

**MINUTES OF THE REGULAR MEETING  
POTOMAC RIVER FISHERIES COMMISSION  
COLONIAL BEACH, VIRGINIA  
NOVEMBER 5, 1993**

**Commissioners:** John Thomas Parran - Chairman; John W. Freeman, Sr. - Vice Chairman, William A. Pruitt - Secretary, William A. Hudnall, James W. Peck and William L. Rice.

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

**Press:** Joseph Norris - The Enterprise; Sarah O'Brien - Waterman's Gazette; and Rusty Dennen - The Free Lance-Star.

**Guests:** Dr. Eileen Setzler-Hamilton - Chesapeake Biological Laboratory; Dr. George Krantz - Oxford Biological Laboratory; Roy Insley and Ellen Smoller - Virginia Marine Resources Commission Fisheries Management; Captain M. Ray Jewell, Judy Mackley, W. B. Ballie, John E. Craft, J. R. Mitt, Lisa M. Gruber and Troy Ashe - Virginia Marine Resources Commission Law Enforcement; Jerry Tolodziecki - Maryland Department of Natural Resources; Lt. Col. Thomas Turner, Captain Edward M. Frere and Sergeant John F. Mattingly - Maryland Department of Natural Resources Law Enforcement; Bill Sieling - Maryland Department of Agriculture; Donna Sacer - St. Mary's County DECD; Jim Drummond - PRFC Finfish Advisory Committee; Tucker Brown - PRFC Shellfish Advisory Committee; John O. Osakowicz - Charles County Waterman's Association; Robert T. Brown - St. Mary's County Waterman's Association; Richard H. Daiger - Bevans and Cowart Seafood; James L. Jones, Alton Owens, James Rawlings, Walter V. Parkinson, L. L. Curley, L. L. Curley, Jr., Dean Bowie, Douglas T. Gray, Rich Mowry, Nealy Little, Bob Holden, Bob Bowes, Rich Bohn, James R. Ficklin, William T. Atwell, Joseph H. Gibson, Thomas L. Courtney, John W. Dean, Dennis H. Gallahan, Gary Owens, Merrill Lester and several others who did not sign the register.

Chairman Parran 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 Commissioner Pruitt and seconded by Commissioner Freeman:

*"That the minutes of the meeting of August 6, 1993 be approved as written and distributed".*  
The motion passed unanimously.

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

The Chairman opened the scheduled public hearing at 9:30 a.m. The Executive Secretary noted that the public hearing had been duly advertised pursuant to Article IV, Section 1 of the Potomac River Compact of 1958.

**Limited Entry** - The proposal was to define limited entry fisheries and establish the procedure for obtaining and renewing limited entry fishery licenses. The Executive Secretary stated that the Gill Net and Commercial Hook and Line fisheries currently operated under limited entry requirements which were previously adopted by Commission Order. There was no public comment on this issue.

**Pound Net** - The proposal was to establish a limited entry fishery for pound nets with a maximum of 100 nets on a riverwide basis. The Executive Secretary stated that currently there were 73 nets licensed by 38 individuals. He further noted that the number of 100 nets was selected because it was below the historical high yet above the current licensing level so as to allow room for expansion in that fishery.

Robert T. Brown asked if a pound netter could move his stand once the limit of 100 was reached. The Executive Secretary replied that the location could be changed as long as the licensee dropped one licensed location and paid the appropriate fee to license another. There were no other comments on this item.

**Gill Net** - The proposal was to codify existing limited entry fishery requirements for gill net; combine and recodify the current regulations for anchor and stake gill nets; and repeal the regulation allowing drift gill netting. The Executive Secretary stated that drift gill netting had not been allowed in the Potomac since 1982. There was no public comment regarding these gill net proposals.

**Commercial Hook and Line** - The proposal was to codify existing limited entry fishery regulations and establish January 31 as the deadline for license renewal each year.

Commissioner Peck asked if this proposal included the provision for transfer of gill net striped bass quota to commercial hook and line. The Executive Secretary stated that it was not included since that provision was regulated by Commission Order and was for a three year trial period. There were no other comments regarding this subject.

**Suspension of License** - The proposal was to codify failing to comply with a seafood catch audit notice as reason to suspend or refuse issuance of a license.

Robert T. Brown asked that this be explained in further detail. The Executive Secretary explained that if a licensee failed to respond to an audit notice, a hearing would be held by the Hearing Officer and his recommendation, which could be license suspension or revocation, would then be acted upon by the Commission in the same manner as failure to submit weekly seafood catch reports. There were no further comments on this item.

**Striped Bass Tagging** - The proposal was to codify existing Commission Order #93-2 thereby continuing the requirement for tagging commercially harvested striped bass. The Executive Secretary stated that Maryland and Virginia, as well as other fisheries jurisdictions, require the use of striped bass identification tags.

Mr. Bob Holden asked for clarification on the tagging requirement for striped bass once they have been landed and filleted. He asked if the tag should remain with the carcass or with the fillets. The Executive Secretary replied that the Potomac River Fisheries Commission requirements clearly state that striped bass fillets are prohibited and each commercially caught striped bass must have a striped bass identification tag attached. He further stated that once the striped bass is landed, Potomac River Fisheries Commission regulations no longer apply, the tagging requirements of the respective state would take over at that point. Mr. Peck stated that Maryland does not require the tags to accompany the fillets. There were no other comments on the proposal.

**Crab Cull Rings** - The proposal was to establish the requirement for the placement of at least one 2-5/16" cull ring in each crab pot set in the Potomac. The Executive Secretary noted that this proposal would bring the Potomac's regulations into conformity with the Virginia cull ring requirement which goes into effect January 1, 1994; and is also the same as that being considered by the State of Maryland.

Roy Insley of the Virginia Marine Resources Commission stated that North Carolina also had a 2-5/16" cull ring requirement. No other comments were offered on this subject at this time.

**Recreational Striped Bass Permit** - Codify requirement to obtain recreational striped bass permit and filing of catch information after season. The Executive Secretary explained that when the striped bass fishery re-opened in 1990, the Atlantic States Marine Fisheries Commission required close monitoring of the recreational fishery. The Commission developed a recreational striped bass permit which has proven to work well and provide a cost effective means of obtaining fairly accurate information for estimating the recreational fishing data. The permit requirements have been regulated by Commission Order since 1990 and would become regulation under this proposal.

Gary Owens stated that since the permit was free, he could not see how it was any benefit to the River. The Executive Secretary replied that the purpose of the permit was to gather information on the recreational striped bass harvest. Mr. Owens suggested the Commission impose a fee for the permit in the future and questioned the accuracy of the catch information obtained from the permit returns. The Legal Officer reiterated the need for the Commission to gather the recreational striped bass catch data and that the permit has been the best means for this Commission in gathering that data. Commissioner Peck noted that the independent telephone and dockside surveys performed in Maryland and that there has been very good correlation between the Maryland and Potomac data. There were no other comments on this subject.

**Technical Corrections** - The Executive Secretary stated that the proposed technical corrections would be minor wording changes to accommodate the proposed limited entry licensing procedure and other grammatical corrections; recodifying the automatic license suspension provision of the "Temporary Restrictions on Fishing" to Regulation I, Section 4(b); and repealing Regulation III, Section 13(c) as its terms will be addressed elsewhere in the Regulations of the Commission. There were no comments on any of the proposed technical corrections.

**Crab Cull Rings** - Commissioner Rice stated that he was surprised that no watermen had commented on the cull ring proposal. He wanted to be sure they understood this was their opportunity to discuss this issue before the Commission considered adoption of the regulation. The Chairman again opened discussion on the proposed cull ring. John Dean requested the Commission allow the closing the ring during the spring peeler run so that the peelers would not

escape. The Executive Secretary stated that several crabbers indicated that only the "green" peelers would escape, the "ripe" peelers would remain in the pots, even with the cull ring open. Commissioner Rice stated that his experience had been that during the first peeler run, usually occurring during May or June of each year, is when the male crabs shed and they tend to escape. He felt it would benefit the crabbers to have a time frame when the cull ring could be closed.

Dennis Gallahan noted the Virginia cull ring regulations which provides the Commissioner of the Virginia Marine Resources Commission the authority to allow closing the cull ring when he deems it appropriate. Commissioner Freeman stated that the Virginia closure allowance was not adopted to protect the loss of peelers as Virginia has a separate license to cover peeler pots and the use of cull rings is not required for that gear. Ellen Smoller stated that the Virginia closure allowance was designed to prevent the loss of mature females from crab pots, not the peelers.

John Dean stated that he would like to see the Commission allow the closure of the cull ring during the fall also to reduce the loss of mature female crabs.

The Chairman asked if it would be possible to allow the closure of the cull ring during the peeler runs. The Executive Secretary noted that peeler runs do not occur at the same time throughout the River. He asked the Commissioners to review the crab harvest information provided which showed the 7 year average peeler harvest as 9,177 pounds for May, 13,378 pounds for June, 10,431 pounds for July, 14,625 pounds for August and 3,427 pounds for September. He stated that the purpose of the regulation would be defeated if the Commission wished to allow the cull ring closure each time there was a peeler run in a different part of the river.

Commissioner Rice stated that he was interested allowing the cull ring closure during the spring peeler run to protect the loss of the male peelers as the peelers caught in July and August are primarily females and they do not usually leave the crab pot.

Robert T. Brown said that anyone who uses cull rings has them open by the end of June. He stated that St. Mary's County Waterman's Association supported the idea of cull rings.

Betsy Ficklin asked if anyone had taken into account the possible economic impact of the cull ring on the incidental peeler by-catch. Roy Insley of the Virginia Marine Resources Commission stated they were presently conducting studies in Virginia to determine the exact size of the crabs which escape via the cull ring and should have their final report in March. Ellen Smoller continued by stating that Virginia had conducted a survey in 1989 and found that approximately 65% of the crabbers used cull rings voluntarily. Conservation wise, Virginia Marine Resources feels cull rings are very valuable for conserving small crabs who get harmed or even die during culling. Mr. Peck stated that the Maryland estimated economic impact from cull rings was not significant. Tom Courtney stated he felt an economic impact study should be conducted before the regulation was implemented.

There was a lot of discussion of how the Commission could address the loss of peelers. One option was to define peeler traps and exclude them from the cull ring requirement.

Receiving no further comments, the Chairman closed the public hearing at 10:30 a.m.

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

### JURISDICTIONAL LINE COMMITTEE REPORT

The Jurisdictional Line Committee provided the following written report:

Background: The Compact details the jurisdictional boundaries of the Commission as the low water line which crosses the mouths of the various tributaries from named points to named points along the Maryland shore, and as the surveyed state boundaries along the Virginia and DC lines. The Commission has maintained a system of day markers at the mouths of the tributaries on both sides of the river since 1963. The placement has always been under the direction of the Maryland and Virginia engineering staffs. Over the past 2 years, we have reinstated the markers above Indian Head/Hallowing Point and refurbished and/or replaced the remaining downstream markers to the mouth of the river.

The St. Mary's County Waterman's Association complained that the new markers for St. Catherine Sound and Calvert Bay/Smith Creek were moved inward (as a result of eroding headlands) in such a fashion as to place two oyster bars under PRFC jurisdiction which were previously under DNR control. One of which DNR had recently planted with seed oysters (St. Catherine) and the other used as a potential DNR seed area (Calvert Bay).

On September 23, 1993 the Jurisdiction Line Committee, jointly chaired by Commissioners James Peck and William Pruitt, met with representation of the St. Mary's County Waterman's Association, the Maryland and Virginia engineers, and the Legal Officer.

Conclusion: It was determined that the Engineer's had correctly located the markers according to the strict interpretation of the Compact, and in most instances, the marker movements were considered inconsequential. However, the two lines in question, St. Catherine Sound and Calvert Bay/Smith Creek, involved charted natural oyster bars which were redrawn into PRFC jurisdiction.

Recommendation: The Committee therefore recommends the jurisdictional lines at Calvert Bay/Smith Creek and St. Catherine Sound be re-established at the points as existed prior to the most recent relocation, thereby keeping the charted natural oyster bars within DNR jurisdiction. The other markers on the Maryland shore will become as fixed points in the future and from these fixed points the line should run to the land (low water line) along the shortest route as future erosion occurs. Should the recommendation be accepted by the Commission, the Maryland Engineering Department will re-establish the boundaries using temporary buoys as soon as practicable and will install permanent markers at a later time.

<u>Attendees:</u>	James W. Peck	PRFC Commissioner
	William A. Pruitt	PRFC Commissioner
	J. Clifford Hutt	PRFC Legal Officer
	Jerry Tolodziecki	Maryland Engineer
	Mac Rodgers	Virginia Engineer
	Tucker Brown	St. Mary's County
	Eddie Davis	St. Mary's County
	A. C. Carpenter	PRFC Executive Secretary

The following motion was made by Commissioner Pruitt and seconded by Commissioner Freeman:

*"That the Commission accept and implement the above recommendation of the jurisdictional line committee".* The motion passed unanimously.

#### **FISHERIES MANAGEMENT BILL**

Mr. Bob Holden stated that at the August Commission meeting, the Commission was asked to take a formal position on the pending interjurisdictional fisheries management bill. At that meeting, a motion was made to oppose the bill, but did not receive the required number of affirmative votes from members of both states to pass. Mr. Holden asked if the Commission would again consider taking a position on this bill. There was a great deal of discussion regarding Maryland and Virginia's conflicting views on the bill. Commissioner Pruitt gave several reasons why Virginia opposed the bill, primarily the lack of funding to the states for implementing the plans and the need for a public hearing process to be included as part of the bill. Commissioner Peck noted ASMFC's recognition of the need for public input and their current development of a public forum process. He further stated his confidence in the Appropriations Committee providing funding for implementing management plan requirements. The Commission took no action.

#### **TRI-COUNTY COUNCIL**

The Chairman reported that the Maryland members of the Commission attended a meeting in St. Mary's County the previous Thursday with the Tri-County Council to discuss concerns of the St. Mary's County Waterman's Association. The main topic of the workshop was the desire of the St. Mary's County Waterman's Association for a review of the Maryland/Virginia Potomac River Compact. However, several additional items were brought up by watermen who were in attendance. He noted the new list of concerns were to have been forwarded to the Commission prior to today's meeting, but had not yet been received. Once the list was received and reviewed, a special meeting between the Maryland Commissioners and the Tri-County Council would be scheduled to discuss the watermen's concerns.

#### **FIRST QUARTER DISBURSEMENTS AND CASH ON HAND**

A report of the first quarter (July - September 1993) disbursements was presented by budget item which totaled \$68,705.62. A statement of cash on hand as of November 3, 1993 was presented as follows:

First Virginia Bank - Northern Neck:	\$61,045.74
Checking (includes \$200.00 Petty Cash)	
Maryland National Bank:	2,899.99
Savings: (Maryland Office)	
Virginia Local Government Investment Pool:	104,211.25
Maryland Local Government Investment Pool:	102,414.02
GRAND TOTAL IN BANKS:	\$270,571.00

The following motion was made by Commissioner Pruitt and seconded by Commissioner Hudnall:

*"That the first quarter disbursements of \$68,705.62 be approved as presented."* The motion passed unanimously.

### **STRIPED BASS HARVEST**

The Executive Secretary gave a preliminary report on the 1993 striped bass seasons. He reported the Commercial Hook and Line season as harvesting a little over 7,000 pounds with the average fish weighing 5.25 pounds. The gill netters harvested approximately half of their 110,000 pound allocation during the season's February segment with the average fish weighing 6.1 pounds. The second half of the gill net season was scheduled for November 29 through December 17. The pound net season, which was still in progress, had harvested approximately 25,000 pounds with an average fish weight of 5.7 pounds. He felt the pound netters may exceed their 35,000 pound allocation as the fish were averaging a larger size than anticipated. Charter boats were showing lower than normal catches and were expected to have an overall harvest less than their allocated quota. The recreational season's preliminary catch estimates were well below last year as well. He noted that a full report would be submitted at the Commission's February meeting.

Commissioner Freeman asked what the overall striped bass allocation for the charter boat fishery was and what portion of their allocation had been harvested. The Executive Secretary reported 22,860 pounds, or a 30 day season, whichever occurred first, as the ASMFC approved cap on that fishery. The preliminary projected harvest total for that fishery was approximately 8,000 pounds.

Mr. Dennis Gallahan asked if the striped bass poundage which had been transferred from the miscellaneous commercial gear to the charter boat fishery last year would be returned to the commercial gear since the charter boats didn't use all of their quota. The Executive Secretary responded that the miscellaneous commercial allocation had not been used in 1991 so it was transferred to the charter boat fishery in 1992 and would be re-established when the overall striped bass allocation for the Potomac River was increased. Commissioner Peck suggested the subject of redistribution of striped bass allocations for next year be referred to the Finfish Advisory Committee for consideration. Commissioner Hudnall stated that someone should be allowed to catch the unused portion of the charter boat allocation this year. Commissioner Peck reminded everyone that during 1991 and 1992 the charter boat fishery, as well as other gear types, exceeded their approved quota and the Commission then received a great deal of negative sentiment from the Atlantic States Marine Fisheries Commission about the way it was regulating its striped bass fishery. The Executive Secretary stated he felt the only reason the PRFC was not penalized for the overage was that other gear types harvested less than allocated, thereby keeping the Potomac's overall quota from being exceeded. Commissioner Peck suggested following the ASMFC approved plan of a 30 day season, since that occurred first, as the Commission is preparing to submit a request to the ASMFC for a substantial increase in the Potomac's overall striped bass allocation. He noted that although it may give a few extra days of fishing this year, defying the ASMFC approved plan may have long term negative consequences.

There was some discussion as to why the charter boat and recreational catches were lower this year. Jim Drummond, a charter boat captain from Charles County, said up-river fishermen were reporting catches when the fish have usually left that area and perhaps the water temperature did not reach the proper level for the fish to start feeding and migrating down river. He stated that another factor was that many charter boats from other areas, which normally fish the Potomac during the striped bass season, operated only in Chesapeake Bay this year. The overall assumption was that the fish just were not biting as well and in no way was the lower catch attributed to the lack of striped bass. Bob Holden, a charter boat captain from St. Mary's County agreed with Mr. Drummond's statement of most charter boats operating in Chesapeake Bay and not in the Potomac. He also felt the massive amount of fresh water this past spring kept the striped bass from reaching the upper portions of the river and that the striped bass left the river early.

### **CRAB HARVEST REPORT**

A preliminary report on the 1993 crab landings through October showed a total of 168,158 bushels of hard crabs and 72,905 pounds of peelers had been harvested from the Potomac. This was compared with the 1993 March through October totals of 140,020 bushels of hard crabs and 56,003 pounds of peelers and a seven year average for those months of 134,133 bushels and 51,136 pounds respectively. The Executive Secretary noted that the 1993 harvest was above average and actually better than 1992.

### **CLAM HARVEST REPORT**

A report on the 1993 soft shell clam harvest through October was presented which showed a total soft shell (Mia) harvest of 518 bushels with an average catch of 1.11 bushels per hour and 1,483 bushels of razor clams harvested with an average catch of 2.24 bushels per hour.

## OYSTER HARVEST REPORT

The Executive Secretary reported that the spring freshet's anticipated severe impact on the oyster fishery had apparently come true. The tonger's reports for the first two weeks of the season showed 20 bushels harvested while the buyer's reports showed 36 bushels for the same time frame. To date 39 tong boat licenses, 15 tonging licenses and 1 hand scrape license had been sold. He reported the budget for FY 1993-94 projected \$55,000 in revenue from oyster license sales and inspection tax which would, in all likelihood, not be forthcoming. The Commission concurred that the shortfall of anticipated oyster revenues would be deducted from the FY 1993-94 oyster repletion budget. The Chairman asked if anyone had any questions or comments regarding the oyster repletion budget and the shortfall of funds. There being none, he proceeded to the next item.

## RE-EVALUATION OF 1993/94 OYSTER SEASON RESTRICTIONS

Dr. Krantz addressed the Commission reminding them that at their August meeting he had encouraged them to close the oyster fishery to protect the few live oysters left in the Potomac. He stressed the importance of the remaining oysters as survivors of the freshet and the parasites, as well as their monetary value for restoration of the resource. He pointed out that the oysters being harvested from the River now are extremely valuable, in dollars to the Commission, if they have to be replaced in the future with hatchery seed. His experiment to raise parasite-free seed produced seed which cost from \$18.00 to \$25.00 per bushel, while the last seed purchased by the Commission for their 1992 repletion program cost \$2.60 per bushel. Dr. Krantz again encouraged the Commission to begin the repletion process by closing the fishery, stating that restoration has an economic as well as biological scope.

The Executive Secretary summarized the action taken by the Commission at its August meeting regarding the oyster fishery. At that meeting a report of the 1993 spring freshet mortality was presented. At that time the scientist advised total closure of this year's oyster season. A number of options were discussed ranging from total closure to taking no actions. The Commission voted to restrict the season by delaying the opening 15 days and closing the month of January while maintaining the 12 o'clock noon curfew all season with the understanding that the Commission would re-evaluate those measures at subsequent meetings.

He reported the delayed opening (October 15) meant very little actual harvest information was available for review. However, as of November 3 the total harvest was only 20 bushels, 12 of which were harvested on opening day. The catch per man data over the last several years showed the first two weeks of the season as the best and this year's best was less than a bushel and one-half per man per day. The hand scrape season opened November 1. Only 1 hand scrape license had been sold and the individual purchased it in order to preserve his senior citizen reduced license fee status. No hand scrape activity had been reported.

With so little catch or interest in the oyster fishery, the staff recommended closing the season immediately to preserve the very few market size oysters as brood stock. He noted the fact that only 177 bushels harvested last year by hand scrapers with a 1.85 bushel catch per man, and no hand scrape license sales this year, should be evidence enough to close that fishery as well and preserve the "parasite survivors" as brood stock. The staff recommended total closure of the 1993-94 oyster season as soon as allowable.

Mr. Tucker Brown stated the Shellfish Advisory Committee was unanimously opposed to closing the oyster fishery. He asked how harvesting 150 bushels could hurt the industry. He suggested leaving the fishery open and allowing mother nature to try and turn this situation around. Mr. Robert T. Brown, speaking on behalf of the St. Mary's County Waterman's Association, Mr. Bob Holden and Mr. James Ficklin also opposed a closure. Mr. Richard Daiger, representing the oyster packing industry, opposed the recommended closure. He stated that although the packing industry did not depend on the Potomac's oyster supply, a moratorium would cause negative perceptions by potential customers.

Commissioner Pruitt stated that the Commission had developed a good plan which seemed to be working. He did not see why this item was being re-visited and suggested this item be put to rest.

Dr. Eileen Setzler-Hamilton stated that she appeared before this Commission in August concurring with Dr. Krantz's recommendation to close the fishery and still supported the closure. She implored the watermen to try and understand how valuable each remaining oyster was to the River. She noted that even though they would not catch all living oysters, the probability of successful recruitment decreased with each oyster taken out of the system. She estimated approximately 160 bushels being harvested from the Potomac this year and stressed the importance of those oysters remaining in the River to the industry's future, opposed to the few individuals they may provide a couple of weeks work for this season.

James Bowling asked if the oysters would be completely resistant to the parasites in the future if they were left as brood stock. Dr. Krantz responded that nothing is sure about the interaction of the parasites with the oysters. However, he stated that Delaware Bay had experienced a situation exactly as the Potomac's and decided to close their upper river fishery. In the 25 years that it has been closed, the upper river seed beds are now 4 times more resistant to the parasites than they were originally. Dr. Krantz emphasized that the positive results of a closure would not be seen immediately, but they would occur if given a chance.

There was no further action taken by the Commission on this subject.

#### **UPDATE OF POSTABLE FINE SCHEDULE**

The Executive Secretary noted that pending the regulation changes proposed today, a new postable fine schedule would be presented to the Commission for consideration at its February meeting.

#### **APPOINTMENT OF 1994 OYSTER REPLETION COMMITTEE**

Chairman Parran appointed the following individuals to serve as the 1994 Oyster Repletion Committee:

**Industry Committee Members:** Robert Boarman, James L. Jones, William Graves, William T. Feldman, Craig Kelley, Richard Holbrook, Roger Hill, Charles Squires, David Rowe, Thomas Moynihan, Thomas Samuels, James G. Thompson and John Allen.

**Staff Committee Members:** Roger Mann, George Krantz, John Mattingly, Ray Jewell, Bill Ooten, Jim Wesson, Eileen Setzler-Hamilton and Kirby A. Carpenter.

#### **APPOINTMENT OF 1994 NOMINATING COMMITTEE**

Chairman Parran appointed Commissioners Freeman and Rice to serve as the Nominating Committee, asking them to present a slate of officers for 1994 at the February meeting.

#### **AUDIT REPORT**

The Executive Secretary reported the Maryland-Virginia joint 1991-92 audit had been completed and copies mailed to each Commissioner from the Auditor of Public Accounts of the Commonwealth of Virginia. The audit was done jointly with an auditor from Maryland and Virginia. Each Commissioner reported that he had received his copy.

The following motion was made by Commissioner Freeman and seconded by Commissioner Rice:

*"That the Commission accept and approve the joint audit report for fiscal year 1991-92."* The motion passed unanimously.

#### **USE OF RECREATIONAL STRIPED BASS FOR COMMERCIAL SALE**

Robert T. Brown asked if commercial fishermen could use their recreational striped bass quota (29 fish at 1 fish per person per day) for commercial sale to help the watermen get through the winter. The Legal Officer recommend the Commission not consider this option as it would clearly violate the terms of the ASMFC approved plan.

#### **FINFISH COMMITTEE**

Jim Drummond listed several items to be discussed at the Finfish Advisory Committee's next meeting. Those items included reviewing the Commission's catch report forms; catch and release; transfer of commercial hook and line licenses; establishing a fee for recreational striped bass permits; establishing a cap on charter boat licenses; looking at violations and penalties. He urged anyone with suggestions or comments on any of these issues, or other fishery related matters, to attend the Finfish Advisory Committee meetings.

#### **STRIPED BASS ISSUES**

Mr. Jim Drummond asked the Commission to consider extending the recreational and charter boat seasons by one week due to the low level of harvest.

Mr. Gary Owens was opposed to any reduction in the gill net mesh size. He stated that the requirement for striped bass identification tags causes a lot of waste in the fishery by keeping only a certain number of fish. He suggested opening different portions of the river for fishing at different times and said he would rather fish one or two days per year than having to use tags and throw dead fish overboard.



## RECIPROCAL LICENSES

Mr. Bob Holden asked why commercial crabbing licenses were not reciprocal between Maryland and the Potomac River. He stated he held a Maryland crabbing license but it was not valid in the Potomac. He felt that if the agencies could recognize sport fishing licenses from another jurisdictions, they could recognize commercial licenses as well.

## HEARING OFFICER'S REPORT

The Commission reviewed the Hearing Officer's report of October 13, 1993 regarding 14 persons delinquent in filing seafood catch reports. The Chairman asked each person to come forward as his name was called, none were in attendance.

The following motion was made by Commissioner Pruitt and seconded by Commissioner Peck:

***"That the Commission accept and approve the recommendations presented today in the Hearing Officer's Report dated October 13, 1993."*** The motion passed unanimously.

## CONSIDERATION OF REGULATION CHANGES

The following motion was made by Commissioner Peck, seconded by Commissioner Pruitt and unanimously approved:

***"That the Commission repeal Regulation I, Section 2(h)(2), Regulation I, Section 2(i)(1), Regulation I, Section 2(i)(2), Regulation III, Section 13(c) and adopt all other regulation changes as follows, excluding Regulation III, Section 12(e) regarding Cull Rings which should be considered separately:"***

### Regulation I, Section 1(c)

(c) Limited Entry Fisheries. A limited entry fishery is a fishery where the number of licenses available are limited by regulation or order of the Commission. Such limited entry fishery licenses are renewable annually to the licensee subject to certain conditions for each such fishery license.

### Regulation I, Section 1(d)

(d) Obtaining a Limited Entry Fishery License. Licenses for such fisheries shall be available on a first come first serve basis until the maximum number has been issued in any given license year. Thereafter, persons desiring to obtain a limited entry fishing license shall register with the Commission between May 1st and June 30th. The registration shall include the person's name and address and a non-refundable \$5.00 fee. No person may register more than once per year per fishery and the registration shall be for that year's random drawing only. On the first day of July which is not a Saturday, Sunday or legal holiday, at 12 o'clock noon, a public random drawing will be held to select the appropriate number of persons per fishery who will be given the opportunity to purchase subject license(s) valid for the balance of the year. Notice of being selected will be mailed, first class postage prepaid, to the persons selected at the address shown on the registration form. Failure to obtain said license(s) by July 31st will forfeit the license(s), thereby making it (them) available for the next year's drawing.

### Regulation I, Section 2(h)

(h) Pound Net. For each pound net, a license fee of \$50.00. A maximum number of pound net licenses, on either a total riverwide or per person basis, may be established from time to time by the Commission. The maximum number shall be one hundred (100) on a total riverwide basis. A pound net shall be defined as a fixed fishing device with one (1) head or trap on the channel end and only one (1) leader or hedging. For each additional head or trap on same leader or hedging, there will be an additional fee of \$25.00. The licensee shall be responsible for correctly locating each pound net. Each pound net may be identified by the licensee with at least one permanent marker pole or stake which shall project above the surface of the water at least eight (8) feet at mean high tide and located at the channel end of the structure. The licensee's tag accompanying his license shall be attached to said pole at all times as provided in Regulation 1, Section 2(n)(9). Any pound net set at any other time or in any other manner, than that prescribed in these regulations, shall be unlawful.

### Regulation I, Section 2(i)(1)

(i)(1) Gill Net. For each gill net a license fee of \$12.50. A maximum number of gill nets, on either a total riverwide basis or a per person basis, may be established from time to time by the Commission. No gill net stand location shall exceed a maximum length of 1200 feet (including lines, stakes, rings, buoys and anchors) nor shall the total amount of gill net webbing within the confines of the stand location exceed 600 feet. No stand location shall be licensed for any



location that has a depth of water greater than 36 feet MLW. A person having a gill net license may place either a stake or anchor gill net as herein defined, but not both, at the location for which the license has been issued. All other provisions of Regulation I, Section 2(n), (o), (p) and (s) shall apply.

Regulation I, Section 2(i)(2)

(i)(2) Gill Net Definitions. A gill net shall be a flat net which is suspended vertically in the water with meshes that allow the head of the fish to pass but entangle its gill covers as it seeks to escape. No gill net shall have a depth greater than 12 feet hung measure or exceed 600 feet in the length of its webbing material. A stake gill net shall be a fixed fishing device held stationary at its licensed location in the water by means of a series of wooden stakes or poles driven or embedded firmly into the bottom in such a manner as to support themselves and the net hung thereon. An anchor gill net shall be a fixed fishing device held stationary at its licensed location in the water by means of conventional anchors, heavy weights or one wooden pole or stake embedded into the river bottom at each end of the net. Anchor gill nets shall be marked at each end with a spar buoy, wooden pole or stake, which shall project above the surface of the water at least four (4) feet at high tide.

Regulation I, Section 2(l)(2)

(l)(2) Hook and Line. For each individual commercially fishing as defined in Regulation I, Section 5(a) with a hook and line and/or a rod and reel, except fish trot line, a license fee of \$25.00. A maximum number of hook and line licenses may be established from time to time by the Commission. Application for renewal of such license may be submitted only during December preceding the year for which the license is intended, or during January of the year for which the license is intended. Any such license not renewed on or before the last day of January which is not a Saturday, Sunday or legal holiday, shall become non-renewable and available under Regulation I, Section 1(d).

Regulation I, Section 2(n)(3)

(n)(3) Time for Submitting Application for Vacant Location - Definition of Vacant Location. Application for an available license under (1) hereof, for a vacant and currently unlicensed location, may be submitted at any time during the year for which the license is requested, or during December if requested for the following year. A license issued in December for the ensuing year precludes issuance of a license for said location to any other person during the current year. A vacant location is one as to which there are no outstanding renewal rights at the time of determining its status.

Regulation I, Section 2(n)(4)

(n)(4) Time and Place for Submitting and Issuing Renewal Licenses. Applicants who submit applications by mail assume the risk of delay on the part of the postal service. Application for renewal of a license under (1) at a currently licensed location may be submitted only during December preceding the year for which the license is intended or during January of the year for which the license is intended. Any net license location for which a renewal license has not been issued on or before the last day in January which is not a Saturday, Sunday or legal holiday, shall become vacant, unlicensed and non-renewable as of the end of that day. If the maximum number of licenses had been issued the previous year for the fishery, any non-renewed licenses shall become available under Regulation I, Section 1(d). Otherwise, any applicant may submit an application for that location on or after the first day in February, which is not a Saturday, Sunday or legal holiday. On the first day of February which is not a Saturday, Sunday or legal holiday, licenses for a fixed location will be issued in person only at the principal office of the Commission.

Regulation I, Section 2(n)(5)

(n)(5) Implied Representations of Renewal Application. A licensee applying for renewal of a license issued to him for fixed location, is deemed to represent to the Potomac River Fisheries Commission (hereinafter referred to as "Commission"), with respect to said location:

- (i) That he has removed all stakes and poles from said location pursuant to Regulation I, Section 2(s); and
- (ii) That he has fished said location or one of its authorized alternates during the preceding license year by placing nets and catching, or attempting to catch, or take fish; and
- (iii) That he has filed all catch reports required to be filed by these Regulations.

Regulation I, Section 2(n)(8)

(n)(8) Death of Licensee or Surrender of License. Upon the death of the licensee, the fixed fishing devise license and all rights pertaining thereto shall pass to those lawfully entitled thereto. If any licensee desires to surrender his or her license, he or she may do so by delivering same to the Commission office at any time together with a statement of intent to that effect. The Commission may thereupon issue the licensed location to any other applicant who has made timely application therefore.

Regulation I, Section 2(n)(10)

(n)(10) Maintenance of Location. All stakes or buoys shall project not less than four (4) feet above the surface of the water at mean high tide. Each pound net, gill net and fyke or hoop net licensee shall maintain his stakes in good condition. He shall remove all stakes that may be unsound, leaning, broken or liable to become navigational hazards.

Regulation I, Section 2(n)(11)

(n)(11) Re-assignment of Location. The Commission may re-assign to another applicant any or all assigned fishing locations of a licensee in the event of non-renewal, forfeiture, suspension or revocation. Such re-assignment may be for such period of time as the Commission shall determine, and may be with renewal rights or subject to the renewal rights of the suspended licensee.

Regulation I, Section 4(a)

(a) Notice and Hearing. The Potomac River Fisheries Commission after twenty (20) days notice to any person holding a license issued by it, may after a hearing, suspend or revoke such license. The Commission may, after a hearing, refuse to issue a license to any person: (a) who is a violator of the Regulations of the Commission or of the applicable laws regulating the taking, catching, and marketing of seafood on the Potomac River; or (b) who has failed to file any report required by the Regulations of the Commission; or (c) who has failed to comply with a seafood catch audit notice.

Regulation I, Section 4(b)

(b) Automatic Suspension. Any person licensed by this Commission to commercially fish any gear, including charter boats, capable of catching striped bass or persons having been issued striped bass identification tags who fails to properly file the weekly seafood catch reports shall not be allowed to catch and/or sell striped bass and his license(s) shall be automatically and immediately suspended.

Regulation III, Section 10(b)

(b) Striped Bass Tagging. Each commercially caught striped bass must be individually identified with a striped bass identification tag provided by the Potomac River Fisheries Commission. Said tags must be applied as soon as feasible and in no event shall any commercially caught striped bass be removed from the Potomac River or from the boat at the point of landing, whichever occurs first, without said tag being permanently affixed. The tags issued to an individual fisherman cannot be transferred, sold or otherwise used by any other individual fisherman. All unused tags must be returned to the Commission after each respective fishing season. The words "as soon as feasible" as used herein shall mean for the: i) Commercial Hook and Line Fishery - as soon as the fish is taken and before it is put into the cooler or storage area; ii) Pound Net Fishery - as soon as the fish are taken and before the boat leaves the net site; and iii) Gill Net Fishery - as soon as each separate piece of net is fished and before the boat leaves the net site.

Regulation VI, Section 3(g)

(g) Recreational Striped Bass Permit. The owner of each boat to be used to recreationally fish during any recreational striped bass season(s) in the Potomac River shall first apply for and obtain a validated striped bass recreational fishing permit for such boat. Such validated permit shall be kept in the possession of the owner/operator of the boat at all times during the striped bass season(s) in the Potomac River and shall be available for inspection by any duly authorized enforcement officer of Maryland or Virginia or agent of the Potomac River Fisheries Commission. The permit will contain a log sheet which must be completed daily before the end of each fishing trip by the owner/operator and must include such information as is necessary for all persons aboard that boat for that trip. The validated permit and the log sheet must be returned to the Potomac River Fisheries Commission within 10 days of the close of the last segment of the season. Failure to return the permit and log sheet may result in refusal or delay of future permit requests.

Regulation III, Section 12(e)

The following motion was made by Commissioner Rice, seconded by Commissioner Freeman and unanimously approved:

***"That the Commission amend the proposed Regulation III, Section 12(e), by adding an allowance to close the ring during May and June and to adopt Regulation III, Section 12(e) as follows:"***

(e) Cull Ring Required. It shall be unlawful for any person to place, set or fish any crab pot in the Potomac River which does not contain at least one (1) unobstructed cull ring of at least two and five-sixteenths inches (2-5/16"), inside diameter, in an exterior panel of the upper chamber of the crab pot. Between July 1 and April 30 next succeeding the cull ring must be unobstructed.

DATE AND PLACE OF NEXT MEETING

The next regular meeting of the Potomac River Fisheries Commission was scheduled for 9:30 a.m., February 4, 1994 at the Commission Office in Colonial Beach.

Dennis Gallahan asked if the Commission could hold some of their meetings later in the afternoon so that the watermen would not have to lose a day's work. The Chairman responded that this matter had previously been brought to the Commission's attention and alternatives were being considered.


EXTENSION OF STRIPED BASS SEASON


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

***"That the Commission extend the 1993 charter boat and recreational striped bass seasons each by one week, thereby establishing the new closing dates as November 14th and November 21st respectively."*** Upon a roll call vote, Commissioner Peck voted nay and Commissioners Rice, Hudnall, Freeman, Pruitt and Parran each voted aye. The Chairman declared the motion carried.

ADJOURNMENT

***A motion was made seconded and unanimously approved to adjourn the meeting at 12:15 p.m.***

  
John Thomas Parran, Chairman

  
William A. Pruitt, Secretary