

**FINFISH ADVISORY COMMITTEE REPORT**  
**July 26, 2016**  
**PRFC Office, Colonial Beach, VA**

**Members Present**

Harry Boyden – (MD)  
James A. Bowling – (MD)  
Robert T. Brown, Sr. – (MD)  
Thomas Crowder, Sr. – (MD)  
George G. Willett – (MD)  
Martin H. Duby – (MD)  
Thomas L. Lewis – (VA)  
Arthur L. Loving – (VA)  
Chris Owens - (VA)  
Dusty Remington – (VA)  
Jeff Schenemann – (VA)  
Chuck O’Bier Proxy for Dandridge Crabbe – (VA)  
Ryan S. Rogers – (VA)

**Members Absent**

Jeffrey Pharis – (MD)  
Russell A. Sullivan – (MD)  
Paul Downey – (VA)

**Commissioners Present**

Dennis Fleming

**Support Staff Present**

Ofc. Dave Deemer – VMRC Marine Police  
Martin Gary – PRFC Staff  
Becky Butler – PRFC Staff

**Press**

None

**Others Present:**

Harry Hornick (MD DNR Fisheries Service), Victoria Brown, Bob Bowes and several others who did not sign the guest register.

Chairman Brown called the meeting to order at 6:00 p.m.

**ASMFC Summer Meeting Discussion**

Atlantic Menhaden – Mr. Gary presented a suite of options provided by the Atlantic Menhaden Technical Committee. The technical committee explored nine separate projection runs as requested by the Board. The projections explored a range of TAX level from status quo to catch levels up to 40% higher than the current TAX, as well as runs looking at several probability levels of the fishing mortality rate being below the F target. The proposal is for a possible increase back to what it was in 2014, allowing 12,000 pounds of by-catch if two licensees are aboard a boat. The highest increase in pounds with the options is about a 40% increase totaling 3,563,833 pounds of quota. Currently the quota is 2,545,595 pounds and no more than 6,000 pounds of Atlantic Menhaden for a single boat per day, which must be harvested by the pound net licensee from his licensed pound net(s).

Martin Duby stated he is insulted by Virginia’s numbers and in comparison we are dealing with crumbs for the Potomac River. He stated the committee should support the highest increase of quota.

**A motion was made by Tommy Lewis, seconded by Ryan Rogers to support option #6 (263,032 mt = if board implemented a 40% increase to the current TAC). The motion passed unanimously.**

Bob Bowes stated in 2013 everyone took a cut and ASMFC is dragging this out. He felt it was time to take a stand on this issue.

**A motion was made by Tommy Lewis, seconded by Larry Crowder to allow a 12,000 pound by-catch for pound netters with two licensees aboard a boat. The motion passed unanimously.**

Cobia – There has been some discussion from the District of Columbia about seeking approval to harvest Cobia. Currently, the PRFC does not have a member that sits on the Cobia Board at ASMFC and there are no regulations in place for Cobia. Mr. Gary recommended partnering with Maryland and Virginia to see about having someone sit on the board to represent the PRFC. **The committee agreed by consensus.**

Atlantic Sturgeon – There is a proposal to designate critical habitat for Atlantic Sturgeon. The entire Potomac River is designated as essential fish habitat under a proposed rule by the EPA. It is considered a safety net for the protection of physical and biological attributes of habitat for Sturgeon. Mr. Gary stated he would keep the committee informed as this develops.

Striped Bass – There will be a review performance of Addendum IV Regulatory Measures in 2015. Currently there is no Potomac River specific recreational harvest estimate. There will be an update assessment presented the 3<sup>rd</sup> week of October.

American Eel – There will be discussions to consider changes to Addendum IV for Yellow Eel allocations. This is an ongoing discussion to look at possible alternatives to the current state by state allocations. PRFC is a major harvester among the coastal jurisdictions and any changes could be impactful to Potomac River harvesters. The goal is to stay status quo on this issue and keep things the way they are.

### **September Public Hearing Items**

Mr. Gary stated there were several Regulations being advertised for a September public hearing. He reviewed each Regulation with the committee.

1. Amend **Reg. I, Sec. 2(d)(1)** – Crab Pots – to clarify the surrender and reissue of a crab pot license. **The committee made no comments.**
2. Amend **Reg. I, Sec. 2(l)(1)** – Fish Trot Line – to change the license fee to \$50 per fish trot line. **The committee supported going back to the way the Regulation was previously written.**

3. Repeal **Reg. I, Sec. 5(d) – Reduction of License Fees** – to repeal this Regulation where there would no longer be senior license fees for commercial licenses. **The Committee supports eliminating the commercial senior license fees.**
4. Amend **Reg. VI, Sec. 5(b) – License Fees** – to modify the license and fee structure for sport licenses. **A motion was made by Martin Duby, seconded by Dusty Remington to support the proposed changes for three years and reevaluate at that time. The motion passed unanimously.**

Bob Bowes stated the Commission messed up on this one and they should admit their mistake and go back to the way things were.

Dennis Fleming, PRFC Commissioner stated he was first to admit the Commission's mistake and stated they are trying to fix it.

5. Amend **Reg. VI, Sec. 5(c) – Exemptions** – to clarify when a sport fishing license is not required. **The committee advised Mr. Gary to clarify the language with legal council and agreed that there was confusion in the Regulation.**

### **Pound Net Marker Poles**

Mr. Gary advised this issue is carried over from the last Finfish meeting under new business. John Dean requested the committee discuss the approval of leaving pound net marker poles out between seasons. Currently the season runs February 15 through March 25 and June 1 through December 15. Regulation I, Sec. 2(s)(2) states that PN poles, except for the marker pole, have to be pulled and removed from the river by the licensee within fifteen (15) days after the close of the season. Between seasons is a little over a month and Mr. Dean feels that's a waste of time and a lot of work to pull poles.

A few of the committee members stated they prefer to pull their poles because of ice and to clean and replace the bad poles.

Tommy Lewis stated he would like to have the option to leave the poles out. He generally replaces poles every two years and it would save time pulling them every season.

Ryan Rogers stated he has heard poles are pulled because of boat traffic. It seems to him that one marker pole is harder to see than all the pound net poles and could potentially be a safety hazard. He feels the pound netters should have the option.

James Bowling has no problem with allowing the option and feels there won't be any new pound netters coming into the fishery. The ones fishing now are not trying to lose their poles and will pull them if they need to. If there were new people coming into the fishery it may be a different story.

A motion was made by Larry Crowder, seconded by James Bowling to recommend the Commission consider changing Reg. I, Sec. 2(n)(9) to allow pound net poles to be left out between seasons. The motion passed unanimously.

### **Order 2016-13 – Commercial Striped Bass Gill Net Season**

Mr. Gary advised with the restrictions in place by ASMFC, this Order simply has updates to the calendar changes for the season. The quota will stay the same.

A motion was made by Tommy Lewis, seconded by Arthur Loving to recommend the adoption of Order 2016-13 as presented. The motion passed unanimously.

#### **O R D E R #~~2015-14~~ 2016-13 (replaces #~~2014-11~~ “Revised” 2015-14)**

#### **~~2015-2016~~ 2016-2017 GILL NET SEASON AND RESTRICTIONS & COMMERCIAL STRIPED BASS CATCH AND SIZE LIMIT**

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**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the striped bass (rockfish) population, and pursuant to its authority under Regulation I, Section 8 and Regulation III, Sections 9(a), (b) and 10(a): **HEREBY DECLARES AND ORDERS**: the gill net fishery shall be allowed under the following conditions and limitations:

- a) **Season** - The gill net season shall be from November 9 ~~14, 2015~~ 2016 through March 25, ~~2016~~ 2017.
- b) **Permitted Nets** - Each licensee, shall be permitted to set and fish a single properly identified net, in the number of his licensed locations (stands) as follows:
  - i) November 9<sup>th</sup> ~~14<sup>th</sup>~~ through February 29<sup>th</sup> ~~28<sup>th</sup>~~ – all stands, and;
  - ii) from March 1<sup>st</sup> through March 15<sup>th</sup> – 4 stands, and;
  - iii) from March 16<sup>th</sup> through March 25<sup>th</sup> – 3 stands.
- c) **Other Conditions** – Once renewed no change of the ownership of any gill net licenses will be allowed during the remainder of the open gill net season. Two or more licensees may, and are encouraged to jointly fish lawfully licensed and set nets belonging to one or more of the individuals.
- d) **Quota** – The gill net striped bass quota shall be 355,810 TBD pounds (44,280 TBD ID Tags) total for all licensees, less any taken with a hook and line as may be allowed under Regulation III, Sec. 13(d). Each individual's striped bass quota will be proportional to the number of gill net licenses held by that individual and will be represented by a number of striped bass identification tags issued to that individual.
- e) **Striped Bass Size Limit**

November 9 <del>14, 2015</del> 2016 through February 14, <del>2016</del> 2017	18” Min.
February 15, <del>2016</del> through March 25, <del>2016</del> 2017	18” Min. / 36” Max.

**AND IT IS FURTHER DECLARED AND ORDERED**: this Order #~~2015-14~~ 2016-13 shall become effective November 1, ~~2015~~ 2016, shall supersede and repeal Order #~~2014-11~~ “Revised” 2015-14 and remain in effect for the ~~2015-2016~~ 2016-2017 season or until such time the Commission has taken further action.

### **Mallows Bay Update**

Mr. Gary advised that Mallows Bay is a Maryland tributary of the Potomac River. It is being proposed as a National Marine Sanctuary. MD DNR and NOAA are advancing this collaboratively. During this entire process the question has been asked will there be any impact to the commercial or recreational fisheries in PRFC jurisdictional waters. Every time, the

response is no. He will continue to ask those questions and continue attending the meetings to ensure this does not affect PRFC waters. He is going to ask for someone to come and speak to the Commission at the September meeting.

James Bowling stated that he has concerns with the consumption and non-consumption uses of the area. He is aware that Charles County would like to expand the area being designated as a National Marine Sanctuary. If all they are doing is protecting these old ships, why do we have to map uses of the river? Mr. Gary stated that once they have an understanding of the uses in this part of the river, they could minimize impacts to those activities and at the same time maximize opportunities for the public.

Chairman Brown advised Mr. Gary to keep a close eye on this, because you can't trust anyone when it comes to this type of stuff.

### **Possum Point Coal Ash Update**

Mr. Gary stated up to this point he has been heavily involved in this issue. He took a moment to thank Chairman Brown for contacting the Hogan administration in getting involved with the Attorney General's office and they were the ones who challenged the permit. We were concerned about the discharge of the coal ash and if it would be clean enough. It will be discharged into Potomac Creek where there is a tidal exchange into the Potomac River. This is right in the middle of the second largest, most valuable spawning reach for Striped Bass on the Atlantic Coast. It's an area for other species to spawn as well. The DEQ pretty much shrugged all of our concerns off and stated they were following all regulations and they can guarantee they can fully protect human and aquatic health. Mr. Gary disputed that statement at several meetings and Maryland withdrew its opposition to the permit about a month and a half ago. They did this because they knew they were going to lose so they negotiated for additional, more stringent treatment requirements that DEQ and Dominion could agree to. It still doesn't make it right, but we've done everything we could do up to this point.

There is another concern after they dewater the pond. There is concern that the pond will not be fully sealed. When the water table encroaches under high precipitation events, the water table gets under the pond and takes the containments horizontally and transports them into Aquia Creek or the Potomac River. That should be a simple question to answer, but Potomac River Keepers says they can prove otherwise, so we'll have to wait and see what happens.

### **Oyster/Aquaculture Panel Discussion**

Mr. Gary advised the Oyster Strategic Planning Panel was created with a panel of experts to plan the next road map for oyster management in the Potomac River. They will have their first meeting on August 18<sup>th</sup> from 10 am to 3 pm consisting of 14 members. The public is welcome to attend. There will be at least three goals/objectives of this group, (1) a road map for the public fishery, (2) aquaculture and (3) ecological benefits. The committee had no comments on this update.

### **Striped Bass Summertime Aggregations**

Mr. Gary advised for the last few years our resident migratory component of the Striped Bass stock (age 3, 4, 5 and 6) have been moving up the Chesapeake Bay as far as the Chesapeake Bay Bridge. Commissioner Phil Langley has questioned why this is happening. MD DNR started an investigation in that area and he never received a final report, but he did receive some correspondence that what we have found so far is a diminished over time biodiversity of organisms in the substrate in the lower Potomac River and in the area along the lower western shore from Pt. Lookout up into Cedar Point Hollow. So there aren't that many organisms and lower levels of biomass showing the sheer magnitude of those animals have dropped. We still don't know if this is what's causing the fish to move up the Chesapeake Bay. There was a request for answers and this is what we were provided. He wanted to make the Commission aware.

Martin Duby stated on October 20<sup>th</sup>, Dave Secor from CBL, will be giving a presentation to the Southern Maryland MSSA Chapter at the Solomons Firehouse. He stated everyone was invited to attend. It may be an economical issue for Southern Maryland over the next ten years.

Commissioner Fleming stated Mr. Secor gave a presentation at a previous Commission meeting and owes the Commission a follow up.

### **Shad & River Herring Management Discussion**

Mr. Gary stated these fisheries are depressed along the entire coast. This is more about American Shad. Most of you are aware, the Potomac River and the Rappahannock River are performing very well. They are the only ones who have exceeded target restoration levels and the Potomac River is in its eighth year of increasing abundance. We are at 132% of target restoration based on the baseline that was established from 1962 data. Mr. Gary advised that the District of Columbia was possibly thinking about implementing in the future a limited recreational fishery in DC waters of the Potomac River. Currently there is a 2 bushel by-catch for pound netters in the Potomac River. Mr. Gary is making everyone aware of this and is trying to stay on top of it to see what takes place. He wants to make sure that everyone understands what's going on with the resource and will keep everyone posted as things unfold.

### **VA DGIF Inquiry on Crappie Creel Limits**

Mr. Gary advised that VA DGIF currently has a 25 fish creel limit in their waters. At the March Commission meeting the PRFC imposed a 10 fish creel limit for Crappie. VA DGIF reached out and requested the Commission consider changing our creel limit to be the same as theirs.

Chris Owens stated at a previous advisory meeting when the creel limits was discussed, there was a valid reason for setting the limit to 10 fish. That was in effort to stop fishermen from harvesting bucketfuls and to protect the fish from being over harvested.

Dennis Fleming stated he gave the presentation at the previous advisory meeting. He noted that 10 fish harvested from the Potomac River equals about 25 fish from Virginia waters.

By consensus, the committee agreed the creel limit should stay at 10 fish until they can see how the harvest goes, since it was just implemented.

### **Kitts Pt. Reef**

Mr. Bowes explained in 2014 the Commission received permission to place concrete overboard at Kitts Pt. to form a fishing reef. There were 10 loads put over costing \$40,000 in May of 2014. The initial budget was set at \$50,000 for the project. Mr. Bowes, Commissioner at the time, led this project. He has been made aware that there is more material that can be used, but it is not cost efficient to unload one load. He stated there should be enough money in the budget to do at least two loads.

The committee felt if the funds are there, they should be used.

**A motion was made by Arthur Loving, seconded by Dusty Remington to recommend the planting of two loads of concrete at Kitts Pt. Reef. The motion passed unanimously.**

### **New Business**

Mr. Gary made everyone aware that he has a person who is interested in buying catfish. If anyone is interested, they should see him after the meeting.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

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Robert T. Brown, Chairman