

OYSTER/CLAM ADVISORY COMMITTEE REPORT

July 23, 2015

PRFC Office, Colonial Beach, VA

Members Present

John F. Tucker Brown-(MD)

Nealy Little – (VA)

Craig Kelly – (MD)

William L. Rice, Jr. – (MD)

Joseph W. Howeth, II – (VA)

Members Absent

Paul M. Springer Jr. – (MD)

Thomas E. Lewis – (VA)

Wayne France – (VA)

PRFC Commissioners

Ida C. Hall

Support Staff Present

Ofc. Trevor Johnson–VMRC Marine Police

Marty Gary. – PRFC Staff

Ellen Cosby – PRFC Staff

Becky Butler – PRFC Staff

Technical Advisors

Dr. Jim Wesson - VMRC

Others Present: Richard Richie, John Dean representing St. Mary's County Watermen's Association, Robert Boarman and Elgin Nininger – Crab Advisory Committee, Agnes Brown and Bill Goddard.

Chairman Brown thanked everyone for coming tonight and stated he knows how hard it is for everyone to get here.

Recap of June 11, 2015 Commission Meeting

Mr. Gary advised that some of the oyster related items that were discussed at the Commission meeting were part of the advertised public hearing that took place, including Jones Shore, river wide bushel limits and oyster identification tags. Jones Shore was opened to hand scraping and a draft Order will be discussed tonight to forward to the Commission for consideration that will implement the Jones Shore Work Group's plan. The next item was oyster bushel limits that were adopted to be consistent with Maryland and Virginia. An eight bushel limit was adopted river wide or sixteen bushel to a boat if two licensees are working together. The oyster identification tags that are required for the OMR program was changed to have them returned for a refund before you can purchase next years tags. An oyster harvest report was provided, as well as updates on the OMR and RNOHP.

Richard Richie stated he was under the impression that the eight bushel limit was going to be below the hand tong line and it would remain unlimited for the tongs. Mr. Gary explained that the bushel limit driver was Jones Shore. Law enforcement had a big concern, especially with a hand scrape area adjacent to a hand tong area. In those discussions with law enforcement, they felt bushel limits river wide were the way to go and that was staff's recommendation based on those concerns.

Mr. Richie then asked for the committee to consider recommending that tongs be allowed a 24 bushel limit above the hand tong line for economic reasons of allowing three people to work on a boat. Mr. Gary advised that this would require a change to the existing Order. He stated he is willing to hear Mr. Richie's concerns, but also wants feedback from law enforcement on this.

Chairman Brown stated that they looked at the river as a whole with efforts to start working on Jones Shore. Down in the dredge area is where we need to focus to get things going. The focus is put on Jones Shore and the plan is not to open it all up and take everything off the bar. There was no opposition to the river wide bushel limits at the public hearing and we need to see what happens before we open it all up. He stated he would be more than happy to discuss this under new business later in the meeting.

Oyster Management Reserve (OMR) Update

Mrs. Cosby advised that the program has been going very well this spring/summer. The first batch of oyster larvae were purchased in June and the last planting will be on Monday, July 27th. Last year the planting extended into October and was terrible, but this year it worked smoothly. The participants have worked very hard to get the plantings done. It is required that each participant help twice during the plantings. The 2013 planting will be harvested this September, and we are looking forward to a good harvest this year.

Rotational Natural Oyster Harvest Plan (RNOHP) Update

Mrs. Cosby stated a contract was made with Cowart Seafood and Bevans Oyster Company to dredge, transport and plant oyster seed from the James River. Approximately 4,900 bushels of seed (count of 900 - 1,000) were planted on ten acres at Bluff Point Bar back in May. Roger Hill helped survey and mark off the area to be planted. This was the third year of the Commission contributing \$50,000 towards this program. There will be one more year of funding from the Commission, after that the program will evolve into a self-sufficient program. Lower Cedar Point will open in 2017, Pascahanna will open in 2018 and Bluff Point Bar will open in 2019. Two more oyster bars will need to be planted. Gum Bar will be one of them and we will need a recommendation for the fifth oyster bar. Suggestions have been made to look at Old Farms and Stony Point. Mrs. Cosby asked for the committee to recommend three oyster bars for consideration and they will be surveyed during the fall oyster survey. Mrs. Cosby advised that Swan Point was one of the bars previously picked, but the fall survey showed a mussel problem and it was recommended by the scientists not to plant there. Mrs. Cosby advised it's a very large bar, so she felt that further investigation of the bar may be warranted.

Chairman Brown stated that the Charles County Watermen's Association has a presentation on that issue coming up later under new business. He asked if oyster bar names were needed tonight. Mrs. Cosby stated for the committee to start thinking about it and they have until next spring to make a decision. Chairman Brown stated he would be looking for recommendations from the watermen in that area. Mr. Gary advised if there are some preliminary thoughts on a couple oyster bars they would like checked during the fall oyster survey, they need to provide staff with those suggestions tonight.

Robert Boarman suggested Yates Bar and said it was a workable bar. Nealy Little suggested Old Farms and Green Hill. Chairman Brown stated they would come back to this issue later in the meeting.

Order 2015-11 – 2015-2016 Jones Shore Bar Oyster Season, Areas, Dates, Days, and Time Limits

Mr. Gary advised that this has been a long process, but with the work of everyone involved we have reached a point of finalizing the opening of Jones Shore. He presented a draft Order which contains the parameters of opening Jones Shore. A map of Jones Shore was projected, showing the area that would be buoyed off when Jones Shore opens in November to hand scraping. John Dean suggested the area needs more buoys to separate areas 1 and 3. Mr. Richie agreed and said there is going to be some animosity when someone crosses the line. He hopes law enforcement is there to enforce the eight bushel limit, because he wants to see how this is going to work before we go wide open. The committee talked about where to place the additional buoys and Mr. Gary stated he would look into that possibility.

Craig Kelley stated the penalty for moving those buoys should be very strong. Chairman Brown felt the Commission could take care of that when the individual comes before them. Mr. Gary stated if it's determined as an egregious offense, they can be called before the Commission. He stated he would look into this.

Mrs. Cosby noted that the reporting needs to be accurate for Jones Shore. The Commission puts a lot of importance on timely and accurate reporting and we'll be looking at what's being reported not only there, but from the entire river. The correct oyster tax needs to be paid because those funds will be put back into these programs. Mr. Dean stated if you're not reporting correctly there are penalties involved. He feels this Jones Shore deal, probably 50 percent of what got us into this mess in the first place, is no reporting. We know oysters were harvested from there and not reported. The same thing is happening with crabs. Right now they are being harvested in the lower river and are not being reported. He doesn't know what can be done about it, but it's going to bite us in the long run. We're going to have tighter restrictions placed on us and it's because the harvest is not being reported.

Mr. Gary stated that staff is working on discussing electronic reporting. One good thing about PRFC reports is that they are required to be filled out weekly and our system is set up and known for our historical data. At the September Commission meeting, Brenda Davis from MD DNR, is going to give a presentation on electronic reporting.

A motion was made by Rocky Rice, seconded by Craig Kelley and passed to recommend Order 2015-11 to the Commission as presented.

Commission Meeting Preview

Mr. Gary stated the next Commission meeting will be held on September 10th. The Commission will address the Order just passed. They will also receive information on the NOAA oyster bar mapping in conjunction with the oyster sanctuaries study. This information is not necessarily to accommodate a decision on sanctuaries, functionally it can be used for many purposes. It can be used if we were to get funding for planting shell and we wanted to make a really good decision on where to put that shell. Currently the data is being compiled and will be presented at the upcoming Commission meeting. That will start the discussion of where do we go from here.

Elgin Nininger once again said that Bluff Point Lumps needs to be looked at. It once was one of the best oyster bars at one time in this river that we had to work on. Once it was made a sanctuary nothing has been done with it.

Dr. Wesson stated sanctuaries down river will serve you better and they don't have to be very big. If anyone comes up with bridge pilings, that's a good place to put them.

Mr. Gary asked if there was anything that the committee would like to have placed on the agenda for the upcoming Commission meeting. He stated that they didn't need to come up with it tonight and if they had anything to contact the office.

Election of Chairman and Vice-chairman

A motion was made by Nealy Little, seconded by Billy Howeth and passed to keep the Chairman and Vice-chairman the same. John F. Tucker Brown as Chairman and Wayne France as Vice-chairman.

New Business

Robert A. Boarman passed out a proposal for Swann Point and Cobb Bar oyster bars. He presented the plan on behalf of the Charles County Watermen's Association. Bill Kilinski is the President of the association and was listening in by speaker phone.

Mr. Boarman stated we know the current plan for oystering in the Potomac is not working. He presented three proposals. The first is similar to the Jones Shore plan. We would like to open up Swan Point to hand scraping. A marina is in the process of being built and opened at Swan Point. Currently the area is closed to hand scraping and the watermen would like the opportunity to go there and work the area and clean the bottom. It would also help to alleviate the mussel problem there.

Next, Cobb Bar is currently closed for harvest because it is part of the OMR Program and there is no discussion to plant on it at this time. In recent studies it been noted that there are no oysters on Cobb Bar, but there certainly have been oysters caught there in the past. In the meantime, let us go work to clean that bar up and see if a spat set might occur on it, since it is so close to the Wicomico.

The third item that was discussed was creating a team to explore the possibility of cultivating/turning over oyster bars to help revive them. He proposed doing this on Yates Bar, working with the scientists and finding the best time to go in there before spawning season and see what happens. We need to do something because what we're doing now is not working. We need to take baby steps. We have Jones Shore so lets keep things moving.

Mr. Kilinski emphasized on the last proposal to have a test site of three or four acres on an oyster bar to work and let it sit for two weeks and see what happens on each site. Mr. Boarman added this could be done with GPS coordinates and would be at no cost to the Commission. He said to put the work on them because they are willing to do it.

Mr. Boarman stated he wasn't sure what the next step would be. He asked if the committee could do something tonight or do they need to take this home and come back at the next meeting for further consideration. He stated he would like to have this sent to the Commission for consideration.

Chairman Brown stated this proposal deserves a lot of merit and an excellent job was done putting it together. What he looks at is another group of watermen who are willing to put their time and effort into this. He still thinks if you want to get the river back, you have to work the bottom. He feels that this would be a good thing for Cobb Bar and the OMR program can look for another piece of ground. Cobb Bar is already in the dredge area and he thinks that would be a good bar to work on. He further stated you have to get the scientists together, law enforcement and everything together in order to get this to work. The area proposed at Swan Point includes a sanctuary that needs to be considered. Part of this area is also in the tong only area of the river and you have to have everything in order so the Commission will consider it.

Mr. Boarman asked if the sanctuary status could be removed from Bluff Point Lumps. Mrs. Cosby responded it would take a public hearing to do that. Mr. Boarman asked if the committee could present it to the Commission as is and if they have concerns about the area, it could be redone.

Mr. Gary remarked he is familiar with this proposal and has a few concerns with it. The idea of working the bottom presumes that there is shell there that you are going to clean and bring up. We don't know what we're dealing with on these bars. The other theory is working the bottom to prepare the existing surface (cultch) to be in a better position to receive a spat set for already existing biomass. There is evidence from studies that there is very little to no biomass on Cobb Bar. The third concern has to do with Regulations and where the hand scrape line is. He has concerns with starting another program when the Commission already has two programs that are just getting off the ground. We have the RNOHP and we haven't begun to harvest under that plan yet to see how it's going to work. His last concern is with Swan Point. We are trying to accomplish working relationships with the surrounding partners to obtain funding to continue oyster restoration. He would hate to modify anything for Swan Point Bar because there's a good possibility we may be able to do something of substance there. We have some plans in place and when talking to the scientists the theory is you have to have the shell there to bring up as well as having the biomass there to spawn and settle on.

Mr. Boarman stated the oysters were caught there years ago and the shell is there, you just have to bring it up. This is not going to cost the Commission any money and it's something the watermen are willing to foot the bill for. He doesn't see what the surrounding partners on the river have to do with this. Mr. Gary stated he doesn't want to sound unsupportive, but the Commission has a couple of programs going, and we need to see how they are going to do before we take on anything else. He feels if the committee wants to forward something to the Commission, that's entirely up to them. Mr. Gary also stated by listening to the scientists, he is not seeing any scientific evidence that supports what the theory is promoting.

Dr. Wesson stated there has been hand scraping going on in the hand scrape area and there hasn't been a spat set there, so what's going to make it different at Swan Point. Chairman Brown explained the only thing he can see at Swan Point is that there are market size oysters there now but that's not what they are after. Mr. Boarman stated this is more about cleaning and cultivating the area, but we would take what we catch during the process. Dr. Wesson stated there is no fact between hand scraping and spat sets. Maryland and Virginia have repeatedly done that experiment and simply pulling up old shells does not lead to a spat set. Generally shells go deep in the bottom and dissolve over time, so it may look like you're doing something, but you're working with a small amount of shell and it won't make a difference.

Mr. Boarman feels that this isn't going to go very far right now, based on what Mr. Gary and Dr. Wesson are saying and the committee can do what it feels. Chairman Brown stated Mr. Boarman did a great job presenting this plan and he feels this plan should be looked into, but the timing is not good right now. Mr. Boarman agreed. Chairman Brown felt there are some things that could be looked at before this plan is introduced to the Commission. Mr. Boarman added that when Jones Shore opens up, the influx of boats that are going to be down there is going to be unbelievable. Opening another area may alleviate some of that problem and it might not. Chairman Brown thought the idea for Cobb Bar was good and he thinks that needs to be discussed.

Mr. Kilinski noted that the aquaculture business is still in its infancy. We have four years invested in planting, what are we going to do if that fails? All we are trying to do is prepare the bottom in hopes of a natural strike. Nothing is going to do better than a natural strike to put seed back everywhere in the river.

Rocky Rice felt there was one thing here that the committee could talk about. Cobb Bar is already below the hand scrape line and the OMR program currently has no plans to plant there, so at least see if we can get the Commission to open it back up if someone one wants to go there and work. Mr. Boarman stated he had no problem with that. Mr. Rice stated that was the thought to get Cobb Bar opened until the OMR programs decides to do something with Cobb Bar or they may choose another location. Until that time, there's no reason for it to be closed.

Mrs. Cosby stated it would take a public hearing to open Cobb Bar. It is under Regulation VIII, Sec. 6(b) – Oyster Management Reserve Area Closed. Currently there is no public hearing scheduled at this time. The Commission would have to approve this item for public hearing before anything could be addressed, and the earliest time for a public hearing would be the December meeting.

A motion was made by Rocky Rice, seconded by Nealy Little to recommend opening Cobb Bar to the point in time the OMR program decides to do something with it. The motion passed unanimously.

Mr. Boarman thanked the committee for allowing him to make his presentation.

Mr. Richie stated he has learned a lot of things here tonight and that things can change at any time. He feels hand tongs are working a whole lot harder than hand scrapers. We don't know what hand scraping is going to do. With the river wide bushel limits, everyone should just go hand scraping. There is no financial incentive for a hand tonger now and it's just that simple. In two years we'll know if we did something. Let's cultivate the whole river and see what happens.

Chairman Brown stated we need to do this with a plan and not over harvest what we have. There are times when you can harvest oysters and this is not the time to load our boats with what's left in the Potomac. Mr. Richie responded an eight bushel limit is an eight bushel limit no matter how you look at it. Mr. Rice stated what Mr. Richie is trying to say is eight bushels is eight bushels no matter how you catch them.

Mrs. Cosby noted no one opposed the river wide limit when the Commission considered it. Mr. Richie stated he apologized for not being at that meeting. He felt even if it was comparable to Maryland with a 15 bushel limit for hand tongs, it would be better. He stated there is no enforcement issue here, because he's not allowed to have a dredge on his boat. What he would like for hand tonging is to allow three men on the boat with 8 bu./man and 24 bu./boat.

Mr. Little says he doesn't see where it would hurt to allow three men on a boat and everyone would be allowed eight bushels for hand tonging in the shaft tong area only.

A motion was made by Rocky Rice, seconded by Nealy Little to recommend that above the hand scrape line, hand tongs only are allowed eight bushels per man and up to three men to the boat. The motion passed unanimously.

Adjourn

This meeting of the Oyster/Clam Advisory Committee adjourned at 8:05 p.m.

Respectfully submitted,

John F. Tucker Brown, Chairman