

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

December 2, 2016

Commissioners Present: – A. J. Erskine (VA) – Chairman, Lynn H. Kellum (VA) – Vice-Chairman, Phil L. Langley (MD) – Secretary, William L. Rice, Sr. (MD) Dennis C. Fleming (MD), John M.R. Bull (VA), Ida C. Hall (VA) and Dave Blazer (MD).

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

Others Present: Lt. Shawn Garren – MD DNR Law Enforcement; Ofc. Clayton Dameron – VMRC Law Enforcement; Kelly Collins and Kim Hernandez – MD DNR, Sammy Orlando – NOAA, Robert T. Brown – Finfish Advisory Committee, Wayne France – Oyster/Clam Advisory Committee, John Dean, Bill Kilinski, Bob Poe, Raymond Terczak, Andrew Eaton, Kelly Barnes, Jeff Stonehill, Kenny Pearson and several others who did not sign the guest register.

Press: None

Chairman Erskine called the meeting to order at 9:06 a.m. The invocation was provided by Commissioner Fleming, and Commissioner Kellum led the pledge of allegiance.

Chairman Erskine stated he would like to make a statement for public record about decorum during public meetings. He stated as follows: “The Commission will not tolerate the following: profanity, disruptive behavior or disrespectful language in any form or fashion directed at staff, Commissioners or audience members. Comments or questions during agenda items shall be directed at the Chair. Any violation of this policy will be corrected immediately. A habitual violation will result in the removal from that public meeting.”

Consideration of Minutes

A motion was made by Commissioner Fleming, seconded by Commissioner Bull and passed to adopt the minutes from September 8, 2016 as presented. Commissioner Kellum abstained from the vote.

Chairman Erskine requested a correction be made to the minutes on page 19 with correcting p.m. to a.m. under close public hearing.

Delinquent Seafood Hearing

Carlos N. Culbertson, Sr. – Absent – Mr. Culbertson was called to the hearing for failure to file seafood catch reports for his hook and line license. This is his 1st offense and reports were filed one week prior to the hearing. Staff’s recommendation is one year of probation.

A motion was made by Commissioner Bull, seconded by Commission Rice and unanimously passed to suspend all licenses until the licensee appears before the Commission.

Derrick L. Dent – Absent – Mr. Dent was called to the hearing for failure to file seafood catch reports for his crab pot license. This is his 1st offense and reports were filed one week prior to the hearing. Staff's recommendation is one year of probation.

A motion was made by Commissioner Bull, seconded by Commissioner Blazer and unanimously passed to suspend all licenses until the licensee appears before the Commission.

Raymond H. Terczak, Jr. – Present – Mr. Terczak was called to the hearing for failure to file seafood catch reports for his crab pot, crab trot line, fish trot line, eel pot and fish pot licenses. This is his 1st offense and reports were filed one week prior to the hearing.

Mr. Terczak stated he was going through a divorce and was forced to leave his home where everything for reporting was kept. He could not work at the time. He is now back at his home and stated this would not happen again. He apologized to the Commission.

A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to accept staff's recommendation of probation for one year.

Norman D. Conley – Absent – Mr. Conley was called to the hearing for failure to file seafood catch reports for his crab pot license. This is his 1st offense and reports were not filed one week prior to today's hearing. Staff's recommendation is a one week suspension on all licenses and one year probation.

A motion was made by Commissioner Bull, seconded by Commissioner Blazer and unanimously passed to suspend all licenses until the licensee appears before the Commission.

Summary of the ASMFC Annual Meeting

Mr. Gary stated the annual meeting was held the week of October 23rd in Bar Harbor, Maine. He highlighted two major items, the Atlantic Striped Bass Board Meeting and the Atlantic Menhaden Management Board Meeting.

Atlantic Striped Bass Board Meeting

Mr. Gary noted that during the Atlantic Striped Bass meeting there was a motion to have the Striped Bass Technical Committee to 1) determine the percent liberalization on harvest that would increase fishing mortality (F) from 2015 terminal year estimate of 0.16 to the FMP target F to 0.18, and 2) to recommend a preferred dataset using updated length frequency data for use when preparing conservation equivalency proposals for recreational regulations. They are looking at options for 2017 based on this analysis that would be conducted. We expect at the February meeting to have this information presented. This will be of interest to the recreational and for-hire sector.

Commissioner Fleming questioned Commissioner Blazer asking if there was a greater allocation for the charter fishery, and is there any proposal for the state of Maryland to liberalize the creel limit for commercial charter boat fisheries, perhaps incentivizing folks to go for a third fish in an attempt to revitalize the charter boat fleet in Maryland. Commissioner Blazer stated they have not reached that level of discussion at this point. The data is being reviewed to see what kind of relief may be available. We haven't talked about the analysis as to how much relief or what that would entail. We have had requests to change the size limits. If this plays out the way we hope it does, then we'll start those discussions and make some of those adjustments, but it's still pretty early in the process. Commissioner Blazer stated that this will be a pretty hot topic. The meeting in February will be in Alexandria, Virginia and he stated anyone who has interest in this should attend the meeting.

Atlantic Menhaden Board Meeting

Mr. Gary reported that there were two items of interest that came out of that meeting. The total allowable catch (TAC) for 2017 was discussed, and there was an initial compromise to increase the TAC by 6.5 percent to 200,000 pounds for the Atlantic Coast. Mr. Gary feels we will be back in the same situation for the 2018 TAC. The forthcoming Amendment 3 public information document (PID) was accepted and is now out for public review. Everyone who has an interest in menhaden is encouraged to attend the public meetings on that document. They are considering the development of ecological reference points and allocation. They're both fascinating topics and challenging. There will be public meetings held here at the PRFC office on December 6th at 6:00 p.m., in Virginia on December 5th and in Maryland on December 7th. Chairman Erskine noted that the public comment period will stay open until January 4, 2017 to submit written comments to ASMFC.

Recreational License Sales Update

Mr. Gary presented a synopsis of license sales dating back to 2014. For 2016, the overall license sales generated \$131,727 through the end of November with 4,600 various licenses sold. We had a lower volume of licenses sold, but the increase in fees helped offset some of the loss. The Commission took action to simplify the license fee structure and we're hopeful in 2017 that we're able to increase revenues and sell more licenses.

With regards to internet license sales from the PRFC website, there are a number of subcontractors who can do that by charging a service fee. Brandt Enterprises has been contacted and suggests we "piggyback" with VDGIF possibly making it cheaper to implement. A link would be put on our website and would then transfer to the third party vendor to complete the transaction of a recreational license sale. A service charge would be applied to the cost of the license if you chose to purchase the license on-line. Staff is working on some proposals and hopes to present them to the Commission at the March meeting.

Commissioner Langley asked if the Commission approves this at the next meeting, what is the turn around time to get it implemented. Mr. Gary stated he is unsure, but it would depend on VDGIF and what documents would need to be signed should we go through them. He would hope to have something in place by April or May, if it's adopted in March.

Performance Update for Commercial Striped Bass Fishery

Mr. Gary presented a couple of spreadsheets that take you through the performance of the various striped bass fisheries. The harvest numbers in pounds, numbers of fish and average size were presented along with the yearly quotas for each fishery. The overall quota for 2016 is 583,362 pounds. The pound net and gill net fisheries are utilizing their allotted quotas. The hook and line fishery is down and has been as much as 60,000 pounds under harvest over the last decade. We will talk about that fishery later in the meeting. There is also a miscellaneous category that includes fyke nets and haul seines and they receive a smaller quota. We are complying under all fisheries and should end the year under quota again.

Chairman Erskine commented that it's a good thing we are under quota, but don't we want to catch the entire quota. Mr. Gary stated absolutely. If you look at the history, the pound net and gill net fisheries always come close to their quota. Currently the pound net fishery is slightly below its quota and Mrs. Cosby may be able to comment on that. She works closely with the watermen tracking the Menhaden harvest. Mrs. Cosby noted that there were a few fishermen who had health issues and were not able to work this spring and in fact some have just set their net(s) this month, so there will be late effort coming in for that fishery. Mr. Gary stated we are aware of the underperformance in the hook and line fishery and we are trying to address that.

Commissioner Langley stated that some of the hook and liners are filling their tags in the lower river. He doesn't feel there was a lot of effort during the summer, because the fish weren't here or they were small. He's curious to see what will happen at the end of the season. He hopes to see some improvement in the hook and line fishery.

Hook and Line Striped Bass Tag Exchange Program Update

Mr. Gary presented a report of the Striped Bass Tag Exchange Program. It showed there were 84 people who opted into the program and seven people who transferred tags. There were 365 tags transferred and 111 of the tags were used. He explained that the fishery has been underperforming and not using about 60,000 pounds of its quota each year. There are about 174 licensed fishermen and of those, only 25 to 30 of them are active and tag out each season. The majority of the fishery does not fish or uses very little tags during the season. This system was created to help the fishermen who tag out to have the ability to seek out others who have opted into the program and obtain additional striped bass tags to continue fishing. He is not sure if this was a success or a failure, because it was the first year for the program.

Commissioner Blazer asked if there was any feed back from the participants that utilized the program. Mr. Gary stated that a lot of fishermen wait until this time of year for some larger fish to show up in the river, so that's taking place right now. He is not hearing that this program is not working, but it is more of a timing of the fishery. There are also people who hold the license and never use it in an effort to save the fish on a conservation level. Mr. Gary stated if he were to provide a recommendation, it would have to be status quo for another year. He would suggest presenting data to the Finfish Advisory Committee (FAC) before the March Commission meeting, to see if they have any recommendations. Staff will continue to let people know this program exists and we'll see if we can make some more progress in the coming year.

Commissioner Erskine commented to Mr. Gary's remarks earlier about licensees who simply hold the license and don't harvest fish as a conservation measure. He felt the fishery is highly regulated and there are conservation equivalency measures in place, so that doesn't seem to coincide with the theory of protecting the fish and not using the tags. Mr. Gary stated discussions have taken place at the advisory level about the frustration with lack of activity. Some have suggested a use it or lose it approach, but the fear of doing that is that harvest data could potentially be compromised with falsifying reports. The other idea is to reallocate the quota to another gear type that could use it.

Commissioner Fleming asked if there was the potential to increase the number of licenses within the fishery. Mr. Gary explained it's a limited entry fishery, written in regulation. The Commission could expand the fishery and add participants if it choose to. Mrs. Cosby said the Commission may want to consider if the number of participants increases, the number of striped bass tags issued to each licensee would decrease.

Commercial Catfish Landings

Mr. Gary noted over the last several years, this has become an emerging fishery. Blue catfish are ecologically and potentially very destructive. The good news is, it's a good fish to eat and fun for anglers to catch. Efforts by all jurisdictions have led to lucrative markets being created. The buyers are doing well and the harvest numbers are increasing each year. In 2016, to date, 1,375,114 pounds were harvested compare to 1,156,452 pounds in 2015.

Commissioner Fleming noted that in 2013, Virginians caught three times as many blue catfish as Marylanders. If you go to 2016, Marylanders landed 1,195,709 lbs and Virginians landed only 179,406 lbs. He wanted to know what is going on in Virginia.

Commissioner Rice explained that in Virginia they've been in the catfish business for a while now, but in Maryland the watermen are just getting into the business. What's being harvested is a good size fish between 3 and 12 pounds. There are still plenty to catch and a lot of small fish in the river. The capitalization of the market size fish is possibly holding this population where it's at. Commissioner Bull explained the majority of fish from the Potomac River were landed in Maryland because it has the closest processor. Virginia's blue catfish harvest mainly comes from the James River and exceeds one million pounds, and he expects the harvest to increase in the years to come.

Order #2017-01 – 2017 Recreational and Charter Striped Bass Seasons and Restrictions

Mr. Gary advised this is to update the striped bass seasons and restrictions for the recreational and charter boat fisheries. These are simply calendar changes to the Order, because we are locked and fishing with the existing fishing mortality rate until the next benchmark assessment. If options become available at the winter ASMFC meeting, this may need to be revisited at the March Commission meeting. There was no public comment on this draft Order.

A motion was made by Commissioner Blazer, seconded by Commissioner Kellum and unanimously passed to adopt Order 2017-01 as presented.

ORDER #2017-01
(replaces #2016-01 "Revised")

**2017 RECREATIONAL AND CHARTER
STRIPED BASS SEASONS AND RESTRICTIONS**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Sections 9, 10, 11 and 13(b); **HEREBY DECLARES AND ORDERS:** the following restrictions shall apply to the recreational and charter striped bass fishery:

| | | |
|-----------------------------------|---------------------|---|
| <u>Spring Season:</u> | Dates: | April 15 through May 15, 2017 |
| | Open Area: | Downstream of Harry W. Nice Bridge (Rt.301) |
| | Creel Limit: | One (1) fish per person per day (including charter capt.) |
| | Minimum Size Limit: | Thirty-five (35) inches TL |
| | No High-Grading: | Unlawful to return fish to the water after it is placed into a cooler or storage area. |
| | Bait Restrictions: | No live eel. No more than two (2) hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks. |
| <u>Summer/Fall Season:</u> | Dates: | May 16 through December 31, 2017 |
| | Open Area: | Downstream of Woodrow Wilson Bridge (I95) |
| | Creel Limit: | Two (2) fish per person per day |
| | Minimum Size Limit: | Twenty (20) inches TL with only one (1) fish over twenty-eight (28) inches TL |
| | Bait Restrictions: | None. No more than two (2) hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks. |

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2017-01 shall become effective, January 1, 2017 shall supersede and repeal Order #2016-01 "Revised" and remain in effect until further notice.

Order 2017-02 – 2014 Commercial Striped Bass Catch Limits and Restrictions

Mr. Gary advised this is to update the commercial striped bass quota for the 2017 season. It is the same as in 2016, because of ASMFC restrictions. There was no public comment on this draft Order.

A motion was made by Commissioner Kellum, seconded by Commissioner Langley and unanimously passed to adopt Order 2017-02 as presented.

ORDER #2017-02
(replaces #2016-02)

2017 COMMERCIAL STRIPED BASS CATCH LIMITS AND RESTRICTIONS

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Sections 10 and 13(b); **HEREBY DECLARES AND ORDERS:** the catch limits for striped

bass (rockfish) provided for in Regulation III, Section 10, Sub-sections (a) and (b) shall be 583,362 pounds and divided by gear type as follows:

- 1) Commercial Hook and Line: 83,462 pounds (11,505 ID tags) total for all licensees, plus any available gill net allocation as may be allowed under Regulation III, Sec. 13(d).
- 2) Pound Net: 130,090 pounds (22,000 ID tags) total for all licensees. Each pound net licensee must have at least one net set and fishing before receiving his share of the total, and such share will be proportional to the total number of pound net licenses issued and the number held by the licensee.
- 3) Miscellaneous Commercial Gear: 14,001 pounds (2,300 ID tags) total for all licensees. This gear type includes and is limited to fyke net and haul seine licenses only. The yearly total number of ID tags shall be divided 60% haul seine, 40% fyke net and further divided equally among fishermen who have held the specific license type and who have fished such gear and reported catch of other species during each of the last 3 license years.
 - i. Each haul seine licensee must have his/her haul seine measured and sealed by PRFC or law enforcement prior to qualifying to receive striped bass tags. Only one (1) seal per net will be allowed.
 - ii. Each fyke net licensee must have at least one net set and fishing before receiving his share of the total.
 - iii. Unlawful to harvest striped bass from any haul seine or fyke net that has not been certified/inspected.
- 4) Gill Net: Published Separately

BE IT FURTHER DECLARED AND ORDERED: that striped bass identification tags may be used only on fish harvested with the gear type for which the striped bass identification tags were issued.

AND, IT IS FURTHER DECLARED AND ORDERED: this Order #2017-02 shall become effective January 1, 2017, shall supersede and repeal Order #2016-02 and remain in effect until further notice.

Order 2017-03 – 2017 Recreational and Charter Fishing Season, Size and Catch Limits

Mr. Gary advised this is to set the other species for recreational and charter fishing for the 2017 season. Black sea bass and Summer flounder have a TBA until ASMFC sets the seasons. This will be presented at the March meeting after ASMFC has held their winter meeting. Changes are expected for Summer flounder because of poor recruitment. There could be as much as a 30% reduction in the allowable biological catch. There was no public comment on this draft Order.

A motion was made by Commissioner Hall, seconded by Commissioner Blazer and unanimously passed to adopt Order 2017-03 as presented.

O R D E R #2017-03 (replaces #2016-03 “Revised”)

2017 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 | 9" min. | 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⁾ | TBA | TBA | TBA |
| Bluefish | Jan. 1 - Dec. 31 | 8" min. | 10 per person |
| Catfish: Bullhead | Jan. 1 - Dec. 31 | 6" min. | No limit |
| Blue | Jan. 1 - Dec. 31 | No limit | No limit |
| Crappie | Jan 1 - Dec. 31 | No limit | 10 per person |
| 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 | TBA | TBA | TBA |
| Tautog | Jan. 1 - Dec. 31 | 14" min. | No Limit |
| Weakfish | Jan. 1 - Dec. 31 | 12" min. | 1 per person |
| Yellow perch | Jan. 1 - Dec. 31 | 9" min. | 10 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 #2017-03 shall become effective January 1, 2017 shall supersede and repeal Order #2016-03 “Revised” and remain in effect until further notice.

Order #2017-04 – 2017 Commercial Fishing Season, Size and Catch Limits

Mr. Gary noted this is very similar to Order 2017-03 but is applicable to the commercial fishery.

John Dean questioned if the PRFC is under a quota for Spanish mackerel and bluefish. Mrs. Cosby explained that Maryland and Virginia are under a quota system. PRFC reports their harvest to them. If both of the states land their quotas and close state waters, PRFC will close the fishery by Order of the Commission. However, for Spanish mackerel and bluefish the commercial harvest is low, and it is very unlikely that the states would exceed their quotas. Mr. Gary added there is an overall coastal quota and there have been some discussions on recruitment and declining landings at ASMFC. He suggested placing language on the website to clarify those two species and the quota associated with them. Commissioner Bull explained Virginia does have a substantial quota and it has not been exceeded in a number of years. If the quota was reached and Virginia had to close the fishery, PRFC would need to close as well. Commissioner Blazer stated Maryland works under the same scenario as Virginia.

A motion was made by Commissioner Blazer, seconded by Commissioner Bull and unanimously passed to adopt Order 2017-04 as presented.

**O R D E R #2017-04
(replaces #2016-04 "Revised")**

**2017 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* | TBA | TBA ⁽¹⁾ | TBA* |
| 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 (See Order #2013-01 for By-Catch Provisions) ... | | |
| 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** | TBA | TBA | TBA** |
| 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 #2017-04 shall become effective, January 1, 2017 shall supersede and repeal Order #2016-04 "Revised" and remain in effect until further notice.

Order 2017-05 – Commercial Gear Striped Bass Seasons & Size Limits

Mr. Gary explained this is to set the seasons and size limits for the commercial striped fishery. There is proposed language to change the season dates and size limits for the hook and line fishery. He expects there will be public comment on this draft Order. The FAC met back in August and recommends the same season and size limits as the gill net fishery.

Commissioner Fleming stated there were spirited discussions of ending the season on March 1st last year to avoid user conflict. He advised this is presented to possibly change that.

Jeff Stonehill stated he was speaking on behalf of the hook and liners who could not be here today. This end of season extension is to help us with the issue you were discussing earlier. He talked about why the hook and liners were not catching their limit. He noted that the other gears are fixed devices that are catching fish 24 hours a day/seven days a week. Hook and liners have to be there hands on to catch their fish. Only small fish, if any, are caught in the summer time. Most fishermen don't fish until the fall, and the weather may limit when we can fish. One problem is we are catching big fish over 36" and have to throw them back, because of the size limit restrictions. Originally, the FAC tried to change the seasons to mirror the gill net fishery and the size limits were not proposed as part of that. This is what we are trying to do now. If need be, move the start of the season to August or September and continue the season to March 26 with the same size limits as the gill net fishery. Concerning the Striped Bass Tag Exchange Program, what he finds is everyone who opts in is looking for tags. So when you reach out to someone on the list, they are also looking for tags.

Commissioner Blazer questioned the way the Order is presented if March 1 and March 25 are an option. Mr. Gary explained last year's season was January 1 – March 1 with a 36" maximum size limit cap. The fishermen are asking for the same season (Jan. 1 – March 25) and size limit (18" min. thru Feb. 14) as the gill net fishery. There is flexibility in this order with these options.

Commissioner Rice stated he spoke with some fishermen and two issues. They were not able to catch the larger fish when it was legal for a gill net, and some fishermen had better luck in March catching fish when the season was cut. The fishery is underperforming and as long as we keep them off the spawning stock, Commissioner Rice feels they should be able to fish. When the public is finished speaking, he would like to make a motion.

Mr. Stonehill stated the other issue is weather. Last year we had a nice January and we could fish; however January and February are unpredictable. In March, the weather started to ease up and there were plenty of days we could have fished, but the season was closed. Like Mr. Rice said, there was one day in January where I caught six fish, but could only keep one because of the size cap. They had to be thrown back because they were too large. He's all for conservation and saving the spawning stock, but if the hook and liners have to let them go, then the gill netters should have to do the same or visa versa.

Commission Bull questioned if removing the size cap is within the ASMFC guidelines and if it would have some sort of impact on conservation equivalency. We could project an increase in

harvest of large cows during that pre-spawn season. Mr. Gary stated he expected that to be a concern. He contacted ASMFC and their answer was reviewing the FMP consistent with the theme of if it's less restrictive, then you would need to seek board approval. They said that taking the cap off or increasing the days, in terms of the FMP language, would not be less restrictive. Lowering the minimum size limit would be, but these two items would not require board approval. Although, he offered as part of staff recommendation, that if these two items were to go into place he would not want to implement them without notifying the remainder of our member states and ASMFC. He would want them to know that we have done this as a courtesy. Surprisingly we do not need board approval.

Commissioner Rice stated there's a reason we don't need board approval. Years ago when we started setting seasons and size limits, these larger fish that we are harvesting in our river system right now are not cows, they are big male fish that are considered resident stock and that's why we are allowed to harvest them until February 15th. He feels very comfortable going with the recommendation of no maximum size limit.

Robert T. Brown, President of Maryland Watermen's Association and Chairman of the FAC stated we should keep it simple and go with the same season and size limits as the gill net fishery. It keeps things uniform for law enforcement and we don't see a problem with it and support the recommendations.

Wayne France commented as a commercial gill netter and agrees with Mr. Brown's comments.

Mrs. Cosby referred back to the striped bass landings table in terms of the average size mesh used in gill nets (5 – 7 inches) with the average size fish caught at 8.3 pounds, and it's been consistent for a number of years. Hook and line fish caught have averaged 5 to 6 pounds in recent years. If the hook and liners increase the size limit, it will result in an increase in the average size caught, which could result in less tags issued to each licensee. The average size fish harvested the previous year contributes to the calculation for the number of tags issued for the following season.

Commissioner Fleming stated that average fish for the last three years was 5.5 pounds in the hook and line fishery, and 65 striped bass tags were issued per licensee. That fish was sold for \$3 a pound. The fishery has a value of \$1,030 a year. When you add up the expenses to go catch those fish, you're going to gross \$1,030. These fishermen, not all but a majority of them, are glorified recreational fishermen. Most of them do not sell their fish. He is on board if you want to change the season and size limits, because we are in no danger of overfishing the fishery. He suggested doing something similar to what Virginia has where you can't fish a certain number of feet at the Rt. 301 Bridge. It is ugly there and needs to be considered. His comments made in the past were to help deal with the ugliness he saw up there.

Mr. Gary stated he would like to provide two pieces of information that may help in the decision making process. He presented the length frequencies of fish from the Striped Bass Spawning Stock Survey caught in gill nets. The 6" mesh catches fish between 20" to 26". The 6 ½" mesh catches 25" to 33" fish, so there is size selectivity here. The 7" mesh catches 27" to 34" fish. Can they catch fish over 36" and the answer is yes. There isn't an absolute demarcation between

a coastal migrant fish and a resident pre-migratory fish. Our fishery was developed and targeted to the resident pre-migratory fish. The commercial fishery is not targeting migrant fish. Next is the immigration rate. We are supposed to be fishing on resident fish not migrants. ASMFC uses 28" fish as a demarcation when they do their stock assessments. As a probability of migration to the coast, once you get above 36" there's an 87 percent chance that fish is a coastal migrant fish. This is saying yes, they are here and part of the stock. The gill net fishery can catch a larger fish with a larger mesh size, but it is not targeted for that. When you allow the hook and line fishery to not have that upper limit, and by their own acknowledgement, there's a lot of the large fish in the river, they are not migrants based on this. So is this what we want to do? ASMFC says we can take the cap off without board approval. He feels the recommendation is disingenuous with the intent. It's allowed, but it's disingenuous. We are suppose to be fishing on resident pre-migrants. The other risk is the distribution of tags.

Commissioner Rice questioned if Mr. Gary's information comes from the survey that is done up the Potomac that he is a part of for the state of Maryland. Mr. Gary stated the gill net size distribution data is from the spawning stock survey. Commissioner Rice explained that survey is done with nylon gill net and not with monofilament that's used today, which is more selective. Nylon mesh is limp and hangs loose, entangling a lot of different size fish. If you did the same survey with monofilament net, the sizes would be more precise. The biologists do not want to change the mesh type, because it would make the data inconsistent. It is not a fair comparison to what we are using now.

The Commission asked for staff's recommendation. Mr. Gary stated staff's recommendation would be to accept a time expansion consistent with the gill net fishery. The hook and line season would be January 1 through March 25th, but maintain the size limit cap throughout that time spectrum.

A motion was made by Commissioner Rice to adopt Order 2017-05 as written with the exception pertaining to the commercial hook and line. Commercial hook and line season will run January 1st through March 25th. The reflection will be from January 1st to February 14th an 18" minimum size limit / no maximum size. Beginning February 15th through March 25th an 18" minimum size limit / 36" maximum size. Commissioner Fleming seconded the motion with a friendly amendment that not within one half mile of the Harry Nice Bridge. Commissioner Rice did not accept the amendment. Chairman Erskine stated there is still a motion on the table. ***Commissioner Hall seconded the original motion.***

Commissioner Bull stated for the record he is going to vote against the motion. He thinks staff's recommendation is more appealing to him. He thinks a longer season for the hook and line fishery is good and warranted. He has great concerns of the ramifications of increasing effort on larger size fish. While there has been some assurance from ASMFC's staff, this stock is under great scrutiny along the coast, specifically the spawning females. Any effort we may take to increase effort on larger potentially spawning females, is a risk not worth taking at this time.

Commissioner Hall shares concerns of doing anything to impact the female harvest. Seeing so much under-harvest of the hook and line fishery, this is an opportunity to help keep the quota that they have. She supports the motion and finds if there was a real problem the Commission would address it at that time.

Commissioner Blazer appreciates the debate, discussion and information. He also shares Commissioner Bull's concerns. He questioned if there is a way to collect data going forward in the hook and line fishery that may come into impact. He feels this is something ASMFC would want to know.

Commissioner Fleming asked for staff's recommendation again. Mr. Gary stated staff would support the FAC's recommendation to have the same season as the gill net fishery (January 1 through March 25) giving them additional days to catch fish. The issue is the size selectivity. Staff would like the 36" maximum size limit to stay in place from January 1 through March 25.

Commissioner Langley stated he is in favor of keeping the size limits the same as the gill net fishery for enforcement purposes. The hook and line fishery does show it is underperforming drastically. As a fishermen himself, he does not know how many schools of fish they would hit where the fish are over 38" to 40" consistently. He is for conservation, but doesn't feel this is the biggest exposure these fish are facing with the hook and line fishery this time of year.

Commissioner Rice restated his motion to adopt Order 2017-05 as written with the exception of the hook and line fishery which would run January 1 through February 14 – 18" min. / no max., February 15 through March 25 – 18" min / 36" max. and June 1 through December 31 – 18" min. / no max.

Commissioner Langley asked Mr. Brown, Chairman of the FAC how the committee and industry would feel if there was a reduction of tags based off of Mrs. Cosby's comments earlier. Mr. Brown stated that is always a possibility, regardless of what gear type you're using. He doesn't see this as being a problem.

Chairman Erskine called for the vote, with 4 in favor and 3 against (Blazer, Fleming and Bull) the motion failed.

A motion was made by Commissioner Bull, seconded by Commissioner Fleming to accept staff's recommendation. January 1 through March 25 – 18" min. / 36" max and June 1 through December 31 – 18" min. / no max.

Commissioner Rice asked Mr. Mayo if a person abstains or votes against a motion and the motion fails, can that person make another motion. Mr. Mayo stated yes.

Chairman Erskine called for the vote, with 4 in favor and 4 against (Rice, Hall, Langley, and Kellum) the motion failed.

Commissioner Hall suggested modifying the initial season with no maximum size limit to allow them to fish for larger fish for a shorter amount of time.

Commissioner Rice stated he is going to make this motion not based on scientific information, but from fishing for the past 40 years on the Potomac River. He stated migrant female fish do not migrate here until at least the middle of February, but airing on the side of caution he made the following motion.

A motion was made by Commissioner Rice, seconded by Commissioner Fleming to adopt Order 2017-05 as written with the exceptions as follows: Commercial hook and line season: January 1 through January 31 – 18” min. / no max., February 1 through March 25 – 18” min. / 36” max. and June 1 through December 31 – 18” min. / no max. The motion passed unanimously.

**ORDER #2017-05
(replaces #2016-05)**

COMMERCIAL GEAR STRIPED BASS SEASONS & SIZE LIMITS

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Sections 9(a) and 11(a); **HEREBY DECLARES AND ORDERS:** the Potomac River striped bass (rockfish) seasons and size limits shall be for each gear type or segment listed below as follows:

| <u>Gear</u> | <u>Season</u> | <u>Size Limit</u> |
|---|---|---|
| 1) Commercial Hook and Line: | January 1 through January 31 February 1 through March 25 June 1 through December 31 | 18” min. / no max. 18” min. / 36” max. 18” min. / no max. |
| 2) Pound Net: | February 15 through March 25 June 1 through December 15 | 18” min. / 36” max. 18” min. / no max. |
| 3) Miscellaneous Commercial Gear: (Includes Haul Seine and Fyke Net Only) | February 15 through March 25 June 1 through December 15 | 18” min. / 36” max. 18” min. / no max. |
| 4) Gill Net: | SEE THE CURRENT GILL NET SEASON & RESTRICTIONS ORDER | |

BE IT FURTHER DECLARED AND ORDERED: except for the gear types or segments listed herein and within the specified dates, it shall be unlawful to take, catch, and remove any striped bass from the Potomac River during any other times of the year or by any other means.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2017-05 shall become effective January 1, 2017, shall supersede and repeal Order #2016-05, and remain in effect until further notice.

Order 2016-10 – Commercial Menhaden Catch Limits and Restrictions

Mr. Gary stated this sets the total allowable catch (TAC) consistent with ASMFC. The coastal TAC was set for 2017 with an increase of 6.5 percent, setting the quota for Menhaden in the Potomac River at 2,709,809 pounds. There was no public comment on this draft Order.

A motion was made by Commissioner Blazer, seconded by Commissioner Bull and unanimously passed to adopt Order 2016-10 “Revised” as presented.

**ORDER #2016-10 “Revised”
(replaces #2016-10)**

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 and Addendum I 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 2,709,809 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 and Addendum I to the IFMP for Atlantic Menhaden, PRFC commercial fishermen using stationary multi-species gear 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 licensee from his licensed net(s). In this case, stationary multi-species gears are defined as pound nets, anchored/staked gill nets, and fyke nets. Exception – a single vessel may land/possess no more than 12,000 pounds of Atlantic menhaden per day when there are two PRFC pound net licensees physically on board who each have at least one of their pound nets set and fishing and prior to the fishery being closed and the by-catch provisions being implemented, no more than 6,000 pounds of Atlantic menhaden are harvested from either of the licensees nets.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2016-10 “Revised” shall become effective December 12, 2016 shall supersede and repeal 2016-10, and remain in effect until June 19, 2017.

Oyster Harvest Report

Mrs. Cosby made a correction on the harvest report noting that 55 bushels reported being caught on Great Neck are actually part of the Jones Shore harvest. She noted that the bulk of the harvest came from Jones Shore with 448 bushels harvested by hand scrapes. There were 219 bushels harvested by tongs on Gum Bar. The preliminary total harvest to date is 249 bushels by tongs and 478 bushels by hand scrapes, totaling 727 bushes harvested. There are 13 tong license, 63 hand scrape licenses and 8 registered buyers.

2016 Fall Oyster Survey

Mrs. Cosby stated the fall oyster survey is located in the back of the packet as a separate handout. There was a modest spat set in the lower river on the Maryland side from Cornfield to Tall Timbers. The number at Cobb Island is what was planted as part of the RNOHP. There was spat seen at Lower Cedar Point (1) and Popes Creek (2) which was unusual. There was some mortality in the lower river, which may have resulted from conditions of high salinity and disease that were noted last season. The disease results have not been received and are still being processed.

Commissioner Fleming asked when the disease report would be available. Mrs. Cosby stated they would be available at the next meeting. Mr. Gary reported he was just notified by email of the disease results on Jones Shore. Dermo prevalence is 93 percent, Dermo mean intensity is 4 percent and the percent lethal infection is 40. Beacon Bar has a Dermo prevalence of 7 percent,

Dermo mean intensity of .1 percent and the percent lethal infection is 0. Mr. Gary replied to the email and asked what this means and they stated it was high. Chairman Erskine noted that the Dermo prevalence seems high, but it's the intensity we need to look at. Four percent is not that high on the Dermo scale (1–10) and you would expect, based on the salinity, that you would have a higher prevalence than is there. There would be more of a concern if it was MSX versus Dermo.

Bill Kilinski asked why the public did not receive a copy of the survey, because they always have in the past. Commissioner Blazer explained it has just been completed and staff doesn't have the report ready. The Commission is getting to look at it prior to the publication of it. It is a lot of preliminary data and is currently being analyzed for a final report for the public.

Oyster Strategic Planning Panel Meeting Reports – September 29th and November 15, 2016

Mrs. Cosby advised the first meeting was held on September 29th as an introductory meeting. There was a lot of discussion and adoption of the frame work of the OSPP Plan. The Co-Chairs are Commissioner Erskine and Commissioner Blazer. They talked about potential topics for future meetings.

The next meeting was scheduled and held November 15th. This was a data exercise meeting. There was a presentation on the historical oyster data for the Potomac River. Louis Wright gave the geographical spatial distribution and Chris Judy provided fall survey data with recruitment data and disease matrix. Mr. Gary provided harvest, seed and shell plantings and regulatory chronology for the river. The panel approved the following mission statement *“To increase oyster biomass and suitable substrates to help the ecology of the Potomac River and associated economic opportunities by setting various goals in phases using tools and activities to achieve those stated goals.”* Mrs. Cosby explained this is a flexible mission statement and could be adjusted as the meetings progress. Mr. Gary explained the mission statement is of interest to folks who were unable to attend. It's unique and a set up to the start of a living document for this Commission. This can be adjusted moving forward as new information, funding and resources become available.

Mr. Gary stated where we've been is framing up where the panel has been and where they want to go. The next meeting is scheduled for January 4, 2017 here at the Commission. It will be held at 4 p.m. to accommodate everyone. They will receive presentations on the substrate sonar survey from NOAA coupled with hydrodynamic information that will tie in with larval transport from Dr. Elizabeth North.

Oyster/Clam Advisory Committee Meeting

Vice-chairman Wayne France gave the presentation of the Oyster/Clam Advisory meeting that was held on November 22nd. The committee received the update on the 2016-2017 oyster harvest to date. They also received updates on the fall survey, the RNOHP and OMR plans, and the OSPP. The main discussions of the night were Jones Shore and Lower Cedar Point. Most in attendance had concerns that the oysters were dying, and they wanted more area opened up for hand scraping. There was a discussion proposing to open Lower Cedar Point for a few weeks in

December to hand scrapes. It was decided to leave it as is in the plan and not open it until it is scheduled to open next fall. There was an update on NRG Energy funding and the announcement of advisory committee vacancies.

Mr. Gary read the consensus recommendation from the OCAC for the record concerning Jones Shore. After a lengthy discussion the OCAC moves by consensus that if any additional survey of Jones Shore Bar suggests that a significant increase of mortality has occurred since the MD DNR fall survey (October), that the Commission consider opening Jones Shore Management areas #2 and #3 to hand scrapes, M-W-F through the end of March, pending the consensus of PRFC scientific advisors.

Chairman Erskine clarified the range for disease from the fall report earlier, noting that in Virginia it's not a numeric scale, but it's determined as heavy, moderate, light and absent. In Maryland, they use a numeric scale, but he is not sure of the range.

Bill Kilinski gave the intensity numbers for Jones Shore since 2000. He noted that currently it is at a record high of 4, and wanted the Commission to see and know that. Mrs. Cosby added the salinity is probably at a record high as well.

Oyster Management Reserve Program (OMR) Update

Mrs. Cosby presented information for the setting and planting schedule at Piney Point, MD. There were five plantings that took place in 2016 for a total of 11,590 bags (approx. 5,790 bu.) There would have been another planting done in September, but the hatchery was being worked on and had to close. The triploid eyed larvae was obtained from three sources: Oyster Seed Holdings (83 million at \$265/mil.); Ward's Oyster Company (52 million at \$400/mil.); and Horn Point Lab (16 million at \$300/mil.) for a total of \$47,595. The spat on shell were planted on 21 acres on Cobb Island Bar. Next, a breakdown from James Dumhard (PPAC) was presented for triploid settings included materials, utilities, labor, administration, overhead and supplies totaling \$58,253.65. A financial spreadsheet for the OMR was presented with revenues and disbursements. The disbursements totaled \$110,049.00 and the Commission would not provide anymore funding for this program. The OMR program revenue for this year was \$49,961.00, giving the program a total of \$107,204.00 remaining in their funds, after the disbursements were paid for this year. The harvest was fairly low this year and that's one of the reasons the revenue is down compared to last year. The Commission approved to open Ragged Point for the month of December and we're hoping some of the participants go out and work.

John F. Tucker Brown, Chairman of the OMR Program, stated it was a poor season and we feel Mother Nature had something to do with it. He felt that what is being planted this year at Cobb Island Bar is looking very good. We are planning to harvest this coming March on Ragged Point so we can increase our funding. We are also looking for one company to do it all, the planting and setting. One company would be easier and would allow the participants to continue working. We may switch to a diploid instead of triploid larvae, because of price and availability. He feels like the program is on track and is looking forward to a good season.

Mr. Gary thanked Mr. Brown for his passion and efforts working with the whole community. He felt Mr. Brown is the major reason this program runs and without him it wouldn't happen. Currently the program is at a crossroads and when the participants meet next week, they will have some decisions to make as to how to proceed from here. There is a formative plan in place for 2017, but the participants will review all information available to figure out what can be done differently and better from this point forward. Mr. Brown stated as long as he is part of this plan, good or bad, he will stand before the Commission and say it. He thanked the Commission for its time.

Mrs. Cosby stated the participants will be meeting next week. The tentative plan is to propose harvesting in March instead of September 2017. She suggested the Commission would need to approve that recommendation today.

Wayne France stated there are currently two oyster bars in the OMR program and we will be looking for a third one. The reason we wanted to go to Ragged Point in March was so we could get that bar cleaned up and prepared for planting in June. With 48 participants, we are going to need more area to harvest.

Chairman Erskine asked if there were any other comments, hearing none, he stated by consensus of the Commission the approval to open Ragged Point March 1, 2017.

Rotational Natural Oyster Harvest Program (RNOHP) Update

Mrs. Cosby presented a copy of the plan that was approved by the Commission in March 2013. This document contains the intent of the rotational plan the Commission approved. It lays out the five oyster bars that are part of the program, the rotational cycle, seed plantings, harvest details and the financial strategy to implement the program. The goal is to harvest 60 to 75 percent of the market oysters, and then the bar will be closed with some broodstock left on it. In order to track harvest, the oystermen will need to call in daily with their harvest.

She advised the financial statement is included in the packet. In 2016, ten acres on Green Hill were planted with James River seed. Disbursements were \$50,777.75. This was the last year the Commission contributed \$50,000 to the program. In 2017, the funding for this program will be \$220,513.16 that is currently in reserve. For each ten acres planted on each oyster bar during the rotational process, it generally costs around \$50,000 a year.

Mrs. Cosby stated she needed approval for the fifth oyster bar, Gum Bar, to be included in the RNOHP. There was some harvest on Gum Bar this year. Oystermen harvested from a 2012 planting that was there. They worked the bottom up, so it should be a good area to plant this spring if the Commission approves that. She questioned if the Commission wanted to continue planting ten-acre sites or if they wanted to increase the acreage.

Chairman Erskine questioned if the area on Gum Bar would be surveyed prior to planting since the bar was worked. Mrs. Cosby stated there is no plan to resurvey Gum Bar. The Commission could request that to be done if they wanted to. The planting should take place in May. Chairman Erskine was concerned there may need to be additional shell planted prior to planting

seed. Mrs. Cosby stated there is a good base of shell there. Richard Richie stated he worked there and said there was plenty of shell there and it has a real nice bottom.

Chairman Erskine then questioned where the seed will come from for this 2017 planting. Mrs. Cosby explained staff has been working with Bevans and Cowart Seafood Companies to transport and plant for the Commission. She has not spoken with Mr. Cowart yet to see where the seed would be coming from. With the exception of the first year, all the seed plantings have come from the James River. She stated she would contact Mr. Cowart to see what will be available.

Bill Kilinski stated himself and Mr. Riche hand tonged the area prior to the planting this past year and would like to assist in placing the buoys, because it doesn't seem to be like a square similar to other planting sites. Perhaps a little help from the watermen would be helpful. Mrs. Cosby stated when it's time to locate a planting site, Mr. Kilinski's help would be appreciated. Mr. Riche stated he worked the area and had pretty good results for what they found.

Mr. Kilinski, President of the Charles County Watermen's Association reported they held their meeting this past Monday and a motion was made to recommend opening Lower Cedar Point from December 12 through 31, 2016. It would then close and reopen as planned next year.

Richard Riche stated at the last OCAC meeting that it was expressed that the new bridge construction could potentially be harmful to the oyster population around the bridge area. He doesn't know if that's true or not, but he still thinks it's something the Commission needs to consider with our future areas and plantings.

Commissioner Rice followed up on Mr. Kilinski's suggestion of opening Lower Cedar Point noting that we have flexibility within the plan. The plan recommended dividing Lower Cedar Point in half, allowing harvest to continue on the unplanted portion. It seems when the Order was adopted, the Commission erred on the side of caution and closed the entire bar, which has been closed for three years now. The purpose for this plan is to help enhance these oyster bars for obvious reasons and to create revenue. The survey states 90 percent of the oysters are of market size right now. Over the years we have adjusted the season, size limits and areas accordingly to fit the situation in hand. This is a very large oyster bar with a small planting and it doesn't make a difference if you open it today or Christmas Eve. That small area planted is going to be the bullseye. We have limits and restrictions in place that will ensure that all the oysters will not be harvested. He questioned if the Commission wants to take a chance with as much disease as we have in river and with the hot summers, when we've already reached our goal of growing these oysters to market size, to let them sit and possibly die, or harvest them now. These oysters will bring more money in December than they will in September.

Chairman Erskine noted this was Great Wicomico seed that was planted in 2013 and that means it was struck in 2012, so the oysters are 4-1/2 year old oysters. He would be nervous if the Commission waited any longer. It would be a favorable market at this time and the demand is there. This Commission should give this concept some serious consideration.

Mr. France commented if the oyster bar is opened now, he feels the 60 to 75 percent would be harvested in that two week time frame and there wouldn't be an oyster season there next year. He is opposed to opening it at this time.

Commissioner Rice stated then the Commission should go back to the plan and buoy off the area that was planted and open the remainder of the bar. We are only as good as the information we have today.

Chairman Erskine noted that the mortality on Lower Cedar Point is extremely low. He thinks there has to be some consideration to adaptively managing these natural oyster bars. He understands there is a plan in place, but that may have to be modified as we go along to make sure we achieve the best from that plan.

John Dean stated there are many projects that have been set up in the river and are implemented using a working document that may need to be adjusted from time to time. We have a product that is ready to be harvested and we have to work smarter with our product. This is prime time and we need to harvest and salvage what we can. We also need to look at Jones Shore. This Commission has to make some drastic decisions. The disease is high and if we don't get some rain and very cold weather to kill this disease, we're going to be out of the oyster business Bay wide next year, especially in the lower river.

Robert T. Brown, President of the Maryland Watermen's Association is in support of opening Lower Cedar Point, because you don't know what will happen over the summer. The salinity is very high right now and that breeds disease. We need to take all of this into consideration.

John F. Tucker Brown stated he supports Wayne France and his comments, but he also wants to say that everyone who is involved needs to benefit from this and that includes the shuck houses. We are going to stand for the program because we believe in it. He has to admit that when a program is created, you have to adapt as needed. He understands where Commissioner Rice is coming from. There is nothing biologically showing that this needs to be done. Once this plan starts to change, it will continue to change.

A motion was made by Commissioner Rice, seconded by Commissioner Blazer to open the entire Lower Cedar Point oyster bar at sunrise on December 12th and will close at quitting time on December 31, 2016. All bushel limits and laws apply and will be in effect. Once the season closes, we'll evaluate what was taken off the bar and we'll have good information. The Commission might want to look at opening again at the end of the season or wait until next year.

Mrs. Cosby stated that in the plan it is recommended that harvesters call in daily so that harvest can be tracked. She asked the Commission if the watermen can be required to do this. Commissioner Rice stated he would be supportive of that and would amend the motion.

Mr. Gary questioned if the Commission's intention is to deviate from the plan. If we have a plan in place and want to leave a certain amount of oysters there, how do we do that? Commissioner Rice replied the oyster bar is not just the ten acres that were planted, but a 900 acre site. There

are way more natural oysters on that bar than planted oysters. They would certainly be left behind. We know that everyone is going to go where the oysters were planted. If you open it, they will come.

Commissioner Langley stated that this area is for shaft tongs only and felt that the efficiency of the gear is only 65 to 75 percent. He is concerned about leaving behind 25 percent of the oysters as the plan specifies.

Mr. Gary asked for clarification and direction for staff. He asked if the Commission is abandoning the notion of leaving a specific percentage of oysters on the bar. He would be derelict in his duty as a fisheries manager if the Commission enacts an Order to open up Lower Cedar Point to harvest with a plan in place to leave a specific amount of biomass on the bar. If the Commission is going to direct staff that it's secondary in importance to the economic benefits it may provide, he would like clearance on that.

Chairman Erskine explained the location of Lower Cedar Point is important as well. This bar is in the middle portion of the river and he would anticipate very little recruitment in this area. As far as leaving a biomass, with it being a shaft tong area, there should be oysters left for potential recruitment. The likelihood of significant recruitment is minimal.

Commissioner Rice stated Lower Cedar Point, in the past, has been a bar with significant recruitment, but it hasn't happened in 25 years. We do have a history of this bar setting, it's just that everything has not lined up in a long time to produce another one. Chairman Erskine stated it sounds like Jones Shore.

Mr. Gary stated the Commission has a plan in place and he is in charge of implementing it. This Order is inconsistent with his ability to carry it out as written. If Lower Cedar Point is opened as the motion is directed, he can not guarantee the plan will be adhered to. He doesn't believe that staff will be able to guarantee this Commission, or even remotely, be able to understand where we are to leaving the biomass that was intended and laid out in the plan. He is asking for guidance and questioned if the Commission is abandoning the plan for the sake of this motion going forward or at least compromising that one component of the plan going forward.

Chairman Erskine stated Mr. Gary is drawing a hard line between abandoning the entirety of the plan or are we just modifying the plan. In his opinion, the Commission would be making a modification to the existing plan. He would in no way suggest abandoning the plan and he would say that for the OMR program, the RNOHP and the Jones Shore plan. We are doing ourselves a disservice if we just ignore what's going on in the river and simply stick to a plan that was written four or five years ago without adaptively managing it.

Commission Rice stated he agreed with Chairman Erskine one hundred percent. We've already set precedence in reacting to what's happening in real time when the Commission closed Jones Shore last year. We reacted to a situation and this is no different.

Commissioner Bull respects the sentiments that have been expressed here and he understands them. With that being said, he is leery of an argument that says we see oysters, we know they're there, they could die from a freshet or disease, so let's harvest them now and the future will bring whatever the future will bring. With management plans, mortality is a possibility at any point. He hasn't heard an argument yet that is persuasive yet to change the plan.

Commissioner Langley questioned if anyone knows what that the biomass is there right now and how would you measure what the existing biomass is and know that you've left 25 percent after harvesting. Chairman Erskine explained in 2013 there were 4,250 bushels of Great Wicomico seed, 1,200 to 1,500 spat per bushel and it's been out there for four years. Mrs. Cosby stated the survey showed 128 markets per bushel on the fall survey. She stated the calculations would have to be done to determine how many bushels would be available.

Mr. Gary clarified his comments in stating not abandoning the plan, but that component in the plan that suggests leaving a certain amount if we don't have the logistics in place to quantify it. The better methodology would be to monitor the catch per unit of effort coming off of the bar. That would require a daily call in. In the original plan, it was delineated as a daily call in by the buyers. He is in support of the plan if we can not compromise our ability to execute that component of the plan, not abandon the plan. If this were to go forward, would the Commission be supportive of staff implementing a daily call in requirement. We have ten days to develop the logistics and implement it by trying to inform and uninformed licensee base. It's challenging.

Commissioner Kellum suggested sectioning off a piece of oyster bar to be left alone and would that account for the 25 percent that the plan is requiring. Commissioner Rice stated in the original plan, only the area that was planted was to be closed. This oyster bar is not a small bar. Everyone that has made a point today, has made a good point, but he feels we're getting hung up on a lot of technical stuff when we are already restricting a primitive gear with bushel limits. You're not going to catch the last oyster with shaft tongs. Just restricting it to shaft tongs guarantees you brood stock left on the bar. You'll never catch the last oyster.

Chairman Erskine stated if the Commission is concerned with leaving the 25 percent for brood stock, the motion could be amended to close on December 23rd giving a two week period to work.

Bill Kilinski stated currently there are only five hand tong licenses issued and we don't know how many boats we'll have up here to work. He doesn't see an influx of watermen coming for a two week period. It might take some pressure off of Jones Shore.

Commissioner Bull asked for the motion to be restated. Commissioner Rice restated the motion.

Chairman Erskine called for the vote and with 7 in favor and 1 opposed (Bull) the motion passes.

Mrs. Cosby asked for clarification of the daily call in by the harvesters. Chairman Erskine stated yes, that was the intent of the Commission and all seven Commissioners who voted yes agreed.

Mrs. Cosby asked for action to be taken on Gum Bar. ***Chairman Erskine stated hearing no opposition to the planting of Gum Bar, it is approved by consensus.***

Becky Butler, PRFC Secretary, asked Mrs. Cosby how Order 2013-09 would be affected with the opening of Lower Cedar Point. Mrs. Cosby stated we will create an Emergency Order for the opening. Ms. Butler stated that wasn't necessary since Orders become effective ten days from their adoption. The Commission advised that Order 2013-09 would be amended for the opening on December 12, 2016.

Mr. Gary asked for a change in the agenda to accommodate the Mallows Bay Presentation. He stated the agenda has some vigorous topics today and it may be a lengthy meeting. What they would like to do is give a brief presentation and come back to the March Commission meeting, once the next phase has taken place.

Mallows Bay Presentation – Kelly Collins & Kim Hernandez (MD DNR) and Paul Orlando (NOAA)

Mr. Orlando thanked the Commission for having them today. He has been working with several organizations in Maryland to develop a National Marine Sanctuary at Mallows Bay. This is a community based process. We hoped to be further along in the public process, but the Federal Government moves a little slower than some of us would like it to. A nomination was submitted in September 2014 supported by various community groups. Initially, their starting point was to take a look at the historic resource base in the Potomac River primarily around ship wrecks. There was a simultaneous process going on at the same time this nomination was being submitted by a group who was trying to apply to the National Park Service to come up with a designation of this area under the National Register of Historic Places by capturing World War I era ship wrecks. The nominators have at the heart that this is a sanctuary about historic resources not a natural resource based sanctuary. The nomination goals are to protect those resources. There are plenty of rules in place to do that, but they felt more needed to be done. The second goal is to enhance recreational tourism, and the third goal is to strengthen educational opportunities. The fourth goal is to use this area as a sentinel site to promote research using science and technology at all levels. Last fall, a public process took place and this nomination was put out to the public. There was overwhelming endorsement of a marine sanctuary in this part of the Potomac River. They were extremely satisfied with the four goals listed. Some of the comments that were expressed were to retain recreational and commercial fishing, preserve fossil hunting, boundary expansion, visitor center established and a celebration for WWI anniversary. We are working with the state and county to incorporate all these ideas. He asked Ms. Collins and Ms. Hernandez to speak more on that.

Mr. Orlando advised there is a five step process and he just spoke about the scoping period. A preliminary scoping period (included a public comment period, public meetings and scoping report) was followed by an action plan development period (developing a list of issues and interagency coordination), and development of the draft management plan and NEPA guidelines. This is currently the phase we are in. The next steps include review of the draft documents (public comment period, interagency briefings, public meetings), consideration of comments (modification based upon comments, select preferred alternative, present proposed management plan to Governor, and interagency briefings), and lastly approve final management plan and EIS.

Executive Session – 1:10 p.m.

A motion was made by Commissioner Fleming, seconded by Commissioner Hall and unanimously passed to go into Executive Session to discuss legal and personnel matters.

Reconvene – 1:58 p.m.

A roll call vote was taken to confirm that only legal and personnel matters were discussed in Executive Session. All Commissioners agreed.

Chairman Erskine noted that Commissioner Fleming needs to leave for a prior engagement. Therefore, the **PRFC Vehicle Committee Report** will be deferred until the March Commission meeting.

Jones Shore Management Area #1 Harvest Update

Chairman Erskine noted that earlier in the meeting, Mr. Dean asked what the ranking was for the disease that's recorded in the fall survey. He has learned the Maryland has a scale of 0 to 7 with 0 being absent and 7 being very high. He recalled the mean intensity at Jones Shore was 4, which he would consider moderate. However, he did discuss with the pathologist at VIMS and he said when the prevalence is high and you have a number like a 4 that is significant. If it was a low prevalence with a 4 then it wouldn't be as significant, but since they are both kind of high that makes it more relevant.

Mr. Gary stated the harvest report has already been presented. Majority of the harvest is coming out of area 1 from Jones Shore. He showed a picture of the bar that has been sectioned off into three sections. For management purposes, there is an area open to hand scrapes and an area open to hand tongs. Area 1 is the first year of harvest for hand scrapes. This area opened on November 1st (Monday, Wednesday, Friday) with an 8 bushel limit or 16 bushel maximum to the boat if two or more licensees are working together. The season for that area will close the last Friday in December. It will reopen March 1st through March 31st, Monday through Friday.

Mr. Gary has surveyed the bar twice with Wayne Goddard and Bill Kilinski. There was concern with mortality. On the day he surveyed, boats showed up at 7am and were done by 10:30 am. They are all achieving 16 bushels to the boat. He took samples this past Monday to look at size distribution and mortality. It was pretty clear it was taking longer at that time to achieve their bushel limits. They are doing what the plan suggested. The intention was to intensively work the bottom and then do a spatial comparison of the recruitment. At the request made by the industry and the OCAC, he took several samples (3 in area 1 and 3 in area 2). The fall survey showed the overall mortality on Jones Shore and the addition was 39.5 percent. It's elevated and Dr. Wesson stated it's comparable to when it was surveyed earlier. Discussions were concerned with the high level of mortality, felt it was getting worse and that they were all going to die. It was brought to the OCAC that the Commission should consider opening up additional areas or the whole area to hand scrapes. This is the back ground information leading up to where we are now. He stated he would pull any of the data from the surveys if the Commission would like to see it.

Commissioner Bull recalled that this area used to be a hand tong only area and was recently opened as an experimental hand scrape area. Mr. Gary agreed.

Bill Kilinski, President of the Charles County Watermen's Association, stated at their meeting they discussed this significant death occurring at Jones Shore. A motion was made at the meeting to recommend opening area #3 to hand scrapes. Death has been noted there and we should try to harvest these oysters before they are all dead.

John Dean, Chairman of the St. Mary's Watermen's Association stated he did not have a meeting but by general consensus, the watermen want to see something done at Jones Shore. There is a huge amount of death. This area of the Potomac River has supported the Potomac River for years. It was traditionally a seed area and within a year they all died and the Potomac River was almost put out of the oyster business. We don't want to see this happen again. It would be nice if we could open up more area and work the bottom. He understands there is a program in place but it looks like we are going to lose them if we don't do something. If we don't get any rain we are going to lose everything.

Richard Riche oysters at Jones Shore. He thanked Mr. Gary and the Commission for the work that is done and allowing the watermen to speak and achieve the results that are needed. There is a mutual respect and a good working relationship between the watermen and the Commission. This plan that is in place is very important. Prior to the implementation of the plan, Mr. Riche worked at Jones Shore tonging and was very reluctant to see hand scrapes allowed there. He wouldn't be pushing for anything if he wasn't seeing a large amount of oysters dying on the bar. He has worked Jones Shore and is witness to culling dead oysters. We've done all we can do and Mr. Gary has been very supportive in understanding our views. We feel like the oysters are dying and we hope the Commission opens Jones Shore.

Tucker Brown, Chairman of the Oyster/Clam Advisory Committee stated this area has a problem because something is going on there. It's one of the Commission's largest seed areas we've always depended on. As time goes on, things change. There is a program there and the reason it was established was to bring it back as a seed area. In all fairness, maybe January and February could be added to the opening and that would help out some. The problem is we have a death rate here that needs to be addressed. If the Commission opens the entire bar, it needs to be opened up for three years straight of dredging so the shells can be worked up in hopes Mother Nature does her part. Shells on the river bottom and nature's way, is death. The packing houses are another part of the picture. This is more than just death. Christmas is coming and the packing houses need all the oysters they can get. We have to think about next year. If we get a dry summer, it's going to get worse. We respect the Commission's decision because we know the position the Commission is in today.

Robert T. Brown, President of the Maryland Watermen's Association has seen this disease before and knows what it can do to an oyster bar. This type of disease will not allow the oysters to live through the summer. We need snow and fresh water to kill the disease. If it stays dry the oysters are going to die. The Commission has a hard decision to make, but we are better off harvesting what oysters we can. We can buy the shells back and replant the bar. Please take all of this under consideration.

Mr. Kilinski stated the conversation held at the Charles County Watermen's Association was to open area #3, and area #2 would still be left as a control area for the plan.

Mr. Riche stated Tucker Brown brought up the idea of a seed area and everyone seemed to like that idea. If the Commission opens all of Jones Shore, it has been stated that working the bottom will prep the area for future spat sets and plantings.

Mr. Gary explained the areas that were created on Jones Shore and how they are supposed to work with the plan. What Mr. Kilinski is proposing is to open area #3 (middle area) and leave area #2 closed as a control area. Area #3 contains the highest amount of oysters on the bar. Mr. Kilinski explained now that death has come into the picture, we want to open area #3 so that we don't lose all the oysters. That area is not scheduled to open for another two years.

Chairman Erskine stated he understood the plan to work as a rotational plan with three areas, but now disease has come into the picture and has impacted the strategy. He agrees that disease should be a concern of everyone here, but keep in mind that we are going into a dormant time and the disease is not going to proliferate at this time of year. We need to be concerned when it starts to warm up next summer and that's when you may see an accelerated death rate. We may have an opportunity to address this in March, if we see the mortality continue and can manage this at a later date if necessary.

Commissioner Blazer stated the Commission should also have the disease report that was referenced earlier. Hopefully by March 1st, the Commission would have more convincing data to review before a decision is made.

Mr. Kilinski stated the MSX data have not been received, but the Dermo disease is the one that affects the large market oyster. Chairman Erskine explained that MSX is an acute disease that will quickly impact oyster populations, so it will kill an oyster faster. Dermo is an accumulative disease over time and that's why we hear of later impacts from it. If we get rainfall or significant snowfall, that should knock MSX down pretty quickly.

Commissioner Blazer noted that from the data presented, something is impacting more of the small oysters versus the markets. To him, he is questioning if it's Dermo; or is there something else going on like anoxia?

Mr. Gary advised that Dr. Wesson has gone on record a few times stating that may be a possibility. It's unfortunate that Dr. Wesson and/or Mitch Tarnowski could not be here to provide their perspectives. Mr. Gary reached out to Dr. Wesson via text message and asked him if the intensity of 4 changed his mind about the opening of other areas of Jones Shore. His response was no, this is an experiment and we are trying to determine the impact of dredging on recruitment. Those small oysters did not die from Dermo. Mr. Gary questioned if the Commission wanted to rush to judgment on this when there is not compelling information that the anecdotal observations are what they are.

Commissioner Rice stated if the Commission decided to open Jones Shore today and close at the end of December, there are not that many working days left because harvest is only on Monday, Wednesday and Friday. He suggests as an olive branch to allow Area #1 to stay open January and February then revisit this in March.

Mr. Gary stated he would support that option, because it has no impact on the plan. It provides some economic benefit for the harvesters as well. He has concerns, but the plan seems to be working and he doesn't want to break the integrity of the plan by opening it all up.

Commissioner Langley stated he liked that idea. No one wants to see oysters lay there and die, because it doesn't benefit anybody. This was designed for an experimental benefit and to catch spat. He asked the industry if this is addressed again in March, have all the user groups had an opportunity to weigh in on this. Mr. Riche responded everyone in the oyster industry is in support of opening Jones Shore. The oysters are dying and we can't emphasize that enough. He feels the integrity of the plan was compromised last year when the lower river was shut down. He believes 2/3 of the oysters have died. If the Commission waits, there will be nothing left to harvest.

Tucker Brown stated he was going to have to disagree with some of Mr. Riche's statements. First of all we can't predict anything, but we have to look towards the future and what we're trying to do. We need to give this a chance and stick with the plan. We are trying to build back something that is most needed, a seed area. Changing things is going to be costly and there may be some mistakes made, but at the same time we just can't try to take everything at one time. The area that's open now is a large piece of ground. Going with Commissioner Rice's suggestion is going to help. He agreed to meet again in March and let's see what happens. Let's hope we have a change in the weather for spring.

Chairman Erskine commented that it's all our collective objective and purpose to have a vibrant and economic industry in the Potomac River. Looking back on it now, with the spat set we had, maybe we should have moved some of that seed and not let it sit there. He would like to see it get back to a seed area just like everyone else. Don't mistake this Commission as a body that disregards what the industry is suggesting or recommending, because we take all of it very seriously.

A motion was made by Commissioner Rice, seconded by Commissioner Langley and passed unanimously to modify Order 2016-14 to continue with the opening of Area #1 through January and February 2017, Mon. – Wed. – Fri. and that the Commission gives a good faith gesture to revisit this at the March Commission meeting to make sure we've done the right thing moving forward. The Order passed as follows:

ORDER #2016-14 "Revised"

**2016-2017 JONES SHORE BAR OYSTER SEASON
AREAS, DATES, DAYS, AND TIME LIMITS**

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources on the Jones Shore Bar and pursuant to its authority under Regulation II, Section

2(b) and Regulation I, Section 7(a)(1), **HEREBY DECLARES AND ORDERS:** The 2016-2017 oyster season, areas, dates, days open and time limits shall be as follows:

| <u>Gear</u> | <u>Season</u> | <u>Days</u> | <u>Hours</u> |
|--------------|--|--|--|
| Hand Tonging | Oct. 1 thru Dec. 31, 2016 Jan. 1 thru Mar. 31, 2017 | Monday thru Friday Monday thru Friday | Sunrise to 1:00 p.m. Sunrise to 3:00 p.m. |

Area open to Hand Tonging - That portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: Beginning at the mouth of Harry James Creek (38° 5.377' N, 76° 22.886' W) St. Mary's County, MD; thence southwesterly to a point (38° 4.323' N, 76° 24.132' W), which is the intersection of an established fish trap area as delineated on NOAA chart #12233; thence southeasterly along the fish trap area line to a point (38° 3.892' N, 76° 23.530' W); thence southeasterly along the fish trap area line to a point (38° 3.134' N, 76° 22.044' W), thence northeasterly to a point on shore above Hall Pond (38° 3.490' N, 76° 21.566' W); thence northwesterly along the shore following the jurisdictional boundary of the Commission to the point of the beginning.

| <u>Gear</u> | <u>Season</u> | <u>Days</u> | <u>Hours</u> |
|---------------|--|---|--|
| Hand Scraping | Nov. 1 thru Feb. 28, 2017 Mar. 1 thru Mar. 31, 2017 | Monday, Wednesday, Friday Monday thru Friday | Sunrise to 1:00 p.m. Sunrise to 3:00 p.m. |

Area open to Hand Scraping - That portion of the Potomac River commonly known as Jones Shore (Area 1) and enclosed within the following described boundaries: Beginning at a point (38° 5.594' N, 76° 23.374' W) along the shoreline south of Calvert Bay, MD; thence westerly to a point (38° 5.599' N, 76° 24.143' W), thence southwesterly to a point (38° 4.816' N, 76° 25.192' W), which is the intersection of an established fish trap area as delineated on NOAA chart #12233; thence southeasterly along the fish trap area line to a point (38° 4.323' N, 76° 24.132' W); thence northeasterly to a point (38° 5.377' N, 76° 22.886' W); thence northwesterly following the jurisdictional boundary of the Commission to the point of the beginning. (See attached map)

BE IT FUTHER DECLARED AND ORDERED: Possession of a hand scrape shall be permitted during the aforesaid times and from one hour before and for two hours after such times. The use or possession of any hand scrape at any other time is unlawful.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2016-14 "Revised" shall become effective December 12, 2016 and remain in effect through March 31, 2017.

NRG Energy Funding Update

Mr. Gary announced that everyone has been working collectively with NRG Energy and he was made aware that the interveners have agreed to award PRFC for oyster restoration. The details need to be worked out, but he is working on a plan that is flexible. He will work with the OSPP and the OCAC when it is it time to start discussion. He stated he is not able to say how much funding the Commission will receive at this time, but be aware that it is not an insignificant amount. He will have an exit interview with NRG Energy, and they will be in a position to write a check to the Commission. A separate account will be set up for this and he asked for the Commission's direction to move forward. He proposed his next step would be to reach out to others and see if matches can be made. He will begin a grass roots campaign to build funds from organizations to plant and restore oysters.

Mr. Kilinski asked if it was possible to take another sample at Jones Shore to collect a data set to test for the disease. Chairman Erskine stated that is something that can be talked about. Samples can always be sent down to VIMS for a charge.

Crab Harvest Report

Mrs. Cosby presented the preliminary crab harvest report through November to the Commission. Each month has been reportedly higher compared to last year. The report shows 66,337 bushels of hard crabs, 15,531 pounds of peelers and 1,144 pounds of soft crabs harvested.

First Quarter Disbursements and Cash on Hand

Mr. Gary presented the first quarter disbursements (July through September) for the operational budget totaling \$155,459. He noted there are no unusual expenditures. A report of the cash-on-hand was presented showing \$711,558.54 as of November 30, 2016.

A motion was made by Commissioner Blazer, seconded by Commissioner Rice and unanimously passed (Commissioner Bull was not in the room) to adopt the first quarter disbursements and cash on hand as presented.

Deferred Compensation Resolution

Mr. Gary stated this resolution is to adhere to Virginia statutory language related to the Commission's deferred compensation match plan. He read the resolution for the record and a motion will need to be made for its adoption.

A motion was made by Commissioner Rice, seconded by Commissioner Kellum and unanimously passed to adopt the Potomac River Fisheries Commission Deferred Compensation Match Plan as follows:

**Potomac River Fisheries Commission Deferred Compensation Match Plan
Nationwide Retirement Solutions
Restatement of Plan Document
(In accordance with the enactment of the Pension Protection Act of 2006)**

Resolution

The undersigned authorized representative of Potomac River Fisheries Commission (the Employer) hereby certifies that the following resolution was duly adopted by the Employer on December 2, 2016, and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, That the form of amended Plan and Trust effective JULY 1, 2015, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto are true copies of **POTOMAC RIVER FISHERIES DEFERRED COMPENSATION MATCH PLAN** as amended and restated, and the Summary of Plan Provisions, which are hereby approved and adopted.

Signed: _____
Martin L. Gary, Executive Secretary

Date: _____

A motion was made by Commissioner Rice, seconded by Commissioner Kellum and unanimously passed to adopt the Potomac River Fisheries Commission Deferred Compensation Match Plan Resolution as presented.

Appointment of Nominating Committee

Chairman Erskine appointed Commissioner Rice and Commissioner Hall to be the nominating committee who will come back at the March Commission meeting with a slate of officers for 2017.

Advisory Committee Vacancies

Mr. Gary advised there are several vacancies for each advisory committee which are due to expire on March 31, 2017. All members whose terms are up have agreed to serve another term. The incoming chairman will appoint members in March.

Holiday Schedule

A motion was made by Commissioner Rice, seconded by Commissioner Blazer and unanimously passed to approve the following holiday schedule.

December 23rd – Closing at noon, December 26th – Closed, and January 2nd – Closed.

PRFC Website Presentation – Intern Ben Peed and Martin Gary

Mr. Gary introduced via Skype, Mr. Ben Peed who is in Blacksburg, VA at Virginia Tech University attending college. Mr. Peed was the Commission's summer intern who worked on a mapping project for the PRFC website.

Mr. Peed stated the idea behind the mapping project was to gather information for accessing the Potomac River and have it available in a map format. He worked this summer traveling up and down the Potomac River on the Maryland and Virginia side visiting public boat ramps and parks, taking pictures and marking GPS locations using Google Maps. There are a number of features that allow a user to become interactive with the map as well as social media. He reviewed several of the sites to show examples of how the map will work.

Chairman Erskine thanked Mr. Peed for all his hard work, and noted that it sounds like the Commission has a good starting point for this tool. Commissioner Bull thanked Mr. Peed and says it looks very good and it will be a very useful tool for the website. Mr. Peed stated he had a great time working with the staff at PRFC and enjoyed the experience. Mrs. Cosby noted he also helped plant oysters.

Mr. Gary stated that the NOAA grant is paying for the internship. He advised that staff has been working with the webmaster on revamping the site to make it more user friendly. This summer he would like the intern to work on archiving some of the historical data we have.

Commissioner Bull suggested that the fees for recreational licenses be place on the home page of the website. Mr. Gary stated he would look into that.

Any Other New Business

John Dean questioned if there was any way the CPID decals and tags could be received any earlier this upcoming year. Mrs. Cosby explained that for anyone who renews in December, their order will be placed the first week of January. Anyone who renews in January, their order will be placed the first part of February. We hope this will speed up the process by breaking the order into two parts.

Commissioner Blazer mentioned that Maryland has put together a Black Bass Advisory Sub-Committee from their Sport Advisory Committee. They are talking about Black Bass management. A Fisheries Management Plan (FMP) was implemented and a lot of the data is showing poor numbers over the past couple of years. Maryland is looking forward to working with VDGIF, PRFC and Washington DC as this may impact the Largemouth Bass fishermen on the river. It appears the data is conflicting between the jurisdictions. His staff will be reaching out in the future to start this process in the near future.

Commissioner Erskine thanked everyone for their hard work and stated these meetings seem to be getting longer and longer. He appreciated all the public comments and the hard work put forth by staff and the Commissioners. He wished everyone a Merry Christmas and a happy New Year.

Date and Place of the Next Meeting

The next Commission meeting is scheduled for Friday, March 3, 2017 at 9:00 a.m. in the John Thomas Parran hearing room in Colonial Beach, Virginia.

Adjourn

The meeting adjourned at 3:21 p.m.

Respectfully submitted,

A. J. Erskine, Chairman

Lynn H. Kellum, Secretary