

**Minutes of The Regular Meeting
Potomac River Fisheries Commission
Colonial Beach, Virginia**

September 21, 2000

Commissioners Present: Gordon M. Birkett (VA) – Chairman, William L. Rice, Sr. (MD) – Vice Chairman, John T. Parran (MD) – Secretary, Paul H. Kellam, III (MD), William A. Pruitt (VA), John W. White (VA), Sarah Taylor-Rogers (MD), and Kenneth W. Williams, Sr. (VA).

Officers Present: Kirby A. Carpenter – Executive Secretary, J. Clifford Hutt and Michael C. Mayo – Legal Counsel

Press: None Present

Others Present: Dr. Herb Austin and Bill Connelly – VIMS, Dr. Eileen Setzler-Hamilton and Stewart Harris – CBL, Ellen Cosby – VMRC, Lt. William L. Bates – MdDNR Law Enforcement, Lt. Col. Lewis Jones and Capt. M. Ray Jewell – VMRC Law Enforcement, Dean Fowler – VA Dept. Game and Inland Fisheries, Jim Drummond, Robert T. Brown, Sr., Marvin Harley, James A. Bowling and John Dean – Finfish Advisory Committee, Robert Boarman, George W. Smith and John Morris, Jr. - Crab Advisory Committee, John Allen, Jr., Douglas F. Jenkins, Sr. and Joseph Stine, Jr. - Oyster/Clam Advisory Committee, Richard Daiger, Bill Bartlett, Daniel McDougal, Christopher Sandy, Dean Bowie, Joseph Woodburn, John Morris, Jr., John Morris, III, Melvin D. Foxwell, George Perry, Patrick Goldsmith, B.J. Shymansky, Jimmy Trossbach, Bill Legg, T.J. Boothe, Scott Smith, Dennis Fleming, Gregory N. Madjeski, Ken Hastings, James Allen and several others who did not sign the guest register.

Chairman Birkett called the meeting to order at 2:00 p.m. Commissioner Williams provided an invocation.

Approval Of Agenda

A motion was made by Commissioner Williams, seconded by Commissioner Taylor-Rogers and passed unanimously to approve the agenda as written.

Consideration Of Minutes

A motion was made by Commissioner White, seconded by Commissioner Williams and passed unanimously to approve the minutes of June 23, 2000 as written and distributed.

Open Public Hearing

Chairman Birkett opened the public hearing at 2:03 p.m. and the Executive Secretary reported that all items scheduled for public hearing today had been advertised in conformity with requirements of the Compact.

Obtaining a Limited Entry Fishery License – This proposal would increase the registration fee from \$5.00 to \$25.00 for all limited entry license drawings. PRFC staff and the Crab and Finfish Advisory Committees supported the proposed change. It was noted the Crab Advisory Committee had recommended the fee be increased to \$50.00 but was aware that it had been advertised for \$25.00 and could not exceed that amount. This item received no other comments.

Pound Net – This proposal would clarify marking requirements and make the limited entry license wording consistent with other regulations. PRFC staff and the Finfish Advisory Committee supported the proposed change. There were no other comments on this item.

Gill Net – This proposal would make the limited entry license wording consistent with other regulations. PRFC staff and the Finfish Advisory Committee supported the proposed change. There were no other comments on this item.

Fyke, Hoop or Weir Net – This proposal would clarify fyke net marking requirements. PRFC staff and the Finfish Advisory Committee supported the proposed change. There were no other comments on this item.

Hook and Line – This proposal would clarify language pertaining to commercial hook and line fishing to make it clear that no unlicensed crew member(s) may be aboard a vessel if the licensee has paid the senior reduced fee. The Executive Secretary stated that Legal Counsel had reviewed the regulations and presented their report at the last Commission meeting. PRFC staff supported the proposal. The Finfish Advisory Committee also voted to support the proposal, however some members felt the “exclusive use” clause should be modified so that seniors can take helpers even if their license was purchased at the reduced fee. There were no other comments on this item.

Identification and Display of Tag – This proposal would allow two short pieces of gill net to be fished in the same stand and require each piece of net be identified with the corresponding tag number. The Executive Secretary stated that staff supported this proposal which had been recommended by the Finfish Advisory Committee. Law enforcement presented no objection and there were no other comments on this item.

Setting Nets, Removal of Stakes and Reflective Tape – This proposal, originally requested by pound net industry members, would provide a grace period for placing all reflective tape on pound nets while the net is being driven. PRFC staff and the Finfish Advisory Committee supported the proposal. Law enforcement presented no objection and there were no other comments on this item.

Reduction of License Fees – This proposal would make the power assisted hand tong license available at the reduced senior citizen license fee provided all persons onboard are 65 years of age or older. It would also correct wording in the same regulation section so that the fish trotline license is referred to as a vessel license instead of an individual license. Staff and the Oyster/Clam Advisory Committee supported the proposed changes. There were no other comments on this item.

Closed Areas – This proposal, made by the St. Mary’s County Waterman’s Association, would allow hand scraping on all oyster bars in the Potomac River. PRFC staff opposed the proposal and the Oyster/Clam Advisory Committee did not support it either. Mr. Robert T. Brown stated the St. Mary’s County Waterman’s Association changed their position and withdrew the proposal because the motion failed at the advisory committee level and due to the lack of spat and available seed to replenish the oyster bars. There were no other comments on this item.

Season Dates, Days and Times for Taking or Landing Oysters – The Executive Secretary stated this proposal would only recodify an existing section to make room for a new section pertaining to catch limits. There were no other comments on this item.

Oyster Catch Limits – This proposal would allow daily oyster harvest limits to be set by Commission Order and require a four-sided holding box equal to or less than the maximum capacity set by the catch limit. This item was part of the St. Mary’s County Waterman’s Association proposal to extend the hand scraping area. The Oyster/Clam Advisory Committee did not support this proposal. Mr. Robert T. Brown stated the St. Mary’s County Waterman’s Association withdrew their request but would like the Commission to have the authority to set limits in the future.

Terms of License – This proposal would make PRFC sport fishing licenses valid from the date of issue through December 31st of the year published on the decal. Staff supported this proposal as it allows for next year’s license to be issued during December and sets up the possibility of selling a 2-year sport fishing license. The Finfish Advisory Committee supported the proposal. There were no other comments on this item.

Crabbing at Night - This proposal would prohibit all crabbing at night, including recreational crabbing, by striking the word “commercial” from the existing regulation. The Executive Secretary stated there are no current time restrictions on recreational crabbing but all commercial crabbing is prohibited between sunset and one hour before sunrise. The Crab Advisory Committee supported the proposal with the exception of recreational dip nets and/or hand lines used from shore or a pier. Staff presented the Commission with a letter from Mr. Jim Cowardin of Hague, VA that requested nighttime recreational hand line crabbing be allowed. There were no other comments on this item.

Chairman Birkett closed the public hearing at 2:20 p.m.

Close Public Hearing

Consideration Of Regulation Changes

Obtaining a Limited Entry Fishery License – A motion was made by Commissioner Pruitt, seconded by Commissioner White and unanimously approved to amend Reg. I, Sec. 1(d) as follows:

Reg. I, Sec. 1(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 December 1st and the last day of January that is not a Saturday, Sunday or legal holiday. The registration shall include the person's name and address and a non-refundable \$25.00 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 Monday of February 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 March 31st will forfeit the license(s), thereby making it (them) available for the next year's drawing.

Pound Net – A motion was made by Commissioner Parran, seconded by Commissioner White and unanimously approved to amend Reg. I, Sec. 2(h) as follows:

Reg. I, Sec. 2(h) Pound Net. For each pound net, a license fee of \$100.00. 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, thereby making it a limited entry fishery. 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, trap or pound measuring not less than 20 feet square at the surface of the water on the channel end and only one (1) leader or hedging not less than 300 feet in length. 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 I, Section 2(n)(8) and marked as required by Regulation I, Section 2(s). Any pound net set at any other time or in any other manner, than that prescribed in these regulations, shall be unlawful.

Gill Net – A motion was made by Commissioner Pruitt, seconded by Commissioner Williams and unanimously approved to amend Reg. I, Sec. 2(i)(1) as follows:

Reg. I, Sec. 2(i)(1) Gill Net. For each gill net a license fee of \$30.00. 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, thereby making it a limited entry fishery. 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.

Fyke, Hoop or Weir Net – *A motion was made by Commissioner Pruitt, seconded by Commissioner Taylor-Rogers and unanimously approved to amend Reg. I, Sec. 2(k) as follows:*

Reg. I, Sec. 2(k) Fyke, Hoop or Weir Net. For each fyke net or hoop net, weir or similarly fixed device for catching fish or eels, a license fee of \$25.00. A fyke net, hoop net, or weir shall be defined as a fixed fishing device which shall not exceed a maximum length of 300 feet. When fished by the same licensee in the same row there shall be at least 100 feet of clear, unobstructed interval or open space between no more than three successive nets before the 200 feet requirement of Regulation I, Section 2(o) shall apply. Each net shall be identified as required by Regulation I, Section 2(n)(8) and marked as required by Regulation I, Section 2(s)(3).

Hook and Line – The Executive Secretary stated that if a licensee chooses to pay the reduced senior license fee of \$5.00 he can not take a mate onboard, however, if he pays the full unreduced license fee, he can up to two unlicensed helpers. He also stated the Legal Officer presented a report at the last meeting on this issue and the draft language presented today would codify that ruling. *A motion was made by Commissioner Taylor-Rogers, seconded by Commissioner Parran and unanimously approved (Commissioner White was not in the room at the time of the vote) to amend Reg. I, Sec. 2(l)(2) as follows:*

Reg. I, Sec. 2(l)(2) Hook and Line. For each person licensed to commercially take fish 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 \$50.00. A maximum number of hook and line licenses may be established from time to time by the Commission, thereby making it a limited entry fishery. Renewal of such license shall be pursuant to Regulation I, Section 1(c). Whenever the licensee is fishing under this license the boat or vessel being used shall fly the pennant, that was issued with the license, in such a manner as to be clearly visible to passing boats. When a sole licensee, who has paid the full license fee, is aboard the vessel and the said pennant is being displayed he may be accompanied by no more than 2 unlicensed crew member{s}. This license may not be used or the pennant flown from a licensed charter boat that has fee paying passengers aboard. Any boat or vessel not flying such pennant shall be deemed to be sport fishing and all persons shall be subject to those license requirements, seasons, creel and size limits.

Identification and Display of Tag – *A motion was made by Commissioner Rice, seconded by Commissioner Pruitt and unanimously approved (Commissioner White was not in the room at the time of the vote) to amend Reg. I, Sec. 2(n)(8) as follows:*

Reg. I, Sec. 2(n)(8) Identification and Display of Tag. Licensee shall procure and affix the tag accompanying his license to the stake or buoy at the head and outer end of such structure and at such a height and in such a position as to be readily seen from passing boats. This identification shall be displayed from the setting of the first stake or buoy until the removal of the last stake or buoy. When more than a single piece of gill net webbing is being set within a licensed stand, all anchor gill net pull up buoys shall be identified with the letters “GN” and the corresponding tag number.

Setting Nets, Removal of Stakes and Reflective Tape – *A motion was made by Commissioner Pruitt, seconded by Commissioner Rice and unanimously approved to amend Reg. I, Sec. 2(s) as follows:*

Reg. I, Sec. 2(s)(1) Setting Nets. All licensees shall set all nets in accordance with the location description contained on their licenses. Gill net stakes or poles, anchor gill nets, and pound and fyke net hedging poles, shall be kept in a straight line, in accordance with the license location, throughout the entire structure and row.

Reg. I, Sec. 2(s)(2) Removal of Stakes. All fish net stakes shall be pulled and removed from the Potomac River by the licensee within fifteen (15) days after the close of the respective fishing seasons except the pound net marker pole provided in Regulation I, Section 2(h). The pound net licensee may start setting stakes or poles no sooner than fifteen (15) days before the fishing season. Failure to remove fish net stakes as herein provided shall constitute a separate offense for each and every day said stakes remain after the prescribed time for removal thereof.

Reg. I, Sec. 2(s)(3) Marking Nets and Reflective Tape. The term ‘tape’, as used herein, shall mean at least 4 inch wide, waterproof, retro-reflective material of the prescribed color and affixed at least 4 feet above mean high tide and giving 360 degree visibility. Pound nets, fyke nets and gill nets, whether the net be attached or not, shall be marked as follows: the stake, pole or buoy furthest from the Maryland shore with three bands of red tape; the stake, pole or buoy furthest from the Virginia shore with three bands of green tape; and between the said marked end stakes or poles, a series, of at least three, single bands of white tape placed equally distant from one another, but not more than 150 feet apart. Providing, however; on the first day of setting pound net stakes, the licensee shall attach the tag accompanying his license and reflective tape to the outside (channel end) pole. The remaining tape must be attached within 15 days, or upon completion of the stand, whichever comes first. Anchor gill nets shall also be marked as follows: the stake, pole or buoy furthest from the Maryland shore with a red triangular flag at least 12 inches in length on each edge, and the stake, pole or buoy furthest from the Virginia shore with a green square flag at least 12 inches in length on edge.

Reduction of License Fees for Power Assisted Hand Tong – The Executive Secretary clarified that the boat must be “captained” by someone over 65 years old, and that no person under the age of 65 would be permitted aboard such vessel. *A motion was made by Commissioner Kellam, seconded by Commissioner Williams and unanimously approved to amend Reg. I, Sec. 5(d) as follows:*

Reg. I, Sec. 5(d) Reduction of License Fees. Persons 65 years of age, or older, who have for the previous three (3) consecutive years held a Potomac River Fisheries Commission license or licenses, as listed herein, shall be eligible to renew an/or obtain such license(s) for a fee of \$5.00 per license. Provided, however, such license(s) or any privilege(s) granted thereby shall be for the exclusive use of the licensee. The licenses available under this section are as follows:

- (1) crab dip nets, crab trot lines and patent crab trot lines.
- (2) a single peeler trap.
- (3) a single boat or vessel used by the licensee to catch crabs with crab pot(s).
- (4) individual oyster hand tong, however, this exemption does not apply to the fee for the “OT” tags issued to the captain.
- (5) the “OT” vessel license for power assisted hand tong rigs, provided, however, that no person under the age of 65 is permitted aboard such vessel.
- (6) personal oyster hand scrape.
- (7) oyster hand scrape vessel, provided, however, that no person under the age of 65 is permitted aboard such vessel.
- (8) a single pound net.
- (9) a single gill net – either anchor, stake or drift.
- (10) a single fyke, hoop or weir net.
- (11) a single boat or vessel used by the licensee to take fish with fish trot line(s).
- (12) a commercial hook and line.
- (13) a single boat or vessel used by the licensee to take fish with fish pot(s).
- (14) a single boat or vessel used by the licensee to take eels with eel pot(s).
- (15) a single boat or vessel used by the licensee to take bait with bait pot(s).

Additional licenses of similar types or licenses not listed herein require payment of the usual license fees provided for in Section 2 of this Regulation.

Closed Areas – No action was taken on this item since the St. Mary’s County Waterman’s Association withdrew the proposal.

Season Dates, Days and Times for Taking or Landing Oysters – No action was taken on this item.

Catch Limits – The Executive Secretary suggested time limits would be just as effective as bushel limits to limit oyster harvest and would be easier to enforce. Since the extension of the hand scrape area proposal was withdrawn, he did not see a need for this regulation change at this time. Several Commissioners favored allowing the authority to set bushel limits, however, there was concern regarding the definition of the “holding box” and enforcement of this regulation. *After further discussion, a motion was made by Commissioner Pruitt and seconded by Commissioner Kellam to adopt Reg. II, Sec. 2(b)(2) as presented to enable the Commission to set daily oyster harvest limits. Upon a roll call vote Commissioners Kellam, Pruitt, White, and*

Parran voted in favor of the proposal, Commissioners Rice, Williams and Taylor-Rogers voted against it. The motion failed.

Terms of License – *A motion was made by Commissioner White, seconded by Commissioner Taylor-Rogers and unanimously approved to amend Reg. VI, Sec. 2(b) as follows:*

Reg. VI, Sec. 2(b) Terms of License. Each license issued under this Regulation shall be valid from the date of issuance through December 31st of the decal year. 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. The owner of a boat licensed hereunder, who purchases another boat, may, for a fee of \$5.00, apply for a replacement boat license for the purchased boat valid for the remainder of the decal year only, providing the original license and decals, and a copy of the temporary or permanent registration card for the boat purchased are submitted together with the application and fee. Upon receipt and verification the Commission will cancel the original license and issue another license for the purchased boat.

Crabbing at Night – *A motion was made by Commissioner Rice, seconded by Commissioner Kellam and approved (6 yes, Commissioner Pruitt abstained) to amend Reg. VII, Sec. 4(b) as follows:*

Reg. VII, Sec. 4(b) Crabbing at Night. Except person(s) using recreational dip nets and/or hand lines from the shore or a pier, it shall be unlawful for any person to take or catch crabs between sunset and one (1) hour before sunrise or to land or unload crabs earlier than sunrise or later than sunset.

Effective Date of Regulations

A motion was made by Commissioner Kellam, seconded by Commissioner Williams and unanimously approved that the foregoing regulation changes become effective January 1, 2001.

Oyster Repletion Program Report

The Executive Secretary reported the 2000 repletion program was complete and provided the following summary report:

Planted	Date	Bar	#Acres	#Bushels	Cost
Seed (VA - Piankitank)	April 6-11	Gum Bar	9	5,750	22,339.00
Seed (MD – Back Cove)	May 1-10	Swan Point	10	8,311	37,399.50
Seed (MD – Oyster Creek)	May 3	Sheepshead	11	19,103	57,309.00
Fresh Shell	May 22-June 2	Thicket Point	14	37,960	30,368.00
Reef Shell	August 2-3	Kitts Point	25	136,631	85,414.55
Count & Control					<u>2,517.92</u>
Total Program Cost					235,347.97

Elver Survey Report

Dr. Herb Austin of VIMS reported Maryland and Virginia had each completed their portions of the joint survey. Data was now being merged for a Potomac report, copies of which will be presented at the next Commission meeting. The Executive Secretary commented that 163,351 pounds of eels were harvested in the Potomac during the 1999 season.

Arkansas Blue Catfish

Mr. Bill Connelly of VIMS gave a presentation on blue catfish noting the fish were introduced by Virginia Department of Game and Inland Fisheries during the 1970’s in the James and Rappahannock Rivers. Blue catfish were first seen in the Potomac in 1987. Preliminary data suggests the fish are mature when they reach 14” - 26”, between 4-7 years of age. Studies have shown blue catfish will eat anything they can fit into their mouth but crabs made up a small percentage (around 1%) of their diet in a study conducted on the James River. Suggested methods of harvesting blue catfish include trotlines, hoop nets, fyke nets, pound nets, and gill nets. Mr. Connelly felt electro fishing was the most effective scientific survey method because the gear can be very selective for catfish and there is no by-catch mortality associated with this gear type. For this species of catfish, the market size in Virginia around 8 pounds. However, it

was noted this species is not considered good for the live market because of their pectoral spines that damage other fish during harvest, handling and transport.

Mr. Dean Fowler of Virginia Department of Game and Inland Fisheries reported that studies on this fish had begun in the 1990's on the James River and have shown this fish is a dominant predator. The record weight in Virginia is 71 lbs. from the James River and the world record is over 100 lbs. He concurred with Mr. Connelly that the most effective way to take samples was by electro fishing.

The Commission thanked Mr. Fowler and Mr. Connelly for their presentations. The Executive Secretary asked the Commission for direction on this issue. He did not think eradication of the blue catfish was possible but suggested the Commission could either encourage development of the species and a fishery by adopting conservation measure, i.e. minimum sizes, seasons and catch limits, etc., or, the Commission could discourage the species by allowing the unregulated harvest of smaller immature fish, no seasons or creel limits. He suggested working with Mr. Fowler, Mr. Connelly and Mr. Harley in order to get some samples to evaluate the population. He asked if Maryland had an electro fishing boat available to assist in the survey. Commissioner Taylor-Rogers stated she would look into it.

The Finfish Advisory Committee recommended an experimental drift gill net study be conducted November 15-30 of this year to determine if it is a viable gear type to harvest blue catfish, and to leave blue catfish as an unregulated species for other legal gear types until a study is complete.

After further discussion, the following motion was made by Commissioner Taylor-Rogers, seconded by Commissioner Parran and unanimously approved: ***“That staff work with the appropriate personnel from Maryland and Virginia to investigate and assess the blue catfish population in the Potomac River.”***

Recess

The Chairman called a recess at 3:45 p.m. The meeting reconvened at 3:54 p.m.

Oyster Restoration

Mr. Stuart Harris from the University of Maryland presented each Commissioner with a copy of the video titled *“From the Bottom Up, Restoring Oyster Reefs In Chesapeake Bay”*. The video contains underwater footage of oyster bars in the Choptank River and actually shows oysters spawning. Since oysters are broadcast spawners, the video emphasizes the importance of having oysters close together. He noted historical spat set data on the Potomac show there have been years of very high spat sets followed by years of very low spat sets, which could be attributed to the brood stock population being broken up and separated. Studies have shown that if oysters are separated, even by 10 cm, the reproduction success is reduced by 50%. The Executive Secretary stated copies of the video would be made available to the public for loan at the PRFC office.

Mr. Robert T. Brown asked what effect red tides have on the oysters. Mr. Harris stated a red tide could provide a very stressful environment for oysters due to sediment and decomposition, which reduces the amount of oxygen in the water. If this were to occur immediately following a spat set, it could reduce the set significantly. Chairman Birkett thanked Mr. Harris for coming and for the video.

Shad Fishery

Per the Commission's request at the last meeting to investigate the possibility of re-opening the shad fishery, the Executive Secretary reported there were no immediate plans of doing so in Maryland or Virginia.

Pound Net Cull Panels

The Executive Secretary reported the cull panels were being produced and will be ready for distribution next year. He requested the Commission consider implementing a by-catch tolerance for pound nets using the cull panel. After further discussion, the following motion was made by Commissioner Pruitt, seconded by Commissioner White and unanimously approved: ***“Staff is authorized to advertise for public hearing a by-catch tolerance for pound nets using cull panels approved by PRFC.”***

Financial Reports

A report on the fourth quarter (April through June) disbursements was presented with budget items totaling \$278,898.76. No unusual disbursements were noted. The Executive Secretary stated the cash on hand report included the Virginia appropriation. He noted the Maryland appropriation had not yet been received, but when it is, it will be for less money than requested.

A motion was made by Commissioner Kellam, seconded by Commissioner White and passed unanimously to approve the fourth quarter disbursements of \$278,898.76.

A report of cash on hand was presented as follows:

First Virginia Bank (Checking – includes \$400.00 petty cash)	\$ 92,476.64
Nations Bank (Savings – DNR License Sales)	19,109.97
Virginia Local Government Investment Pool	153,030.72
Maryland Local Government Investment Pool	<u>148,344.51</u>
	\$412,961.84

Crab Harvest Report

A preliminary report of the 2000 Potomac River crab landings from April through August was presented. It showed 26,364 bushels of hard crabs and 74,769 pounds of peelers compared to 58,217 bushels of hard crabs and 69,845 pounds of peelers for the same period last year.

The Executive Secretary noted that, following a request for additional information, a new column was added to the report to show the percent of female crabs harvested each month. The report showed 12% of the April catch was females rising to 30% for the months of June and July. The percentage was expected to increase to about 50% for the months of October and November. Another new column on the report shows the soft crab landings. This data has only been collected for 2 years; therefore the long-term average is not as meaningful. He noted there has been a reduction in the amount of effort and in the number of pots being worked and suggested the 2000 season may end up as the worst in 25 years if the current pattern continues.

Crab Advisory Committee Report

Mr. Robert Boarman reported that, in addition to the items considered earlier in this meeting, the following recommendations were made by the Crab Advisory Committee during their meeting held August 16, 2000:

Peeler Pot Mesh Size - The committee voted (**unanimously**) to require 4 (four) 1½” cull rings in peeler pots with 1” mesh beginning in 2001 and phase in a 1½” wire mesh requirement for peeler pots over the next four years (to be complete beginning 2005)”.

Hard Crab Pot Cull Rings - The committee voted (**4 yes, 2 opposed**) to remove the provision allowing cull rings in hard crab pots to be closed during May and June so they are required to be open all season.

Reduced License Fees – Each advisory committee was asked to review the senior citizen license fee structure and make recommendations for any modifications. Several watermen spoke in opposition to the current “exclusive use” clause stating it was a safety issue and seniors should be able to take helpers. It was explained to the committee seniors could take helpers if they paid the full license fee. The committee voted (**unanimously**) to remove the “exclusive use” provision of the senior citizen license fee regulation.

Committee Structure – The addition of two crabbers who actually live in the upper river area was suggested. It was felt they would be able to provide better input by having regular personal contact with others living and working in the area.

New Crabbing Restrictions – The committee discussed this year’s low crab harvest and several possible regulatory changes that may help reestablish the crab population in the river. The committee agreed to discuss those items at their next meeting to be scheduled after the Bi-State Blue Crab Advisory Committee releases its recommendations.

The Commission accepted the advisory committee report but decided to postpone any action on suggested regulatory items since the recommendations of the Chesapeake Bay Commission’s Bi-State Blue Crab Advisory Committee had not yet been finalized.

On the issue of committee structure, the following motion was made by Commissioner Pruitt, seconded by Commissioner Williams and unanimously approved: *“That two additional members be added to the Crab Advisory Committee, one each from Maryland and Virginia, who reside above the 301 Bridge.”*

Oyster/Clam Advisory Committee Report

Mr. John Allen reported that, in addition to the public hearing items considered earlier in this meeting, the following recommendations were made by the Oyster/Clam Advisory Committee during their meeting held August 23, 2000:

2000-01 Oyster Season Dates and Time Limits – Last year, the Commission opened hand scrape season October 1st due to the drought. Since there was a higher amount of rainfall this year, staff recommended returning to the normal November 1st opening date. Mr. Robert T. Brown suggested keeping the hand scrape season open during January and February. The committee recommended (**unanimously**) the following oyster season dates and times:

Hand Tonging	Oct. 1 - Dec. 31, 2000	Mon. thru Fri.	Sunrise to 1:00 p.m.
	Jan. 1 - Mar. 31, 2001	Mon. thru Fri.	Sunrise to 3:00 p.m.
Hand Scraping	Nov. 1, 2000 - Mar. 31, 2001	Mon. thru Fri.	8:00 a.m. to 1:00 p.m.

Reduced License Fees - The committee recommended (**unanimously**) to include the oyster buyer license as an available senior citizen reduced fee license.

Oyster Diving – Mr. Craig Kelley proposed allowing oyster diving in the Potomac River. The item will be placed on the next committee meeting agenda for discussion.

The Commission thanked Mr. Allen for the report but took no action on the suggested regulatory items at this time.

Finfish Advisory Committee Report

Mr. Jim Drummond reported that, in addition to the items considered earlier in this meeting, the following recommendations were made by the Finfish Advisory Committee during their meeting held August 30, 2000:

Eel Pot Mesh Size – The committee voted (**5 yes, 3 opposed, 4 abstentions**) to require eel pots be constructed with a 4” x 4” escape panel made of ½” x 1” mesh wire.

Limited Entry Eel Pot Fishery - Harry Boyden suggested consideration of limiting the number of licenses and the number of pots for the eel fishery. Chairman Drummond asked that this item be placed on the committee’s next meeting agenda for discussion along with a copy of Virginia’s eel regulations.

Multiple Hook and Line Quotas – The committee voted (**unanimously**) to allow a commercial hook and line licensee to hold multiple striped bass quotas.

Blue Catfish – The committee voted (**unanimously**) to conduct an experimental drift gill net study to determine if it is a viable gear for harvesting blue catfish. The time frame of November 15-30, 2000 and minimum mesh size of 6½ inches were the only suggested parameters.

Reduced License Fees – The committee voted (**unanimously**) to leave in place all current provisions for senior reduced fees.

Haul Seine Berths –The committee voted (**unanimously**) to set aside areas at Ragged Point, Heron Island, Red Bar and St. Clements as haul seine berths.

The Commission thanked Mr. Drummond for the report but took no action on the suggested regulatory items at this time. The Executive Secretary noted the eel pot mesh size and limited entry licenses would require a public hearing. Commissioner Rice stated he had spoken to several members of the Finfish Advisory Committee and they felt the eel pot issues needed further discussion. He suggested those items be discussed again by the committee at their next meeting.

Commercial Hook and Line and Gill Net Limited Entry

The Executive Secretary stated this order needed to be updated to reflect the additional 40 commercial hook and line licenses that will be issued next year. *A motion was made by Commissioner Pruitt, seconded by Commissioner Rice and unanimously approved to adopt Commission Order #2000-07 as follows:*

ORDER #2000-07 COMMERCIAL HOOK AND LINE AND GILL NET LIMITED ENTRY

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass and pursuant to its authority under Regulation I, Sections 2(i)(1) and 2(l)(1), **HEREBY DECLARES AND ORDERS:** the maximum number of commercial hook and line licenses shall be one hundred and sixty one (161), and the maximum number of gill net stands shall be seven hundred and fifty-four (754).

BE IT FURTHER DECLARED AND ORDERED: the provisions of the Commission Order entitled "Transfer of Individual Striped Bass Allocation From Gill Net To Commercial Hook And Line" shall be allowed provided the sum total of gill nets and commercial hook and line licenses do not exceed nine hundred and fifteen (915).

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2000-07 will become effective January 1, 2001, shall supersede and repeal Order 98-08, and remain in effect until further notice.

Non-Transferable Commercial Hook and Line Licenses

The Executive Secretary stated this order would prohibit the new hook and line licenses in the February 2001 drawing from being transferred for a period of 5 years from the date of issue. He also suggested making this applicable to all limited entry license drawings. The Commission concurred. *A motion was made by Commissioner Rice, seconded by Commissioner Pruitt and unanimously approved to adopt Commission Order #2000-08 as follows:*

ORDER #2000-08 NON-TRANSFERRABLE COMMERCIAL HOOK AND LINE LICENSES

THE POTOMAC RIVER FISHERIES COMMISSION, having determined the fishery could support additional commercial hook and line licenses and having increased the maximum number of commercial hook and line licenses pursuant to its authority under Regulation I, Sections 2(i)(1) and 2(l)(2),

HEREBY DECLARES AND ORDERS: that any commercial hook and line license obtained pursuant to the Regulation I, Section 1(d) and the random drawing to be held on Monday, February 5, 2001 and not renewed as provided for in Regulation I, Section 1(c) or any such license surrendered to the Commission before February 6, 2006 shall become available through the next appropriate random drawing held pursuant to Regulation I, Section 1(d).

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2000-08 will become effective January 1, 2001 and shall remain in effect until further notice.

The Commission then requested staff prepare a proposal for consideration at the next meeting that prohibits all limited entry licenses obtained through a drawing from being transferred for a period of 5 years from the date of issue.

2000-2001 Oyster Season Dates, Times & Limits

A motion was made by Commissioner Kellam, seconded by Commissioner Rice and unanimously approved to adopt Commission Order #2000-09 as recommended by the advisory committee as follows:

ORDER #2000-09

2000-2001 OYSTER SEASON DATES, DAYS AND 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 2(b) and Regulation II, Section 3(b), **HEREBY DECLARES AND ORDERS:** The 2000-01 oyster season dates, days and time limits shall be as follows:

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<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1 thru Dec. 31, 2000	Monday thru Friday	Sunrise to 1:00 p.m.
	Jan. 1 thru Mar. 31, 2001	Monday thru Friday	Sunrise to 3 :00 p.m.
Hand Scraping	Nov. 1, 2000 thru Mar. 31, 2001	Monday thru Friday	8:00 a.m. to 1:00 p.m.

BE IT FUTHER DECLARED AND ORDERED: Possession of a hand scrape shall be permitted during the aforesaid times and from one hour before and for two hours after such times. The use or possession of any hand scrape at any other time is unlawful.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2000-09 shall become effective September 26, 2000 shall supersede and repeal Order #99-08 and remain in effect through March 30, 2001.

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ASMFC Issues

The Executive Secretary reported the following items.

Striped Bass – The ASMFC Striped Bass Technical Committee, after reviewing the 1999 state harvest reports and additional survey data from numerous sources, determined the mortality on the age 8+ females was not as high as originally calculated. The management board then removed the mandate for the 28% reduction (14% each year for 2000 and 2001). Therefore they are working on an addendum which would allow states to implement 2001 regulations the same as 2000, or either 1999 or 1998. They are also continuing to work on Amendment VI for 2002. Additional information will be available after the annual meeting.

Weakfish – Amendment III is set to expire April 1, 2001, and ASMFC’s scheduling, work loads, etc. are going to result in the necessity to continue the status quo into 2001, while Amendment IV is being developed.

Bluefish – ASMFC/MAFMC joint meeting set the 2001 recreational creel limit to no more than 15 fish per person per day. PRFC currently has 10.

Spanish Mackerel – ASMFC/MAFMC set the 2001 recreational creel limit to no more than 15 fish per person per day. PRFC currently has 10.

Menhaden – Plan Amendment I is proceeding with the new make-up of the management board, which includes PRFC and all other states of ASMFC. The draft amendment has an exemption for all fixed gear fisheries, i.e., the pound nets. Therefore, it should have very little direct impact to the Potomac’s fisheries.

Annual Meeting - The Annual ASMFC Meeting will be held the week of October 15 – 19, 2000 in Clearwater, Florida.

Repeat Offender Policy

Per the Commission's request at the last repeat offender hearing, staff and legal counsel presented draft language to clarify the term "probation" for these hearings. Mr. Michael Mayo stated that probation is normally given after a specific penalty is imposed. The probation suspends the imposition of that penalty for a certain period of time. ***A motion was made by Commissioner Taylor-Rogers, seconded by Commissioner Parran and approved (6 yes, 2 no) to amend the current repeat offender policy by adopting the following action guidelines.***

REPEAT OFFENDER POLICY

Pursuant to the provisions of Regulation I, Section 4, any person convicted of three (3) or more similar or related violations within a class, such as OYSTER, FISH, CRAB or CLAM, should automatically be called before the Potomac River Fisheries Commission at their next available regular meeting. The Commission will then determine whether or not the individual should have their license(s) suspended or revoked, or if they will be able to purchase any future license(s).

Possible Commission Actions For Repeat Offenders:

REVOCATION OF LICENSE(S) – Current license(s) revoked and future applications denied. License(s) must be physically surrendered.

SUSPENSION OF LICENSE(S) – Current and/or future license(s) suspended for a specific period of time, i.e. 3 mos., 6 mos., 1 year. License(s) must be physically surrendered during specified time.

PROBATION – A specific amount of time, i.e., 6 mos., 1 year, 2 years, given for good behavior that postpones implementation of one of the above penalties. If convicted of any violation of PRFC regulations during the probationary period, staff is directed to impose the original penalty. If the probationary period is successful, the penalty is waived.

NO ACTION TAKEN

Repeat Offender Hearing

Woodburn, Robert Joseph – The record showed that Mr. Woodburn was found guilty of three different crab violations during the past two years. Mr. Woodburn asked the Commission to take into consideration that he had a mate working with him and he wasn't actually putting the crabs in the basket himself. After further discussion, the following motion was made by Commissioner Pruitt, seconded by Commissioner Taylor-Rogers and approved (5 yes, 1 abstention):

"That Mr. Robert Joseph Woodburn be placed on probation for a period of 1 year from today. If found guilty of violating any PRFC regulation during that time he must appear before the Commission."

Schug, Ronald

Mr. Schug failed to renew his gill license in 1996 and recently contacted the office wishing to have his license reinstated. He requested time during today's meeting to address the Commission but he was not in attendance, therefore, no action was taken.

Reeves, Lynn

The Executive Secretary announced Lynn Reeves would soon be leaving her job with the Commission, as she will be moving to Alabama. The Commission thanked her for her service and dedication to the Commission.

Sludge

Mr. Douglas F. Jenkins, Sr. stated the Commission should be more concerned about water quality and the effects of red tides and algae blooms destroying thousands of crabs and oysters each year. He felt improper application of sludge to farm land was a factor and he requested a Commission representative attend a public meeting in Westmoreland County on October 11th regarding sludge application.

Chairman Birkett stated he was certain every member of the Potomac River Fisheries Commission is concerned about water quality and the environment but regulation of environmental matters is not within the Commission's power. Maryland and Virginia each have agencies responsible for overseeing those types of issues. Commissioner Taylor-Rogers reiterated Chairman Birkett's statement and noted the recent signing of the new Chesapeake Bay Agreement that contains specific parameters pertaining to water quality. Chairman Birkett stated that he will attend the meeting with Mr. Jenkins.

Date and Place of Next Meeting

The next meeting was scheduled for Friday, November 17, 2000 at 9:30 a.m. in Colonial Beach, VA.

Adjourn

The meeting adjourned at 5:21 p.m.

Respectfully submitted,

Gordon M. Birkett, Chairman

John T. Parran, Secretary