

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

June 15, 2007

Commissioners Present: William L. Rice, Sr. (MD) – Chairman, J. T. Holland (VA) – Vice-chairman, Kyle J. Schick (VA) – Secretary, Ida C. Hall (VA), Robert H. Bowes (MD), Steve Bowman (VA), Howard J. King (MD) and Dennis Fleming (MD).

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

Others Present: Dr. Tom Miller – CBL; Col. Johnson, Lt. Charles Sauter, Ofc. Garren and Ofc. Kreamer – MdDNR Law Enforcement; Capt. M. Ray Jewell – VMRC Law Enforcement; Mark Gares, John Dean, Kenneth Wicker, Tom Evans and Phil Angle – Finfish Advisory Committee; Herman Delvo and John Morris – Crab Advisory Committee; Robin Wicker, John Morris, III, James Morris, Bill Curry, Chris Kallfelz, Douglas Jenkins, Candice Zanko and several others who did not sign the guest register.

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

Introduction of New and Former Commissioners

Chairman Rice introduced two new members to the Potomac River Fisheries Commission, Mr. Howard King and Mr. Dennis Fleming. He stated he looked forward to working with the both of them.

Mr. Carpenter asked Mr. Gordon Birkett to come forward and explained he had received his resolution at a past meeting. Mr. Carpenter presented Mr. Birkett with his nameplate from the Commission and a small gift. Mr. Birkett expressed appreciation and was thankful for the nice people he had the opportunity to meet and work with. He felt the Commission was doing a wonderful job and encouraged them to keep up the good work.

Resolutions of Appreciation

Howard ‘Bip’ Kimball

Chairman Rice explained the Commission has a resolution of appreciation for Howard ‘Bip’ Kimball, who could not attend today, but would like to present it for the record.

WHEREAS, Mr. Howard E. “Bip” Kimball served with distinction and honor representing the State of Maryland on the Potomac River Fisheries Commission since his appointment by Governor Robert L. Erlich, Jr. on November 24, 2003, and

WHEREAS, Mr. Howard E. “Bip” Kimball brought with him the knowledge and experience gained through years of crabbing, fishing and hunting on the waters of southern Maryland and the tidal Potomac River, and

WHEREAS, Mr. Howard E. “Bip” Kimball has given of himself for the benefit of all those who use and enjoy the many different fisheries of the tidal Potomac River by his service on the Commission, and

WHEREAS, Mr. Howard E. “Bip” Kimball served this Commission by participating on the nominating and budget committees.

NOW, THEREFORE, BE IT RESOLVED, that the Potomac River Fisheries Commission and its staff wish to express their sincere gratitude to **Mr. “Bip” Kimball** for his service, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the Minutes of the Potomac River Fisheries Commission for all to see and be reminded of the dedication of **Mr. Howard E. “Bip” Kimball**.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and passed to adopt the resolution as presented.

Kenny C. Keen

Chairman Rice called Mr. Kenny Keen forward. Mr. Carpenter presented the following resolution to Mr. Keen.

WHEREAS, Mr. Kenny C. Keen served with distinction and honor as Maryland Secretary of Natural Resources C. Ronald Franks’ designee on the Potomac River Fisheries Commission, and

WHEREAS, Mr. Kenny C. Keen served this Commission as its Secretary, Vice-chairman and Chairman, as well as a member of the budget committee during his tenure, and

WHEREAS, Mr. Kenny C. Keen, as Deputy Director of Fisheries for the Maryland Department of Natural Resources, and his experiences as President of Calvert County Watermen’s Association and Vice-president of the Maryland Watermen’s Association served him well when dealing with fishery resource issues and decisions that affected the working watermen.

NOW, THEREFORE, BE IT RESOLVED, that the Potomac River Fisheries Commission and its staff wish to express their sincere gratitude to **Mr. Kenny C. Keen** for his service, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the Minutes of the Potomac River Fisheries Commission for all to see and be reminded of the dedication of **Mr. Kenny C. Keen**.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and passed to adopt the resolution as presented.

Mr. Keen thanked everyone and said attending meetings at the Commission was one of the “bright spots” in his job while working with the Maryland Department of Natural Resources.

Commissioner King expressed to Mr. Keen that he is now sitting in his position and that he can substitute for Mr. Keen but he can never replace him. Mr. Keen appreciated the comment.

William A. Pruitt

Chairman Rice called Mr. Pruitt forward and the following resolution was read before the Commission.

WHEREAS, Mr. William A. Pruitt served with distinction and honor as a Virginia representative on the Potomac River Fisheries Commission since his appointment by Governor Charles S. Robb in 1983. Mr. Pruitt was re-appointed in 1986 by Governor Gerald L. Baliles, in 1990 by Governor L. Douglas Wilder, in 1994 by Governor George Allen, in 1998 by Governor James Gilmore, and in 2002 by Governor Mark R. Warner, and

WHEREAS, Mr. William A. Pruitt served this Commission as its Secretary, Vice-chairman and Chairman, as well as a member of numerous committees during his tenure, and

WHEREAS, Mr. William A. Pruitt, as Commissioner of the Virginia Marine Resources Commission and born and raised as a Tangier Island waterman, brought a lifetime of experience and knowledge that was reflected in his dedication to the principles of bi-state fishery management and fair and equal representation for all users of the fishery resources of the Potomac River, and

WHEREAS, Mr. William A. Pruitt enjoyed a cold “Northern Neck Ginger Ale” when pondering difficult decisions regarding the preservation and wise use of the natural fishery resources of the Potomac River, and

WHEREAS, Mr. William A. Pruitt’s service on the PRFC was the longest of any Virginian in the Commission’s history.

NOW, THEREFORE, BE IT RESOLVED, that the Potomac River Fisheries Commission and its staff wish to express their sincere gratitude to **Mr. William A. Pruitt** for his untiring efforts and service, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the Minutes of the Potomac River Fisheries Commission for all to see and be reminded of the dedication of **Mr. William A. Pruitt**.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and passed to adopt the resolution as presented.

Mr. Pruitt thanked everyone and said the pleasure has been working with the people. He felt the Commission is important as an inter-state, bi-state cooperation between the states of Maryland and Virginia. The two states have to cooperate on not just fisheries issues but on all issues. He will miss the watermen and the people who come before the Commission. He is proud to support the watermen and regrets that he didn't do more for them.

Chairman Rice expressed some thoughts on working with Mr. Pruitt. He remembers Mr. Pruitt being on the Commission while he was a young man sitting in the audience prior to being appointed to the Commission. Chairman Rice said he was appointed to the Commission in 1993 and Mr. Pruitt took him under his wing and helped him a lot. Chairman Rice listened to Mr. Pruitt and tried to learn as much as possible and he appreciates Mr. Pruitt helping him along. He said Mr. Pruitt brought a degree of knowledge and dedication to this Commission that has been unsurpassed by anyone and as a Commissioner and watermen, Chairman Rice owes Mr. Pruitt a great deal of respect and gratitude that sometimes is not given. He thanked Mr. Pruitt and hoped he'd see him again real soon.

Chairman Rice introduced Col. George Johnson from the Maryland Marine Police.

Consideration of Minutes

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and passed to approve the minutes of February 16, 2007 as presented today.

Art Show Display

Mr. Carpenter took a minute to recognize the display of artwork provided by the Colonial Beach Art Guild. The show is considered a mini show celebrating the 400th anniversary of the Commonwealth of Virginia.

Oyster Harvest Report

Mr. Carpenter presented the final oyster harvest report for 2006-2007. The report showed 4,663 bushels reported by the harvesters and 4,732 bushels reported by the buyers. The dockside value of these oysters is estimated to be \$182,664.58. Almost half of the harvest (1912 bushels) was harvested from Cedar Point. The remainder of the catch was harvested from Swan Point, Beacon Bar, Gum Bar and Pascahanna. Chairman Rice noted that the harvest from Swan Point, Cedar Point and Pascahanna was a result of previous seed plantings.

Commissioner Hall questioned if there would be enough seed for harvest another year. Mr. Carpenter explained that there might be a few bushels harvested in future years, however this year's harvest was the bulk of what was planted five years ago. The Commission, for the past four years, has dedicated the funds that would normally go towards shell and seed plantings to supporting the EIS Program. Hopefully, a plan will be developed from that program on how to proceed in the future. Chairman Rice added the seed that was available was poor and very expensive.

Crab Harvest Report

Mr. Carpenter presented a preliminary crab harvest report for the months of April and May. It showed a harvest of 3,782 bushels of hard crabs, 3,581 pounds of peelers and 101 pounds of soft crabs compared to 6,133 bushels of hard crabs, 6,992 pounds of peelers and 338 pounds of soft crabs for the same period as last year. He noted that the 2007 season is following a pattern closer to 2005. With a cold and windy start to the season, it's still too early to anticipate what the season will bring.

Selection of Artificial Reef Location Preference

Mr. Carpenter explained the Commission surveyed several areas in the lower river for a potential artificial fishing reef / oyster sanctuary area. The plan is to develop this area out of rubble from the Woodrow Wilson Bridge Project. The site would then be revisited and sprinkled with oyster shells so it could be used as an oyster sanctuary. The Commission surveyed three areas, Cornfield Harbor, Kitts Point and Hog Island. Based on the surveys, Cornfield Harbor did not provide suitable river bottom for the rubble. Kitts Point did provide a hard sand bottom and would be suitable for the reef. Hog Island was also favorable with a hard sand bottom and is deep water. The Commission has applied for permits for both Kitts Point and Hog Island. The state of Maryland issued permits for both locations, but the Corps of Engineers determined the Commission's application to be either/or not both. A permit was issued as either/or and the Commission needs to decide what area should be used for the artificial reef. The Commission is in the process of having the permit amended but it may not be completed in time. There should be enough rubble to do one site, not both. Staff is asking for direction as to which site the Commission would like to use. Staff's recommendation, based on bottom type and traditional use, would recommend using Hog Island. Mr. Carpenter explained that Commissioner King, with the Maryland Department of Natural Resources, is the owner of the material that will come from the project and the Commission will need to work with him to assist in receiving some of the rubble.

Commissioner King stated MdDNR is creating small rubble that is being barged to Point Lookout sanctuary. The problem with the material from the project is breaking it up into smaller sizes. He noted Maryland is committed to doing something in the Potomac River.

Commissioner Bowes questioned Commissioner King on the timeframe of receiving the material. Commissioner King said it should be within six months. Commissioner Bowes felt the Commission should consider taking public comment on this issue at the September Commission meeting. Commissioner Holland said the Commission needed to move forward on this issue because of receiving the rubble so soon. He recommended adopting staff's recommendation.

Chairman Rice stated that most of the charter captains and recreational fishermen feel that Hog Island would be the best place for this reef.

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

Winter Striped Bass Harvest

Mr. Carpenter presented the winter striped bass harvest report. He noted that January, February and March totals for 2007 were about 300,000 pounds of striped bass harvested. The 2007 season was not as good as the 2004 or 2006 seasons, but was very similar to the 2002 and 2005 seasons. The fish were later coming in, which resulted in a lower harvest, but is not an unusual situation.

Finfish Advisory Committee Report

Dr. Gares, Chairman of the Finfish Advisory Committee presented the report to the Commission. He stated the committee met on May 22nd with a good attendance.

Change Gill Net License Year

The first issue the committee discussed was changing the gill net license year. Everyone was in agreement for changing it to a continuous season, but many had concerns on how the striped bass tags would be handled. After a lengthy discussion, a motion was made to allow all striped bass tags to be used for the 2007 season during November and December. Once all your 2007 tags are used and/or you want to start the new '07-'08 season, you come in and return any tags that you may have left from the 2007 season and renew your licenses for the '07-'08 season. At that time you will be issued 80 striped bass tags for the '07-'08 season and you can fish on the new season until March 25, 2008. This motion passed unanimously.

Barbless Hook Requirement

There was little discussion in this issue, but the committee felt this was an economic issue. A motion was made to not require the use of barbless hooks during the open spring season when recreationally fishing for striped bass. This motion was passed with 12 in favor and 1 abstention.

Extend the No Culling (high-grading) Rule to Include All Species for Recreational Fishing

The committee briefly discussed this issue and made a motion to allow an aerator on the boat when recreational fishing. This motion received no second and was not adopted. The committee made another motion to make culling or high-grading illegal on all regulated fish, except large mouth bass, when recreational fishing. This motion passed with 7 in favor and 6 opposing votes.

Proxies

The committee felt that anyone could serve as a proxy, including a current committee member. This motion passed unanimously.

The committee was asked to consider recommending to the Commission the use of 6" mesh net when gill netting from March 19th to the end of the season. The committee had no comments on this issue and made no motion to forward this recommendation to the Commission.

Mr. Carpenter noted that Chairman Gares neglected to note that the committee voted to adopt Dr. Gares and John Dean to serve another term as Chairman and Vice-chairman on that committee.

Order 2007-09 – VIMS & MdDNR Striped Bass Tagging Study

Mr. Carpenter explained the Commission adopted an order that supported a VIMS tagging study that tracked diseased striped bass. The Maryland Department of Natural Resources is cooperating with that study and is tagging striped bass as well. Staff thought it would be appropriate to include that department to show the importance of the work the two states are doing.

A motion was made by Commissioner Hall, seconded by Commissioner Bowes and unanimously passed to adopt Order 2007-09 as follows:

O R D E R #2007-09**VIRGINIA INSTITUTE of MARINE SCIENCE (VIMS) &
MARYLAND DEPARTMENT of NATURAL RESOURCES (MD DNR)
STRIPED BASS TAGGING STUDY**

THE POTOMAC RIVER FISHERIES COMMISSION, having determined the VIMS/MD DNR tagging study to assess the effects of mycobacteriosis on the health of striped bass is very important and wishing to help further the study,

HEREBY DECLARES AND ORDERS: Fishermen may possess any striped bass tagged with a VIMS or MD DNR bright fluorescent green streamer tag. Possession of these VIMS or MD DNR tagged striped bass shall be exempt from:

- a) the season and size limits as may be set from time to time by Commission Orders.
- b) the recreational possession limits as may be set from time to time by Commission Orders, and
- c) the commercial tagging requirements of Reg. III, Sec. 10(b).

Provided, however, these fish are kept on ice and VIMS or MD DNR is contacted as soon as feasible. Under no circumstances shall any such VIMS or MD DNR tagged striped bass be stored for future use or sale or delivered to any person except a VIMS or MD DNR authorized representative.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2007-09 shall become effective June 25, 2007 and remain in effect through December 31, 2008.

Regulations to Consider for Public Hearing

Mr. Carpenter explained there are a number of regulations that would need to be amended to accomplish the goal of changing the license year for gill nets from a calendar year to an FY year. Most of the concern was focused on how to re-distribute the striped bass tags not, on the license year. Staff supported and recommended the Commission proceed with these particular regulation changes to public hearing. The next regulation change to consider for public hearing would be adding the definition of high-grading and when it is unlawful. The term high-grading

was chosen instead of culling. Culling is a required activity, which is used throughout the Regulation Book in a number of other situations. Staff did not want to confuse the terminology between the two. The definition of high-grading was copied from the fisheries and natural resource management and adequately fits this situation. Large mouth bass would be excluded from this high-grading regulation because it is an established recognized tournament fishery that does occur in this area. Those fish are release alive at the end of the tournament and did not need to be included. In addition to those regulations, Maryland and Virginia have regulations prohibiting the gaffing of striped bass and staff would consider adding that to the PRFC Regulations. The draft regulation presented is copied direct from Virginia's regulation.

Commissioner King verified that the harvest accounting could still be on a monthly basis irrespective of the continuous season, so that the Commission can comply with the annual Chesapeake Bay striped bass quota. Mr. Carpenter advised the reporting will still be on a monthly basis and the quota system will not change. Mr. Carpenter did not anticipate having to report this to ASMFC since it's an internal issue.

A motion was made by Commissioner Holland, seconded by Commissioner Schick and unanimously passed to send the following items to public hearing as recommended by staff.

1. *Reg. I, Sec. 1(a) – Application/Eligibility for License*
2. *Reg. I, Sec. 1(c) – Limited Entry Fisheries*
3. *Reg. I, Sec. 2(n)(4) – Time and Place for Submitting and Issuing Renewal Licenses*
4. *Reg. III, Sec. 13(d) – Individual Striped Bass Allocation Transfer from Gill Net to Commercial Hook and Line*
5. *Reg. VI, Sec. 1(g) – High-grading*
6. *Reg. VI, Sec. 5(f) – High-grading Prohibited*
7. *Reg. III, Sec. 6(c) – Gaffing Unlawful*

ASMFC Summary of the 2007 Spring Meeting

Mr. Carpenter stated a summary of the ASMFC spring meeting was included in the packet. Mr. Carpenter did not attend this meeting. He asked if there were any questions or concerns with the summary. The Commission had no comments.

ASMFC Annual Reports

Mr. Carpenter explained the Commission submits annual harvest reports to the Atlantic States Marine Fisheries Commission and they are distributed each year to the Commissioners. Copies of the reports are not provided in the audience handouts, however, if anyone would like copies, a signup sheet is provided and copies will be mailed upon request. Mr. Carpenter reviewed several of the reports and presented a slideshow in regard to the Shad and River Herring harvest. *Editor note: Complete reports on file with ASMFC.*

Financial Reports

A report of the third quarter (January through March) operational budget disbursements was presented, by budget item, totaling \$147,139 and a report of the cash-on-hand totaling

\$245,424.96 was also presented. Mr. Carpenter noted one unusual item under other contractual services. An amount of \$115,000 was budgeted for that item, which was to go towards repair work on the jurisdictional markers in the river. This spring the opportunity was presented to wait a few months and purchase the steel direct from the mill, saving a considerable amount of money. The Commission postponed that work until July, which caused the funds to go into next years budget.

Commissioner King questioned if there was any money in the budget for reef work. Mr. Carpenter stated those funds would be in next years '07-'08 budget.

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

Receipt of the FY '05-'06 Annual Audit

Mr. Carpenter advised that the annual audit for 2005-2006 was completed. Each Commissioner should have received a copy of that audit with the exception of the new Commissioners. Copies will be provided to Commissioner King and Commissioner Fleming.

Budget Committee Report

Commissioner Holland presented the draft budget report to the Commission and he asked Mr. Carpenter if he would like to review it or if the Commission had any questions.

Commissioner Bowman stated he thoroughly reviewed the budget and found it to be in line with the operating budget as far as Virginia is concerned, pertaining to specific numerical figures, dealing with mileage reimbursement, salary increases and COLA's. He felt the budget committee did a great job preparing this document.

Commissioner Hall agreed with Commissioner Bowman and felt it was nice to have the opportunity to review the budget prior to the Commission meeting. She questioned the proposed amount of \$19,000 in oyster revenue. Mr. Carpenter explained one thing that is incorporated in the proposed revenue is an increase in license fees. The numbers that are listed as revenue in the proposed budget are calculated by the same number of licenses sold, but at the new rate, and that is how the budget committee arrived at the \$19,000.

Commissioner Hall then questioned the mileage reimbursement increasing from \$.40¢ to \$.485¢ per mile. She felt that was a generous increase but did not feel right about it. The budget is being proposed today and a public hearing is not scheduled until the next Commission meeting to decide if licenses should be increased. Mr. Carpenter explained that was correct and the increase in license fees would become effective the beginning of the next license year. She asked what is the point of having a public hearing if the Commission approves the budget today. Mr. Carpenter noted at the next public hearing, if license fees are not increased, the budget committee will have to review and develop recommendations of where to eliminate other things that they had planned in this budget. Commissioner Holland stated this budget is a working document.

Commissioner Bowman questioned Mr. Carpenter where the mileage increase was derived from. Mr. Carpenter stated it is the current rate being used by both the Federal Government and the Commonwealth of Virginia.

Mr. Carpenter wanted to note for the record that the commercial replacement tag/decal currently costs the Commission \$9.05. Therefore, an increase from \$1.00 to \$10.00 is well justified. Commissioner Bowman was surprised the auditors did not comment on that sizable increase. Mr. Carpenter felt the auditors did not review the books close enough to decide what the cost should be for a replacement tag. Commissioner Bowman supported the increase, but from a governmental point of view, the Commission cannot be subsidizing that amount of money.

A motion was made by Commissioner Schick, seconded by Commissioner Bowman and unanimously passed to adopt the budget as proposed by the Budget Committee and included items 1-7 in the Budget Committee report

- 1.) Use current cash on hand to pay off the building loan (balance \$31,217 + interest) before June 30, 2007.
- 2.) Increase mileage reimbursement rate from \$0.40 to \$0.485 per mile.
- 3.) Increase commercial tag/decal replacement cost from \$1.00 to \$10.00 (now cost \$9.05 in materials).
- 4.) Authorize public hearing advertising to increase commercial license fees.
- 5.) Personnel services includes a 3% COLA for all employees.
- 6.) Contractual services include additional money for replacement of the jurisdictional line markers between the Rt. 301 bridge and Indian Head, MD / Hollowing Point, VA.
- 7.) Development and Repletion expenses include \$50,000 for continuing work in support of the EIS and additional \$50,000 for a completely NEW item – the artificial reef/oyster sanctuary construction.

POTOMAC RIVER FISHERIES COMMISSION
2007-2008 DISBURSEMENTS BUDGET

2007-2008 BUDGETPERSONAL SERVICES:

101-109 Compensation of Commissioners & Salaries	\$266,984
--	-----------

CONTRACTUAL SERVICES

201 Advertising	6,000
201 Agent Fees	2,500
204 Postage	10,000
205 Telephone	4,000
206 800 Line	1,000
207 Internet Service	600
208 Electric Current	4,000
209 Freight Expenses	1,000
212 Lease of Equipment	4,000
214 Membership Dues & Subscriptions	500
216 Printing Regulations*	2,000
220 Travel Expenses	10,000
221 Water Expenses	600
224 Photographic Services-Charts	500
230 Computer Support	12,000
270 Repairs to Equipment	1,000
275 Building Maintenance	1,500
280 Interest Expense	0
281 Bank Charges	100
290 ACFCMA**	97,850
299 Other Contractual Services	<u>145,000</u>
	304,150

MATERIALS & SUPPLIES

301 Automotive Expenses	2,700
309 Fuel for Heat	0
313 Office Supplies	11,000
330 Household Furnishings & Supplies	1,000
332 Licenses, Tags, Report Books	35,000
400 Resale Supplies	<u>2,000</u>
	51,700

CURRENT CHARGES & OBLIGATIONS:

240 Insurance - surety bonds, fire auto liability, workmen's comp.	6,200
085 Loans Payable	<u>0</u>
	6,200

PENSION AND OTHER CONTRIBUTIONS:

510 Retirement	20,200
511 Group Life Insurance	2,400
512 Group Health Insurance	55,000
513 Employer's FICA	15,700
513 Employer's Medicare	3,600
514 Deferred Compensation Match	<u>2,000</u>
	98,900

CAPITAL OUTLAY:

801 Office & Other Equipment	5,000
801 Furniture & Fixtures	2,000
803 Auto	<u>0</u>
	7,000

SPECIAL PROJECT EXPENSES:

100 Reserve for Capital Improvements	0
--------------------------------------	---

DEVELOPMENT & REPLETION EXPENSES:

225, 331, 333 & 335 Seed Oysters and/or Shell	50,716
339 Artificial Reef Construction/Transportation	50,000

UNEXPENDED CASH BALANCE: (contingency fund) 20,000

TOTAL \$855,650

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

**Fully supported by ACFCMA

POTOMAC RIVER FISHERIES COMMISSION
2007-2008 BUDGET
RECEIPTS

	<u>2007-2008 BUDGET</u>
UNEXPENDED CASH BALANCE FORWARD: (AS OF 7/1/07)	120,000
SALE OF LICENSES:	
Fish	89,000
Oyster	19,000
Crab	80,000
Clam	300
Fish - Recreational	90,000
Crab - Recreational	1,000
OYSTER BUSHEL INSPECTION TAX:	1,000
APPROPRIATIONS BY STATE:	
Maryland	175,000
Virginia	175,000
SPECIAL GRANTS:	
Atlantic Coastal Fisheries Cooperative Management Act	97,850
INTEREST ON SAVINGS (C/D's)	5,000
RESALE SUPPLIES:	1,500
MISCELLANEOUS: Limited entry license drawing	0
Confiscated Property, Sale of Tags, Etc.	<u>1,000</u>
TOTAL	855,650

Mr. Carpenter verified that since the motion does refer to the report therefore, it also authorizes the advertising to increase license fees as part of the public hearing. Commissioner Schick stated that was correct. Chairman Rice thanked Commissioner Schick for the clarification.

Pre-payable Fine Schedule

Mr. Carpenter reminded the Commission they had reviewed this schedule and adopted it in September of last year. It was then submitted to the Virginia Supreme Court for their approval and use in Virginia. That approval has been received from the court and these numbers have not changed since September. He asked the Commission to formally adopt the pre-payable fine schedule as a recommendation to the courts.

Lt. Charles Sauter requested that sport crabbing without a license be added to the fine schedule. Mr. Carpenter stated this would be added in a future review of the fine schedule.

A motion was made by Commissioner Holland, seconded by Commissioner Schick and unanimously passed to adopt the pre-payable fine schedule as follows:

SCHEDULE OF PREPAYABLE OFFENSES
Effective July 1, 2007

<u>Regulation Section</u>			<u>Description of Offense</u>	** T O T A L ** Prepayable Fine
I	1	a	Unauthorized Transfer of License	\$250
I	2	d(1)	Improper Identification of Crab Pots or Vessel	\$100
I	2	d(1)	Fishing 1 to 5 More Crab Pots than Licensed	\$150
I	2	d(1)	" 6 to 10 More Crab Pots than Licensed	\$250
I	2	d(1)	" 11 to 15 More Crab Pots than Licensed	\$350
I	2	d(1)	" 16 to 20 More Crab Pots than Licensed	\$450
1	2	d(1)	" 21 or More Crab Pots than Licensed	\$500
I	2	f(1)	Improper Identification of Oyster Tong Vessel	\$100
I	2	f(3)	Improper Identification of Hand Scrape Vessel	\$100
I	2	i(1)	Gill Net Set in Water Depth More than 36' MLW	\$250
I	2	l(2)	Failure to Display Commercial Hook and Line Pennant	\$100
I	2	l(2)	More Unlicensed Commercial Hook and Line Crew Members than Allowed	\$300
I	2	m(4)	Improper Identification of Eel, Fish or Bait Pots or Vessel	\$100
I	2	n(8)	Improper Identification of Pound, Gill or Fyke Net	\$100
I	2	n(9)	Failing to Maintain 1 to 5 Stakes or Buoys	\$200
I	2	n(9)	" " 6 to 10 Stakes or Buoys	\$250
I	2	n(9)	" " 11 to 15 Stakes or Buoys	\$300
I	2	n(9)	" " 16 to 20 Stakes or Buoys	\$350
I	2	n(9)	" " 21 or more Stakes or Buoys	\$500
I	2	q	Improper Identification of Fish Trot Line	\$100
I	2	s	Failing to Remove 1 to 5 Stakes	\$200
I	2	s	" " 6 to 10 Stakes	\$250
I	2	s	" " 11 to 15 Stakes	\$300
I	2	s	" " 16 to 20 Stakes	\$350
I	2	s	" " 21 or more Stakes	\$500
I	2	s	No Reflective Material/Flags on Gill, Fyke or Pound Net	\$100
I	2	s	Gill Net Set Out of Location	\$100
I	2	u	Operating Charter Boat without Sport Decal	\$300
I	3	b	Commercial Fishing/Crabbing/Oystering/Clamming without License	\$300
I	3	b	Failure to Exhibit Commercial License	\$100
I	3	c	Placing 1 to 10 Buoys, Gear or Pots in Marked Channel	\$150

<u>Regulation Section</u>			<u>Description of Offense</u>	** TOTAL ** Prepayable Fine
I	3	c	" 11 to 15 Buoys, Gear or Pots in Marked Channel	\$200
I	3	c	" 16 or more Buoys, Gear or Pots in Marked Channel	\$250
I	3	e	Altering/Modifying Striped Bass ID Tags	\$250
II	2	b	Possessing Hand Scrape During Unlawful Time (note Order #)	\$150
II	2	b	Oystering Before or After Closed Hours (note Order #)	\$250
II	2	b	Oystering During Closed Season (note Order #)	\$250
II	2	e	Possessing Patent Tong or Dredging Equipment without Permit	\$100
II	2	f(1)	Possessing 6 to 10% Unculled Oysters	\$200
II	2	f(1)	" 11 to 15% Unculled Oysters	\$350
II	2	f(1)	" 16% or more Unculled Oysters	\$500
II	2	f(2)	Not Culling on Oyster Bar	\$200
II	2	g	Possessing Oysters in Containers	\$200
II	2	g	Possessing Oysters in Baskets without Permit	\$100
II	3	b	Oystering in Closed Area (Sanctuaries)	\$300
III	8	b	Exceeding Minimum or Maximum Mesh Size	\$250
III	8	c	Violation of Haul Seine Regulations	\$200
III	9	a(1-7)	Fishing During Closed Season (Commercial)	\$250
III	9	b	Possessing Fish During Closed Season (note Order #)	\$100 per fish
III	10	a	Exceeding Fish Catch/Creel Limits (note Order #)	\$100 per fish
III	10	a	Possessing Striped Bass in Excess of Catch/Creel Limits (note Order #)	\$130 per fish
III	10	b	Using Striped Bass ID Tags of Another	\$100
III	10	b	Failure to Tag Commercial Caught Striped Bass	\$100 per fish
III	10	b	Unlawful Use of Striped Bass Tags (note Order #)	\$100
III	11	a	Possessing Undersize Fish (note Order #)	\$100 per fish
III	11	a	Possess Oversize Striped Bass (note Order #)	\$250 per fish
V	1	a	Improper Identification of Soft Clam Vessel	\$80
V	3	a	Possessing 6% or more Undersized Clams	\$150
V	4	a	Exceeding Clam Catch Limits	\$150 per bushel
V	6	d	Clamming in Closed Area	\$500
VI	2	c	Failure to Exhibit Sport Fishing License	\$100
VI	4	a	Exceeding Unlicensed Recreational Crabbing Gear or Catch Limits	\$150
VI	4	b	Failure to Exhibit Sport Crabbing License	\$100
VI	4	c	Exceeding Licensed Sport Crabbing Gear Limits	\$120
VI	4	d	Improper Identification of Sport Crabbing Gear	\$100
VI	4	e	Exceeding Licensed Sport Crabbing Catch Limits	\$120
VI	5	a	Sport Fishing without License	\$100
VI	5	e	Fishing for Striped Bass During Closed Season without Barbless Hooks	\$80
VII	1	d	Failing to Remove Peeler Traps	\$200
			Possessing Unculled Crabs <u># per Bushel</u> <u># per Barrel</u>	
VII	2	a	" " 5 to 9 11 to 24	\$150
VII	2	a	" " 10 to 14 25 to 39	\$225
VII	2	a	" " 15 to 25 40 to 59	\$275
VII	2	a	" " 26 or more 60 or more	\$400
VII	2	a	Possessing Unculled Crabs - non commercial persons	\$125
VII	5	b	Crabbing at Night	\$200
VII	4	a	Crab Potting During Closed Season	\$250
VII	6	a	No Culling Container on Board	\$200
VII	6	a	Transporting Crabs not in Baskets or Barrels	\$200

<u>Regulation Section</u>			<u>Description of Offense</u>		** TOTAL ** Prepayable Fine
VII	6	b	No or Closed Cull Rings in	1 to 5 Pots	\$175
VII	6	b	" "	6 to 10 Pots	\$275
VII	6	b	" "	11 to 15 Pots	\$450
VII	6	b	" "	16 to 20 Pots	\$500

Note: Fines on a per fish or per bushel basis may not exceed \$500.00 total per ticket. Offenses not listed are not prepayable and therefore require a "must appear" notice.

Delinquent Seafood Catch Report Hearing

Mr. Carpenter noted there were three individuals called to the hearing and as of June 12, 2007 none of the certified letters had been signed for or picked up from the post office by any of them.

Commissioner Bowman questioned if there were valid address so that a marine police officer could serve the notice in person. He stated that's how VMRC handles its cases. Mr. Carpenter stated the Commission does have addresses for these individuals, however it has not been the practice of the Commission to hand deliver notices. Commissioner Bowman stated this is one way to clear the docket without changing the practices of the Commission. He asked, if it pleased the Commission, he would like to have them personally served. Mr. Carpenter stated that could be arranged with law enforcement and this hearing would be held in September. Commissioner Bowman stated in Virginia, if they don't appear after being personally served, they are suspended until they appear before the Commission at VMRC.

Mr. Carpenter called the following individuals, for the record, to show they were absent and will follow the Commission direction at this point.

- 1.) Scott Lee Dent
- 2.) William Allen Dent, III
- 3.) Kenneth Wayne Jenkins

Renewal of Commercial Licenses – Candice Zanko c/o Paul Zanko

Mr. Carpenter called Candice Zanko forward and explained to the Commission that Ms. Zanko's father passed away last October in a tragic accident. His commercial licenses were not renewed during the regular renewal period, nor were they renewed by the grace period that the Regulations provide. Mr. Zanko held licenses with the Commission for a number of years.

Ms. Zanko requested that she appear before the Commission to explain her side of the situation. She explained she was very confused in the beginning on who to deal with because her father also held Maryland licenses. She thought she could renew all of his licenses through Maryland Department of Natural Resources. Due to her work schedule, she could not make it down here by the end of April. She claimed she phoned the office and was informed that she had until the end of July to renew Mr. Zanko's licenses without any penalties, except late fees, through the Commission. She was notified that she was misinformed and could not renew the licenses without appearing before the Commission.

Commissioner Bowman questioned Ms. Zanko's intention with these licenses since she works 6 days a week. He asked if she was going to give up what she's doing and work commercially on the water. Ms. Zanko was not sure what her plans are for her father's licenses. She has not thought about selling them or transferring them to anyone at this point. She explained that she has other siblings to consider as well.

Commissioner King verified that she was able to renew Mr. Zanko's Maryland commercial licenses. He asked what would happen if the licenses were not renewed. Mr. Carpenter explained the crab pot license would be retired and the other limited entry licenses would be listed as available under a random drawing process. Commissioner King questioned if the person who receives the license through the drawing would have to show intent to use the license. Mr. Carpenter stated the only restriction is that the license cannot be transferred for five years.

Commissioner Bowman questioned if the Commission were to grant the licenses to Ms. Zanko, could the Commission attach the no transfer for five year restriction on the renewal of these licenses. Mr. Hutt, senior legal advisor, felt it was a discretionary matter and restrictions can be placed at that time. Mr. Mayo also felt there was no restriction because it is clearly past the renewal period.

Dennis Fleming questioned what the value of these licenses would be if they were sold. Chairman Rice said the amounts could vary depending on the seller and the buyer.

Commissioner Bowman felt he did not want to deprive the family, specifically Ms. Zanko, of the opportunity of carrying on the family tradition created by Mr. Zanko. However, he believed that fishing licenses are specifically for that and should be used within the family unit as the father did. The Commission should not become brokers and decide who can sell a license and who can't.

A motion was made by Commissioner Bowman that the Commission grant her request with the proviso that the licenses not be transferred to any other entity within a period of 5 years after the issuance.

Commissioner King thought the crab pot license should be retired and consider Commissioner Bowman's motion for the other licenses.

Commissioner Bowman withdrew his motion.

A motion was made by Commissioner King, seconded by Commissioner Bowman that the Commission retire the crab pot license and that the remaining licenses be renewed with the provision that they cannot be transferred or sold for a period of five years.

Chairman Rice verified that the motion would include all the heirs to the estate. Commissioner King agreed.

Commissioner Bowes felt the licenses belong to the family and that the Commission was being

judgmental in trying to change that. He would like to see the licenses renewed within the family. Commissioner Holland felt there was plenty of time to renew the licenses. He asked Mr. Carpenter for a time frame of what happened.

Mr. Carpenter reviewed the situation. Mr. Zanko passed away in October, 2006. The licenses were not renewed during the normal renewal period (December and January). Licensees have February through April to pay a penalty and renew. Mr. Zanko's licenses were not renewed during that time either. After April 30th the staff is not empowered to issue licenses. However, staff confirms that Ms. Zanko did call the office and received conflicting information in regard to the renewal period. Mr. Carpenter apologized to the Commission for providing conflicting information.

Mrs. Butler, secretary for the Commission advised that when Ms. Zanko called she was having problems establishing the estate, figuring out what licenses Mr. Zanko had and where to even renew those licenses. She advised she would not be able to renew in time based on the circumstances.

Commissioner Bowman asked if she had received the accurate information. Ms. Zanko said she was under the impression she had until the end of July to renew them without going through this procedure. Mrs. Butler advised that by the time Ms. Zanko gathered all of her father's information, it was past the April renewal period, which resulted from issues with Maryland establishing an estate in Mr. Zanko's name. Mr. Carpenter advised that she may have received inaccurate information, but he does not recall the conversation. Commissioner Bowman stated he is not trying to blame anyone but felt she should have the opportunity to renew the licenses based on the situation.

Commissioner King withdrew his motion and stated she was operating in the proper manner with the best intentions.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall and unanimously passed that the Commission allow the transfer of licenses to Ms. Zanko under that same normal circumstances anyone else would have had they ascribed to the same timeframes as allowed to the Commission.

Compact Amendment Update

Mr. Carpenter explained the Commission has sought four changes to the Compact. One of those changes was dealing with increasing the maximum fine from \$1,000 to \$2,500 and the Commission was unable to obtain a sponsor in Maryland, therefore that request went no further. There were three requests that went to the Legislature and they were increasing the daily compensation for Commissioners, to authorize leasing of the river bottom on the water column and to include retirees to be eligible for health care coverage provided through the state programs.

In Virginia, all the items were included in one bill and they were submitted in that fashion. With some minor modifications and adjustments based on what was taking place in Maryland, the bill

passed and has been signed by the Governor.

In Maryland, the items were considered separately. Senate Bill #282 dealt with the daily compensation for Commissioners, was passed, and has been signed by the Governor. However, the Maryland bill does include a provision, that subject to the Maryland Constitution, Commissioners who serve on the effective date of this change cannot benefit from the increase. Current Commissioners would have to wait until their next reappointment date before they would be eligible for the higher compensation. This bill will not become effective until the two Governors have issued proclamations. House Bill #1164 dealt with leasing. This bill was withdrawn based on objections raised by the Maryland Department of Natural Resources after its introduction. Based on those objections, the Commission felt it would be better to withdraw that bill and have it resubmitted next year with language that more closely meets Maryland's needs, but still matches language that has been adopted by Virginia. Senate Bill #283 dealing with health care for retirees failed in committee by the state of Maryland. There were objections from the Department of Budget and Management, with objections that it may impact their bond rating because of the unfounded nature of the liability.

Mr. Carpenter explained there are some issues that need to be addressed. On the issue dealing with compensation, the Governors need to determine that the provisions of the Maryland bill and that portion of the Virginia bill need to have proclamations issued declaring those portions effective. With the leasing bill, the Commission needs to work the MdDNR and reintroduce legislation next year. With regard to health care for retirees, Mr. Carpenter requested direction from the Commission.

Chairman Rice thanked Mr. Carpenter for the update and appointed Commissioners King and Bowman to work with their respective Governors and agencies to resolve some of these issues, so that legislation can be introduced next year.

Commissioner Bowman stated that he couldn't introduce legislation. He can work with the Secretary of Natural Resources from Virginia to help move the order. He just can't carry legislation. He said he would work through it. Commissioner King stated from Maryland's side item 1 will be easy to deal with, item 2 is going to be difficult. The department opposed it based on advice from the Attorney General's office because of legal issues that have to be resolved. Item 3 is really important and Commissioner King will try to have a better outcome for next year.

New Business

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

Commissioner Bowes stated that he sent an e-mail to the Commissioners and has spoke with several crabbers about the outcome of adopting Order #2007-08 (Two Crab Pot Licenses on One Boat). The provisions that are placed in the order have precluded several people who used the permit last year from obtaining one this year. The concern is some crabbers can crab as individuals, but according to the terms in the order they cannot work together. Some concern was expressed with the use of the decals and the inability of keeping the decals on the buoys. He requested the reconsideration of Order 2007-08 by possibly resolving these issues and making

the order a regulation with the requirement the each individual be declared a natural person.

John Morris is a waterman who's been affected by the new restrictions placed in Order 2007-08. He crabs with his son, who was not eligible because of being placed on probation due to late harvest reports. He felt some of the restrictions were a bit harsh and should be reviewed.

Commissioner Bowman verified that based on the restrictions in the order, a person on probation can crab by himself, but is not eligible for the permit to work with someone else. Mr. Carpenter advised each licensee has to have filed timely seafood harvest reports in each of the last two years and neither licensee may have had any PRFC licenses revoked, suspended or be on probation.

Mr. Mayo explained the Commission has a regulation that clearly states one license, one person, one boat and the Commission provided an exception to that regulation.

Commissioner King questioned how many pots would be fished if Mr. Morris and his son worked together. Mr. Morris said they would have 1000 pots but are restricted to 800 as part of the provisions in the order. Only two 500 pot licenses are restricted when they apply for the permit. Mr. Morris felt that everyone should be allowed to utilize this permit and help save on the cost of fuel and the economics of trying to find someone to help you work.

Mr. Carpenter explained when the Commission adopted this exemption, a computer program was developed to tell staff who is qualified and who is not. There have been five people who have requested permits. Of the five, three of them have not qualified under the new criteria that the Commission has set up. Chairman Rice asked if any of them held permits previously. Mr. Carpenter stated one of them did hold a permit in prior years but did not qualify this year.

Commissioner Schick recalls adopting this order and he felt the concern was not to increase the pressure on the fishing resource. The Commission also wanted to allow the watermen the economic benefit, but not at the expense of the resource and that's why these provisions were made. It would allow the watermen who were following the rules to take advantage of the economic benefit and work together.

Mr. Carpenter explained the process of being called to a delinquent hearing. Chairman Rice further stated the procedure is when called to a hearing, if they have satisfied the delinquent reports prior to the hearing, the person is placed on probation.

Chairman Rice stated the Commission has several options to consider. He suggested reviewing the order during the off season to try and make it more user friendly, if the Commission so chooses.

Commissioner Hall commented when this permit was created, it was with the intent to help the working watermen after Hurricane Katrina and the increase in fuel prices to allow families to work together. The Commission has a commitment to protect the resources of the Potomac River but also has to protect the watermen. She suggested the Commission review what was adopted and work towards the original goal of families working together.

Commissioner Bowes stated that Mr. Morris is not looking out just for himself, but for other watermen as well. He would like it to be fair for everyone.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall to reconsider Order 2007-08 and not contain the provision pertaining to individuals being on probation.

Commissioner Schick verified that the order would still note that someone who has had their license(s) suspended would have to wait the two year period before qualifying for the exemption. Commissioner Bowman stated that was not his intent. Suspension is suspension. After they are through with that the probationary aspect, it deals with any other administrative violation, which would bring them before the Commission.

Mr. Carpenter explained that typically when someone is called in for a catch report hearing, whatever the Commission decides is always followed by a 1 year probation. He questioned how Commissioner Bowman would revise the order.

Mr. Hutt suggested to spend some time on this issue and completely rewrite item (b) in the order. He felt there were a lot of pitfalls within that item. **Commissioner Bowman withdrew his motion.**

Commissioner Bowman recommended sending this to a committee for complete review based on Mr. Hutt's comments. Mr. Hutt asked if that was in the form of a motion.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and passed to send Order 2007-08 to a committee to study the matter.

Commissioner Bowman suggested the committee be comprised of one person from Maryland, one from Virginia, staff and legal council. Chairman Rice appointed Commissioner Bowes, Commissioner Hall, Mr. Carpenter and Mr. Mayo to serve on this committee.

Mr. Carpenter advised the Commission that last year a regulation was adopted to allow two 300-pot licenses be surrendered for one 500-pot license as a way of trying to reduce the number of licenses and pots in the water. During the license renewal period, 14 individuals combined and reduced the number of licenses by 7. The potential number of licensed pots has been reduced by 700.

Date and Place of Next Meeting

The next meeting is scheduled for Thursday, September 13, 2007 at 2:00 p.m. in the John T. Parran Hearing Room of the Potomac River Fisheries Commission Building.

Executive Session – 11:55 a.m.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland to go into executive session to discuss personnel matters.

Reconvene – 12:05 p.m.

A roll call vote was taken to show that only personnel matters were discussed during the executive session as follows:

Commissioner Bowes – Aye
Commissioner King – Aye
Commissioner Hall – Aye
Commissioner Holland – Aye
Commissioner Rice – Aye
Commissioner Bowman – Aye
Commissioner Fleming – Aye
Commissioner Schick – Aye

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and unanimously passed that the Commission adopt a confidentiality statement to be signed by employees and contractors with access to Commission records.

Adjourn

The meeting adjourned at 12:07 p.m.

Respectfully submitted,

William L. Rice, Sr., Chairman

Kyle J. Schick, Secretary