

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

**June 10, 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), J.T. Holland (VA) and Dennis C. Fleming (MD).

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

**Others Present:** Capt. Quincy Shockley and Lt. Charles Sauter – MdDNR Law Enforcement; 1<sup>st</sup> Sgt. Adam Friend – VMRC Law Enforcement; Dr. Tom Miller – CBL; Rob Aguilar and Eric Johnson – Smithsonian Environmental Research Center (SERC); Herman Delvo, John Morris, Elgin Nininger, and Mark Hunter – Crab Advisory Committee; Robert T. Brown and Martin Duby – Finfish Advisory Committee; J.C. Rodgers, Israel Swarey, Jr., Bob Holden, Marian Hunter, Michael O’Donnell, Ken Hastings, Zackary Dent, Patty Thomas and several others who did not sign the guest register.

Chairman Schick called the meeting to order at 9:30 a.m. Mr. Mayo led the pledge of allegiance and Commissioner Holland provided the invocation.

**Introductions**

Chairman Schick introduced Capt. Quincy Shockley and Lt. Charles Sauter from Maryland Department of Natural Resources Police and 1<sup>st</sup> Sgt. Adam Friend from Virginia Marine Resources Commission Law Enforcement. Chairman Schick thanked everyone for attending and noted any input is always welcome.

**Approval of Agenda**

*A motion was made by Commissioner Holland, seconded by Commissioner Rice and unanimously passed, with no discussion, to accept the agenda as presented.*

**Consideration of Minutes**

*A motion was made by Commissioner Hall seconded by Commissioner Rice to approve the minutes of March 12, 2010 as presented.*

**Open Public Hearing – 9:35 a.m.**

Chairman Schick opened the public hearing and Mr. Carpenter verified that the Commission has duly advertised the public hearing and all certifications have been received. The Commission is in a position to proceed with the public hearing at this time. The following items were considered for this public hearing:

1. To amend **Reg. II, Sec. 2(g)** Concealment of Oysters; **Reg. VI, Sec. 2(c)** Display of License; **Reg. VI, Sec. 4(b)** License Required; **Reg. VI, Sec. 5(a)** License Required; **Reg. VII, Sec. 2(a)** Size Limits; and **Reg. VII, Sec. 6(c)** Separation of Crabs (Recodified). These are editorial additions or deletions to the Regulations to be in accordance with the PRFC Pre-Payable Fine Schedule.
2. To repeal **Reg. I, Sec. 5(d)** Reduction of License Fees to eliminate the reduced commercial license fees for persons 65 years of age or older.
3. To amend **Reg. I, Sec. 2(m)(3)** Bait Pot to modify the definition of a bait pot to include one main compartment and a single optional bait compartment with one or two funnel shaped entrance port(s) and to prohibit catching crabs with this gear.
4. To amend **Reg. III, Sec. 8(d)** Pound Nets to require all pound netters install at least 6 unobstructed PRFC approved fish cull panels in each pound net.
5. To repeal **Reg. III, Sec. 11(c)** Return of Incidental Catch if Reg. III, Sec. 8(d) is adopted.
6. To amend **Reg. III, Sec. 10(b)** Striped Bass Tagging to impose a one-for-one tag penalty for unreturned and/or unaccounted striped bass tags and impose a \$25 processing fee for research and/or verification of submitted reports. An appeal process to the Commission will be considered.
7. To amend **Reg. VII, Sec. 5(d)** Crab Pot Longlines to allow longlines in all areas, change the number of pots allowed on a longline, how they are identified and the minimum depth of water in which they can be set from 30' to 12' MLW.

Mr. Carpenter advised that the first six Regulations under item #1 are all issues that were advertised to correct technical issues that came from reviewing the Pre-payable Fine Schedule and Regulation Book. These editorial updates are to keep the two connected. There were no public comments on these Regulations.

**Reg. I, Sec. 5(d) – Reduction of License Fees** – Mr. Carpenter explained there was a table submitted showing the number of licenses issued under the senior program and the lost revenue from maintaining such a program to all three advisory committees. The lost revenue averaged to be around \$11,255 a year. The proposal was endorsed by the Finfish and Oyster/Clam Advisory Committees, but was opposed by the Crab Advisory Committee.

Mr. Walter Maddox, Sr. and Ms. Betty Duty, together, submitted a written statement via e-mail prior to the Commission meeting. They expressed the current Regulation should be moved from persons age 65 and older to age 80 and older, allowing anyone over the age of 80 to fall in the current senior license fee structure, for the senior fee of \$5.00 per year, as it is now.

Elgin Nininger, Vice-chairman of the Crab Advisory Committee, stated he has been purchasing PRFC licenses since the Commission was formed and before. He explained he has a problem with doing away with the senior fee. Virginia allows a senior to purchase a license at a reduced fee and so should the PRFC. Mr. Nininger offered a compromise where the watermen would not have to pay full price but would be willing to pay a higher “reduced” price. He also suggested a grandfather clause to protect who already takes advantage of the senior fee.

Mr. Nininger said the Commission needs to take into consideration the loss of revenue that will take place when some of the crab pot licenses are bought back from the crab buy-back program. That will be revenue the Commission will no longer receive each year regardless if it's a senior fee or a full paying license.

Robert T. Brown, President of the St. Mary's County Watermen's Association and Chairman of the Finfish Advisory Committee appreciated everything Mr. Nininger just said and he understood where he's coming from, however, the Finfish Advisory Committee looked at this issue in a different aspect. He explained the main reason the committee voted in favor of this issue was to have the money earmarked to go toward oyster repletion. It would be a way to make an investment into the watermen's futures.

Mr. Nininger stated he was 100% in favor of planting oysters if that is what the money will go toward.

**Regulation I, Sec. 2(m)(3) – Definitions** – Mr. Carpenter stated this was brought to the Finfish Advisory Committee by a watermen who wanted to use a devise to catch live spot for the bait market. He presented his information to the Finfish Advisory Committee, and members supported his request. Some concerns of changing the definition of a bait pot for this gear, was what to do with crabs and how many would it catch. The proposed language would be if the gear has a bait compartment, then the bait compartment must have a door, and it will be unlawful for any person to use a bait pot for the purpose of catching crabs or to keep any crabs caught in the Potomac River. Law enforcement has reviewed this Regulation and had no concerns with it.

There were no comments from the public on this Regulation.

**Regulation III, Sec. 8(d) – Pound Nets** – Mr. Carpenter explained this is also an issue presented to the Finfish Advisory Committee. After speaking with the principal scientist who worked on these cull panels, he suggested that if the main goal was to target the release of river herring and shad, the two optional cull panels should be placed near the surface of the net. In addition, the horizontal bars designed for the flounder should be turned to become vertical bars at the surface to allow the shad and river herring to escape. Mr. Carpenter has had conversations with some of the pound netters and staff would like to allow as much flexibility to experiment with this rather than mandate it. Therefore, staff recommends adopting the Regulation as presented. It was noted this Regulation would become effective January 1, 2011, so it would not affect the current 2010 pound net season.

Robert T. Brown said everyone knows something has to be done to let this by-catch go through; however, he would like a one year sunset clause just to make sure the Regulation can be revisited, after the pound net season is over to make any necessary changes.

Commissioner Rice verified that this Regulation is considered a “work in progress” and the Commission wants the pound netters to enter into this program and report back to us. Mr. Carpenter explained the wording of the Regulation states where four of the cull panels have to go, the other two panels shall be installed in the vertical sides of the pound net at the fisherman's discretion or near the surface, but below the mean low water line. Mr. Carpenter felt this gives

the maximum flexibility to the fishermen to experiment with these cull panels and it also gives a suggestion where to place them. Therefore, he did not see a need for a sunset clause because there's an either-or option for placement of the cull panels.

Mr. Brown stated the concern is with the cull panels that are set vertically up top. After a certain time of the year, the river herring are gone and he suggested that those cull panels be blocked off after that time. He felt that issue needs to be addressed. He doesn't want to be in the situation where large amounts of bait are lost.

Commissioner Fleming verified that there had already been some experimenting done with these cull panels prior to today's hearing. Mr. Carpenter stated the initial work that was done with the cull panels was being placed on the bottom of the pound net. That work was aimed initially at the weakfish fishery. During the development of the cull panels, it was designed to be used with summer flounder as well. They modified the design of it and added the slots at that time. At the Advisory Committee level, it was decided that only six cull panels were needed. It was after that discussion, that it was suggested the panels should be placed in the top part of the net in a sideways position in order to target river herring. However, there has been no experimenting done with the panels at the top of a pound net. Mr. Carpenter agrees with Mr. Brown in wanting the flexibility of where to place the cull panels and doesn't have a problem with revisiting, but recommends giving it some time to see how they work.

Commissioner Fleming questioned if Maryland and Virginia were doing anything with pound net cull panels. Commissioner Bowman stated Virginia is not doing anything at this time. Commissioner O'Connell stated Maryland has a significant issue with the management of river herring along the Atlantic Coast. Maryland is currently looking at experimenting with pound net cull panels and trying to find ways to reduce by-catch.

Commissioner Rice stated he was concerned with wanting to have the flexibility to accommodate the fishermen. It's obvious that the pound net fishery has been more than cooperative with the Commission and we need to do the same for them.

**Reg. III, Sec. 11(c) – Return of Incidental Catch** – Mr. Carpenter stated this Regulation would be repealed if Reg. III, Sec. 8(d) was adopted. There were no other comments.

**Reg. III, Sec. 10(b) – Striped Bass Tagging** – Mr. Carpenter explained this Regulation was also presented to the Finfish Advisory Committee as an attempt to strengthen our accounting of the striped bass harvest. This Regulation states everyone's catch reports will be audited at the end of the season and if the reported catch and the returned tags do not equal the amount you were issued at the beginning of the season, then a one-for-one tag penalty will be imposed. Also added was language if someone wants to challenge our findings and a hand search has to be conducted to verify what was reported, a \$25 processing fee may be imposed for doing so. However, staff has no intention of charging that fee if an error is found on our part. Any decision made by staff is appealable to the full Commission.

Chairman Schick asked what is considered reviewable by the Commission. Mr. Carpenter explained striped bass tags have been stolen from fishermen and staff requests a police report to be filed in that case. He explained staff is trying to get a better count on the striped bass tags issued and to hold the watermen accountable for accurate reporting.

Elgin Nininger said he and his son have had boats sink and tags lost. He felt the Commission would need to take these situations into consideration.

Mr. Carpenter recognizes that situations happen, but much of the time it's simply sloppy record keeping and people assume the Commission is not going to hold them accountable.

Commissioner Rice questioned if the Commission should consider a tolerance when returning striped bass tags. He felt everyone makes mistakes and there is a chance for error.

Commissioner Bowman stated there are a number of Regulations in Virginia that refer to staff to make certain decisions, he thought it may be appropriate to include language in this Regulation to give staff the authority to make decisions based upon individual circumstances and if the decision is not agreed upon, the individual can appeal to the Commission at that time. Commissioner Rice agreed.

Mr. Carpenter stated the staff would use common sense and good judgment when dealing with this type of situation. Mr. Mayo stated the proposed language presented is crafted well enough to allow staff to make the necessary decisions prior to anyone appealing the Commission.

**Reg. VII, Sec. 5(d) – Crab Pot Longlines** – Mr. Carpenter stated this Regulation was presented to the Crab Advisory Committee prior to this meeting. There were several changes made to the Regulation concerning the flag, depth of water and deciding if a sunset clause should be added to the Regulation. Staff feels if this Regulation works as well as it has in the past, there should be no need to include a sunset clause.

Chairman Schick stated the issue with the square flag is so law enforcement would be able to tell it apart from a gill net flag and recreational boaters may get confused between the two. Mr. Carpenter stated the gill net stands have one square flag and one triangular flag whereas the longlines would have two square flags.

John Morris stated he uses this type of gear and it does save a considerable amount of crab pots in high traffic areas. He doesn't have a problem with the 12' MLW restriction. Commissioner Fleming asked Mr. Morris if he came upon any longlines while he was ghost potting. Mr. Morris stated he found one line that was cut off and drug.

Commissioner Fleming questioned staff's suggestion of possibly reducing the number of pots on line from 30 to 15 pots. Mr. Carpenter explained that was not staff's recommendation, and that the Crab Advisory Committee's suggestion was to allow either 15 or 30 pots on a line. The existing Regulation counted them as 30 regardless if you had less than that on a line. The reason for recommending 15 on a line was so that smaller boat could take advantage of this gear.

Commissioner Fleming then asked Commissioner Bowman why this type of gear was not allowed in Virginia. Commissioner Bowman explained the Commonwealth wanted the ability to check each individual crab pot to make sure it had the specific cull rings and gear required by law. It's been this way for many years.

Bob Holden stated that Mr. Morris is an excellent watermen and he supported the idea of a 30' longline several years ago. He still agrees with a longline gear, however he has concerns with not being able to see where the longlines are located. He would like to see the gear continue in the Potomac River and would like to see the longlines throughout the river with the same Regulations that are in place now. He is opposed to the depth of water being proposed and suggested a 25' depth restriction.

Robert T. Brown stated there's a lot of traffic in our waterways and a lot of crab pots are lost. He supports the longlines and likes the idea of going from 30 to 15 pots, so that smaller boats can take advantage of this.

John Morris stated he had a concern with going to a deeper water depth up river, because most of the upper river isn't 30' deep. Also when there's bad water, you can't crab in water less than 30' or 25' of water. Commissioner O'Connell asked Mr. Morris what depth of water he would be comfortable setting longlines in. Mr. Morris stated he is comfortable with 12' MLW.

#### **Close Public Hearing – 10:25 a.m.**

Chairman Schick stated he would like to take the Regulations one at a time starting with the first six Regulations that were grouped together to correct technical issues.

***A motion was made by Commissioner Holland, seconded by Commissioner Hall and unanimously passed to adopt Reg. II, Sec. 2(g), Reg. VI, Sec 2(c), Reg. VI, Sec. 4(b), Reg. VI, sec. 5(a) and Reg. VII, Sec. 2(a) as presented***

#### **Reg. II, Sec. 2(g)                      Concealment of Oysters**

It shall be unlawful for any person to conceal any oysters in the shell in a cabin, compartment, locker, cupboard, washboard, or other place on any vessel in the Potomac River where they are not clearly visible and readily accessible for inspection at all times by duly authorized officers of the Potomac River Fisheries Commission. All oysters in the shell found on any vessel in the Potomac River shall at all times be in bulk quantity in a pile or piles on the culling board, or in plain view in the bottom of any vessel, and at no time shall they be placed or deposited on the washboards, or in any basket, box, sack, bag, or other container, except when actually unloading or unless said person has a written permit from the Commission. No shucked oysters shall be permitted aboard any vessel in the Potomac River licensed under the provisions of these Regulations during the oyster tonging season.

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

Each pleasure boat, charter boat, crab boat and rental boat licensed hereunder, shall be issued a set of decals. The decals shall be affixed on either side of the forward half of the hull and in such a manner as to be clearly visible to passing boats. All vessel captains or operators and persons individually licensed shall exhibit their license when required by any enforcement officer of the State of Maryland or Virginia, or agent of the Potomac River Fisheries Commission.

**Reg. VI, Sec. 4(b) License Required**

Except as provided in Sec. 4(a) it shall be unlawful for any person to take, catch or remove or attempt to take, catch or remove crabs from the Potomac River for sport, recreation or immediate household use, from any boat or vessel not properly licensed for sport crabbing.

**Reg. VI, Sec. 5(a) License 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 any boat or vessel not properly licensed for sport fishing. Provided, however, that each natural person aboard a pleasure boat or rental boat, as herein defined, may substitute an his/her sport fishing license in lieu of the vessel license.

**Reg. VII, Sec. 2(a) Size Limits**

It shall be unlawful for any person to take, catch, keep in floats, or have in possession any:

- (1) hard crabs, except mature female crabs, less than 5 ¼" inches from April 1 through July 9 and hard crabs, except mature female crabs, less than 5 ½ inches from July 10 through the end of the season.
- (2) peeler crabs less than 3 ½ inches.
- (3) sponge crabs, spawn crab, blooming female crab, mother crab or the female crab from which the egg pouch or bunion has been removed - of any size.

**Reg. VII, Sec. 6(c) Separation of Crabs**

Once taken hard males, hard females, peelers and soft shell crabs shall be kept separate from each other.

**Reg. I, Sec. 5(d) Reduction of License Fees**

**A motion to repeal this Regulation was made by Commissioner Holland, and seconded by Commissioner Bowman for discussion.**

Commissioner Bowes questioned what this would do to the budget if this Regulation is not repealed. Mr. Carpenter explained the budget that was prepared calculated the repeal of this Regulation. The budget committee was asked to review and has developed a recommendation that if this Regulation does not pass the reduction would come from the oyster repletion fund.

Commissioner Bowes stated as of right now the Commission does not have a plan for the oyster fishery and he is opposed to taking away reduced fees at this point.

Commissioner O'Connell stated he had the feeling from the general public that if this Regulation was repealed, the funds normally generated from reduced license fees would go to support the oyster repletion program. He questioned if that would be the best interest of the Commission to support the oyster repletion program. Commissioner O'Connell wondered if the Commission decided not to put the funds toward that program, would the Finfish and Oyster/Clam Advisory Committees still support repealing this Regulation.

Mr. Carpenter explained the Compact states all the Commission's money goes into a general fund unless it is from a specific grant that has specific terms for those funds. He noted the Commission has not spent any money in oyster repletion, but funds are being set aside in a future oyster repletion fund awaiting the results of the study that's currently being conducted. He felt the Advisory Committees wanted the funds to go toward oyster repletion and the proposed budget reflects that recommendation. The budget committee did not anticipate the entire \$10,000 coming to the budget because they recognized with the crab buy-back program, there will be less money from the crab license sales to start with and the committee used a working figure of \$5,000.

Commissioner Fleming felt as a person gets older, they have more wealth and the last thing someone older needs is a break from license fees. He supported the repeal of the Regulation.

Commissioner Rice felt this senior reduction in license fee is for individuals who would use less gear and work just to pass the time away. Mr. Carpenter verified it's for a person who has to work by himself.

**Chairman Schick called for question for the motion that was before the Commission and the motion failed with 5 in favor and 3 against (Bowes, Hall and Rice).**

Commissioner Rice felt there was room for compromise for the people already in the system.

***A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to accept staff's recommendation, grandfather in the present participants and have the Regulation become effective 30 days from today.***

Mr. Carpenter verified there are currently between 60 to 80 people in the program. He felt one thing the compromise would do is over time the dollar value should begin to fall and the Commission could adapt to that over a longer period of time.

Mr. Mayo suggested making the Regulation effective 30 days from now so that people who qualify would have a chance to participate in the program before they are no longer eligible. Commissioner Rice agreed and stated this way the Regulation has been capped and will only continue to get smaller.

**Reg. I, Sec. 5(d)                      Reduction of License Fees**

Except persons born after July 15, 1945, natural persons 65 years of age, or older, who have for the previous three (3) years held a Potomac River Fisheries Commission license or licenses, as listed herein, shall be eligible to renew and/or obtain such license(s) for a fee of \$5.00 per license. Provided, however, such license(s) or any privilege(s) granted thereby shall be for the exclusive use of the licensee. The licenses available under this section are as follows:

- (1) crab dip nets, crab trot lines and patent crab trot lines.
- (2) a single peeler trap.
- (3) a single boat or vessel used by the licensee to catch crabs with crab pot(s).  
oyster hand tong, however, this exemption does not apply to the fee for the "OT" tags issued to the captain the "OT" vessel license for power assisted hand tong rigs, provided, however, that no person under the age of 65 is permitted aboard such vessel.
- (6) oyster hand scrape.
- (7) oyster hand scrape vessel, provided, however, that no person under the age of 65 is permitted aboard such vessel.
- (8) a single boat or vessel used by the licensee to take fish with fish trot line(s).
- (9) a commercial hook and line.
- (10) a single boat or vessel used by the licensee to take fish with fish pot(s).
- (11) a single boat or vessel used by the licensee to take eels with eel pot(s).
- (12) a single boat or vessel used by the licensee to take bait with bait pot(s).

Additional licenses or similar types of licenses not listed herein require payment of the usual license fees provided for in Section 2 of this Regulation.



**Reg. I, Sec. 2(m)(3) Definitions (iii) Bait Pot**

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

**Reg. I, Sec. 2(m)(3) Definitions**

- (iii) Bait Pot - a bait pot shall be a cube shaped wire device measuring no more than 24 inches on any one edge having only one main compartment and a single optional bait compartment and equipped with one or two funnel shaped entrance port(s) and have a mesh size which is not less than one inch measured at its longest axis. If constructed with a bait compartment, such compartment must have a closed door. It is unlawful for any person to use any bait pot for the purpose of taking or catching crabs, or keep any crabs caught in the Potomac River.

**Reg. III, Sec. 8(d) Pound Net**

Mr. Carpenter added during the discussion held earlier during the public hearing, he suggested the possibility of the words “or closed after June 1<sup>st</sup>.” at the end of the sentence ending with ...on the vertical flood-side within 18 inches of the corners... This would give the watermen three options. The option to place the cull panels anywhere they want, the option to put them in the vertical position and the third option would be to close those two cull panels after June 1<sup>st</sup>. This gives the maximum amount of flexibility to experiment with the cull panels.

Commissioner Bowes questioned if June 1<sup>st</sup> is a reasonable time to close these cull panels. Robert T. Brown stated about 95 to 98% of the river herring are gone by that time.

*A motion was made by Commissioner Holland, seconded by Commissioner Rice and unanimously passed to adopt Reg. III, Sec. 8(d) as follows:*

**Regulation III, Section 8(d) Pound Nets**

It shall be unlawful to take or catch, or attempt to take or catch, finfish in the Potomac River with any pound net that does not have at least six (6) PRFC approved fish cull panels properly installed in the pound net. Two (2) unobstructed fish cull panels shall be installed, with the elongated slots on the bottom in a horizontal position, at the bottom of the vertical ebb-side of the pound net, one within 18 inches of each corner of that side; and two (2) unobstructed fish cull panels shall be installed, with the elongated slots on the bottom in a horizontal position, at the bottom of the vertical flood-side of the pound net, one within 18 inches of each the corner of that side. The other two (2) fish cull panels shall be unobstructed between February 15 and June 1, be installed below mean low water in the vertical sides of the pound net and, in either: a) near the surface with the elongated slots in a vertical position, with one on the ebb-side and one on the flood-side within 18 inches of the corners; or b) at the licensee's discretion. The licensee shall exhibit all fish cull panels to when required by any authorized enforcement officer whenever the net is being fished. Failure to allow inspection or to maintain any net with properly installed, functional and unobstructed fish cull panels as required shall constitute a violation of this regulation. Effective 1/1/11.

**Reg. III, Sec. 11(c) Return of Incidental Catch**

*A motion was made by Commissioner Hall, seconded by Commissioner Holland and unanimously passed to repeal this Regulation.*

**Reg. III, Sec. 10(b) Striped Bass Tagging**

Staff's recommendation is to adopt this Regulation as presented with the understanding that staff has some flexibility in administering the Regulation for the first year or two.

*A motion was made by Commissioner Bowman, seconded by Commissioner Holland and unanimously passed to adopt staff's recommendation as presented.*

**Reg. III, Sec. 10(b) Striped Bass Tagging**

Each commercially caught striped bass must be individually identified with a striped bass identification tag provided by the Potomac River Fisheries Commission. Said tags must be applied as soon as feasible and in no event shall any commercially caught striped bass be removed from the Potomac River or from the boat at the point of landing, whichever occurs first, without said tag being permanently affixed. The tags shall be issued to a licensee and they cannot be transferred or sold, nor otherwise used by anyone except that licensee. In the event the licensee is not a natural person, only the entity's authorized user, who must be a natural person, can use the tags and his name must be on file with the Commission. Subject to the terms of Regulation I, Section 1(e), tags returned with a surrendered license may be reissued with any resultant new license. All unused tags must be returned to the Commission after each respective fishing season. Each licensee's reports will be audited by staff at the end of the fishing season and a penalty, for unreturned and/or unaccounted striped bass tags, will be applied to the following season's tag allocation on a one-for-one tag basis. In addition, a processing fee of \$25.00 may be charged for research and/or verification of submitted reports. Audit results may be appealed to the Commission. The words "as soon as feasible" as used herein shall mean for the: i) Commercial Hook and Line Fishery - as soon as the fish is taken and before it is put into the cooler or storage area; ii) Pound Net Fishery - as soon as the fish are taken and before the boat leaves the net site; and iii) Gill Net Fishery - as soon as each separate piece of net is fished and before the boat leaves the net site.

**Reg. VII, Sec. 5(d) Crab Pot Longlines**

Staff's recommendation would be to approve as presented with the exception of changing the 12' to 20 MLW and adopting the Regulation without the sunset clause.

*A motion was made by Commissioner Holland, seconded by Commissioner Bowman to adopt the regulation as recommended by staff.*

Commissioner Bowman agreed with Mr. Holden and his comments on drift fishing. He felt the depth restriction should be increased to 20 or 25 feet. He has no problem with opening the fishery up to the entire river but has concerns with the depth allowed.

Commissioner O'Connell questioned Mr. Carpenter as to what his perception was of the concerns expressed here today. Mr. Carpenter stated when the longlines were first allowed they were restricted to the mouth of the river only, to waters 30' or deeper and a spring and fall season. Over the years there have not been any problems and there has been no experimentation of this gear during the summer. Mr. Carpenter recognizes the advantages of this gear to the crabbing community as well as the disadvantages from the recreational community. He then suggested allowing the 15 pot longlines in water between 30 and 12 feet. He stated there is a much smaller distance between the two buoys and it may enable the public to figure out there are longlines here. Mr. Carpenter felt it may be a way to help solve both concerns.

Commissioner Rice questioned if there was a restriction on how long the line could be. Mr. Carpenter stated there is no length of line specified in the Regulation. Mr. Morris stated there is

normally about 100 feet between crab pots set on a longline for a total of 3,000 feet to a longline. Commissioner Rice then questioned if there were enforcement measures in place if a longline was in violation based on the number of pots allowed. Mr. Carpenter stated if the flag at the end of the line says 15 and the officer observes more than 15 pots on the line, that would be a violation of the Regulation and a citation could be issued right then.

Chairman Schick commented that recreational boaters will wrap up a crab pot at the buoy rather than the line itself and he can see where longlines could alleviate some of those issues. However the recreational trolling fishery could be hampered from this type of gear. If Mr. Carpenter's suggestion is accepted, the flags would be seen easier in shallow waters. He suggested an educational brochure could be handed out to the recreational fishery to help with some of these issues.

**A substitute motion was made by Commissioner O'Connell, seconded by Commission Bowman to adopt the recommendation with the addition of restricting the longlines in shallower waters between 12 and 30 feet for up to 15 crab pots.**

Commissioner Bowes felt even with these restrictions, it is possible to not be able to see both buoys on a longline. He also stated the Commission is to support all fisheries in the Potomac and that includes the recreational fishery. He felt if the longlines are allowed in shallow waters, then the Commission is not looking out for the interest of the recreational fishermen.

Commissioner Bowman stated gill nets are licensed in a location of 1,200 feet and 600 feet of net are allowed to be set during the season. Commissioner Bowes stated the gill net season is not in season when the recreational bottom fishing and trolling seasons are taking place.

Commissioner Fleming questioned if a larger flag might make the longlines more visible. Mr. Carpenter stated if you get a large flag, they are going to lay limp and be less visible. He suggested at 12 x 36" flag might solve this issue.

Commissioner Hall also questioned the color of the flags required. Mr. Rice agreed with Mr. Holden and stated based on the discussion here today, it is quite evident that everyone is trying to compromise with this issue. He felt in order to help Mr. Holden, the Commission needs to focus on the depth of water and not the flags required on the longlines. He stated the 12' depth of water in the middle river will be a problem, however 20' MLW would work.

**Commissioner O'Connell withdrew his motion and Commissioner Bowman concurred.**

***A motion was made by Commissioner Rice, seconded by Commissioner Bowes and unanimously passed to adopt Reg. VII, Sec. 5(d) as presented with the exception of changing 12' MLW to 20' MLW.***

**Reg. VII, Sec. 5(d) Crab Pot Longlines**

Each longline shall contain either up to 15 crab pots or no more than 30 crab pots and each line will be counted as either 15 pots or 30 pots when determining compliance with the license limitation. A spar buoy shall be placed at each end of the longline with a flag at least 12 inches square, which shall be identified by legibly displaying the

assigned decal number and either 15 pots or 30 pots. Any licensee using crab pot longlines, will, at the direction of any authorized enforcement officer, pull the line for inspection. No longline shall be set in waters less than 20' MLW.

*A motion was made by Commissioner Bowman, seconded by Commissioner Holland and unanimously passed to make the changes to all these Regulations effective July 15, 2010.*

### **Crab Harvest Report**

Mr. Carpenter presented the preliminary crab harvest report for the early 2010 crab season (April through May). It shows 4,852 bushels of hard crabs harvested, the peeler crab harvest was 7,325 pounds and a soft crab harvest of 359 pounds. He noted the April harvest was above the long term average and the CPUE is the highest the Commission has seen in quite a while. This has contributed to the efforts that were put into place to reduce the harvest as well as the warm spring this year.

### **Smithsonian Potomac River Crab Tagging Study – Rob Aguilar**

Rob Aguilar, from the Smithsonian Environmental Research Center, presented the results of their Potomac River Mature Female Blue Crab Tagging Study for 2009. In each of the three zones of the Potomac River, approximately 300 to 400 mature female crabs were tagged and released over a three-day period in September 2009. A total of 1100 crabs were tagged and released. Tags were either high value (\$50 reward) or standard value (\$5 reward) and the reporting rate was estimated to be around 63 percent. A series of slides illustrated the patterns of migration after the tagged crabs were released and the locations of recapture. It was reported that 85 percent of the tag returns were from the Potomac River; two crabs were caught in North Carolina and one tag number was called in from California. There were two multiple recoveries. The recovery depths ranged from 14 to 20 feet.

### **2009 Winter Crab Dredge Survey Results – Glenn Davis**

Mr. Glenn Davis, MD DNR, presented the results of the Bay-Wide 2009-2010 Winter Crab Dredge Survey. This year's report has several bits of good news. The total crab abundance is up by 141% over 2008 and well above the interim target. The female spawning stock was up by 202% over 2008 while there was little change in male abundance. Perhaps the most encouraging news was the 107% increase in recruits. The conservation measures to protect females over the last two years are working. BUT, one year of increased recruits is not sufficient to sunset the managements measures on the mature female crab harvest.

Commissioner Bowman stated on behalf of this Commission and the Commonwealth of Virginia he thanked everyone involved in doing these types of studies and stated they endure long, cold, wet and rainy days to develop these types of reports.

### **Oyster Harvest Report**

Mr. Carpenter presented the final oyster harvest report for the 2009-2010 oyster season. He noted there were 403 bushels of oyster harvested with an estimated dockside value of \$9,310.00. There were 72 bushels harvested by tongs and 331 harvested by hand scrapes.

**Oyster Hydrodynamic Model Update – Dr. Rom Lipcius**

Mr. Carpenter stated the Commission received an e-mail yesterday from Dr. Lipcius explaining that he has decided to hold off on his hydrodynamic model presentation because he has to incorporate the oyster reef information from the tributaries from Maryland and Virginia to get a full picture of the relevant connectivity patterns. He will provide further information at the September Commission meeting.

**Discussion and Review of the Oyster Regulations**

Mr. Carpenter explained last year the Commission dealt with this issue dealing with the sunset clause placed in four Regulations that would have reverted back to the 2003 Regulations. The Commission at that point extended the sunset clause for one year. During this year, the Commission was supposed to receive the results of the oyster hydrodynamic model and develop a management plan. As of right now the study is not complete and if these Regulations are not extended or dealt with, they will automatically revert back to 2003 Regulations. Staff recommends the Commission advertise these for a September public hearing and the advertising would allow the Commission to extend the sunset clause or to remove the sunset clause altogether. When the hydrodynamic model study is completed and the management plan is developed, all of these Regulations will be subject to change again at that time.

***A motion was made by Commissioner Holland, seconded by Commissioner Hall and unanimously passed to advertise the following Regulations for a September public hearing.***

Reg. II, Sec. 1(e) – Hand Scrape

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

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

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

Commissioner Rice questioned the time frame and how long it may take Dr. Lipcius to complete his study. Mr. Carpenter explained Dr. Lipcius believes he may have a preliminary presentation of the model by September. The plan adopted by the Commission was to have the model developed, then pull in the advisory committee along with a couple Commission members and hoped to start this process in late fall of 2010. Mr. Carpenter hopes to have some form of a master plan developed by this time next year.

Commissioner Rice then asked what's in store for the upcoming oyster season. Mr. Carpenter explained he sees no reason to make changes from last season, but that will depend on what the Commission does at the upcoming public hearing concerning the oyster regulations. Either the Commission will extend the sunset clause, remove the clause or allow them to revert to the 2003 oyster regulations, which would remove the power winders from the vessels.

Commissioner Rice asked if what is going to be advertised, gives the Commission any leeway to do any type of experimenting or some type of alternative harvest on specific oyster bar(s). Mr. Carpenter explained what the Commission just agreed to advertise would not allow any changes from the past oyster seasons. Commissioner Rice stated the state of Maryland is working with watermen to go out and help clean up the oyster bars. He felt the Commission could pick out an

oyster bar that has harvest on it and start a program by going out and cleaning the bar and experimenting with growing oysters.

Commissioner O'Connell stated he was not too optimistic that the model would solve the Commission's problems. He felt it would be beneficial for the Oyster/Clam Advisory Committee to start thinking about setting goals as to where they want to be in 5 to 10 years so the Commission can start to figure out how to move toward those goals. Commissioner Rice was describing a harvest reserve concept where an oyster bar is worked by cleaning the bottom, then planting oyster seed in hopes of growing oysters. Commissioner O'Connell explained when an oyster bar is cleaned, the oysters harvested from that bar are taken and placed on an oyster sanctuary or on public oyster bar to protect the remaining population. The cleaned oyster bars would then be planted with oyster seed. Maryland is very supportive of oyster aquaculture.

Commissioner Hall stated after all the information presented last fall by Dr. Lipcius, the message was with oysters you don't want to harvest the last one, but letting them just sit there, results in them silting over and probably dying. It's the idea of working what you have and harvesting a managed population. She agreed just sitting and waiting for oysters is not something the Commission can afford to do. She felt the oyster bars in the Potomac need to be worked to keep them healthy and harvest some, but not all.

Commissioner Fleming stated any oyster living now would have some type of resistance to disease, he questioned why take those oysters and plant with seed. Robert T. Brown stated this is a very serious situation and to stay here and do nothing is the worse thing the Commission can do. He felt nothing has been done since the study of the Asian oyster started many years ago. The money that was put into research could have been put toward hatchery seed in all our state waters and into the Potomac River. You can't change what's happened in the past, but like Commissioner Rice said, there is the opportunity to try something else because doing nothing is simply that. Mr. Brown suggested that the Commission follow through with what Commissioner Rice was talking about to start trying something new.

Commissioner O'Connell stated Maryland has had discussions with local watermen concerning this idea and he would be willing to work with Mr. Carpenter, Mr. Brown and other watermen to try and identify an oyster bar in which Maryland would be willing to put forth some contribution to rehabilitate an area and help plant seed on it.

Chairman Schick stated that was a generous offer and he thinks the Commission should develop some type of plan that is economically viable as stated before. Mr. Carpenter stated the Commission does not need to advertise for anything, because there are Regulations in place that allow the Commission to do things by Order of the Commission. Mr. Carpenter also thought Maryland's offer is generous and it is something that he can discuss with Commissioner O'Connell and the Oyster/Clam Advisory Committee and try to present the Commission with some kind of plan with at least one experimental seed planting/bar cleaning at the September Commission meeting. He cautioned if the Commission takes the money donated by the St. Mary's County Watermen's Association and the funds provided by the state of Maryland and then an oyster bar is selected and planted, what happens if the study shows that particular oyster bar should be set as a sanctuary. Are the watermen and the Commission going to accept that seed just

planted would not go toward harvest? That's Mr. Carpenter's concern with trying to pick an oyster bar before the study is complete. Commissioner O'Connell suggested picking a site that is currently degraded and work that area to have it planted with hatchery seed.

Chairman Schick advised Mr. Carpenter to present that issue to the Oyster/Clam Advisory Committee and see what develops from the idea.

**Order 2010-03 – “Revised” 2010 Recreational and Charter Fishing Season, Size & Catch Limits**

Mr. Carpenter advised this is an adjustment to the black sea bass regulations that were adopted at the last meeting. After review by the Mid-Atlantic Council and ASMFC, they determined the status of the black sea bass was in better shape than previously thought. Therefore, the opening and closing dates have been extended. Staff's recommendation is to adopt as presented.

*A motion was made by Commissioner Rice, seconded by Commissioner Bowman and unanimously passed to adopt Order 2010-03 with the revised changes.*

**O R D E R #2010-03 “Revised”  
(replaces 2009-03)**

**2010 RECREATIONAL and CHARTER  
FISHING SEASON, SIZE AND CATCH LIMITS**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10 and 11; **HEREBY DECLARES AND ORDERS:** recreational and charter seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	6" min.	50 per person
Atlantic Croaker	Jan. 1 - Dec. 31	No limit	25 per person
Black Bass (Large or Small Mouth)	March 1 - June 15	15" min.	5 per person
	All other times	12" min.	5 per person
Black Drum	Jan. 1 - Dec. 31	16" min.	1 per person
Black Sea Bass	May 22 - Oct. 11	12 ½" <sup>(1)</sup>	25 per person
	& Nov. 1 – Dec. 31		
Bluefish	Jan. 1 - Dec. 31	No limit	10 per person
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. – 25" max.	5 per person
River Herring	.....	C L O S E D .....	
Shad (American or Hickory)	.....	C L O S E D .....	
Spanish Mackerel	Jan. 1 - Dec. 31	14" min.	15 per person
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	10 per person
Striped Bass	.....	P U B L I S H E D S E P A R A T E L Y .....	

Sturgeon (Atlantic or Shortnose)	.....	C L O S E D .....	
Summer flounder	Jan. 1 - Dec. 31	18 ½" min.	4 per person
Tautog	Jan. 1 - Dec. 31	14" min.	No Limit
Weakfish	Jan. 1 - Dec. 31	12" min.	1 per person
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	5 per person

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

**AND, IT IS FURTHER DECLARED AND ORDERED:** this Order #2010-03 shall become effective June 20, 2010, shall supersede and repeal Order #2009-03 and remain in effect until further notice.

### **Order 2010-06 – Possession of Snakeheads**

Mr. Carpenter advised snakeheads have been in the Potomac River for a number of years now and this past spring they extended their range considerably. Maryland and Virginia each have regulations similar to what is being presented today. Currently the Commission has no regulations on snakeheads. This is an Order to help add consistency within the two states, the District of Columbia and the PRFC. There was one comment received since the draft was sent out that deals with Section C, where there are other options to killing the fish.

Commissioner Bowman suggested adding the wording “it shall be unlawful to possess a live snakehead fish only as long as practical to kill the fish”. Senior Advisor, Mr. Hutt, agreed.

Chairman Schick asked law enforcement for their opinion. Lt. Sauter wanted to refer to legal staff about the concern of making someone kill a snakehead if they happened to catch one. He was concerned with making a law that requires someone to do something that they may not want to do.

Ellen Cosby stated US Fish and Wildlife requires a snakehead to be killed once caught. Mr. Mayo stated with that information, the Commission is back to considering Commissioner Bowman’s language.

Mr. Carpenter felt the wording as suggested by Commissioner Bowman was best. There was agreement among the Commission.

***A motion was made by Commissioner Bowman, seconded by Commissioner Holland and unanimously passed to adopt Order 2010-06 with the words, “It shall be lawful to possess a live snakehead fish for only the period of time necessary to kill the fish” added.***

Mr. Carpenter stated he would draft the Order and mail it to the Commission for review.

### **O R D E R 2010 – 06**

#### **POSSESSION OF SNAKEHEADS**

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**THE POTOMAC RIVER FISHERIES COMMISSION**, having considered the protection, promotion, growth and conservation of the indigenous seafood resources, and pursuant to its authority under Regulation I, Section 7(a) (1) and Section 8 (a), **HEREBY DECLARES AND ORDERS:**



- a) It shall be unlawful to release, to return, or otherwise discard any living snakehead or member of the *Channidae* family to the Potomac River.
- b) It shall be lawful to possess a live snakehead fish (of the family *Channidae*) only so long as necessary to kill the fish as specified in paragraph (c).
- c) A person may possess a dead snakehead fish only with (i) the head removed, or (ii) the fish is gutted, or (iii) both gill arches of the fish removed and the person notifies, as soon as practicable, one of the following agencies:
  - i) Maryland Department of Natural Resources 410-260-8287,
  - ii) Virginia Department of Game & Inland Fisheries 800-770-4951,
  - iii) DC Fisheries and Wildlife Division 202-535-2260, or
  - iv) US Fish and Wildlife Service 703-358-1932.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order 2010-06 shall become effective June 20, 2010 and remain in effect until further notice.

### **2009 Finfish Landings Report (New Format)**

Mr. Carpenter stated at the March Commission meeting, the 2009 finfish landings were presented, and there was a request for more information to be provided. The staff presented a revised format that included the minimum and maximum harvest for each species including the years they occurred, an average harvest and the number of years included in that average. The also added the metric tons for menhaden to the report. The Commission appreciated the effort of redoing the report. Commissioner O'Connell noted that off all the species included in the report, only four are above the long-term average.

### **ASMFC Issues**

Summary of the 2010 Spring Meeting and Annual Reports – Mr. Carpenter stated the summery of the 2010 ASMFC spring meeting is included in the meeting packet for information as well as copies of all of the PRFC annual compliance reports. He stated they were provided as part of the draft packet as well and he would answer any questions.

### **Financial Reports**

Third Quarter Disbursements and Cash-on-Hand – Mr. Carpenter noted on the 3<sup>rd</sup> quarter disbursements under oyster research, there is \$49 listed and it is a coding error that will be corrected on the final report. The report of the third quarter disbursements (January through March) for the operational budget was presented by budget line totaling \$149,173. A report of the cash-on-hand was also presented totaling \$298,805.65, as of June 9, 2010.

*A motion was made by Commissioner Bowman, seconded by Commissioner Holland and unanimously passed to accept the third quarter disbursements and cash-on-hand as presented.*

### **Budget Committee Report**

Commissioner Fleming presented the budget report as prepared by the Budget Committee (himself and Commissioner Holland). He noted the reduced annual appropriation for this and next year from Virginia and from Maryland next year, have had a direct and substantial impact on the Commission's ability to fund the Future Oyster Reserve Account. In order to present a

balanced budget for FY 2010-2011, the Budget Committee has reduced the Future Oyster Reserve from \$100,000 last year to only \$15,000 this year.

Robert T. Brown from St. Mary's County Watermen's Association stated he understood the funds from the Future Oyster Reserve had been reduced. He felt the Commission needed to figure out some way to generate funds to put back into the oyster reserve fund. He suggested funds from the sale of crab pot licenses be moved to the oyster reserve fund, because of the crab buy-back program. Mr. Carpenter stated the Commission is going to buy some licenses back, which should reduce the crab pot license revenue. He then noted the budget committee has already calculated that reduced revenue in the budget.

Commissioner O'Connell stated while Maryland had to reduce its appropriation amount to the Commission, he did offer funds to support oyster rehabilitation. He hopes if the Commission accepts that offer, it would help mitigate the impact of the modifications that have been made to the budget.

Commissioner Hall appreciated the committee trying to balance the budget, but questioned the funds being moved from the future oyster reserve. If they have been moved, and the funds are spent, she questioned where the money will come from when it's time to do something with the oyster fishery.

Mr. Carpenter stated a budget is a "planning" document. The revenue estimates that have been made, in developing the budget, reflect the best estimate of what the Commission will receive given the fact that the senior license fees were not going to be extended. At the same time, the budget committee recognized that there would be fewer crab pot licenses purchased, therefore resulting in less revenue for the Commission. The money comes in to a general fund and is divided according to what the budget committee plans for expending the funds. When developing the budget, the committee reviewed the appropriation cuts from each state, and it overwhelmed the process. Those funds that the Commission is no longer receiving were being placed into the future oyster reserve fund. That's where the budget took its biggest hit, because the Commission did not receive the funds from the states.

Commissioner Hall understood that everyone is facing budget reductions, however, the budget committee is recommending a 1.5¢ increase in mileage reimbursement. She felt this was the wrong time to grant ourselves any type of increase and those few pennies could be used somewhere else in the budget.

**A motion was made by Commissioner Hall, seconded by Commissioner Bowes to approve the FY 2010-2011 budget without an increased mileage reimbursement rate.** Mr. Carpenter advised the Commission that the rate was increased to match the two states and the Federal Government's rate of .50¢ and he felt it wouldn't change the budget that much.

Commissioner Bowman felt the increase was not giving "ourselves" an increase as much as the Commission is trying to maintain a consistency, which is the right thing to do. It's not intended to provide anyone with a monetary benefit, it's simply calculated when a person makes travel arrangements that they can be compensated for that. If it were considered a raise, Commissioner Bowman stated he would have a problem with that.

Commissioner Fleming noted the Commission voted to give a break to a number of individuals for their senior license fees, also at the expense of oyster replenishment.

Commissioner Bowman felt Mr. Brown's question of where the funds were coming from for the crab buy-back program had been answered. Mr. Carpenter explained that several years ago, the Federal Government declared a blue crab disaster in the Chesapeake Bay. Maryland and Virginia each received federal crab disaster funds to help get through the situation. Both Maryland and Virginia, last year, used portions of the funds to buy back crab licenses in an attempt to reduce latent effort. The Commission asked each state for \$100,000, so the Commission could do the same thing here on the Potomac River. Virginia had spent all of their funds, but Maryland made \$200,000 available to the Commission to buy back licenses. Staff submitted copies of all of the plans to the Commissioners on June 1<sup>st</sup> and notices were mailed to all commercial crabbers about the buyback program. To date, the only cost so far to the Commission has been the postage to mail the notices. Once the bids start coming in, they will be analyzed and the Commission will determine a maximum amount that will be paid and start buying back licenses. If funds are still available, counter offers will be made.

Chairman Schick noted that both states bought back quite a few active licenses, so it wasn't just a latent issue.

**The motion failed with 2 in favor and 6 against.**

***A motion was made by Commissioner Bowman, seconded by Commissioner Fleming and passed with 6 in favor and 2 against to adopt the FY 2010-2011 as presented.***

POTOMAC RIVER FISHERIES COMMISSION  
2010-2011 DISBURSEMENTS BUDGET

	<u>2010-2011 BUDGET</u>
<u>PERSONAL SERVICES:</u>	
101-109 Compensation of Commissioners & Salaries	\$276,144
<u>CONTRACTUAL SERVICES</u>	
201 Advertising	7,000
201 Agent Fees	3,200
204 Postage	10,000
205 Telephone	4,000
206 800 Line	800
207 Internet Service	600
208 Electric Current	5,000
209 Freight Expenses	1,000
212 Lease of Equipment	4,500
214 Membership Dues & Subscriptions	300
216 Printing Regulations*	2,000
220 Travel Expenses	12,000
221 Water Expenses	720
224 Photographic Services-Charts	600
230 Computer Support	12,500
235 Sport Lic. Registry	15,000
270 Repairs to Equipment	1,500

275 Building Maintenance	3,500
280 Interest Expense	0
281 Bank Charges	500
290 ACFCMA**	96,000
299 Other Contractual Services	<u>20,000</u>
	200,720
<u>MATERIALS &amp; SUPPLIES</u>	
301 Automotive Expenses	3,200
313 Office Supplies	13,000
330 Household Furnishings & Supplies	1,500
332 Licenses, Tags, Report Books	32,000
400 Resale Supplies	<u>2,000</u>
	51,700
<u>CURRENT CHARGES &amp; OBLIGATIONS:</u>	
240 Insurance - surety bonds, fire auto liability, workmen's comp.	<u>7,000</u>
	7,000
<u>PENSION AND OTHER CONTRIBUTIONS:</u>	
510 Retirement	12,665
511 Group Life Insurance	690
512 Group Health Insurance	55,042
513 Employer's FICA	16,100
513 Employer's Medicare	3,800
514 Deferred Compensation Match	<u>3,000</u>
	91,297
<u>CAPITAL OUTLAY:</u>	
801 Office & Other Equipment	3,000
801 Furniture & Fixtures	2,500
803 Auto	<u>0</u>
	5,500
<u>DEVELOPMENT &amp; REPLETION EXPENSES:</u>	
331, 333 & 335 Seed Oysters and/or Shell	0
337 Oyster Research	0
338 Crab Research	4,500
339 Artificial Reef Construction/Transportation	<u>0</u>
	4,500
<u>CAPITAL RESERVES</u>	
98 Reserve - future oyster work/hatchery	15,000
99 Reserve - future retiree health insurance	50,000
<u>UNEXPENDED CASH BALANCE:</u> (contingency fund)	<u>18,789</u>
TOTAL	\$720,650
*Partially supported by ACFCMA (Atlantic Coastal Fisheries Cooperative Management Act) funds	
**Fully supported by ACFCMA	

POTOMAC RIVER FISHERIES COMMISSION  
2010-2011 BUDGET  
RECEIPTS

	<u>2010-2011</u>
	<u>BUDGET</u>
UNEXPENDED CASH BALANCE FORWARD: ( AS OF 7/1/10)	60,000
SALE OF LICENSES:	
Fish	77,000
Oyster	2,500
Crab	68,000

Clam	250
Fish - Recreational	115,000
Crab - Recreational	1,000
OYSTER BUSHEL INSPECTION TAX:	250
APPROPRIATIONS BY STATE:	
Maryland	140,000
Virginia	148,750
SPECIAL GRANTS:	
Atlantic Coastal Fisheries Cooperative	
Management Act	97,850
INTEREST ON SAVINGS (C/D's)	750
RESALE SUPPLIES:	1,800
MISCELLANEOUS: Limited entry license drawing	5,000
Confiscated Property, Sale of Tags, Etc.	<u>2,500</u>
TOTAL	720,650

### **Delinquent Seafood Catch Report Hearing**

Zackary Dewayne Dent – This is Mr. Dent's 1<sup>st</sup> offense for failure to file his fish trot line reports. The reports were not filed one week prior to today's hearing. The office received a fax from Ms. Patty Dent stating she mailed in a report stating that Mr. Dent would not fish this gear anymore this year. Mr. Dent did not pick up his certified letter requiring him to attend today's hearing. Mrs. Dent, Mr. Dent's mother stated that he was no longer living at the address the Commission has on file. She also stated that Mr. Dent's reports were mailed in along with his fathers and none of them were received by the Commission. She stated she has corrected the situation with Cathy and all reports are now up to date.

Commissioner Fleming wanted verification if the report stating will not fish again was received by the Commission. Mr. Carpenter stated staff did not receive that report but Mrs. Dent provided a copy of the report to the office.

***A motion was made by Commissioner Bowman, seconded by Commissioner O'Connell and unanimously passed to accept staff's recommendation of one (1) week suspension on all licenses and one year probation.***

Robert Theodore Brown, Jr. – Absent – Mr. Brown provided a letter of explanation and his father, Robert T. Brown, Sr. attended the meeting to speak on his behalf. Mr. Brown stated he renewed his son's licenses when he renewed his. He thought he had notified the office that he would not start fishing his haul seine license until June 5, 2010. He advised his son that he did not have to send in any reports until the first part of June. Mr. Brown's son received notices for late reports and neglected to act on them because he thought he didn't have to report. He was later called to today's hearing as a result of failing to file catch reports.

Mr. Carpenter advised Mr. Brown's catch report have been filed and are up to date. Commissioner O'Connell questioned when Mr. Brown would start fishing this season. Mr. Brown stated his son would start sometime in July. Mr. Carpenter advised this is Mr. Brown's second offense, therefore staff would recommend a one month suspension on both the haul seine and crab pot licenses starting the next 30 days.

*A motion was made by Commissioner O'Connell, seconded by Commissioner Holland and unanimously passed to accept staff's recommendation of a one (1) month suspension on all licenses and a one year probation starting June 10, 2010*

### **New Business**

Israel Z. Swarey, Jr. – Hook & Line Issue – Mr. Carpenter explained Mr. Swarey came to the Commission a few weeks ago in attempt to transfer his hook & line license. Unfortunately, he had not renewed his 2010 license. Under PRFC Regulations a person has until April 30<sup>th</sup> to pay a late penalty and renew a license. After that date, if not renewed, the license would be surrendered to the Commission because it is a limited entry license. He was denied the ability to renew the license and/or transfer the license to someone else. He asked to appear before the Commission.

Mr. Swarey stated he has worked the water for many years. Last year he advised that he and his wife have experienced serious health problems. They have been going back and forth to hospitals and doctors and things were overlooked. He said it has been very difficult trying to keep up with things because of the health issues. Mr. Swarey actually thought the fish license had been taken care of and did not realize that it had not been renewed until he came into the office to transfer the license. He stressed that he has had no violations while working on the water and asked the Commission to grant him his license back.

Chairman Schick questioned if his intention of renewing the license was so that he could work the license. Mr. Swarey stated that's what he wanted to do. He was going to sell the license but that person is no longer interested because of this situation.

Commissioner Fleming noted that Mr. Swarey has had the license for a number of years but reports fishing and using striped bass ID tags in 2002 only. He asked if he used the license during the other years. Mr. Swarey again stated he and his wife have had health issues but it's his intention to use the license. He felt he is willing to pay the fees necessary to get his license back with no impact on the fishery if he doesn't use his license. Commission Fleming felt he was asking a lot of the Commission to grant his license back when Regulations are in place. He stated if you do for one, then you have to do for everyone.

Commissioner Bowes said Mr. Swarey had intended to sell the license. Mr. Swarey stated that deal fell through after he found out the license never got renewed. Commissioner Bowman questioned Mr. Swarey asking if he has a pending sale arranged should he get the license back. Mr. Swarey stated no he does not and he has not spoke to the gentlemen who was previously interested in the license since this happened.

Commissioner Bowman questioned Mr. Carpenter, if the Commission was to issue the license back to Mr. Swarey, could there be a condition placed upon that license that it cannot be transferred for a period of two years. Mr. Carpenter explained there is a provision in the regulations that licenses acquired through the random drawing cannot be transferred for five years. He referred to legal staff to see if the restriction could be placed on the license. Mr. Mayo stated he was reluctant to say yes to that question. Mr. Carpenter advised that he thought it has been done previously with Candice Zanko.

Commissioner Fleming stated again this is a situation if you do for one, you have to do for all. Don't make these regulations if you're not going to follow them. Mr. Carpenter repeated that he advised Mr. Swarey the day he came in the office that staff was going to recommend against the Commission issuing the license back to him.

*A motion was made by Commissioner Bowman, seconded by Commissioner Holland to accept staff's recommendation. The motion passed with majority vote, 5 yes, 2 no and 1 opposed.*

**Executive Session – 12:50 p.m.**

*A motion was made by Commissioner Bowman, seconded by Commissioner Hall and passed to immediately recess into closed session to discuss matters related to personnel and legal matters and immediately reconvene thereafter.*

**Reconvene – 1:35 p.m.**

*A motion was made by Commissioner Bowman, seconded by Commissioner Holland that only legal and personnel matters were discussed during Executive Session. A roll call vote was taken and all Commissioners agreed.*

*A motion was made by Commissioner Bowman, seconded by Commissioner Hall and passed with one opposed that the Commission direct Mr. Carpenter to cease or not reissue any license(s), that are surrendered to the Commission for the purpose of transferring ownership, by any individual that holds a Potomac River Fisheries Commission license that has been convicted or pled guilty to a Lacy Act Violation that relates to a Potomac River Fisheries Commission Violation.*

**Date and Place of Next Meeting**

The next meeting is scheduled for Thursday, September 9, 2010 at 9:00 a.m. in the John T. Parran Hearing Room of the Potomac River Fisheries Commission Building.

**Adjourn**

The meeting adjourned at 1:40 p.m.

Respectfully submitted,

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Kyle J. Schick, Chairman

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Steven G. Bowman, Secretary