

27

**MINUTES OF THE REGULAR MEETING
POTOMAC RIVER FISHERIES COMMISSION
LEONARDTOWN, MARYLAND
NOVEMBER 6, 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: Ann Marie Maloney - The Enterprise; and Lawrence Latane - Richmond Times Dispatch.

Guests: Delegate Ernest Bell; Elgin Dunnington - Chesapeake Biological Laboratory; Dr. Herb Austin - Virginia Institute of Marine Science; Jerry Tolodziecki, Mitchell Taizswski, Mark Homer and Stan Tomaszewski - Maryland Department of Natural Resources; Captain Edward Frere and Sergeant John F. Mattingly - Maryland Department of Natural Resources Police; Ellen Smoller - Virginia Marine Resources Commission; Steve Bowman and Ray Jewell - Virginia Marine Resources Commission Police; James O. Drummond - PRFC Finfish Advisory Committee Chairman; Robert T. Brown - PRFC Shellfish Advisory Committee Chairman; Butch Cornelius - St. Mary's County Watermen's Association; William L. Rice - Charles County Watermen's Association; Cindy Woodburn and Donna Sasscer - St. Mary's County Tourism Development; Bob Holden, Brady Bounds, Marvin L. Harley, John Dean, Bill Trossbach, Richard Daiger, Lisa Baylis, Jack Crutchfield, Robert Radcliff, Elgin Nininger, Walter Maddox, Mark Millar, Marvin Barber, Bruce Scheible, William Feldman, Jim Grag, Gregory Madjeski, Gary Sacks, John Guy, R. D. Thompson, Harry Ferglesa, Jack Witters, Pam Latvala, Charles Gibson, James C. Gass, Jack Langley, Eddie David, Wayne Kuster, James Lathroum, Richard Bohn, Ernie Bell and several others who did not sign the register.

Chairman Hudnall called the meeting to order at 9:30 a.m. He stated that everyone present had the same purpose, to do what was best for the resources of the Potomac River and if people work together for that one cause, more problems could be solved than created. He informed those in attendance that this meeting was being video taped by The League of Women Voters to be broadcast later on a local Maryland public access cable channel.

APPROVAL OF MINUTES

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

"That the minutes of the meeting of August 7, 1992 be approved as written and distributed".
The motion passed unanimously.

DIVING FOR OYSTERS

The Executive Secretary explained that this item was placed on the agenda as a result of the last Commission meeting. The Shellfish Advisory Committee had recommended that commercial diving for oysters be allowed in the Potomac within the hand scrape area. It was suggested that the divers be afforded the opportunity to come before the Commission in order to provide more information. He stated this was not a formal public hearing.

Among those supporting the idea were Mr. Robert T. Brown, who said it may be the only way to help the business survive. Mr. Bill Trossbach, a member of the Maryland Oyster Divers Committee, stated he could see no problem with it as an alternative method of harvesting. He could see no gear conflict with the hand scrapers as the divers currently work the same areas as the dredgers in the Chesapeake Bay. He explained in detail how the divers harvest their catch and optimum diving conditions for water clarity. He stated that although diving is a much more efficient harvesting method, it is less destructive than other gear types. Eddie Davis and John Dean also spoke in favor of allowing diving.

Mr. Carpenter questioned the diver's statements that leaving the bottom undisturbed was better for the oyster bars. He noted that when the issue of allowing hand scraping in the Potomac was before the Commission several years ago, testimony was given by the watermen that "working up" the bottom was better for the oyster bars. Mr. John Dean said he felt leaving the bottom undisturbed was better because oysters grow straight up, not flat on the bottom like most people think they do. Mr. Robert T. Brown stated he was in favor of "working up" the bottom and that

the diving would allow the harvest of the oysters left by the hand scrapers. Mr. Brown further stated that the next few years will surely bring some hard times and if diving is allowed, it will help a few people keep working.

In opposition to allowing diving, Mr. Richard Daiger, representing Bevans Oyster Company, Inc. and Cowart Seafood Corporation read the following statement.

"We oppose diving for oysters in the Potomac River for the following reasons:

1. The resource is in a state of drastic decline, and substantial recovery is not in sight.
2. At a time when traditional harvesting methods are being limited by time restrictions, we do not need to introduce an additional harvesting method that depends primarily on the largest oysters available.
3. The four-inch cull limit imposed in this area at the recommendation of the scientific community is designed to protect the larger oysters for brood stock. Diving is most efficient when the largest oysters are harvested.

We urge you to vote NO on the proposal to dive for oysters in the Potomac River."

Billy Rice urged the Commission to schedule a public hearing on this subject before taking any action.

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

"That the Staff prepare draft regulations regarding the commercial harvesting of oysters by means of diving to be considered at the next meeting, at which time, the Commission will decide whether to proceed with a public hearing. Also, that the scientific personnel from Maryland and Virginia be prepared to speak on this matter at the next meeting." Mr. Pruitt voted nay, all other Commissioners voted aye. The Chairman declared the motion carried.

JURISDICTIONAL LINE AT ST. CATHERINE SOUND

The Executive Secretary reported that the jurisdictional line work below the 301 bridge was almost complete. At the last Commission meeting a motion was made to have the engineers of Maryland and Virginia establish where the jurisdictional line markers would be placed. Following the language in the Compact, the Maryland engineer cited the location for the new markers to be placed at the eastern entrance to St. Catherine Sound. The net effect of this moved several hundred acres from the jurisdiction of the Maryland Department of Natural Resources into the Potomac River Fisheries Commission's jurisdiction. Mr. Carpenter asked Mr. Jerry Tolodziecki to address the Commission on the status of this matter.

Mr. Tolodziecki, of the Maryland DNR engineering department, explained that the line moved because the Compact sets the PRFC/MdDNR boundary from point to point of land across the mouth of the various creeks. The point of land at the southeasterly entrance in St. Catherine Sound used to be a sand bar. When the marker piling was originally located and installed there in the 1960's, it was in approximately 2' of water at the end of that sand bar. Since then, the sand bar has eroded and the piling had to be moved inshore to the point of land on the island.

The Legal Officer stated that the Compact set the boundary lines on the Maryland shore in natural features, which will change over time. In his opinion, he felt the engineering department was correct in their placement of the line. He strongly urged the Commission to present this matter to the Attorney General's Offices of both Maryland and Virginia for a ruling of where the line should be placed.

Robert T. Brown asked if the Commission could place a temporary beacon where the old marker was, which would allow the old boundary line to remain enforceable until a final ruling from the Attorney General's Offices.

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

"That the Commission request the Maryland Attorney General's Office review the language of the Compact and determine where the jurisdictional boundary line between the Potomac River Fisheries Commission and the Maryland Department of Natural Resources should be placed. Also, that the Maryland Department of Natural Resources temporarily reestablish the previous boundary line to be used as the line for enforcement purposes, until a final determination is received from the Attorney General's Office." The motion passed unanimously.

Mr. Russell asked the Executive Secretary to explain why the markers were moved in the first place. Mr. Carpenter stated that this was a maintenance project. The old markers were in need of repair as several of the day boards had become unreadable and the piles had rusted. He further noted the Commission was sued 3 years ago by a gentleman whose boat sank after he ran into one of the jurisdictional line markers located in deep water which had been pushed over by the ice. It was our intended to make every effort to place the markers in as shallow water as possible, following the jurisdictional boundaries as described in the Compact, in order to reduce that liability to the Commission in the future. The engineer earlier stated that the marker at St. Catherine Sound was originally placed in 2 feet of water. Due to the erosion of the sand bar, it was in 7 feet of water, making it a probable hazard to navigation and also, no longer along the jurisdictional boundary line described in the Compact.

ATTORNEY GENERAL OPINION REGARDING PRFC SPORT FISHING LICENSE

After the extensive public hearing held at the Commission's August meeting regarding the adoption of the Potomac River sport fishing license, Mr. Peck stated he would seek further review of the Commission's decision to implement the license. At the public hearing, it was the desire of several people that, rather than establishing it's own license, the Commission require a Maryland or Virginia license. The Commission's Legal Officer ruled at that time that the Commission could not abrogate it's licensing authority to Maryland and Virginia. Mr. Peck reported that the Maryland Attorney General agreed with Mr. Hutt and that the Commission had proceeded in the proper manner.

FIRST QUARTER DISBURSEMENTS AND CASH ON HAND

A report of the first quarter (July - September 1992) disbursements was presented by budget item which totaled \$69,943.54. A statement of cash on hand as of November 4, 1992 was presented as follows:

<u>First Virginia Bank - Northern Neck:</u>	\$96,611.17
(Checking (includes \$200.00 Petty Cash)	
<u>Maryland National Bank:</u>	8,565.79
Savings: (Maryland Office)	
<u>Virginia Local Government Investment Pool:</u>	96,683.32
<u>Maryland Local Government Investment Pool:</u>	94,901.97
GRAND TOTAL IN BANKS:	\$296,762.25

Mr. Carpenter explained that although the Maryland appropriation was not reflected in the receipts statement for the first quarter, the Commission was now in receipt of those funds.

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

"That the first quarter disbursements of \$69,943.54 be approved as presented". The motion passed unanimously.

INTRODUCTION OF NEW STAFF MEMBER - GARY S. THOMAS

Mr. Carpenter introduced the new Administrative Assistant, Mr. Gary S. Thomas. The Commission welcomed Mr. Thomas.

REPORT ON 1992 STRIPED BASS HARVEST

The Executive Secretary reported that the 1992 harvest began with three "one-day" gill net fishing days last February. The Commission then switched to the striped bass identification tagging system which seemed to function much better. The commercial hook and line fishermen were the first to use the tagging system and they harvested approximately 7,000 pounds of their 10,000 pound allocation. The pound net fishery was currently open and running fairly smooth. The balance of the 1992 gill net season was scheduled to open on November 30, and would also operate under the tagging system. The recreational fishery operated under the same permitting requirements as last season. This year, the Commission issued 6,500 permits to boat operators, 50% of those being new applicants. Preliminary results showed that more and larger fish were being caught by the recreational fishermen this year.

The charter boat fishery operated under an increased allocation in 1992. The Commission petitioned the ASMFC to increase the 1991 allocation of 14,000 to 22,860 pounds this year. In order to get the ASMFC's approval, the recreational season was shortened one day and the miscellaneous commercial gear allocation was transferred to the charter boat allocation. The ASMFC approval was contingent upon the PRFC having a more timely and accurate accounting

NOVEMBER 6, 1992

LEONARDTOWN, MARYLAND

of that fishery. As a result, charter boat captains were required to file their weekly catch reports directly with the PRFC office during the striped bass season. The season opened October 9. After catch reports for the first 9 days of fishing were received, it was estimated the allocation would be exceeded. Notices were immediately prepared on Monday, October 26 stating the fishery would close on Friday, October 29, giving them a total of 21 fishing days. A delegation of charter boat captains came into the office that Monday afternoon and asked the Commission to postpone that decision until more information could be reviewed. After polling the Commissioners, notices of the closing were mailed on Tuesday, October 27. A note was attached stating that the catch report information would be reviewed at today's meeting and if the allocation had not been reached, the Commission would consider re-opening the fishery. Mr. Carpenter reported that as of yesterday, a harvest of 23,976 pounds had been reported with 34 catch reports still outstanding. He noted this was the third consecutive year the charter boat fishery exceeded its allocation.

Mrs. Pam Latvala of Chesapeake Sport Charters, Inc. read the following letter which was addressed to the Commissioners, asking it be incorporated into the record of today's meeting:

"We would like to voice our objection to the cancellation of the Striped Bass season in the Potomac River by the Potomac River Fisheries Commission.

The memo sent to all Potomac River licensed Charter Boat Captains was dated October 26, 1992, and mailed October 27, 1992. This memo called for the cutoff date to be 5:00pm, October 29, 1992. We never received our memo until 11:00am October 30, 1992.

The Charter Boat business is based on reservations. It's very tough to run a business when you must call your customers with only hours notice and tell them the season has been canceled. Many of our customers come the night before and cannot be contacted. Who pays for that hotel bill?

We are not in favor of lifting all regulations on the Rockfish. But surely there is a better way. Why not give the Charter Boat industry a set number of days they can fish for Striped Bass. Then, at least, we know when we schedule a charter it is a definite booking.

We have started polling the local Charter Boat Captains and local businesses for lost revenue due to this cancellation ruling. Unfortunately, all our information is not in yet, but we can let you know the results of only four local Captains. We were very conservative in estimating our lost revenue for local businesses. After speaking with only four St. Mary's Captains we discovered an estimated lost revenue of \$6500. Based on that average, the Potomac River local Captains, Marinas, Restaurants, and other local businesses have lost an estimated \$200,000. In a year when the economy is the worst it has been in the past decade, fishing being slower than it has been in years, this cancellation has cost not just hundreds of thousands of dollars in lost revenue, but jobs, and quite possible, businesses.

We simply cannot afford this to happen again!

We don't have all the answers, but we certainly cannot afford this to happen again!

We don't have all the answers, but we certainly have some of the answers and many other suggestions. You can believe you will hear from us on a regular basis on any issue that affects the Charter Boat industry. We want to preserve the Potomac River, probably more than most. It's how we make our living. But this latest action has not preserved the river, the fish, and certainly not the local economy!

Sincerely,

\s\ Captain Pete Latvala
\s\ Pam Latvala, Assistant Secretary"

The Commissioners urged everyone to attend meetings, at all levels, and be a part of the regulatory process. Several other charter boat captains present said they simply could not continue operating under such a small quota. Mr. Peck explained that getting the increase for the 1992 season was quite a struggle and could see no further increase in the near future. Brady Bounds noted that the charter boat industry could choose to operate under a 1 fish creel with a guaranteed season, or the tagging system, which would allow the captains to "set" their own season. Some boat captains questioned the Commission's method of determining the pounds of fish harvested, Mr. Carpenter extended an invitation to them to come to the PRFC office and review the numbers themselves.

1993 GILL NET SEASON

The Executive Secretary noted that several details of the 1993 gill net season still needed to be clarified. Specifically, how the quota would be divided, the fee for each stand, etc. After further discussion, the following motion was made by Mr. Pruitt, seconded by Mr. Parran and unanimously approved.

"That Commission Order #92-7 be adopted as follows."

ORDER #92 - 7**1993 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 1993 gill net fishery shall be allowed under the following conditions and limitations:

- a) That the maximum number of gill net stand allowable in the Potomac River shall be eight hundred.
- b) Between December 1, 1992 and January 4, 1993, each person entitled to fish with a gill net and who desires to fish that net during 1993 must "declare" his intention on forms provided by the Commission. Failure to do so by the cutoff date of January 4, 1993 will preclude the issuance of any 1993 gill net licenses or quota allocation to that individual or his assignee.
- c) Each individual's 1993 quota will be proportional to the number of stands held by that individual and will be represented by a number of striped bass tags issued to that individual.
- d) 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, or his striped bass tags are in the boat either unused or applied to striped bass.
- e) Two or more licensees may, and are encouraged to, jointly fish a single lawfully licensed and set net belonging to one of the individuals present in the boat.
- f) The license fee for each gill net stand, whether fished or not, shall be \$12.50. Each licensee will be issued only one gill net "GN" tag which must be affixed to the gill net marker whenever the net is set. Each licensee shall be permitted to move his net to any other of his 1993 charted stands, provided he informs the Commission office by telephone or VHF radio (Channel 9) of the specific charted location, including its letter designation, before the net is moved.
- g) The provision of Commission Order #92-5, #92-3 and #92-2 are and shall remain in effect.
- h) Failure to submit the required weekly catch reports will result in immediate suspension of the license.

AND IT IS FURTHER DECLARED AND ORDERED; that this Order #92-7 become effective December 6, 1992; and supersedes and repeals Order #91-6, #90-4 or any other previous Orders which may conflict with or address the provisions of this Order, and will remain in effect until further notice.

CRAB HARVEST REPORT

A preliminary report on the 1992 crab landings through October showed a total of 121,577 bushels of hard crabs and 54,776 pounds of peelers had been harvested from the Potomac. This compares with the 1991 March through October totals of 173,086 bushels of hard crabs and 43,869 pounds of peelers and a long term average for those months of 136,156 bushels and 50,325 pounds respectively.

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, 1992 through November 4, 1992. The total harvest thus far was 20,783 bushels and the average catch per tonger was 5.29 bushels per day, down from the previous year's average of 6.13 bushels. The Executive Secretary noted that at this point last year 65% of the total oyster catch had been harvested from above the 301 Bridge. This year, 90% of the total landings came from those bars above the bridge. He stated that the diminishing resource was experiencing increased harvest as the oystermen who usually work on grounds in Maryland and Virginia were coming to the Potomac.

RECIPROCAL AGREEMENTS FOR SPORT FISHING LICENSES

The Commission reviewed the language of the proposed reciprocal sport fishing license agreements between the Commission, Maryland Department of Natural Resources, Virginia Marine Resources Commission and Virginia Department of Game and Inland Fisheries.

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

"To approve the language contained in the reciprocal agreements and authorize the Chairman to enter into the agreements on the Commission's behalf." The motion passed unanimously.

UPDATE OF POSTABLE FINE SCHEDULE

Mr. Carpenter reminded the Commission that the courts have asked that the bond schedule be reviewed and updated every few years. In addition, it was suggested to increase the fines for uncultured oysters since the dwindling resource was experiencing increased harvest pressure. Commissioner Russell suggested that the fine for 6 to 10% uncultured oysters remain unchanged at \$100 while agreeing those for larger percentages should be increased.

A motion was made by Mr. Parran, seconded by Mr. Peck and unanimously approved to adopt the following bond schedule:

SCHEDULE OF POSTABLE FINES OR APPEARANCE BONDS FOR FIRST OFFENSES
EFFECTIVE JANUARY 1, 1993

<u>TYPE OF VIOLATIONS</u>	<u>REG.</u>	<u>SEC.</u>	<u>SUB-SEC.</u>	<u>BOND</u>
GENERAL				
Commercially fishing/crabbing/ oystering/clamming without license	I	3	(b)	2x license fee w/ 50.00 min.
Violations of household use provisions Improper or no identification of pots, nets, gear, vessel, etc.	I	5	(b)	25.00
" " PN, GN, FN	I	2	(n)(9)	50.00
" " FISH TL	I	2	(q)	"
" " DG	I	2	(i)(2)	"
" " EP, FP, BP	I	2	(m)(4)	"
" " CP	I	2	(d)	"
" " OT	I	2	(f)(1)	"
" " HS	I	2	(f)(3)	"
" " SC	V	1	(a)	"
OYSTERS				
Uncultured oysters - 6 to 10%	II	2	(f)	100.00
Uncultured oysters - 11 to 15%	"	"	"	250.00
Uncultured oysters - 16 to 25%	"	"	"	350.00
Uncultured oysters - 26% and over	"	"	"	500.00
Oysters in containers	II	2		(g) 100.00
Not culling on oyster bar	II	2		(f) 100.00
Tonging during closed season	I	2	(f)(1)	150.00
Tonging before or after closed hours	I	2	(b)	150.00
Unlawful use of power assisted hand tongs	II	2	(a)(1)	50.00
Hand scraping during closed season	II	2	(a)(2)	250.00
Possession of hand scrape before or after hours (on lawful days)	II	2	(a)(2)	100.00
Use of handscrape before or after hours (on lawful days)	II	2	(a)(2)	200.00
Operating a vessel with patent tongs or dredging equipment without a permit	II	2	(e)	25.00

TYPE OF VIOLATIONS

			<u>REG.</u>	<u>SEC.</u>	<u>SUB-SEC.</u>	<u>BOND</u>
CRAB						
	<u>#/Bushel</u>	<u>#/Barrel</u>				
Unculled Crabs -	5 to 9	11 to 24	III	12	(a)	50.00
Unculled Crabs -	10 to 14	25 to 39	"	"	"	100.00
Unculled Crabs -	15 to 25	40 to 59	"	"	"	150.00
Unculled Crabs -	26 & over	60 & over	"	"	"	300.00
Unculled Crabs -	By non-commercial persons		"	"	"	30.00
Transporting crabs not in baskets/barrels			III	12	(c)	50.00
No culling container on board			III	12	(c)	50.00
FISH						
Possession of striped bass during closed season			III	13	(b)	250.00/fish
					(Check for Appropriate Commission Order)	
Possession of striped bass in excess of catch limits			III	10	(a),(b), or (c)	250.00/fish
					(Check for Appropriate Commission Order)	
Undersize striped bass			III	11	(a)	50.00/fish w/ \$500.00 maximum
Undersize fish (except striped bass)			III	11	(a)	10.00/fish
Exceeding catch limit (except striped bass)			III	10	(a),(b), or (c)	10.00/fish
Failure to remove net stakes			I	2	(s)	10.00/stake w/ 100.00 minimum
Failure to maintain stakes or buoys in good condition or proper height			I	2	(n)(10)	10.00/stake w/ 50.00 minimum
Fishing nets, trot lines during closed season			III	9	(a)1-7	150.00
No reflective material on GN or PN net			I	2	(s)	50.00
GN set out of location			I	2	(s)	50.00
GN set in water depth more than 36' MLW			I	2	(h)(2)	250.00
Exceed minimum or maximum mesh size			III	8	(b)	200.00
Violation of haul seine regulations			III	8	(c)	150.00
CLAM						
Clamming in closed area			V	5	(a)&(b)	500.00
Undersized clams - 6 to 10%			V	3	(a)	100.00
Undersized clams - 11 to 15%			"	"	"	150.00
Undersized clams - 16% and over			"	"	"	250.00
Exceeding catch limits			V	4	(a)	100.00

 * **NOTE:** BONDS ON A PER FISH OR PER STAKE BASIS MAY NOT EXCEED *
 * \$500.00 TOTAL PER TICKET. OFFENSES NOT LISTED ARE NOT BONDED *
 * AND THEREFORE WOULD REQUIRE A "MUST APPEAR" NOTICE. *

KEY	PN - Pound Net	EP - Eel Pot	OT - Oyster Tonger
	GN - Gill Net	FP - Fish Pot	HS - Hand Scrape
	FN - Fyke Net	BP - Bait Pot	SC - Soft Shell Clam
	TL - Trot Line	CP - Crab Pot	MLW - Mean Low Water
	DG - Drift Gill		

APPOINTMENT OF 1993 OYSTER REPLETION COMMITTEE

Chairman Hudnall appointed the following individuals to serve as the 1993 Oyster Repletion Committee:

Industry Committee Members - William L. Rice, James L. Jones, William Graves, William T. Feldman, Craig L. 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, Ray Jewell, Bill Ootten, Jim Wesson, Elgin Dunnington and A. C. Carpenter. The Chairman noted that there was a vacancy on the industry committee representing St. Mary's County and requested the Commissioner from that county make a recommendation to fill the vacancy.

NOMINATING COMMITTEE

The Chairman appointed Mr. Peck and Mr. Freeman as the Nominating Committee, asking them to present a slate of officers to serve for 1993 at the February meeting.

FISHING TOURNAMENTS

Mr. Peck noted that Maryland has a regulation which prohibits fishing tournaments for striped bass, unless they are approved by the Secretary and none have been approved by him. He felt that the Potomac should consider adopting similar requirements. This item was referred to the Finfish Advisory Committee.

REVIEW OF OYSTER STOCK ASSESSMENT WORK

If some one has an estimate of the number of oysters on a given bar, one could decide in advance how many or what percentage of the total could or should be taken in a particular season or year. Management of the oyster resource by a method of controlling fishing mortality would be a significant change from traditional methods of allowing virtually unlimited harvest, a harvest controlled only by gear and time restrictions to a harvest based on the population of oysters available. The problem of management by fishing mortality has been the lack of adequate or reliable population estimates.

Mr. Mark Homer, Maryland DNR, gave a talk on his efforts to characterize the oyster population on various oyster bars throughout the Bay, including several in the Potomac.

Two methods were discussed, first a traditional survey where the research vessel takes samples before and after the harvest. This method may require many samples and is very dependent upon the relative uniform distribution of oysters on the bar and knowing the size of the bar. One advantage of this method is it provides information on all the size classes (i.e. numbers of small, medium and large). One disadvantage is the cost and the variance of the estimate.

The other method described by Mr. Homer involved the use of the tongs weekly (daily) catch records. This method tracks the weekly catch per man per hour (as obtained from the catch reports), then graphs the CPU -vs- the cumulative harvest and using a mathematical model, develops an estimate of the initial (before the season starts) population of marketable oysters. One advantage of this method is the very low cost. One disadvantage is that it takes several weeks worth of catch reports to make the calculations and thus you could over harvest some predetermined level or number.

The second method (CPU -vs- harvest) clearly demonstrated the value of accurate and complete catch reporting by the harvesters. In essence, each tong boat became a survey boat during the season. The information they supply is very valuable and generally found to be reliable for this type of analysis. Mr. Homer complemented the Commission for their continued efforts to collect and maintain such accurate and complete records.

Either of the two methods has the potential to estimate the population and each has limitations, advantages and disadvantages. One problem common to both methods is that it is not known what the minimum population requirements for oysters are in the Potomac.

CONSIDERATION OF ADDITIONAL CONSERVATION MEASURES

The Executive Secretary noted that given the conditions of the oyster fishery throughout the Chesapeake Bay, the Commission may want to take some additional conservation measures. The early season harvest reports are showing increased effort and lower catches per man and more licenses are being sold each day as more watermen leave the Eastern Shore and other harvest areas to work in the Potomac. There are no sources of clean disease-free seed available. The natural set must be relied upon to sustain the fishery and they only occur in the upper Potomac once every 10 to 15 years. The last set above the bridge was 1991 and will not begin to enter the fishery until the 1994-95 season.

The following three options were presented for the Commission to consider:

1. Using the technique discussed by Mr. Homer, the harvest records can be used to estimate the number of oysters at the beginning of the season. The Commission could pre-determine a percentage of allowable harvest and then close each oyster bar when that percentage is taken. Perhaps 50% of the stock each year.

Advantage - Uses harvesters supplied information. Is scientifically defensible. Assures preservation of some "markets" for next year on each bar.

Disadvantage - Areas above the 301 bridge are not "charted" therefore, a named oyster bar has no legal boundary to close. May cause enforcement problems associated with "closing" a bar between open bars.

2. Increase cull size to 3-1/2" in the upper river from January 1, 1993 through March 31, 1993 only.

Advantage - Preserves 3" to 3-1/2" oysters for next season.

Disadvantage - Given the size distribution of stock in the upper river, this action would result in virtual shut-down of the area. It also creates a fourth size limit in the Potomac and associated enforcement problems.

3. Close Tuesdays and Thursdays from January 1, 1993 through March 31, 1993 and allow cut-off time to go to 3:00 p.m. on Mondays, Wednesdays and Fridays.

Advantage - Should reduce second half of season harvest by 2/5ths thus saving some oysters for the higher priced fall markets. Market is generally weak and prices drop in January and February. It would be simplest to enforce and administrate. Treats all tongers equally.

Disadvantage - May result in even greater reduction in harvest due to bad weather conditions on Mondays, Wednesdays and Fridays.

Elgin Dunnington urged the Commission to take some form of conservation measure. Robert T. Brown, Billy Rice and other watermen asked to Commission to take no action.

The Commission took no action on this matter.

HEARING OFFICER'S REPORT

The Commission reviewed the Hearing Officer's report of October 12, 1992 regarding 13 persons delinquent in filing seafood catch reports. The Chairman asked each person to come forward as his name was called. The only person present was Marvin Louis Harley.

The Executive Secretary read a letter received from Mr. Edgar Augustus Harper, in which, Mr. Harper requested the Commission reinstate his licenses. The Commission felt Mr. Harper should appear before the Commission.

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

"That the Commission approve the recommendations presented today in the Hearing Officer's Report dated October 12, 1992, except for Mr. Marvin Louis Harley, whose recommended license revocation be waived." The motion passed unanimously.

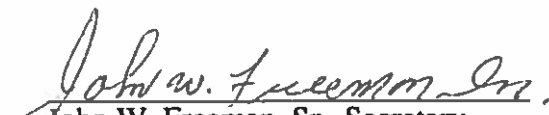
DATE AND PLACE OF NEXT MEETING

The next regular meeting of the Potomac River Fisheries Commission was scheduled for 9:30 a.m., Friday, February 5, 1993 at the Commission Office in Colonial Beach.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 1:45 p.m.


William A. Hudnall, Chairman


John W. Freeman, Sr., Secretary