

**MINUTES OF THE REGULAR MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
FEBRUARY 7, 1992**

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. The Legal Officer was unable to attend.

PRESS: Isabel Gough - Richmond News Leader and Lawrence Latane - Richmond Times Dispatch.

GUESTS: Lee Zeni - Interstate Commission on the Potomac River Basin; Elgin Dunnington - Chesapeake Biological Laboratory; Dr. Herb Austin - Virginia Institute of Marine Science; Richard Bohn - Maryland Extension Service; Colonel Jack Taylor, Colonel Thomas R. Turner and Sergeant John F. Mattingly - Maryland Department of Natural Resources; Robert J. Markland and Ray Jewell - Virginia Marine Resources Commission; 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; Buddy Trossbach, Joe Woodburn, Bill Trossbach, Todd Yeats, David Bradburn, Walter Maddox, Joe Nelson, Thomas Booth, Jack Crutchfield, Francis Nelson, James G. Thompson, Charles E. Davis, Charles S. Davis, Lawrence Tippet, Mark McKay, Johnny Burch, Tucker Brown, Butch Cornelius, Jimmy Trossbach, Fred Baxter, Sr., Eddie Ford, Sr., Bruce R. Scheible, William A. Wicker, Kenneth Wicker, Richard Daiger, W. E. Green, James A. Gibson, Joseph H. Gibson, A. S. Dudley, Buddy Black, William Feldman, John Cameron, Francis Goddard, Larry Brann, Warren McKenny, Rob Witt, Don Sheckells, Kevin Wilde, Glenn Peacock, David Drinks, Joe Neale and several others 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. Parran and seconded by Mr. Hudnall:

"That the minutes of the meeting of November 8, 1992 be approved as written and distributed". The motion passed unanimously.

STATUS REPORT ON 1991 STRIPED BASS SEASON

The Executive Secretary presented a preliminary report of the 1991 striped bass harvest for the Potomac River. The data showed 216,755 pounds of striped bass harvested commercially, 14,193 pounds by charter boat and 162,500 pounds by recreational hook and line fishermen for a total harvest of 393,448 pounds. Mr. Carpenter drew special attention to the commercial fisheries which were regulated with individual and daily quotas (commercial hook and line and pound net) noting they both fell below their target cap while the gill nets exceeded their quota by 70,000 pounds. The gill nets had no daily or individual limit. He noted that the 1992 season was segmented into 6 one-day seasons throughout the year to alleviate any overage of the 1992 gill net quota.

DRAFT STAFF RECOMMENDATIONS FOR 1992 STRIPED BASS FISHERY

The Executive Secretary reported the 1992 staff proposal with recommend seasons and target caps similar to last year as the target caps have remained constant under the ASMFC plan. He noted the major change would be the use of tags for commercially caught striped bass. The Executive Secretary said the only change for the recreational fishery would be the consideration of a one-week fishery in September. The Commission referred the recommendations to the Finfish Advisory Committee for consideration and report back to the Commission at the May meeting.

BARGE GROUNDINGS

The Executive Secretary reported he had been informed by the Legal Officer that a March hearing date had been set for the motion for Summary Judgment regarding the Huggins Oyster Bar grounding.

Mr. Carpenter called on Elgin Dunnington to give a report to the Commission regarding the barge grounding which occurred on Cedar Point oyster bar on September 6, 1991. Mr. Dunnington reported that the grounding affected approximately 1/2 acre of the oyster bar. He estimated the damages to be around \$1,000 to \$1,500. The Commission requested the Legal Officer cause a letter to the barge company to request settlement.

SECOND QUARTER DISBURSEMENTS AND CASH ON HAND

A report of the second quarter (October - December 1991) disbursements was presented by budget item which totaled \$55,019.33, of which \$748.83 were development and repletion expenses. A statement of cash on hand as of February 5, 1992 was presented as follows:

<u>First Virginia Bank - Northern Neck:</u>	\$59,814.47
Checking (includes \$200.00 Petty Cash)	
<u>Maryland National Bank:</u>	2,956.93
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>	49,654.89
<u>Maryland Local Government Investment Pool:</u>	47,907.43
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GRAND TOTAL IN BANKS:	\$360,333.72

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

"That the second quarter disbursements of \$55,019.33 be approved as presented".
The motion passed unanimously.

SHELLFISH ADVISORY COMMITTEE REPORT

Robert T. Brown, chairman of the shellfish advisory committee, presented the recommendations from the advisory committee meeting held January 7, 1992. The recommendations were as follows:

- Increase the maximum number of undersize crabs allowed in one bushel to ten.
- Allow power assisted hand tongs to swing the tongs all the way over the cull board.
- Request PRFC seek approval of legislation to allow patent tonging and power dredging in the Potomac River.
- Modify current regulations which require persons charged with possession of uncultured oysters to scatter their catch or post a cash bond equal to the value of the catch, to pertain to only those persons in possession of 15% or more uncultured oysters. Those with less than 15% to be allowed to recull their catch.
- Adopt emergency regulations to extend the hand scrape areas westward up to and including Cobb Bar.
- Adopt emergency regulations which would allow any person holding a valid tongs license to hand scrape the balance of the 91/92 season, without having to procure a the additional hand scrape license.
- Consider permanently changing the hand scrape season to include Monday through Friday, sunrise to 3:00 p.m. or the same hours established for hand tonging, during the months of November, December and March.
- Eliminate the requirement of a permit to transport patent tongs and dredge related equipment through the Potomac River.
- Adopt emergency regulations to allow the harvest of diseased seed oysters on Church Point Oyster Bar and Colonial Beach Oyster Bar and to reduce the minimum size limit for oysters harvested on those bars.

Mr. Brown requested the Commission consider the items suggested for emergency action today and to consider the other items at the next regular commission meeting.

Church Point Oyster Bar (Diseased Seed Oysters) - Mr. Carpenter reported the oyster repletion committee and the staff supported the harvest of the diseased seed oysters on Church Point Oyster Bar. The recommendation was for a two week extension of the oyster tonging season for just Church Point. The repletion committee and staff felt the seed planted on Colonial Beach Bar would survive at least another year without substantial loss since the seed planted there was much smaller than that planted on Church Point.

Commissioner Russell requested Dr. Krantz report on the progress of the disease situation in the Potomac. Dr. Krantz presented a chart which showed intense Dermo disease downstream of the area from St. Catherine's Sound on the Maryland side and just about Colonial Beach on the Virginia side. He noted that spat set in that area had a 90% probable mortality rate by the time they reach 3 inches. Spat set above that area had a probable mortality rate of less than 50%. He felt that since the seed oysters planted on Church Point Bar came from a population of seed which is 100% infected with Dermo, they would probably not survive to reach market size. However, he felt the oysters planted on Colonial Beach Bar were less infected, further up river and therefore stood a better chance of survival.

A motion was made by Mr. Russell, seconded by Mr. Hudnall and unanimously approved to adopt Order #92-1 as follows:

**ORDER #92-1
SPECIAL OYSTER AREA SEASON**

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources in light of the existence of disease and the resultant potential high rate of mortality and pursuant to its authority under Regulation II, Section 3(b), **HEREBY DECLARES AND ORDERS:** that the area where seed oysters were planted on Church Point Oyster Bar be opened for harvest, by any lawfully licensed Potomac River tonger to begin on April 6, 1992 and will run from sunrise to 3:00 p.m. each day Monday through Friday until such time as there is no harvest activity occurring or April 17, 1992, whichever occurs first.

BE IT FURTHER DECLARED AND ORDERED; that the minimum size limit stipulated in Regulation II, Section 2(f) shall be 2-1/2" for any oysters harvested from subject area during the open period as provided herein.

BE IT FURTHER DECLARED AND ORDERED; that subject area will be buoyed and said buoys will remain in place each day as long as the area is open. The buoys will be removed when the area is closed.

AND, BE IT FURTHER DECLARED AND ORDERED; this Order #92-1 shall be effective April 6, 1992 and remain in effect through April 17, 1992.

Extension of Hand Scrape Area - The Executive Secretary reported the staff did not support moving the hand scrape line as recommended by the Shellfish Advisory Committee. He noted the Commission had extended the hand scrape area several times over the past few oyster seasons on a fairly regular basis. The staff felt it was becoming routine and not of immediate consequence. He suggested the commission consider holding a public hearing on moving the line on a permanent basis instead of moving it at the end of each oyster season.

Dr. Krantz, who performs the fall oyster survey, reaffirmed Mr. Carpenter's comments by noting there had been no change in the area in question during the past three years. He further noted he felt the Dermo situation had stabilized and therefore eliminated the need for emergency action on this issue.

Elgin Dunnington agreed, stating he did not feel an emergency existed in this situation. He further noted that by carrying this recommendation through the public hearing process, it would give all interested persons a chance to comment. He was particularly concerned about the hand tongers because the hand scrapes tear down the oyster bars and scatter the oysters over a large area making it impractical to hand tong in the same area.

Robert T. Brown noted the Shellfish Advisory Committee made its recommendation to open the additional area under the assumption that the disease situation was worsening. In light of the information provided by Dr. Krantz, Mr. Brown withdrew the Committee's recommendation of increasing the hand scrape area.

The Chairman referred the balance of the hand scrape recommendations back to the Shellfish Advisory Committee for further development as more specific proposals are

needed to meet advertising requirements.

CRAB HARVEST REPORT

A preliminary report on the 1991 crab landings showed a total of 178,377 bushels of hard crabs and 43,869 pounds of peelers had been harvest from the Potomac. This compares with the 1990 April through December totals of 126,746 bushels of hard crabs and 49,006 pounds of peelers and a long term average of 128,700 bushels and 51,600 pounds respectively. The Executive Secretary noted that earlier reports of the 1991 harvest being three times that of the 1990 harvest were erroneous. It was attributed to an error within the computer program compiling those numbers. Mr. Carpenter noted the error had been corrected and the report presented today was accurate. This year the data collection system was changed from monthly to weekly reporting which was believed to increase the accuracy of the reports. Additionally, this was the first time crabbers report their catch by sex. Approximately 69% of the harvest were males and 31% females.

CLAM HARVEST REPORT

A 1991 Soft Shell Clam harvest report was presented. It showed a total Mia harvest of 1,788 bushels with an average catch of 1.25 bushels per hour and 484 bushels of razor clams harvested with an average catch of 2.71 bushels per hour. This compares with last year's total harvest of 2,811 bushels of Mia and 2,431 bushels of razor clams.

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 February 6, 1992. The total harvest thus far was 79,930 bushels and the average catch per tonger was 4.24 bushels per day. The Executive Secretary called attention to the 734 licenses sold for the 1991-92 season compared to the 600 licenses sold for last year's season. He also noted that 63% of the 1991-92 oyster harvest came from above the Route 301 bridge versus 8% for the 1990-92 season and 1% of the 1989-90 season.

OYSTER REPLETION COMMITTEE REPORT

The Executive Secretary presented the following report:

- I. Estimated Funds Available for Spring 1992 Program \$212,000
- II. Cost Estimates for 1992

Fresh Shell	50 cents/bu.
Reef Shell	Not Available
Seed - Jones Shore	Not Available
Seed - Maryland DNR	\$1.00 to \$1.50/bu
- III. Staff Committee Recommendations
 1. Plant 200,000 bushels of fresh shell, equally divided, between Cobb Bar and Sheepshead.
 2. Allocate up to \$100,000 for the Maryland DNR seed to be planted equally on Cobb Bar and Sheepshead.
 3. Allocate \$10,000 for seed raised in an experimental disease-free hatchery situation. (Dr. Krantz's proposal contains details.
 4. Allow a 2 1/2 inch cull law for the first two weeks of April on the 1991 James River seed oysters planted on Church Point.
 5. Lower the cull law in the existing hand scrape area, including Jones Shore, to a 2 1/2 inch minimum size and impose a 4 1/2 inch maximum size limit starting October 1, 1992.
- IV. Industry Committee Recommendations
 1. The industry committee agreed with the first three recommendations made by the staff.
 2. Support and modify staff recommendation #4 from "first two weeks of April" to "April 6 through April 17".
 3. Support and modify staff recommendation #5 by adding a recommendation to allow hand scraping during the same months, days and times as allowed for handing tonging in the balance of the river.
 4. The 1992 repletion proposal was developed and is intended to apply, given no changes, in the hand scrape area. If the hand scrape line is moved, the staff's recommendations, as amended for items #1, #2 and #5 may be withdrawn or modified by the industry members.

Dr. Krantz elaborated on item 3 of the staff committee recommendations. He explained that extensive surveys done over the past several years have documented intense disease areas within the river. The surveys have shown that seed oysters within diseased areas are lightly infected the first year and totally infected the second year. If the seed oysters are moved into fresher water during the first or second year, they take the disease with them and do not get any better. However, if moved during the first year from areas lightly infected and put outside the intense Dermo zones, their survival rate increases to 50 or 60 percent. The proposal calls for moving some of the best seed oysters from the Maryland portion of the Chesapeake Bay, which have about 10% Dermo, to the upper Potomac, and area of light Dermo infection. The experiment will compare their production of market oysters to that of seed oysters produced in a hatchery and totally free of Dermo. He noted that this type of experiment has never been done on this scale before and that several agencies would be participating in the project.

The Executive Secretary noted that, if this experiment was approved by the Commission, the cooperation of the watermen would be essential in getting accurate results. He noted the plantings two 5 acre plots on Cedar Point Oyster Bar would take place during May or June. He emphasized the need for the watermen to stay completely out of the experimental area until it was opened under special permit for evaluation, as the cost of the hatchery produced seed are enormous. Without their understanding of the situation and cooperation, the results of the experiment would not be valid.

After discussion regarding crab predation of the seed oysters, the following motion was made by Mr. Parran and seconded by William Hudnall:

"That the Commission adopt Staff Committee Recommendations #1 and #2 as presented in the Oyster Repletion Committee Report. Further, that Staff Committee Recommendation #3 be adopted to include an additional component of producing a second specimen of seed oyster to be planted later in the fall of 1992 and compared to the results of the initial proposal". The motion passed unanimously.

Item #4 of the Oyster Repletion Report had been dealt with by the adoption of Order #92-1 and since item #5 would require a regulation change, it was referred to the Shellfish Advisory Committee.

INTRODUCTIONS

Robert Markland, Chief of Law Enforcement for the Virginia Marine Resources Commission, introduced Mr. Ray Jewell as the new Northern Area Supervisor who replaced Donald O'Bier upon his retirement. Colonel Jack Taylor, of the Maryland Department of Natural Resources introduced Lieutenant Colonel Tom Turner as their new Chief of Field Operations, replacing Lieutenant Colonel Willing, upon his retirement.

SMALL MESH GILL NET FISHERY FOR WHITE PERCH

The Executive Secretary reported that several people had requested this item be place on the agenda for consideration. No specific written proposal had been presented and the item had not been considered by the Advisory Committee. There was however, a verbal outline presented to the staff. In response, the staff put together information on the historical white perch landings which showed the highest landing of 317,919 pounds being harvested in 1969 and the lowest landing of 13,468 pounds being harvested in 1991. The gill net fishery had accounted for about 60% of the harvest in the years prior to implementation of the striped bass regulations. Dr. Herb Austin presented a graph of the landings information which showed the trend of the white perch pound net catch as being consistently down over the years.

William Rice, of the Charles County Waterman's Association, presented the Commission with suggested guidelines for an experimental white perch fishery. He stated that the watermen had been deprived of a white perch gill net fishery ever since the restrictions for striped bass were implemented. There was much discussion regarding by-catch of other species, especially large mouth bass and striped bass. Tucker Brown suggested using drift gill nets instead of fixed location devices for this test.

After further discussion, the following motion was made by Mr. Parran and seconded by Mr. Freeman:

"That the Commission authorize an experimental spring white perch fishery using 5 or 6 licensed gill netters from different portions of the river. The fishery shall be conducted between March 9 and March 28, 1992, 3 days per week, using anchor or stake gill nest with 3-1/2" mesh and no more than 600 feet in length. Further, the fishermen selected by the Executive Secretary will agree to supply the Commission with detailed accurate records of their catch and will allow PRFC observers aboard during the fishery". The motion passed unanimously.

BANKING BUSINESS

Mr. Carpenter informed the Commission that recent reporting of federal income taxes and social security have resulted in payments exceeding the \$3,000.00 limitation for single signature checks.

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

"The Chairman, Vice-chairman and Executive Secretary are each authorized to sign checks in amounts up to Five Thousand Dollars (\$5,000.00). Checks in amounts over Five Thousand Dollars (\$5,000.00) shall be signed by the Executive Secretary and counter signed by either the Chairman or the Vice-chairman. This motion supersedes all previous motions in reference to authorized signatures and amounts for the checking account." The motion passed unanimously.

FINANCE COMMITTEE

Mr. Pruitt requested the appointment of a Finance Committee to work with the Executive Secretary on the Commission's finance and investment policies. The reason for his request was to maximize the return of any investment made on behalf of the Commission.

The Chairman appointed Mr. Hudnall, Mr. Parran and Mr. Hutt to serve at the Finance Committee.

DIVING FOR OYSTERS

Mr. Eddie Davis and approximately 15 other persons present asked the Commission to consider allowing the commercial harvest of oysters by diving, in the same area and time frame as the hand scrapers. The Commission referred this item to the Shellfish Advisory Committee for review.

CLAM SURVEY

Mr. James Lathroum of the St. Mary's Clammers Association, requested a clam survey in the Potomac upriver from Cobb Island north. The Executive Secretary noted he would work with the clammer's association and arrange the survey.

GILL NET SPOT FISHERY

Kenneth Wicker requested the consideration of a summer gill net fishery for spot. The Commission referred this item to the Finfish Advisory Committee.

COMPLAINT

Mr. William E. Green reported vandalism to his pound nets and requested the law enforcement personnel present inform their field officers of his complaint.

NOMINATING COMMITTEE

Chairman Peck called for the report of the Nominating Committee. Mr. Parran, reporting for the Committee, nominated Mr. Hudnall as Chairman, Mr. Russell as Vice-Chairman and Mr. Freeman as Secretary for 1992. There being no other nominations, the report was accepted by acclamation.

The Commissioners thanked Chairman Peck for the fine job he did while serving as Chairman of the Commission this past year.

BUDGET COMMITTEE

Chairman Hudnall appointed Commissioners Parran and Pruitt as the Budget Committee for FY 92-93. He asked them to present their recommended budget at the next meeting.

ADVISORY COMMITTEE VACANCIES

The Executive Secretary noted several member's terms on the finfish and shellfish advisory committees were to expire March 31, 1992. There were also a few vacancies created which needed to be filled. Chairman Hudnall reappointed Mr. Arden E. Cather, Richard K. Clifton, James Glenn Peacock, David Bradley, Artis Schoen and Charlie Taylor to the Finfish Advisory Committee for a term of three years. He also appointed Mr. Denzal Chatham and Louis Harley to fill two vacancies on that committee created by the resignation of Alfred Chatham and Edward R. Dent. For the Shellfish Advisory Committee, he reappointed Mr. John A. Osakowicz, Charles R. Lumpkins, Robert Boarman, Roger Hill, Garnett Wilson and Charles S. Bourne, Sr. for three year terms. He

appointed Mr. Hugh Newton to fill the vacancy on the Shellfish Advisory Committee created by the death of Mr. Sam Johnson.

The Commission requested the Advisory Committees present recommendations to the Commission in the future to fill any vacancies.

PUBLIC HEARING

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

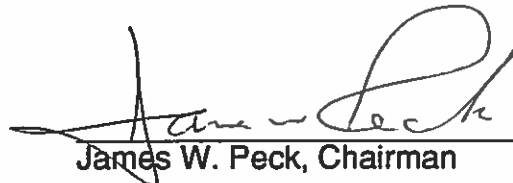
"That the Shellfish Advisory Committee's recommendation to increase the number of small crabs allowed in one bushel be scheduled for public hearing at the next regular meeting of the Potomac River Fisheries Commission". The motion passed unanimously.

DATE AND PLACE OF NEXT MEETING

The next regular meeting to include public hearings was scheduled for 9:00 a.m., Friday, May 8, 1992 at the Commission Office in Colonial Beach.

ADJOURNMENT

It was moved, seconded and unanimously approved to adjourn the meeting at 12:00 p.m.


James W. Peck, Chairman


Francis J. Russell, Secretary