryland Department of Natural Resources, which resulted in using up the Potomac's charter boat striped bass quota. The charter boat captains in question, neither licensed or fishing in the Potomac, are reporting their striped bass catch to Annapolis as being caught in the Potomac River, when in fact, it was actually caught in Maryland regulated waters and should be charged to the state of Maryland's striped bass quota.

The Executive Secretary reported that when the charter boat license was adopted by the Commission, several Commissioners wanted to reduce the amount of paperwork the charter boat captains would be required to do in reporting their catch. Therefore, an agreement was made with the Department of Natural Resources that any charter boat licensed by the state of Maryland, procuring a Potomac River license, would be able to report their Potomac catch on the same forms they file with Maryland without having to file a separate report to the Potomac River Fisheries Commission.

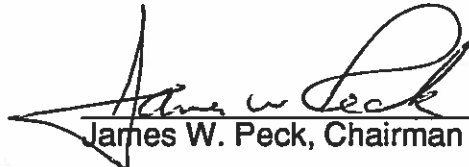
The Commission referred this item to the Finfish Advisory Committee.

DATE AND PLACE OF NEXT MEETING

The next regular meeting to include public hearings was scheduled for 9:30 a.m., Friday, February 7, 1992 at the Commission Office in Colonial Beach.

ADJOURNMENT

It was moved by Mr. Parran and seconded by Mr. Pruitt to adjourn the meeting at 12:50 p.m.


James W. Peck, Chairman


Francis J. Russell, Secretary