

## **OYSTER/CLAM ADVISORY COMMITTEE REPORT**

**November 14, 2007**

**PRFC Office, Colonial Beach, VA**

### **Members Present**

John F. Tucker Brown - St. Mary's Co. Clammers  
Nealy Little - Commercial Oysterman  
Paul M. Springer Jr., - Charles Co. Tongers  
Joseph F. Stine, Jr. - Commercial Oysterman  
Wayne France - Commercial Oysterman

### **Proxy**

Denzal Chatham for James Ficklin - Commercial Oysterman

### **Support Staff Present**

Chris Judy – MdDNR  
Capt. M. Ray Jewell - VMRC Law Enf.  
Ben Stagg – VMRC  
Becky Butler - PRFC Staff

### **Members Absent**

Craig Kelly - St. Mary's Co. Tonger's Committee  
John W. Allen, Jr.- Oyster Buyer

### **Commissioners**

Bob Bowes  
Ida Hall

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**Others Present:** Elgin Nininger and Larry Thrift – Crab Advisory Committee; Joe Stine, Ignatius Farrell, Wesley Farrell, Chris Morris, Walter Maddox, David Faunce, Joseph Neal, Conrad Morris, James Farrell and several others who did not sign the guest register.

Chairman Tucker Brown called the meeting to order at 6:05 p.m. with a quorum present.

### **Update of the 2007 Fall Oyster Survey**

Ellen Cosby gave a brief presentation of the recent fall oyster survey. She noted that she was present for the survey two out of the three days the survey took place. She explained what she presented was not a finalized report. She began with Gum Bar and Swan Point, noting that those oyster bars had the most marketable size oysters, but had no spat. Tall Timbers had the most small oysters but also no spat. Among the oyster bars that were surveyed, Ragged Point, Thicket Point and Great Neck contained some spat. Great Neck had the highest spat set of 8, however it contained only 6 market oysters per bushel. She stated it wasn't great anywhere they surveyed. The completed report will be presented at the November 30<sup>th</sup> Commission meeting.

### **Oyster Leasing Requirement for the Potomac River**

Chairman Brown explained tonight's meeting is about developing ideas regarding oyster leasing. Some questions that need to be addressed include, will it work and what will it take to make it work. He stated the problems with the oyster population are not going to improve, so something needs to be put in its place to help improve the situation. He thanked everyone for being here and said it's going to take the people to get something done.

## Briefing on Maryland and Virginia Oyster Leasing Programs

Mr. Chris Judy, from the Maryland Department of Natural Resources and Mr. Ben Stagg, from the Virginia Marine Resources Commission, both presented general outlines of what each state has to offer for oyster leasing. It was noted that Virginia has a larger leasing program while Maryland has amounts of acreage leased. Both states admitted there were flaws in the programs, but advised they have been successful for many years.

Chairman Brown thanked the gentlemen for reviewing the states programs and said he appreciated all the work they did.

Mr. Carpenter explained the real reason for tonight's meeting is not to write the regulations or to decide if leasing is right or wrong. The Commission will decide, if granted permission from the Maryland General Assembly, by a lengthy process, if oyster leasing is right for the Potomac River. He said tonight's meeting is to develop a list of principles, if leasing is approved. He said if it was allowed, the committee should think about what it wants to allow, require and prohibit in terms of oyster leasing. The fine details will be worked out if and when the time comes.

Mr. Carpenter stressed the reason for the introduction of oyster leasing was based on the lack of funding by the Commission's resources. As it stands, the Commission will never have enough funding to replenish the entire Potomac River. The Commission's budget will not cover what the river needs if and when there is an oyster that can survive here. This was the reason the idea of private capital was brought to the table for discussion.

The audience had many concerns with the idea of oyster leasing in the Potomac River. Wayne France asked law enforcement how they would patrol the areas that are leased in the river. Capt. Ray Jewell stated he has no concerns with enforcement in Virginia and as long as the areas are properly marked, there should be no issue.

## Review of Principles

Chairman Brown reviewed some of the principles for leasing oyster ground in the Potomac River and asked for comments, questions or concerns.

Mr. Carpenter explained there are about 8,000 acres of charted oyster bars in the Potomac River. Mr. Larry Thrift questioned the number of acres that are not considered natural oyster bars. Mr. Carpenter stated as a rough estimate, he would calculate square miles of uncharted acres. He would guess about 24,000 acres or three times more area than the natural oyster bars, if not more, could be leased.

Mr. Robert T. Brown stated now is not the time to worry about the amount of acres to be leased or used. He felt you should consider if a maximum number of acres should be allowed per person, but not set a specific number.

Mrs. Cosby suggested using the list of principles as a guideline for future development down the road.

Mr. Chris Judy suggested recommending a cap be placed on the number of acres allowed to be leased, as a way to address concerns that oyster leasing could get out of hand.

Chairman Brown stated he was concerned with where the seed would come from. He felt the Commission would have the right to approve the seed and where it could be planted. Mr. Carpenter explained that the Commission would have authority to allow plantings from an approved source. It's a safeguard.

Mrs. Cosby stated the items listed on the principles page are not asking questions, but simply to find out if the committee agrees or disagrees with the statements as a guideline. Chairman Brown felt this was difficult to state if the committee agrees or disagrees because no one is willing to talk.

Mr. Carpenter noted for the record that Craig Kelly, who serves on the Oyster/Clam Advisory Committee, could not be here tonight. He reviewed the information and would like a written statement read into the record. Mr. Kelly stated he is against oyster leasing in the Potomac River. He has spoken with people in his community and they are against it as well.

Robert T. Brown stated his main concern is not interfering with another watermen's rights. He does not want any other fishery to be interfered with when leasing oyster ground. He agreed with no leasing on natural oyster bars. He is concerned with the charts and where the oyster bars are, and that there may be some oyster bars that were worked a long time ago that are not on the oyster charts. He felt the key to this entire situation is if the Asian oyster is approved, it has to reproduce. At the present time, Mr. Brown stated he is not in favor of oyster leasing. He would like to see the Commission receive an answer in regard to the Asian oyster being planted in the Potomac River, before oyster leasing is approved. He felt the water quality is the reason why the oyster population is in the condition it is right now.

Larry Thrift felt if you cannot lease anything that has been an oyster bar, he couldn't see where it would be good for anyone to use. Chairman Brown stated you would have to work the area by planting shells before it could benefit anyone. Mr. Thrift stated that's the problem, the availability of shell and other materials to build up the bottom. It's very expensive and difficult to obtain the materials you would need to do that.

David Faunce stated he is against a lease program for the Potomac River.

Mr. Carpenter suggested that Mr. Jim Wesson, with the Virginia Marine Resources Commission, might have some input on the issue of cultch. Mr. Wesson is a repletion officer and deals with cultch. Mr. Wesson stated that shells are available in Virginia to purchase. If the committee and the watermen don't look at this as a capital enterprise that everyone gets involved in, than there is really no hope of having oysters. This is the only way that oysters will move forward. Every other place in the world that has an oyster fishery is doing it privately and they are successful.

Chairman Brown questioned how long do we let the oyster industry go before we consider it shut down. If the watermen don't get together and do something about this, someone else will. He does not want to see this happen.

Chairman Brown stated with regard to taxing oysters harvest on leased ground, he felt it was a must to tax oyster harvested per bushel. Mr. Carpenter explained that in Virginia, there are two different types of tax. One on oysters harvested from public ground and a different tax from oysters harvested on private ground. Mr. Carpenter thought it would be easier to have one tax for everyone, whether it was caught on private or public grounds. Chairman Brown agreed that is the way it should be.

Mr. Chris Morris questioned how paying a \$1.00 per bushel tax would bring back the oysters. Chairman Brown stated it wouldn't bring back the oysters, but the funds collected from the oyster tax would be put back into the restoration of the oyster industry, similar to the way it's done now. Mr. Morris stated he was against oyster leasing in the Potomac River.

Chairman Brown asked if there were any other comments and hearing none, he stated that if this committee is asked to look further into this issue, than that is what the committee will do.

Chris Judy suggested developing a map to show what areas would be available for oyster leasing. This might generate some discussions in favor of the program. Mr. Carpenter stated if the Commission is granted authority to oyster lease in the Potomac River, that would be one of the first steps in the beginning process.

### **Committee Vacancies**

Mr. Carpenter announced that two positions on the committee were up for renewal. Mr. John Allen, Jr. notified the Commission of his intention to decline another term, as well as, serve as vice-chairman. Therefore, the committee would also have to elect another vice-chairman and think about a possible replacement for the Virginia oyster buyer position. Mr. John F. Tucker Brown accepted another term with the committee.

### **Election of Vice-chairman**

**A motion was made by Nealy Little, seconded by Joseph Stine and unanimously passed to elect Wayne France as Vice-chairman.**

### **New Business**

Chairman Brown questioned Mr. Judy about the hatchery located in Piney Point, Maryland. He wanted to know if there was the possibility of leasing the hatchery. Mr. Judy stated the hatchery is located in St. Mary's county and it used to produce oysters that went on public oyster bars and some sanctuaries. About four or five years ago, the administration said the hatchery cost too much money to run, therefore, they shut it down. Piney Point was shut down for a short while. The University of Maryland came to Piney Point and has been conducting a crab project. What

Mr. Judy is hearing is that it costs too much money to reopen the hatchery. The Maryland Department of Natural Resources would have to approve reopening the hatchery.

**Adjourn**

This meeting adjourned at 8:00 p.m.

Respectfully submitted,

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John F. Tucker Brown  
Chairman