

## OYSTER/CLAM ADVISORY COMMITTEE REPORT

November 22, 2016

PRFC Office, Colonial Beach, VA

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### **Members Present**

William L. Rice, Jr. – (MD)  
Paul Springer, III – (MD)  
Wayne France – (VA)  
Joseph W. Howeth, II – (VA)

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### **PRFC Commissioners**

Dennis C. Fleming

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### **Support Staff Present**

Ofc. Jim Satterfield – MD DNR

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### **Members Absent**

John F. Tucker Brown-(MD)  
Craig Kelly – (MD)  
Nealy Little – (VA)  
Thomas E. Lewis – (VA)

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### **Technical Advisors**

None

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**Others Present:** Roger Hill, Carl Kirk, Keith Saunders, Kenny Dent, Kim Satterfield, Jason Mager, Bill Kilinski, John Dean, Ingatius Farrell, Jeffrey Schenemann, Richard Riche, Rhonda Riche, Rachael Riche, Chip Crowder, Larry Crowder, Ricky Nelson, Mike Nelson, and Bruce Nelson.

Vice-chairman France called the meeting to order at 6:08 p.m. He noted that Chairman Brown was unable to attend tonight's meeting.

Mr. Gary noted there were not enough committee members present, therefore there is no quorum and only recommendations by consensus will be forwarded to the Commission. He advised that staff is testing out a live stream of the meeting on Facebook for people to view who are not able to attend in person.

A moment of silence was taken for the four fishermen, one who survived, two who were recovered and one who is still missing that were involved in a boating accident over the weekend. We are thinking of the friends and families of these fishermen who are dealing with this tragedy.

### **2016-2017 Oyster Harvest Report**

Ellen Cosby presented the harvest report. She noted that this was a preliminary report and there were many outstanding reports that needed to be reconciled against the oyster buyer reports. To date there were 5 tong boat operator licenses, 6 tongers, 22 hand scrape vessel and 37 hand scrape personal licenses sold. There has been 727 bushels of oysters harvested on the natural bars and 815 bushels harvested through the OMR program on Ragged Point totaling 1,542 bushels harvested. For the public bars, the majority of the oysters were harvested from Jones Shore by hand scrape and 219 bushels were harvested on Gum Bar by tongs. She clarified that 55 bushels harvested by hand scrape at Great Neck should actually be Graves Neck and the report would be corrected. John Dean stated it is located in Area 1 of Jones Shore. She advised that harvest would be included as part of Jones Shore harvest.

## **DNR Fall Survey Report**

Mrs. Cosby presented a preliminary report of the fall survey. Cornfield Harbor, Jones Shore, Kitt's Point, St. Georges, Tall Timber, Heron Island, Sheepshead, Cobb Island, Swan Point, Lower Cedar Point, Pascananna, Popes Creek, Beacon Bar, Ragged Point, Kings Copsico, Green Hill, and Bluff Point were surveyed. Disease results are not available at this time. There was some spat set from Cornfield to Tall Timbers. There was also spat on Sheepshead and Heron Island. They also saw two spat on Popes Creek, which was very unusual to see. There was about 40% mortality on Jones Shore, and 35% on Cornfield. There may have been some disease mortality that occurred there. There were also a lot of small oysters that were dead and we're not sure what has caused that. Once the disease results are back, we should have a better idea of that.

Vice-chairman France questioned how the spat looked at Jones Shore compared to previous years, not including last year. Mrs. Cosby stated its looking pretty good and noted in pervious years there's hardly been any spat there. Mr. Gary stated it's been above average compared to the last ten or fifteen years but nothing compared to the historical spat set last year.

Bill Kilinski noted the inside historical site at Pope's Creek was not worked when it was open to hand scraping last year and it may be worth investigating further because the two spat were found there.

## **RNOHP and OMR Update**

Mrs. Cosby stated as part of the RNOHP natural seed from James River was planted this past May on 10 acres on Green Hill. It was about 4,500 bushels with a count of 1,100.

Mr. Gary stated the program is on track for the fifth and final oyster bar to be planted. General discussions in the past have been to plant on Gum Bar. The committee has time to discuss and change it if they would like. The planting would take place in May 2017.

Roger Hill stated Old Farm would be a good place to plant. Mrs. Cosby stated Green Hill and Old Farm were closed together and will be considered as one area. This may be a possibility for the next planting.

Pete Springer asked if the Commission would consider planting Swan Point. Mrs. Cosby stated the scientists were against using Swan Point because of the muscle problem there.

Richard Riche stated there is also a muscle problem at Gum Bar as there are at Swan Point.

Mrs. Cosby noted for the OMR program 21 acres was planted at Cobb Island Bar. The planting was completed by early September but due to facility issues only 5 plantings were done instead of 6. There were 151,000,000 triploid eyed larvae that were set on 5,795 bushels of shell in bags. The counts were very good at the hatchery.

Vice-chairman France asked if there was any way to be able to monitor these oyster bars more often to know what's going on with them. Mr. Gary explained that everyone on the panel is supportive of going out periodically and seeing what's going on. He explained it was discussed to look at all the OMR areas, not just Cobb Island. He stated the goal is to take a look before Christmas at Cobb Island and Ragged Point if possible. Bill Kilinski stated it should be done before December 9<sup>th</sup> which is the OMR meeting. Mr. Gary agreed and we'll get it done next week.

Vice-chairman France stated they really need to be looked at two weeks after they are planted and then every couple months to see if we are losing these oysters. If we can find out when we are losing them, maybe we can find out why.

John Dean stated that the program needs to watch what strain of larvae is used when planting. There are certain types that will not work in this area. Mrs. Cosby stated they have not been able to get the strain that AJ Erskine uses. In 2014, there were issues with obtaining larvae and that's why the counts were not good and the harvest was down this year.

Mr. Gary stated the meeting for the OMR program is at Piney Point on December 9<sup>th</sup> at 1:00 p.m. is to talk about the issues we've had this year. We want to talk about what's transpired and what can be done differently going forward.

### **Oyster Strategic Planning Panel (OSPP Update)**

Mr. Gary explained this is the group that is going to plan the road map for oyster management going forward. They will meet on January 4<sup>th</sup> at 4:00 p.m. here at the PRFC office. There will be a presentation by Jay Lazar who has done sonar surveys for the Commission and will be accompanied with a presentation by Dr. Elizabeth North who has done work with hydrodynamics and larval transport. The meeting after that will be in February to talk about aquaculture and leasing which doesn't occur in our jurisdiction at this time. The next focus will be for the public fishery and a future road map for that fishery and where we go from here.

### **Jones Shore Discussion**

Mr. Gary reminded everyone that when he started here in 2013 one of the first things he heard was the possibility of hand scraping on Jones Shore. He listened to everyone and a workgroup was formed. They met and their recommendations went to the Oyster/Clam Advisory Committee. The plan was developed to section Jones Shore into three areas and rotate accordingly. The reason why this plan even exists is to test a hypothesis that if you work the bottom with a scrape and condition it, it's going to be in a better position to receive a spat strike. Tucker Brown stated his ultimate goal is to restore Jones Shore to a seed production area that it once was.

Mr. Gary reviewed the map of Jones Shore and the Order that opened Area 1 to hand scrape. The area is buoyed off and the rest of Jones Shore is opened to tonging. Next year, the open area will rotate and open Area 3 and Area 1 will close to hand scraping. He plans to do some dives in December and again in March once the season is done to capture some visual imagery of how

the bottom looks. There have been some concerns with the plan and talk of amending it. It will be up to this committee to make recommendations, if any, to forward to the Commission for their consideration.

Mr. Gary advised there's generally been around 11 boats working Area 1 and have been catching their limit each day. The CPUE is decent and they are intensively working the bottom so the plan seems to be working. There was one person who did not pay attention to the rules and has received a citation. He is revoked in Maryland and came to the Potomac to work.

Vice-chairman France opened the discussion to the public and asked for comments to brief.

Richard Riche stated there are a lot of watermen in attendance that have already worked on Jones Shore this year. He thanked Mr. Gary for explaining the plan and stated there was a big monkey wrench thrown into the plan last year when the strike occurred and the Commission shut down the entire lower river to oyster harvest. As far as the oystermen are concerned the plan has been completely disrupted because of the closure. We are now working on Jones Shore as a result of this plan but it's a year later. The oystermen are reporting a lot of the oysters are dead and/or dying and they don't know why they died. We all have different theories. He asked the committee to support and recommend a plan to the Commission to open up Jones Shore all the way down to Cornfield Point, three days a week (M-W-F) for the rest of the year. They feel like the oysters are dying as we speak and if we don't go down the rest of the shoreline and work Jones Shore, all the oysters will be dead. Why let them lay there and die? A dead oyster is not spawning and is not cleaning any water. There's nothing to loose here.

Vice-chairman France asked John Dean how Maryland's oyster season is comparing to the Potomac's oyster season. Mr. Dean stated Maryland is having a down season and will conduct a survey in the St. Mary's River to see why the death is occurring there. There's not a lot of death on the Bay Shore and the growth is very slow.

Vice-chairman France said it's been very slow in Virginia waters. We are all in the same boat here in some way or another. Virginia doesn't have as much disease but our oysters didn't grow.

An audience member questioned what the plan is or how to cure MSX and Dermo. Mr. Gary explained that both diseases thrive in higher salinity waters. We haven't received the lab reports back to say that's the cause of the death. There is also a third potential which could be a hypothec event of little to no oxygen for a period of time which causes the oysters to become stressed and die. On Jones Shore the mortality rate was just under 40% according to the fall survey with most of it driven by the small oysters. It's not unlike what you would see in this salinity regime. The scientists are not surprised by it.

Mr. Gary stated he is willing to go down and take a look at Jones Shore to see what's happening before the Commission meeting so we can have additional data.

Richard Riche knows for the fact that the oysters are dying. We hate to see another wasted resource and look back and say this was another unfortunate event. John Dean stated if you go back in history, Jones Shore kept this river in the oyster business with its seed program and

within a short time span all the oysters died just like that and everything was gone. Larry Crowder stated if we don't get some rain, the same thing is going to happen again.

Bill Kilinski stated we need someone to push for the results of the samples that were taken so we can find out what we're dealing with. Mr. Gary hopes the Dermo results would be available before the Commission meeting. The MSX would be available much later and typically affects market oysters.

Chip Crowder stated this is repeating itself over and over with the decision making from the Commission. It keeps getting worse. Everyone is losing money. The tax money collected by the Commission is being affected as well. We have to do something.

Mr. Gary explained the spat set was protected and we need to know what happened to that spat set since last fall. According to the fall survey 41.3 % is dead, so roughly 60% of the 2015 year class is still alive. Not everything is dead. The survey was taken the 3<sup>rd</sup> week in October. Chip Crowder stated that more death has occurred since then.

Richard Riche stated if there were plenty of oysters for him to catch hand tonging, he wouldn't be sitting here right now and neither would some of these other people. They just aren't there to catch because they are dead and dying.

Vice-chairman France stated he can only speak for himself and feels he is not ready to advocate opening any extra ground or stand where things are because he does not have the scientific information. He is not ready to make a recommendation at this point and feels the Commission needs to make the decision. In the long run this program may give us more in the future than what we are willing to gain right now.

Vice-chairman France closed the floor to comments and turned the discussion over to the committee members.

Rocky Rice stated for clarification all of Jones Shore is open to hand tonging and Area 1 is open to hand scrape only.

Pete Springer stated he's been on Jones Shore working and agrees with everything Richard Riche is saying. He feels the death rate there is more like 80% now. He's never seen anything like it and doesn't know what caused it. What he does know is that there is a product dying there. He can't say to open the entire bar but he knows we're losing oysters. A survey needs to be done now and look at the rate that they are dying. It needs to be done now because it's really bad right now.

Vice-chairman France stated the recommendation would be to survey Jones Shore as soon as possible to find out what's causing the death and make a decision from there on what we need to do. Rocky Rice stated the samples have been sent away already.

Kenny Dent stated what's the sense of doing another survey? If they're dying, they're dying. Doing a million samples is not going to fix the problem. You can't wait too long.

Mr. Gary explained that on December 2<sup>nd</sup> information can be provided to the Commission from the survey done right after Labor Day, the fall survey and the survey he will do next week. When you couple those together, you should see a trend of increasing mortality. He will do everything he can with his schedule to make sure the survey gets done next week. Vice-chairman France asked what area would be checked on Jones Shore. Mr. Gary stated he would consult with the scientists to make sure he checks the right area before going out.

John Dean asked if the information could be provided to the committee members prior to the Commission meeting by teleconference or by calling a meeting to discuss the results. Mr. Gary explained that legal council has advised that all meetings should be publicized and open to the public. If the committee would like to have a special meeting next week they can decide that now. Mr. Gary discussed with Bill Kilinski the best day to do the survey and they decided on Tuesday, November 29<sup>th</sup>. They also set up a contingency meeting for Wednesday, November 30<sup>th</sup>. Mr. Gary stated he would post it on the website if they are able to conduct the survey.

### **NRG Energy Update**

Mr. Gary advised that the funding is limited for the oyster programs. The Commission asked him to reach out to the private sector and the one that has been most promising is NRG Energy. They run the power plant across the river at Morgantown. Discussions have been ongoing for three years and they seem interested in helping the Commission. Through those discussions, funding may be granted in effort to reduce nutrients in the water. A proposal was presented to receive funding and currently we are in the running to receive funding. There are other institutions who are vying to receive funding as well. He was hoping for \$500,000 but does not know how much, if any, will be provided. He hopes to find other institutions to match any funding that the Commission may receive. Once he hears anything he will certainly notify the committee.

### **Jones Shore Discussion Continued**

Pete Springer stated instead of calling another meeting together next week, if the information that is gathered shows a significant increase in mortality, can this committee make a recommendation tonight on how to proceed with the opening of Jones Shore.

Mr. Gary stated Mr. Springer may be the voice of reason. He felt the committee did not need to have another meeting but he doesn't want anyone to think that the staff and/or the Commissioners don't care about what the industry is saying. PRFC cares about the thoughts and concerns of what's going on.

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.

### **Advisory Committee Vacancies**

Mrs. Cosby explained that Pete Springer representing Maryland tonger's committee and Nealy Little representing Virginia commercial oystermen is due to expire March 31, 2017. Mr. Springer agreed to serve another term. Mr. Little was not in attendance but staff would contact him to see if he would agree to serve another term.

### **New Business**

Commissioner Dennis Fleming stated the committee is great at coming together to show democracy at work. We all want the best and love oysters. The fact that the industry is driving a long way and are willing to come back next week speaks volumes.

He announced Maryland has granted \$765 million dollars towards the construction of a new Harry W. Nice bridge to begin in 2020. As we heard oyster production was halted in the Rappahannock River as a result of a much smaller bridge project. We need to be concerned with the surrounding oyster bars around the bridge project when construction starts. We need to be on the front side of this and seek mitigation funding.

Lastly, he asked for everyone's help in the efforts to help recover a fisherman who was involved in a boating accident this past Saturday.

Roger Hill questioned why Cedar Point was opening October 2017 and not in March of 2017. He stated the oysters will be four years old come spring 2017. That's when they should be harvested. Mrs. Cosby stated the majority of them are market size and there is little disease in that area. The program was set up for a four year rotation in hopes that in the fourth year a spawn would occur before they are harvested.

Rocky Rice stated instead of March and not to throw the plan off completely, why don't we ask the Commission to open it up for just a couple weeks to gain access of the market around Christmas and New Years. This would still leave a large percentage of oysters to potentially spawn in the summer before harvest resumes in October 2017. Mrs. Cosby advised it's only a 10 acre site and not that large to do something like that. The plan stipulates harvesting 75% of the oysters leaving brood stock on the bar.

The committee felt it best to not deviate from the RNOHP at this time.

Bill Kilinski suggested a sub-committee be formed under the Oyster/Clam Advisory Committee to conduct surveys on the various oyster bars in the Potomac River. He feels oysters are coming back but we have no clue what is actually out there. MD DNR does a survey once a year by spot checking historical sites. It won't cost a thing to the PRFC and he stated he would be willing to do use his boat to do some of the surveys up river. We need a plan and an idea of what we're dealing with especially since the bridge construction is about to take place. He's going to keep bringing it up until something gets done.

Vice-chairman France stated its coming because it had to be known before the bridge construction can take place.

Pete Springer stated we also need to consider other oyster bars to plant as part of the RNOHP when the bridge is being built. We don't want to have all our hard work killed by construction.

**Adjourn**

This meeting of the Oyster/Clam Advisory Committee adjourned at 8:18 p.m.

Respectfully submitted,

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Wayne France, Vice-chairman