

OYSTER/CLAM ADVISORY COMMITTEE REPORT

August 14, 2013

PRFC Office, Colonial Beach, VA

Members Present

John F. Tucker Brown-St. Mary's Co. Clammer's Assoc.
Nealy Little-Commercial Oysterman
Elgin Nininger – Proxy for William L. Rice, Jr.
Richard Wade Chatham-Oyster Buyer
Wayne France-Commercial Oysterman
Craig Kelly–St. Mary's Co. Tonger's Committee
Paul M. Springer Jr.,-Charles Co. Tonger's Committee

Members Absent

James Ficklin-Commercial Oysterman

PRFC Commissioners

None

Support Staff Present

Ofc. Mike Simms – VMRC Law Enf.
Lt. Shawn Garren – MdDNR Law Enf.
Marty Gary – PRFC Staff
Ellen Cosby – PRFC Staff
Becky Butler – PRFC Secretary

Press

None

Others Present: John Dean representing St. Mary's County Watermen's Association.

The meeting was called to order at 6:00 p.m. by Chairman Tucker Brown. Elgin Nininger was recognized as serving as proxy for Rocky Rice.

Introduction of Martin L. Gary – PRFC Executive Secretary

Chairman Brown took a moment to introduce Martin Gary who took over the position of the PRFC Executive Secretary when Mr. Carpenter retired. He welcomed Mr. Gary and stated he looked forward to working with him. Mr. Gary spoke about his goals with the Commission and stressed that he was available day or night. He stated that he takes this position very seriously and will continue to strive towards the Commission's goal of conserving and improving the valuable resources of the Potomac River.

Discussion of Oyster Measurements and Tags

Mrs. Cosby advised at the last meeting information was provided on deciding if the Commission should consider using orange baskets and tags when harvesting oysters as measurement and identification devices. The committee decided that it would need more time and information to make a recommendation and asked that this issue be placed on the next agenda.

Mrs. Cosby stated that she had received a sample of the tag that is used in Maryland and adapted that so it could be used in the Potomac River. She provided a paper sample to each committee member. She advised that printed information on the tag is not set yet and if there are any changes we can still incorporate them as needed. She suggested that the tags be oyster bar specific so that there's no confusion as to which oyster bar they came from. This will help ensure that if there's a consumption issue, the authorities will know specifically which oyster bar they were harvested from and can take proper measures to ensure the public's safety.

Chairman Brown felt the Commission should consider using baskets and that the oysters can be culled right into the baskets. It's a much cleaner process and requires less handling of the oysters.

Paul Springer questioned why it was decided to have the oysters placed in a pile in the bottom of the boat years ago. Lt. Shawn Garren from MdDNR Marine Police explained that it was easier to see the oysters and determine if there were any undersized ones throughout the pile. The harvest was right there in the open for inspection. Mr. Springer agreed it was time to change and that baskets should be used.

John Dean questioned if the baskets need to be tagged before leaving the oyster bar and going to the next one to work. The committee agreed that yes, they should be tagged immediately so there's no confusion as to where they came from.

Mrs. Cosby questioned who should pay for the tags and how they should be provided. Wayne France stated in Virginia, the watermen are responsible for buying the tags. Mr. Dean concurred and said it's that way in Maryland as well. Maryland is also considering allowing the watermen to order their own tags. They could even have their name printed on them.

Craig Kelly questioned if the same company that produces the CPID tags would manufacture the oyster tags. Mrs. Cosby replied no, and Maryland has provided her with a list of companies who produce oyster tags.

Mr. France questioned if we go with requiring baskets, do we need to set a bushel limit to control the harvest. Chairman Brown stated he would like to stay away from bushel limits until we can see how this is going to work. He felt that the time limits, size limits and Mother Nature control the harvest. Until we can see what these new programs are going to do, he doesn't feel like we should jump the gun and implement a bushel limit.

A motion was made by Wayne France, seconded by Nealy Little to recommend the use of orange baskets (level filled) as a container device and tags to be used on each basket at each oyster bar separately before going to another bar. The motion passed unanimously.

Nealy Little questioned if tags would be required to be placed on recreational harvest. The committee felt that all oysters should be tagged based on health department regulations and for consumption issues.

The committee agreed that the tags should not have a year printed on them, so the tags could be used for multiple years. Tags should be available in amounts of 50 or 100. Currently, Maryland sells their tags in batches of 100 for \$10.

A motion was made by Wayne France, seconded by Elgin Nininger to recommend that the PRFC provide oyster tags to the oystermen in the Potomac River for sale. The motion passed unanimously.

Order 2013-10 – 2013-2014 Oyster Season Dates, Days & Time Limits

Mrs. Cosby explained that only calendar dates were changed and that the Order is essentially the same as last year.

A motion was made by Wayne France, seconded by Craig Kelley to recommend the adoption of Order 2013-10 as presented.

Water Quality Issue

Chairman Brown stepped away from the agenda and said that he would like to see if a meeting could be set up to include the Department of the Environment, MdDNR, watermen, scientists, law enforcement, Robert T. Brown, President of the Maryland Watermen's Association and who ever else should be considered to discuss what exactly is going on in the Potomac River in regard to water quality.

Chairman Brown also suggested that the Commission consider requiring the watermen to report what is being caught dead and being discarded in more detail. The goal is to find out where poor water occurs and why this is occurring. If we can build a history of data, it could potentially support some of the issues we are seeing in the river. He would like to see a motion made tonight to send this request to the Commission at its September meeting.

Mr. Springer thought this was an excellent idea to report what they pull up dead. If we start now maybe that will help provide data so that maybe something can be done to help stop some of this stuff that's being dumped in the river.

Mr. Gary reiterated that what the committee wants is to recommend the collection of data that functions in a way that you identify areas of bad water by using the crab pots as sentinels to determine if a pocket is moving in a certain direction and characterize that in space and time.

Chairman Brown stated this would provide additional data that's needed to address these water quality issues. The watermen have known something is wrong for more than 20 years. When you compete with Mother Nature, you're going to lose. Every one of us contributes something to the Potomac River and we all need to work together to figure this out.

Mr. France explained about 19 months ago, the Chesapeake Bay scientists conducted the winter dredge survey and there were more juvenile crabs than there's been in 20 years. The watermen didn't catch those crabs and nobody knows what happened to them. We need to find out scientifically what has happened to those crabs and what is continuing to happen to the crabs.

A motion was made by Wayne France, seconded by Paul Springer to recommend exploring scientifically by having another meeting to come up with some answers to the questions we have on what is happening to crabs and the water quality.

Mr. Dean stated when he was a participant at ASMFC, he talked with some of the watermen out of Long Island Sound, NY and they said that their inland fisheries were coming back. They are currently harvesting hard crabs like they've never done before. They said they moved the sewer

lines out into the ocean and because of that, the inland fisheries are coming back. We have a problem here and there's no reason for it.

Mr. Gary clarified the committee is making this recommendation to the Commission for their consideration of convening a separate stand alone meeting to address this issue. He went on to say that Maryland has a good working relationship with some people that he feels would be helpful to what you're asking. MdDNR Fisheries has been working more closely over the last five years with a group called the Resource Assessment Services. Tom Parham is their lead guy who is familiar with the fisheries, both recreational and commercial. Mr. Gary advised that they have been looking at these types of trends and he felt they would be another useful resource. Chairman Brown stated we welcome anyone who is familiar with this type of issue.

Mr. Springer stated just think of the hammer the PRFC would have if we had documentation for the past 20 years on crabbers' catch reports with information of what they've thrown overboard because they were dead in the pots. That's factual real time information that we could present to the users of this river that are putting treatment plants and power plants all along the Potomac River.

Election of Chairman and Vice-chairman

A motion was made by Nealy Little, seconded by Elgin Nininger and unanimously passed to elect John F. Tucker Brown as Chairman and Wayne France as Vice-chairman.

Rotational Natural Oyster Harvest Plan (RNOHP) Update

Mrs. Cosby advised that Lower Cedar Point, Swan Point, Gum Bar and Pascahanna were approved for the Rotational Natural Oyster Harvest Plan (RNOHP). She advised that the Commission did approve supporting the RNOHP with \$50,000 for the next four years for natural seed planting. The 2013 Fall Oyster Survey will check Stony Point, Bluff Point, Watson's Bar, Green Hill and Old Farms and the Commission will decide which bar will be the fifth bar.

The RNOHP is officially off-the-ground with the first planting of natural oyster seed on Lower Cedar Point in May 2013. On May 2, 3 and 6, 2013 natural oyster seed from the Great Wicomico River was dredged, transported and planted on a ten-acre site on Lower Cedar Point. Average count of this healthy-looking oyster seed was approximately 1,200 – 1,500, resulting in about a 15 oyster per square foot planting. The cost for the oyster seed planted overboard was \$12.50 per bushel and the Commission was able to purchase 4,000 bushels of seed for \$50,000. In addition, a corporate sponsor generously donated an additional 250 bushels of oyster seed (valued at \$3,125). Consequently the total amount was 4,250 bushels of natural oyster seed planted on Lower Cedar Point.

Mr. Little questioned if all of Cedar Point is going to be closed because the lower point of the bar has been planted. Mrs. Cosby stated yes the entire bar is closed now for four years.

Mr. Springer advised that the last time there was a survey done he asked if he could go along to observe. Unfortunately, he was not able to go on the survey due to other obligations. He asked that he be contacted again because he would really like to go.

Mr. France questioned which oyster bar would be planted next. Mrs. Cosby advised that would be up to this committee to make a recommendation to the Commission. Mr. France felt like he would support Gum Bar to be the next planted, that way there would be an oyster bar planted on each side of the river. Richard Chatham noted that there's already been a planting on Gum Bar of spat on shell that was donated from a hatchery. There was some discussion to leave that bar open for a while to try to harvest some of those oysters.

Mr. Springer thought that a few meetings ago that it was talked about that after Lower Cedar Point was planted that the next bar would be Pascahanna, because there were no mussels there.

A motion was made by Wayne France, seconded by Richard Chatham and passed to recommend that the next planting should take place on Pascahanna oyster bar.

New Business

Elgin Nininger had three items that he addressed under new business.

- 1.) Bluff Point Lumps – He would like to see Bluff Point Lumps surveyed and possibly removed from being a sanctuary.

Chairman Brown stated he was in agreement with Mr. Nininger, but said we would need to come up with a plan of what we were going to do with that bar. We need to get oysters on the bottom. He doesn't feel that you should make an oyster bar a sanctuary and just leave it. We need to consider making it an oyster reserve.

Mr. France was concerned that if the Commission opens one sanctuary, you may have to designate another oyster bar as a sanctuary in place of it. Mrs. Cosby advised that she would check on the sanctuary requirements and report back to the committee at their next meeting.

Committee members briefly discussed the problem of finding explosive shells in the Potomac and not knowing if they were live or not.

- 2.) Jones Shore and Cornfield Harbor – Mr. Nininger questioned if you could oyster on either one of these bars.

Mr. France responded that Cornfield Harbor is open and Jones Shore is open to hand tonging only. He stated he would certainly like to see Jones Shore open to hand scraping. If we could come up with some ideas, it might help work towards the goal of getting it open.

Chairman Brown felt the best way to address Jones Shore is to sit down and write up a plan. All this bar is doing is silting over. It would be nice to be able to dredge parts of that bar and plant it back. Mr. Dean said most of the bar is probably silted over, but it's hard to tell because nobody has been there working. There are oysters and shells there because he catches them on his crab pots all the time. When you talk about setting up a plan you may want to think about a pilot program with bushel limits so you don't destroy the area.

Mr. Kelley stated that he has documentation where they had planted seed experimentally some years ago. Mrs. Cosby asked if he could provide that information to her and he agreed. She felt it would be good to have that for future reference.

Chairman Brown expressed if we could get some type of seed area created again on Jones Shore that may be the way to go.

Mr. Kelley noted if we are going to do anything with the bar, then it should be completely open so that we're not trying to cram boats in one small area. Mr. France stated it's been a bad year for watermen and it would be nice if Jones Shore could be opened. He feels that the oyster bars that were worked last year will not be as productive this year.

Mr. France suggested developing a sub-committee to report back to this committee with some ideas for the possibility of a program that we could implement on Jones Shore.

Mr. Kelley stated he's been on this advisory committee for almost 12 years and he's tried several times to get Jones Shore opened and has not had any success in doing so. He's just about ready to give up. Chairman Brown advised Mr. Kelley not to give up.

Mrs. Cosby advised if the sub-committee comes up with a plan to open Jones Shore, it's going to take a public hearing to change the Regulation.

The Committee discussed this after the meeting adjourned and decided that the sub-committee meeting will be held on Thursday, August 22nd at 2:00 p.m.

- 3.) Commercial License Registration Fee (CLR) – Mr. Nininger questioned where the funds have been spent that were taken in from the CLR's. He questioned if the \$30,000 would go towards planting the oyster bars in the RNOHP.

Mrs. Cosby explained that the Commission made a decision to split the funds generated from the CLR with 50% going to the OMRP and 50% going to the RNOHP, because both programs are just getting off the ground. Down the road, the Commission will revisit that funding issue and how it should be used.

Chairman Brown stated before these programs were started, very few oysters were being harvested. The Commission is working with us to get these two programs started and we need some time and patience to see where they're going.

Mr. Nininger stated that it's no doubt that we need all the help we can get and that's the reason he mentioned Bluff Point Lumps and Jones Shore, because we know these are places that can help us and not just sit there.

Chairman Brown invited Mr. Nininger to be a part of the sub-committee planning group.

Richard Chatham questioned if the oyster tax was going to increase. Mrs. Cosby stated the 2013 Bills passed in Maryland and Virginia General Assemblies to raise the oyster tax to \$2.00. In order for the Commission to change the Regulation and update the Compact, we have to have the Governor's of both states sign proclamations. We have received the signed proclamation from

Virginia and are waiting on the signed proclamation from Maryland. Once that happens, the Commission will schedule a public hearing to change the Regulation. We hope that will take place at the December Commission meeting.

Mr. Chatham questioned if the oyster tax collected goes back into the general fund. Mrs. Cosby explained that any tax collected from the OMR will go back into that program. The oyster tax money collected from harvest in the rest of the river will go into the RNOHP.

Mr. Nininger thought that Bluff Point Lumps should be looked at to see what's going there. Mrs. Cosby stated that the Captain of the vessel doing the Fall Survey will not survey Bluff Point Lumps because of safety issues. Mr. Nininger volunteered to do it. He felt if we are going to have a meeting to discuss these two oyster bars that we should have some idea as to what's going on out there. Chairman Brown stated that Mr. Nininger should have some scientists on the survey with him, that he doesn't want to go out there alone.

Mr. France thought the Commission would have to approve that request, since it is a sanctuary.

Chairman Brown felt they needed to concentrate on Jones Shore and get that plan together and then work on Bluff Point Lumps and hopefully they can get done at the same time.

Mr. Little expressed if they were never going to check Bluff Point Lumps, then they should have never closed it.

A motion was made by Wayne France, seconded by Richard Chatham and passed that at the next Commission meeting, we ask for permission to have Bluff Point Lumps surveyed.

Adjourn

This meeting of the Oyster/Clam Advisory Committee adjourned at 7:45 p.m.

Respectfully submitted,

John F. Tucker Brown, Chairman