

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

March 4, 2016

Commissioners Present: William L. Rice, Sr. (MD) – Chairman, A. J. Erskine (VA) – Vice-Chairman, Lynn H. Kellum (VA) – Secretary, Dennis C. Fleming (MD), John M.R. Bull (VA), Phil L. Langley (MD), 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: Sgt. Charles Simmons – MDDNR Law Enforcement; Capt. Jim Rose, 1st Sgt. Bell and Ofc. Mike Simms – VMRC Law Enforcement; John F. Tucker Brown and Wayne France – Oyster/Clam Advisory Committee; John Morris – Crab Advisory Committee; Robert T. Brown and Dusty Remington – Finfish Advisory Committee; John Dean, Sam Dorough, Bill Kilinski, Roy Mace, John Hardesty, Bob Holden, Charles Penn, Eric Robertson, Tyler Grinder, Glenn Johnston, Bernadette Johnston, and several others who did not sign the guest register.

Press: Susan Pietras-Smith – Westmoreland News

Chairman Rice called the meeting to order at 9:00 a.m. and the invocation was provided by Commissioner Erskine. Commissioner Kellum led the pledge of allegiance.

Consideration of Minutes

A motion was made by Commissioner Erskine, seconded by Commissioner Kellum and unanimously passed to adopt the minutes from December 4, 2015 and January 19, 2016 as presented.

Delinquent Seafood Catch Report Hearing

Tyler M. Grinder – Mr. Grinder was called to today's hearing for failure to file catch reports for his fish pot license. This is Mr. Grinder's 1st offense (Class 1). Staff's recommendation is for one year of probation. *A motion was made by Commissioner Erskine, seconded by Commissioner Hall and unanimously passed to place Mr. Grinder on one year of probation.*

Steve T. Bowling – Absent – Mr. Bowling was called to today's hearing for failure to file catch reports for his fish pot and fish trot line licenses. This is Mr. Bowling's 1st offense (Class 1). Staff's recommendation is a one week suspension on all licenses and one year of probation. *The Commission will defer until Mr. Bowling appears before the Commission. No licenses will be issued until such time.*

William R. Sanders – Absent – Mr. Sanders was called to today's hearing for failure to file catch reports for his fish pot and fish trot line licenses. This is Mr. Sanders 2nd offense (Class IV).

Staff's recommendation is revocation of all licenses. ***The Commission will defer until Mr. Sanders appears before the Commission. No licenses will be issued until such time.***

Oyster Harvest Report and Update

Mr. Gary advised there have been 54 hand scrape and 3 tong boat operator licenses sold to date. The harvest being reported is 2,354 bushels of oysters. Of that harvest, 39 bushels have been harvested from Swan Point with the remaining coming from Pope's Creek. There are still outstanding reports due by the harvesters and the buyers.

Upper River Oyster Bar Harvest

Mr. Gary stated there were a couple of emails provided in the packets from oyster licensees expressing their frustration with the oyster harvest. He stated there was a level of expectation as to the amount of oysters that were expected to be harvested on the oyster bars that were opened due to the six oyster bars closing in the lower river. Mrs. Cosby has been corresponding with these people. There have been a few license holders who have requested refunds.

Robert T. Brown, President of the Maryland Watermen's Association stated at their last meeting it was discussed that there would be no refunds. Anytime you purchase a license, there's no guarantee of what you will catch and this is no different. He thanked the staff for fielding phone calls and handling the emails in a professional manner.

John Dean, President of the St. Mary's County Watermen's Association concurred with Mr. Brown's statements, but also wanted to thank the Commission on behalf of the St. Mary's County watermen for what was done. This basically turned into an oyster management situation and mostly everyone made money and was able to work and benefit from the opportunity.

John F. Tucker Brown, Chairman of the Oyster/Clam Advisory Committee supports what has been said here today. There's nothing easy about building this river back, but it's a start. He thanked the Commission for all their efforts.

Bill Kilinski, President of the Charles County Watermen's Association stated that the participants at their last meeting thanked the Commission for their efforts in opening these oyster bars to hand scraping. We need to focus now on planning for the future and working on a strategic five year plan.

Wayne France thanked the Commission on behalf of the Virginia watermen for their efforts.

Chairman Rice stated this isn't just a quick fix. He sees this as an opportunity to look at things in a different manner. He saw life in the river when he saw the oystermen working. We want to do something to rebuild this fishery and in order to do so the industry has to be involved in what happens. We will work in a collaborative effort to get things done. There is a lot of work to be done and we will find a way to do what's best for everyone.

Commission Erskine thanked everyone for their comments and stated the Commission worked very hard to come to a resolution for economic mitigation. We need to look towards the future and right now we are at a crossroads in the oyster industry. He took a few moments to discuss the RNOHP and the OMR programs. The funding for those programs is coming to an end and it's our responsibility to have a comprehensive plan moving forward that may include those programs, as well as working with hatcheries and seed planting to bring this river back. It's very important that we monitor the spat strike we were blessed to have in the lower river. He suggested the Commission to direct the Oyster/Clam Advisory Committee to develop this plan and have input in the planning as we move forward.

Mr. Tucker Brown stated that he is pleased to hear what Commissioner Erskine has said. Now is the time to put a plan together. This is the very start of what we were hoping for. He stated the Oyster/Clam Advisory Committee is available and ready to move forward with the planning.

Mr. Gary appreciates Mr. Erskine's initiative on this discussion. The only thing he would remind the Commission is there is already a work group that was developed to address the Jones Shore plan. That work group had good chemistry and it was suggested to continue using that work group in the future. He would suggest going to the work group first, then forwarding that information to the Oyster/Clam Advisory Committee for further discussion. He would like to get moving on this and asked for guidance from the Commission. Commissioner Erskine agreed with Mr. Gary on how this should work, and suggested gathering the group as soon as possible.

Commissioner Blazer agreed with how this is playing out and the process that is taking place. He likes to see everyone working towards a long-term objective. He is encouraged by the discussion that is taking place here today.

Mr. Gary stated the Jones Shore Work Group has completed what they needed to do and the discussions have been delayed a year because of the closure of Jones Shore. That group would need to be called at this time to discuss everything we've discussed today.

Mr. Kilinski suggested having the scientists involved, but he would also like to have the industry involved and for the Commission to consider their input just as much as the scientists down the road. He would like the industry to put together a presentation to be presented to the Commission on the next agenda of what took place at the oyster sites.

Commissioner Hall stated this is all valuable information and it all needs to be documented for future discussions. Mr. Tucker Brown agreed and he has much respect for the scientists. We need everyone involved and we must never forget who we need to go back to for their input for things to work right.

Chairman Rice stated this has been a very involved discussion. He directed Mr. Gary to work with Commissioner Erskine and to call the meeting to order with the work group, industry and scientists and to keep the Commission informed of the process.

Update on Oyster Management Programs (OMR & RNOHP)

Mr. Gary stated Mrs. Cosby reports on these programs, but he wanted to announce that there will be a meeting of the OMR participants on March 16th at 5:00 pm, followed by a meeting of the Oyster/Clam Advisory Committee at 6:00 pm. OMR participants will discuss a major concern of cost containment and will look at other options for purchasing seed. This program is now self-sustaining.

For the RNOHP, their subsidies are in the final year and then the program will be self-sustaining as well. The Commission needs to approve the planting site for the next rotation. The Oyster/Clam Advisory Committee has made a recommendation to plant Green Hill Bar, and that planting would occur in May.

A motion was made by Commissioner Erskine, seconded by Commissioner Kellum and unanimously passed to plant Green Hill as the next oyster bar for the RNOHP.

Mr. Tucker Brown stated that Robert T. Brown, John Dean and Richard Richie were on the work group committee and he would like to have them involved with future meetings. Chairman Rice advised that no one will be left out. Mr. Brown asked for all the watermen to stand up and stated what is happening here today is all about the watermen and the industry. The trigger has now been pulled and we will get this job done. We have to make sure we have all the right people at the table and we will work together. The audience applauded the Commission for getting us this far.

Mr. France stated he would like to have a more comprehensive study done of the oyster bars to be able to make the best decisions possible. Chairman Rice stated that is another way the industry can get involved, because the Commission is limited in terms of funding. His point is well taken.

2015 Fall Oyster Survey Disease Update

Mrs. Cosby stated oyster samples were taken from Beacon, Lower Cedar Point, Ragged Point, Jones Shore and Cornfield Harbor to be tested for disease. Results of the disease testing shows Dermo disease prevalence and intensities to be light to moderate in the lower Potomac; however MSX prevalence is high in the lower Potomac and in the St. Mary's River.

Update on Regional Fish Consumption Advisories

Mr. Gary stated he has advised the Commission via email, but reported that the District of Columbia has implemented a zero percent consumption advisory for Striped Bass in its jurisdictional waters. There was a flair-up of phone calls and questions, but they have subsided. Hopefully, the information is out there and everyone is aware of the situation. The Commission will continue to explain the rationale behind D.C.'s decision if need be.

Commissioner Fleming questioned if the fish have been devalued because of this. Chairman Rice explained that it couldn't have come at a worse time and it was a time where there were a lot of fish on the market. Roughly it cost the watermen \$.50 to \$.75 per pound, but it has bounced back since then. It had an impact for several weeks. The fish that were sampled had been sampled in a different manner than what Maryland and Virginia do, which is a boneless, skinless filet. The fish that were sampled by D.C. officials contained belly tissue, skin and fat. The media is not always our friend and it neglected to inform the public that D.C. does not have a commercial fishery. This was strictly tied to recreationally caught fish. D.C. was trying to be conservative, because they felt that the people who catch these fish are eating everything and should be informed. Oddly enough, the report also stated that the catfish from that area were fine to consume.

Commissioner Erskine questioned if there was a protocol for the use of the press. Mr. Gary explained that he is not aware of any trigger mechanism from the federal agencies that set the standards. In this case it was EPA standards. Apparently, the information leaked and it was reported in the news. Based on the several conference calls afterwards, it was decided that if new information becomes available, there would be an effort to communicate amongst the jurisdictions. The direct answer is Mr. Gary is not aware of a formal process.

Commissioner Blazer stated Maryland has a process in place because MDE is responsible for fish consumption advisories. The problem is when you get into other jurisdictions, there is really no established process to go through. That was one of the discussion points moving forward. Commissioner Bull stated Virginia works similar to Maryland. At the end of the day, the decision is made by Commissioner Bull in regards to press releases.

Update on FDA-FSIS Catfish Issue

Mrs. Cosby explained that FSIS put out a response to questions from MD Rep. Harris that were submitted through the Subcommittee on Agriculture, Committee on Appropriations. There were questions about commercially caught catfish being shipped dead to the processors. The response from FSIS is "FSIS recognizes wild-caught fish that are killed prior to arrival at a processing facility to have died under the controlled circumstances of commercial fish harvesting and processing, provided they are not decomposed or spoiled and they can be shipped on ice. There are no special records required by the fishermen. They can be cleaned and iced on board the boat if they want to or just store them on ice. At the processing facility that slaughters fish, a USDA inspector has to be present when the establishment starts staging the fish to de-head or eviscerate."

Chairman Rice thanked Robert T. Brown for being very active in this matter. It looks like this is not going to affect our commercial catfish industry at this time. We will continue to follow this as needed.

2015 Harvest Report

Mrs. Cosby noted that Blue Catfish are at an all time high of 1,156,351 pounds, which is almost double the 2014 harvest. Butterfish are also at a high level with 26,228 pounds. Summer Flounder are at a very low level with 2,258 pounds. Northern Snakeheads are being reported for

the first time, with 99 pounds commercially harvested. The total dockside value for 2015 was \$4,610,256.

Commissioner Fleming stated that out of the 24 species that are fished commercially, 17 are below average. What is that a result of? Is there a shift in the fisheries or are there less fish? Mrs. Cosby responded there are definitely less fishermen fishing now compared to the past 51 year span, especially pound netters.

Finfish Advisory Committee Report – January 27, 2016

Robert T. Brown, Chairman of the Finfish Advisory Committee presented the report. He stated the meeting was long and started with the discussion on the Possum Point Power Station Coal Ash Discharge. The committee is very much opposed to this being done. He thanked Mr. Gary and the State of Maryland for their efforts to stop this. He thanked Andy Harris for his work and efforts on wild caught catfish. Without him, things would still be up in the air.

Under ASMFC issues, menhaden were talked about and the regulation will remain as it was last year, unless Maryland gets their proposal for two licensees on the same vessel to harvest their 6,000 pound bycatch. The striped bass recreational spring season was discussed with an option for a 35" minimum size and one fish/person/day. For the summer/fall season, the Captain's choice would allow recreational or charter boat anglers to choose between one of the following option for the summer/fall season: 1) two fish/person/day with 20" minimum size; or 2) one fish/person/day with 18" minimum size. Both options would require approval from ASMFC's Striped Bass Technical Committee. Motions were made to support and recommend the 35" size limit for the spring season and the Captain's Choice for the summer/fall season.

A discussion took place concerning senior commercial license fees and a motion was made to repeal the senior commercial license discount. Transferring commercial hook & line to other gear types was tabled until the next meeting. Commercial license fees for fish trot lines were discussed and a motion was made to recommend increasing the cost to \$50 per trot line.

Several motions were made for the recreational sport fishing season, size and possession limits to make them similar to Maryland and/or Virginia's size limits. This is in effort to make them the same between the three jurisdictions. There was an update given from the Sportfish Initiative Work Group. Sport license fees were discussed and will be placed on a future agenda to see if restructuring needs to be done. Under new business, motions were made to have the same size limit as the gill net fishery for Striped Bass for the hook and line fishery for the 2017 season and to have the hook and line season start on January 1, 2017 and run through March 25, 2017.

Order 2016-01 Recreational and Charter Striped Bass Seasons and Restrictions

Mrs. Cosby presented the draft Order for Striped Bass, which is to set the size limit for the spring season and the size and creel limit for the summer/fall season. The Finfish Advisory Committee recommends a 35" minimum size limit for the spring season and the Captain's Choice for the summer/fall season. Staff recommends keeping the same season, size and creel limit as last year on the summer/fall season (2 fish per person/day, minimum size limit is 20" with only one over 28").

Commissioner Blazer noted that the Captain's Choice was not approved by the ASMFC Technical Committee, which found that it would be out of compliance and did not meet the conservation equivalence parameter set up for Striped Bass. The fall back was to go with the same as last year. Commissioner Bull stated in addition to the Technical Committee's disapproval of the Captain's Choice, he thinks there would be a significant law enforcement issue with this option.

A motion was made by Commissioner Blazer, seconded by Commissioner Bull and unanimously passed to adopt Order 2016-01 as presented.

ORDER #2016-01 "Revised"
(replaces #2015-01)

**2016 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 16 through May 15, 2016
	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, 2016
	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) 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 #2016-01 shall become effective, March 14, 2016 shall supersede and repeal Order #2015-01 and remain in effect until further notice.

Order 2016-03 - 2016 Recreational and Charter Fishing Season, Size and Catch Limits

Mrs. Cosby explained this Order will update the Black Sea Bass and Summer Flounder season, size and catch limits. It will also update the recommendations made by the Finfish Advisory Committee to have similar size limits with Maryland and/or Virginia.

A motion was made by Commissioner Erskine, seconded by Commissioner Blazer and unanimously passed to adopt Order 2016-03 as presented.

O R D E R #2016-03 “Revised” (replaces #2015-03)

2016 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 (Lg. or Sm. Mouth)	March 1 - June 15	15" min.	5 per person
	All other times	12" min.	5 per person
Black Drum	Jan. 1 - Dec. 31	16" min.	1 per person
Black Sea Bass ⁽¹⁾	May 15 – Sept. 21 & Oct. 22 – Dec. 31	12 ½" min.	15 per person
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	Jan. 1 - Dec. 31	16" min.	4 per person
Tautog	Jan. 1 - Dec. 31	14" min.	No Limit
Weakfish	Jan. 1 - Dec. 31	12" min.	1 per person
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 #2016-03 “Revised” shall become effective March 14, 2016 shall supersede and repeal Order #2015-03 and remain in effect until further notice.

Order 2016-04 – 2016 Commercial Fishing Season, Size and Catch Limits

Mrs. Cosby explained this is to update the commercial fishing season, size and catch limits for Summer Founder and Black Sea Bass.

A motion was made by Commissioner Hall, seconded by Commissioner Kellum and unanimously passed to adopt Order 2016-04 as presented.

O R D E R #2016-04 “Revised” (replaces #2015-04)

2016 COMMERCIAL FISHING SEASON, SIZE AND CATCH LIMITS

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10 and 11; **HEREBY DECLARES AND ORDERS:** that commercial seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	9" min.	No limit
Atlantic Croaker	Jan. 1 - Dec. 31	No limit	No limit
Black Bass (Large or Small Mouth).....		C L O S E D.....	
Black Drum	Jan. 1 - Dec. 31	16" min.	1 fish
Black Sea Bass*	Jan. 1 - Dec. 31	11" min. ⁽¹⁾	No limit*
Bluefish*	Jan. 1 - Dec. 31	No limit	No limit*
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. - 25" max.	5 fish
River Herring		C L O S E D.....	
Shad (American or Hickory)...		C L O S E D (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**	Jan. 1 - Dec. 31	14" min.	35,447**
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 #2016-04 "Revised" shall become effective, March 14, 2016 shall supersede and repeal Order #2015-04 and remain in effect until further notice.

Order 2016-07 – Commercial Hook and Line and Gill Net Limited Entry

Mrs. Cosby explained that this Order is for house keeping issues. During the renewal season there was one licensee who transferred his gill net into a hook and line license. The total cap for these licenses is 915. Therefore, this Order needs to be adjusted to account for the transfer.

A motion was made by Commissioner Blazer, seconded by Commissioner Erskine and unanimously passed to adopt Order 2016-07 as presented.

**ORDER #2016-07
(replaces #2015-06)**

COMMERCIAL HOOK AND LINE AND GILL NET LIMITED ENTRY

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 I, Sections 2(i)(1) and 2(l)(2):

HEREBY DECLARES AND ORDERS: the maximum number of commercial hook and line licenses shall be one hundred and seventy- nine (179), and the maximum number of gill net stands shall be seven hundred and thirty-six (736).

BE IT FURTHER DECLARED AND ORDERED: the provisions of Regulation III, Sec. 13(d) entitled "Individual Striped Bass Allocation Transfer from Gill Net to Commercial Hook and Line" shall be allowed provided the sum total of gill nets and commercial hook and line licenses do not exceed nine hundred and fifteen (915).

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2016-07 will become effective, March 14, 2016 shall supersede and repeal Order #2015-06, and remain in effect until further notice.

Sport License Sales and Revenue Update

Mr. Gary presented an analysis to compare license sales between 2014 and 2015. The Commission increased license fees in effort to have uniformity between the three jurisdictions. The analysis shows that the revenue increased, but the number of license sales dropped dramatically from 4,164 individual licenses sold in 2014 to 2,973 sold in 2015 and 2,362 pleasure boat licenses sold in 2014 to 2,081 sold in 2015. He also talked about the complexity of

the system, switching from 2014 to 2015. There was confusion with the agents dealing with refunds, because of the different licenses available. Staff has done an excellent job adapting to the changes, but the work load was significantly increased. Shymansky's Marina strongly opposed this license restructure and has decided to not sell our licenses in 2016. In all fairness, most of the agents have not complained and have adapted to this new system. Mr. Gary would like the Commission to think about the possibility of some changes for the 2017 license year. He is not sure what they should be at this point, but he has concerns with the drop in license sales and only a slight increase in revenue. He just wanted to bring this to the Commission's attention and note that in 2016 the licenses are now on a 365 day from date of purchase. Currently we don't know the impact of that change and it may generate more license sales. If we are going to consider any changes for the 2017 license year, the Commission will need to have a robust discussion at the June Commission meeting to possibly have a public hearing in September, in order to have this in place for the 2017 season. The Commission may also want to see what happens in 2016, in which case this would be deferred until 2018. From a staff perspective, Mr. Gary would at least like to have a discussion at the June meeting and maybe convene a work group to discuss possible options for consideration.

Commissioner Fleming stated he would like to serve on that work group. Chairman Rice stated if the work group is created, he would like to have Commissioner Bull and Commissioner Blazer serve as well. Mr. Gary stated that would be beneficial, because any changes may impact the states. Chairman Rice directed staff to move forward with this and report back to the Commission at the June meeting.

Crab Harvest Report

Mrs. Cosby presented the crab harvest report for 2015. She stated there were 55,869 bushels of hard crabs, 12,919 pounds of peelers and 998 pounds of soft crabs harvested for the season. There was a slight increase each month compared to 2014.

Commissioner Fleming questioned when the winter crab dredge survey will be available. Mrs. Cosby explained that the Commission is on a different management scheme now, so it will be presented at the June meeting. Chairman Rice stated the earliest it would be available would be May. He advised the boat doing the survey is in the Potomac River this week.

Chairman Rice raised the issue of crab pot transfers. He stated that he would like to put it on the fast track, because it's been discussed but not acted upon. Sammie Dorrough has helped by providing the Commission with an application from the Maryland Motor Vehicle Administration which has information describing an immediate family member. He stated that seems to be the hang up on this issue and this form would be a good starting point. Chairman Rice directed this issue to the Crab Advisory Committee, for immediate action, which should take place in a timely manner and be available for the next public hearing.

Sammie Dorrough asked the Commission to look at the crab harvest report and take note that the crab size limit was 5 1/4" all year and the harvest increased. Everything looks good to him and he thanked the Commission for doing that.

Bob Holden stated when the female restrictions were in place, there is no way to let the Commission know what was released. He suggested having a column added on the catch reports so that information can be gathered for future purposes.

Items to Consider for Public Hearing

Reg. I, Sec. 2(l)(1) – Fish Trot Line – to change the license fee to \$50 per fish trot line.

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.

Mr. Gary advised both of these Regulation changes stemmed from the Finfish Advisory Committee. One is to adjust the pricing of the fish trot line license and the other is to repeal the senior license fee for commercial licenses. Staff advised to wait, because we may have other items to advertise for a future public hearing and based on the cost of advertising for public hearings, they should be lumped together. He noted that by deferring these items, they would not become effective until the 2018 license year. Chairman Rice agreed and said a public hearing could be held at the September or December meeting and other items could be added and addressed at that time. Mr. Gary advised that a September hearing would need to take place and direction from the Commission would be needed here.

Robert T. Brown stated the Finfish Advisory Committee has no issue with the items being deferred to the September public hearing.

Chairman Rice accepted staff's recommendation and the Commission will defer these items to a September public hearing.

ASMFC Issues

Mr. Gary stated Mr. Brown has already reported on the three main species of importance, Atlantic Menhaden, Striped Bass and American Eel. He said if there are any other questions he will answer them. The Commission had no questions.

Second Quarter Disbursements and Cash on Hand

Mr. Gary presented a report of the second quarter disbursements (October through December) for the operational budget totaling \$229,219. A report of the cash-on-hand was presented showing \$705,152.19 as of March 1, 2016. He stated the Commission is at 47 percent in terms of our disbursements budget and it appears to be on target. He clarified a couple of items that may be noticed as being over budget. They were the Freight Express, Other Contractual Services and Office and Other Equipment. Freight Express is at 74 percent because of the CPID tags. Other Contractual Services is at 104 percent due to maintenance to the building. It was painted for the first time since construction and new gravel was spread out in the parking lot. There were unexpected repairs to the HVAC system. Office and Other Equipment is at 146 percent because of the rollover of the costs to replace the one HVAC unit. In general, we are still on track in terms of disbursements. He noted in revenues that oyster license sales have increased. The auditors will be here in April and he doesn't see any problems that should arise during the audit process.

Dennis Fleming questioned if the auditors would be okay with the way staff split the finances for the HVAC system and stated that would be something they will need to answer. He also stated in terms of the revenue, he was fairly confident that our representatives from Maryland and Virginia will work to try and restore the funding to what it originally was before the downturn in 2008/2009.

A motion was made by Commissioner Erskine, seconded by Commissioner Langley and unanimously passed to adopt the second quarter disbursements and cash-on-hand as presented.

Commissioner Blazer questioned if the funds budgeted for the oyster repletion program will be expended this fiscal year. Mr. Gary explained the funds for the RNOHP will be expended in the last quarter of the budget. The OMR program is now functioning on its own and their funds are spent in two different areas, the hatchery and the hatchery work being done at Piney Point. Mr. Gary advised that staff will now break out those two programs from the financial reports, because of the size and spill over with billing between two fiscal years. This will make it easier to understand how the funds and being spent.

Report of the Nominating Committee (Bull and Fleming) and Election of Officers

Commissioner Fleming on behalf of the nominating committee nominated Commissioner Erskine as Chairman, Commissioner Kellum as Vice-chairman and Commissioner Langley as Secretary, as the slate of officers for 2016.

A motion was made by Commissioner Fleming, seconded by Commissioner Bull and unanimously passed to accept the slate of officers for 2016. The gavel was turned over to Chairman Erskine to finish the meeting.

Advisory Committee Vacancies

Mrs. Cosby advised that all members from each advisory committee have agreed to serve another term. There is one nomination on the Finfish Advisory Committee for the Virginia At-Large Recreational Fisherman position.

Commissioner Hall stated she attends as many advisory meetings as possible and has had a chance to get to know a lot of the representatives on those committees. The nomination position on the Finfish Advisory Committee is being challenged by Joseph E. Mathias, Jr. She stated she knows him personally and if he is appointed, she knows he will continue to participate and put in the work that is needed to serve on the committee. She stated Mr. Downy and Mr. Mathias are both well qualified for the position.

Chairman Erskine advised that he would get with Becky on the appointments prior to their expiration date of March 31, 2016.

Prepayable Fine Schedule

Mr. Mayo advised that prepayable offenses are an effort to not require an offender to go to court. The schedule gets reviewed about every four years. The review has been completed and this draft, if approved, will be submitted to the Executive Secretary of the Supreme Court for the Committee on District Courts to review and approve. He advised they will meet on May 26th hear this matter.

Mrs. Cosby stated that staff has reviewed this draft prepayable fine schedule with Maryland and Virginia Law Enforcement. They had some comments and suggestions. What is being presented today is a result of their input and direction.

A motion was made by Commissioner Blazer, seconded by Commissioner Bull and unanimously passed to adopt the Prepayable Fine Schedule as presented.

Commissioner Rice stated there was another matter discussed at the law enforcement meeting pertaining to the oyster cull law. He asked Mr. Mayo if he was going to draft a Regulation about that to be addressed at the next meeting. He stated that would also be another item that would need to go to public hearing.

Appointment of the FY 2016-2017 Budget Committee

Commissioner Fleming and Commissioner Hall volunteered to serve as the Budget Committee. Chairman Erskine accepted and appointed them as the Budget Committee for FY 2016-2017.

PRFC Committee Vehicle Committee Report

Commissioner Fleming stated this item will be deferred until the June Commission meeting, so the budget can be reviewed and discussed.

Any Other New Business

Bob Holden stated that there is a two inch difference in the striped bass minimum size limits between commercial (18") and recreational (20") fisheries. He feels the fish size limit should be the same to cause less tension between the two user groups.

Commissioner Langley replied that the recreational fishery chose that size limit in order to keep two fish. He agreed there are differences out there and unfortunately with guidelines from ASMFC, the Commission can only do so much.

Commissioner Bull explained that it would make it much easier if size limits were the same between commercial and recreational fisheries. It would make it even better if the three jurisdictions had equal size limits to make it easier on law enforcement. These things are not necessarily simple.

Bill Kilinski questioned what the hand scrape revenue is. Mrs. Cosby stated that is public information, but it has not been fully calculated yet because of the opening up river.

Chairman Erskine thanked Commissioner Rice for his service. He's been an excellent steward and a wealth of knowledge and he hopes to follow in his footsteps as Chairman. He stated he will do his best to serve the Commission and appreciates the opportunity.

Date and Place of the Next Meeting

The next Commission meeting is scheduled for Thursday, June 9, 2016 at 9:00 a.m. in the John Thomas Parran hearing room in Colonial Beach, Virginia.

Adjourn

The meeting adjourned at 11:10 a.m.

Respectfully submitted,

A. J. Erskine, Chairman

Lynn H. Kellum, Secretary