

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

February 16, 2007

Commissioners Present: William L. Rice, Sr. (MD) – Chairman, Mike Slattery (MD) Ida C. Hall (VA), Robert H. Bowes (MD), Kyle J. Schick (VA) - Secretary, and Steve Bowman (VA). Commissioner J.T. Holland could not attend the meeting.

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

Others Present: Dr. Tom Miller – CBL; Joe Grist – VMRC; Col. Johnson, Lt. Col. Hughes, Lt. Charles Sauter – MdDNR Law Enforcement; Capt. M. Ray Jewell – VMRC Law Enforcement; Harry Boyden, John Dean and Phil Angle – Finfish Advisory Committee; Paul Springer – Oyster/Clam Advisory Committee; Herman Delvo, John Morris, Dean Bowie, James Berthe and Arthur Loving – Crab Advisory Committee; Joseph Shelton, John Morris, III, Linton Richie, Gary Bowie, Douglas Jenkins, Roger Parks, Jeffrey Schenemann, Roger Green, Willie Wilson, Louis Ashton, Russell Gaskins, Bill Whisenant, Dennis Newton, Joseph Hawkins, Richard Daiger, Melinda Rice, Beverly Brown, Dennis Fleming, Bill Curry, Conrad Morris, Roy Blackinstone, Jessie Farrell, Roy Saunders, George Bowles, Bobby Preston, Kenny Pearson, Walter Maddox, Sr. and several others who did not sign the guest register.

Vice-chairman Rice called the meeting to order at 9:30 a.m. with Commissioner Schick providing the invocation and leading the Pledge of Allegiance.

Mr. Carpenter called attention to the art display provided by Steven Griffin. He recognized Dr. Tom Miller from the Chesapeake Biological Laboratory (CBL), Joe Grist from Virginia Marine Resources Commission (VMRC) and he asked Lt. Charles Sauter to introduce some special guests from the Maryland Department of Natural Resources Police (MdDNR).

Lt. Sauter introduced Col. Johnson as the head of the Maryland Natural Resources Police, Lt. Col. Hughes who is in charge of Maryland's field operations.

Consideration of Minutes

A motion was made by Commissioner Bowman, seconded by Commissioner Hall to approve the minutes of November 15, 2006 as presented today.

Open Public Hearing – 9:35 a.m.

Mr. Carpenter noted the public hearing was duly advertised and the Commission has received the certifications so that the public hearing can be conducted today. There were two items advertised for the public hearing. The first one deals with language to clarify the method of measuring fish

and the second one is increasing the minimum size limit on crabs from April 1st to July 9th from 5" to a maximum of 5 ½". The following Regulations were advertised for public hearing.

Reg. III, Sec. 11(b) – To clarify the method of measurement of fish.

Reg. VII, Sec. 2(a) – To increase the minimum size limit on hard crabs from April 1st to July 9th from 5" to 5 ½".

Vice-chairman Rice explained he would give anyone the opportunity to speak on both issues at the same time.

Robert T. Brown representing the St. Mary's County Watermen's Association had no objection with the language clarification in regard to the method of measuring of fish. As for crab size limits, there is no need to change anything from last year. This issue of changing the size limits does not have to do with the quantity of crabs in the river. A 5" crab will bring just as much money as a larger crab would at the start of the season.

Willie Wilson crabs in the lower part of Virginia in the creeks off of the Potomac River. He felt if uniform size limits were adopted and increased to 5 ½" it would put watermen out of business in the area he works.

John Morris agreed with Mr. Brown and felt a size limit increase would cause a hardship in the lower part of the river.

Roy Blackistone also agreed with Mr. Brown.

Doug Jenkins representing the Twin Rivers Watermen's Association thought this issue was no longer an issue. He said it is not a conservation issue and he wants this issue killed.

Lewis Ashton agreed with Mr. Wilson.

Jim Berthe agreed with the other comments made today. He explained the lower river deals with a smaller crab and increasing the size limit would destroy the livelihood of many watermen.

Russell Gaskins representing the Virginia Watermen's Association said that he represented 60 to 70 members who feel if the size limits are increased they will be out of business.

Kenny Pearson asked the Commission to clarify how the method of measuring fish is worded and why is it an issue. Mr. Carpenter read Regulation III, Section 11(b) as it is currently written and read it again with the proposed changes. He explained the language needs to be clarified to include the exclusion of the tail filament of the black sea bass. This is required under ASMFC's management plan and was adopted within the Orders for a few years now.

A letter was presented prior to the Commission meeting from Elgin Nininger, who stated he was against any crab size limit increase and would like the 2007 season to be the same as last year.

Close Public Hearing – 9:45 a.m.

Crab Advisory Committee Report**Marking a Haul Seine Area**

Mr. Carpenter presented the Crab Advisory Committee report. He noted it was a joint meeting between the Crab and Finfish Advisory Committees. The reason for the joint meeting was to try and resolve a gear conflict or manage the cooperative use of areas between haul seiners and crab potters at the same time. There was a lot of discussion with regard to this issue. It was decided to recommend a voluntary policy where haul seiners would mark an area where they intend to make a haul. Existing crab pots in the area are asked to move their pots while the haul takes place. At the end of the haul, the haul seiner removes their buoys and the crab potters can place their crab pots back in the area. The intended haul would be 2 to 3 days in a row because of tides. The committees recommend the following HAUL SEINE / CRAB POT AREAS policy to the Commission.

FOR HAUL SEINE LICENSEE:

- a) A haul seine licensee, wishing to haul a particular area where crab pots are set, is to buoy the area with at least four (4) buoys that project at least 4 ft. above the water's surface and have the licensee's name and telephone number in legible letters and numbers.
- b) Prior to placing the buoys, Maryland Department of Natural Resources (MdDNR) (800-419-0743) or Virginia Marine Resources Commission (VMRC) (800-541-4646), depending on which shore is to be marked, and the Potomac River Fisheries Commission (800-266-3904), must be notified of the specific area where the haul is to be made and the intended date and time.
- c) Buoys must be placed 3 days prior to the intended haul and must be removed as soon as the haul is complete, but not later than 7 days of being set. And,

FOR CRAB POT LICENSEE:

- d) Once the area is buoyed, no additional crab pots are to be set within the confined area.
- e) Any crab pots set within the confined area should be moved outside of that area.
- f) Crab pots can be replaced after the haul is complete and the buoys are removed, or 7 days after the buoys are set, whichever comes first.

2007 Crab Size Limits

Mr. Carpenter noted the next issue was the 2007 crab size limits. There was a unanimous decision from both committees to leave the crab size limits the same as last year.

Two Crab Pot Licenses on One Boat

Mr. Carpenter explained there was a lengthy discussion with regards to this issue. A motion was made to leave the order just as it was last year, with the exception of adding that both licensees have to be natural persons.

Crab Harvest Report

Mr. Carpenter presented a report of the 2006 crab harvest landings for April through November. It showed a harvest of 98,929 bushels of hard crabs, 23,138 pounds of peelers and 1,239 pounds of soft crabs compared to 105,893 bushels of hard crabs, 22,536 pounds of peelers and 1,317 pounds of soft crabs for the same period last year. He noted that 2006 was slightly down compared to 2005. He called the Commission's attention to the month of November stating that

the 20 year long term average for that month is 3,759. However, in the last two years the average harvest has been close to 7,000 bushels. It was stated earlier that crabs caught in the fall do not bring in as much money as crabs caught early in the season. He then noted that the November harvest exceeds that of April and May.

Update on Maryland and Virginia Uniform Crab Size Limits for the Tributaries

Mr. Carpenter advised the Commission has been in contact with Maryland and Virginia to see if the states are interested in having uniform size limits for the Potomac River tributaries. Maryland has been polite with stating when there is an agreement with Virginia, then Maryland will consider the issue. Mr. Carpenter asked Joe Grist to report on the activities in Virginia.

Mr. Grist explained the Crab Management Advisory Committee from VMRC met on January 22nd. With reference to the PRFC proposal, the committee voted in support of size limit increases for hard crabs and peeler crabs for the Virginia tributaries along the Potomac River. The committee also instructed staff at the same time to explore information about a size limit increase across the Chesapeake Bay. However, The Code of Virginia sets the hard crab size limits. This means that it would take Legislative action to change the size limit on hard crabs in the Commonwealth of Virginia. As for the peeler size limits, they are set by Regulation from VMRC.

Vice –Chairman Rice asked for the Commission to discuss the proposed Regulation changes.

Commissioner Hall commented that from everything she's heard from the watermen and the public, and since it is not going to be a uniform size limit change between the states, she strongly felt the size limit of hard crabs should remain the same as last year. It would place an economic burden on the watermen and impose a problem for law enforcement.

Commissioner Bowman believes that it is management's responsibility to look at both conservation and economics when managing a fishery. He stated Mr. Carpenter has been very diligent in presenting this concept. Commissioner Bowman noted that the crab harvest report for the month of November does reflect some type of trend indicative of improvement. If this were a conservation issue with mixed feelings of the parties involved, he would look at this in a different way. Therefore, he cannot support a size limit increase at this time.

The Commission took no action in reference to Reg. VII, Sec. 2(a).

Order 2007-08 – Two Crab Pot Licenses on One Boat

Mr. Carpenter noted there has been one piece of correspondence in reference to this Order. He advised the Commission that the letter is in the back of the Commissioner's packets. He reminded everyone, at it's last meeting the Commission adopted a regulation change that restricted only one license per boat per man. This proposal is a variation that conflicts with that regulation. The Commission had asked the staff to develop objective criteria that could be evaluated to determine who qualifies for the exemption. A copy of the draft order was presented and discussed at the joint Crab/Finfish Advisory Committee meeting. The meeting ended with a recommendation that the only new criteria should be to restrict the permits to natural persons only.

Based on the comments heard at the Advisory Committee meeting, Mr. Carpenter offered several changes to the draft order included in today's packet: 1) for item (a) he suggested licensees must have worked 30 days in each of the last 2, not 3, years; 2) for item (b) he defined "timely filed all seafood harvest reports" as meaning that the office does not have to send second notices, and also reduced the time period from 3 to 2 years. If second notices had to be sent routinely, then action would be taken to have the exemption revoked at that time; and 3) for item (c) after the word 'violations' add the words "of Reg. VII". This would limit the restriction to only conservation or cull ring violations. Based on other comments he had received, he added a fourth suggested change for item (e) of the conditions of the permit, to add language stating that each crab pot buoy must have a PRFC issued decal. This would help control the number of pots that could be fished from one boat. Mr. Carpenter also noted there was considerable opposition to the proposed age limit requirement and suggested the Commission may wish to receive public comment on that issue.

Commissioner Bowman asked legal council to comment on the issue of using age as criteria for qualifying to receive a permit. Mr. Mayo stated there were no legal restrictions with regard to setting an age limit. Commissioner Hall questioned where age 50 came from and why was it set at that age. Mr. Carpenter recalled previous discussions when the main concern was older crabbers needed someone to go with them, and since that is something that can be verified from our records here, it was included as one of the conditions. All of the things that have been established as criteria are things that are objective and can be verified at the office where we don't have to rely on information outside of our record system.

Chairman Rice questioned who would use the decals. Mr. Carpenter explained it was staff's intention to have everyone who receives a permit be required to mark each buoy with a decal provided by the Commission. Commissioner Schick questioned requiring each set of buoys to be two different colors and how might that affect two people working together. Mr. Carpenter stated law enforcement has approached the Commission and endorsed the idea of the buoys not being of similar colors.

Commissioner Bowes agrees with the age 50 limit and would like to add a provision to include either/or vertical family members from grandfather down to grandson to include brother and sister. However, it should not include cousins and so on.

John Morris has a problem with the 50-year age limit. He explained it's hard to find help and it makes it easier to work with someone else who has a license. It's safer and more economical to work together. He objected to having not filed timely reports or having certain violations that would not allow you to qualify for the exemption. However, you can still work buy yourself on your boat. This is an exemption that helps the watermen, who can't find helpers, to work. It allows two watermen to team up and work, which saves on fuel. He considers it a help issue.

Commissioner Hall questioned how many exemptions were issued. Mr. Carpenter explained the first year three were issued. The next year four were issued, with two of them being renewed from the first year. Commissioner Hall then questioned if there were any violations while using the exemption. Mr. Carpenter stated there were no citations written or exemptions revoked since being in place. Commissioner Hall asked law enforcement if there were any issues from their

perspective. Lt. Charles Sauter from the Maryland Natural Resources Police stated there were no problems from their side. Commissioner Hall explained this was put in place to help the watermen after hurricane Katrina. There is a regulation in place that is for one person, one boat, one license, however this exemption has kept alive the tradition of the family watermen working together in the river. To restrict the age limit is too confining and should be restricted to only natural persons. She does not understand why it needs to be restricted to a certain number of pots.

Commissioner Bowman stated that items (a), (b) and (c) under conditions for crab pot licensees are all acceptable with staff's changes today. However item (d) (the age requirement) should be removed. He also agreed with item (e) under the conditions of the permit because it is difficult for law enforcement to deal with large numbers of pots. The contrasting buoys are a reasonable request but could cause some hardship on the crabber. There would need to be a phase in period to allow the watermen some time to change the colors of the buoys. Otherwise, he could support contrasting colors.

Chairman Rice stated John Morris was concerned with some catch reports in the past. Chairman Rice's interpretation would be as long as he has satisfied those reports at this time, and then he would qualify because he does not have anything outstanding. Mr. Carpenter stated if the licensee were currently on probation he would not qualify. Depending on the age of his delinquency and his particular case, Mr. Carpenter does not know if Mr. Morris would qualify at this time.

A motion was made by Commissioner Bowman, seconded by Commissioner Schick and unanimously passed to accept staff's recommended changes and delete item #d (the age requirement) under conditions for crab pot licensees, and to adopt Order 2007-08 as amended today and further that it become effective April 1, 2007.

O R D E R #2007-08

TWO CRAB POT LICENSES ON ONE BOAT

THE POTOMAC RIVER FISHERIES COMMISSION, having determined it is desirable to allow certain exemptions to the single license per boat requirement of Reg. I, Sec. 2(d)(1); and pursuant to its authority under Regulation I, Section 7(a),

HEREBY DECLARES AND ORDERS: the conditions for crab pot licensees wishing to file for an exemption from the provisions of Regulation I, Section 2(d)(1) shall be as follows:

- a) Both licensees must have actively crabbed in the Potomac River for least 30 days in each of the last 2 years.
- b) Both licensees have timely filed all seafood harvest reports in each of the last 2 years and neither licensee has had any PRFC license revoked, suspended or on probation.
- c) Neither licensee has any PRFC violations of Reg. VII within 3 years immediately prior to the date of their application for the exemption.
- d) No more than two licensees can file for a single permit.
- e) Both licensees have to be natural persons.

BE IT FURTHER DECLARED AND ORDERED: the conditions of the permit shall be as follows:

- a.) Only one exemption per licensee per year will be granted.
- b.) Both licensees, both crab pot decals and both sample buoys must be aboard the boat when both sets of the pots are fished. If only one (1) licensee is present, then only the pots licensed in his name can be fished. Fishing the other person's pots will be a violation, and result in the immediate revocation of the exemption.
- c.) The idle boat may not be used for crabbing while the permit is valid.
- d.) Each licensee must file his own separate weekly seafood catch reports – no combined reports.
- e.) The combined total of licensed pots shall not exceed 800.
- f.) All pots set and/or used with this exemption must have a PRFC issued, numbered decal attached to the buoy.
- g.) An application for such exemption must be filed with the Commission together with a \$50.00 fee.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2007-08 shall become effective April 1, 2007 and remain in effect until November 30, 2007.

Finfish Advisory Committee Report

Mr. Carpenter noted again that it was a joint meeting between the Finfish and Crab Advisory Committees. He explained the haul seine issue has been covered since both committees did adopt the same motion and the same draft policy.

Cownose Ray Update

Mr. Carpenter explained that Robert T. Brown had spoken with a number of people and has notified the Commission that his proposal is not quite ready to be presented to the Commission.

Reg. III, Sec. 11(b) – Method of Measurement

Mr. Carpenter noted there was a lot of discussion with regard to measuring fish. There was a motion made to squeeze the tail of a fish when measuring it. That motion did not pass. There was a substitute motion that was presented and was withdrawn from the table. The final motion was passed to recommend staff's proposed regulation change.

Order 2007-01 – 2007 Recreational and Charter Striped Bass Seasons and Restrictions

Mr. Carpenter said there was no action taken because the Commission was still waiting to hear from ASMFC as to what the regulations would have to be.

Order 2007-02 – 2007 Recreational and Charter Fishing Season, Size and Catch Limits

Mr. Carpenter stated the committee passed a motion to recommend the adoption of Order 2007-02 with staff's changes. That would be to change the creel limit from 7 to 6 per person for Weakfish.

Order 2007-06 – 2007 Commercial Fishing Season Size and Catch Limits

Mr. Carpenter advised the Commission that ASMFC, at its last meeting, changed the Weakfish Management Plan by reducing the amount of by-catch from 300 lbs. (6 bu.) to 150 lbs. (3 bu.) a day. The committee did not have to take any action on this.

2006 Finfish Harvest Report

Mr. Carpenter presented data for the 2006 commercial finfish landings. Striped Bass were at the top of the list in both pounds and value with 673,584 pounds harvested, compared to 533,456 pounds last year. Croaker landings of 670,276 were also up compared to 481,882 pounds the previous year. American eel ranked number 3 in terms of pounds and value. He noted the Blue Catfish are approaching 50% of the total harvest of Catfish coming out of the river. The total finfish landings were 1,780,686 pounds valued at \$2,278,541. Adding the Menhaden harvest of 3,413,517 pounds the total harvest in the Potomac River was 5,194,203 pounds with a value of \$2,517,487.

Reg. III, Sec. 11(b) – Method of Measurement

A motion was made by Commissioner Schick, seconded by Commissioner Hall and passed to adopt Reg. III, Sec. 11(b) as presented.

Sec. 11(b) Method of Measurement

Measurement shall be the greatest distance in a straight line from the tip of the snout to the end of the caudal fin or tail in a natural state, excluding the tail filament of a black sea bass. No person shall alter the natural state of any species of fish listed in (a) above such that its length cannot be measured.

Introduction of MdDNR Commissioner

Mr. Carpenter took a moment to apologize for not introducing the newest Maryland Commissioner, Mr. Mike Slattery. He is the Assistant Secretary of the Department of Natural Resources. He is filling the position previously held by Kenny Keen. Mr. Slattery thanked Mr. Carpenter for the kind introduction and stated he is looking forward to working with the Commission.

Order 2007-01 – 2007 Recreational and Charter Striped Bass Seasons and Restrictions

Mr. Carpenter asked Commissioner Slattery to report what Maryland's intentions are for the 2007 Striped Bass recreational seasons. Commissioner Slattery stated a proposal would be made to the technical committee that the spring season has a slot limit. The intended wording would be to have the minimum size be 28" not to exceed 37" or anything over 42" with 1 fish per person, per day.

Mr. Carpenter stated the season would start the 3rd Saturday in April, which would be April 21st to May 15th. He advised the Commission that staff would recommend following the Maryland season, size and creel limits for the spring season. He also suggested adding a provision that deals with the slot limit stating that no culling is allowed once the fish is taken into possession.

Commissioner Bowes questioned if the Commission adopts this season, what happens if the Maryland Technical Committee or ASMFC does not accept this proposal. Legal council, Mike Mayo suggested adopting the Order as subject to the approval by the Maryland Technical Committee. Mr. Carpenter said that does not resolve the issue. He questioned if the technical committee does not approve it, does the Commission have the authority to change an Order once it's been adopted. Mr. Hutt advised that once an Order is adopted staff couldn't change it without approval from the Commission.

Commissioner Slattery suggested adopting the Order with a stipulation stating subject to approval by or modification by the technical committee. Commissioner Schick agreed that the Order should "mirror" the technical committee's recommendation.

A motion was made by Commissioner Schick, seconded by Commissioner Bowman and unanimously passed to adopt Order 2007-01 so that the size limits would "mirror" what the Maryland regulations are and the dates, creel limit and culling restriction are approved by staff's recommendation.

ORDER # 2007-01
(replaces 2006-01)

**2007 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, 11 and 13(b); **HEREBY DECLARES AND ORDERS:** the following restrictions shall apply to the recreational and charter striped bass fishery:

<u>Spring Season:</u>	Dates:	April 21 through May 15, 2007
	Open Area:	Downstream of Harry W. Nice Bridge (Rt.301)
	Creel Limit:	One (1) fish per person per day
	Size Limit:	28" to 37" or greater than 42"
	No Culling:	Unlawful to return fish to the water after it is placed into a cooler or storage area.
	Bait Restrictions:	No live eel. No more than two (2) 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. No culling allowed
	Quota:	MD/VA/PRFC Combined Bay-Wide
<u>Summer/Fall Season:</u>	Dates:	May 16 through December 31, 2007
	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
	No Culling:	Unlawful to return fish to the water after it is placed into a cooler or storage area.
	Bait Restrictions:	None
	Quota:	Recreational – 575,414 pounds Charter – 71,927 pounds

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2007-01 shall become effective March 18, 2007, shall supersede and repeal Order #2006-01 and remain in effect until further notice.

Order 2007-02 – 2007 Recreational and Charter Fishing Season, Size and Catch Limits

Mr. Carpenter stated this Order generally updates the Summer flounder, Black Seas Bass and Weakfish. This year there are no changes to the Summer flounder and Black Sea Bass fisheries. The changes on this order deal with reducing the creel limit for Weakfish from 7 to 6 per person.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall and unanimously passed to adopt Order 2007-02 as presented.

O R D E R #2007-02 (replaces #2006-02)

2007 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 (Large or Small Mouth)	March 1 - June 15	15" min.	5 per person
	All other times	12" min.	5 per person
Black Drum	Jan. 1 - Dec. 31	16" min.	1 per person
Black Sea Bass	Jan. 1 - Dec. 31	12" min. ⁽¹⁾	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
Blue	Jan. 1 - Dec. 31	No limit	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. – 25" max.	5 per person
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	Jan. 1 - Dec. 31	15" min.	2 per person
Tautog	Jan. 1 - Dec. 31	14" min.	No Limit
Weakfish	Jan. 1 - Dec. 31	12" min.	6 per person
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	5 per person

(1) – Black Sea Bass – The tail filament is not to be included in the total length of the fish.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2007-02 shall become effective March 18, 2007, shall supersede and repeal Order #2006-02 and remain in effect until further notice.

Order 2007-06 – 2007 Commercial Fishing Season, Size and Catch Limits

Mr. Carpenter noted the change on this Order deals with establishing the Summer flounder commercial quota. The Mid-Atlantic Council and ASMFC set the quota jointly under a plan with an agreement by Maryland, Virginia and the PRFC. The quota is set for 39,551 pounds and there is no anticipation to exceed that quota. ASMFC amendment did reduce the by-catch for Weakfish from 300 lbs. to 150 lbs. a day. Staff recommended the adoption of this Order.

A motion was made by Commissioner Schick, seconded by Commissioner Hall and unanimously passed to adopt Order 2007-06 as presented.

ORDER #2007-06 (replaces #2006-06)

2007 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 fish
Black Sea Bass*	Jan. 1 - Dec. 31	11" min. ⁽¹⁾	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
Blue	Jan. 1 - Dec. 31	None	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. - 25" max.	5 fish
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.	39,551**
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

(1) – Black Sea Bass – The tail filament is not to be included in the total length of the fish.

***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. The allowance must be less than or equal to the poundage of other lawfully harvested species.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2007-06 shall become effective March 18, 2007, shall supersede and repeal Order #2006-06 and remain in effect until further notice.

Haul Seine/Crab Pot Areas (New Voluntary Policy)

Mr. Carpenter advised the Commission that the draft presented today is designed as a voluntary policy. If adopted today, copies will be provided to all haul seiners and crab potters so hopefully they can work together.

A motion was made by Commissioner Bowman, seconded by Commissioner Schick and unanimously passed to adopt the voluntary policy between haul seine and crab pot areas.

HAUL SEINE / CRAB POT AREAS

THE POTOMAC RIVER FISHERIES COMMISSION, having found it desirable to develop guidelines to foster cooperation between the haul seine fishery and the crab pot fishery regarding the use of the same areas; and wishing this to be a voluntary system, **HEREBY ESTABLISHES THE FOLLOWING GUIDELINES:**

FOR HAUL SEINE LICENSEE:

- a) A haul seine licensee, wishing to haul a particular area where crab pots are set, is to buoy the area with at least four (4) buoys that project at least 4 ft. above the water's surface and have the licensee's name and telephone number in legible letters and numbers.
- b) Prior to placing the buoys, the Maryland Department of Natural Resources (MdDNR) (800-419-0743) or the Virginia Marine Resources Commission (VMRC) (800-541-4646), depending on which shore is to be marked, and the Potomac River Fisheries Commission (800-266-3904), must be notified of the specific area where the haul is to be made and the intended date and time.
- c) Buoys must be placed 3 days prior to the intended haul and must be removed as soon as the haul is complete, but not later than 7 days of being set and,

FOR CRAB POT LICENSEE:

- d) Once the area is buoyed, no additional crab pots are to be set within the confined area.
- e) Any crab pots set within the confined area should be moved outside of that area.
- f) Crab pots can be replaced after the haul is complete and the buoys are removed, or 7 days after the buoys are set, whichever comes first.

THE POTOMAC RIVER FISHERIES COMMISSION will furnish a copy of these guidelines to all PRFC haul seine and crab pot licensees. And, further the Commission will monitor and evaluate this voluntary system during 2007.

This Policy was adopted by the **POTOMAC RIVER FISHERIES COMMISSION** at a regular public meeting held February 16, 2007 in Colonial Beach, VA.

Mr. Carpenter advised the Commission at its last meeting Order 2007-05 was adopted with the knowledge that the striped bass quota may need to be adjusted. Since that meeting the

Commission has learned that the 2007 quota will remain the same as it was in 2006. Therefore, this Order needs no adjustments.

Mr. Carpenter than asked the Commission for a motion for an effective date since there were two Regulations and several Orders adopted today. *A motion was made by Commissioner Schick, seconded by Commissioner Bowman and unanimously passed to set the effective date for the Regulations and Orders as 30 days after today's meeting.*

Oyster Harvest Report

Mr. Carpenter presented a report that showed 4,270 bushels reported by the harvesters and 4,295 bushels reported by the buyers. The dockside value of these oysters is estimated to be \$165,793.73. Almost half of the harvest (1893 bushels) was harvested from Cedar Point. The total hand tong harvest was 3,371 bushels. The total hand scrape harvest was 900 bushels for a combined total of 4,270 bushels harvested. At the last meeting it was noted that there was no set in 2006 in the Potomac River, so what oysters are left in the river are what's left until something else can be done.

ASMFC Issues

Mr. Carpenter advised that the ASMFC meeting summary is presented in the Commissioner's packets. There were various board actions that took place. Mr. Carpenter felt the issues that directed the Commission have been discussed and taken care of. He asked if there were any questions or if the Commission would like more information pertaining to a specific issue. The Commission had no questions or concerns in regard to the ASMFC meeting summary.

Second Quarter Disbursements

A report of the second quarter disbursements (October through December) for the operational budget was presented, by budget time, totaling \$197,195. A report of the cash-on-hand was also presented totaling \$341,188.81, as of November 13, 2006. Mr. Carpenter noted on the disbursements the item of Group Life Insurance, explaining that the Commission had been on a holiday for several years without having to pay any premiums. The actuarial tables were reworked and premiums are now being paid.

A motion was made by Commissioner Hall, seconded by Commissioner Schick and passed to accept the second quarter disbursements as presented.

Advisory Committee Vacancies

Mr. Carpenter noted there are vacancies on all three committees. All members whose terms are due to expire have agreed to serve another term. There was one nomination to fill the position on the Finfish Advisory Committee for a Virginia upper river commercial fisherman. The new incoming chairman will appoint the positions.

Report of the Nominating Committee

Commissioner Bowes presented the Nominating Committee's report, nominating Commissioner Rice as Chairman, Commissioner Holland as Vice-chairman and Commissioner Schick as Secretary for 2007.

A motion was made by Commissioner Bowman, seconded by Commissioner Bowes and unanimously passed to accept the committee's nominations.

Appointment of the FY 2007-2008 Budget Committee

Chairman Rice appointed Commissioner Holland and Commissioner Bowes as the Budget Committee.

New Business

Kenny Pearson questioned the amount of gill net stands that could be set during the month of March. He said it was an unfair practice to go from 4 stands to 2 stands if you have 10 stands or more. He would like to see the Commission provide some relief on the amount of gill net stands allowed to be fished. His concern is there are no fish being caught right now and the watermen have tags that they would like to use. He felt he is being penalized for holding more stands and only being allowed to use a small percentage of his gear. He proposed that anyone who has more than 8 gill net stands should be allowed to fish 50% of their gear instead of 2 stands from March 16th to the 25th.

Mr. Carpenter stated reducing the amount of net in the river during the month of March has been a strategy in place since the moratorium was lifted. The records show that 70% of the harvest is caught during March. If the Commission allowed everyone to fish an increased amount of stands, there is the possibility of going over the quota. The reduction of nets has been a practice of the Commission both as a conservation measure to reduce the waste and as a control measure to control the harvest. Last March the Commission took action to allow at least 4 gill net stands to be fished until the end of March and as a result, the gill net fishery went over the quota. The Finfish Advisory Committee dealt with this issue last fall and was very concerned that if the original plan was kept in place, the gill net fishery would not have gone over the quota and there would have been a fall season.

Since this issue has been brought before the Commission several times, Mr. Carpenter strongly advised against changing anything during the middle of the gill net season. He has proposed that the gill net season and license structure be modified so that the season would start in November and run through March. This idea would have the fishery operate with a single license for the time period they actually fish. He has not discussed this with the industry or the Finfish Advisory Committee, but thought this would be the way to adjust the fishery.

Chairman Rice directed staff to present something in writing to the Finfish Advisory Committee to review and report back at the June meeting.

Catch Report Hearing – Gary L. Bowie

Mr. Carpenter gave a brief history as to why Mr. Bowie was called to a hearing today. At the September Commission meeting, Mr. Bowie's crab pot license was revoked. When he sent in his renewal application, he was notified again that his license was revoked and could not be issued until he appeared before the Commission. His renewal application and money is being held as a license deposit pending the outcome of today's meeting.

Staff's recommendation would be to suspend Mr. Bowie's license from January to the end of June. He would be able to start working on July 1st and he would be on probation from July 1st to the end of the season.

A motion was made by Commissioner Bowman, seconded by Commissioner Schick and passed to adopt staff's recommendation.

License Revocation Hearing – Conrad B. Morris

Mr. Carpenter advised that Mr. Morris was called to appear before the Commission due to a direct violation of a suspension imposed on Mr. Morris at the September Commission meeting. Mr. Morris's crab pot license was suspended from October 1st to October 15, 2006 for a 5th offense for failing to file seafood catch reports on time. During the suspension on October 13th, Mr. Morris was cited for having commercial crab pots set during a license suspension. On December 15th Mr. Morris pled guilty and paid a fine of \$300.00 for the offense in district court.

Mr. Morris was sent a certified letter stating he was to appear before the Commission because of repeated violations for crab size limits and for a direct violation of a Commission Order. On January 29th Mr. Morris came into the office to renew his crab pot license and was informed that he had to appear before the Commission before his license would be renewed.

Mr. Morris said he was to appear before the Commission for crab violations but only thinks he has had one or two violations. He stated he has been crabbing since he was 13 years old. Mr. Carpenter stated that since 2005 Mr. Morris has received numerous violations over the years.

Staff's recommendation would be to allow Mr. Morris to renew his license but the license would be suspended until July 1, 2007.

Commissioner Bowman stated at the last Commission meeting he remembered using the term "progressive punishment". He thought 6 months was a little harsh at that time and recommended a 2 week suspension with the admonishment that Mr. Morris use the 2 week suspension to think that the 2 week suspension could have been 6 months. What the Commission got in return was blatant disrespect by Mr. Morris fishing during his suspension. Commissioner Bowman said he would not go against staff's recommendation this time.

Commissioner Bowes thought Mr. Morris's situation was much more serious and should have a more severe sentence than what was given to Mr. Bowie. Commissioner Bowman explained he felt that he had made a mistake last time by not accepting staff's recommendation and made it

clear that if Mr. Morris was called to another hearing while Commissioner Bowman was still on the Commission, he assured Mr. Morris that he would extend his suspension time. Commissioner Bowman advised Mr. Morris that there is a zero tolerance toward any future violations.

A motion was made by Commissioner Bowman, seconded by Commissioner Schick and passed to accept staff's recommendation.

Striped Bass Tag Hearing – Linton L. Richie, Jr.

Mr. Carpenter explained that Mr. Richie received a citation on August 6th for violation of altering striped bass tags. He pled guilty and paid a fine of \$250.00 to the Charles County General District Court on September 18th. Mr. Richie was sent a certified letter to appear before the Commission as a result of the violation. Mr. Carpenter stated he has spoke with several people from the state of Maryland who felt that Mr. Richie did not fully understand the Regulations and ramifications of his violation.

Mr. Richie stated he stands guilty as charged but explained there were circumstances as to why he did what he did. He explained that he lost a few of his striped bass tags off his boat. He advised the Commission that every fish he caught has been accountable on the fish reports. He felt he was at the mercy of the Commission.

Mr. Carpenter advised the Commission that Mr. Richie has no prior violations and only has the hook and line license with the Commission.

Commissioner Bowman asked for staff's recommendation. Mr. Carpenter advised that altering striped bass tags is a serious offense and that's why Mr. Richie was called to this hearing. Staff's recommendation would be to issue Mr. Richie ½ of his striped bass tags for the 2007 season.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall and passed to accept staff's recommendation.

Date and Place of Next Meeting

The next meeting is scheduled for Friday, June 15, 2007 at 9:30 a.m. in the John T. Parran Hearing Room of the Potomac River Fisheries Commission Building.

Adjourn

The meeting adjourned at 11:30 a.m.

Respectfully submitted,

William L. Rice, Sr., Chairman

Kyle J. Schick, Secretary