

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

March 8, 2013

Commissioners Present: Joseph C. Palmer, Jr. (VA) – Chairman, Dennis C. Fleming (MD) – Vice-Chairman, Ida C. Hall (VA) – Secretary, William L. Rice, Sr. (MD), Jack G. Travelstead (VA), Robert H. Bowes (MD), Kyle J. Schick (VA), and Thomas J. O’Connell (MD).

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

Others Present: Ann Swanson and Jack Frye – Chesapeake Bay Commission; Lt. Shawn Garren – MdDNR Law Enforcement; Capt. James Rose and 1st Sgt. Adam Friend – VMRC Law Enforcement; Col. Dabney Watts, Jr. and Rich Goszka – DGIF; John F. Tucker Brown and Paul Springer – Oyster/Clam Advisory Committee; John Morris, Jr. – Crab Advisory Committee; Myles Cockrell, L. Headley, John Morris, III, and several others who did not sign the guest register.

Press: Susan Pietras-Smith (Westmoreland News)

Chairman Palmer called the meeting to order at 9:01 a.m. Commissioner O’Connell led the Pledge of Allegiance and Commissioner Schick provided the invocation.

Consideration of Minutes

A motion was made by Commissioner Hall, seconded by Commissioner Rice and passed unanimously to approve the minutes of November 30, 2012 as presented.

Chairman Palmer noted he was not feeling well and asked Vice-chairman Fleming continue the meeting..

Oyster Harvest Report

Mrs. Cosby presented the oyster harvest report for the 2012-2013 season. There were 2 tong licenses and 96 hand scrape licenses sold to date, with 11 registered buyers. Currently the harvester’s have reported 3,014 bushels of oysters harvested and the buyer’s reported 3,041 bushels, with \$3,040.50 in oyster taxes collected. The majority of the harvest has come from St. Georges, Piney Point and Cornfield. She noted this was quite an increase in harvest compared to last year’s 339 bushels.

Vice-chairman Fleming asked if staff has a theory as to why the abundance of oysters increased in the lower river. Mrs. Cosby explained that a few watermen found a small pocket of oysters, where there had apparently been a natural spat set, and they were ready for harvest this year.

Technical Advisor Group Meeting – 2/4/13 & Rotational Natural Oyster Harvest Plan

Vice-chairman Fleming asked if the technical advisor group met to discuss the Rotational Natural Oyster Harvest Plan (RNOHP). Mrs. Cosby explained the Commission, at its last meeting, asked staff to gather a group of scientists and watermen to review the five oyster bars that were selected for the RNOHP. The bars that were originally chosen were Yates Bar, Cedar Point, Swan Point, Gum Bar and Stony Point. The group discussed each oyster bar and went over the pros and cons. The first recommendation was to use Pascahanna instead of Yates because Pascahanna has hard, flat bottom compared to scattered lumps on Yates. It is also more sheltered than Yates. Pascahanna has a good history for oyster harvest activity. They agreed that Cedar Point, Swan Point and Gum Bar were very good oyster bars to use. There was a bit of discussion concerning the fifth oyster bar to use and the advisor group recommended that Stoney Bar, Bluff Point and Watsons Bar be included in the next fall oyster survey to determine which one would be best. None of these oyster bars have been surveyed in quite a while. The Oyster/Clam Advisory Committee also agreed to these recommendations and also asked that Old Farms and Green Hill be added to the survey as well. Another recommendation from this group was that Cedar Point and Swan Point be divided in half when planted because of their size, which would allow harvest to continue on the unplanted half. There were a few additions added to the plan as far as language and staff feels it's a better developed plan.

Vice-chairman Fleming asked if a graph could be provided at the next Commission meeting to help understand exactly where all these oyster bars are located in the Potomac River. Mrs. Cosby stated all the oyster bars being considered are located in the middle of the river and she would have a graph to present at the next meeting.

Commissioner Bowes asked Mrs. Cosby if Gum Bar is the oyster bar where the live ordinance was pulled from the river during the fall survey a few years ago. Mrs. Cosby said no, that was on Bluff Point Lumps- now one of the oyster sanctuary areas.

Oyster/Clam Advisory Committee Report – February 12, 2013

Mr. John F. Tucker Brown, Chairman of the Oyster/Clam Advisory Committee presented the report. He stated the meeting came to order at 6:05 p.m.

Report of the Oyster Group and Discussion of a Rotational Natural Oyster Harvest Plan – The committee received an update on the oyster harvest report and a report from the Technical Oyster Group concerning the RNOHP. The committee made a recommendation to include Old Farms and Green Hill on the next fall oyster survey. Another motion was made to approve Pascahanna, Cedar Point, Swan Point, and Gum Bar as the first four bars to be planted as part of the RNOHP. The Committee also agreed that Cedar Point would be the first oyster bar planted in the program.

Discussion of Oyster Bushel Limits – The committee discussed this issue and felt that since there was a time limit currently in place, there was no need to implement a bushel limit. If the issue needs to be addressed once oysters start producing in the river, then they will discuss it again at that time.

Discussion of Oyster Measurement – The committee heard from Maryland and Virginia law enforcement as to how oysters are harvested and measured in each state. Currently the Potomac River requires all oysters to be piled in the bottom of the boat for inspection purposes. The discussion was to decide if requiring containers for bushel measurement should be considered. The committee felt since there was no bushel limit in place at this time, there was no need to require oyster bushel measurements.

New Business – William Rice, Jr. presented a rough idea as a way to generate funds to support a public oyster fishery. He suggested making oyster licenses a limited entry fishery. The committee felt they needed more detailed information before they could discuss it any further and asked for a detailed written plan and for this issue to be placed on the next agenda.

Vice-chairman Fleming asked if there were any plans for the committee to meet in the near future. Mr. Brown stated it would be great if they could meet before the crab season starts but if that's not possible they will meet as soon as they can.

Mrs. Cosby stated since the Commission has heard the Oyster/Clam Advisory Committee report and the technical group report, the Commission needs to consider if they want to support the program and make a motion to move forward with the RNOHP. The Commission would agree to commit to providing \$50,000 each year for the first four years to support the program. Staff has been searching for sources of oyster seed and currently there are a couple options to consider. Great Wicomico and James River oyster seed are available and after reviewing prices and logistics of having the seed planted, staff is favoring the Great Wicomico seed at this time. It's very high quality seed and could contain less disease. The \$50,000 from the Commission would purchase about 4,000 bushels of Great Wicomico oyster seed, and it would be planted on approximately eight to ten acres on Cedar Point in April 2013.

A motion was made by Commissioner Schick, seconded by Commissioner Rice and unanimously passed to proceed with the Rotational Natural Oyster Harvest Plan as discussed today.

Legislative Update to Increase Oyster Tax and Fine

Mr. Carpenter stated Mrs. Ann Swanson, the Executive Director of the Chesapeake Bay Commission (CBC), and Mr. Jack Frye, the Virginia Director of the Commission are here today. They have both been instrumental in helping the Commission go through this legislative process. The legislation in Virginia has passed and the legislative session is now closed. There was one amendment added to the bill that the Commission did not ask for, but at this point there is no plan to have matching legislation introduced in Maryland. We hope that Maryland will concur with the bills that were introduced and we will be able to move forward with increasing the fines and the oyster tax. He asked Mrs. Swanson if she would like to address the Commission.

Mrs. Swanson stated she would also like to bring Mr. Frye forward to speak as well. She thanked the Commission for having her here today and said it was an honor to work with everyone over the years. She said the CBC held a meeting last fall concerning fisheries and Commissioner O'Connell (MD), Commissioner Travelstead (VA), Mr. Carpenter and Mrs. Cosby (PRFC) were all invited to attend this meeting. The meeting was very successful and the two issues of oyster tax and increasing the fines on the Potomac River were considered as well as the intentional introduction of non-natives. The Commission moved forward, being an Interstate Legislative Commission, by addressing issues in Maryland, Pennsylvania and Virginia. We were doing what the CBC does best by crossing state lines in the interest of the resources. We have successfully, at least so far, brought this change to the General Assembly; however, it's not over in Maryland. As a result, the full bodies of the General Assemblies are aware more than ever of the partnership that goes on between Maryland and Virginia in empowering the Potomac River Fisheries Commission to properly manage its fisheries. She asked Mr. Frye to discuss the status of the bills.

Mr. Frye stated things were difficult to coordinate between the two states because of timing, and dealing with two bills that were introduced in Virginia and one bill introduced in Maryland. As things moved forward, it was clear that the penalty increase and the oyster inspection tax increase would not hold much opposition. When Virginia Senator Stuart had an interest in modifying some language that was not part of the issues brought forward, there was some divergence between the bills that were going through Virginia and Maryland and that still exists today. In the oyster inspection tax bill, there was amended language in Virginia that we've imbedded with the Maryland bill and they found it acceptable. This amended language is going to cause those monies to be solely targeted towards seed and shell being purchased and placed on working bottom. That was an acceptable amendment and that language as it currently exists, passed in Virginia but is still making its way through Maryland. The other modification that was not acceptable to Maryland was Sen. Stuart's amendment put on in Virginia that was going to alter where violators were brought to court. There was concern as to how that would affect the proclamations signed by the Governors. We reviewed the legislative process and how past changes were made to the Compact. We felt that at this stage in the game, those differences that exist don't appear to be crippling in any way. It just doesn't put those unacceptable things into play and it does put into play the things that the Commission was interested in having done.

Mrs. Swanson closed with saying she's only seen two other times when legislation was presented in two states that was positively identical. She stated that because the CBC was part of this process, that if you do decide to go forward and try to address this other issue that has surfaced, she certainly welcomed the opportunity for her services with the CBC. She cautioned that it's probably not an issue that the CBC wants to get back involved in; however, if it's a resource issue, absolutely call upon us.

Vice-chairman Fleming asked Commissioner O'Connell for his thoughts on these bills passing in Maryland. Commissioner O'Connell stated there's been a lot of support from the beginning, recognizing the needs to provide additional funds to support the oyster fishery through the oyster inspection tax as well as increasing the penalties to put them more in line with Maryland and Virginia. He's optimistic those bills will go forward. There is reluctance and opposition to amending the penalty bill to be totally consistent with Virginia, because we're concerned with

the amount of time it would take our officers to travel to various Virginia courts. We're already short on officers and time and we are not willing to add that amendment at this time. Mrs. Swanson noted that the bill did pass successfully yesterday at a sub-committee meeting in the House and usually that means it's going to move out of the committee.

Commissioner Travelstead stated in Virginia, the bills have moved through the General Assembly and are awaiting the Governor's signature, which could happen any day between now and April 3rd. We've made the administration aware of their ability for the Governor to write and sign a proclamation that only addresses the matters that are identical in the Maryland and Virginia Legislations.

Mr. Carpenter recognized another member of the public who is here today who was instrumental in the Maryland hearings, testifying on behalf of the Commission's request and that is John F. Tucker Brown. He went to Annapolis to testify before the House Committee and was the star of the show. Mrs. Swanson stated likewise recognition goes to Bevin Buchheister, who is the Maryland Director on the CBC. She's done excellent work in Maryland and would be here today if she didn't have other obligations today.

Commissioner O'Connell thanked Mrs. Swanson and Mr. Frye for creating the platform last summer that allowed the Commission to bring these issues to a higher level of visibility. The CBC was perfectly suited to do this by recognizing the Compact provisions to address these matters. He thanked everyone involved for all their hard work.

2012 Finfish Harvest Report

Mrs. Cosby presented the commercial finfish landings for 2012. They are ranked in order with the highest at the top. Striped Bass is the highest ranking of the food fish with 735,894 pounds harvested. Menhaden landings are much higher at 5,892,228 pounds harvested, but is not considered a food fish. Catfish overall rank second, with blue catfish leading that group. The total pounds harvested amount to 7,816,068 pounds with an estimated dockside value of \$3,523,745.

Vice-chairman Fleming asked if there are any trends worthy of noting other than the catfish explosion. Mrs. Cosby responded that on the right side of the report there is detailed information with 2011 landings for comparison, and data on minimum year, maximum year and long-term averages from 1964 to 2011. As the rankings change you can see that blue catfish harvest (389,609 pounds) was the highest value on record for that species. As for the minimum year values, white catfish, American eel and summer flounder all had record lowest harvest levels for those species.

Mr. Carpenter noted that 2011 was a record year for blue catfish, and every year we have been recording their harvest, the current year is always the record. There doesn't seem to be an end in sight to this trend. He also noted that the menhaden landings in 2012 were 5.89 million pounds. The 2013 quota is going to be 2.3 million pounds as a result of the ASMFC reduction in coast-wide menhaden landings. It's a dramatic decrease for our lawful landings.

Pound Net Sub-committee Report – January 10, 2013 and February 13, 2013

Vice-chairman Fleming stated knowing that these cuts were impending, the PRFC called a pound net sub-committee meeting to discuss this issue. He asked if there was anyone in attendance to present the report.

John F. Tucker Brown stated he was not here to present the report, but wanted to read a letter from the St. Mary's County Watermen's Association on behalf of Robert T. Brown, Sr . . . "The Watermen's Association of St. Mary's County, Inc., is writing in support of the recommendation of the Finfish Advisory Committee and the Pound Netters Sub-Committee. We support the call-in requirements for monitoring menhaden harvest quotas, so that quota is not exceeded and once quota has been met, a 6,000 pound by-catch per day, by pound netters can continue through the season. We ask that you consider and support this recommendation." It was signed "Very respectfully, Robert T. Brown, Sr., President".

Mrs. Cosby stated on January 10, 2013, the first meeting of the pound netters was held and information from the ASMFC Atlantic Menhaden meeting (held December 14th) was presented for review. They talked about what actions the board had taken and how that would impact pound net fishermen. PRFC records indicate that pound netters take about 99 percent of the menhaden harvest in the Potomac River. The 2013 quota (2,314,170 pounds) was based on a 3-year average of the Potomac River catch (2009-2011), multiplied by 0.8 for a 20 percent reduction. Once the quota is reached, an ASMFC approved a 6,000 pound by-catch per vessel, per day for the pound netters goes into effect.

A second meeting of the pound netters was held on February 13, 2013, directly after the Finfish Advisory Committee meeting. There was continued discussion on this menhaden issue and they approved a call-in system where pound netters would call in their weekly menhaden harvest when staff projects 70% of the quota has been reached. Pound netters would call-in on Sunday, identify themselves and report the week's total menhaden harvest in pounds. It was suggested that a daily call-in system may need to be employed when the quota reaches 90%. It was stressed to the pound netters that they need to send in timely and accurate reports so this quota can be tracked accordingly, knowing that there is a one-for-one penalty next year if the quota is exceeded.

A Draft Order was presented to support these recommendations that include the consideration of the 6,000 pound by-catch per vessel, per day and staff would like to include that the by-catch must be harvested by the pound net licensee from his licensed pound net(s). This is to ensure that multiple by-catch allocations are not taken from any single pound net.

Commissioner Travelstead stated he assumed there are people with multiple licenses and questioned that someone with multiple nets would still only be allowed to harvest 6,000 pounds of by-catch per day and not 6,000 pounds per each net owned. Mrs. Cosby agreed and stated that a 6,000 pound by-catch per vessel, per day is allowed. Commissioner Travelstead felt there would be a lot of menhaden thrown back and not used. In Virginia, they are considering each net that's licensed be allowed the 6,000 pounds of by-catch per day. Mrs. Cosby stated staff interpreted the ASMFC Amendment 2 allowance to be a daily 6,000 pound by-catch per vessel.

If the licensee has multiple nets set, the vessel is allowed to take a total of 6,000 pounds of by-catch per day, regardless of how many pound nets they have licensed and set.

Commissioner Schick asked if the pound net sub-committee supported this implementation. Mr. Carpenter stated the committee brought up this issue and supported it at their last meeting. Mrs. Cosby explained that the pound netters are happy to have any by-catch at all. Originally it was thought to be a 2,000 pound by-catch allowance, but was increased to 6,000 pounds.

Commissioner O'Connell stated he saw in the sub-committee minutes the concern of needing a control date to avoid new entrants into the system. He noted the answer was decided to keep it per vessel by the pound net licensee from their own pound net. He questioned if there is much potential for an increase in pound net registrations. Mrs. Cosby stated it's not likely to happen because it is a limited entry fishery with only 100 pound nets licensed. The concern was having pound net transfers to crew members take place in order to harvest more by-catch than allowed. With the provisions in the draft Order stating it's a per vessel, per day by-catch, it doesn't matter if the license is transferred, it's still a per vessel, per day by-catch. In addition, the by-catch must be harvested by the licensee from his licensed pound net or nets.

Commissioner O'Connell stated in Maryland there are licensees that work together from one boat because it's more cost effective and they are going to present a proposal to ASMFC to accommodate this. He is not sure if ASMFC is going to accept it, but questioned if the PRFC has two or more people working from one boat. Mrs. Cosby stated at the pound net sub-committee meeting there was one father and son that work together. When asked the same question at that meeting the response was as previously stated, the Order states per vessel, per day and if they work out of the same vessel, it's still going to be a 6,000 pound by-catch limit. Commissioner O'Connell stated Maryland is going to ask for ASMFC's consideration to allow two people that work together to be allowed a by-catch of 10,000 pounds of by-catch because the outcome is going to alleviate them using a second vessel and taking 12,000 pounds versus 10,000 pounds working together.

Mr. Carpenter stated that virtually all of these pound netters carry a skiff with them to work the net. He can envision the big boat with three skiffs towed behind. The big boat has 6,000 pounds and each skiff has thousands of pounds of by-catch. He doesn't think it will necessarily happen, but given the opportunity to work around this problem, it just may happen.

Commissioner Schick stated it's obvious we are trying to conserve the resource but there are going to be a lot of menhaden wasted. They are going to be thrown overboard. He is not concerned with keeping with the 6,000 pounds per vessel, but we are going to get a lot of public flack for all these menhaden that are going to be thrown back. It should be known that this is not the Potomac River Fisheries' desire to throw these fish away. This is mandated from the ASMFC and we need to figure out how we are going to deal with that. The quota that is currently set is lower than the lowest harvest on record. Hopefully the ASMFC will take the heat on this issue and not the PRFC.

Vice-chairman Fleming asked Mr. Carpenter to explain how the ASMFC arrived at these numbers. Mr. Carpenter explained it's the formula used by the ASMFC in determining what the coast-wide quota is going to be. They used the years 2009-2011 as the base years, they then took that average coastal harvest, multiplied that times 0.8 to lower the quota and then divided that by the average for each jurisdiction. The Potomac River quota was 0.62 percent of the coast-wide total which equals the 2,314,170 pounds presented in the draft Order as the menhaden quota. There was also a one percent set aside for episodic events that no one can actually explain what an episodic event is. One thing in our favor is that menhaden are basically harvested only from pound nets. We have a dedicated group of pound netters that see this as their livelihood and see this as the way they have to stay in business. They came to the Commission to talk about this issue and they developed as much of this plan as we presented. They came up with the idea of restricting it to the "per vessel, per day" to try and eliminate some of the loop holes in this plan. Most of these watermen realize they are better off releasing fish, then they are bailing dead fish on the beach. While it may be ASMFC that gets blamed, it's not going to start there and it's going to come to their industry first and foremost. The pound netters are smart enough to realize, and smart enough to know, if they want to stay in business, they have to handle the resource in a responsible fashion and we believe they will do just that.

Commissioner O'Connell stated this was a very controversial and complicated management decision and we need to recognize that we are part of ASMFC. We are a member state and a member jurisdiction of ASMFC and menhaden are a shared resource. Despite the economic impacts that this measure will take, its intent is to provide greater positive benefits. He questioned if it would be worth adding something to the Order to address the multiple boat issue brought up by Mr. Carpenter.

Mr. Carpenter suggested that the Commission may want to add wording to the Order that would state "per licensee, per vessel, per day". Mr. Mayo suggested using the words "one vessel" in lieu of "per vessel" should help. Mrs. Cosby suggested using the words "main vessel". Mr. Carpenter stated the words "per licensee for a single vessel per day" could be used. Commissioner O'Connell agreed that would work.

Commissioner Travelstead questioned if a pound netter owns more than one pound net, how easy is it to transfer a net to someone else. Mr. Carpenter stated you can come in and pay the fees associated with the transfer and have that done. Commissioner Travelstead was concerned if the wording in the Order would address that issue.

Commissioner O'Connell stated what they did in Maryland was to add a control date meaning that you had to have a pound net registered by a certain date in order to control transfers. Mr. Carpenter suggested not allowing transfers of pound nets during the open season. That would only delay the problem for one year, but may provide time to develop a solution. Another sentence could be added stating that a vessel can only make one trip per day.

Commissioner Travelstead stated he did not raise the issue to make it more difficult to catch menhaden. Personally, he feels that each licensee should be able to fish their net(s) and take 6,000 pounds of menhaden out of each net. Otherwise, the menhaden are going to be wasted and he thinks that's ridiculous. The amount of fish that we're talking about that will come out of the

Potomac River, compared to what will be harvested along the entire Atlantic coast is minuscule. He doesn't see it having any affect on the stock at all.

Commissioner O'Connell asked if we know what the average landing is per pound net to see if 6,000 pounds per net is reasonable. Mrs. Cosby stated staff looked at trips per day and the data showed that there were over 300 trips in 2012 that were 6,000 pounds or greater. Commissioner O'Connell stated this is trial and error with everyone being new to this and the amendment is very clear that it's per vessel.

Mr. Carpenter stated since all three jurisdictions have different proposals, let's see which ones get approved by ASMFC and we can learn from one another what we can and cannot do and we can adjust the Order accordingly. For this year, the draft Order presented came from the pound netters as a way to move forward and get us through 2013.

Vice-chairman Fleming stated there are 100 pound net fixed locations licensed, how many are actually set and fished. Mr. Carpenter replied less than 30. Vice-chairman Fleming asked and of those 30 nets, how many of those licensees have multiple nets. Mr. Carpenter answered there are four or five people who have multiple pound net licenses. Vice-chairman Fleming said this may not be a huge issue at this time. Mr. Carpenter stated maybe not at this moment, but it could be later down the road. Getting in the pound net business is not cheap or easy to do. You have to have the money and the gear to get started. He doesn't feel this is going to be an expanding fishery.

Commissioner Schick feels that the money made from the menhaden landings is not what drives the pound net industry. There are other fish that drive the industry and he doesn't see other people trying to get into the fishery for the sole purpose of trying to catch menhaden. It is truly a by-catch issue. He likes the idea of supporting what the industry has presented and see what ASMFC has to say in the future.

Commissioner O'Connell stated he remembered that another part of the control criteria is that you have to be a striped bass permit holder, recognizing that it is a by-catch fishery from our striped bass fishery.

Commissioner Bowes stated he attended the pound net sub-committee meetings and he noted there was a spirit of cooperation. He thinks the Commission may be dealing with an issue that may not be a problem right now. He verified that the Order requires that the licensee has to be aboard the boat when the by-catch is being taken. Mr. Carpenter agreed.

Vice-chairman Fleming stated there is a concern to resolve this today because it's estimated that the quota may be reached by mid-June and the Commission doesn't meet again until the first part of June. This becomes paramount to take action today.

A motion was made by Commissioner O'Connell, seconded by Commissioner Travelstead and unanimously passed to adopt Order 2013-08 with a modification to read "...pound net licensees are permitted to possess and/or land no more than 6,000 pounds of Atlantic menhaden for a single vessel per day..."

ORDER #2013-08**COMMERCIAL ATLANTIC MENHADEN CATCH LIMITS AND RESTRICTIONS**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary to comply with certain provisions of the Atlantic States Marine Fisheries Commission (ASMFC) Amendment 2 to the Interstate Fishery Management Plan (IFMP) for Atlantic Menhaden and the provisions of Regulation I, Section 7(a)(2):

HEREBY DECLARES AND ORDERS: the catch limits for Atlantic menhaden provided for in Regulation III, Section 10(a) shall be 2,314,170 pounds. A weekly menhaden harvest call-in program will be imposed when 70 percent of the catch limit is projected to be landed. When the PRFC Atlantic menhaden catch limit is reached, all commercial fisheries shall be closed to all gear types.

BE IT FURTHER DECLARED AND ORDERED: When the commercial fisheries for Atlantic menhaden are closed, subject to the provisions of the ASMFC Amendment 2 to the IFMP for Atlantic Menhaden, pound net licensees are permitted to possess and/or land no more than 6,000 pounds of Atlantic menhaden for a single vessel per day, which must be harvested by the pound net licensee from his licensed pound net(s).

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2013-08 will become effective March 18, 2013, and remain in effect until March 18, 2014.

Mr. Carpenter stated the quota would remain in place for three years all together and will need to be renewed next year. This would allow for any changes that need to be made. If the plan is rejected by ASMFC based on this, then we'll have to come back at the June meeting and address this again. He's fairly confident, with this language, that ASMFC will approve the Order adopted today.

Finfish Advisory Committee Report – February 13, 2013

Mrs. Cosby presented the report noting the committee met on February 13th before the pound net sub-committee meeting. They discussed and/or reviewed the following items.

Pound Net Sub-Committee Meeting Report – January 10, 2013 – The committee received an update from the pound net sub-committee meeting held January 10, 2013.

Order 2013-04 – 2013 Recreational and Charter Fishing Season, Size and Catch Limits – The committee received updated information to address making a recommendation in regards to the summer flounder and black sea bass seasons, size and catch limits. The committee made a recommendation for Virginia's option B – open season all year, 15 ½" minimum size limit and a 4 fish creel limit for summer flounder. As for black sea bass, the committee made a recommendation to keep the same season, size and catch limit as 2012.

Order 2013-05 – Commercial Fishing Season, Size and Catch Limits – The committee received updated information in regards to summer flounder and black sea bass. Mrs. Cosby explained that these fisheries are mandated by ASMFC and they do not meet until February 18th. The commercial restrictions for these fisheries are yet to be determined and will be updated at the March Commission meeting.

Striped Bass Tag Quotas – The committee was charged by the Commission to look at future quotas and to work toward some ideas where fishermen can be issued more striped bass tags in the future. There was talk of having watermen declare when they would fish during the season, which may be a way to issue more striped bass tags. The committee asked several questions in regard to the current and previous years' quotas. Mrs. Cosby did not have this much detailed information available, therefore the committee decided to table the issue until the next meeting and have Mrs. Cosby gather information for the following topics:

- Quotas by gear for the last five years
- Amount of quota left over by each gear for the last five years
- What part of the season is the gill net quota generally exceeded
- How is the average size of fish calculated for each gear

Order 2013-04 – 2013 Recreational and Charter Fishing Season, Size and Catch Limits

Mrs. Cosby advised that summer flounder and black sea bass are the fish that need to be updated. For black sea bass, all the states between Delaware and North Carolina have indicated their intention to adopt identical measures proposed for federal waters. For summer flounder the Finfish Advisory Committee proposed an open season, 15 ½" minimum size limit and a 4 fish creel limit. She asked Commissioner O'Connell and Commissioner Travelstead to comment on what each state has decided.

Commissioner Travelstead stated Virginia has adopted option C (open season, 16" minimum size limit and a 4 fish creel limit).

Commissioner O'Connell stated Maryland is still in its regulatory process, but stated that Maryland would not drop below 16 ½" noting that the stakeholders are asking for a 16 ½" or 17" minimum size limit, open season and 4 fish creel limit. Our fishermen are expressing an interest to try and get away from the size limit changing every year. One of the things that this Commission should take into consideration, seeing that the advisory committee recommended a 15 ½" size limit, is that the managers have been trying to strive for some consistency in the mid-Atlantic region.

Mr. Carpenter noted to Commissioner O'Connell that the options Maryland provided to ASMFC did not include 16 ½" size limit and 4 fish creel limit. Commissioner O'Connell stated that he assumed that if you were to receive approval for the 16" & 4 fish creel limit, adopting a 16 ½" size limit and 4 fish creel limit would be approved, because you are being more restrictive. He explained what ASMFC approved is a formula that the states utilize and the 16 ½" & 4 fish creel limit is in the middle of the range.

Mrs. Cosby noted that the Potomac River restrictions for last year were an open season, 16 ½" minimum size limit and a 4 fish creel limit. Vice-chairman Fleming asked if four fish were caught last year. (There were laughs in the room.) He was sure that was the reason the Finfish Advisory Committee went to 15 ½" because the Potomac is a nursery area. If you were to catch one and wanted to keep it, then the size limit should be at 15 ½".

Vice-chairman Fleming stated there is a catch and kill policy for snakeheads, and he asked if anyone has considered a catch and kill policy for blue catfish. Commissioner O'Connell explained that Maryland has seriously considered this, but at this time we are trying to work through the sustainable fisheries goal implementation team process to reach some consensus amongst the bay jurisdictions. There's a Blue Catfish Task Group that's developing some recommendations as well as some ongoing science. We have not gone as far as requiring a catch and kill policy, but we are encouraging that.

Commissioner O'Connell asked what staff's recommendation is for summer flounder. Mrs. Cosby stated staff would like to see our summer flounder season, size and creel limit match either Virginia or Maryland.

A motion was made by Commissioner O'Connell, seconded by Commissioner Travelstead and unanimously passed to adopt Order 2013-04 with a modification to change the summer flounder minimum size limit to 16". The Order was approved as follow:

O R D E R #2013-04 "Revised"
(replaces 2012-03)

**2013 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 ⁽¹⁾	May 19 - Oct. 14 & Nov. 1 - Dec. 31	12 ½" min.	20 per person
Bluefish	Jan. 1 - Dec. 31	No limit	10 per person
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. – 25" max.	5 per person
River Herring	.....	C L O S E D .....	.....
Shad (American or Hickory)	.....	C L O S E D .....	.....
Snakehead ⁽²⁾	Jan. 1 – Dec. 31	No limit	No limit
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	16" 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.

(2) – **Snakehead** – It shall be unlawful to possess a live snakehead fish (of the family *Channidae*) only so long as necessary to **kill the fish** as specified in Order 2010-06.

AND, IT IS FURTHER DECLARED AND ORDERED: this Order #2013-04 "Revised" shall become effective March 18, 2013, shall supersede and repeal Order #2012-03 and remain in effect until further notice.

Order 2013-05 – 2013 Commercial Fishing Season, Size and Catch Limits

Mrs. Cosby noted that the black sea bass restrictions will be the same as in 2012 and the summer flounder quota has been revised to 36,873 pounds. Staff recommends approval of this Order.

A motion was made by Commissioner Schick, seconded by Commissioner Rice and unanimously passed to adopt Order 2013-05 as follow:

O R D E R #2013-05 "Revised" (replaces 2012-04)

2013 COMMERCIAL FISHING SEASON, SIZE AND CATCH LIMITS

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

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	6" min.	No limit
Atlantic Croaker	Jan. 1 - Dec. 31	No limit	No limit
Black Bass (Large or Small Mouth)	C L O S E D		
Black Drum	Jan. 1 - Dec. 31	16" min.	1 fish
Black Sea Bass*	Jan. 1 - Dec. 31	11" min. ⁽¹⁾	No limit*
Bluefish*	Jan. 1 - Dec. 31	No limit	No limit*
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Blue	Jan. 1 - Dec. 31	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 fish
River Herring	C L O S E D		
Shad (American or Hickory)	C L O S E D		
Snakehead	Jan. 1 - Dec. 31	No limit ⁽²⁾	No limit
Spanish Mackerel*	Jan. 1 - Dec. 31	14" min.	No limit*
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	No limit
Striped Bass	P U B L I S H E D S E P A R A T E L Y		
Sturgeon (Atlantic or Shortnose)	C L O S E D		
Summer flounder**	Jan. 1 - Dec. 31	14" min.	36,873**
Tautog	Jan. 1 - Dec. 31	14" min.	No limit

Weakfish***	July 28 - Dec. 31	12" min.	50 lbs / day***
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	No limit

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

(2) – **Snakehead** – It shall be unlawful to possess a live snakehead fish, (of the family *Channidae*) only so long as necessary to **kill the fish** as specified in Order 2010-06.

***BE IT FURTHER DECLARED AND ORDERED:** the commercial fisheries for black sea bass, bluefish, and/or Spanish mackerel, have daily catch limits (landing limits) imposed subject to ASMFC notification and may be closed immediately by Order of the Commission upon notification by both Maryland and Virginia that the ASMFC/MAFMC established commercial harvest quota for such species has been landed and the state waters are closed for the harvest of such species.

****BE IT FURTHER DECLARED AND ORDERED:** that when the PRFC summer flounder quota, based on the ASMFC quota as established by the MD/VA/PRFC In State Commercial Summer Flounder Landings Memorandum of Understanding, is reached the fishery shall be closed. Providing that daily landing limits may be imposed when 80% of the quota is projected to be landed.

*****BE IT FURTHER DECLARED AND ORDERED:** that subject to the provisions of the ASMFC Weakfish Management Plan pound netters are permitted to possess no more than 50 lbs. (1 bushels) of legal size weakfish from February 15th through July 27th. The allowance must be less than or equal to the poundage of other lawfully harvested species.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2013-05 "Revised" shall become effective, March 18, 2013 shall supersede and repeal Order #2012-04 and remain in effect until further notice.

Order 2013-06 – Commercial Hook and Line and Gill Net Limited Entry

Vice-chairman Fleming stated this deals with updating the number of hook and line and gill net licenses. Mrs. Cosby stated the Order is being updated to account for the number of licenses for each gear type. When a gill net transfers to a hook and line license during renewal season, the Order needs to be adjusted to account for that. There are a set number of licenses available (915) and this Order accounts for them.

A motion was made by Commissioner Schick, seconded by Commissioner Hall and unanimously passed to adopt Order 2013-06 as follows:

ORDER #2013-06 (replaces #2010-05)

COMMERCIAL HOOK AND LINE AND GILL NET LIMITED ENTRY

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass and pursuant to its authority under Regulation I, Sections 2(i)(1) and 2(l)(2):

HEREBY DECLARES AND ORDERS: the maximum number of commercial hook and line licenses shall be one hundred and seventy-seven (177), and the maximum number of gill net stands shall be seven hundred and thirty-eight (738).

BE IT FURTHER DECLARED AND ORDERED: the provisions of Regulation III, Sec. 13(d) entitled "Individual Striped Bass Allocation Transfer from Gill Net to Commercial Hook and Line" shall be allowed provided the sum total of gill nets and commercial hook and line licenses do not exceed nine hundred and fifteen (915).

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2013-06 will become effective March 18, 2013, shall supersede and repeal Order #2010-05, and remain in effect until further notice.

Crab Harvest Report

Mrs. Cosby presented the commercial crab landings for 2012 (April through November). The season started off slow and evened out during the middle of the season, compared to last year. The end result for the season is 87,349 bushels of hard crabs, 22,947 pound of peelers and 1,229 pounds of soft crabs harvested for 2012. There was a slight increase in the harvest of hard crabs and peelers compared to 2011.

Order 2013-07 – Crab Season

Vice-chairman Fleming noted this Order is to update the commercial crab season and female harvest closure dates.

Mrs. Cosby stated this Order is presented to update the calendar changes necessary for the female harvest closure dates, while maintaining status quo. We have not received the 2013 winter crab dredge survey results; however, they will be presented at the June meeting and this Order can be modified at that time, if need be.

Vice-chairman Fleming asked Commissioner Travelstead if he could elaborate on the results from the winter dredge survey. Commissioner Travelstead declined, because the numbers have not been released and won't be available until late March to mid-April. He did not want to speculate on anything that he's heard and felt the Commission should wait for the results when they are released.

A motion was made by Commissioner Hall, seconded by Commissioner Rice and unanimously passed to adopt Order 2013-07 as follows:

ORDER #2013-07
(replaces 2012-06)

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 St. Clements Island / Hollis Marsh from 9/20/2013 to 9/30/2013
 - b) Below St. Clements Island / Hollis Marsh from 10/4/2013 to 10/14/2013
- (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:

- (1) Crab pots – December 1 through March 31 next succeeding.
- (2) Trotlines and dip nets – December 1 through March 31 next succeeding.
- (3) Peeler traps – July 1 through April 30 next succeeding.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2013-07 shall become effective April 1, 2013 and remain in effect until further notice.

ASMFC Issues

Mr. Carpenter stated the summary of the 2013 winter ASMFC meeting is presented in the packets. He noted he would entertain any questions in the interest of time. Hearing none, Vice-chairman Fleming continued with the meeting.

Second Quarter Disbursements and Cash on Hand

The report of the second quarter disbursements (October through December) for the operation budget was presented by budget item totaling \$192,833.00. A report of the cash-on-hand was also presented totaling \$712,251.14, as of March 4, 2013. Mr. Carpenter noted the only unusual item to be noted was the increase in oyster license sales.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to approve the 2nd quarter disbursements and cash on hand reports.

Update on Retiree Trust Fund

Mr. Carpenter advised after the audit was conducted last year, the auditors from both states strongly encouraged the Commission to get an actuarial study done of health care. We have contacted the consulting firm PRM Consulting Group and they came highly recommended from the VRS system. They have a proposal presented here that will meet the needs of the auditors and the federal requirement to do this work. Their proposal fee is \$4,500 and we have talked with some people in the area who are familiar with this type of thing. They say while it is expensive, it is within reason. The list of clients obtained by PRM Group shows that they will fit in with the Commission very well. Staff would like a motion for approval to move forward. The next step would be to work with the treasurer's office of Virginia to set up the trust fund and then transfer funds later.

A motion was made by Commissioner Schick, seconded by Commissioner Palmer and unanimously approved to proceed as outlined in the presented proposal.

Delinquent Seafood Catch Report Hearing

John S. Evans – (Present) Mrs. Cosby advised that this is Mr. Evans's second offense (Class IV) for failing to file seafood catch reports for his hand scrape oyster license. His reports were filed yesterday (3/7/13). Staff's recommendation is revocation of all licenses. Mr. Evans stated it was procrastination on his part with not sending in his catch reports. He said the Commission

seemed overwhelmed with the increase in oyster license sales and did not provide him with reports to send in. He called and notified the office and report pages were sent out to resolve that issue. He stated he basically forgot to fill the reports out and send them in on time. He stated this was not a serious offense and questioned why it would affect his crab pot license.

Mr. Carpenter stated that Mr. Evans has been called to the Commission a few times before for failing to file catch reports. As for not receiving catch report pages in his oyster packet, Mr. Carpenter asked if Mr. Evans called the office when he noticed that. Mr. Evans stated that he did call the office and report pages were sent out immediately to resolve that. Mr. Carpenter stated Mr. Evans purchased the license in November and now it's March and we are still waiting on reports. Mr. Carpenter stated first and second notices have been sent out each week to notify Mr. Evans that reports were due and nothing has been done. Mr. Evans stated he knows there's procrastination on his part and when he did mail the reports in, it was too late and he had been called to today's hearing. Mr. Evans still questions why this would affect his crab pot license.

Commissioner O'Connell agrees with staff in noting that Mr. Evans performance over the participation in this fishery is very concerning. The harvest data is very critical to managing these resources and the repeated failure in responding to the importance of this is of concern. He asked Mr. Evans what he thought his penalty should be in order to get his attention so that he doesn't come back before the Commission. Mr. Evans stated probation and that he wanted to participate in the fishery this year and maybe a three month suspension on his crab pot license. He feels this is an oyster issue and should not include his crab pot license.

Commissioner Schick explained that this isn't necessarily an oyster violation, this is a failure to report seafood catch reports and that makes this a watermen issue. Everyone else who has a commercial license has to file these reports and this is part of the job. This is just as important as getting in the boat and going out to fish, crab or oyster. Mr. Evans has already been on probation, suspension and let go, so the only thing left is to take the license away at least for some period of time. It doesn't matter what you're doing, the reports have to be sent in. It's not any less important to send in an oyster report as it is to send in a crab report. It's a reporting issue, not a fishing issue.

Commissioner Hall verified when Mr. Evans was called to a hearing in 2008 that was for failure to file catch reports and he received a suspension and probation at that time on all his licenses. Mr. Carpenter stated yes, that was correct and the suspension was for one week and probation for one year.

Commissioner Travelstead stated that clearly Mr. Evans is not familiar with the guidelines and the policy for not reporting.

A motion was made by Commissioner Travelstead, seconded by Commissioner O'Connell to suspend all licenses for one year and one year probation. Mr. Evans needs to understand that if he fails to report again there will be a revocation of all licenses.

Commissioner Bowes questioned Mr. Evans as to how much crabbing he does in the Potomac River. Mr. Evans stated that he is a full time waterman and crabs mainly in Maryland, but does

come into the Potomac during the fall season. He was hoping to be suspended in the spring season because he does work the fall. He has a split season with Maryland and the Potomac River.

Commissioner Rice asked if Commissioner Travelstead would accept an amendment to separate the hand scrape from the crab pot and suspend the crab pot license for 6 months from today and the rest stays intact. Commissioner Travelstead accepted the amendment.

Mr. Carpenter stated that the crab pot season does not start until April 1st, six months from today would take the suspension right up to the time he generally starts working.

Commissioner O'Connell asked Mr. Evans when he typically starts crabbing in the Potomac River. Mr. Evans stated usually Labor Day weekend. Commissioner O'Connell stated given the comments to the motions there should be some suspension that impacts him, recognizing that Mr. Evans starts crabbing in September. We are trying to find the appropriate suspension period to yield some impact, hoping that it corrects his bad behavior, but still allows him to crab some portion of this year's crab season.

A motion was made by Commissioner Travelstead, seconded by Commissioner O'Connell to suspend Mr. Evans's crab pot license for 6 months starting April 1st, suspend his oyster license for one year and place Mr. Evans on one year of probation. The motion passed unanimously.

Commissioner O'Connell explained to Mr. Evans that he should feel very fortunate that the Commission is even considering something outside the guidelines to mitigate the impact. Commissioner Palmer agreed with Mr. O'Connell's statement.

Brandon S. Hall – (Absent) Mrs. Cosby advised that this is Mr. Hall's first offense (Class II) for failing to file seafood catch reports for his hand scrape oyster license. His reports have not been filed prior to today's meeting. Staff's recommendation is a one week suspension on all licenses and one year probation.

A motion was made by Commissioner Rice, seconded by Commissioner Bowes to accept staff recommendation.

Commissioner O'Connell stated he thought the Commission generally would suspend all licenses until the individual appears before the Commission. Mr. Carpenter stated Commissioner O'Connell is correct and that has been the procedure we've used in the past. He also noted that Mr. Hall has not picked up his certified letter calling him to today's hearing.

Commissioner Rice withdrew his motion.

A motion was made by Commissioner Schick, seconded by Commissioner Hall and unanimously passed to suspend Mr. Hall's licenses until he appears before the Commission.

Commissioner Schick asked that be added to the guideline sheet. Mr. Carpenter stated that would be taken care of.

Andrew M. Cockrell – Inaccurate Seafood Harvest Reporting

Vice-chairman Fleming explained there was a copy of a certified letter calling Mr. Cockrell to the hearing today. Mrs. Cosby stated Mr. Cockrell was called to the hearing today to answer violating Regulation II, Sec. 5(a) by failing to file an accurate and complete daily accounting of catches. She presented the Commission with a breakdown of Mr. Cockrell's total harvest for 2010 and 2011, which were reported from miscellaneous gear (haul seine, fyke net, fish pot and fish trot line). She reported that she had phoned Mr. Cockrell in 2011 because red flags in the database alerted her to examine his harvest reports. Mrs. Cosby met with Mr. Cockrell on June 5, 2012 to go over his reports, and made some copies for him to review and correct. In December 2012, staff received a few buyer reports from Mr. Cockrell and copies of his reports with minor corrections. Mrs. Cosby then explained some of the discrepancies in the harvest reports and provided the Commission with a history of Mr. Cockrell's fishing history, license history and harvest reports that she had audited. As you recall, Order #2012-02 allows striped bass tags be issued to fishermen who have held and fished such miscellaneous gear for three years. She noted that because his 2010 and 2011 harvest reports are so questionable, staff is recommending that Mr. Cockrell not be eligible for striped bass tags this year. With all the discrepancies within his reports, she talked with First Sergeant Adam Friend and asked him if any officers had observed Mr. Cockrell fishing on the Potomac using any of these gears.

First Sgt. Friend from Virginia Marine Police explained that he contacted the officer that generally works in the area where Mr. Cockrell fishes. That officer stated that he knows Mr. Cockrell and has had several professional contacts with him in Virginia waters. First Sgt. Friend stated Mr. Cockrell owns and operates Cockrell's Marine Railway. He asked the officer specifically about these gears, as far as haul seine, fish pot and fish trot line. The officer replied has not seen him fishing the Smith Point area with these gear types. As far as the fyke net, the officers in the surrounding area could not say if they have seen him working that gear.

Mrs. Cosby stated that Mr. Cockrell contacted Delegate Margaret Ransone and requested her attention to this matter and a copy of the letter is provided with the harvest reports for review. Mrs. Cosby doesn't feel that Mr. Cockrell understands that this is a serious problem and that his reports are reflecting an unbelievable story. Staff's recommendation would be to not allow him to be eligible for striped bass tags based on his harvest reports for 2010 and 2011. She advised that she has not audited 2012 harvest reports yet, because of time restraints.

Commissioner O'Connell questioned what year would begin his qualification for needing the three years in order to get striped bass tags. He wanted to know if the 2012 harvest reports came back okay, would that then start him over as year one for future qualification. Mrs. Cosby stated that would be correct.

Vice-chairman Fleming stated these reports are clearly not correct and it seems like he is only reporting on paper just to get to the striped bass tags. The gentleman prior to him was subject to a much harsher penalty than what staff is proposing. Mrs. Cosby stated that we want Mr. Cockrell to make accurate reports.

Commissioner O'Connell asked if there was a staff recommendation for any other penalties for falsifying reports. Mr. Carpenter stated the Commission does not have a policy to deal with

falsifying reports. The regulation states that reports be accurate and filed on a weekly basis. It was our belief that if Mr. Cockrell wants to fish then he needs to abide by the rules.

Mr. Cockrell came forward and explained that he is new to the fishery and has tried to do the best he can. He currently sells to Tommy Lewis and said if you look at the reports, we're not dealing with a lot of fish here. Some of those fish are sold to local individuals that he knows. Between Mr. Cockrell and Mr. Lewis, they tend to trade things instead of buying and selling the fish. He did say that there was some confusion with filling out the reports and he apologized for that. He said that he had no problem doing whatever he needs to do to resolve this issue. He felt that he is trying to keep better records now and that he and his family need this.

Vice-chairman Fleming thanked Mr. Cockrell for explaining his situation. He then verified that staff's recommendation is to withhold striped bass tags for the 2013 season. Mrs. Cosby agreed.

Commissioner O'Connell stated he would like to hear from Mr. Cockrell's fellow watermen and how they feel about this. He personally thinks the Commission should support staff's recommendation and that we should also develop a penalty for falsified reporting.

A motion was made by Commissioner O'Connell to support staff's recommendation to not credit his 2010 and 2011 reports toward qualifying for striped bass tags.

Commissioner Schick added a friendly amendment to the motion to put him on probation for a year for the 2013 season to make sure we get accurate reports. That way, at least he's on notification about that.

Commissioner Bowes said he hears what staff is saying and he hears what law enforcement is saying, but he can't help but wonder if we don't have enough evidence. Some of this may be speculation, we don't have hard proof of something and he thinks we need to move cautiously.

Commissioner O'Connell asked if Commissioner Bowes had an amended motion, because he would like to hear it and possibly consider it. Commissioner Bowes stated he did not.

Commissioner Rice stated Mr. Cockrell presented himself well and seems sincere. This is a new matter for the Commission and he's not sure how it should be handled.

Mr. Cockrell offered to provide his tax return that shows a substantial amount of money received from Tommy Lewis as a buyer, to help make it work. Vice-chairman Fleming stated the Commission had enough information and we are already into a motion. You have already made your statements, but thank you very much.

Vice-chairman Fleming stated the Commission has a motion for not issuing striped bass tags for the upcoming striped bass season. Mr. Carpenter stated the motion should actually be to "disqualify the 2010 and 2011 catch reports as qualifying to receive striped bass tags in the future". Mr. Mike Mayo concurred that was the motion.

A motion was made by Commissioner O'Connell, seconded by Commissioner Schick to disqualify Mr. Cockrell's 2010 and 2011 harvest reports as qualifying criteria to be eligible for the striped bass fishery and to put him on one year probation in regards to ensuring that future harvest reports are accurate. The motion passed with Commissioner Bowes abstaining and Vice-chairman Fleming opposing (6-1-1 vote).

Colonel Dabney Watts, Jr. – Virginia Game & Inland Fisheries

Col. Watts, Director of the Virginia Department of Game and Inland Fisheries (VDGIF) Law Enforcement Division thanked everyone for allowing him to come before the Commission. He offered the agency's assistance of its Conservation Police Officers (CPO) in the enforcement of the PRFC's recreational regulations. They conduct numerous patrols on the Virginia creeks off of the Potomac River and as they are going from creek to creek, they have a presence on the Potomac River. In the course of conducting those patrols, they feel they do encounter what they suspect are violations of the recreational fishing regulations of the PRFC. They also conduct boating safety checkpoints at the mouths of a lot of the Virginia creeks where they encounter boats coming off the Potomac River that do have undersized finfish that are possibly in violation of the PRFC regulations. Currently CPOs do not take any action on those violations. He felt they could be another set of eyes on the Potomac River to help enforce the recreational regulations. A majority of their patrols occur from Stafford County north to Northern Virginia as well as on the Northern Neck. In the interest of working cooperatively with the Commission, the VDGIF would like to assist in these matters. Col. Watts stated as our officers become more familiar with the Commission's Regulations, should we see suspicious activity in the commercial fishery, we could report that to VMRC to address. Our primary interest is enforcing laws in the recreational fishery and being another presence for the Commission to help manage the Potomac River fisheries.

Commissioner Bowes asked Mr. Carpenter if the Compact specifies who handles our law enforcement for the PRFC. Mr. Carpenter explained that the Compact stated that law enforcement be provided by Virginia and Maryland. The Commission, in 1963, selected the Department of Natural Resources and Virginia Marine Resources Commission to be the agencies to fulfill the requirement of the Compact. That was based on the fact that both agencies are represented on this Commission and have direct ties to the enforcement division.

Commissioner Bowes then asked if the two states need to be involved in this decision. Mr. Carpenter stated he did not know if the states should be involved, but he did not think that was necessary.

Commissioner Travelstead felt this is something the Commission could decide and suggested that there be a sub-committee put together to include himself and Commissioner O'Connell, along with the respective Colonels from the two states to evaluate this request and make a recommendation back to the Commission at a future meeting.

Commissioner Hall felt that with past comments made by Commissioner O'Connell in regard to limited law enforcement in the area to maintain and protect the resources, it seems that having

other sets of trained eyes would be a benefit to maintaining and managing the resources in the Potomac River.

Vice-chairman Fleming questioned how VDGIF operates in Virginia waters. Col. Watts explained that they have a memorandum of understanding (MOU) with VMRC and they work cooperatively together in the enforcement of recreational fishing and investigation of boating incidents. That MOU has worked well, but they are also limited in man power issues and scheduling just like anyone else. Vice-chairman Fleming noted that the dividing line with VDGIF is if it's recreational or commercial in the state of Virginia. Col. Watts agreed.

Commissioner Palmer stated that Col. Watts noted that VDGIF only addresses recreational fishing and is also stretched thin. VMRC and MdDNR are very good at what they do as well as VDGIF. At this point he felt that it should be left as it is. Col. Watts wanted to clarify that he did not say that they weren't interested in commercial fishing enforcement, but he recognizes that their primary mission is recreational fishing. He stated that they are always interested in expanding their knowledge, but noted that VMRC does have more knowledge when it comes to commercial regulations on the Potomac River.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to appoint Commissioners' Travelstead and O'Connell, the Executive Secretary and Colonel Watts to sit down and discuss this matter and report back to the Commission.

Commissioner Travelstead agreed and stated he could supply copies of the MOU for that meeting.

Report of the Nominating Committee

Commissioner O'Connell presented the Nominating Committee's report, nominating Commissioner Fleming as Chairman, Commissioner Travelstead as Vice-chairman and Commissioner Hall as Secretary for 2013.

A motion was made by Commissioner Palmer, seconded by Commissioner Hall and unanimously passed to close nominations and cast a single vote for the committee's nominations.

Advisory Committee Vacancies

Mrs. Cosby stated the nominations are before the Commission and it is at the pleasure of the Chairman to appoint members to the Advisory Committees at his leisure. Chairman Fleming stated that all members are currently serving on the various committees except George Willett, who is a nominee for a vacancy position left by Scott Burroughs on the Finfish Advisory Committee. He accepted his nomination and placed him on the committee. As for the other members, they will be notified of their appointment at a later time.

Appointment of the FY 2013-2014 Budget Committee

Chairman Fleming appointed Commissioner Hall and Commissioner O'Connell to serve as the Budget Committee to present the FY 2013-2014 at the June Commission meeting.

Any Other New Business**Rangia Clam Hydraulic Clam Dredge Study**

John F. Tucker Brown advised the Commission that he feels there is going to be a large problem with crab bait this year, especially with razor clams. There has been a price dictated to the buyers of \$50 to \$60 a bushel, with only 40 bushels a week being harvested. This is going to be a huge hit on his business and he feels that he has to look at harvesting another resource and that would be the fresh water clam. He is getting ready to go and check some areas to see if the clams are available. Rangia clams grow in head waters and he has not sampled any areas in some time. The problem is that you can only clam by hand scrape in the Potomac River. He just wanted to make the Commission aware that there would be future discussions on this issue. If there is a decline in the crabbing industry after this season, it may not be in the crab itself, it may be from the quality of bait that's being used.

Commissioner Palmer stated in Hampton Roads in the spring, they use chowder clams and they work very well and are less expensive than razor clams. Mr. Brown stated razor clams in this area are like chowder clams, but are slightly smaller.

Commissioner O'Connell stated that Maryland collected samples of clams to assess the mortality event from last year. He does not recall the results, but could look into making the results available to the Commission.

Commissioner Rice questioned if it's possible to grant Mr. Brown a special permit to see if there are clams available for harvest. Mr. Carpenter explained that there was a study done with a hydraulic clam dredge in the brackish waters above the 301 bridge. It was conducted after hurricane Agnes and Bo Bailey did the work for the study. The experience using the clam dredge in that area found that there was a lot of clay bottom, consequently there were problems using a clam dredge. That area is also an environmentally sensitive area. A concern when harvesting shellfish, are the ISSC requirements for closed areas and right now, that extends from Brent Point over to Smith Point, just above Aquia Creek. If you go above that area, you can't harvest anything. What we have found is that the hand scrape is a fairly effective gear to harvest clams. Over the years we have issued a few permits to people who have chosen to harvest these clams for themselves to use as crab bait. There is a long history of using clams as crab bait, but there are a number of issues that will need to be addressed; however he felt confident that the Commission could work with the industry.

Mr. Brown stated he doesn't have a problem using a dredge, but he would like to be able to add power to the dredge. Mr. Carpenter explained when these permits were first issued, there was no power allowed in the Potomac River. There was a reason why there were hand scrapes only at that time, but now that power dredges are allowed in the Potomac River, there may be a possibility of modifying the permit; however it would take action by the Commission.

Commissioner O'Connell stated he did not have much knowledge about clams, but would like to know what the status of the stock is when going through this process, recognizing that clams provide an important ecological role through filtration and that is why we are working on oyster restoration. If we go down this road, we need to remember to take a balanced approach to ensure conservation, but also provide a sustainable opportunity.

Mr. Carpenter stated we have at least four different types of clams in the Potomac River (Asiatic, Rangia, Mya and razor) and Mr. Brown is referring to the Rangia clam. He also asked that Commissioner O'Connell refer someone from Maryland who has expertise in clams to be a part of the survey, if the Commission recommends one. Commissioner O'Connell stated Mitch Tarnowsky would assist if needed.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed that due to the current restrictions on menhaden and the lack of availability of razor clams this year, the PRFC will work with Mr. John F. Tucker Brown exploring the viability of a possible bait source in the Potomac River with the Rangia clam.

Crab Pot Identification Tags

John Morris, III requested that the Commission allow crabbers to buy a second set of tags or decals to accommodate two different types of crab pots. He suggested that the crabber would have to declare which type of gear they would be using. This is a way to alleviate switching tags between the two types of pots.

Chairman Fleming asked Mr. Morris if he had presented this request to the Crab Advisory Committee. Mr. Morris said the Crab Advisory Committee did not have a meeting before today's Commission meeting.

Mr. Carpenter advised that the next Crab Advisory Committee meeting should be scheduled shortly after the results of the winter crab dredge survey are available. Chairman Fleming stated that this item should also be added to that agenda.

Mr. Carpenter asked that Mr. Morris write down his idea and how it would work so that it can be provided to the committee members prior to the meeting for review.

Recreational Sport Fishing Licenses

Commissioner O'Connell advised that there was a Tidal Bass Round Table meeting held concerning large and small mouth bass and the fishermen expressed some concerns about the disparity of sport license fees between Maryland and Virginia. It's been noted that PRFC sport fishing licenses are cheaper than Maryland recreational licenses and that Maryland is losing potential revenue under the reciprocity agreement. This is something he would like to talk with Mr. Carpenter about, and give people an opportunity to present their concerns to the Finfish Advisory Committee between now and the June Commission meeting, unless Mr. Carpenter has a better suggestion.

Chairman Fleming asked if Mr. Carpenter has seen an increase in license sales in recent years. Mr. Carpenter stated there has been an increase in license sales every year since we started selling recreational licenses. He does not feel that it's a major increase in license sales due to the cost of the license. We have a fair number of non-resident people that purchase our license. Currently there are 24 states represented in our license list, but a lot of them are military or vacationers.

Commissioner Schick stated the difference between the Virginia and PRFC license is not that great, but what makes a difference is PRFC licenses are on a calendar year and Virginia licenses are good for one year from the date of purchase. Therefore, he sells more PRFC licenses at the beginning of the year and more Virginia licenses toward the end of the year.

Chairman Fleming stated if you buy a Maryland license, it comes with a recreational crabbing license, but a PRFC fishing license does not. That gap gets shortened when you add the Maryland crabbing license. Is there any thought of Maryland not including the crabbing license, making it a separate license to purchase to help quantify this recreational crabbing effort.

Commissioner O'Connell stated they were going to look into that issue this spring to try and streamline it. It would allow the opportunity to get a better estimate of recreational harvest and that would include removal of that crab privilege underneath the boat decal license.

Date and Place of Next Meeting

The next Commission meeting is scheduled for Thursday, June 6, 2013 at 9:00 a.m. The Commissioners discussed the meeting date scheduled for September and changed it to Thursday, September 12, 2013 at 9:00 a.m.

Executive Session – 11:59 a.m.

A motion was made by Commissioner O'Connell, seconded by Commissioner Rice and unanimously passed to break for Executive Session where legal and personnel matters will be discussed.

Reconvene – 1:04 p.m.

Chairman Fleming took a roll call vote to show that only legal and personnel matters were discussed during the executive session. All Commissioners agreed.

Adjourn

The meeting adjourned at 1:05 p.m.

Respectfully submitted,

Dennis C. Fleming., Chairman

Ida C. Hall, Secretary