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

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

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

Press: Jim Kundresdas - Chesapeake Publishing; Ann Marie Maloney - The Enterprise; Betsy Ficklin - King George Journal; Mike Voss - The Free Lance-Star; and Lawrence Latane - Richmond Times Dispatch.

Guests: Robert Jarboe - St. Mary's County Commissioner; Bill Castelli - Representative for Steny Hoyer; Curtis Dalpra - Interstate Commission on the Potomac River Basin; Bill Goldsborough - Chesapeake Bay Foundation; Elgin Dunnington - Chesapeake Biological Laboratory; Roger Mann - Virginia Institute of Marine Science; Bill Sieling - Maryland Department of Agriculture; Mark Homer and Stan Tomaszewski - Maryland Department of Natural Resources; Sergeant John F. Mattingly - Maryland Department of Natural Resources Police; Jack Travelstead - Virginia Marine Resources Commission; Robert J. Markland and Ray Jewell - Virginia Marine Resources Commission Police; 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; Cynthia A. Woodburn - Tourism Development Specialist St. Mary's County; Bob Holden, Tommy Gardner, Pete Latula, John Guy, Les Huett, George Martin, Bob Bowes, Ted Klopsis, Mark Millar, William A. Martin, Charles Martin, James Gray, Robert Lee, Ken Pennrod, Bob Troup, Donald Markwith, Eddie Davis, David Thompson, Jim Hardy, Richard Daiger, Robert Donner, William Feldman, Richard Clifton, John Roberts, Hugh Black, John Kelly, Charles Gibson, James Gass, Bruce Scheible; Tracy Gardiner, J. J. Norris, Mike Gerek, Paul Kellum, Roy Amburn, Wayne Hennage, Chuck O'Bier, Rick Thomas, Robin Amburn, Suzy Amburn, Jimmie Roland, Thom Roland, Merrill Lester, Jim Deibler, Fred Shackleford, Tom Drury, Joe Scrivener, John Charles, Roger Hill, J. H. Gison, Steve Spedda, Charles W. Nicholson, Freddie Clarke, Charles Clarke, Allan Scott, E. J. Lechlides; Stan Harris, Gregory Madjeski, S. Madjeski, Deb Scott, Danny Crabbe, Bob Warren, Terrell McLain, Roland Rhine, Brian Magee, John P. Mills, Don Bowie, Larry Kindrick, Jack Osborne, Ed Lintz, J. F. Bean, Bea Harris, Virginia Bean and several others who did not sign the register.

Chairman Hudnall called the meeting to order at 9:30 a.m. Mr. Hudnall announced the meeting would be moved to the fire house due to the large number of people attending the public hearing. The meeting reconvened at the fire house at 9:40 a.m.

APPROVAL OF MINUTES

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

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

*** * * OPEN PUBLIC HEARING * * ***

Chairman Hudnall opened the public hearing at 9:45 a.m. The Executive Secretary noted the items scheduled for public hearing today had been duly advertised as provided for in the Compact.

SPORT FISHING LICENSE: The proposal was to adopt a new Regulation VI in order to establish a license requirement for sport or recreational fishing in the Potomac River. It provided for reciprocity with Maryland and Virginia individual and pleasure boat tidal/salt water sport fishing licenses and exempted persons less than 16 or more than 65 years of age. An exemption for shore or pier fishermen and certain holiday periods was also provided. Proposed maximum license fees were \$7.50 per person, \$60.00 per pleasure boat, \$290.00 per charter boat, \$25.00 per rental boat or \$500.00 per fleet + \$1.00 per boat.

Mr. Peck made a statement regarding reciprocity of licenses. He noted that since Virginia had enacted their recreational fishing license the staffs of Maryland, Virginia and the Potomac River Fisheries Commission had met and are moving toward establishing reciprocity of sport fishing licenses to include the individual license, pleasure boat license, the charter boat sport fishing license for fee paying passengers, and rental boats. Therefore, if a license requirement was imposed for the Potomac River, a valid license purchased from either Maryland, Virginia or the Potomac River Fisheries Commission would be recognized as legal authority to fish in all three jurisdictions.

Mr. Carpenter reiterated the proposed agreement to establish reciprocity of licenses between the jurisdictions noting that a staff level meeting had found no major obstacles in establishing reciprocity of a sport fishing license between all three jurisdictions. The District of Columbia, with whom the Potomac River Fisheries Commission shares a boundary line, was also invited to the meeting. However, the District indicated they would only consider reciprocity with the Potomac River Fisheries Commission and not Maryland nor Virginia.

The Legal Officer stated only the Potomac River Fisheries Commission has the authority to regulate and license fishing on the Potomac. Unless the Commission acted in this regard, the Potomac would be a vacuum if no license was required. The main objective of the proposed action was to bring the regulatory process of licensing into the Potomac River similar to that in DC, Maryland and Virginia. Mr. Hudnall then asked for public comments.

St. Mary's County Commissioner Robert Jarboe presented a statement in opposition to the creation of a Potomac saltwater fishing license and stressed the confusion over regional regulations. However, he was under the impression that the Maryland and Virginia sport fishing licenses were already recognized in the Potomac and felt the adoption of a Potomac sport fishing license would be duplication of fees.

Ken Penrod, representing the Maryland B.A.S.S. Federation, Chesapeake Bass Guides Association and Outdoor Life Unlimited was opposed to the adoption of a Potomac sport fishing license. However, Mr. Penrod thought the proposed \$290.00 charter boat sport license fee was an increase of the charter boat captain's license fee.

Jim Drummond noted that Mr. Peck's announcement regarding reciprocity had taken most of the thunder out of the statement he was going to make. He was concerned that monies obtained by the Potomac River Fisheries Commission from the sale of a sport fishing license may have political ramifications. He was also concerned with the utilization of the fees derived from the sale of these licenses.

Roy Amburn representing the Virginia Charter Boat Association spoke in opposition to the proposed charter boat fees.

Several more individuals presented written statements against or spoke in opposition to the proposed license. Most seemed to believe the proposal was to increase the charter boat captain's license fee or that a recreational fisherman would have to buy a Potomac license in addition to his/her Maryland or Virginia sport fishing license. However, all of the individuals stressed the difficulty of keeping up with differing regulations in the Potomac region. Others were concerned that reciprocity between the three jurisdiction's licenses would cause a decrease in revenue for either state. It was noted that the advertised Potomac sport license fees were equal to the highest fee of either state and therefore it would not save the fishermen money to purchase the Potomac license instead of the Maryland or Virginia tidal/salt water fishing license. Again it was noted that the main objective of this proposal was to bring a consistent bay-wide regulatory licensing process into the Potomac.

Mr. John Roberts of Point Lookout Marina and Mr. Bob Warren thanked the Commission for clearing up the misunderstood matter of multiplicity of licenses and agreeing to institute a reciprocal agreement with Maryland and Virginia tidal/salt water recreational licenses for the charter boats as well as individual fishermen.

Mr. Bill Goldsborough stated the Chesapeake Bay Foundation supported the recreational license requirement. He stated its importance to generate data so that fisheries can be managed properly as fish stocks are so severely stressed the information is necessary to maintain them. However, he felt the implementation of a license requirement in the Potomac should be done as simply as possible.

BLACK BASS: The proposal was to modify Regulation III, Section 11(a) to increase the minimum size limit on black bass to 15 inches from March 1 through June 15 of each year and retain a 12 inch minimum at all other times.

Jim Drummond stated the Potomac River Finfish Advisory Committee originated this proposal and strongly recommended its approval. Bill Goldsborough, Ken Penrod and Brady Bounds all supported the approval of this proposal. No one spoke against it.

USE OF COMMERCIAL LICENSE: The proposal was to modify Regulation I, Section 1(b) so as to prohibit use of another's vessel or gear type license(s) by an individual whose license privileges are suspended or revoked.

There were no comments on this proposal.

HAND SCRAPING: The proposal was to modify Regulation II, Section 2(a)(2) so as to allow hand scraping from sunrise to 3:00 p.m. EST (4:00 p.m. EDT) Monday through Friday during November, December and March. Thus making the time for hand scraping and hand tonging the same.

Robert T. Brown stated the Potomac River Shellfish Advisory Committee recommended this proposal and supported its approval. He said the St. Mary's County Waterman's Association supported it also.

PATENT TONG/DREDGE PERMITS: The proposal was to delete Regulation II, Section 2(e) to remove the special permit requirement for dredge or patent tong boat transiting the Potomac.

Robert T. Brown stated the Potomac River Shellfish Advisory Committee recommended this proposal and supported its approval and the St. Mary's County Waterman's Association supported it also. He said it was an inconvenience to have to get these permits on a monthly basis and further, that it was an obsolete law.

OYSTER CULL LAW: The proposal was to modify Regulation I, Section 2(f) to provide for a 2-1/2 inch minimum and a 4 inch maximum oyster size limit in areas open for hand scraping and the area known as Jones Shore. This slot limit would apply to all oysters caught within that area by any lawful method during the entire oyster season. The 3 inch minimum size limit would remain unchanged in the balance of the river.

Robert T. Brown stated the Potomac River Shellfish Advisory Committee supported this proposal but asked for it to be reviewed after one year.

Mr. Elgin Dunnington stated that the larger oysters which would be protected by the adoption of this proposal had survived disease when most other oysters had not. Therefore, biologically, it was a very good idea that those surviving oysters be left as brood stock in the hope of developing a disease resistant oyster.

Mr. Billy Rice stated the Charles County Waterman's Association supported the proposal.

There being no other matters advertised for public hearing and no further comments, Chairman Hudnall closed the public hearing at 11:10 a.m.

***** CLOSE PUBLIC HEARING *****

CONSIDERATION OF REGULATION CHANGES

Regulation VI - Sport Fishing and Sport Shellfishing

Mr. Pruitt said that he would like a ruling from the attorney generals of both Maryland and Virginia on the need of adopting a Potomac license. If the legal research was to point out that the Potomac could acknowledge a Maryland or Virginia license without actually issuing its own license and a reciprocal agreement, it would eliminate additional bureaucracy. He further questioned whether anyone would challenge the legality of the action if it were taken.

Mr. Peck asked the Legal Officer if the Commission could require either a Maryland or Virginia license without issuing a PRFC license as Mr. Pruitt was suggesting. Mr. Hutt said he did not feel it would be legal. However, he said he was only one lawyer and the Commission had the resources of the attorney general offices of both states and encouraged them to seek an additional ruling. Mr. Peck stated he did not feel the Commission should wait to make a decision on this issue.

Mr. Peck made a motion that, beginning January 1, 1993, a person must possess a valid Maryland or Virginia tidal/sport fishing license when fishing in the Potomac River. The motion died for a lack of a second after the Legal Officer expressed his concerns regarding the motion.

Executive Session

After further discussion among the Commissioners and Legal Officer, *a motion was made by Mr. Parran, seconded by Mr. Freeman and unanimously approved to go into Executive Session to discuss legal matters at 11:20 a.m.*

The regular meeting reconvened at 12:15 p.m.

The Legal Officer stated that no action was taken in the Executive Session. He stated the question was again asked if the Commission could negate the need for creating a Potomac River sport fishing license by requiring a Maryland or Virginia tidal/salt water fishing license in the Potomac River Fisheries Commission's jurisdiction. He did not feel that would be a legal action as it would be abrogating the PRFC's licensing authority to Maryland and Virginia. He stated a specific proposal regarding a sport fishing license was advertised and, in his opinion, the Commission had three options. It could (1) adopt the proposal as written or modified, (2) table the item for a legal report or (3) reject the proposal altogether.

A motion was made by Mr. Russell and seconded by Mr. Parran to:

Amend Regulation I, Section 3(b) by adding the word "commercial" before the word "licenses" in the last sentence thereof;

Amend Regulation I, Section 5(a) by deleting the words "Sections 5(b) and 5(c)" and inserting the words "Regulation VI" in lieu thereof;

Repeal Regulation I, Section 5(b) and 5(c);

Amend Regulation III, Section 1 by striking the word "commercial" from the last sentence thereof; and

Adopt Regulation VI Sport Fishing and Sport Shellfishing as follows:

Section 1. Definitions.

- (a) Charter Boat - any vessel used to carry fee paying persons to catch or attempt to catch fish, crabs, oysters or clams, including but not limited to, vessels commonly known as charter, head, party or guide boats.
- (b) Collapsible Crab Trap - a mechanism designed so that failure to apply manually exerted tension on the closing mechanism allows the crabs to escape.
- (c) Commercial Use - taking or catching seafood for market or profit or as defined in Regulation I, Section 5(a).
- (d) Commission - the Potomac River Fisheries Commission.
- (e) Household Use - Seafood taken as a food source for immediate use within that household and which may not be sold or offered for sale.
- (f) Pleasure Boats - any boat or vessel not operated for hire.
- (g) Rental Boat - any boat or vessel operated by a lessee/renter used to sport fish in the Potomac River.
- (h) Recreational Fishing - the taking or catching of seafood for other than commercial purposes as herein defined.
- (i) Regulations - regulations of the Potomac River Fisheries Commission.
- (j) Sport Fishing - the taking or catching of seafood for other than commercial purposes as herein defined.

Section 2. Sport Shellfishing.

- (a) Restrictions. All persons taking oysters, clams or crabs for sport, recreation or immediate household use, shall comply with and be subject to all other regulations and Orders of this Commission, including but not limited to seasons, areas, size, creel and/or catch limits. Any oysters, clams or crabs taken under these sections may not be sold or offered for sale.
- (b) Limits and Methods. The taking or catching of oysters, clams and crabs for sport, recreation or immediate household use, without a license, shall be lawful provided that no person shall in any one day take more than the following:
 - 1) One bushel of oysters: by hand tongs; by hand or; by diving with or without scuba and by no other means;

- 2) One bushel of soft shell clams: by hand held shovel, rake or hoe or; by hand and by no other means;
- 3) One bushel of hard crabs, and three dozen soft crabs or peeler crabs: by a single crab pot marked with a buoy that is easily visible on the surface and legibly displays the owner's initials in not less than one (1) inch letters; by a single trot line no longer than one hundred (100) yards; by handlines; by dip nets or; by collapsible crab traps and by no other means.

Section 3. Sport Finfishing.

- (a) Restrictions. All persons taking finfish under this section shall comply with and be subject to all other regulations and Orders of this Commission including but not limited to seasons, area, size, creel and/or catch limits. Any fish taken under these sections may not be sold or offered for sale.
- (b) License Required. It shall be unlawful for any person to take, catch or remove or attempt to take, catch or remove finfish from the Potomac River for sport, recreation or immediate household use, from any boat or vessel not properly licensed for sport fishing and displaying a valid decal. Provided, however, that each individual aboard such vessel may substitute an individual sport fishing license in lieu of the vessel license.
- (c) Terms of License. Each license issued under this Regulation shall be valid for the licensing year January 1 through December 31. No license issued under the authority of the Commission shall be transferable in any manner. A replacement license may be issued for a fee of \$1.00 upon proof of loss of the original license.
- (d) Display of License. Each pleasure boat, charter boat and rental boat licensed hereunder, shall be issued a decal. The decal shall be affixed on the starboard side, on the hull forward and in such a manner as to be clearly visible to passing boats. All vessel captains or operators and persons individually licensed shall exhibit their license when required by any enforcement officer of the State of Maryland or Virginia, or agent of the Potomac River Fisheries Commission.
- (e) License Fees. The annual license fees payable to the Commission under Regulation VI shall be as follows:
 - 1) Pleasure Boat:
 - i) Less than 27 feet in length - \$30.00 per boat;
 - ii) 27 feet or more in length - \$60.00 per boat.
 - 2) Charter Boat:
 - i) Certified to carry six or less passengers - \$240.00 per boat;
 - ii) Certified to carry seven or more passengers - \$290.00 per boat.
 - 3) Rental Boat - \$25.00 per boat or \$500.00 per fleet plus \$1.00 per each boat in the fleet.
 - 4) Person - \$7.50 per person. A Personal sport fishing license is not required when fishing from a properly licensed boat.
- (f) Exemptions. A Potomac River sport fishing license is not required of a person:
 - 1) If that person:
 - i) is 65 years of age or older;
 - ii) is less than 16 years of age;
 - iii) holds a valid tidal/salt water sport fishing license issued by another political jurisdiction granting reciprocal privileges with this Commission;
 - iv) is fishing from a boat displaying or possessing a valid tidal/salt water fishing decal or license from other political jurisdictions granting reciprocal privileges with this Commission;
 - v) is commercially fishing and possesses a valid commercial fishing license from the Potomac River Fisheries Commission; or
 - vi) is not fishing from a boat or vessel.

- 2) During the following periods:
 - i) the three (3) days before, the holiday itself, and the three (3) days after Memorial Day, July 4th and Labor Day; or
 - ii) any other Federal holiday.

Section 4. Reciprocity.

Reciprocity shall exist between the Potomac River Fisheries Commission and such other political jurisdiction(s) when the Commission has determined that the sport fishing license requirements of the other jurisdictions are substantially similar to those of the Commission and both jurisdictions have formally agreed to reciprocity. This status shall be established by a duly enacted proclamation of this Commission identifying the political jurisdiction, which license or licenses is/are reciprocal and establishing an effective date.

Section 5. Severability Clause.

If any word, clause, sentence, paragraph or section of the regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

Section 6. Effective Date.

These regulations shall take full force and effect thirty (30) days, or more, after their final adoption by the Commission.

Upon a roll call vote, Mr. Russell voted aye, Mr. Pruitt voted nay, stating he disagreed with the Legal Officer's ruling, Mr. Peck voted aye, Mr. Hudnall voted aye, Mr. Parran voted aye and Mr. Freeman voted aye. The Chairman declared the motion carried.

Regulation III, Section 11(a)

A motion was made by Mr. Pruitt, seconded by Mr. Peck and unanimously approved to adopt Regulation III, Section 11(a) 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 15 inches from March 1 through June 15 inclusive or less than 12 inches at all other times.
- (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.

Regulation I, Section 1(b)

A motion was made by Mr. Parran, Seconded by Mr. Freeman and unanimously approved to adopt Regulation I, Section 1(b) as follows:

(b) Unlawful Use of License and Giving False Information. It shall be unlawful for any person: (1) to permit any other person to use or exhibit his or her personal oyster tonging, hand scraping or clamming license, (2) to display or exhibit any oyster tonging, hand scraping or clamming license not issued to that person, (3) to give false information concerning his or her identity, or (4) to permit any other person whose licensing privileges are suspended or revoked to use or exhibit his or her vessel or gear type license during such suspension or revocation period.

Regulation II, Section 2(a)(2)

The PRFC staff recommended leaving the starting time for hand scraping at 8:00 a.m.

A motion was made by Mr. Russell, seconded by Mr. Parran and unanimously approved to adopt regulation II, Section 2(a)(2) as follows:

(a)(2) Time for Use and Possession of Hand Scrape. The use of a hand scrape shall be permitted only on Monday through Friday, inclusive, during the months of November, December and March of each year. On any of the aforesaid permitted days the use of a hand scrape shall only be permitted during the hours of 8:00 a.m. to 3:00 p.m. EST or 4:00 p.m. EDT, in such areas as shall from time to time be designated by the Commission as hand scraping areas. Possession of a hand scrape shall be permitted during the aforesaid times and from one (1) hour before and for two (2) hours after such hours. The use or possession of any hand scrape at any other time is unlawful.

Regulation II, Section 2(e)

A motion was made by Mr. Freeman, seconded by Mr. Russell and unanimously approved to retain Regulation II, Section 2(e) unchanged and to amend the Commission's policy of issuing permits on a monthly basis to issuing the permit on a seasonal basis.

Regulation II, Section 2(f)

A motion was made by Mr. Russell, seconded by Mr. Parran and unanimously approved to adopt Regulation II, Section 2(f) as follows:

(f)(1) Sizes. It shall be unlawful for any person to take, catch, sell, offer to buy or expose for sale or have in possession oysters which consist of five percent (5%) or more by volume of oyster shells and oysters whose shells measure less than or greater than the length(s) herein provided:

- i) In all areas lying upstream of the line defined by Regulation II, Section 2(a)(4)(2), all oysters whose shells measure less than three inches (3") shall be included in the cull and returned to the rock, bed or shoal whence taken.
- ii) In all areas lying downstream of the line defined by Regulation II, Section 2(a)(4)(2), all oyster whose shells measure less than two and one-half inches (2-1/2") or greater than four inches (4") shall be included in the cull and returned to the rock, bed or shoal whence taken.

(f)(2) Culling Required. All oysters taken from the Potomac River shall be culled at the point where taken by the person or persons taking, catching or removing said oysters. All culling shall be completed and the cull board cleared within fifteen (15) minutes after the lawful time for taking or catching oysters. All oysters required by subsection f(1) to be culled, exclusive of culch, whether attached to an otherwise lawful oyster or not, shall be culled and returned, together with all empty shells, to the rock, bed or shoal whence taken. Whenever any oyster required by subsection f(1) to be culled adheres so closely to an otherwise lawful oyster as to render removal impossible without destroying the unlawful oyster, then such oysters, including the lawful oysters, shall be returned to the rock, bed or shoal whence taken.

(f)(3) Possession. All shells and oysters, once past the culling board, shall be deemed in possession of the licensee.

(f)(4) Inspection. Any duly authorized officer is hereby authorized to examine the cargo, hold, bin, cabin or lot of oysters and the officer shall take for inspection at least one-half bushel tub of oysters from any portion of the cargo, provided that said entire one-half bushel tub examined shall be taken at one place in the pile of oysters. Included herein is the right to take for inspection any tub of oysters shoveled during the unloading process.

It was moved by Mr. Peck, seconded by Mr. Russell and unanimously approved to review Regulation II, Section 2(f) before the 1993-94 oyster season.

Effective Date

A motion was made, seconded and unanimously approved to set the effective date for the regulations amended today dealing with oysters as October 1, 1992 and all other regulations repealed, amended or adopted today become effective January 1, 1993.

OYSTER REPLETION PROGRAM REPORT

The Executive Secretary reported \$114,563.46 had been spent on 226,359 bushels of fresh shell planted on Sheepshead and Cobb Bar. An additional \$18,627.60 was spent on 31,046 bushels of fresh shell planted on Cedar Point in preparation for the hatchery seed experiment. The \$86,603.40 spent on the seed portion of the program purchased 33,309 bushels of high quality seed from the Maryland Department of Natural Resources which was also planted on Sheepshead and Cobb Bar. The entire cost of the 1992 program, including count and control, was \$224,744.09.

FOURTH QUARTER DISBURSEMENTS AND CASH ON HAND

A report of the fourth quarter (April - June 1992) disbursements was presented by budget item which totaled \$292,388.83, of which \$224,744.09 was spent on the 1992 oyster repletion program. A statement of cash on hand as of August 7, 1992 was presented as follows:

<u>First Virginia Bank - Northern Neck:</u>	\$155,262.46
(Checking (includes \$200.00 Petty Cash))	
<u>Maryland National Bank:</u>	5,993.95
Savings: (Maryland Office)	
<u>Virginia Local Government Investment Pool:</u>	21,490.69
<u>Maryland Local Government Investment Pool:</u>	19,543.68
GRAND TOTAL IN BANKS:	\$202,290.78

Mr. Carpenter explained the unusually large balance in the checking account resulted from the very recent receipt of the Virginia appropriation. Those funds would be transferred to the Local Government Investment Pools. The following motion was made by Mr. Freeman and seconded by Mr. Parran:

"That the fourth quarter disbursements of \$292,388.83 be approved as presented". The motion passed unanimously.

TIME LIMIT FOR OYSTERING

The Shellfish Advisory Committee had recommended the Commission consider adopting a 12:00 noon cut-off time for oystering from October 1, 1992 through December 31, 1992, as has been the practice during the past few years due to the declining oyster harvests.

A motion was made by Mr. Freeman, seconded by Mr. Russell and unanimously approved to adopt Commission Order #92-6 as follows:

ORDER #92 - 6 OYSTER TIME LIMITS

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 FURTHER ORDERS: that Regulation II, Section 2(a)(2) Time for Use and Possession of Hand Scrape is hereby **MODIFIED** to read

"The use of a hand scrape shall be permitted only on Monday through Friday, inclusive, during the months of November, December and March of each year. On any of the aforesaid permitted days the use of a hand scrape shall only be permitted during the hours of 8:00 a.m. to 12:00 noon (legal established time), in such areas as shall from time to time be designated by the Commission as hand scraping areas. Possession of a hand scrape shall be permitted during the aforesaid times and from one (1) hour before and for two (2) hours after such hours. The use or possession of any hand scrape at any other time is unlawful.

BE IT FURTHER DECLARED AND ORDERED: That this Order #92-6 shall be effective October 1, 1992 and remain in effect through December 31, 1992.

FINFISH ADVISORY COMMITTEE REPORT

Jim Drummond, Chairman of the Finfish Advisory Committee, presented the recommendations from the committee meeting held July 8, 1992. The recommendations were as follows:

- Adoption of an 18 inch minimum and 27 inch maximum size limit for Red Drum with a creel limit of 5 fish including one fish exceeding 27 inches, as has been adopted by Virginia, provided that Maryland adopts the same regulation.
- Require all PRFC licensed charter boat captains report their catch directly to the PRFC office during the striped bass season in order to obtain more timely and accurate information.
- Establishment of "Crab Pot Free" channels to be recommended by Maryland and Virginia law enforcement representatives.
- Maintain the current moratorium on the issuance of new commercial hook and line licenses due to the small quota of striped bass allocated to that fishery.

SHELLFISH ADVISORY COMMITTEE RECOMMENDATIONS

Robert T. Brown, Chairman of the Shellfish Advisory Committee, presented the recommendations from the committee meeting held July 28, 1992. The recommendations were as follows:

- Recommends allowing commercial diving for oysters within the hand scrape area for one season on a trial basis, provided they are certified divers and required to adhere to the same time/season restrictions as hand scrapers.
- Supported the same by-laws change approved at the last Commission meeting regarding attendance of committee members.

In response to the request to allow commercial diving for oysters, the Executive Secretary stated that he was not sure the resource could stand any additional pressure. Also, the oyster slot limit adopted earlier in this meeting would exclude the size oysters most divers say they must harvest to be profitable. He suggested having more divers attend the next commission meeting in order to get more information.

CRAB HARVEST REPORT

A preliminary report on the 1992 crab landings through July showed a total of 54,456 bushels of hard crabs and 29,380 pounds of peelers had been harvested from the Potomac. This compares with the 1991 March through July totals of 82,714 bushels of hard crabs and 33,905 pounds of peelers and a long term average for those months of 58,137 bushels and 32,718 pounds respectively. The Executive Secretary noted that this year's catch was only slightly less than average. However, compared to last year's high catch, most crabbers were reporting a poor year.

CLAM HARVEST REPORT

A 1992 Soft Shell Clam harvest report was presented. It showed a total soft shell (Mia) harvest of 142 bushels with an average catch of 0.49 bushels per hour and 84 bushels of razor clams harvested.

REVIEW OF OYSTER STOCK ASSESSMENT

This item was deferred to the next regular Commission meeting.

HATCHERY SEED EXPERIMENT

The Executive Secretary reported the experiment was not progressing as originally planned. The water temperatures were unexpectedly cooler than normal this spring and the heaters purchased for the project were smaller than needed. Therefore, the oysters did not reach the appropriate size for planting by the target date of early June. This date was essential to the experiment of comparing the natural -vs- hatchery reared disease free seed oysters.

CHARTER BOAT CATCH REPORTS

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

"To accept the Finfish Advisory Committee recommendation requiring all Potomac River Fisheries Commission licensed charter boat captains report their catch directly to the PRFC office during the striped bass season". The motion passed unanimously.

ST. MARY'S COUNTY CIRCUIT COURT CLERK - LICENSING AGENT

The Executive Secretary reported the St. Mary's County Circuit Court Clerk's Office would no longer issue temporary receipts for Potomac River licenses effective September 1, 1992. The Clerk's office had asked to be relieved of this duty indicating the paperwork and record-keeping responsibilities incurred by them in issuing the temporary receipts had become unmanageable due to staffing limitations. The Clerk also felt there were a number of other convenient alternatives available to the constituents such as obtaining a license from the PRFC by mail, through the Southern Maryland Regional Office of the Department of Natural Resources, or in person at the Commission's office. The Chairman and Commissioners thanked the St. Mary's County office for its service over the years.

SURPLUS PROPERTY

The Executive Secretary stated that the Commission's Monroe calculator purchased in 1982 and its NEC Pinwriter Printer purchased in 1989 had been replaced. Both pieces of equipment were inoperative and unrepairable. He asked that they be declared surplus and removed from the Commission's property inventory. The following motion was made by Mr. Parran and seconded by Mr. Freeman:

"That the Monroe calculator and the NEC printer described above be declared surplus property to be disposed of properly by the Executive Secretary". The motion passed unanimously.

JURISDICTIONAL LINES

The Executive Secretary reported the Commission will continue refurbishing the jurisdictional line markers. This year's work will be conducted south of the route 301 bridge. It was requested that the Maryland and Virginia engineering departments work cooperatively with the PRFC for proper placement of the jurisdictional line markers. After some discussion, the following motion was made by Mr. Parran and seconded by Mr. Pruitt:

"To have the engineers of Maryland and Virginia establish Potomac River Fisheries Commission jurisdictional lines from the known MD/VA position points not now located at or above mean low water of the Potomac River to a point on mean low water of the headlands of the Potomac River". The motion passed unanimously.

WILLIAM A. MARTIN - COMMERCIAL HOOK AND LINE LICENSE

The Executive Secretary reported being contacted by Mr. William A. Martin, an individual who has held a commercial hook and line license for several years, stating he had not received his "Declaration of Intent" form in order to be allocated a portion of the 1992 striped bass quota. Mr. Carpenter informed Mr. Martin that the letter sent to him with his "Declaration of Intent" form had been returned to the PRFC office marked "FORWARDING ORDER EXPIRED" by the U. S. Postal Service. Mr. Martin assured Mr. Carpenter at that time he had no change of address and should have received the letter at that address. Mr. Martin was present at today's Commission meeting and presented a letter from Mr. Richard Kohne, Station Manager of the U. S. Postal Service office in Fairfax, Virginia. Mr. Kohne's letter stated that his office had returned the letter in error and that the letter should have been delivered as addressed and was therefore no fault of Mr. Martin's.

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

"That William A. Martin be allocated his share of the 1992 striped bass quota for the commercial hook and line fishery". The motion passed unanimously.

ORDER #92-5 - TAGGING OF FISH

The Executive Secretary noted that the phrase "as soon as feasible" in Commission Order #92-5 regarding tagging of commercially caught striped bass needed further clarification for law enforcement purposes. After further discussion, the following motion was made by Mr. Russell, seconded by Mr. Parran and unanimously approved:

"That the words 'AS SOON AS FEASIBLE' in Commission Order #92-5 be interpreted as follows:

- As soon as feasible for the commercial hook and line fishery means - As soon as the fish is taken and before it is put into the cooler;*
- As soon as feasible for the pound net fishery means - As soon as the fish are taken and before the boat leaves the net site;*
- As soon as feasible for the gill net fishery means as soon as each separate piece of net is fished and before the boat leaves the nets site".*

HUGGINS OYSTER BAR DAMAGE COMMITTEE

The Legal Officer noted that although the court ruled the C. G. Willis company liable for damages incurred by the barge grounding on Huggins Oyster Bar, the amount of damages will not be determined until a later date. There may be a time when negotiations for settlement will be discussed. He felt that some authority should be created that would enable the Commission to receive or reject any offers made regarding settlement of this case.

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

"WHEREAS, the trial of the suit against C. G. Willis, Inc. for damages to the oyster bar at Huggins is scheduled for the 25 and 26 of August and

WHEREAS, it is likely that there may be negotiations for settlement prior to the trial of the case, and

WHEREAS, the Commission will not be meeting again until November and it is desirable that an authority be created to confirm or reject any settlement offers made prior to trial,

NOW, THEREFORE, IT IS ORDERED that Sharon Benzil, James W. Peck, J. Clifford Hutt and Kirby A. Carpenter be appointed as a committee and authorized to act on behalf of the Commission for the purpose of considering any settlement offers made and accepting or rejecting same on behalf of the Commission."

COMMERCIAL HOOK AND LINE SEASON

Ted Klopsis requested the Commission allow a commercial hook and line licensee to have another person aboard their vessel. He has experienced some health problems and does not like to go out in his boat alone. Since the tagging system will be used during the 1992 season, he did not see how having an unlicensed person aboard would cause any problems.

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

"The Executive Secretary and Legal Officer draft a revised policy statement which will allow additional persons to accompany a duly licensed commercial hook and line licensee as long as the tagging system for striped bass is in effect".

PUBLIC COMMENT

Mr. Bob Holden of Leonardtown suggested the Commission consider installing an "800" number line. He also suggested the Commission hold some of their meetings at night.

Robert T. Brown reported catching a lot of flack because he did not oppose giving the charter boat fishery the 3,619 pound striped bass quota assigned to the "Miscellaneous Commercial Gear". He stated there was no reason for the charter boat quota to be so low and that the Commission should make a stand with the ASMFC to get the quotas increased for the commercial, recreational and charter boat fisheries alike.

Eddie Davis, a charter boat captain, asked who he could go to and what it would take to get the striped bass quota increased for the charter boat fishery. He noted his difficulty in scheduling charters while not knowing whether the season would close early or not. He said the Maryland system had a guaranteed season.

Mr. Peck stressed that Maryland did not have a guaranteed season, it would be closed if the quota was reached prior to the target date. Second, transferring the 3,619 pounds from the commercial quota to the charter boat fishery and 5,241 pounds from the recreational fishery was a very hard fought battle. It was denied by an 11 to 3 vote at the ASMFC technical committee but was finally approved by a 7 to 6 vote at a subsequent meeting of the Policy Board.

AUGUST 7, 1992

COLONIAL BEACH, VIRGINIA

DATE AND PLACE OF NEXT MEETING

The next regular meeting of the Potomac River Fisheries Commission was scheduled for 9:30 a.m., Friday, November 6, 1992. The location would be announced at a later date.

EXECUTIVE SESSION

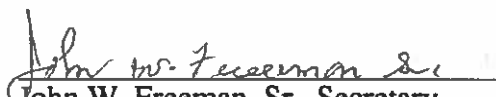
It was moved by Mr. Pruitt, seconded by Mr. Parran and unanimously approved to go into Executive Session at 1:35 p.m. to discuss personnel matters.

The Commission reconvened to regular session at 1:50 p.m. and reported no action taken.

ADJOURNMENT

It was moved, seconded and unanimously approved to adjourn the meeting at 2:00 p.m.


William A. Hudnall, Chairman


John W. Freeman, Sr., Secretary