

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

November 15, 2001

Commissioners Present: William L. Rice, Sr. (MD) – Chairman, John T. Parran (MD) – Secretary, Gordon M. Birkett (VA), Paul H. Kellam, III (MD), William A. Pruitt (VA), Eric C. Schwaab (MD), and John W. White (VA). Kenneth W. Williams, Sr. (VA) – Vice Chairman was unable to attend.

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

Others Present: Dr. Eileen Setzler-Hamilton – Chesapeake Biological Laboratory; Ellen Cosby – Virginia Marine Resources Commission; Capt. Ray Jewell – VMRC Law Enforcement, Lt. Rich Gardner – MdDNR Law Enforcement; John Dean, Robert F. Stoner, Robert T. Brown and Marvin Harley – PRFC Finfish Advisory Committee; Herman Delvo, John Morris, and George Smith – PRFC Crab Advisory Committee; Douglas F. Jenkins – Twin Rivers Waterman's Association and PRFC Oyster/Clam Advisory Committee; Nealy Little and Paul Springer – PRFC Oyster/Clam Advisory Committee; Phil Angle – Coastal Conservation Association (MD); Jeff Deem – Coastal Conservation Association (NOVA); Rich Takacs – NOAA Restoration Center; Charles Frentz – Oyster Recovery Partnership; William Bartlett, Richard Diager, John Morris III, Walter Maddox, Tim Dean, Dan McDougal, Bruce Scheible, Henry Parker, Sr., Henry Parker, Jr., Mike Gadwill, Roger Lee Hill, and several others who did not sign the guest register.

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

Approval of Agenda

The Agenda was approved by unanimous consent.

Consideration of Minutes

A motion was made by Commissioner Birkett, seconded by Commissioner Kellam and passed unanimously to approve the minutes of September 21, 2001 as written and distributed.

OPEN PUBLIC HEARING – 2:03 P.M.

Chairman Rice opened the public hearing by asking the Executive Secretary to review the items listed for the hearing. He reported that all items scheduled for public hearing had been advertised in conformity with requirements of the Compact. They are as follows:

1. Modify the definition of hand tongs by limiting their overall length to 18 feet or less.
2. Define an oyster sanctuary as an area closed to all commercial and recreational oyster harvest by any means at any time.
3. Provide that on Heron Island Oyster Bar, only hand tongs and/or power assisted hand tongs 18 feet or less may be used or possessed aboard any boat or vessel engaged in any oystering activity.
4. Prohibit the use of hand scrapes on Heron Island Oyster Bar by adding it to the area closed for hand scraping.
5. Include the deeper waters of Heron Island Oyster Bar as a sanctuary by Order of the Commission.

Chairman Rice asked for public comment.

Robert T. Brown questioned including any length in the definition of hand tongs. He feels the proposal as stated would apply everywhere in the river. He expressed his concern that the last Commission meeting the 18 foot hand tong length restriction was specified for Heron Island only, not the entire river.

The Executive Secretary said when the regulation was being drafted, it occurred to him that, if the concept of limiting the length of shaft tongs for one bar to provide a sanctuary was valid, you could create a sanctuary around every tonging bar by limiting the length of the tongs throughout the entire river. Then, the other large sanctuaries, such as Bluff Point Lumps and the areas above Upper Cedar Point, could be reopened and workable with 18 foot or less shaft tongs.

Robert T. Brown stated St. Mary's County is opposed to limiting hand tongs to 18 feet or less other than on Heron Island. Doug Jenkins of Twin River Waterman's Association was opposed to modifying the definition of hand tongs. He agrees hand tongs 18 feet or less to be used on Heron Island only not the entire river. Nealy Little, a commercial waterman, stated if you were to open Bluff Point Lumps, it is not workable with 18 foot tongs, therefore, modifying the definition is not acceptable.

There being no other comments, Chairman Rice closed the public hearing at 2:10 p.m.

CLOSE PUBLIC HEARING – 2:10 p.m.

Consideration of Regulation Changes and Order #2001-10

Reg. II, Sec. 1 (a) – Hand Tongs Definition

A motion was made by Commissioner Parran, seconded by Commissioner Birkett and passed unanimously to take no action on this regulation.

Reg. II, Sec. 1 (k) – Oyster Sanctuary

A motion was made by Commissioner Birkett, seconded by Commissioner White and passed unanimously to adopt Reg. II, Sec. 1(k) as follows:

A designated area that is closed to all commercial and recreational oyster harvest by any means at any time.

Reg. II, Sec. 2 (a)(1) – Devices for Taking or Catching Oysters

A motion was made by Commissioner Kellam, seconded by Commissioner Schwaab and passed unanimously to adopt Reg. II, Sec. 2 (a)(1) as follows:

It shall only be lawful to take, catch or remove oysters commercially from the waters of the Potomac River by means of hand tongs, power assisted hand tongs, or a hand scrape, as defined in these regulations, and by no other means. On Heron Island Oyster Bar, only hand tongs and power assisted hand tongs 18 feet or less in length may be used or possessed aboard any boat or vessel engaged in any oystering activity. A hand tongs length shall be measured along the shaft from the end to the tip of the teeth.

Reg. II, Sec. 2 (a)(4) – Closed Areas

A motion was made by Commissioner Parran, seconded by Commissioner Pruitt and passed unanimously to adopt Reg. II, Sec. 2 (a)(4) as follows:

The following area(s) shall be closed for the purpose of taking or catching, or attempting to take or catch oysters by means of a hand scrape at any time:

- (1) All areas lying upstream of a straight line between a point (38° 09.88' North Latitude, 76° 45.12' West Longitude) the southwest tip of Newtown Neck in St. Mary's County, Maryland and a point (38° 12.30' North Latitude, 76° 40.00' West Longitude) at Potomac River navigational aid "Red Nun #12 and upstream of a straight line between said point and point (38° 09.868' North Latitude, 76°45.144 West Longitude) at the PRFC marker "PR V6B" at Hollis Marsh in Westmoreland County, Virginia.

The foregoing delineation of closed area(s) shall not be construed to limit or proscribe the Commission's authority to open or close area pursuant to these Regulations.

ORDER #2001-10 - Establishment of Oyster Sanctuaries

A motion was made by Commissioner Schwaab, seconded by Commissioner Pruitt and passed unanimously to adopt Order #2001-10 as follows:

**ORDER #2001-10
(replaces order #98-15 and #2001-09)**

ESTABLISHMENT OF OYSTER SANCTUARIES

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources, and the provisions of the Maryland-Virginia Chesapeake Bay Oyster Management Plan, and subject to provisions of Regulation II, Section 3(b),

HEREBY DECLARES AND ORDERS: That the hereinafter listed areas of the Potomac River are declared to be oyster sanctuaries and thereby closed for the purpose of taking or catching or attempting to take or catch oysters by any means at any time. These areas are:

1. All natural oyster bars in the Potomac River, which are west and south of Upper Cedar Point Light #8, which includes the charted natural oyster bars of Metomkin Point (80 acres), Stuart Point (106 acres) and Chotank Lumps (207 acres); and,
2. The natural oyster bar Bluff Point Lumps (310 acres), which is an area north and east of the main ships channel, west of 76° 56.800' West Longitude, and south of 38° 17.600' North Latitude; and,
3. All areas which cannot be harvested with 18 foot hand shaft tongs on the natural oyster bar Heron Island. Heron Island is that area which is south of the PRFC/DNR jurisdictional line, east of Dukeharts channel, west of Breton Bay channel and north of the Potomac River main channel;

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2001-10 shall become effective December 15, 2001, shall supersede and repeal Order 2001-09 and remain in effect until further notice.

Effective Date of Regulation Changes

A motion was made by Commissioner Kellam, seconded by Commissioner Birkett and passed unanimously to make the previously adopted Regulations effective December 15, 2001.

Crab Harvest Report

The preliminary 2001 crab harvest report showed 55,321 bushels of hard crabs harvested, compared to 49,103 bushels of hard crabs in 2000. A slight improvement this season, but still a very poor year when viewed against the long term average of 134,100 bushels. The peeler harvest of 55,550 pounds was down compared to both last year and the long term average. Some of that reduction could be related to the delayed opening of the peeler season. The overall effort and the catch per unit effort data for the spring and early summer were well below average. The effort and the landings increased in the fall, but the CPUE remained low.

Crab Advisory Committee

Herman Delvo, of the Crab Advisory Committee, presented the Crab Advisory Report. He stated the committee discussed achieving the next 5% of the total 15% of crab harvest reductions. They reviewed the staff's recommendations, discussed what Maryland and Virginia would be doing and debated an industry sponsored alternative plan that was presented by Chairman Boarman. After further discussion, the committee voted 6 in favor and 3 against the following plan for the 2002 crab season, and the Committee agreed to revisit the issue next year for the 2003 crab season.

1. Maintain 2001 recreational crab fishery possession limits.
2. Maintain 2001 pot limits (270/360/450).
3. Reopen the November hard crab season.
4. Change peeler season starting date from 5/20 to 4/1.
5. Increase peeler crab size limit to 3 ½" effective 4/1/2002.
6. Increase soft crab size limit to 4" effective 4/1/2002
7. Increase hard crab size limit to 5 ½" effective 8/1/2002.

Issues To Be Discussed at Next Public Hearing

Chairman Rice said the Commission would listen to any additional ideas the public may have for items to be included in the next public hearing.

Dan McDougal opposed the staff recommendations on the pot reduction. He feels the peeler fishery did not receive credit for pot reduction last year. He asked, if a shorter peeler season is to be considered, shorten the end of the peeler season versus the opening of the season. Robert T. Brown stated he would like to add an 8 hour daily time limit with 1 hour to set pots similar to Maryland, a day off which includes some percentages toward the 15% harvest reduction, and an increased tolerance on small crabs to 10, like Maryland, instead of the current 4, to the things for the next public hearing.

Commissioner Schwaab stated to consider a size limit for mature female crabs in relation to size limits for immature female crabs and hard crabs. He added Maryland is currently looking at decreasing their tolerance on small crabs.

The Executive Secretary reported that, Dr. Ron Lipcuis, from the Virginia Institute of Marine Science, has been doing research on crab sanctuaries. Dr. Lipcuis' research may be applicable to the Potomac River and contribute to a bay-wide sanctuary concept. The Executive Secretary noted that, if the Commission wants to discuss the possibility of a crab sanctuary at the next meeting, it would need to be advertised for public hearing.

A motion was made by Commissioner Kellam, seconded by Commissioner Pruitt and passed unanimously to advertise all items noted today and all the items from last year for public hearing.

Fall Oyster Survey

The Executive Secretary presented the fall oyster survey report. The diseases are taking their toll on the oysters as far up as Lower Cedar Point. Only a very light set was seen in the lower river and none in the middle and upper river areas. The average size observed in the upper river was 4". This shows the lack of natural reproduction over the last 10 years, so there are no small oysters to become markets for next several years. The oyster harvest report for the season to date showed only 455 bushels harvested. This season, will most likely, be the worst season since Tropical Storm Agnes in 1972.

Commission Orders

Draft Commission Orders #2002-01, -02, -03, -04, -05 and -06 were presented. They are needed to establish the 2002 fishing seasons, size limits, creel limits and quotas. Pending the outcome of the ASMFC's meeting, and subject to that outcome, order #2002-03 and #2002-05 will need to be modified at the next Commission meeting. Chairman Rice asked each order to be considered individually and asked for public comment.

ORDER #2002-01 2002 Commercial Gear Striped Bass Seasons

Doug Jenkins of the Twin River Watermen's Association is concerned with the gill net season proposed ending of March 20th. He feels it took the Commission a long time to extend the season until March 25th and would hate to see the fisherman lose the extra days. He feels the watermen need more flexibility with the season. He attributes a lack of fish to poor water quality in the river. Mike Gadwill feels the extra five days is extremely important to the fishermen. He states how hard everyone fought to achieve a March 25th season and hopes the Commission continues with that date. Richard Diager, speaking for himself only, agrees and reiterates that 75% of his harvest was caught in the last five days of the season. Marvin Harley and Robert T. Brown both also agreed and felt the fishermen should not have to sacrifice the last five days of the season because they are so important.

The Executive Secretary explained the later in the month of March you extend the season the bigger striped bass would be caught. The Potomac River Young-of-the-Year Index has been below average for the last three years, and the preliminary estimate of the bay-wide "F" is at or above its target. Therefore, shortening the season will reduce the harvest and therefore the "F" and leave more larger fish in the spawning stock. He explained the goal is to stay within the bay-wide quota, and not exceed the fishing mortality rate.

Commissioner Schwaab explained the bay-wide quota is set based upon the fishing mortality rate on resident stock. There are separate quotas on migratory stock. The data supplied showed catching fish later in the season cuts into the migratory stock, which creates issues at ASMFC. Maryland will also be addressing this same issue as they develop their rules for the 2002 season.

Ellen Cosby, from the Virginia Marine Resources Commission is expecting to close the 2001 season early because of the high numbers of larger fish being caught. Virginia has not yet changed the regulations for the 2002 season, but a public hearing was held, and the Commission looked at several different options on how to cut back on larger fish later in the season. They appointed a committee to study the issue and make recommendations at their next meeting.

Commissioner Kellam questioned the use of smaller mesh size to control the harvest of larger fish. Commissioner Rice talked about using only 1 net during the last 5 days as another type of control. The Commission had an extended discussion of the pros and cons of the various options.

A motion was made by Commissioner Kellam, seconded by Commissioner Birkett to adopt Commission Order # 2002-01 with the 2002 commercial striped bass spring season closing

date as March 25th for all gears. A motion to amend, was made Commissioner Schwaab, seconded by Commissioner Parran to add a 35" maximum size limit for the gill nets during the January 14th through March 25th season. The motion to amend was passed with 6 in favor and 1 against. The amended motion was then passed with 6 in favor and 1 against.

The order is as follows:

ORDER # 2002-01
2002 COMMERCIAL GEAR STRIPED BASS SEASONS

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 III, Sections 9 and 13(b), **HEREBY DECLARES AND ORDERS:** the Potomac River striped bass (rockfish) seasons shall be for each gear type or segment listed below as follows:

<u>Gear</u>	<u>Season</u>	<u>Size Limit</u>
1) Commercial Hook and Line:	February 15 through March 25, 2002 June 1 through December 31, 2002	18" min. / 28" max. and 18" min.
2) Pound Net:	February 15 through March 25, 2002 June 1 through December 15, 2002	18" min. / 28" max. and 18" min.
3) Miscellaneous Commercial Gear: (Includes Haul Seine, Fyke Net, Fish Pot and Fish Trot Line Only)	February 15 through March 25, 2002 June 1 through December 15, 2002	18" min. / 28" max. and 18" min.
4) Gill Net:	January 14 through March 25, 2002 November 4 through December 31, 2002	18" min. / 35" max. and 18" min

BE IT FURTHER DECLARED AND ORDERED: except for the gear types or segments listed herein and within the specified dates, it shall be unlawful to take, catch, and remove any striped bass from the Potomac River during any other times of the year or by any other means.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2002-01 shall become effective January 1, 2002, shall supersede and repeal Order #2001-01 and remain in effect until further notice.

ORDER #2002-02 2002 Commercial Striped Bass Catch Limits and Restrictions

A motion was made by Commissioner Kellam, seconded by Commissioner White and passed with 6 votes to approve Order 2002-02 as follows:

ORDER #2002-02
2002 COMMERCIAL STRIPED BASS CATCH LIMITS AND RESTRICTIONS

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 III, Sections 10 and 13(b), **HEREBY**

DECLARES AND ORDERS: the catch limits for striped bass (rockfish) provided for in Regulation III, Section 10, Sub-sections (a) and (b) shall be 880,000 pounds and divided by gear type as follows:

- 1) Commercial Hook and Line: 88,000 pounds (15,500 tags) total for all licensees, plus any available gill net allocation as may be allowed under Order #98-07.
- 2) Pound Net: 193,600 pounds (30,000 ID tags) total for all licensees. Each pound net licensee must have at least one net set and fishing before receiving his share of the total, and such share will be proportional to the total number of pound net licenses issued and the number held by the licensee.
- 3) Miscellaneous Commercial Gear: 26,400 pounds (3,520 ID tags) total for all licensees. This gear type includes and is limited to fyke net, haul seine, fish pot, and fish trotline licenses only. The yearly total number of ID tags shall be divided 50% haul seine, 30% fyke net, 10% fish pot and 10% fish trot line, and further divided equally among fishermen who have held the specific license type and who have fished such gear and reported catch of other species during each of the last 3 license years.
- 4) Gill Net: 572,000 pounds (76,000 ID tags) total for all licensees, less any taken with a hook and line as may be allowed under Order #98-07.

FURTHER DECLARED AND ORDERED: that striped bass identification tags may be used only on fish harvested with the gear type for which the striped bass identification tags were issued.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2002-02 shall become effective January 1, 2002, shall supersede and repeal Order # 2001-02 and remain in effect until further notice.

Commissioner Kellam requested to the Chairman to move Order #2002-03 to the back of the Order list. Chairman Rice accepted the request and continued with Order #2002-04.

ORDER #2002-04 2002 Commercial Fishing Season, Size and Catch Limits

There are two proposed changes from last year. One is to increase the black sea bass minimum size limit from 10 to 11 inches; the other is to increase the summer flounder quota from 42,808 to 56,163 pounds. Both changes are the results of actions by the ASMFC/MAFMC.

A motion was made by Commissioner Kellam, seconded by Commissioner White and unanimously passed to approve Order #2002-04 as follows:

ORDER #2002-04
2002 COMMERCIAL
FISHING SEASON, SIZE AND CATCH LIMITS

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10, 11, and 13(b), **HEREBY DECLARES AND ORDERS** that commercial seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	6" min.	No limit
Atlantic Croaker	Jan. 1 - Dec. 31	None	No limit
Black Bass (Large or Small Mouth)	-----C L O S E D-----		
Black Drum	Jan. 1 - Dec. 31	16" min.	1
Black Sea Bass*	Jan. 1 - Dec. 31	11" min.	No limit*
Bluefish*	Jan. 1 - Dec. 31	None	No limit*
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. 27" max.	5 fish with 1 over 27"
Shad (American or Hickory)	-----C L O S E D-----		
Spanish Mackerel*	Jan. 1 - Dec. 31	14" min.	No limit*
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	No limit
Striped Bass	-----P U B L I S H E D S E P A R A T E L Y-----		
Sturgeon (Atlantic or Shortnose)	-----C L O S E D-----		
Summer flounder**	Jan. 1 - Dec. 31	14" min.	56,163 lbs**
Tautog	Jan. 1 - Dec. 31	14" min.	No limit
Weakfish***	July 28 - Dec. 31	12" min.	No limit***
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	No limit

***BE IT FURTHER DECLARED AND ORDERED:** the commercial fisheries for black sea bass, bluefish, and/or Spanish mackerel, have daily catch limits (landing limits) imposed subject to ASMFC notification and may be closed immediately by Order of the Commission upon notification by both Maryland and Virginia that the ASMFC/MAFMC established commercial harvest quota for such species has been landed and the state waters are closed for the harvest of such species.

****BE IT FURTHER DECLARED AND ORDERED:** that when the PRFC summer flounder quota, based on the ASMFC quota as established by the MD/VA/PRFC In State Commercial Summer Flounder Landings Memorandum of Understanding, is reached the fishery shall be closed. Providing that daily landing limits may be imposed when 80% of the quota is projected to be landed.

*****BE IT FURTHER DECLARED AND ORDERED:** that subject to the provisions of Regulation III, Section 11(c)(3) and the ASMFC Weakfish Management Plan qualified pound netters are permitted to possess no more than 150lbs. (3 bushels) of legal size weakfish from January 1st through July 27th.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2002-04 shall become effective January 1, 2002, shall supersede and repeal Order #2001-03 and remain in effect until further notice.

O R D E R #2002-05 2002 Recreational and Charter Fishing Season, Size and Catch Limits

A motion was made by Commissioner Pruitt, seconded by Commissioner White and passed unanimously to maintain the catch limit on Bluefish to 10 per person and adopt Order #2002-05 as follows:

ORDER #2002-05

**2002 RECREATIONAL and CHARTER
FISHING SEASON, SIZE AND CATCH LIMITS**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10, 11, and 13(b), **HEREBY DECLARES AND ORDERS:** recreational and charter seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	6" min.	50 per person
Atlantic Croaker	Jan. 1 - Dec. 31	No Limit	25 per person
Black Bass	March 1 - June 15	15" min.	5 per person
(Large or Small Mouth)	All other times	12" min.	5 per person
Black Drum	Jan. 1 - Dec. 31	16" min.	1 per person
Black Sea Bass	May 10-Feb 28	11" min.	25 per person
Bluefish	Jan. 1 - Dec. 31	No Limit	10 per person
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. – 27" max.	5 fish with only 1 over 27"
Shad (American or Hickory)	-----C L O S E D-----		
Spanish Mackerel	Jan. 1 - Dec. 31	14" min.	15 per person
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	10 per person
Striped Bass	-----P U B L I S H E D S E P A R A T E L Y-----		
Sturgeon (Atlantic or Shortnose)	-----C L O S E D-----		
Summer flounder	-----T O B E A N N O U N C E D-----		
Tautog	Jan. 1 - Dec. 31	14" min.	No Limit
Weakfish	Jan. 1 - Dec. 31	14" min.	10 per person
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	5 per person

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2002-05 shall become effective, January 1, 2002, shall supersede and repeal Order 2001-05 and remain in effect until further notice.

ORDER #2002-06 Gill Net Fishery

A motion was made by Commissioner Kellam, seconded by Commissioner Pruitt and passed unanimously to adopt Order #2002-06 as follows:

**ORDER #2002-06
(replaces 98-06)
GILL NET FISHERY**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population, and pursuant to its authority under Regulation III, Section 13(b), **HEREBY DECLARES AND ORDERS:** the gill net fishery shall be allowed under the following conditions and limitations:

- a) Each individual's striped bass quota will be proportional to the number of gill net licenses held by that individual and will be represented by a number of striped bass identification tags issued to that individual.
- b) Each licensee, with 4 or more gill net licenses, shall be permitted to set and fish a single properly identified net, in no more than 4 of his licensed locations (stands) as follows:
 - i) from January 14th through March 10th – 4 stands,
 - ii) from March 11th through March 15th – 3 stands,
 - iii) from March 16th through March 25th – 2 stands, and
 - iv) from November 4th through December 31st – 4 stands.
- c) Two or more licensees may, and are encouraged to, jointly fish lawfully licensed and set nets belonging to one or more of the individuals.
- d) Each licensee shall be permitted to set and fish his properly identified net(s) in any of his licensed locations (stands).

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2002-06 shall become effective January 1, 2002, shall supersede and repeal Order #98-06 and remain in effect until further notice.

ORDER 2002-03 2002 Recreational and Charter Striped Bass Seasons and Restrictions

Commissioner Kellam said he believes that the recreational and charter boat fishery is currently taking less than 25% of their allotted quota. He noted several letters received by the Commission in this regard and expressed his wish to propose changes to help the two fisheries come closer to achieving their quota.

Bruce Scheible of St. Mary's County feels there is a problem that is ongoing for several years in the charter fishery. He stated the fish being caught during the spring season are getting considerably smaller. He explained recreational fishermen are choosing not to fish because there are plenty of fish to be caught, but cannot be kept because of the 28" minimum size limits. The recreational and charter industry needs a smaller fish to keep. He feels the spring season needs another fish in addition to the 'trophy' fish.

A motion was made by Commissioner Kellam, seconded by Commissioner Pruitt to eliminate the spring season and change the summer/fall season dates to January 1, 2002 through December 31, 2002.

The Executive Secretary advised the Commission that making such a change would require approval from the Atlantic States Marine Fisheries Commission.

Commissioner Schwaab advised the technical committee at ASMFC has the final decision and proposing an order with an open season would more likely be rejected than proposing a season with extended dates. He added the time between mid May and the summer season is the most appealing for charter and recreational fishing. Therefore, he explained, adjust the summer season to May 15, 2002 instead of year round to give ASMFC a more realistic decision to make.

After discussion, a substitute motion was made by Commissioner Schwaab, seconded by Commissioner White and passed unanimously to change the 2002 Recreational and Charter Striped Bass Seasons and Restrictions be the same as last year, excepting that, pending ASMFC approval, the spring season ending date will be May 15, 2002 and the summer/fall season start date will be May 16, 2002. Order #2002-03 is approved as follows:

O R D E R # 2002-03

2002 RECREATIONAL AND CHARTER STRIPED BASS SEASONS AND RESTRICTIONS

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 III, Sections 9, 10 and 13(b), **HEREBY DECLARES AND ORDERS:** the following restrictions shall apply to the recreational and charter striped bass fishery:

Spring Season:

Dates:	April 20 through May 31, 2002
Open Area:	Downstream of Harry W. Nice Bridge (Rt.301)
Creel Limit:	One (1) fish per person per day
Minimum Size Limit:	Twenty-eight (28) inches total length
Bait Restrictions:	No live eel. No more than two (2) hooks or sets of hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks.

Summer/Fall Season: Dates: June 1 through December 31, 2002
Open Area: Downstream of Woodrow Wilson Bridge (I95)
Creel Limit: Two (2) fish per person per day with only one
(1) over 28"
Minimum Size Limit: Eighteen (18) inches total length
Bait Restrictions: None

BE IT FURTHER DECLARED AND ORDERED: subject to ASMFC Striped Bass Management Board approval, May 31 will be changed to May 15 and June 1 will be changed to May 16.

AND, IT IS FURTHER DECLARED AND ORDERED: this Order #2002-03 shall become effective January 1, 2002, shall supersede and repeal Order #2001-04 and remain in effect until further notice.

First Quarter Disbursements and Financial Reports

The Executive Secretary presented the following reports. The first quarter (July-Sept) operating budget disbursements by budget items totaled \$179,642.89. The first quarter (July-Sept) capital improvements budget disbursements by budget item totaled \$1,557.00. A statement of cash on hand as of November 13, 2001 and a draft motion authorizing the Chairman, Vice-chairman and Executive Secretary to sign checks for the Commission.

A motion was made by Commissioner Pruitt, seconded by Commissioner White and unanimously passed to accept the financial reports as presented.

Building Committee Update

The Executive Secretary reported that the building committee had interviewed several firms and had chosen Justice & Associates of Richmond, VA. The committee estimated cost for the new building to be a half-million dollars and the Commission currently has about \$300,000.00 available in the capital improvements reserve. He asked the Commission for direction to either go before the General Assembly of the two states to seek special appropriations for capital improvements or to authorize the Chairman and a member of the building committee to borrow funds.

A motion was made by Commissioner Parran, seconded by Commissioner White and passed unanimously to give the Chairman, Executive Secretary and a member of the Building Committee authority to start negotiations with a banking firm and to borrow money for the project.

Advisory Committee Vacancies

Chairman Rice noted a list of the upcoming vacancies for the advisory committees was one of the handouts at today's meeting. He asked if anyone wished to be nominated, or knew of someone willing to serve on an advisory committee, to please contact the staff.

Nominating Committee Appointments

Chairman Rice appointed Commissioners Kellam and White to the nominating committee, asking them to report a slate of officers at the next meeting.

Date and Place of Next Meeting

The next meeting is scheduled for Thursday, February 28, 2002 at 2:00 p.m. in La Plata, Maryland.

Adjourn

The meeting adjourned at 4:05 p.m.

Respectfully submitted,

William L. Rice, Sr., Chairman

John T. Parran, Secretary