

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

September 9, 2010

Commissioners Present: Kyle J. Schick (VA) – Chairman, Thomas J. O’Connell (MD) – Vice-chairman, Steven G. Bowman (VA) – Secretary, William L. Rice, Sr. (MD), Ida C. Hall (VA), Robert H. Bowes (MD), and Dennis C. Fleming (MD); J.T. Holland was unable to attend.

Officers Present: Kirby A. Carpenter – Executive Secretary, Ellen Cosby – Assistant Executive Secretary and Michael C. Mayo – Legal Counsel.

Others Present: Lt. Charles Sauter – MdDNR Law Enforcement; 1st Sgt. Adam Friend – VMRC Law Enforcement; Rob Aguilar and Eric Johnson – Smithsonian Environmental Research Center (SERC); Herman Delvo, John Morris, Jim Berthe and Elgin Nininger – Crab Advisory Committee; Kenneth Wicker – Finfish Advisory Committee; John F. Tucker Brown – Oyster/Clam Advisory Committee; Glenn Parks, Tom Spelerbert, Kenny Pearson, Doug Jenkins, Daniel Bushey, Dan Hastings, Albert McDonald, Johnny Burch, Rocky Rice, John Trossbach, Roger Hill, John Dean, Jeff Schenemann, Warren Parker, Joe Nelson, Fred Jett, Jr. and several others who did not sign the guest register.

Chairman Schick called the meeting to order at 9:06 a.m. Commissioner Bowes provided the invocation and Mr. Mayo led the pledge of allegiance.

Chairman Schick thanked everyone for coming and asked that all cell phones be silenced or turned off during the meeting.

Consideration of Minutes

A motion was made by Commissioner Rice seconded by Commissioner Bowman to approve the minutes of June 10, 2010 as presented.

Open Public Hearing – 9:08 a.m.

Chairman Schick opened the public hearing and Mr. Carpenter noted there was a slight glitch with advertising and asked Mr. Mayo to explain. Mr. Mayo noted the Northumberland Echo ran the legal advertisement the first week but did not run the advertisement, as requested, the second and third weeks. He verified that the Westmoreland News has circulation in that county and the Commission also has a press release circulation of over 350 people and felt the public hearing could be held today. No one attending the meeting had any objection to continuing with the public hearing as scheduled. The following items were considered for this public hearing:

1. Amend **Reg. II, Sec. 1(e)** Hand Scrape
2. Amend **Reg. II, Sec. 2(a)(3)** Equipment Prohibited Aboard Hand Scrape Vessel
3. Amend **Reg. II, Sec. 2(a)(4)** Closed Areas for Hand Scraping
4. Amend **Reg. II, Sec. 2(e)** Unlawful Equipment

These first four (4) Regulations are being advertised to either extend the sunset date or make the use of power winders with hand scrapes permanent by deletion of the sunset clauses and to either extend the closure of Jones Shore to hand scrapes or open Jones Shore to hand scraping.

5. Amend **Reg. VI, Sec. 2(b) Terms of License** – to increase the fee for a replacement license from \$1 to \$5 and a sport license transfer from \$5 to \$10.
6. Amend **Reg. VI, Sec. 2(c) Display of License** – to eliminate rental boat decals and issue a single decal for pleasure and charter boats.
7. Amend **Reg. VI, Sec. 5(a) License-Registration Required** – to require unlicensed recreational anglers to register with either the Maryland or Virginia saltwater registry program.
8. Amend **Reg. VI, Sec. 5(b) License Fees** – to increase the fee for recreational pleasure boat from \$30 to \$50 and individual recreational licenses from \$7.50 to \$12.50 with an option of a reduced senior fee and eliminating rental boat license.
9. Amend **Reg. VI, Sec. 5(c) Exemptions** – to remove the license exemption for persons 65 or older and persons fishing from the shore or a pier; to exempt private property owners and their guests but require unlicensed persons to register with either the Maryland or Virginia saltwater registry program; and modify the free fishing days.

Mr. Carpenter explained the first four Regulations advertised deal with extending the use of power winders. There was a sunset clause on these Regulations that remained in effect until April of this year. Unless the Commission acts to continue the use of power winders, then they will have to be removed from the oyster boats. There is also a Regulation advertised dealing with opening Jones Shore to harvest by use of hand scrape. In addition to those advertised Regulations, the Commission will also adopt the season, times and catch limits for the 2010-2011 oyster season by Order of the Commission.

Commissioner Rice questioned if the Commission could receive the report from the Oyster/Clam Advisory Committee before public comments are received. Chairman Schick advised the Commission was going to take public comment, hear the Oyster/Clam Advisory Committee report and then the Commission can take action.

Commissioner Hall asked if the Commission was going to receive an update from Dr. Lipcius prior to Commission action. Chairman Schick stated there would be an update and full report from staff on all matters dealing with oysters.

Mr. Carpenter explained since there are advertised regulations dealing with oysters, fish and crabs, the agenda was set to have the public hearing on the advertised regulations first, followed by the various other reports or updates before the Commission takes action on any of the regulations.

Chairman Schick asked if there was anyone who would like to speak on the issues advertised for public hearing.

Douglas Jenkins showed the Commission a sample of natural seed oysters grown in the tributaries of the Potomac River. He had also presented the same sample to the Oyster/Clam Advisory Committee. He explained in order to produce oysters, you must work the bottom and plant seed. Potomac River oyster bars are silted over and they need to be cleaned. Disease and fresh water, over the years, have killed the oysters. The Commission has the obligation to restore the oyster fishery. The Potomac River is not going to restore itself as long as the Commission

keeps studying various options. He suggested private planters and private donations to obtain the funds needed for planting oyster seed.

John F. Tucker Brown, Chairman of the Oyster/Clam Advisory Committee felt it's time for a change. He represents the St. Mary's County Watermen's Association. He said the Commission needs to go back to "old methods" of building back what we had. He felt if the Commission does not take action today, it's going to be a down hill battle for a very long time.

Commissioner Bowes respected Mr. Jenkins's and Mr. Brown's opinions but questioned how they related to the items advertised for public hearing. Mr. Brown explained as the Commission goes through the public hearing, there are going to be some things needed to fall in line with the future of the oyster industry. The power dredging, for one, needs to be started in the Potomac River. Money is an issue and until we clean the river bottom, get enough oysters set and get the water quality straight, the oysters will not survive. The question that needs to be evaluated is, do we have the right animal. If the bottom of the river is not cleaned up, it won't make a difference.

Commissioner Rice felt the audience may have jumped ahead to an item that will be discussed later in the meeting. He said the issue of opening Jones Shore is what the Commission would like to hear public comment on. He asked if the two previous speakers were in favor of opening Jones Shore or keeping it closed to power dredging.

Elgin Nininger stated the Crab Advisory Committee made a recommendation of implementing a harvester's card that would generate funds for planting oyster seed. He wanted to make that point and he felt the faster that could be implemented, the better off everyone will be.

Chairman Schick asked if there was anyone else who had comments for the public hearing issues only.

Kenny Pearson referred to a newspaper article about a study that was conducted concerning the grasses that have grown around the Jones Shore area. Mr. Carpenter explained there are two newspaper articles that have been placed in the back of each Commissioner's packet. The area being discussed in the articles is between the Chain Bridge and Maryland Point, which is the tidal, freshwater portion of the Potomac River. Mr. Pearson also questioned why the Commissioner's packet contained all the information needed for the meeting, but the public handouts contain only bits and pieces of what's being discussed. Commissioner Bowman asked for Mr. Pearson to continue with his comments about the grasses in the Potomac River. Mr. Pearson stated the article indicated that the river is healing itself and producing more grasses for the fish and crabs. He referred to oyster bottom as farm fields, stating if they are not cleaned and planted, they will grow up and will not be viable to plant and harvest.

John Morris stated he lives in the Jones Shore area and he would like to see power dredging in that area. He said there is a long stretch of bottom there that hasn't been worked in years. He noted that the last survey showed that Jones Shore is no better than Kitts Point, an area that had been worked. Therefore, he would like to have it open and see what happens.

Commissioner Fleming asked for Mr. Carpenter to verify that Mr. Morris's statement about Jones Shore being no better than Kitts Point was true. Mr. Carpenter explained there was a survey conducted and there was no material difference between the two oyster bars.

Jim Berthe, member of the Crab Advisory Committee agreed with Mr. Morris. The oyster bars need to be worked. Many of the watermen, who are not in attendance today, would like to see Jones Shore opened to power dredging.

Bill Trossbach stated there are several people in attendance today who are oyster growers. He stated he doesn't know a single person who has a piece of oyster bottom, trying to produce on it, that does not use a power dredge. He suggested in the Potomac River, even if the entire river is not worked, to work it as our own. What you do as your own, we should do with the Potomac River as if we owned it. The river bottom needs to be worked with some type of mechanical device.

John F. Tucker Brown felt one thing the Commission needs to keep in mind when thinking of Jones Shore as a seed area, is once any area silts over, you've got serious problems. Jones Shore needs to be maintained and cleaned in order to become a seed area. The only method of means is by power dredge. Mr. Brown agreed with Mr. Trossbach's statements and felt somehow the money will come forward.

Mr. Schick asked if there were any other comments pertaining to the other items advertised for public hearing. There were no further comments.

Close Public Hearing – 9:39 a.m.

2009-2010 Oyster Harvest Report

Mr. Carpenter explained this is the same report that was presented at the June meeting. It shows 403 bushels were caught last season with the majority of them being caught by hand scrape.

Commissioner Hall questioned if the harvest report is showing the effect of low spat sets in the Potomac River. Mr. Carpenter agreed and said there hasn't been a spat set in the Potomac in a number of years. Commissioner Hall noted of the oyster bars tested, there were only a limited number of oyster bars that are actually being worked. Of those bars being worked, how well are they being worked? Commissioner Hall's ultimate concern is if the oyster shells were being worked enough to possibly hold a spat set. She has a concern about this. In Virginia, she witnesses spat attaching to her crab pots and other things and she wonders if there were better, cleaner shells would that create an environment for the spat to attach to.

Mr. Carpenter explained in the late '70's early '80's that's how the Potomac River produced seed. In the spring of the year, both fresh and dredged shells were planted on Jones Shore. The spat sets would range between 500 to 1,500 count. Prior to that, seed would be purchased from surrounding areas. Jones Shore was developed as a seed area where hundreds of thousands of bushels of seed were being moved off that area over a number of years. With the presence of MSX and Dermo, the spat setting had dropped from 1,000 count to very little over time and it

could no longer be sustained as a seed area. That's when the Commission opened Jones Shore to harvest in 1996. Over the next 3 years about 38,000 bushels of oysters were harvested on Jones Shore. Since then, there has been no harvest removed from that area.

Mr. Carpenter also noted the original hand scrape area that the Commission set up in 1977 was the area down stream of a line drawn between the mouth of Herring Creek at Tall Timbers and the mouth of Bonums Creek, to the mouth of the river with the exception of Jones Shore and Cornfield Harbor. Jones Shore has never been closed to hand tonging and has always remained open even when it was a seed area. The reason the area described above was chosen in 1977 was down stream of that line, there was some reasonable expectation that there was natural spat setting occurring most years. That area had the greatest potential to produce natural sets. Since then, the line has been moved up to St. Clements Island/Hollis Marsh and now the area downstream of the current line from Neal Sound to Popes Creek. Once you are above Tall Timbers to Bonums Creek line, you are in a zone that is historically documented to produce a spat set once every decade or so. When you're talking about natural reproduction, the Potomac River is essentially broken down into two zones, one that has some potential for a natural spat set on a regular basis and one that has a once in a decade pattern. A single set river wide management measures does not fit with the biological constraints of this river system.

Commissioner Rice answered Commissioner Hall's question by stating that the shells are not being turned over and haven't been for many years.

Commissioner Fleming questioned when the Commission is talking about cleaning the oyster bars with a power dredge it would also be removing any remaining oysters that are large enough for sale. From what he's learned it takes "parents" to reproduce oysters. If the remaining oysters are going to be removed by power dredge, how can there ever be spat sets in the river. The proposal presented today is to allow power dredging along with the harvest of marketable size oysters to be taken from the river system.

Status Update of Hydraulic Model Study

Mrs. Cosby stated staff contacted Dr. Rom Lipcius from VIMS and he advised that there has been no further work conducted since the last update. They are still going to incorporate the Maryland and Virginia information into the model before presenting it to the Commission.

Oyster/Clam Advisory Committee Report

John F. Tucker Brown, Chairman of the Oyster/Clam Advisory Committee presented the report to the Commission. Mr. Brown stated the committee received updates on the 2009-2010 oyster harvest report and the 2009 fall oyster survey.

Proposed Oyster Regulations - The committee had a lengthy discussion on the option of power and reopening Jones Shore. The committee believed "cleaning" the oyster bars would improve spat set in the river. **The Committee made a motion to support the continuation of power dredging and opening Jones Shore to power dredging.**

A second discussion revolved around expanding the dredge line. **The Committee made a motion to recommend opening the Potomac River from the Rt. 301 Bridge downriver to power dredging.**

2010-2011 Oyster Season Dates, Days and Time Limits - The audience and committee members felt there was no need to change the existing oyster season, dates, days and time limits unless the Commission agreed to open the entire river to power dredging. **The committee made a motion to recommend keeping the same season dates, days and time limits as last year with the exception that, if the Commission opens up the entire river to power dredging, the committee would like the hand scrape season of November 1st through December 31st only for the upper river areas.**

Closing of Recreational Oyster Harvest/ Recreational Oyster License – The Committee did not support the closing of the recreational harvest. Rather, there were a few ideas talked about in regard to creating a recreational oyster license. The committee felt funds generated from this license should go toward planting seed in the river, thus allowing recreational oystermen to still harvest the one bushel per day. **The committee made a motion to recommend a \$30.00 recreational oyster license.**

Long-term Vision and Consideration of an Oyster Surcharge - The committee came right back to the idea of oyster dredging and planting seed to harvest as their long-term vision. The idea of establishing an oyster license surcharge in addition to the license fee was discussed. **A motion was made to recommend requiring a \$50 waterman's card per person and the fund from that be designated for seed planting.**

Commission Consideration of Oyster Regulations

Mr. Carpenter advised in the Commissioners that, in back of their meeting packets, there was an Advisory Committee Worksheet that deals with the various issues the advisory committees have recommended and the type of action (if any) the Commission may wish to take.

Reg. II, Sec. 1(e) Hand Scrape

Mr. Carpenter explained the definition of hand scrape was modified when power was first added. There was a sunset clause added to the Regulation to give the Commission time to evaluate the difference between hand scrape and using power. These Regulations were before the Commission last year and were extended another year with the hope of having information from the hydraulic study. That information is not available at this time and VIMS has not provided a time as to when that information may become available. Staff recommendation is to either make power dredging a permanent fixture or setting another sunset date to review at a later time. Mr. Carpenter felt the use of power is not an issue as long as the size of the dredge is maintained at 22”.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall to accept staff's recommendation of eliminating the sunset clause from Reg. II, Sec. 1(e) thereby allowing power on hand scrapes until further notice.

Commissioner O'Connell questioned what the industry's goals are for this oyster fishery. Are they going to continue power dredging it, are they looking for a natural spat set and sustainability or are they looking to use it as an aquaculture bar where hatchery seed is planted? The reason Commissioner O'Connell asked these things is because if they are relying on natural spat set, he would be concerned with reducing the brood stock to an even lower level. If they are looking at using the bars for hatchery seed plantings, he wouldn't have that concern as much.

Mr. Carpenter explained when staff asked the committee about their long-term goals, it was difficult for them to articulate them. He referred to the committee coming back to the idea of dredging the oyster bars and planting seed so that harvest can continue over the long term. Whether the seed comes from a hatchery, natural set or remote set seed it doesn't matter to them. The industry wants to be able to plant seed, harvest oysters and rotate in that fashion. Mr. Carpenter feels the long-term vision articulated at the advisory meeting is not any different than what's been taking place over the years.

Mr. Carpenter then stated the issue before the Commission, right now, is deciding if power is going to be allowed on the hand scrape, regardless of where it's going to be used. There are a couple of issues that have to be addressed. Staff's recommendation is as long as the 22" dredge is maintained, the difference of using or not using power is not going to harm the bottom any more than if it were a regular hand scrape. However, it is going to remove more oysters than hand tonging.

Commissioner O'Connell felt that power needs to continue until more information is available and the management plan is developed. He stated he could support the motion, but he stressed if Jones Shore is going to be a public industry oyster bar and it's going to rely on natural spat set, at some point in time, the Commission needs to decide what a sustainable harvest rate is. This population is at an all time low level and the lack of spat sets could be because of the lack of brood stock in the river.

Commissioner Bowman stated he had no problem with Commissioner O'Connell's statements. He was basing his theory from the work done on the James River in Virginia. He felt that any issue can be revisited and he didn't want to continue carrying it over year to year if it's not necessary.

Commissioner Fleming wanted to talk about the hydrographic model and why it's not completed. He felt the Commission was making a long-term decision without the long-term information from the study.

Chairman Schick called for a vote on the motion and it passed unanimously.

Reg. II, Sec. 1(e) Hand Scrape

Any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from the water bottom or the bed of a body of water, which device has no external or internal power source and may be attached to a winch, winder, spool or other hoisting gear.

Reg. II, Sec. 2(a)(3) Equipment Prohibited Aboard Hand Scrape Vessel

Mr. Carpenter explained this is the exact same issue as the previous Regulation. Based on the Commission's action taken a few moments ago, staff would suggest taking the same action for this Regulation.

A motion was made by Commission Bowman, seconded by Commissioner Rice to accept staff's recommendation and remove the sunset clause from Reg. II, Sec. 2(a)(3) thereby allowing power on hand scrapes until further notice.

Reg. II, Sec. 2(a)(3) Equipment Prohibited Aboard Hand Scrape Vessel

No hand tongs or power assisted hand tongs may be used or possessed aboard any hand scrape licensed vessel at the same time as said hand scrape, nor may any dredge or hand scrape be used or possessed aboard any hand tong or power assisted hand tong licensed vessel at the same time as said hand tongs or power assisted hand tongs.

Reg. II, Sec. 2(e) Unlawful Equipment

A motion was made by Commissioner Bowman, seconded by Commissioner Hall and unanimously passed to adopt staff's recommendation and remove the sunset clause from Reg. II, Sec.2(e) thereby allowing power on hand scrapes until further notice.

Reg. II, Sec. 2(e) Unlawful Equipment

It shall be unlawful for the owner, captain, master, or any member of the crew of any boat engaged in taking, catching or removing oysters from the Potomac River, or any boat with oysters on board, to have on board such boat, or in tow, or to permit on board or in tow, any dredge or patent tongs, unless said person has a written permit from the Potomac River Fisheries Commission.

Reg. II, Sec. 2(a)(4) Closed Area for Hand Scraping

Mr. Carpenter explained this Regulation has two decision points. One is decide to continue the use of power and that has already been decided. The other is to decide if the Commission wants to open Jones Shore to hand scraping.

A motion was made by Commissioner Rice, seconded by Commissioner Hall to open Jones Shore to hand scraping. The motion failed with 5 in favor and 2 against (O'Connell and Fleming)

Reg. II, Sec. 2(a)(4) Closed Areas for Hand Scraping

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

- (1) "All areas lying upstream from a straight line between a point (38°16.02' North Latitude, 76°52.00' West Longitude) at Neal Sound Entrance Light #2 in Charles County, Maryland and a point (38°11.52' North Latitude, 76°54.20' West Longitude) at the mouth of Popes Creek in Westmoreland County, Virginia and,
- (2) Heron Island Oyster Bar, bound on the north by the PRFC/DNR jurisdictional line, as marked by markers PR "M3A", "M3B", "M3C", "M3D" and "M3E"; on the west by Dukeharts Channel, as marked by the navigational aids "G C1", "FL G3" and "G C5"; on the south by the Potomac main channel, as marked by navigational

aids "R N 14" and "R N 12"; and, on the east by Breton Bay Channel, as marked by navigational aid "R G N 'Hi'" and Marker "PR M3E" and,

- (3) Being all that portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: "Beginning at the Potomac River Fisheries Commission marker 'PRM1B' (38°06'13" North Latitude, 76°24'57" West Longitude) at Kitts Point, St. Mary's County, Maryland; thence southeasterly to a point (38°05'35.5" North Latitude, 76°24'17.8" West Longitude) at the SMITH CREEK APPROACH LIGHT NO. 2 (LL3330) at the mouth of Smith Creek; thence southwesterly to a point (38°04'31.5" North Latitude, 76°26'04.2" West Longitude) at ST. MARY'S RIVER JUNCTION LIGHTED BUOY (LL3334) at the mouth of St. Mary's River; thence southeasterly to a point (38°02'19.5" North Latitude, 76°21'18.2" West Longitude) which is the intersection of the established fish trap area as delineated on NOAA chart #12233 and a line extending due south of the mouth of Hall Pond at Cornfield Point; thence in a straight line due north to the jurisdictional line of the Commission: thence northwesterly following the jurisdictional boundary of the Commission to marker 'PRM1B' the point of beginning."

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

Order 2010-XX 2010-2011 Oyster Season Dates, Days and Time Limits

Mr. Carpenter explained the draft order presented and noted that new language included the new area as a possibility of opening the upper river to power dredging up to the Rt. 301 Bridge and it will also create a new, shorter season for the new area.

Chairman Schick reminded the Commission that the Oyster/Clam Advisory Committee was in favor of expanding the hand scrape area to the Rt. 301 Bridge.

Rocky Rice provided an article to the Commission about supporting power dredging and the benefits that come along with it. He is a full-time waterman and feels that there's an opportunity to help clean up the oyster bars for free. He is in favor of opening the river to power dredging up to the Rt. 301 Bridge. Status quo is not working and something different needs to be done.

John Trossback stated again that this is our river. We want to work this river as if it's our own and using our own money. Therefore, if the river is going to be worked, we need to clean the bottom. He has experience from working on several programs. He stated when old oysters are harvested they are filled with disease and are going to die anyway. By removing the old diseased oysters and letting new stock take over, with a clean habitat, it will produce new stock and will replenish itself. He referred to comments made earlier about taking away the parent oysters and said yes, you do take away the parent oysters but you also take away the diseased oysters. He suggested if we get this started, there should be measures in place to monitor when harvest effort goes too high and the program can be stopped at any time.

Roger Hill stated he's listened to some valuable points made here today about dredging and turning the shells over to clean the bottom in hopes of producing a natural strike. He has heard this argument many times before and felt that it's been done on some of the lower river oyster bars such as Ragged Point. He said it's been done so well that the oyster bars are dead and that's exactly what's going to happen if the Commission opens other oyster bars to dredging. It's going

to do more harm and damage. He explained if you want to help the oysters survive in the upper part of the river, leave the dredging alone.

John F. Tucker Brown added to keep in mind that this has been a very dry summer. The salinity levels in the upper river show that disease has moved north and is going strong. This does need to be done and the further you go up river the more siltation you'll have.

Chairman Schick stated he would like to turn the issue over to the Commission for discussion. He thanked the public for their input.

Commissioner O'Connell clarified a statement read from the Maryland County Watermen's Association letter in regard to power dredging in the Chester River. He explained that was done for hatchery seed plantings. He then asked Mr. Carpenter for the average salinity in the area being talked about. Mr. Carpenter stated it's normally in the 5 to 8 range and they are relatively low salinity areas. Commissioner O'Connell then stated that, based upon the history of spat sets in the Potomac River, there would be a low probability of any regular spat sets occurring. Mr. Carpenter agreed. Commissioner O'Connell felt everyone agrees that the Commission needs to improve habitat, whether it's sanctuaries, aquaculture or a public fishery. There is a great need to rehabilitate habitat. There was a six year study that produced an environmental impact statement (EIS) that recommended an expanded sanctuary program, expanded aquaculture and a more science based public fishery. None of these things have been started in the Potomac River and we're still moving down the same path we have been for the last decade. He is reluctant to move forward with some of these changes without having a more thought out plan that's consistent with the EIS. He's not sure that power dredging in these low salinity areas is going to achieve the results that the industry wants. Perhaps the Commission could identify a couple of areas where the bottom could be rehabilitated and look at planting hatchery seed. The Commission could work with the industry to provide some areas out there to start this.

Commissioner Rice said there are many ways to look at this issue. The Oyster/Clam Advisory Committee has more of a vision of harvesting and replanting. Commissioner Rice then commented to Commissioner O'Connell's statement earlier that studies show that it becomes no longer economically feasible to dredge for oysters once 70% of them are caught. Therefore, 30% of the oysters should be left alone and we could come back with some good hatchery seed. He strongly felt the older oysters would mix with the new oysters. He stated we're at ground zero and the only place to go is up.

Commissioner O'Connell stated the issue of the watermen's card has not been discussed yet and there's a possibility of an additional \$30,000 that may become available. If the industry's intention is to use this low salinity area for a harvest reserve, he felt like he could support that type of idea.

Commissioner Fleming stated the effort continues where the economic value stops. He felt there needs to be a long-term plan in place that was supposed to be based on the hydrographic model.

Chairman Schick stated there's no doubt that a plan needs to be put into place, however the Potomac River Fisheries Commission does not have the financial resources that the states do.

We're talking about a large area that needs to be cleaned and wants to be harvested. He has a problem seeing where a \$50 watermen's card is going to replenish and make it a stand-alone year after year process. To make a rotational harvest system will cost more money than the Commission has available. Chairman Schick stated if we are going to take this river as our own and work it as our own, we have to be able to make the investment as it is our own. If the Commission is talking about replenishing oysters, we need to have a larger pot of money than what we're talking about. We can certainly have the private waterman come in as a partner and make the investment along with the Commission.

Commissioner Hall stated she respected Chairman Schick's comments and it does paint a pretty sad picture. Right now the picture is about as sad as it's going to get if we don't do something. She noted her intention was to never harvest the last oyster. The brood stock that's there isn't doing the job based on the low to no spat sets in the river. She hoped that the Commission would have a long-term plan in place by now, but she would like to see the hand scrape area extended and have the Commission look at this for three years to give it an opportunity to develop.

A motion was made by Commissioner Hall, seconded by Commissioner Rice to extend the hand scrape area throughout the upper river and to accept staff's recommendation on the season dates, days and time limits.

Commissioner Bowman stated he agrees with both sides of the matter but when it comes down to the calculations and the numbers, while it's true we are waiting on a plan, at the present time this is too much too soon without a viable plan in place to support it. He stated he could not support the motion.

Commissioner Fleming thanked the Oyster/Clam Advisory Committee for thinking outside the box with the idea of the watermen's card and soliciting private donations. He felt we needed more of this type of thinking to get to the end results.

Commissioner O'Connell agreed with Commissioner Bowman's perspective and as he stated earlier he would hate to leave here today not doing anything. He felt if the motion didn't pass that the Commission should move forward and try to identify a smaller area in a low salinity region where there will be better survival. He suggested a 25 to 50 acre area based on the possibility of funds that may be coming into the Commission. This may be a step forward in the right direction. The Commission is going to have to figure out how to expand that program where it's self-sustaining by the industry. He also suggested a remote setting facility to help support the oyster fishery. That would allow the Commission to move forward while developing a plan.

Commissioner Bowes stated this item is adopted as an Order, which will be reviewed each year. He felt the Commission should consider approving it as presented.

Chairman Schick called for the vote and with 3 in favor and 4 against (Bowman, Schick, O'Connell and Fleming) the motion failed.

A motion was made by Commissioner O'Connell, seconded by Commissioner Fleming and unanimously passed to have staff work with the industry to identify an area no more than 50 acres for which the Commission looks at implementing a bar rehabilitation program to support a hatchery seed program.

Commissioner O'Connell explained that Maryland has some federal blue crab fishery disaster funds that have allowed the state of Maryland to employ watermen to rehabilitate bottom. He said that offer still stands that some of those funds could be used to employ watermen to rehabilitate that area in preparation for hatchery seed next year. Mr. Carpenter thought that could be handled by order of the Commission, but there would need to be some specifics included in the Order.

A motion was made by Commissioner Hall, seconded by Commissioner Fleming and unanimously passed to adopt Order 2010-XX 2010-2011 Oyster season dates, days and time limits the same as last year with the adjusted dates as follows:

ORDER #2010-07
(replaces #2009-08)
2010-2011 OYSTER SEASON DATES, DAYS, AND TIME LIMITS

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources and pursuant to its authority under Regulation II, Section 2(b) and Regulation I, Section 7(a)(1), **HEREBY DECLARES AND ORDERS:** The 2010-2011 oyster season dates, days and time limits shall be as follows:

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1 thru Dec. 31, 2010	Monday thru Friday	Sunrise to 1:00 p.m.
	Jan. 1 thru Mar. 31, 2011	Monday thru Friday	Sunrise to 3:00 p.m.
Hand Scraping	Nov. 1, 2010 thru Mar. 31, 2011	Monday thru Friday	8:00 a.m. to 1:00 p.m.

BE IT FUTHER DECLARED AND ORDERED: Possession of a hand scrape shall be permitted during the aforesaid times and from one hour before and for two hours after such times. The use or possession of any hand scrape at any other time is unlawful.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2010-07 shall become effective September 30, 2010 and remain in effect through March 31, 2011.

Mr. Carpenter stated the Commission has yet to deal with the idea of a "watermen's card" and oyster recreational license. He explained they would both require a Regulation change that would require a public hearing. Chairman Schick stated the concept of an oyster surcharge would also need to be considered at the public hearing. Mr. Carpenter stated that could be added to the public hearing.

Commissioner Fleming said the recreational oyster license users should also be charged and those funds should go toward planting as well. Chairman Schick stated those issues could be discussed at the public hearing.

A motion was made by Commissioner Rice, seconded by Commissioner Fleming and unanimously passed to advertise these three items; a recreational oyster license, a \$50 watermen's card, which would apply to all watermen and a \$350 surcharge for oyster licenses only.

Commissioner Bowman stated he could not support the idea of a recreational oyster license because these resources are for the entire public and for the benefit of the public which allows the harvest of one bushel of oysters.

Finfish Advisory Report

Kenneth Wicker presented the Commission with the Finfish Advisory Committee report.

Election of Vice-chairman – The committee elected Steve Scala.

Order 2010-XX – 2010-2011 Gill Net Season and Restrictions and Commercial Striped Bass Catch & Size Limit – The committee made a motion to recommend the number of gill net stands be increased from 3 to 4 stands from March 16th through March 25th. The committee also made a motion to recommend starting the gill net season on November 1st.

Proposed Finfish Regulation for Upcoming Public Hearing – The committee had a lengthy discussion on the concerns with the Federal Registry. They wanted to make sure that the proposed Regulations were written to clarify the age requirement of registering. The committee reviewed the proposed Regulations and a motion was made to accept staff's recommendations as presented for the proposed draft Regulations.

Sport Fished Federal Registry Update – The committee felt they had discussed this issue in full when dealing with the proposed Regulations.

Ocean Commercial Quota for Striped Bass – The committee reviewed documentation from ASMFC's Draft Addendum II to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan. After a lengthy discussion, the committee recommended a status quo for management option 2.4.1. The committee continued its discussion and could not come up with a clear recommendation for issue 2.4.3. They felt that option 2 possibilities outweigh option 1's status quo and therefore recommended the advantages of option 2 as being superior to option 1.

Transfer a Haul Seine License to a Commercial Hook and Line License – A commercial watermen asked for this request to be considered, similar to transferring a gill net to a hook and line. The committee had concerns with transferring a non-limited entry license to a limited entry license and there was also a concern with the striped bass tags issued. The committee recommended sending Doug Jenkins before the Commission to let him explain what he wants and the Commission can decide what's legal or not.

Request for a White Perch Fishery – John Burch requested to have a small mesh white perch fishery established this winter. He explained the fishery was closed when a moratorium was put in place. He felt the stock had stabilized itself over the years and could support a small mesh fishery. The committee made a recommendation to allow 1 stand to be set in January and February with a 3 ½" mesh net for a trial period of one season.

Commission Consideration of Oyster Regulations**Reg. VI, Sec 2(b) Terms of License**

Mr. Carpenter advised staff would recommend approval of this Regulation change as presented.

A motion was made by Commissioner Fleming, seconded by Commissioner Hall and unanimously passed to adopt Reg. VI, Sec. 2(b) as follows:

Reg. VI, Sec. 2(b) Terms of License

Each license issued under this Regulation shall be valid from the date of issuance through December 31st of the decal year. No license issued under the authority of the Commission shall be transferable in any manner. A replacement license may be issued for a fee of \$5.00 upon proof of loss of the original license. The owner of a boat licensed hereunder, who purchases another boat, may, for a fee of \$10.00, apply for a replacement boat license for the purchased boat valid for the remainder of the decal year only, providing the original license and decals, and a copy of the temporary or permanent registration card for the boat purchased are submitted together with the application and fee. Upon receipt and verification the Commission will cancel the original license and issue another license for the purchased boat.

Reg. VI, Sec. 2(c) Display of License

A motion was made by Commissioner Rice to accept staff's recommendation as presented.

Mr. Carpenter explained this Regulation deals with eliminating one of the sport fishing license decals, going from two decals to one decal and placing it on the starboard side of the vessel. This is a cost effective move on the Commission's part.

Commissioner Bowman questioned how much more does it cost to make two decals versus one. Mr. Carpenter stated the Commission would be saving about a \$1.50 per license. Commissioner Bowman stated from a law enforcement stand point, it's not worth losing the second decal.

Chairman Schick suggested checking the pricing on a smaller decal.

Capt. James Rose agreed with Commissioner Bowman and would like to see both decals remain.

Commissioner Bowes felt both decals should remain in place.

Commissioner Rice withdrew his motion, therefore the proposed Regulation did not pass.

Reg. VI, Sec. 5(a) License – Registration Required

Mr. Carpenter stated the draft Regulation would require unlicensed fishermen 16 years of age and older either fishing from private property or from a licensed vessel to register with either the Maryland or Virginia Saltwater Angler Registry Program. This would bring the Commission into compliance with the federal requirements necessary in order to maintain the recreational boat license. This Regulation, if adopted as presented, would also eliminate the decals for rental boats. Mr. Carpenter stated he has spoken to all the PRFC agents who issue rental boats and they

all agreed that they would rather sell an individual license to everyone rather than maintaining a log sheet for rental boats.

A motion was made by Commissioner Rice, seconded by Commissioner O'Connell and unanimously passed to adopt Reg. VI, Sec. 5(a) as presented.

Reg. VI, Sec. 5(a) License - Registration Required

It shall be unlawful for any person to take, catch or remove or attempt to take, catch or remove finfish from the Potomac River for sport, recreation or immediate household use, from the shore, or public pier, or while wading in the river, or from any boat or vessel not properly licensed for sport fishing. Excluding the natural person named on the vessel license, all unlicensed or unregistered guests 16 years of age or older aboard such vessel must be registered with either the MdDNR or VMRC saltwater angler registry program. Provided, however, that each natural person aboard a pleasure boat, as herein defined, may substitute his/her personal sport fishing license in lieu of the vessel license.

Commissioner Fleming stated the Commission will need to get this information out to the public and suggested adding it to the *Fishing the Tidal Potomac* pamphlet. He felt there was a lot of confusion when it comes to the angler registry program. Commissioner Bowman stated that law enforcement was very liberal in issuing citations concerning this and the Commonwealth believes on the aspect of education. Mr. Carpenter stated the draft language would be consistent with both states. Lt. Charles Sauter questioned if a separate fine would have to be established for this regulation. He feels that it may be considered as a "must appear" offense although a warning citation would probably be most applicable for this Regulation. Mr. Carpenter stated that the pre-payable fine schedule may need to be modified to accommodate the need for a ticket.

Reg. VI, Sec. 5(b) License Fees

Mr. Carpenter advised a range of fees were advertised and staff would recommend pleasure boat licenses be increased to \$40 and individual sport fishing licenses be increased to \$10, and remove the rental boat licenses.

A motion was made by Commissioner Fleming, seconded by Commissioner Rice and unanimously passed to accept staff's recommendation for Reg. VI, Sec. 5(d) as follows:

Reg. VI, Sec. 5(b) License Fees

The annual sport fishing license fees payable to the Commission under Regulation VI shall be as follows:

- (1) Pleasure Boat - \$40.00 per boat.
- (2) Charter Boat:
 - (i) Carrying 3 or less passengers - \$150.00 per boat.
 - (ii) Carrying 6 or less passengers - \$240.00 per boat;
 - (iii) Carrying 7 or more passengers - \$290.00 per boat.
- (3) Personal - \$10.00 per natural person, for persons born before 1946 the fee shall be \$5.00
A Personal sport fishing license is not required when fishing from a properly licensed boat.

Reg. VI, Sec. 5(c) Exemptions (for sport fishing licenses)

Mr. Carpenter explained this proposed Regulation would eliminate the exemption for persons 65 years or older and would require them to purchase a \$5.00 license based on the last motion. It also reduces the number of free fishing days.

A motion was made by Commissioner Bowman, seconded by Commissioner Rice and unanimously passed to adopt Reg. VI, Sec. 5(c) as presented.

Reg. VI, Sec. 5(c) Exemptions

A Potomac River sport fishing license is not required of a person:

- (1) If a natural person:
 - (i) is less than 16 years of age;
 - (ii) holds a valid tidal/salt water sport fishing license issued by another political jurisdiction granting reciprocal privileges with this Commission;
 - (iii) is fishing from a boat holding a valid tidal/salt water fishing license from other political jurisdictions granting reciprocal privileges with this Commission;
 - (iv) is commercially fishing and possesses a valid commercial fishing license from the Potomac River Fisheries Commission; or
 - (v) if the owner or the owners non-paying guests fishing from private or real property or an attached pier, providing that all such persons 16 years of age or older are required to be registered with the MdDNR or VMRC saltwater angler registry program.
- (2) During the following periods:
 - (i) the one (1) day before, the holiday itself, and the one (1) day after Memorial Day, July 4th and Labor Day; or
 - (ii) National Fishing Week

Mr. Carpenter stated the Commission needs to adopt an effective date for these regulations. He suggested the fish regulations changes become effective January 1, 2011, and the oyster regulation changes become effective October 10, 2010.

A motion was made by Commissioner Hall, seconded by Commissioner O'Connell and unanimously passed to make the effective date for license fees and recreational changes January 1, 2011.

A motion was made by Commissioner Bowman, seconded by Commissioner O'Connell and unanimously passed to make the oyster regulations effective October 10, 2010.

Order 2010-XX – 2010-2011 Gill Net Season and Restriction & Commercial Striped Bass Catch and Size Limit

Mr. Carpenter stated the Order, as presented, would simply change the quota, which adjusts each year based on the Bay-wide quota. It would not, at this point, take into consideration the request from the Finfish Advisory Committee to allow 4 stands from March 1st to the 25th.

Commissioner Bowes stated he would like to hear comments from the watermen who gill net during the season. Commissioner Bowes questioned how close the fishery came to going over or meeting its quota over the last few years. Mr. Carpenter stated it has been several years since the fishery has exceeded its quota and the adjustment of having the season start in November has assisted in a more stable quota.

Commissioner Rice noted the 3 stands from March 16th to March 25th was a compromise a few years ago, up from 2 stands. The Finfish Advisory Committee is recommending the Commission start the gill net season two weeks earlier. He felt a fair compromise would be to start the season on November 8th so that watermen could take advantage of the fair market price for their fish.

A motion was made by Commissioner Rice, seconded by Commissioner Hall to adopt Order 2010-XX with a November 8, 2010 start to the gill net season.

Kenneth Wicker, member of the Finfish Advisory Committee questioned Mr. Carpenter as to why there was a conflict with the season opening November 1st. Mr. Carpenter explained the gill net renewal season does not start until November 1st. Mr. Wicker asked about the renewal season starting in October. Mr. Carpenter stated it would require regulation changes. Mr. Wicker asked if that issue could be looked at for an upcoming year. Mr. Carpenter stated he saw no problem with the November 15th start date and it's worked well the last couple of years. He stated he is not in favor of recommending any type of changes to the Order.

Kenneth Pearson agreed with Kenneth Wicker and stated it's not only an economic issue but it also works from a buyers stand point as well.

Johnny Burch stated he is the one who asked for the number of gill net stands to be moved from 3 to 4 at the end of the season. This is the reason we asked for November 1st as well it to simply help keep the poundage down. At the start of the season you can get the most money for your fish and the fish will be smaller at the beginning of the season.

The Commission voted on the motion and it passed unanimously to change the gill net starting season date from November 15th to November 8th as follows:

ORDER #2010-08
(replaces #2009-09)

**2010-2011 GILL NET SEASON AND RESTRICTIONS
& COMMERCIAL STRIPED BASS CATCH AND SIZE LIMIT**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population, and pursuant to its authority under Regulation I, Section 8 and Regulation III, Sections 9(a), (b) and 10(a): **HEREBY DECLARES AND ORDERS:** the gill net fishery shall be allowed under the following conditions and limitations:

- a) **Season** - The gill net season shall be from November 8, 2010 through March 25, 2011.
- b) **Permitted Nets** - Each licensee, shall be permitted to set and fish a single properly identified net, in the number of his licensed locations (stands) as follows:
 - i) November 8th through February 29th – all stands, and;
 - ii) from March 1st through March 15th – 4 stands, and;
 - iii) from March 16th through March 25th – 3 stands.
- c) **Other Conditions** – Once renewed no change of the ownership of any gill net licenses will be allowed during the remainder of the open gill net season. Two or more licensees may, and are encouraged to, jointly fish lawfully licensed and set nets belonging to one or more of the individuals.
- d) **Quota** – The gill net striped bass quota shall be 482,796 pounds (66,510 ID Tags) total for all licensees, less any taken with a hook and line as may be allowed under Regulation III, Sec. 13(d). Each individual's striped

bass quota will be proportional to the number of gill net licenses held by that individual and will be represented by a number of striped bass identification tags issued to that individual.

e) **Striped Bass Size Limit**

November 8, 2010 through February 14, 2011

18" Min.

February 15, 2011 through March 25, 2011

18" Min. / 36" Max.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2010-08 shall become effective November 1, 2010, shall supersede and repeal Order #2009-09 and remain in effect for the year 2010-2011 or until such time the Commission has taken further action.

ASMFC Issue (Ocean Commercial Quota for Striped Bass)

Commissioner Fleming stated he recently attended the ASMFC meeting with Mr. Carpenter and he became alarmed that Mr. Carpenter votes at these meetings based on what he (Mr. Carpenter) feels is best for the Commission. Commissioner Fleming felt Mr. Carpenter was very knowledgeable in doing so, but thought the Commission should review this particular issue so Mr. Carpenter could make the appropriate vote when it comes time to do so. Commissioner Fleming felt this ASMFC issue was near and dear to his heart and had asked Mr. Carpenter how the Commission can deal with this and other issues in the future so that the Commission will be giving him direction when it comes time to vote. Mr. Carpenter had suggested this issue be taken to the Finfish Advisory Committee and see what their recommendation was.

Commissioner Fleming went on to say that the Finfish Advisory Committee voted to recommend keeping the ocean commercial quota for striped bass status quo.

Chairman Schick stated he is the PRFC advisory panel member at ASMFC for the Potomac's commercial/charter/recreational striped bass fishery. He has been involved in this discussion at ASMFC for a number of years and he explained this issue has always been a question of equity and what was fair. Not necessarily that the ocean fishery needed to be increased, it was a matter that it wasn't being proportionately revised as the recreational fishery was. It's not an issue of taking quota from the Bay and giving it to the ocean. It's basically allowing the commercial ocean fishery to be on the same level as the recreational fishery. He felt the equity issue was the most important issue here. He is glad this was brought before the Finfish Advisory Committee and the Commission.

Commissioner Rice stated the recommendation came from the Finfish Advisory Committee. When someone gives you advise, sometimes you take it and sometimes you don't. This is the time he felt the Commission should say thank you and move on. He stated this because he felt the Finfish Advisory Committee did not have enough time to look at all the information. The PRFC is not affected by the ocean quota, but he strongly felt the Commission should support the coastal states, which are long overdue this increase in quota. There will come a time when we will need their support with an issue that's near and dear to our hearts.

A motion was made by Commission Rice, seconded by Commissioner Hall to allow Mr. Carpenter to vote "aye" in this manner as well as give him the opportunity to deal with any further situations that may arise.

Commissioner Bowman stated the Commonwealth voted to postpone any changes as far as the quota is concerned in the recreational fishery. This was a request from the recreational fishery not to make any decisions until the ASMFC meeting. Commissioner Bowman understood that there would be some additional data coming out from the technical committee that may explain a little better as things develop. He stated the Commonwealth is going to take a wait and see approach. He is not opposed to the motion, but at the same time he's not sure he can go along with the motion because he knows there will be new information forthcoming that will allow him to make an informative decision.

Commissioner O'Connell stated this issue deals with a coast-wide stock and any increase in additional harvest could potentially impact the users of those fish in the Chesapeake Bay region. A lot of times you really need to go into these meetings understanding the issues of your constituents and be given the flexibility to do what you think is in the best interest of the people you represent. He felt it was important to make sure that Mr. Carpenter understands the concerns and give him the opportunity to make the best decision on the information that becomes available this fall.

Commissioner Rice amended his motion to direct Mr. Carpenter to solicit the Commissioners' opinions, who are in attendance at the ASMFC meeting, on this manner after they have been fully informed. Commissioner Bowman seconded the motion.

Commissioner Fleming questioned how Mr. Carpenter would decide which way to vote if the Commissioners were not available or there was a tie of some sort. Chairman Schick agreed that it was a time sensitive issue and that may not be possible. He felt the Commission had voiced their concerns here today and thought it would be best to leave it to Mr. Carpenter to make the best decision, understanding the advisory capacity and their decision as well.

Commissioner O'Connell felt the discussion has been very helpful and that advising staff to reach out to the Commissioners prior to the ASMFC meeting to make sure that Mr. Carpenter understands the issues and concerns and to use their best judgment to make a decision that best serves the constituency.

Mr. Carpenter noted for the Commissioners who are present in the meeting, there will be an opportunity to caucus. For those who are not present, there will not be enough time or the ability to call absent Commissioners to brief them prior to voting. Mr. Carpenter stated all Commissioners are here today except for one and he was aware of the concerns from both the Commission and the Finfish Advisory Committee. We're all waiting on the additional information that may come to light between now and November. It's a matter of simple majority vote because it's a matter of policy not regulation. Mr. Carpenter understands that Commission's position and he appreciates the vote as it stands, but it's just not physically possible to talk to all the Commissioners in 30 seconds.

Commissioner Fleming stated the purpose of this motion was for the representatives, who are present at an ASMFC meeting, to go back and get public comment to see what the constituency wanted in this respective motion before casting a vote. To ignore the constituency after you go through this public comment period is undemocratic.

Commissioner Rice explained by going back to what Commissioner O'Connell stated, the Commission is going to give Mr. Carpenter the same direction as we've been giving him all along. He felt that has worked well because he's done a great job supporting the Commission throughout the years. If the Commission is going to go with a verbal sense of direction, Commissioner Rice stated he would withdraw his motion if Commissioner Bowman would withdraw is second. Both Commissions agreed. **The motion was withdrawn.**

Chairman Schick stated the final outcome was that Mr. Carpenter understands the concerns of the advisory panel and the Commission. He will take all of that into account once he receives all the data when making a decision on this issue. Commissioner Fleming stated he will do this on this particular issue but the Commission has not resolved anything for future issues. Chairman Schick stated as always, Mr. Carpenter will consult with Commissioners who are in attendance prior to voting on any issues. Commissioner Fleming stated it's very difficult for everyone to attend 4-day meetings up and down the east coast, therefore some of us are disadvantaged in being able to attend and caucus. Yet he (Commissioner Fleming) sits here as one of eight Commissioners and his thoughts don't matter. Chairman Schick stated Commissioner Fleming's thoughts did matter and he could voice his concerns to Mr. Carpenter prior to him attending the meetings. Chairman Schick explained the reason the motion was taken off the table was because the Commission does not want to limit Mr. Carpenter's negotiating abilities.

Commissioner Bowman stated he has had some issue with the process and at this juncture he felt it would be appropriate to have a study committee access where the Commission should go in the future on this. From a functioning and lawful perspective, he's not really sure how this whole situation works. Until the Commission has some resolution, this issue may come up again. He felt it may be wise to solicit the assistance of counsel and two Commissioners to figure this out. Commissioner Bowman does not want Mr. Carpenter to get into a situation where he's conflicted and does not have clear direction. Chairman Schick stated that was something the Commission could look into. He then asked Mr. Mayo if he had any comments on getting together to review the process. Mr. Mayo stated he would be delighted to do that if that's what the Commission wants.

Chairman Schick appointed Mr. Mayo, legal counsel, Commissioners Fleming and Holland along with Mr. Carpenter to serve on an ad hoc committee to study the issues. Mr. Carpenter suggested Chairman Schick should also serve on that committee. Chairman Schick stated that he would gladly do that.

Convert a Haul Seine to a Hook & Line License

Doug Jenkins said he had brought this issue to the Finfish Advisory Committee at their last meeting. Presently, a commercial gill net can be transferred to a commercial hook and line license. Mr. Jenkins would like to do the same thing with a commercial haul seine license. He stated the reason for wanting this is because the haul seine fishery is limited as to where you can fish. There is also the issue of finding a crew to work. Mr. Jenkins and Mr. Brown have had to combine their crews in order to haul. Mr. Jenkins said he is 75 years old and would like to be able to catch his striped bass with a hook and line; haul seining has become a hassle.

Mr. Carpenter stated the purpose of allowing gill nets to become hook and line licenses, which was done a number of years ago, was to reduce the number of gill nets. At that time both gears were receiving 100 striped bass tags. In that situation you were dealing with two limited entry fisheries with two specific quotas. This proposal has a problem in that it mixes a limited entry license and quota with a non-limited entry license. It would become way of increasing the number of licenses in limited entry fishery, without being able to reduce the number of haul seine licenses since they are not limited entry. Under current regulations, there is a delayed entry into all the miscellaneous gear types for striped bass fishing. They all share one common maximum quota. Mr. Carpenter then explained how a person qualifies for striped bass tags with a miscellaneous gear license. He stated right now if someone wants a hook and line license, they have to search the market for someone who wants to sell one or they have a gill net and transfer it to a hook and line. This same issue was brought up several years ago with pound netters wanting to convert pound nets to hook and line licenses, and both the Advisory Committee and the Commission voted against it. Mr. Carpenter stated the staff would oppose the request to transfer from a non-limited entry to a limited entry fishery and moving quota.

Commissioner O'Connell questioned if staff looked at any options of transferring quota with them if they transferred. Mr. Carpenter explained he considered, as an alternative, a "special haul seine license or permit" that would allow hook and line harvest. This "special license or permit" could never be sold or transferred and would revert back to a normal haul seine license. It would not hold any value as a limited entry license does. What this may do is create a larger problem of other miscellaneous license holders coming forward and wanting to do the same thing. The system that's in place seems to be working well now and what is being requested needs a lot more thought than just simply trying it.

Commissioner Bowman stated Virginia has an issue with haul seiners and crab potters working together. He feels like he's missing something other than quota management issues. He suggested that a waterman would have to declare what he wants to do either haul seine or hook and line. They wouldn't get the option to do both.

Doug Jenkins stated his intention is to transfer permanently to a hook and line. Commissioner Rice stated there was nothing the Commission could do today to help Mr. Jenkins because it would require a regulation change, which requires a public hearing. He suggested adding this issue to the next public hearing.

A motion was made by Commissioner Rice, seconded by Commissioner Bowman and unanimously passed to add this item to the next public hearing.

Commissioner Fleming suggested addressing this issue by making a haul seine a limited entry license. Mr. Carpenter explained when the striped bass fishery was reopened after the moratorium the miscellaneous gears were not allowed to keep any striped bass. After a few years a study committee formed and their recommendation have a 'delayed entry' system so as to maintain a "traditional" fishery, but also didn't want people jumping into the fishery to just to get quota. That's when the Commission developed the 3 year delay process in order to qualify for striped bass tags. Mr. Carpenter felt making haul seine a limited entry license would create a value for a piece of paper that's simply not there.

Commissioner Hall understands the concerns and wonders if there is a way to focus on the senior citizen who wants to continue working in the Potomac River.

Request for a 3 ½” Small Mesh “Winter’ Perch Study

Mr. Carpenter noted a small mesh gill net study was conducted in March of 1992 that decided it wasn’t worth pursuing. This request is targeted for January/February and Mr. Carpenter felt the 1992 study should be repeated for this year, if three watermen (upper, middle and lower river) come forward to help conduct the study. The data will be analyzed as to what’s being caught and reported back to the Commission with the results.

Commissioner Bowes asked what happens to the small rock fish that would be caught. Would they have to be returned to the water? Mr. Carpenter stated with a 3 ½” mesh net there would be no legal sized rock fish caught; therefore they would have to be returned to the water.

Chairman Schick stated it would be nice to get a perch fishery going.

A motion was made by Commissioner Bowman, seconded by Commissioner Rice to conduct a study during January and February similar to the 1992 study. The motion passed and Commissioner O’Connell abstained from voting.

American Eel YOY Survey – Dr. Troy Tuckey, VIMS

A report entitled “Evaluating Recruitment of American Eel, *Anguilla rostrata*, in the Potomac River (Spring 2010)” was presented to the Commission by Dr. Troy Tuckey from VIMS. This report included the results of the annual survey to monitor the young-of-year (glass eels) American eel migration into the Potomac River watershed in order to determine spatial and temporal components of American eel recruitment. Basic biological information was collected on the glass eels including length, weight, and pigment stage. As in the past, Gardy’s Millpond and Clark’s Millpond were the collection sites for the survey, which was conducted between late March and mid-June.

Recruitment of glass eels in Clark’s Millpond in 2010 exceeded the 10-year average (179.47); whereas recruitment of glass eels at Gardy’s Millpond was below the 10-year average (184.60). Average recruitment of elvers continues at both sites with greater numbers consistently captured at Gardy’s Millpond. Pigmentation stages for Potomac River sites were, in general, more advanced than those for YOY eels collected from the James and York River sites during 2010. Furthermore, larger glass eels were captured in 2010 compared with previous years with an average length of 61.74 mm TL and an average weight of 0.24 grams.

In summary, recruitment of glass eels in 2010 occurred earlier at Gardy’s Millpond, but at lower abundances than at Clark’s Millpond. Similar to 2009, recruitment of elvers occurred early in the 2010 sampling season and decreased as sampling progressed at each site. Recruitment of glass eels at these sites consists of more developed glass eels compared with stations located nearer the mouth of Chesapeake Bay. Dr. Tuckey recommends continued sampling of glass eels from the Potomac River sites because recruitment estimates from Clark’s and Gardy’s Millponds display consistency (low variation) through time, a characteristic that will enhance detection of change.

Crab Harvest Report

Mr. Carpenter noted the crab harvest report shows that every month, with the exception of August, because that month's data is not complete, is above last year's harvest. Preliminary reports are indicating that August will also be above last year's average when all the reports are received. The total harvest and CPUE's are both showing improvement. Mr. Carpenter felt the Commission is on the right track and feels the Commission should hold steady with the course of action that's been put into place. He also hoped that Maryland, Virginia and the PRFC will continue to work together to rebuild the crab stock.

Crab Advisory Committee Report

In the absence of a Committee representative, Mr. Carpenter presented the Crab Advisory Committee report. He stated the committee received an update of the crab harvest report, and an update of the winter crab dredge survey from Dr. Tom Miller (CBL).

Smithsonian Potomac River Crab Tagging Study – The committee received an update from Eric Johnson including some background information on the 2009 female crab tagging study and a detailed analysis, by harvest areas, of the three management options to conserve female crabs for 2010 based on the results of last year's study. The meeting consisted of a discussion of three possible closures for the upcoming female crab season; an early rolling closure, a late rolling closure and a river-wide early season end. **The committee made a recommendation to go with Option 1 – Early Rolling Closure as follows:**

Areas 3 & 4 combined – 7 day closure (Sept. 22 – 28)

Area 2 – 11 day closure (Sept. 26 – Oct. 6)

Area 1 – 10 day closure (Oct. 4 – 13)

Mr. Carpenter felt the catch reporting system combined with the science of the tagging study has put the Commission in a desirable position. We've got some information and the ability to analyze the impact of a potential regulation change on the female harvest.

The committee also received an update on the PRFC Crab License Buy-Back Program, and there was a general discussion on being able to submit seafood catch report via internet.

Smithsonian Crab Tagging Study – Eric Johnson, SERC

Eric Johnson (SERC) presented the same report to the Commission, with additional analysis of data for a combined closure.

Order 2010-XX – Crab Season

Mr. Carpenter explained the worksheet that was provided earlier has the rolling closure dates listed. All 4 closures to choose from have their advantages and disadvantage. Law enforcement suggested looking at two area option rather than the 3 area option. The late rolling closure does have some problems with overlapping areas and may cause issues for law enforcement. Mr.

Carpenter noted the Crab Advisory Committee recommended the early rolling closure. He then suggested taking public comment.

Commissioner O'Connell questioned law enforcement if they find this to be a significant problem having three areas with overlapping seasons or is it something they can deal with. First Sgt. Adam Friend from VMRC stated when you talk about more dates and overlapping closures it creates more confusion, not only for law enforcement but for some of the crabbers as well.

Mr. Eric Johnson stated the analysis he conducted on the combined closure was done with the dates provided and there is a possibility that if the closure dates for areas 2, 3 and 4 were moved further into September or early October, it may help with the equability problems.

Commissioner O'Connell explained the early rolling closure, which was preferred by the Finfish Advisory Committee, has an overlap of two to three days. He asked Mr. Johnson to address the overlap issue and would that change the analysis significantly. Mr. Johnson explained the models can be set up and run for any set of dates provided. It's easy to change the dates to look at the overall impact on things. Moving it two days to the left or the right probably won't change the basic findings of the study.

Jim Berthe, member of the Crab Advisory Committee, felt as far as equability, he said would always be against the lower river. He said he would like to see the early closure because the females would be thrown back when the market is the weakest. He would like to be able to keep the females when they can make a little money off of them. The lower river has been hit pretty hard over the last couple of years because of the restrictions. Going with the early closure would be a win win situation for everyone.

John Morris agreed with Mr. Berthe's statements and felt the early closure would be best for everyone.

A motion was made by Commissioner O'Connell, seconded by Commissioner Rice and unanimously passed to adopt Order 2010-XX as follows with an early rolling closure for mature female crabs:

ORDER #2010-09
(replaces 2009-07)

CRAB SEASON

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the crab population, having considered the protection, promotion, growth and conservation of the crab resources, and pursuant to its authority under Regulation I, Section 7(a) and Regulation VII, Section 4.

HEREBY DECLARES AND ORDERS: it shall be unlawful for any person to take or catch, or attempt to take or catch any crabs by any means in the Potomac River during the closed season(s) as follows:

- (1) Hard crabs:
 - i) Males and immature females – December 1 through March 31 next succeeding.
 - ii) Mature females –

- a) Above the 301 Bridge from 9/22/2010 to 9/28/2010
 - b) Between 301 Bridge & St. Clements Island / Hollis Marsh from 9/29/2010 to 10/6/2010
 - c) Below St. Clements Island / Hollis Marsh from 10/7/2010 to 10/13/2010
- (2) Soft crabs – October 31 through April 30 next succeeding.
- (3) Peeler crabs – October 31 through April 30 next succeeding.

IT IS FURTHER DECLARED AND ORDERED: it shall be unlawful to set, fish or use in the Potomac River any:

- a) Crab pots – December 1 through March 31 next succeeding.
- b) Trotlines and dip nets – December 1 through March 31 next succeeding.
- c) Peeler traps – July 1 through April 30 next succeeding.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2010-09 shall become effective September 19, 2010 and remain in effect until further notice.

Crab Buy-Back Program Progress Report

Mr. Carpenter noted a written report was provided in the Commissioners packets. He remarked that all the funds were spent. To summarize, a total of 22 crab pot licenses were purchased for \$198,876.54 and effort in the crab pot fishery was reduced by 7,300 pots. The buy-back program purchased 2,700 active pots, 1,400 limited activity pots and 3,200 inactive pots. The Commission has established a waiting list and if \$150,000 in additional funds could be obtained, there are willing sellers who would take part in this program. Mr. Carpenter then asked Commissioner O'Connell if the Commission could request additional funds from the Crab Disaster Relief Program through Maryland DNR to continue this program.

Commissioner O'Connell stated the Commission could request additional funds by sending an e-mail or letter stating the amount needed and what would be done with the funds. Maryland DNR does have a significant source of funding available for license buy-back. Maryland is also considering another buy-back program for TFL licenses this fall. Mr. Carpenter felt based on the bids and response to the program, he felt it would be a one shot deal for the PRFC.

ASMFC Issues

Mr. Carpenter stated the Commission received the summary of the ASMFC actions conducted at their August meeting. He also announced that ASMFC's 69th Annual Meeting is scheduled for November 8 – 11 in Charleston, South Carolina. As always, he encouraged all Commissioners to attend.

Financial Reports

Fourth Quarter Disbursements and Cash-on-Hand –The report of the fourth quarter disbursements (April through June) for the operational budget was presented by budget item totaling \$149,232. A report of the cash-on-hand was also presented totaling \$503,655.88, as of September 7, 2010.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to accept the fourth quarter disbursements and cash-on-hand as presented.

Mr. Carpenter noted the Commission received a proposal from the Smithsonian Environmental Research Center to conduct another phase of the crab tagging study, but unfortunately there are no funds available in this year's budget. However, Mr. Carpenter felt seeing the benefit of their efforts, the Commission may want to consider including funds in next year's budget and have another study done in 2011. He stated this is something staff will bring to the budget committee's attention.

New Business

Pre-Payable Fine Schedule – Mr. Carpenter stated this is an informational update. He noted the Commission has received the Virginia Supreme Court's approval for the pre-payable fine schedule as adopted earlier by this Commission. Copies have been circulated to the District Courts and law enforcement.

John L. Trossbach, Jr. – Requesting Crab Pot License

Mr. Trossbach explained to the Commission that he forgot to renew his crab pot license for 2010 and asked if they could make a consideration and allow him to have it back.

Mr. Carpenter had explained to Mr. Trossbach that he did miss the deadline for renewal as well as the deadline for late renewal, but if he wished to appeal that decision before the Commission the staff would recommend against the Commission allowing him to have his license back.

Commissioner Bowman asked how long Mr. Trossbach has held a crab pot license with the Commission; Mr. Carpenter replied since 1968. Commissioner Rice stated he would like to speak on behalf of Mr. Trossbach. He stated there was a real waterman standing in front of the Commission today. He's been a waterman all his life. He's planted oyster seed and his heart is in the river. Commissioner Rice explained there is a Regulation in place that denies Mr. Trossbach his crab pot license, but he feels he should have a second chance. Commissioner Rice feels the Commission makes the rules and should also help the people. He felt that Mr. Trossbach should be granted his crab pot license with the understanding that he would lose any senior privileges he previously had. Mr. Trossbach agreed he would pay full price plus late fees if given the opportunity.

Commissioner O'Connell stated the he has worked with Mr. Trossbach with the Maryland oyster issues and he has always been very helpful and respectful. He questioned if it would be unprecedented if the Commission agreed to give Mr. Trossbach his license back. Mr. Carpenter explained the last time a similar situation occurred, the Commission had a waiting list of approximately 170 people that wanted a crab pot license and there was also a pending court case going on. The Commission did issue the license and withdrew from the court case and the number of crab pot licenses issued went from 400 to 576 crab pot licenses. Mr. Carpenter referred to the last Commission meeting where Mr. Swary wanted to have his hook and line license back and the Commission did not reinstate his. This is at the pleasure of the Commission.

Commissioner O'Connell questioned Mr. Trossbach if he has been crabbing in recent years. Mr. Trossbach stated that he has been working the license. Commissioner O'Connell clarified that the difference between Mr. Trossbach's case and Mr. Swary's case is that Mr. Swary had not used his license in several years. That was the basis for that decision.

A motion was made by Commissioner O'Connell, seconded by Commissioner Hall to allow Mr. Trossbach the opportunity to obtain his crab pot license.

Mr. Carpenter stated Mr. Trossbach held a 500 pot license and asked if he was fishing that many pots. Mr. Trossbach stated no. Mr. Carpenter then asked if the Commission would consider amending the motion to allow Mr. Trossbach the opportunity to obtain a 300 pot license in order to get some more crab pots off the books since he's not crabbing to the licenses full potential.

The motion was amended by the maker and seconder to allow Mr. Trossbach the opportunity to purchase a 300 pot crab pot license, not be allowed to transfer the license for 5 years and pay late fees associated with the license. The amended motion was unanimously passed.

Delinquent Seafood Catch Report Hearing

Daniel Ayrle Bushey – Mr. Carpenter noted that Mr. Bushey was in attendance today but because the meeting ran so long, he had to leave to pick his children up from school. This is Mr. Bushey's first offense for failure to file crab trot line reports. Staff's recommendation, although he made the effort to be here, would be one week suspension and it would be the first week of next season's license.

A motion was made by Commissioner Bowman, seconded by Commissioner O'Connell and unanimously passed to accept staff's recommendation of a one week suspension on all licenses, the suspension will be the first week of next season and one year of probation.

Frederick Talmage Jett, Jr. – Mr. Carpenter advised this was Mr. Jett's first offense for failure to file pound net reports. All of those reports were filed one week prior to the Commission hearing and staff's recommendation would be one year of probation. Mr. Jett stated he was late and will try to do a better job.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to accept staff's recommendation and place Mr. Jett on one year of probation.

Albert Lawrence McDonald – Mr. Carpenter stated this was Mr. McDonald's first offense for failure to file hook and line reports. He did file the reports one week prior to today's hearing and staff's recommendation is one year of probation. Mr. McDonald apologized and thought he had placed his license in inactive status as he did his son's licenses.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to accept staff's recommendation and place Mr. McDonald on one year of probation.

Glenn Michael Parks – Mr. Carpenter stated this was Mr. Park's second offense for failure to file hook and line reports. He did file the reports one week prior to today's hearing and staff's recommendation would be a one month suspension on all licenses and one year of probation. Mr. Parks commended the Commission on all the hard work they do. It impresses upon him the importance of being a team player. He felt the recommendation was fair and he would accept what was imposed on him.

A motion was made by Commissioner Hall, seconded by Commissioner Rice and unanimously passed to accept staff's recommendation and suspend Mr. Park's license for one month (June 2011) and place him on probation for one year.

Date and Place of Next Meeting

The next meeting is scheduled for Friday, December 3, 2010 at 9:30 a.m. in the John T. Parran Hearing Room of the Potomac River Fisheries Commission Building. This meeting will also include a public hearing.

Meeting Recess – 1:25 p.m.

Meeting Reconvenes – 1:50 p.m.

Striped Bass Violation Hearing

Chairman Schick stated the Commission will now hold the striped bass violation hearings. Chairman Schick called each violator to the podium, one at a time. Mr. Mayo read each person's show cause notice listing the PRFC violations detailed in the documentation of their Federal Lacey Act violations. Each violator, or his representative, was given the opportunity to present evidence or make a statement.

1. Gordon Dallas Jett – Absent
2. Jerry Lawrence Decatur, Sr. – Spoke for himself
3. Jerry Lawrence Decatur, Jr. – Absent
4. Dennis Dewayne Dent – Spoke for himself
5. Scott Lee Dent – Absent
6. Joseph Peter Nelson, Jr. – Spoke for himself
7. Kenneth Lee Dent – Spoke for himself
8. John William Dean – Present and represented by legal counsel, Mr. James Zafiropulos spoke on behalf of Mr. Dean.

After all violators had been give the opportunity to show cause why they should not suffer the civil penalties set out in the show cause order, the Commission considered action to take against each person.

Gordon Dallas Jett – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner Bowman moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that GORDON DALLAS JETT pled guilty to violation of the Lacey Act, based in part, on violations of 7 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of GORDON DALLAS JETT, the Potomac River Fisheries Commission hereby, ORDERS, effective this date, to refuse to issue GORDON DALLAS JETT any future Potomac River Fisheries Commission commercial or recreational license, and that he not be allowed to be an agent, employee or crew member for any other person licensed to fish, crab, oyster or clam in the Potomac River. The motion was seconded by Commissioner O'Connell and passed unanimously.

Jerry Lawrence Decatur, Sr. – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner O'Connell moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that JERRY LAWRENCE DECATUR, SR. pled guilty to violation of the Lacey Act, based in part, on violations of 6 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of JERRY LAWRENCE DECATUR, SR., the Potomac River Fishers Commission hereby, ORDERS, effective this date, to revoke all of JERRY LAWRENCE DECATUR, SR'S current Potomac River Fisheries Commission commercial licenses (CP, FP & GN), and refuse to issue JERRY LAWRENCE DECATUR, SR. any future Potomac River Fisheries Commission commercial or recreational license, and that he not be allowed to be an agent, employee or crew member for any other person licensed to fish, crab, oyster or clam in the Potomac River. The motion was seconded by Commissioner Fleming and passed unanimously.

Jerry Lawrence Decatur, Jr. – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner O'Connell moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that JERRY LAWRENCE DECATUR, JR. pled guilty to violation of the Lacey Act, based in part, on violations of 6 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of JERRY LAWRENCE DECATUR, JR., the Potomac River Fisheries Commission hereby, ORDERS, effective this date to revoke all of JERRY LAWRENCE DECATUR, JR'S current PRFC commercial licenses (CP, FTL, FN & GN), and refuse to issue JERRY LAWRENCE DECATUR, JR. any future PRFC commercial or recreational license, and that he not be allowed to be an agent, employee or crew member for any other person licensed to fish, crab, oyster or clam in the Potomac River, and revoke and recall all PRFC Striped Bass ID tags. The motion was seconded by Commissioner Hall and passed unanimously.

Dennis Dewayne Dent – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner Bowman moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that DENNIS DEWAYNE DENT pled guilty to violation of the Lacey Act, based in part, on violations of 4 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of DENNIS DEWAYNE DENT, the Potomac River Fisheries Commission hereby, ORDERS, effective this date, to revoke DENNIS DEWAYNE DENT'S current PRFC hook and line license, and refuse to issue DENNIS DEWAYNE DENT any future hook and line or gill net license(s), and refuse to issue any striped bass ID tags for any gear type in the future, and revoke and recall all PRFC Striped Bass ID tags. The motion was seconded by Commissioner O'Connell and passed unanimously.

Scott Lee Dent – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner O'Connell moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that SCOTT LEE DENT pled guilty to violation of the Lacey Act, based in part, on violations of 4 Potomac River Fisheries Commission regulation and/or orders, I hereby move that in the case of SCOTT LEE DENT, the Potomac River Fisheries Commission hereby, ORDERS, effective to date, to revoke SCOTT LEE DENT'S current PRFC crab pot license, and refuse to issue SCOTT LEE DENT any future hook and line or gill net license(s), and refuse to issue any Striped Bass ID tags for any gear type in the future. The motion was seconded by Commissioner Fleming and passed unanimously.

Joseph Peter Nelson, Jr. – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner Fleming moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that JOSEPH PETER NELSON, JR. pled guilty to violation of the Lacey Act, based in part, on violations of 4 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of JOSEPH PETER NELSON, JR., the Potomac River Fisheries Commission hereby, ORDERS, effective this date, to revoke JOSEPH PETER NELSON, JR.'S current PRFC fyke net (10) licenses, and refuse to issue JOSEPH PETER NELSON, JR. any future pound net, hook and line, fyke net or gill net license(s), and refuse to issue any Striped Bass ID tags for any gear type in the future, and revoke and recall all PRFC Striped Bass ID tags. The motion was seconded by Commissioner Hall and passed with 6 in favor and 1 against.

Kenneth Lee Dent – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner Bowman moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that KENNETH LEE DENT pled guilty to violation of the Lacey Act, based in part, on violations of 3 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of KENNETH LEE DENT, the Potomac River Fisheries Commission hereby, ORDERS, effective this date, to refuse to issue KENNETH LEE DENT any Striped Bass ID tags for any gear type for 1 year. The motion was seconded by Commissioner Fleming, who withdrew his second, and was then seconded by Commissioner Rice and passed with 5 in favor and 2 against.

John William Dean – Mr. Carpenter read staff's recommendation and Chairman Schick called for a motion.

Commissioner Rice moved that subject to the provisions of Regulation I, Section 4(a), having held a hearing on such matter, and having found that JOHN WILLIAM DEAN pled guilty to violation of the Lacey Act, based in part, on violations of 2 Potomac River Fisheries Commission regulations and/or orders, I hereby move that in the case of JOHN WILLIAM DEAN, the Potomac River Fisheries Commission hereby, ORDERS, effective this date, to revoke and recall all 2010 unused Striped Bass ID tags. The motion was seconded by Commissioner O'Connell and passed with 6 in favor and 1 against.

The meeting adjourned at 3:03 p.m.

Respectfully submitted,

Kyle J. Schick, Chairman

Steven G. Bowman, Secretary