

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

June 17, 2004

Commissioners Present: Gordon M. Birkett (VA) – Chairman, Kenny Keen (MD) – Vice-chairman, Ida C. Hall (VA) – Secretary, John T. Parran (MD), William A. Pruitt (VA), William L. Rice, Sr. (MD), J.T. Holland (VA) and Howard ‘Bip’ Kimball (MD).

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

Others Present: Dr. Herb Austin – VIMS; Ellen Cosby – VMRC; Sgt. F. Ditmars and Cpl. J. Jowanowitch – MdDNR Police; Col. Steve Bowman and Capt. M. Ray Jewell – VMRC Law Enforcement; John Dean and Marvin Harley – Finfish Advisory Committee; John Morris and Herman Delvo – Crab Advisory Committee; Douglas Jenkins – Twin River’s Watermen’s Association; Bill Bartlett, Dennis Roth, Bob Bowes, James Rencher and several others who did not sign the guest register.

Chairman Birkett called the meeting to order at 2:05 p.m. and Mr. Rice provided the invocation.

Approval of Agenda

The Agenda was approved by unanimous consent.

Consideration of Minutes

A motion was made by Commissioner Pruitt, seconded by Commissioner Holland to approve the minutes of February 19, 2004 as presented today. The motion was approved.

Finfish Advisory Committee Report

Mr. Dean, Vice-chairman of the Finfish Advisory Committee, presented the Commission with the advisory report. He stated several issues were discussed at the last meeting and he reviewed the following:

1. Pound Net Placement – The committee reviewed the issue and felt, this situation should be left between the landowners and the fishermen, therefore, it was left as is.
2. Gill Net Marking Requirements – The committee made a recommendation to allow 2 weeks, after the season, for removal of the gill net markers.
3. ITQ System – The committee felt there would be interference with the pound net fishery, as well as other fisheries, and made no recommendation to change the current system.
4. Charter Boat Log Reports – The committee was notified that the charter boat captains would no longer have to send in reports after the 2004 season ended due to a NMFS for-hire survey that will be conducted to collect information from the charter boat captains.
5. Gill Net Season – The committee made a recommendation to start the winter gill net season on January 1st through March 25th; allow all striped bass caught in a 7” mesh net, regardless of size, be harvested; and allow 1 bushel of shad per license holder per day. The vote for this recommendation was 7 in favor and 6 against.

Commissioner Keen asked Mr. Dean if the fishermen check with the landowners' before they set the pound nets. Mr. Dean explained it is not a requirement in the Potomac River and therefore, he believes no one does.

Chairman Birkett asked for staff's comments on these issues. Mr. Carpenter reviewed staff's position on the following issues:

1. ITQ System – Staff will support the committee's recommendation to make no changes.
2. Pound Net Placement – Staff will support the committee's recommendation and noted it has not been a problem this year. This was a problem from last year and he assumed it has worked itself out.
3. Gill Net Marking Requirements – Staff had recommended a shorter time period than 2 weeks. He noted this would require a regulation change and would support advertising for a public hearing.
4. Gill Net Season – Starting on January 1st and ending on March 25th, staff had on problem except suggesting to end the prior year's season before Christmas giving a break between the seasons to close out the reports and tags. This is set by Order of the Commission and should not cause any problems with ASMFC. With regards to the 7" mesh net, staff does not support this recommendation because a 7" net would allow fish larger than the 36" maximum size to be harvested. At the advisory meeting, staff offered discussions of a 6" mesh net allowing everything to be harvested and was not received very well by the committee. Concerning the 1 bushel of Shad per license holder, he suggested trying the current restrictions for an entire season before adjusting the amount of by-catch that is allowed to be harvested. This would require approval from ASMFC, therefore staff recommends trying the 2005 season with the existing regulations before the Commission approaches ASMFC to change this to a more liberal interpretation of a by-catch provision.
5. Charter Boat Log Reports – This was an issue the committee took no action on. It was simply brought to their attention to notify them that the PRFC would be working with Maryland, Virginia and NMFS to provide a survey of the charter boats in order to obtain the harvest efforts and other economical information from the fleets. Through this system, the PRFC would eliminate its requirement for the logbooks and Maryland would have a place on its records to report any harvest from the Potomac River. Staff felt this would provide better information from the charter crew set up by NMFS. This would also reduce the administrative cost of trying to track and prepare books for the fishery. Staff supports advertising this for public hearing.

A motion was made by Commissioner Rice, seconded by Commissioner Holland and unanimously passed to advertise for public hearing the recommendation of gill net marking requirements.

Commissioner Rice asked Mr. Carpenter when the Commission would be setting the fishing seasons for next year. Mr. Carpenter responded at the December 2nd meeting. Commissioner Rice questioned if the Commission had enough time to make changes to the gill net season, should they decide to change it as requested. Mr. Carpenter explained that Orders could become effective 10 days after being adopted and that should allow enough time to adjust the season. Mr. Carpenter suggested notifying ASMFC at their November annual meeting that the Commission is considering changing the gill net season for 2005 at its December meeting.

Commissioner Rice commented on the Shad by-catch issue explaining that the current by-catch provisions do not work well at all. He feels there is confusion between the amount of nets set and differences between meshes used. He would like to see it set at 1 bushel per day not to include the 2% by volume. He suggested to Mr. Carpenter to present a recommendation to ASMFC stating the gill netters would like to keep 1 bushel of Shad per day and if they say no then it continues as it is.

Louis Harley explained he has done several studies with the restoration of the Shad fishery and stated there is an abundance of Shad in the river.

Mr. Carpenter noted the Commission requested information on the fish reports pertaining to Shad by-catch and a lot of fishermen reported by-catch in 2003. However, in 2004 since the by-catch provision has been in place, the Commission has hardly received any by-catch information. He advised everyone to continue reporting by-catch of every species of fish, in order to maintain a database of information to present to ASMFC. This would contribute to the chance of increasing the amount of by-catch allowed.

Chairman Birkett advised Mr. Carpenter to recommend to ASMFC to increase the amount of Shad by-catch to 1 bushel per licensee.

A motion was made by Commissioner Hall, seconded by Commissioner Holland and unanimously passed to advertise for public hearing a regulation change regarding the charter boat logbooks.

Bob Bowes stated he was opposed to the elimination of the PRFC charter boat log reports. He would like the Commission to maintain its own records. Based on the information provided today in regards to Maryland keeping records for the Potomac River, he supported the recommendation of eliminating the logbook records. He suggested not doing away with the PRFC logbooks until Maryland has the Potomac River on its records.

Mr. Carpenter thanked Mr. Bowes and stated those were items that could be discussed at the public hearing.

Summer Small Mesh Gill Net Fishery

Doug Jenkins learned at the last finfish advisory meeting, there was no funding for the small mesh gill net study. He advised that when speaking with Dr. Herb Austin, he became aware that there is funding through VIMS and would like the Commission to grant permission to start the study as soon as possible.

Mr. Carpenter advised the Commission that he was not aware there was funding available. He suggested Dr. Austin address the Commission. Dr. Austin stated additional funding became available last week and more solid details could be presented to the Commission next week.

A motion was made by Commissioner Holland, seconded by Commissioner Hall and unanimously passed to authorize Dr. Austin to proceed with the summer small mesh gill net fishery and to present the study to the Commission for review.

Commissioner Keen asked Dr. Austin how long the study would take and Dr. Austin stated it depended on the catch. He anticipated the study would take about a month.

Commissioner Hall asked when the study would start. Dr. Austin advised hopefully the first part of July.

Bob Bowes asked who would oversee the study. Mr. Carpenter explained that Dr. Austin would be the principle investigator who would conduct the study.

Crab Harvest Report

A report of the 2004 Potomac crab landings for April and May was presented. It showed a harvest of 3,862 bushels of hard crabs and 6,818 pounds of peelers compared to 2,400 bushels of hard crabs and 3,130 pounds of peelers of the same period last year. He said it is still below the long-term average, which is 7,404 bushels. He noted the CPUE numbers for April and May are above the long term average. It does show that the catch per pot is a little better at the beginning of the season.

Crab Advisory Committee Reports

Chairman Birkett noted that the committee met on two separate dates, had no quorum for either meeting and could not conduct any business. He reminded the audience how important the advisory committees are and how they serve to protect the watermen's interest.

Oyster Harvest Report

The Executive Secretary presented a final report of the oyster harvest for the 2003-2004 season. He stated 211 bushels were harvested and oyster tax was collected on 204 bushels. There were 10 hand tong licenses sold (includes 7 boats) and 26 personal hand scrape licenses and 14 hand scrape boat licenses, which accounted for the total harvest this year. Only two oyster bars contributed to the harvest this year with Cornfield contributing 67 bushels and Sheepshead producing 144 bushels for a total of 211 bushels harvested. He noted this is a record low harvest for the Potomac River.

Seed Planting Report

Mr. Carpenter reminded the Commission at its last meeting, the St. Mary's County Watermen's Association presented the Commission with a check for \$6,000 to go toward seed planting with the agreement that the Commission would match the donation. He advised at that time, the Commission had used all funding to go towards the oyster research. Since the research is ongoing and the money has not been spent, we borrowed \$6,000 from that fund to match the contribution. It resulted in planting 4,663 bushels of seed on Sheepshead with the average count being 756. The total cost of the project was \$12,123.80. He then thanked the St. Mary's County Watermen's Association for its donation and efforts towards the restoration of the oyster fishery.

ASMFC Issues

Mr. Carpenter advised the Commission that their packets contained the last ASMFC meeting report. It has all the actions taken by the various management boards. He noted the Atlantic Menhaden Board is proceeding with Addendum I to that plan through the public hearing stage. The PRFC did not request a public hearing to be held here, simply because Virginia is hosting a hearing on July 8th at 7:00 p.m. at VMRC. The Addendum pertains to changing the reference points and moving from an annual to a tri-annual review of the plan. He explained the other reports included in the meeting packets are the PRFC annual reports that we present to ASMFC for each managed species. He also noted that anyone wishing a copy of those annual reports could get one at the front desk.

Financial Reports

A report of the third quarter disbursements (January through March) for the operational budget was presented, by budget item, totaling \$157,210. A report of the third quarter capital improvement budget disbursements was also presented totaling \$200,830. No unusual disbursements were noted. A statement of cash-on-hand totaling \$326,349.57, as of June 15, 2004 was also presented.

A motion was made by Commissioner Holland, seconded by Commissioner Kimball and unanimously passed to approve the third quarter disbursements as presented.

Budget Committee Report

PRFC Salary Grade System - The proposed budget included a revised grade system and a 2.5% COLA effective July 1st. The PRFC COLA figure is based on an average of the Maryland budget amount of 2% and the Virginia budget amount of 3%.

Health Insurance Retirement Benefits – The budget committee report included a recommendation that the Commission adopt a policy to pay a portion of the PRFC retiree's health, prescription, vision and dental insurance premiums, based on the number of years of full time PRFC employment.

Sport License Decals – The report included a recommendation to declare unreturned decals from sport license agents void after a twenty-four (24) month period.

Approval to Sign Checks - The report included a recommendation to raise the dollar amount required for two signatures on checks from \$5,000 to \$10,000.

Capital Assets – The report included a recommendation to increase the purchase dollar amount requirement to declare office equipment as capital assets from \$100 to \$250.

Scientific Collection Permit – The report included a recommendation to charge a \$35 fee that the Executive Secretary has an option to waive for MD and VA agencies/institutions.

Annual Leave – The report included a recommendation to increase the maximum number of days annual leave can be carried over to the next FY from 45 to 60 days, but maintain the maximum limit of only 45 days for compensation.

Legal Holidays – The report included a recommendation to add Columbus Day to holidays observed by PRFC.

Surplus Items –

Item	Model	Purchased	Cost
Typewriter	SWINTEC Model 7003	10/27/1992	\$ 594.00
Vacuum Cleaner	Electrolux	07/22/1986	371.85
Printer	NEC P6200	05/26/1992	415.00
VHF-FM radio	General Electric	02/26/1986	3,264.55
Printer	Smart Label 120	07/28/1999	190.00
Printer	Smart Label 120	07/28/1999	190.00
Computer	CCC	04/29/1997	1,300.00
Computer Monitor	Magnavox	04/29/1997	219.00
Zip Drive	Micro Warehouse	06/19/2001	112.00

Operating Budget -

POTOMAC RIVER FISHERIES COMMISSION
2004-2005 OPERATING BUDGET
DISBURSEMENTS

2003-2004 BUDGETPERSONAL SERVICES:

101 Commissioners Compensation	\$2,500
102-108 Salaries	207,063
109 Part-Time Help	<u>500</u>
Sub-Total	\$210,063

CONTRACTUAL SERVICES:

201 Advertising	\$4,000
202 Agents Fees	1,600
204 Postage	12,000
205 Telephone	5,000
206 800 Line	1,500
207 Internet Service/Web Site	1,200
208 Electric Current	3,000
209 Freight Expenses	1,000
212 Lease of Equipment	3,200
214 Memb. Dues & Sub.	500
216 Printing Regulations*	1,800
220 Travel Expenses	15,000
221 Water Service	600
224 Photographic Services - Charts	500
230 Computer Support	15,000
270 Repairs to Equipment	1,000
275 Building Maintenance	500
280 Interest Expense	2,400
281 Bank Charges	300
290 ACFCMA**	101,000
299 Other Contractual Services	<u>115,000</u>
Sub-Total	\$286,100

MATERIALS & SUPPLIES

301 Automotive Expenses	\$2,000
309 Fuel for Heat	0
313 Office Supplies	8,000
330 Household Furn. & Supplies	1,000
332 Licenses,Tags & Report Books	30,000
400 Resale Supplies	<u>1,500</u>
Sub-Total	\$42,500

CURRENT CHARGES & OBLIGATIONS:

240 Insurance: Surety bonds, fire, auto liability, worker's comp.	\$6,500
085 Loans Payable	<u>15,000</u>
Sub-Total	\$21,500

PENSION AND OTHER CONTRIBUTIONS:

510 Retirement	\$11,000
511 Group Life Insurance	0
512 Group Health Insurance	34,000
513 Employer's FICA	12,000
513 Employer's Medicare	2,800
514 Deferred Compensation Match	<u>2,000</u>
Sub-Total	\$61,800
<u>CAPITAL OUTLAY:</u>	
801 Office & Other Equipment	\$15,000
802 Furniture & Fixtures	12,000
803 Auto	<u>24,000</u>
Sub-Total	\$27,000
<u>CAPITAL IMPROVEMENTS:</u>	
100 Reserve for Capital Improvements	\$100,000
<u>DEVELOPMENT & REPLETION EXPENSES:</u>	
225,331,333,335 Seed Oysters and/or Shell	\$47,337
<u>UNEXPENDED CASH BALANCE:</u>	\$10,000
TOTAL	\$906,300

*Partially supported by ACFCMA (Atlantic Coastal Fisheries Cooperative Management Act)

**Fully supported by ACFCMA

**POTOMAC RIVER FISHERIES COMMISSION
2004-2005 OPERATING BUDGET
RECEIPTS**

	<u>2004-2005 BUDGET</u>
<u>CASH BALANCE BROUGHT FORWARD:</u>	\$300,000.00
<u>SALE OF LICENSES</u>	
Fish	\$63,000
Oyster	1,000
Crab	58,000
Clam	200
Fish - Recreational	67,000
Crab - Recreational	1,000
<u>OYSTER BUSHEL INSPECTION TAX:</u>	100
<u>APPROPRIATIONS BY STATE:</u>	
Maryland	155,000
Virginia	155,000
<u>SPECIAL GRANTS:</u>	
ACFCMA	101,000
<u>INTEREST ON SAVINGS: (C/D'S)</u>	500
<u>RESALE SUPPLIES</u>	1,500
<u>MISCELLANEOUS:</u>	
Limited entry license drawing	2,000
Confiscated property, replace lic/tag,etc	<u>1,000</u>
TOTAL	\$906,300

Capital Improvements Budget -

**POTOMAC RIVER FISHERIES COMMISSION
2004-2005 CAPITAL IMPROVEMENTS BUDGET
RECEIPTS**

	<u>2004-2005 BUDGET</u>
Cash balance brought forwards:	\$70,000
Additions (7/1) (from operations budget)	100,000
(from bank loan)	<u>150,000</u>
Total	\$320,000

DISBURSEMENTS

CONTRACTUAL SERVICES:

Building	\$280,000
Independent Testing & other	
Non-contract Items	40,000
Sub-Total	\$320,000
Reserve	\$0
Total	\$0

Sport License Agent Procedures & Policies – This is to declare agent sport license decals void after a twenty-four month period.

Sport License Agent Procedures & Policies
As Adopted June 17, 2004
Effective July 1, 2004

As provided in Article III, Section 4(a) of the Compact, the Potomac River fisheries Commission authorized and established ‘ Sport Fish License Agents’ for the purpose of providing a service to the public. Such agents shall:

- a) have authority to sell, as an agent for the Commission, Potomac River sport fishing licenses;
- b) be established as “Cash” agents, where the agent must pre-pay the net-value for the licenses to be sold, and will be issued a refund, or credited toward next years purchase, for that value of any unsold licenses returned to the Commission within twenty-four (24) months of the date of purchase. No refund or credit will be issued after that time;
- c) be located in a Maryland or Virginia county contiguous to the Potomac River;
- d) not sell any Potomac River sport fishing license for more than the value listed on the application form, and;
- e) provide the Commission with weekly reports of sales and appropriate documentation.

Further, that the net-value will be \$7.00 for personal licenses and \$29.00 for pleasure boat licenses, this action becomes effective July 1, 2004, and the Commission’s Budget Committee will monitor this procedure and make recommendations on any changes as needed.

A motion was made by Commissioner Holland, seconded by Commissioner Kimball and passed unanimously to adopt the budget as reported by the budget committee with an amendment on page 7-5 to adjust the Capital Outlay subtotal from \$27,000 to \$51,000.

Building Committee Update

The Executive Secretary reported the building has progressed and the scheduled move in date is around the middle of July. The Commission has paid approximately 2/3 of the building costs as of today. There is a problem with the contract in regards to the brick itself and is going to require an executive session to deal with contract issues to discuss legal matters.

Chairman Birkett decided to finish the other items on the agenda so that the general public could be excused before the Commission went into executive session.

New Business**Advisory Committee Vacancies**

Mr. Carpenter announced there are two Crab Advisory Committee vacancies available. They are two lower river peeler potters, one from Virginia and one from Maryland. Mr. Carpenter advised these two vacancies were created by the rule if a member misses three meetings in a row, then you are removed from the committee. The committee also decided they would meet in the fall to discuss any issues that may arise during this summer.

Chairman Birkett announced the Commission would accept nominations for the two positions on the Crab Advisory Committee. Doug Jenkins nominated Mr. Larry Thrift of Montross, Virginia.

Atlantic States Marine Fisheries Commission – Striped Bass Advisory Panel

Mr. Carpenter announced with Capt. Jim Drummond resigning from the Finfish Advisory Committee, there was also a vacancy on the ASMFC Striped Bass Advisory Panel. At the last advisory meeting, Mr. Richard Schmactenberg of St. Mary's County, volunteered to serve on the panel. Mr. Bowes had also expressed an interest but had not confirmed.

James Henry Rencher

Mr. Carpenter explained that Mr. Rencher had his license revoked last year for a fourth offense for failure to file his seafood catch reports and under the Commission's order of revocation, you can not renew or purchase a license until you have appeared before the Commission. He was invited to the September and December meetings but failed to appear. He is here today to appear before you.

Mr. Rencher explained he had not sent in any reports because he was holding the license until he retired. He had not worked the license and failed to send in any reports stating that. He said he was a truck driver and was on the road a lot and did not see the notices that were sent to him and it was bad judgment on his part.

A motion was made by Commissioner Pruitt, seconded by Commissioner Rice and unanimously passed to reinstate Mr. Rencher with the appropriate charges.

Date and Place of Next Meeting

The next meeting is scheduled for Thursday, September 16 & 17, 2004 in Colonial Beach, Virginia and will include the building dedication.

Executive Session – 3:40p.m.

A motion was made by Commissioner Pruitt, seconded by Commissioner Holland and passed to move to executive session to discuss contractual legal matters.

Regular Meeting Reconvened – 4:50p.m.

Legal counsel advised Chairman Birkett to poll each Commission member to confirm only legal matters pertaining to the building contract were discussed in executive session.

Commissioner Holland – aye	Commissioner Keen – aye
Commissioner Hall – aye	Commissioner Kimball – aye
Commissioner Pruitt – aye	Commissioner Parran – aye
Commissioner Rice – aye	Chairman Birkett – aye

A motion was made by Commissioner Holland, seconded by Commissioner Parran and unanimously passed to authorize Mr. Hutt, Mr. Mayo and Mr. Carpenter to negotiate with the contractor regarding the defective bricks and to settle the dispute with a resolution that is satisfactory to the Legal Officers and the Executive Secretary.

Adjourn

The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Gordon M. Birkett, Chairman

Ida C. Hall, Secretary