

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

March 7, 2014

Commissioners Present: Dennis C. Fleming (MD) – Chairman, John M.R. Bull (VA), Ida C. Hall (VA) – Secretary, William L. Rice, Sr. (MD), Phil L. Langley (MD), S. Lynn Haynie (VA), Thomas J. O’Connell (MD) and A. J. Erskine (VA).

Officers Present: Martin L. Gary – Executive Secretary, Ellen B. Cosby – Assistant Executive Secretary and Michael C. Mayo – Legal Officer.

Others Present: Sgt. C.L. Simmons – MDDNR Law Enforcement; Capt. James Rose and 1st Sgt. Herbert Bell – VMRC Law Enforcement; Bobby Boarman and John Morris – Crab Advisory Committee; John F. Tucker Brown – Oyster/Clam Advisory Committee; Charles Morris, Alan Hunter, Carl Kirk, Mike Wood, James Jett, Jr., Richard Riche, John Dean, Bob Connell, Dennis Edwards, Sam Dorough, James Clarke, Bill Kilinski, James Jones, Matthew Smith, Willie Cumberland, Milt McCarthy and several others who did not sign the guest register.

Press: Susan Pietras-Smith (Westmoreland News) and Rusty Dennen (The Free Lance Star)

Chairman Fleming called the meeting to order at 9:00 a.m. He welcomed everyone in attendance. Commissioner O’Connell led the Pledge of Allegiance, and Commissioner Rice provided the invocation. New Commissioners A. J. Erskine and John Bull were welcomed to the Commission.

Consideration of Minutes

A motion was made by Commissioner Hall, seconded by Commissioner Haynie and passed to adopt the minutes of December 6, 2013 as presented. Commissioner Erskine and Commissioner Bull both abstained from the motion.

NSSP Model Ordinance Compliance Discussion – Mr. Bob Connell, U.S. Food & Drug Administration

Mr. Connell thanked the Commission for the invitation to attend today’s meeting. He stated he works closely with the shellfish sanitation staff in both Maryland and Virginia. The FDA does an evaluation each year of the states compliance with the National Shellfish Sanitation Program. During the review last year it was noted that there may be some gaps within coverage when dealing with the Potomac River. He provided some background information on the program and stated he would answer any questions the Commission may have afterwards.

Shellfish are strictly regulated because they can grow in polluted waters. They feed by filtering concentrated pollutants and are consumed raw or partially cooked. From a health standpoint, this is something that requires a good bit of oversight and attention to ensure a safe product. The regulations in place are designed to control the occurrence of problems. There are a variety of illnesses that have occurred over the years, associated with *Vibrio* and other bacteria. Both states are implementing new control measures to try to reduce the chance of illnesses from these organisms. The foundation of this program is called the Model Ordinance, which is part of the guidance for controlling the shellfish. This document is updated by an organization called the Interstate Shellfish Sanitation Conference (ISSC) each year. For each state to be in compliance, they are required to have adequate laws and regulations that reflect, at the minimum, the NSSP Ordinance. Each state has to classify their shellfish areas with maps and then develop open and closed areas for harvest. They have to have the ability to control harvest practices, and shellfish plants and dealers must be certified and inspected under the national program.

An issue that came up was it appeared that not all of the aspects of the model ordinance were able to be enforced under the PRFC Regulations. He discussed some examples where the model ordinance requirements may not be enforceable. This is based on discussions with law enforcement officers on the water and from meetings held with Md DNR and VMRC Marine Police Departments.

Example #1: In regard to harvest vessels, an approved marine sanitization device (MSD), portable toilet, or other sewage disposable receptacle shall be provided on the vessel to contain human sewage. The reason this is in the model is because there have been outbreaks in other parts of the country which were attributed to overboard discharge of waste in the areas where harvesters were working. This particular requirement is not currently enforceable on the Potomac River, because there are no regulations in place referencing this requirement.

Example #2: Each shellfish producing state shall establish time / temperature requirements (*Vibrio* control Plan) for the harvesting of shell stock. This is again to control the illnesses that were discussed earlier. Both Maryland and Virginia have plans in place and establish harvest times and handling practices for the harvesters and handlers. We're not certain that this requirement is enforceable under the PRFC regulations.

Example #3: Each harvester shall affix a tag to each container of shell stock which shall be in place while that shell stock is being transported to the dealer. If the shell stock is harvested at one or more locations, each container shall be tagged at its growing area. Mr. Connell stated he has been made aware that the PRFC is in the process of passing regulations to require tagging of oyster containers, so that is currently being addressed.

He advised with the model ordinance being reviewed every year, how is it best to have those changes that occur each year reflected in the PRFC regulations. There are a couple ways to achieve this, one is by referencing the model ordinance in the regulations, and the second is to write new regulations that incorporate the ordinance wording.

Commissioner Erskine stated this is very important and is necessary to help control the outbreak of illnesses. We, as a Commission, need to get a handle on this to protect the oyster industry. Mr. Connell suggested in order to be in compliance, the Commission may either defer to the states authority by saying issues pertaining to public health are addressed under Maryland or Virginia regulations, or just incorporate the wording of the model ordinance into the current regulations.

Chairman Fleming questioned why now and how have we been able to get by until now without being in compliance. Mr. Connell stated he couldn't answer that. Chairman Fleming stated the Commission needs to figure out what to do to come into compliance with this ordinance. He questioned if this is something that needs to be discussed at the advisory level prior to developing any standards. Mr. Gary responded going to the Oyster/Clam Advisory Committee would be the right avenue to seek guidance and then report back to the Commission. Once the PRFC is in compliance with the ordinance, are the vessels that are harvesting oysters going to be able to comply with the regulations pertaining to the MSD. Mr. Connell responded as long as it's a container that can be sealed so that sewage waste does not go overboard, that is what's needed to be in compliance.

Mr. Connell stated that if the Commission is going to have a committee review the requirements, he suggested that the Commission include some of the folks from the state programs to provide their input. Commissioner O'Connell noted staff from Maryland has been communicating with Mrs. Cosby. He understands the time frame to come into compliance is as soon as possible and he stated staff from Maryland is willing to work with the Commission to figure out what the best approach is to implement or reference the ordinance.

Mrs. Cosby explained the Commission has already taken some steps to come into compliance. At the last Commission meeting, a regulation was passed to require containers aboard the vessels and they are required to be tagged. Commissioner Erskine stated that sounded like a good start and recognized time is of the essence here. In Virginia, the implementation for time and temperature requirements is May 1st. If this needs to go through the Oyster/Clam Advisory Committee he suggested having this presented at the next Commission meeting for implementation so we can do it as soon as possible. Mr. Gary stated the Oyster/Clam Advisory just met, but will be gathering to discuss another issue prior to the June Commission meeting.

John F. Tucker Brown, Chairman of the Oyster/Clam Advisory Committee stated 50 years ago he served on the committee and discussed the same exact issues. He has a little bit of knowledge on the issue and would welcome anyone who would like to resolve these issues. The problem they came across a long time ago was the issue of a small boat versus a large boat, but there may still be a way to work this out. He agreed with Commissioner Erskine and felt it was very important to get this done.

Bill Kilinski asked of the illnesses that occurred, were they found to occur from in-state or out-of-state oysters. Commissioner Erskine advised that some of the illnesses that were documented were in-state oyster occurrences.

A motion was made by Commissioner Erskine, seconded by Commissioner Rice and unanimously passed to give staff authority to advertise as necessary for any pending Regulations concerning compliance with the NSSP Model Ordinance.

Oyster Harvest Report

Mrs. Cosby presented the oyster harvest report (to date) for the 2013-2014 season. The harvesters have reported 1,403 bushels and 1,489 bushels were reported by the buyers. There have been 16 tong licenses sold with the majority of them working on Jones Shore. There are 35 hand scrape license that have been sold and the bulk of the harvest has come from St. Georges (491 bu.), Cornfield (456 bu.), Piney Point (250 bu.) and Kitts Point (145 bu.).

Oyster/Clam Advisory Committee Report – February 27, 2014

Chairman Tucker Brown of the Oyster/Clam Advisory Committee presented the report to the Commission. He stated the committee met on February 27th right after the Water Quality Information Exchange meeting. The committee received an update on the 2013 fall oyster survey. Mr. Gary notified the committee that the Commission is interested in developing a baseline monitoring project for the oyster sanctuaries in the Potomac River. An update on the rotational natural oyster harvest program was presented by Mr. Gary. The main focus of the meeting was concerning the development of a Jones Shore management plan. Technical advisors from Maryland DNR and VMRC were in attendance to assist the committee in developing a management plan for Jones Shore. It was determined that the old seed area was the logical choice for revitalization, because that is where shell was planted in the past and the bottom should be good. The committee developed some starting points for the plan. Chairman Brown expressed this was a good start on the plan and the committee would meet again to work out more detail to get the plan in shape to be presented to the Commission for approval, possibly at their June meeting.

Commissioner Hall stated she attended the Oyster/Clam Advisory Committee meeting and was impressed with the scientists and their comments. She thought it was interesting that Mitch Tarnowski, who does some of the surveys, reiterated that the shell is just settling in the bottom and that it needs to be pulled up in order for this oyster bar to really become useful. There didn't seem to be any opposition from anyone regarding that and it was encouraged to get this bar back to a productive state.

Commissioner O'Connell stated it is encouraging to see the industry and the scientists working together and this provides the best chance that we identify the right approach for that area. He feels its worth stating that this approach is going to be relied upon getting a natural spat set. It's important, as part of this plan, to evaluate what the recent and historical spat has been and try to project what the potential harvest yield would be. This is a gamble dealing with natural spat sets and comparing that to other methods that are being deployed in the Potomac River through seed plantings. Different regions of the Potomac will need different treatment techniques, but it's worth the examination given that natural spat sets have not been reliable. We need to make sure that we try to get the biggest return on the investment. Looking forward if we do this approach, examine the data we have, the knowledge that the industry has, the projected

yield per acre compared to using different approaches and see what works out. It's critical that we have a cooperative scientist and industry monitoring program, so that we're working together to learn from these projects and we can continue moving forward with the things that work.

Committee Chairman Brown stated the first thing we need to do is take an assessment of Jones Shore before we meet again so we know what we're dealing with. This would make the scientists a little more comfortable and we have no problem with it. He suggested that Craig Kelley be the industry representative onboard to observe Jones Shore. He has the most knowledge of the area and history of other projects that have been done there. Mr. Brown agreed with Commissioner O'Connell and stated that the idea is to take our time and bring Jones Shore back as a seed area. We are putting every effort into this to try and show that we can do this, but we have to understand that this is going to take time.

Commissioner Erskine reiterated that this can be a very productive river and there's a lot of hard work that needs to go into it, but there's no reason we shouldn't be catching a lot of oysters from this river. He commended the OMR program and what's taking place with the hatchery production of triploid seed. What we are talking about here is reviving this river to a standard that will produce naturally. He asked that some hydrodynamic studies be done so that we can determine where the larval dispersion is in this river. There are some strategies that we can do that would be productive. It's going to take some funding and some money, but there's no reason that the Potomac River should not be productive.

Update on Oyster Management Programs

Mrs. Cosby provided the Commission with maps of the various oyster bars in the Potomac River and explained each area (lower, middle and upper river).

Natural Rotational Oyster Harvest Plan (NROHP) – The Natural Rotational Oyster Harvest Plan was approved by the Commission to revitalize the middle area of the river with diploid (reproducing) oysters on five oyster bars on a four-year rotational basis. This plan was envisioned by the Blue Ribbon Oyster Panel in 2012 as the second phase for revitalization of the oyster fishery in the Potomac River. The Commission first selected Lower Cedar Point, which was closed last year after the planting of natural seed from the Great Wicomico. Pascahanna is the second designated oyster bar, and will be planted this spring. Swan Point is the third oyster bar that was selected for this program and Gum Bar is the fourth oyster bar. The fifth oyster bar will be selected by the Commission after Md DNR is able to survey Old Farms, Watsons Bar and Green Hill. The Commission has pledged \$200,000 for this program and the first \$50,000 was spent for the 2013 planting on Lower Cedar Point.

Oyster Management Reserve Program (OMR)– This program was developed by the Blue Ribbon Oyster Panel in 2012 as the first phase for revitalization of the oyster fishery in the Potomac River. Dr. Tom Miller designed a model to help us develop this program into a self-sustaining oyster fishery. We started with 20 participants in the program in 2012. PRFC Regulation VIII describes the details of the program. Triploid eyed larvae are set on shell and then planted on the oyster management reserve area by the watermen in the program. Ragged Point Lumps is currently the oyster bar that is being planted. There have been two years of planting with 2014

being the third year. The first year of harvest will be in September 2014 for the first year participants on the first planting site. The other oyster bar that is designated at part of the oyster management reserve is Cobb Point Bar, which is also closed. The oysters look good on Ragged Point when they were checked as part of the fall survey. The seed that was planted is healthy and growing. The participants of the program decided to harvest in September and we are anxious to see how they do.

Commissioner O'Connell asked the question on the triploid plantings "is there any estimate of what the survival is to date from those plantings?" Mrs. Cosby stated there is very high survival. We've had extremely low mortality and she believes it's less than ten percent. Commissioner O'Connell stated he was trying to get a sense of what the projected harvest may be. He said it sounds very encouraging.

Mr. Gary advised that in regards to the NROHP as part of the discussions at the Oyster/Clam Advisory Committee meeting, Dr. Jim Wesson announced that the source of wild seed is likely not going to be available from the Great Wicomico. Dr. Wesson seemed to think that the Commission's only option would be the James River. There may be some issues with availability given the shortage of that commodity and potential of disease issues. Commissioner Erskine explained that the Great Wicomico did not have as good of a set as it did last season, which would have been the 2012 set. The James River does have a substantial amount of seed and it could be moved up here. As far as the disease issue, it's more or less a lateral movement in salinity. There was concern of moving seed from the James River to a higher salinity area, and that may be an issue, but since we're going laterally or a little lower in salinity that should not be a concern.

Mr. Gary stated in regards to sanctuaries, the Oyster/Clam Advisory Committee did have a discussion and it needs to be resolved. There was some discussion of using either VMRC's patent tong or Md DNR's resources from the fall survey. So we are hopeful for moving ahead with that. The middle river area of Bluff Point Lumps is somewhat of a conundrum because the area has been deemed unsafe due to the potential for live ordinance. We have an issue of obtaining data there to determine the ecological metrics and performance of that sanctuary. That leaves Heron Island Bar, and Mr. Tarnowski stated there is some fall survey data available and we can likely tap that data to give you an idea of how that sanctuary is performing. That information will be presented at a later Commission meeting.

2013 Finfish Harvest Report

Mr. Gary presented the 2013 Finfish Harvest Report. He asked Mrs. Cosby to provide the data for the striped bass landings as well. He advised that the gill net season does not end until March 25th. He advised that we are at an all time low with Summer flounder, which is somewhat perplexing when looking at what's going on along the coast. He noted the increasing population of blue catfish and interestingly the harvest dropped in 2013 compared to previous years.

Mr. Gary then discussed striped bass harvest noting that for pound nets there has been an overage of their quota by 14 percent. For the other gears that have completed their seasons, there are underage's for the miscellaneous gears and hook and line again, which is something that has

been happening for several years. We have not exceeded the overall quota despite the overage in the pound net fishery. The gill net fishery is still in progress and currently they are tracking to come in at about 95 percent of their quota. They have exceeded their quota for the last three years, so that's good news if we don't exceed.

Chairman Fleming noted on the 2013 finfish harvest landings fourteen of the species that are harvested are well below the average landings. On the surface, it looks like fisheries are in decline on the Potomac River.

Commissioner O'Connell stated that there are some species that have gone up compared to last year, but overall it's all down. He commended staff on a detailed report and specifically noted that he liked the dockside values, in particular the totals. While we have them provided for the current year, he asked if it was possible to have the dockside value provided for the previous year and maybe even for the historical average. While it's important to look at the number of fish, it's also important to look at the value of the fish. Mrs. Cosby explained PRFC does not collect dockside value information. She contacts Maryland and Virginia and the numbers aren't as accurate as they should be. She has requested more up-to-date values for the report from the states, but they have not been able to provide that in time for this Commission meeting. Commissioner O'Connell felt this may be an opportunity in the future when dealing with broader issues and particularly with landings, because a lot of these issues come down to economic value. He feels it would be of benefit to the Commission as well as the industry to try and find a way to obtain better economic value data. This is something as time allows, to discuss at the advisory level to see if we can look at a way to develop a program to gather that information as we face future challenges.

Chairman Fleming noted that there is one species that is doing very well and now accounts for third or fourth highest landings in terms of pounds the Potomac River and that's blue catfish.

Order 2014-06 – Commercial Atlantic Menhaden Catch Limits and Restrictions

Mr. Gary advised this Order replaces Order 2013-08 which expires March 18, 2014. The change here is striking the language that would allow for 12,000 pounds of by-catch per day when there are two PRFC pound net licensees physically onboard a single vessel. The board at ASMFC did not approve this past the 2013 fishing season.

Chairman Fleming stated he ran the numbers, and PRFC accounts for 1.4 percent of the total coastal catch of Atlantic menhaden.

A motion was made by Commissioner Bull, seconded by Commissioner Hall and unanimously passed to adopt Order 214-06 as presented.

O R D E R #2014-06
(replaces #2013-08 “Revised”)

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 limit 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, PRFC 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 #2014-06 shall become effective March 17, 2014, shall supersede and repeal Order #2013-08 “Revised”, and remain in effect until March 17, 2015.

Order 2014-03 “Revised” – 2014 Recreational and Charter Fishing Season, Size and Catch Limits

Mr. Gary advised this is a change for Summer flounder, which is going to regionalized management. He noted that the season, size and creel limit will remain status quo from last year. The PRFC will join Delaware, Maryland, and Virginia in that regionalized management approach. For black sea bass, the board does not meet until next week and has yet to determine what the season, size and creel limits will be. It has been noted that surrounding jurisdictions will default to federal seasons, size and creel limits. The size limit of 12 ½” is not projected to change and the start of the season is going to be May 19th. The creel limit may drop from 20 to 15 per person, however this is all speculation and is still to be determined. Mr. Gary explained with the adoption of today’s Order, the season, size and creel limits for black sea bass will be incorporated once a final decision is made by ASMFC.

A motion was made by Commissioner O’Connell, seconded by Commissioner Bull and unanimously passed to adopt Order 2014-03 “Revised” with the understanding that Black Sea Bass rules will be consistent with those adopted by ASMFC.

O R D E R #2014-03 "Revised"
(replaces #2013-04 "Revised")

**2014 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	9" min.	25 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 - Sept. 18 & Oct. 18 - Dec. 31	12 ½" min.	15 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 #2014-03 "Revised" shall become effective March 17, 2014, shall supersede and repeal Order #2014-03 and remain in effect until further notice.

Order 2014-04 “Revised” – 2014 Commercial Fishing Season, Size and Catch Limits

A motion was made by Commissioner O’Connell, seconded by Commissioner Rice and unanimously passed to adopt Order 2014-04 “Revised” as presented.

**ORDER #2014-04 “Revised”
(replaces #2013-05 “Revised”)**

**2014 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	9" 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.	41,491**
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 bushel) 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 #2014-04 "Revised" shall become effective, March 17, 2014 shall supersede and repeal Order #2014-04 and remain in effect until further notice.

Pound Net Solar Light Pilot Study Results

Mrs. Cosby explained that three pound netters agreed to take solar powered flashing yellow/amber colored lights and place them on their pound nets. This was being encouraged by the Commission to deter boat strikes. The general consensus was that the lights did what they were supposed to do and there was only one boat strike. These pound netters will continue to use the lights and may in fact increase the number of lights used. Chairman Fleming asked that this issue be sent to the Finfish Advisory Committee for further discussion to see if we want to expand the voluntary program.

Commissioner Bull asked what the cost of the lights are and how durable are they. Mrs. Cosby researched the internet and purchased the lights from China. The cost is roughly \$10 for the small ones and \$30 for the larger ones. They are very durable and waterproof and seem to perform really well. They have only used them for one season, so we're not sure how long they will last. Chairman Fleming explained that he initially worked with Mr. Carpenter on this project and the research showed that there was a bunch of middlemen and once they got to the U.S., they were three to four times the cost of buying directly. The LED technology is very durable and has a long life.

Crab Harvest Report

Mrs. Cosby presented the crab harvest report for April through November. There were 44,270 bushels of hard crabs harvested, 15,706 pounds of peeler crabs and 902 pounds of soft crabs harvested. It looks like May 2013 was the only month that was above last year's harvest at that time. Every other month was below the previous year and below average. These numbers are well below the long-term averages and are below the 2012 harvest landings by almost half. It was a poor year and the crabbers are hopeful this year will be a better year. We do not have the results of the winter crab dredge survey yet; however they should be available in April and will be presented at your June meeting.

Commissioner Hall stated she is involved with Virginia's Blue Crab Industry Panel and they are trying to find ways to sustain the crab population and finding out what went wrong. There has been some discussion about the peeler potters in Virginia and what they are harvesting. She questioned if the Commission is managing the female peelers similar to the female hard crabs. Mrs. Cosby explained that the Commission does not have a separate peeler pot license like Virginia does. We do have Orders in place for the female crab season and restrictions on the peeler crab season and gear. Commissioner Hall noted that the harvest report had data to show the percentage of females hard crabs harvested but it doesn't have data like that for peelers. Mrs.

Cosby stated it is not required for crabbers to report male and female peelers separately.

Commissioner O'Connell observed that although it wasn't a good season, it was representative of what the winter crab dredge survey results were predicting. The good news is that we are keeping the harvest within the scientific recommended target levels and by doing that, it increases the probability of a good recruitment year. However, even with this management framework, we're dealing with a short lived species that is highly vulnerable, depending on the conditions pushing larvae into the Chesapeake Bay. Our hope is that the poorer years are going to be shorter lived than the decade long low period we had in the past. We are hopeful the new management framework will turn this thing around quickly.

Chairman Fleming stated in the past when we've been briefed that how reliable the winter crab dredge survey was and it was pretty much on target up until that year we had low recruitment and the crabs never showed up. He advised Mr. Gary to forward the survey results as soon as they are available so that we all in fact know because everyone is on edge to see what this year is going bring.

Order 2014-07 – Crab Season

Mrs. Cosby stated since we do not have the winter crab dredge survey results, we ask the Commission to adopt this revised Order with calendar changes and if it needs to be updated we can address this at the June meeting. Commissioner Fleming questioned why this Order was adopted so late last year. Commissioner Rice stated it was because we had to conserve an additional ten percent. Commissioner O'Connell explained because the season starts before the survey results are available, they typically begin the season with the same rules that were in place the previous year. After the survey results are available, and the three Bay jurisdictions agree on an approach, then we come back and make modifications as needed. That's what happened last year. Maryland is doing the same thing. Commissioner Rice asked what the population level is that these restrictions are based on. Commissioner O'Connell explained that last years total abundance of crabs, juveniles and adults, was about 300,000,000. The number of female adults was approximately 150,000,000 which is above our threshold of 70,000,000 but below the target of 215,000,000.

A motion was made by Commissioner Rice, seconded by Commissioner O'Connell and unanimously passed to adopt Order 2014-07 as presented.

ORDER #2014-07 (replaces #2013-07 "Revised")

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 9/18/2014 to 10/2/2014
 - b) Below St. Clements Island / Hollis Marsh from 10/3/2014 to 10/17/2014
- (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 #2014-07 shall become effective March 17, 2014 and remain in effect until further notice.

ASMFC Issues

Summary of the ASMFC Winter Meeting – February 4th – 6th – Mr. Gary advised that he keeps the Commission up to date with his biweekly updates on what is going on at ASMFC. In the future he hopes the Commission will have a number of other ways to push information to the general public as well to keep them informed. This summary has everything that took place at the meeting for your review. There are two addendums that are on the table, one to address the fishing mortality reference points for striped bass and specifically for the Chesapeake Bay, and the second to address management options to help meet those reference points. What has happened is they decided to combined them and move them to the May meeting. Another discussion that did occur was with the potential opening of the EEZ for catch and release only. The board decided upon further discussion to bring this back to the May meeting as well.

He advised that Atlantic menhaden was discussed and a briefing was received about the status of the benchmark stock assessment that is coming up in early 2015. No major action was taken on this issue.

Second Quarter Disbursements and Cash On Hand

Mrs. Cosby presented a report of the second quarter disbursements (October through December) for the operational budget totaling \$146,886. A report of the cash-on-hand was presented showing \$767,816.56 as of March 4, 2014.

The Commission requested a review of the salary percentage that had been used at the last meeting. It was found that there was accumulated leave that was paid out to an employee who retired. One other item to note was the drawdown amount for the Atlantic Coastal Fisheries Cooperative Management Act. The amount to date is substantially lower compared to last year at this time and that has to do with the cancelation of Waves 4 and 5 of the recreational survey.

Chairman Fleming questioned Maryland and Virginia, asking if their budgets included any additional funding for the PRFC. Both Commissioner O'Connell and Commissioner Bull stated

that no additional funds were available for the Commission. Chairman Fleming stated he brings this up because historically funding from both agencies was \$175,000 and when times got hard, the funding was cut. He hopes that funding will be restored to historical levels as we previously received. It should also be noted that the Compact dictates what the funding should be. The required funding is no less than \$50,000 from each state. Commissioner O'Connell stated that is correct and the states have been providing what they can each year recognizing we have our own structural deficits to deal with.

Mr. Gary advised that at the last meeting it was asked that staff look into the possibility of approaching the Maryland State legislature with a letter from the Commission to request that the budget appropriation from the state of Maryland be moved from Md DNR to the General Assembly. He researched that, and going through legislation is an option, but it will not likely go through, and a second option would be to write a letter to the Governor while he is crafting the annual budget. The window of opportunity would be early July. If the Commission still prefers, that would be the preferred action. Commissioner O'Connell stated he is not against trying to find more resources for the Commission, but he feels the Commission needs to look forward and see what the budget looks like. What amount of money is needed to maintain current operations if any at all and what would be done with the increased funding. If the Commission is going to put forth a request, let myself and Commissioner Bull take it back to budget committees to forward on to the Governors.

A motion was made by Commissioner O'Connell, seconded by Commissioner Rice and unanimously passed to adopt the second quarter disbursement and cash on hand as presented.

Joint Land Use Study (JLUS) – Naval Support Facility Dahlgren

Chairman Fleming advised that on March 25th there is a public forum on land use study around the Naval Support Facility Dahlgren. The public is invited to participate in this round table discussion in which the Navy base is going to “try and play nice with its neighbors” and tell them what they are all about and what they do. This is an effort to try and see if their operations have an impact on their neighbors. The major item of discussion among the list of topics is water quality/quantity. Water quality is a big issue along the river and it is naïve to think that this facility does not impact the water quality in the Potomac River. We know for sure that it impacts our ability to utilize the river. He feels that we should go on record and attend this meeting as a stakeholder, saying that “yes we feel that you do impact us” and we in the future should try to look towards trying to get them to mitigate some of those damages. How we quantify those damages is undetermined, but it would be nice to have some additional funding to enhance the resources of the Potomac River.

Mr. Gary stated that staff is supportive of this issue and he will set aside time to attend this public meeting. We are headed in the right direction with Dahlgren, based on some previous meetings we have had with them. He has been receiving guidance on how to work with them in terms of grant funding.

Report of the South Potomac Council (COMREL) Meeting – February 12, 2014

Mr. Gary advised as a by-product of our meeting with Dahlgren, he became aware of Indian Head and Dahlgren collectively having a group called the South Potomac Military Community Relations Council. This is an outreach group to interact with their neighbors in the Potomac River watershed. Mr. Gary was asked to attend a meeting as a spectator and was shocked at the number of people representing various counties, business and so forth all talking about partnership opportunities. Mr. Gary was then invited to speak at a meeting held in Waldorf, MD. That discussion went very well and there was good attendance at that meeting. He came from that meeting with the sense that not many people know about the Potomac River Fisheries Commission and what we do. There seems to be some opportunity for partnerships. This is a work in progress and he hopes to have something more precise to present at the June meeting.

Report from Water Quality Information Exchange Meeting – February 27, 2014

Chairman Fleming stated the Commission has taken a bold step forward in addressing something the harvesting community brings up each and every time and that's water quality. A Water Quality Information Exchange Meeting was hosted by the PRFC and Chairman Fleming asked Mr. Gary to brief the Commission on that meeting.

Mr. Gary stated that Mr. Tucker Brown, Chairman of the Oyster/Clam Advisory Committee was instrumental in hosting this event. Mr. Brown is very passionate that water quality directly impacts all the living resources. He provided some guidance on some topics and hosted a meeting on February 27th. The meeting consisted of about three and a half hours of robust presentations on what the activities are between the two states and what they are doing in the watershed. We covered PRFC jurisdictional waters in these discussions. Attendees were appreciative of the effort to share the information, in addition to providing information from the two states, we also were able to list some priorities that the Commission will address in the future.

Executive Session – 10:45 a.m.

A motion was made by Commissioner Bull, seconded by Commissioner Hall to go into executive session to discuss personnel and legal matters.

Reconvene – 11:28 a.m.

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

Report of the Nominating Committee (Haynie and Langley)**Slate of Officers for 2014**

Commissioner Langley presented the Nominating Committee's report, nominating Commissioner Hall as Chairman, Commissioner O'Connell as Vice-chairman and Commissioner Rice as Secretary for 2014.

Appointment of the FY 2014-2015 Budget Committee

Commissioner Langley presented the Nominating Committee's report, nominating Commissioner Bull and Chairman Fleming as the FY 2014-2015 Budget Committee.

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

Former Chairman Fleming turned the meeting over to the new Chairman Hall.

Advisory Committee Vacancies

Chairman Hall advised this is a list of vacancies that are due for renewal. We are seeking nominations for additional consideration. All members on the list have agreed to serve another term. Chairman Hall will review the nominations and appointments will be made before March 31, 2014.

New Business

Jug Gear – Commissioner Fleming explained the state of Maryland brought up the concept of jug fishing and he believes it was their intent to allow jug fishing to try and address the blue catfish population in an attempt to reduce some of their numbers. Gear types were recently discussed and now it seems to be a topic of interest. He questioned if this type of fishing was permitted in the Potomac River. It is certainly something that could happen and he wondered what law enforcement's position would be if this were to happen. He suggested that this may be something that needs to go to the Finfish Advisory Committee and be discussed there. Mrs. Cosby commented that it is currently a commercial activity on the Potomac River that is licensed as a modified fish trot line (limited to 100 hooks). If someone was sport fishing using jugs, they would have to stay with them.

Commissioner O'Connell stated that Maryland recently adopted regulations that define the use of jugs in tidal waters. Most people didn't realize that prior to these regulations, there were no limits and jugs could be used in Maryland tidal waters. The new rules allow an individual to use jugs as defined as a non-active fishing gear, similar to a fishing rod, and they are allowed 25 fishing jugs and each jug can have one line with no more than two hooks.

Commissioner Bull stated he is not aware of any regulations or if anyone is jug fishing in Virginia at all. He is not aware of any issues from law enforcement either.

A motion was made by Commissioner Fleming, seconded by Commissioner Erskine and unanimously passed to send this item to the Finfish Advisory Committee for further discussion.

Swan Point Development Corp. Permit

Mr. Milton McCarthy is an independent natural resource consultant and has been working on the Swan Point Project for approximately ten years. For background information he gave the Commissioners a fact sheet which explains there is an existing development there, and the development was proposed and approved for this project. From the tidal wetlands standpoint, we initiated discussions with MDE and Baltimore District Corp of Engineers back in 2005. The purpose was to get some overall input from them on the development of this particular property. As a result of that, we had several pre-application meetings with various agencies prior to submitting the application in 2006. In attendance at those pre-application meetings were the COE, MDE, Chesapeake Bay Critical Area Commission, Region 3 of the Rural Protection Agency, US FWS and NMFS. The purpose of these pre-application meetings was to solicit their comments so we could come up with a design that was something they would accept and more importantly they would permit. As a result of those meetings, we applied for both tidal and non-tidal wetlands permits in 2006. In 2008 four permits were issued by the state and the Corp of Engineers. The non-tidal wetlands permit was issued in May 2008 and remains valid until December 2018. The Corp of Engineers permit was issued and modified as a result of the reduction of impacts to non-tidal wetlands and that permit remains valid until 2018. At the tidal level, there's been private and public wetlands located on the property. The private wetlands are the wetlands that are Kings Grant wetlands that are associated with the Weir Creek Peninsula. We secured a bridge permit to cross from Swan Point Proper over to Weir Island to gain access for that part of the development. From the tidal wetlands license we had five community piers, one main pier, approximately two miles of shoreline stabilization along the south facing shoreline of the Potomac River and the west facing shoreline of the Potomac River. These permits remain valid until May 2014. The permit that we are discussing is basically a reauthorization of a permit that remains valid until May 21, 2014. We have requested reauthorization of this project through MDE back in July 2013. The public hearing was postponed on several occasions, but a public hearing was held last week where some issues were raised to the overall scope of this project as related to the fish and shellfish of the Potomac River. Following that, Mr. Gary was contacted and provided with a tremendous amount of background information including Corp permits with their conditions, state tidal permit, state tidal wetlands license, the assessment and some other documents to be reviewed by this Commission. He then reviewed the project on a survey plat that he brought with him.

Chairman Hall stated she would like him to point out the locations of the primary areas where the development is going to go and its relationship to the Potomac River. Mr. McCarthy reviewed the development and how it would look to the Commission. Chairman Hall questioned if the marina has been built or is it just in the planning phase. Mr. McCarthy advised that the marina has not been built, but has been permitted by the COE and the state.

Commissioner Fleming said to think of who we are and what our concerns are and that is obviously the impact to the natural resources of the Potomac River. He asked Mr. McCarthy if there has been an assessment done and if so, what those impacts might be. He asked if this is something that could be formally presented to the Commission. Mr. McCarthy stated an impact assessment has not been done for that purpose, primarily because when we were going through the process this particular Commission commented on the project where they had some adverse comments, but then negotiated directly with the MDE prior to permit issuance. His understanding is that those issues were resolved. Commissioner Fleming asked if staff has been able to recover any of those documents or negotiations as Mr. McCarthy just indicated that we as Commissioners could review. Mr. Gary responded the only document he is aware of is the letter of opposition submitted by Mr. Carpenter back in 2007 and a copy was provided to the Commissioners via e-mail. Commissioner Fleming verified that according to Mr. McCarthy's comments there was some conversation between MDE and the PRFC that addressed the Commission's concern about the environmental impacts of your proposed development. Mr. McCarthy stated that is correct. He explained that before the permit is issued in the state of Maryland, MDE has to put together a report of recommendations that goes to the Wetlands Administrator at the Board of Public Works, who takes that and presents it to the Governor, Treasurer, Comptroller at the Board of Public Works for them to approve the issuance of the permit. In that document, which Mr. Gary has, there is a discussion, and comments based on MDE's interaction with the PRFC and Mr. Carpenter.

Commissioner Fleming felt it would be prudent to stop right here until we see those documents, those conversations, those comments, and consult with MDE before we do anything. Apparently this all predates the sitting Commissioners and there's information out there that needs to be reviewed before we say or do anything.

Mrs. Cosby noted that the oyster management programs for revitalization of the fishery were developed after the 2008 permit was issued. This Commission has invested heavily into the Rotational Natural Oyster Harvest Program. Swan Point is one of our rotational bars that we are going to be planting oyster seed on, and it appears to be located approximately where the proposed marina is going to be.

Commissioner O'Connell agreed with Commissioner Fleming's recommendation and that we need to get a little more familiar with this project. He would also like to know that when this permit was reviewed, did MDE and the Board of Public Works recognize that the PRFC was making the investment at Swan Point. Perhaps the approval to issue the permit was made prior to the knowledge of that investment and we have to watch out for that investment and make sure that doesn't get impacted in any way. He thanked Mr. McCarthy for coming to the meeting and appreciated Mr. Gary attending the meeting last week. He hopes that through good communication there's a good way to help support your project, but also protect the resources that the Commission is responsible for managing. We are in that period of time trying to get information to determine what position we may or may not take and how we may work together. Commissioner Erskine stated he was a bit confused as to who has jurisdiction over this since the permits have already been issued.

Mr. Gary stated the way he portrayed the Commission at the public hearing was that the PRFC jurisdictional waters run adjacent. He showed a nautical chart of the property they are discussing. The jurisdiction line markers run along the shore line and when you get to the tributaries they diverge and Cuckold Creek will be Maryland jurisdictional waters. We are talking about the area that runs along the river front proper and Swan Point Bar. One of the concerns is that Swan Point Bar runs right up against the shore line. All of the five rotational oyster bars that are in the program are in that general area.

Commissioner O'Connell stated that while the Potomac River boundary is portrayed, Maryland does have the authority for the river bottom and that's why it's being handled through MDE. MDE consults with other agencies like MdDNR. Commissioner O'Connell asked if anyone remembers these agencies reaching out to Mr. Carpenter for input. Mrs. Cosby stated that Mr. Carpenter was aware of the project and sent a letter opposing the marina and the impact for Swan Point Bar. Commissioner Erskine advised that it should be clear that the Commission has a consultative or maybe an advisory component to this, but MDE and COE strictly have authority over this. Commissioner Rice stated that he recalls attending some of those meetings with Mr. Carpenter and he spoke on behalf of the Commission. He doesn't recall what was said but he knows that the Commission's concerns were expressed.

Commissioner O'Connell asked staff what they would recommend at this point.

Chairman Hall asked Mr. McCarthy what would be the possibility, understanding our concerns, of downsizing or relocating the marina and trying to work with the Commission as we try to restore the Potomac River. For all of us, having a healthy productive river is a win win, both environmentally and economically. Mr. McCarthy stated he could not answer that question and would have to take it back to the property owners and see what their thoughts are.

Mr. Gary asked Mr. McCarthy if he could confirm what he thought he heard at the meeting in LaPlata, when he was listening to the presentation. He thought he heard the presenter say when talking about the beach revetment project, where you took nearly a mile (4,500 feet) of eroding shoreline and converted it into a beach with gabions and what not. Mr. McCarthy stated that was true. Mr. Gary stated that what the presenter said was they were not required to do this, that they did this because they care about the environment and it was the right thing to do, and that it cost five million dollars. Mr. McCarthy stated that is correct. Mr. McCarthy also stated in addition to that, they planted on the beach approximately fourteen acres of *Spartina patens* behind the structures. Mr. Gary questioned how many housing units are anticipated to be built. Mr. McCarthy stated 1,500 units. Mr. Gary asked if Mr. McCarthy knew how many units exist there now. Mr. McCarthy stated he did not know.

Mr. Gary stated that staff's recommendation is based on holistic impacts from this development, on discussions we've been having lately pertaining to the water quality information exchange, and expressing a real desire to try to address some of these issues. In the spirit of that, staff recommends two options and he advised that the Commission not adopt anything today.

Option #1 – wholesale opposition to deny the permit based on all the parameters we’ve been discussing regarding the impacts to the water quality and living resources of the Potomac River.

Option #2 – to reach out to the developers to move forward in a manner that we could possibly work together as opposed to be diametrically opposed and entrenched in our positions. It’s very probable based on what he’s heard that the developer has no knowledge of our activities of fisheries management in the river. They aren’t aware of our revitalization efforts with oysters. None of the activities that we engage in and we discuss at the PRFC were brought up at the public hearing. It was mostly terrestrial based discussions and those efforts to address terrestrial concerns were applaudable. With this option, we would request a meeting with the developer and allow the proper staff and Commissioners, if they so choose, to meet with them and discuss what kind of neighbors and new residents the development company wants to be on the river. The developer is going to build 1,500 units to bring new neighbors that are going to live with us, grow up here, and raise their families and presumably fish and live and enjoy the river and care about the river just like all of us do. One question Mr. Gary has that he hopes Mr. McCarthy passes along to the developer is if a beach that they were not required to build but they built because they thought it was the right thing to do, and they care about the environment, and that costs five-million dollars, he wonders if they value the oyster resources as much. Hypothetically if they did, and they were willing to contribute that much money, he’s not asking for that, but if they were, not in lieu of a beach but in addition to, that would allow us to accomplish a number of plantings in one year that takes the Commission five years to do. What if they, with five-million dollars, instead of a beach or in addition to the beach, we were able for the next ten years plant five oyster bars at one time instead of using the meager resources we have to do one planting a year. That’s Mr. Gary’s gut reaction to this. It’s really an olive branch to reach out to Mr. McCarthy and the developers. In return support and not just partisan support, but support to really welcome the neighbors that are coming in and not for the short-term. The people that come to these meetings are caring about this river now and for future generations. At some point there will be new Commissioners that will take the place of the ones here as well as new staff and future commercial and recreational fishermen, so we’re really talking about the present and the future.

Chairman Hall stated this would be a tremendous opportunity for all of us. Trying to keep the river productive and healthy, it provides not only jobs for the watermen and helps to clean up the Chesapeake Bay, it also increases the habitat we have lost. One of the things we learned in the Water Quality Information Exchange was that we need to restore the habitat and oysters are one of the greatest resources. They would provide an awesome area for recreational fishing and it would just be a great way to jumpstart all of this. She stressed to Mr. McCarthy that she hopes this is something they will consider because this is for the long-term benefit for all of us.

Mr. Gary advised that the public comment ends on March 31, 2014. There is a very limited window of time to meet and address this and have the Commission weigh-in formally.

A motion was made by Commissioner Langley, seconded by Commissioner Erskine and unanimously passed to accept staff’s recommendation of Option #2 to reach out and move forward with this and allow more research to be done.

Mr. Gary expressed to Mr. McCarthy to facilitate a meeting and it needs to be done fairly quickly like next week would be preferable. Mr. McCarthy agreed and Mr. Gary stated he and Mr. McCarthy would coordinate going forward.

On March 26, 2014 there was a teleconference held to discuss the Swan Point Development Corp's tidal wetlands permit application. Upon further discussion the following motion was made.

A motion was made by Commissioner O'Connell, seconded by Commissioner Hall and passed with seven votes in favor (Commissioner Bull was not present) for the Commission to oppose the MDE permit (13-WL-0704, 13-WP-0705) and request an extension of the public comment period beyond March 31, 2014 until such time the Potomac River Fisheries Commission and other interested parties have had the opportunity to review all environmental assessment information as it applies to potential impacts to the Swan Point Oyster Bar. If a formal environmental assessment has not been completed which includes the impacts of the permit's proposed activities on the Swan Point Oyster Bar, the Commission requests that one be done, and allowed to be reviewed. Concurrent with any environmental review being conducted, the Commission requests that the Maryland Department of the Environment extend the public comment period for this permit to allow for an environmental assessment to be completed, and to provide adequate time for PRFC and any other interested parties to comment on it.

Delinquent Seafood Catch Report Hearing

William A. Cumberland, Jr. – Present. Mr. Gary advised that Mr. Cumberland was called to a hearing in December 2013. He did not appear at that hearing and the Commission suspended all licenses until he appeared before the Commission. Mr. Cumberland is here today as a result of that suspension. This is Mr. Cumberland's 1st offense (Class II) for failing to file his crab reports. Mr. Cumberland stated that he mailed the reports to the Commission at the end of the year. Mr. Gary stated the reports have not been received and they need to be submitted before we can go any further. His crab pot license for 2014 can not be issued until all reports are received and up to date. Mr. Mayo suggested that the suspension should continue until staff has proof that the reports have been received and the Commission can give you the authority to do so.

A motion was made by Commissioner O'Connell, seconded by Commissioner Erskine and unanimously passed for Mr. Cumberland's license to remain suspended and provide him a one week window to provide missing harvest reports. Upon receipt of those within the seven days, his license will be provided back with a one week suspension applied during a portion of the crab season that he operated in 2013 and one year of probation.

Sammie D. Dorough, Jr. – Present. Mr. Gary advised that Mr. Dorough was called to a hearing in December 2013. He did not appear at that hearing and the Commission suspended all licenses until he appeared before the Commission. Mr. Dorough is here today as a result of that suspension. This is Mr. Dorough's 1st offense (Class II) for failing to file his crab pot reports. All of his reports are now up-to-date.

Mr. Dorough stated he's been aggravated with the Commission and how things have been handled. He knows things can't be changed overnight, but he is fed up with the whole situation. He didn't fill out the reports and he planned to turn them in when he renewed his licenses.

A motion was made by Commissioner O'Connell, seconded by Commissioner Bull and unanimously passed to accept staff's recommendation of a one week suspension during the crab season during a period he crabbed in 2013 and one year of probation.

Nathan A. Gaines – Mr. Gary advised that Mr. Gaines was called to a hearing in December 2013. He did not appear at that hearing and the Commission suspended all licenses until he appeared before the Commission. Mr. Gaines is being represented by Mr. Dorough (Stepfather) because he is a student and could not attend today's hearing. This is Mr. Gaines's 1st offense (Class II) for failing to file his crab pot reports. All of his reports are now up-to-date.

A motion was made by Commissioner Fleming, seconded by Commissioner O'Connell and unanimously passed to accept staff's recommendation of a one week suspension to coincide with Mr. Dorough and one year of probation.

James M. Jett, Jr. – Present. Mr. Gary advised that Mr. Jett was called to a hearing in December 2013. He did not appear at that hearing and the Commission suspended all licenses until he appeared before the Commission. Mr. Jett is here today as a result of that suspension. This is Mr. Jett's 2nd offense (Class III) for failing to file his crab pot reports. All reports are now up-to-date.

Mr. Jett stated that he simply forgot to send in the reports. He got busy with his construction company and did not crab last year. He recognizes this is his fault, apologized to the Commission and stated he would accept the penalty provided today.

A motion was made by Commissioner O'Connell, seconded by Commissioner Bull and unanimously passed to accept staff's recommendation of a one month suspension for the month of September and one year of probation.

Charles C. Morris – Present. Mr. Gary advised that Mr. Morris was called to a hearing in September 2013. He did not appear at that hearing and the Commission suspended all licenses until he appeared before the Commission. Mr. Morris is here today as a result of that suspension. This is Mr. Morris's 2nd offense (Class III) for failing to file his crab pot and eel pot reports. All of his reports are now up-to-date.

Mr. Morris stated he just got behind on his reports. He said he lost his report book and didn't keep up with the reports as he should have.

A motion was made by Commissioner Erskine, seconded by Commissioner Fleming and unanimously passed to accept staff's recommendation of a one month suspension on all licenses during the month of September and one year of probation.

Michael E. Wood – Present. Mr. Gary advised that Mr. Wood was called to a hearing in September 2013. He did not appear at that hearing and the Commission suspended all licenses until he appeared before the Commission. Mr. Wood is here today as a result of that suspension. This is Mr. Wood's 2nd offense (Class III) for failing to file his hook and line reports. All of his reports are now up-to-date.

Mr. Wood apologized for not having them in on time. His wife was handling the reports and he has now taken them over and they should get in on time from now on.

A motion was made by Commissioner Fleming, seconded by Commissioner O'Connell and unanimously passed to accept staff's recommendation of a one month suspension on all licenses during the month of June and one year of probation.

Matthew S. Smith – Present. Mr. Gary advised that Mr. Smith is being called today for a probation violation. He was called to a hearing on June 6, 2013 for delinquent gill net reports. As a result his licenses were suspended until his delinquent reports were received, then suspended for one week and one year of probation. Mr. Smith came in to renew his gill net licenses and was advised that he would be called to a hearing for violation of probation for failing to file his reports on time. This is his 2nd offense (Class III) and staff's recommendation would be a one month suspension on all licenses and one year of probation. All of his reports are now up-to-date.

Mr. Smith stated he has no excuse as to why he violated the probation. He is totally at fault and apologized to the Commission. He wasn't fishing and neglected to send in his reports.

A motion was made by Commissioner Fleming, seconded by Commissioner O'Connell and unanimously passed to accept staff's recommendation of a one month suspension on all licenses during the month of December and one year of probation.

Commissioner O'Connell suggested an idea that should be taken to the Finfish Advisory Committee. Staff provides a lot of effort to remind fishermen of these reports and we continue to deal with delinquent people at the Commission meetings. One tool that is being utilized in Maryland is text messaging. He thought it may be worth discussing if this is something the Commission would like to consider doing. Commissioner Fleming also stated the Commission should consider looking into reporting electronically and that should be explored as well. He explained if you do file paper reports in Maryland that there is a carbon copy so reports can easily be recreated if they are lost in the mail. It was noted that the Commission would have to look into the cost of carbon copy report books and currently there is place in the back of the report book to note all of the harvest that was taken each week, just as they would report to us. Chairman Hall felt that these issues should go before all the advisory committees and not just the Finfish Advisory Committee. Mr. Gary felt this is something that we can look into and he agreed that all advisory committees should have a change to discuss this.

Date and Place of Next Meeting

The next Commission meeting is scheduled for June 12, 2014 at 9:00 a.m. in the John Thomas Parran hearing room in Colonial Beach, Virginia.

The University of Maryland Center for Environmental Science

Dr. Dave Secor from UMCES, Chesapeake Bay Biological Laboratory is going to be conducting a tagging program on striped bass in the Potomac River. A total of 75 fish will be surgically tagged and released in the next 45 days. These are research fish that will have implanted transmitters that ping underwater for tracking and providing data on their migration habits. The exterior tags will be green and more detailed information will be distributed soon. If someone catches one of these fish, they should be encouraged to release it so data can be collected. Dr. Secor will provide an update on the program at the June Commission meeting.

Jack G. Travelstead – Retirement

Commissioner Travelstead, with VMRC and PRFC retired from his position. Commissioner O’Connell spoke about his working relationship with Mr. Travelstead and how he was a mentor. He also saw him as a personal friend and hoped contact continued with him as he moves on to retirement life. He hopes everyone would agree with his statements and he just wanted to congratulate Mr. Travelstead for a career that most fisheries directors can’t stand up to. Commissioner O’Connell wished Mr. Travelstead the best.

Adjourn

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Ida C. Hall, Chairman

William L. Rice, Sr., Secretary