

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

**September 8, 2016**

**Commissioners Present:** – A. J. Erskine (VA) – 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). Lynn H. Kellum (VA) – Vice-Chairman was unable to attend the meeting.

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

**Others Present:** Ofc. Jim Satterfield – MDDNR Law Enforcement; Capt. Jim Rose and 1<sup>st</sup> Sgt. Bell – VMRC Law Enforcement; Troy Tuckey – VIMS, Robert T. Brown – Finfish Advisory Committee, John Morris – Crab Advisory Committee, John Dean, Bill Kilinski, Matthew Fowler, Carl Kirk, John Hardesty, Bruce Scheible, Anthony Hogge, Richard Hogge, George Nelson, Sam Dorrough and several others who did not sign the guest register.

**Press:** Pam Dangelo – Virginia Public Radio

Chairman Erskine called the meeting to order at 9:05 a.m. The invocation was provided by Commissioner Rice and Commissioner Hall led the pledge of allegiance.

**Consideration of Minutes**

*A motion was made by Commissioner Bull, seconded by Commissioner Rice and unanimously passed to adopt the minutes from June 9, 2016 as presented.*

**Oyster Management Reserve Program Meeting and Update – 7/12/16 & 8/24/16**

Mrs. Cosby noted the oyster maps presented have been updated and show which oyster bars are open and closed at this time. They are for information purposes only.

July 12, 2016 – A small group of participants met and discussed the challenges of obtaining larvae and the prices they were paying for it. Commissioner Erskine attended the meeting and talked about larvae production and the difference between triploids and diploids. The participants may consider using diploids in the future along with the triploids to help facilitate getting larvae. **They made a motion, which passed, to purchase the triploids as best as possible to finish this year's planting out.** The schedule for planting spat on shell was reviewed. Mrs. Cosby asked to reduce the amount of larvae in each setting tank from five million to four million to cut costs, and see how the count per shell is affected. The participants agreed based on the count of the last set of larvae received.

August 24, 2016 – There was a good turn out of participants for this meeting. Some of the participants who were eligible to harvest this year purchased their ID tags before the meeting started. Chairman Brown and Mrs. Cosby reviewed the requirements for harvest this year. The season is recommended to start on September 12<sup>th</sup> on Ragged Point. There are about 12 acres that were planted in 2014 that are ready to be harvested. It was discussed that the area will be marked to keep participants off of the 2015 planting area. They will be able to work last year's area as well as this year's area. Robert T. Brown volunteered to install heavy weighted buoys at the GPS locations provided by staff. The participants talked about an additional month to consider for harvest to help participants who will be involved in other fisheries during September. **A motion was made to open Ragged Point on September 12, and have the same requirements as last year, which included a harvest time of sunrise to 11:00 a.m. (offload to buyer by noon), open Monday thru Friday, a 20 bu. limit/licensee/day, and 100 tags/licensee at the start of the season. They also recommended that the Commission reopen Ragged Point from December 5 – 30 with the same restrictions, as well as having an OMR flag or decal for participant identification. The motion passed unanimously.**

The new helper license and reporting procedures were also reviewed. The 2016 planting schedule was discussed and a flip chart was presented showing the triploid larvae purchases to date with counts and setting rates. Mrs. Cosby anticipated getting one more batch of larvae to set and do a final planting before September 12. Participants discussed the need to add additional oyster bars to the OMR Program. It was decided to recommend to the Commission to add two oyster bars: one on the MD side (either Sheepshead, Heron Island, or Huggins); and Lynches Point on the VA side.

Commissioner Blazer stated the recommendation is to open on September 12<sup>th</sup> and asked if there was a date to close it. Mrs. Cosby stated not at this time, because the participants want to see how the harvest goes. It was left open ended last year and when they finish, which could be in October, they will request the Commission to close Ragged Point. For clarity, Commissioner Blazer stated it would remain open until the participants use all their tags. What happens in December? Is there a reallocation of tags? He asked for clarification on the process. Mrs. Cosby stated having December open is new for the participants. She thinks the intent is if they don't use all of their tags in September, they would have another opportunity in December to harvest. No new tags will be issued until everyone has used all their tags.

Commissioner Hall questioned how many participants will be working in September and/or December. Mrs. Cosby stated the program is set up to be flexible and this would allow more flexibility to the participants. There are 30 participants and five crew eligible to harvest this year. Most of the participants will be out in September with a few requesting to work in December. She stated Tucker Brown could provide more information regarding this. Mr. Brown stated one of the main reasons December is being considered is to help some of the participants who are crabbing or clamming and can't stop what they're doing to go oyster. We need to have another time of season open when the market is good. We also need to get as many of the oyster up off the bottom as we can. With the price of larvae going up, we need to offset the price as much as possible. He also noted that in December the participants do not want to stop at 11:00 a.m. They would like to have the same time limits as the public hand scrape fishery (sunrise to 1:00 p.m.).

Chairman Erskine commented the idea of a decal or flag has been suggested for the OMR program for the December season, and he questioned why not during September as well. Mr. Brown stated that would be possible if staff is able to get it in time for this season, but he doesn't think that's possible. He noted the participants would rather have a decal to place on the side of the boat so it's visible for law enforcement. Mrs. Cosby responded the reason for requesting it in December is because the public oyster fishery is also open, and an OMR decal will help identify the boats in the OMR Program. In September, only the OMR is open, so there shouldn't be any other boats with dredges on them.

Commissioner Rice asked for clarity on how the oyster tags are issued and used. Mrs. Cosby stated the participants want to be fair and equitable. Some boats are larger than others and some work faster than others. This has been the policy since the program started. Everyone gets the same amount of tags (100 tags), and everyone has to use all their tags (tag each bushel) before anyone can get any more tags. Now, those who tag out can help someone else with their tags. It's a unique program that was designed to be fair to all its participants.

***A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to open the OMR on September 12, 2016 until which time the committee decides to close it and with the same harvest times and restrictions as last year. It will reopen on December 5 to the 30<sup>th</sup> from sunrise to 1:00 p.m. OMR will have a decal for the December season.***

#### **Oyster/Clam Advisory Committee Report – August 11, 2016**

Mrs. Cosby stated the committee met on August 11<sup>th</sup>. They received a summary of the 2015/2016 oyster license sales and harvest. They received updates on the OMR and RNOHP. They discussed the possibility of planting on Pope's Creek/Horseshoe Bar to replace some of what the industry harvested, as a result of Jones Shore and the five other surrounding oyster bars being closed. Robert T. Brown stated he received a donation of shells from Bevans Oyster Company and wants to set diploid larvae on them. He volunteered to plant approximately 190 bushels in that area. Several donations from various people were offered to help with the planting. The watermen wanted to show the public that they want to replace what they harvested in good faith as mitigation. The committee approved the upcoming 2016/2017 oyster season dates, days and time limits. A discussion was held on the 2016/2017 season parameters for Jones Shore. A survey was to be conducted to see what the area looks like. That survey was done this past Tuesday and Mr. Gary will provide a report on that later in the meeting. They passed an Order to open Jones Shore with specific dates, days and time limits. The committee also passed an Order to continue with daily riverwide bushel limits. Mr. Gary briefed the committee on the Oyster Strategic Planning Panel. The Committee recommended that Robert T. Brown and Roger Hill be added to that panel. They reviewed the OMR planting and the committee briefly discussed using Sheepshead as an OMR area. A few people felt there needed to be more discussion and Mr. Gary recommended have the Oyster Strategic Planning Panel discuss it.

Commissioner Erskine asked if the planting on Pope's Creek has taken place. Robert T. Brown explained that it has not taken place, because he has run into a problem obtaining diploid larvae. He said if he can't get the larvae, it will have to be put off until next spring. He also noted that

he has a tank of triploid larvae that Mrs. Cosby helped him obtain. He will know what the counts are later today and stated he is donating that to the OMR program. That will be planted Friday.

### **Oyster Strategic Planning Panel Report – August 18, 2016**

Mrs. Cosby advised the panel met August 18<sup>th</sup> here at the Carpenter Building. Co-Chairs A.J. Erskine and Dave Blazer conducted this introductory meeting. They discussed the meeting logistics, and historical and current perspectives of the oyster fishery. The charge for the panel was discussed and a rough draft mission statement was developed. A time frame for the development of products was discussed, but nothing was adopted at the meeting. Mr. Gary updated the panel on the NRG Energy Funding Opportunity. The panel discussed the delineation of future meetings where the participants will make recommendations to the Commission.

Commissioner Blazer felt it was a good introductory meeting with a lot of discussions and ideas presented. He appreciated everyone's cooperation and feels the panel is off to a good start. He's looking forward to future meetings.

### **Oyster Orders**

#### **Order 2016-13 – 2016-2017 Oyster Season Dates, Days, and Time Limits**

Mrs. Cosby advised this is for the 2016-2017 oyster season, dates, days and time limits. The Order is updating the calendar dates with everything else remaining the same. She reviewed the dates, days and time limits for the Order.

Commissioner Rice stated he would like Mrs. Cosby to go through each Order and then vote on them one at a time. He also stated he wanted to start with the bushel limits first and then the seasons. Chairman Erskine stated he saw no objections and they continued with the Orders.

#### **Order 2016-14 – 2016-2017 Jones Shore Bar Oyster Season Areas, Dates, Days and Time Limits**

Mrs. Cosby advised this is for the 2016-2017 Jones Shore Oyster Bar. It is the same as what was going to be presented last year, but the spat strike closed the bar. It will open Area 1 of the bar to hand scrapes on November 1<sup>st</sup> if passed. She reviewed the season dates, days and time limits for tonging and hand scraping for Jones Shore.

#### **Order 2016-15 – Riverwide Oyster Bushel Limits**

Mrs. Cosby stated this is for riverwide bushel limits. The Oyster/Clam Advisory Committee recommended adding the word daily to the Order for clarification. This would be an 8 bushel limit per licensee or 16 bushels per boat, regardless of the number of licensees on board. This is what was in place for the 2015-2016 oyster season.

***A motion was made by Commissioner Rice, seconded by Commissioner Fleming and unanimously passed to adopt Order 2016-15 as presented.***

**ORDER #2016-15**

**Riverwide Daily Oyster Bushel Limits**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having found it necessary for the preservation of the oyster population, having considered the protection, promotion, growth and conservation of the oyster resources, and pursuant to its authority under Regulation I, Section 7(a).

**HEREBY DECLARES AND ORDERS:** for the 2016-2017 commercial oyster season, from October 1, 2016 through March 31, 2017, there will be a riverwide daily bushel limit of eight (8) bushels per licensee, sixteen (16) bushels per vessel regardless of the number of licensees on board. This Order applies to licensees holding hand scrape and/or hand tong licenses.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2016-15 shall become effective October 1, 2016, and remain in effect through March 31, 2017.

*A motion was made by Commissioner Rice, seconded by Commissioner Hall to adopt Order 2016-13 with the hand scrape time limits to be the same as the hand tong.*

Commissioner Rice stated the reason for doing this is because we just controlled the harvest with a bushel limit, so there's no need to control the time limits as we've done in the past. There is no need to double penalize the industry by restricting them as to when they can go catch their 8 or 16 bushels of oysters.

Commissioner Blazer questioned if the Oyster/Clam Advisory Committee has had the opportunity to discuss this. He didn't know if it would be appropriate to ask for public comment, but would like some feedback before he makes a decision. Chairman Erskine thought that was a good idea and asked why it was set like this historically and was there a reason behind it.

Commissioner Rice stated the harvest was controlled with time limits and there were no bushel limits in place. Now we've adopted bushel limits, so we need to be more liberal with time limits.

Bill Kilinski stated he liked the idea and felt it would help the ones who are traveling to oyster.

Tucker Brown stated the Oyster/Clam Advisory Committee supports the motion made by Commissioner Rice.

Robert T. Brown representing the Maryland Watermen's Association also supports the motion. He questioned if the provision to allow the hand scrape aboard the boat an hour before the start time as it's always been. Mrs. Cosby stated no.

John Dean representing the St. Mary's Watermen's Association stated he discussed this with some of his committee members and they support this motion. This will also help during the winter when some of us have to break out of the ice before we can go to work.

Chairman Erskine asked if law enforcement had any comments or concerns. They stated no, not at this time.

Mrs. Cosby corrected herself and noted that Order 2016-13 does have a provision that allows the possession of a hand scrape during the aforesaid times and one hour before and two hours after such times.

Mr. Gary questioned if the Commission would like to receive the information from the Jones Shore survey that was conducted on Tuesday prior to the Commission voting on the motion. He also noted that staff is in support of the time change.

Chairman Erskine stated they would vote on this Order and then discuss Jones Shore. He asked if there was any more discussion on Order 2016-13, hearing none, he called for the vote on the motion. *The motion passed unanimously.*

**ORDER #2016-13**  
(replaces #2015-12)

**2016-2017 OYSTER SEASON DATES, DAYS, AND TIME LIMITS**

**THE POTOMAC RIVER FISHERIES COMMISSION**, having considered the protection, promotion, growth and conservation of the oyster resources 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 dates, days and time limits shall be as follows:

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

**BE IT FURTHER 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 #2016-13 shall become effective September 30, 2016 and remain in effect through March 31, 2017.

Mr. Gary advised the Commission this past Tuesday he worked collaboratively with Dr. Wesson, MD DNR Marine Police, John Dean and a few other St. Mary's County watermen to survey Jones Shore. During that time the marine police conducted an exercise on culling to get everyone on the same page as to how that is going to be enforced. There was a modest spat fall that occurred there, but nothing in comparison to what took place last year. In terms of mortality, there was little to no mortality on the market level. There was above average mortality to the 2015 year class due to a dissolved oxygen event, according to Dr. Wesson. The market oysters survived and we feel we are in a good position for the upcoming season.

Commissioner Fleming asked for clarification on the term "white spot" and how it related to culling the oyster. He said there seemed to be some confusion in past discussions. Mr. Gary explained the nomenclature "white spot" doesn't exist in regulation. What it refers to is spat that has been removed from a live oyster. If someone tries to remove it, typically it leaves a "white

spot” on the live oyster. As a deterrent, a regulation was written that if a live oyster has a spat attached to it, it must be returned to the water. Commissioner Langley commented that the cull law has not been modified and it remains as it has always been.

*A motion was made by Commissioner Blazer, seconded by Commissioner Bull and unanimously passed to adopt Order 2016-14 with the adjust changed to the time limits as talked about earlier.*

Commissioner Fleming stated to be clear, sections 1, 2 and 3 are open for hand tonging and section 1 is open for hand scraping only.

#### **O R D E R #2016-14**

#### **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><b>Gear</b></u>	<u><b>Season</b></u>	<u><b>Days</b></u>	<u><b>Hours</b></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><b>Gear</b></u>	<u><b>Season</b></u>	<u><b>Days</b></u>	<u><b>Hours</b></u>
Hand Scraping	Nov. 1 thru Dec. 31, 2016 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 shall become effective September 30, 2016 and remain in effect through March 31, 2017.

### **Crab Harvest Report**

Mr. Gary presented the Crab Harvest Report to the Commission. The start of the season is showing good news. A notable highlight is the month of April, which exceeded the 30 year average, as well as the last three years. August is lower than what it has been over the last few years. This may be due to late reports that may not reflect the August catch. The report shows 29,311 bushels of hard crabs, 12,265 pounds of peelers and 929 pounds of soft crabs harvested. Overall, the season has gone well and the CPUE is up compared to the previous years and the 30 year average. We have a ways to go in terms of harvest, but so far so good.

### **American Eel YOY Survey – Dr. Troy Tuckey (VIMS)**

Dr. Troy Tuckey stated the American Eel Young-of-Year (YOY) Survey was conducted between March and June of 2016. The objective of the survey is to monitor the YOY (glass eel) migration into the Potomac River watershed to determine spatial and temporal components of American Eel recruitment and to collect basic information on recruiting glass eels to include length, weight and pigment state.

Two sites are sampled, Clark's Millpond and Gardy's Millpond. Clark's Millpond spillway is situated approximately one meter above the creek with a steady stream flow that requires a modified ramp extension to allow the eels to access the spillway. Gardy's Millpond contains a spillway that drains through four box culvers, across a riffle constructed of riprap and into a lotic area of the Yeocomico River. Irish eel ramps were used to collect eels at both sites.

Glass eel sampling at Clark's Millpond resulted in the collection of three individuals; similar to the low numbers collected in the past two years. Forty-two (42) glass eels were collected at Gardy's Millpond. Most of those eels arrived during May and a peak in the number observed at the end of June. Glass eel indices of abundance were well below average at Gardy's Millpond and considerably below average at Clark's Millpond. With the changes that occurred at Clark's Millpond, a report was provided to the ASMFC American Eel Technical Committee and is on the agenda to discuss relocating the trap or changing the site. Dr. Tuckey's recommendation is to continue sampling for glass eels from the Potomac River at Gardy's Millpond. VIMS will consult with the ASMFC Technical Committee to determine the best course of action at Clark's Millpond. It is believed the change in recruitment at Clark's Millpond is confined to this system and is likely due to the lack of suitable habitat and the inability of eels to reach the trap location due to undercut banks.

### **Finfish Advisory Committee Report – July 26, 2016**

Mr. Gary presented the report and stated the committee met July 26<sup>th</sup> at the PRFC office. The committee received an update on ASMFC issues with regard to Atlantic Menhaden. They needed to decide between a suite of options for the upcoming season in terms of by-catch. After reviewing the options, the committee made a **motion to recommend option #6 (263,032 mt = if board implements a 40 percent increase to the current TAC). They also recommended that a 12,000 pound by-catch be allowed for pound netters with two licensees aboard a boat. Both motions passed unanimously.**



Next, they reviewed the items being advertised for the September public hearing. **They made a motion to change the license fee to \$50 per fish trot line.** Regarding the reduction of commercial senior license fees, the committee supports the elimination of them. They had a brief discussion about recreational license fees and the restructure of the system. **A motion was made to support the proposed changes for three years and reevaluate at that time.**

A discussion occurred from the last meeting that was carried over about pound net marker poles being left in the river between seasons. There were pros and cons to the issue, but the committee felt it was a personal decision and felt they should have the choice. **A motion was made 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.**

The Committee reviewed Order 2016-13 regarding the 2016-2017 gill net season. **A motion was passed to adopt the Order as presented.**

They received several updates including Mallows Bay, Possum Point Coal Ash, Oyster/Aquaculture Panel, Striped Bass Aggregations, Shad & River Herring, VA DGIF inquiry on Crappie creel limits, and Kitts Point Reef. **The committee made a motion to recommend planting two loads of concrete at Kitts Point Reef.**

#### **Order 2016-16 – 2016-2017 Gill Net Season & Restrictions & Commercial Striped Bass Catch and Size Limit**

*A motion was made by Commissioner Rice, seconded by Commissioner Blazer and unanimously passed to adopt Order 2016-16 as presented.*

#### **O R D E R #2016-16 (replaces #2015-14)**

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

**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 14, 2016 through March 25, 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 14<sup>th</sup> through February 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 pounds (44,280 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 14, 2016 through February 14, 2017  
February 15, 2017 through March 25, 2017

18" Min.  
18" Min. / 36" Max.

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2016-16 shall become effective November 1, 2016, shall supersede and repeal Order #2015-14 and remain in effect for the 2016-2017 season or until such time the Commission has taken further action.

Commissioner Blazer asked that Mr. Gary provide the harvest data in relation to the quotas for the Striped Bass fishery. Mr. Gary stated he would get that together and send to everyone by email. What we know at this point, is the gill net fishery was at 90 percent of their quota, pound nets were over by about 10 percent, hook and line we don't know yet and miscellaneous gears are at 50 percent. Overall, we are at about 90 percent of the total quota being used.

**Status of the Potomac River Menhaden Harvest**

Mrs. Cosby noted that the fishery is currently at 70 to 80 percent of the quota being met. The pound netters are supposed to be calling in on Sunday's with their week's harvest numbers. It is projected to close when 90 percent of the quota is reached.

Mr. Gary questioned if Order 2016-10 – Commercial Atlantic Menhaden Catch Limits and Restrictions should be updated, based on ASMFC's changes that were made to the fishery. The board recently passed the by-catch provision which should adjust our restrictions. We can implement as soon as each jurisdiction is allowed to implement. Mr. Mayo stated staff could prepare the Order and present it to the Commission for consideration.

***A motion was made by Commissioner Blazer, seconded by Commissioner Langley and passed unanimously to recommend staff to prepare the Order to allow for the 6,000 pound by-catch for the Menhaden fishery as approved by ASMFC.***

**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 2,545,595 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 September 18, 2016 shall supersede and repeal 2016-10, and remain in effect until June 19, 2017.

### **Anthony D. Hogge – Delinquent Oyster Reports from June Hearing**

Mr. Gary advised that Mr. Hogge was called to a hearing at our June Commission meeting, but did not appear. Policy states all licenses are suspended until Mr. Hogge appears before the Commission. A motion was made to that effect at the June meeting. Mr. Hogge is here today. He was called for failure to file harvest reports for his hand scrape license. This was Mr. Hogge’s first offense (Class II). Mr. Hogge was unable to attend the June meeting because of a death in the family. He stated he reported the one day that he worked in the river and was unaware he needed to report the days that he didn’t work through the season on a weekly basis. It was a simple mistake on his part.

Commissioner Bull asked Mr. Hogge if he understood the reporting requirements. Mr. Hogge stated that he did and would like to work on the Potomac in the future with his father. Mr. Gary stated policy is probation for one year.

***A motion was made by Commissioner Fleming, seconded by Commissioner Langley and unanimously passed to place Mr. Hogge on probation for one year.***

Commissioner Bull asked that someone explain what being on probation means and what the ramifications are if you violate the probation. Mr. Mayo explained that probation means he must conduct himself accordingly and follow the laws and regulations of the Commission. If you don’t, they have the right to bring you back before the Commission and address the situation there.

### **Automated Recreational License Sales**

Mr. Gary explained the Commission has asked staff to explore and try to implement online license sales for our recreational fishing licenses. There are a couple ways the Commission can go about this that he has found out through his research. One is to have your own proprietary system set up through our website and the second one is to outsource it through a third party vendor. Mr. Gary has been talking with the Recreational Fishing and Boating Foundation to get some assistance on the best possible option for the Commission. The states are having challenging issues with implementing and maintaining their own systems. Staff has initiated contact with two vendors to see about pricing, timing, security and basic overall cost to maintain a service like this. Most of the states that have this in place deal with a company called Brandt Information Enterprises. He doesn’t feel the Commission is built to have their own system and

maintain it. He cannot provide costs or an implementation date, but does feel it's achievable if the Commission wants to do it.

Commissioner Fleming would hope that online license sales would result in more revenue for the Commission and he assumes there would be a fee on each license sale. He asked if Mr. Gary knew what that fee would be, because agents are being compensated at \$.50 per license, and he wonders what an online system would cost. Mr. Gary stated it would be around \$2.50 as his best guesstimate. Commissioner Fleming felt people are used to the additional cost when buying things online. He stated he understands why the Commission only has six agents, because it's truly not worth the \$.50. It was noted by staff that agents are compensated at a \$1.00 per license. Commissioner Fleming felt it still wasn't worth the \$1.00.

### **Website Design and Improvement Plans**

Mr. Gary explained the web master was tasked with changing the web site to make it a bit more user friendly. He feels that the site needs to be simplified and more up-to-date. The Commission provided him with a "wish list" of things for the website. Staff is working on that. Mr. Ben Peed was hired through a grant to research and document locations of various sites along the river to go on the website. He would like Mr. Peed to present his work to the Commission at the December meeting by Skype, due to the fact that he will be out of town attending college. Mr. Gary is also going to start working on an online anglers log for recreational fishing that emulates what Maryland does. Commissioner Bull stated that VMRC used to provide tidal updates for fishing, but due to budget cuts has stopped. There are also several agencies that provide them now and are easily obtainable. He doesn't feel that is a big priority on the website. He stated people are mostly interested in when meetings are taking place, what are the creel limits and where can they go fishing. Mr. Gary stated that Maryland has dedicated staff that handles the angler logs. He stated that himself and Becky struggle with the upkeep of the current website. He will delegate and take into consideration everyone's time when choosing the items to focus on with the website.

### **NRG Mitigation**

Mr. Gary advised there is a deadline on September 19<sup>th</sup> for a penalty award coming from NRG for nutrient violations. There are multiple entities that are vying for these awards. To be considered, we have to demonstrate how our oyster revitalization will have nutrient reduction ties. Mr. Gary is working with Dr. Tom Miller, and together, they drafted a proposal that included a quantification of the nutrient removal capability of oysters under various settings. The document was submitted to NRG and the only response Mr. Gary has received is that they think the report looks great. We may or may not be required to have one more round of edits. Their next conference call is on September 15<sup>th</sup> and then the deadline for final submission and evaluation is September 19<sup>th</sup>. From there, it's a waiting game but we hope to hear something soon. A lot of effort and energy was put into this and Mr. Gary appreciates the Commission's support and hopes it pays off.

Commissioner Fleming stated Mr. Gary did a wonderful job on his submission and noted that he is an excellent writer and he was really impressed. He hopes this will work out and the Commission will be granted the funds. It's a win win situation for everyone.

Commissioner Rice thanked Mr. Gary as well. He stated this is the kind of stuff that goes on behind the scenes. He felt most people don't realize the passion Mr. Gary has for the Potomac River and he measures his success by the success of the river. He also thanked Dr. Miller and stated this is not something that he is paid to do and he appreciates it on behalf of the Commission.

### **Dominion Power Coal Ash Issue**

Mr. Gary advised the Commission contested the first permit of the discharge of legacy waste water from pond D. To achieve compliance, Dominion Power consolidated multiple ash deposits into one pond (pond D). The first permit was to discharge the waste water into Quantico Creek and/or Potomac River. The Commission fought that permit before and after it was approved. Just recently, Mr. Gary was debating that they were not in compliance with the Endangered Species Act requirements for Atlantic and Short Nose Sturgeon. After speaking with the Attorney General's Office in Maryland, the end result of that was they could not find any conclusive evidence that they weren't in compliance. There is a second permit that is going to be required once the waste water is drained, to seal the ash pit in perpetuity. There are environmental groups that are contesting that it is not lined and fully sealed and there is a hydrologic connection beneath the pond with Aquia Creek. They feel the contaminants will be hydrologically transported into Aquia Creek, then ultimately into the Potomac River. Mr. Gary thinks that should be easily established and he's waiting to see what happens. He feels that is a concern and a clear answer should be obtained. He will continue to keep the Commission updated.

### **Items to Consider for Public Hearing**

Commissioner Rice questioned if the advertising requirements have been met. Mr. Mayo advised the public hearing has been duly advertised and we are clear to have a public hearing. Chairman Erskine advised the Commission will consider each Regulation one at a time, and Mrs. Cosby will review each Regulation before public comment is received. The following Regulations were advertised as follows:

1. Amend **Reg. I, Sec. 2(d)(1)** – Crab Pots – to clarify the surrender and reissue of a crab pot license.
2. Amend **Reg. I, Sec. 2(l)(1)** – Fish Trot Line – to change the license fee to \$50 per fish trot line.
3. Amend **Reg. I, Sec. 5(a)** – Commercial Use – to clarify when commercial fishing you can not recreationally fish in the same trip.
4. 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.
5. Amend **Reg. VI, Sec. 2(a)** – Restrictions – to clarify when you are recreationally fishing you can not commercially fish in the same trip.
6. Amend **Reg. VI, Sec. 5(b)** – License Fees – to modify the license and fee structure for sport licenses.
7. Amend **Reg. VI, Sec. 5(c)** – Exemptions – to clarify when a sport fishing license is not required.

**Open Public Hearing: 11:00 a.m.**

**Reg. I, Sec. 2(d)(1) – Crab Pots** – Mrs. Cosby explained this Regulation is advertised as broad as possible to allow the surrender and reissue of crab pot licenses with maintaining the current pot limit. For example, a 400 pot license would be reissued as a 400 pot license. Currently 400 and 500 pot licenses revert to 300 pot licenses to help reduce the amount of crab pots in the river. The Crab Advisory Committee discussed and recommended in case of the death of a licensee or transfer to an immediate family member, it could be reissued at the same limit. She explained if the Commission's intent is to continue to hold the effort in the river down with the number of crab pots, she suggested they may want to consider the Crab Advisory's recommendation.

Bill Kilinski, President of the Charles County Watermen's Association stated the association discussed this and they support it as written.

John Morris and Sammy Dorough both support the Regulation as written.

Commissioner Fleming questioned if it's still the Commission's goal to reduce latent effort? Mrs. Cosby advised in previous years it was the Commission's intent; however she can't speak for it now. At one time the Commission had over 500 crab pot licenses, currently we are at 420 licenses. The goal was to get below 400, if it dropped below 400, licenses would go into the random drawing similar to the gill net and hook and line licenses. Commissioner Fleming stated we have not met the goal of 400 licenses. Mrs. Cosby stated we haven't met the goal yet, but it is dwindling each year and is a continuing process.

Commissioner Rice talked about where we were and where we're at now. Back then when we felt we were in a crisis situation with the crab population, that had a lot to do with other things than just crabs. There was a Striped Bass moratorium and the oyster population had dropped to all time lows. This caused a lot of people to go crabbing that normally wouldn't have. When the crab population started to decline, we pushed the panic button and did a lot of things to turn this around. This Regulation is one of them. Since that time we have a viable oyster fishery trying to come back in the river, Striped Bass and Catfish are doing well and we have a lot more capabilities to manage our crab fishery that equally affect everyone rather than penalize your big full time watermen. As it was written, it did what it needed to do at the time, but now we're close enough to the goal of 400 licenses to consider that a success. He fully supports the Regulation as written.

Commissioner Hall agrees with Commissioner Rice. She stated the Commission has also introduced bushel limits as a means to control the harvest.

Commissioner Bull understands the concerns of the past, but they are now constrained by the daily bushel limit regardless if they are setting 470 or 285 pots. He is more concerned with them abiding by the daily possession limits. This Regulation is fair and he doesn't feel it will have a big impact on the resource. If we run into a problem down the road, we can adjust the daily bushel limits.

Commissioner Rice stated the Commission has 339 – 300 pot, 13 – 400 pot and 73 – 500 pot licenses. There are three times more smaller licenses than there are bigger licenses and it doesn't make sense why we continue to penalize the people who depend on the resource the most.

Mr. Gary presented the CBSAC harvest landings for Maryland, Virginia and the PRFC. He noted the post and pre year 2000 ratios'. In recent years, that ratio has dropped in the Potomac. He felt there were two questions of concern. One, will this make that much of an impact on the harvest and two, is there something going on in the river that we don't know about.

***A motion was made by Commissioner Langley, seconded by Commissioner Rice and unanimously passed to adopt Reg. I, Sec. 2(d)(1) as presented.***

**Reg. I, Sec. 2(d)(1) Crab Pots (see also Sec. 2(d)(3))**

A maximum number of crab pot licenses may be established from time to time by the Commission thereby making it a limited entry fishery. For each boat or vessel used in taking or catching crabs with crab pots, as defined in Regulation VII, Section 1(a), a license fee of \$135.00 for up to 300 crab pots, \$200.00 for up to 400 crab pots and a license fee of \$265.00 for up to 500 crab pots shall also be available from 1995 to those persons holding a valid 1994 crab pot license. Providing that thereafter, such persons may continue to renew their license for the number of pots selected in 1995 or for a lesser number of pots as set forth above, but in no instance for more than the number of pots licensed in the preceding year. When a license is surrendered and reissued, it shall be issued for the same or less amount of crab pots. In no instance shall a commercial crab pot license increase in the number of pots associated with the license. No more than one crab pot license may be issued to any person and/or for any single boat. The maximum number of pots may not exceed the number specified on the license. Whenever crab pots are being set, fished, or removed the licensee must be aboard the boat or vessel and have his/her license available for inspection by an authorized enforcement officer of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. Renewal of such license shall be pursuant to Regulation I, Section 1(c).

**Reg. I, Sec. 2(l)(1) – Fish Trot Line** – Mrs. Cosby explained this Regulation was modified last year so that a \$50 license fee would allow up to five fish trot lines. The Finfish Advisory Committee has recommended restoring the Regulation back to one fish trot line for \$50. They felt the Commission was losing a lot of revenue with the current Regulation. The industry has been using fish trot lines to target blue catfish and have been doing well.

Bill Kilinski stated that the Charles County Watermen's Association agrees with all the proposed Regulation changes presented today.

Becky Butler advised the Commission that if the Commission passes this Regulation it should be for the 2017 license year and not what is currently in season.

Robert T. Brown, Chairman of the Finfish Advisory Committee stated there were no issues with the committee supporting the change and it is more revenue for the Commission.

Sammy Dorough does not agree with the change. He feels the Commission is being greedy and is taking the watermen's money. By reverting back to one license for \$50, you will push a lot of the little watermen out of business. We need to get the catfish out of the river and this is not the way to do it.

Commissioner Fleming thanked James Bowling for bringing this to the Commission's attention and taking the proper steps through the Finfish Advisory Committee to see this is addressed and supported with an almost unanimous decision.

*A motion was made by Commissioner Blazer, seconded by Commissioner Bull and unanimously passed to adopt Reg. I, Sec. 2(l)(1) as presented.*

**Reg. I, Sec. 2(l)(1) Fish Trot Line**

For each vessel using conventional or modified fish trot line(s), a license fee of \$50.00 per fish trot line. Each single fish trot line shall not exceed 1,200 feet in overall length. A conventional fish trot line is hereby defined as a series of hooks (i.e. two or more) connected by means of a single line not exceeding 1,200 feet in overall length, identified with at least one buoy attached to the connecting line. A modified fish trot line is hereby defined as a group of no more than 100 hooks individually buoyed and weighted and set or placed in a close proximity one to the next in a single row. Both the conventional and modified fish trot lines shall be constructed and set in such a manner that the hook(s) shall be suspended at a minimum depth of 10 feet MLW from the surface of the water, and in waters less than 10 feet MLW the hook(s) shall not be suspended above the river bottom.

**Reg. I, Sec. 5(a) – Commercial Use** – Mrs. Cosby explained this Regulation is to clarify that you can't commercial and recreational fish on the same trip. There were no public comments on this Regulation.

*A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed the adopt Reg. I, Sec. 5(a) as presented.*

**Reg. I, Sec. 5(a) Commercial Use**

Commercially taking or catching seafood under the Regulations of the Potomac River Fisheries Commission shall be construed to be taking or catching, or the attempted taking or catching of same for market or profit. Taking of crabs by crab pot; finfish by use of nets (other than dip nets), seines, trot lines, hook & line or pots; soft shell clams by means of hydraulic dredge; and the taking of fee paying persons to catch or attempt to catch fish, crabs, oysters or clams, shall all be deemed a commercial action requiring a license hereunder, except as provided in Regulation VI hereof. When a person is commercially fishing, it shall be unlawful to recreationally fish on the same trip. Commercial harvest must be landed or off loaded from the vessel before returning to the Potomac River to recreationally fish.

**Reg. I, Sec. 5(d) – Reduction of License Fees** – Mrs. Cosby stated this Regulation allows a reduced price in commercial license fees for persons born before July 15, 1945. All three advisory committees support the repeal of this Regulation.

Capt. Bob Holden questioned how the reduction of license fees came about. Mr. Gary explained this Regulation as written is meant to be phased out. He doesn't know if it's tied to revenues or not. The Commission was audited and it was found that our revenues are flat, our costs are increasing and our margins are thin. Where ever possible, we should be seeking revenue increases. In consideration of that, repealing the senior commercial license fees would yield around \$6,000 for the Commission. Capt. Holden stated when this Regulation was put in place it was something that was provided to the older watermen, because there were no younger watermen wanting to come into the industry. It means a lot to him and he's not crying poverty, but when you get old it seems someone wants to take something away from you. He felt there should be a compromise and not a total repeal of the Regulation. He suggested increasing the senior license fee to \$25 from \$5. He also suggested that if a senior would like a helper there should be a fee of \$50 for that. He also questioned if the number of crab pots could be reduced for a cheaper license fee. He doesn't want to see the tradition of the PRFC be compromised over \$6,000. Commissioner Langley thanked Capt. Holden for his words.



Carl Kirk asked for clarification on Reg. I, Sec. 5(a) when the word hydraulic is used. He felt there are many interpretations of the word and may need to be addressed. He suggested using the word automatic dredge to cover everything. Chairman Erskine stated that Regulation has already been discussed and voted on and the Commission cannot go back to it. Chairman Erskine asked for any other public comments on Reg. I, Sec. 5(d).

Capt. Bruce Scheible stated Capt. Holden's comments summed up what most of us are thinking as we get older. We are less able to do as much as we use to be able to do when we were younger. He feels this is a slap in the face for seniors. He noted that money is not so much of an issue as the conservation part. Eliminating senior license fees may cause older watermen to sell their licenses, in turn, will increase effort in the river. He doesn't like to see money versus revenue and to take it away from the seniors is not good at all. This issue is not that big to some, but is a big issue to seniors.

Commissioner Hall certainly shares the concerns of the gentlemen who spoke today. She doesn't think the money that would be gained from getting rid of this Regulation is significant enough to do away with it. Having said that, she doesn't think the Regulation, as it is written, is correct either. She feels they should be allowed to have a helper if not only for safety. She admires the older watermen and feels this is what keeps them going. There is not retirement for some of them, it's in their blood and they will do it until they die. She is behind the gentlemen 100 percent.

Commissioner Langley concurs with Commissioner Hall's statements. He is old fashioned and he sees wisdom in these watermen and we owe them this privilege. He feels there can be a compromise.

Commissioner Rice stated he does not see anything in the Regulation that addresses a helper. Commissioner Hall explained the current regulation restricts the license to the exclusive use of the licensee. Commissioner Rice suggested deleting the word exclusive and offering these licenses for 50 percent of the current license fee. Mrs. Cosby explained the Commission has already adopted an assistant license in the oyster fishery for \$50. As far as a helper license for these other fisheries, one would need to be established, if that's the Commission's intent.

Commissioner Blazer questioned how many senior licenses exist and if done away with, will they have access to the regular licenses. He also wanted to know what the total would be if they had to purchase these licenses at the regular price. He likes the idea of 50 percent discount. Mrs. Cosby stated a breakdown was presented at a previous meeting and she doesn't have that information available today. The loss of revenue in 2015 was around \$6,000. The intent of the Commission was to phase this Regulation out and do away with it. Mr. Gary questioned what Maryland and Virginia offer in terms of senior license fees. Commissioner Bull explained there is a senior discount on the Virginia watermen's card at age 70, but not on the license fee. Commissioner Blazer stated Maryland doesn't have any senior discounts.

***A motion was made by Commissioner Rice, seconded by Commissioner Fleming and unanimously passed to adopt Reg. I, Sec. 5(d) with the following amendments: "a fee of \$5" shall be struck and replaced with "50 percent of the value of the license purchase". The***

*sentence “Provided, however, such license(s) or any privilege(s) granted thereby shall be for the exclusive use of the licensee” shall be struck. This shall be implemented for the 2017 season.*

**Reg. I, Sec. 5(d) Reduction of License Fees**

Except persons born after July 15, 1945, natural persons who have for the previous three (3) years held a Potomac River Fisheries Commission license or licenses, as listed herein, shall be eligible to renew and/or obtain such license(s) for a reduced fee of 50% of the current license fee. The licenses available under this section are as follows:

- (1) crab dip nets, crab trot lines and patent crab trot lines.
- (2) a single peeler trap.
- (3) a single boat or vessel used by the licensee to catch crabs with crab pot(s).
- (4) oyster hand tong, however, this exemption does not apply to the fee for the "OT" tags issued to the captain.
- (5) the "OT" vessel license for power assisted hand tong rigs.
- (6) oyster hand scrape.
- (7) oyster hand scrape vessel.
- (8) a single boat or vessel used by the licensee to take fish with fish trot line(s).
- (9) a commercial hook and line.
- (10) a single boat or vessel used by the licensee to take fish with fish pot(s).
- (11) a single boat or vessel used by the licensee to take eels with eel pot(s).
- (12) a single boat or vessel used by the licensee to take bait with bait pot(s).

Additional licenses or similar types of licenses not listed herein require payment of the usual license fees provided for in Section 2 of this Regulation.

**Reg. VI, Sec. 2(a) – Restrictions** – Mrs. Cosby stated this is similar to Regulation I, Sec. 5(a) and states that you cannot recreational and commercially fish at the same time.

*A motion was made by Commissioner Fleming, seconded by Commissioner Bull and unanimously passed to adopt Reg. VI, Sec. 2(a) as presented.*

**Reg. VI, Sec. 2(a) Restrictions**

All persons taking oysters, clams, fish or crabs for sport, recreation or immediate household use, shall comply with and be subject to all other regulations and orders of this Commission, including but not limited to seasons, areas, size, creel and/or catch limits. Any oysters, clams, fish or crabs taken under these sections may not be sold or offered for sale. When a person is recreationally fishing, it shall be unlawful to commercially fish on the same trip. Recreational harvest must be landed or off loaded from the vessel before returning to the Potomac River to commercially fish.

**Reg. VI, Sec. 5(b) – License Fees** – Mrs. Cosby explained this is to modify the license structure and fees for recreational fishing. There was a work group that made these recommendations and the Finfish Advisory Committee supports them. The non resident pleasure boat license will be eliminated and the pleasure boat license will stay at \$48 with no residency restrictions. The senior and ten day short term license will also be eliminated leaving the MD/VA resident for \$15 and the non resident for \$22.50.

*A motion was made by Commissioner Fleming, seconded by Commissioner Blazer and unanimously passed to adopt Reg. VI, Sec. 5(b) as presented with an effective date of January 1, 2017.*

**Reg. VI, Sec. 5(b) License Fees**

The annual sport fishing license fees payable to the Commission under Regulation VI shall be as follows:

- (1) Pleasure Boat - \$48.00 per boat (no residency restrictions)
- (2) Charter Boat:
  - (i) Carrying 3 or less passengers - \$150.00 per boat,
  - (ii) Carrying 6 or less passengers - \$240.00 per boat,
  - (iii) Carrying 7 or more passengers - \$290.00 per boat.
- (1) Personal
  - (i) MD/VA Resident - \$15.00 per natural person,
  - (ii) Non MD/VA Resident - \$22.50 per natural person,

A Personal sport fishing license is not required when fishing from a properly licensed boat. (MD Bay Sport, VA Saltwater, or PRFC Pleasure Boat License)

**Reg. VI, Sec. 5(c) – Exemptions** – Mrs. Cosby explained this Regulation will clarify when a sport fishing license is not required. Language was added to clarify that a sport fishing license is not required if you are a licensed charter boat captain, not actively fishing for hire, who possesses valid passenger decals from either the PRFC or from other political jurisdictions granting reciprocal privileges with the Commission.

***A motion was made by Commissioner Blazer, seconded by Commissioner Fleming and unanimously passed to adopt Reg. VI, Sec. 5(c) as presented.***

**Reg. VI, Sec. 5(c) Exemptions**

A Potomac River sport fishing license is not required of a person:

- (1) If a natural person:
  - (i) is less than 16 years of age;
  - (ii) holds a valid tidal/salt water sport fishing license issued by another political jurisdiction granting reciprocal privileges with this Commission;
  - (iii) is fishing from a boat holding a valid tidal/salt water fishing license from other political jurisdictions granting reciprocal privileges with this Commission;
  - (iv) who is a licensed charter boat captain, not actively fishing for hire, who possess valid passenger decals from either PRFC or from other political jurisdictions granting reciprocal privileges with this Commission; or
  - (v) the owner or the owners and their non-paying guests fishing from the owner(s) private real property or an attached pier, providing that all such persons 16 years of age or older are required to be registered with the MdDNR or VMRC saltwater angler registry program.
- (2) During the following periods:
  - (i) the one (1) day before, the holiday itself, and the one (1) day after Memorial Day, July 4th and Labor Day; or
  - (ii) National Fishing Week

**Close Public Hearing – 11:55 a.m.**

**ASMFC Issues**

**Summary of the August ASMFC Meeting**

Mr. Gary advised the meeting was held the week of August 2<sup>nd</sup> in Alexandria, VA. He stated the main focus for the Commission would be Atlantic Menhaden and Striped Bass.

Atlantic Menhaden – Mr. Gary has communicated via email the specifications for the total allowable catch (TAC) for Menhaden in 2017. That is going to take place in October and he will

need guidance on how the Commission wants to proceed with that. It doesn't need to be given today and he would like to have more discussions with the board members prior to that October meeting. Despite compelling data and stock assessment information, the will of the board is such that their tolerance level is to increase the TAC no more than 10 percent and that might be pushing it. He complemented the Commission on their feedback and support of a 20 percent increase. Mr. Gary will be looking for feedback going into the October meeting on what the Commission would like to do. Nothing passed so it will be revisited at that meeting.

Striped Bass – Mr. Gary advised Maryland had requested to the Striped Bass Management Board an update to the assessment through terminal year 2015. That has not been presented and should be forthcoming very soon. The hope is for potential relief on the fishery. He'll keep following that issue and will update the Commission as needed.

Commissioner Langley suggested that Commissioners Bull and Blazer reach out to the District of Columbia to make sure we have representation there at the table.

Announcement of the ASMFC 75<sup>th</sup> Annual Meeting – The meeting will be held October 24<sup>th</sup> – 27<sup>th</sup> in Bar Harbor, ME.

#### **Fourth Quarter Disbursements and Cash on Hand**

Mr. Gary presented a report of the fourth quarter disbursements (April through June) for the operational budget totaling \$204,801. The budget ended with 89 percent being spent. A report of the cash-on-hand was presented showing \$802,952.43 as of September 6, 2016.

Commissioner Fleming stated the projections for Virginia are down 5.5 billion and that is much lower than anticipated. Commissioner Bull clarified and said it was 1.5 billion. Commissioner Fleming questioned what the status is for the 3 percent salary increase for state employees. Commissioner Bull stated that was projected to be the first pay increase in nine years and fell by the wayside due to a budget shortfall. State agencies with the exception of higher education are all in the process of finalizing a 5 percent budget reduction per agency.

*A motion was made by Commissioner Hall, seconded by Commissioner Langley and unanimously passed to adopt the fourth quarter disbursements and cash on hand as presented.*

#### **New Business**

Chairman Erskine stated the Commission would move into new business and would accept public comments limited to two minutes for issues that are not on the agenda. He stated more detailed comments can be submitted to staff.

Robert T. Brown with Shop Cove Aquaculture stated he received the count of the spat on shell and it was 1.67 million per tank (each tank holds 197 bushel of shell). That will be planted as part of the OMR program. He's received notice that Horne Point is done for the year, so the planting above the bridge will have to wait until next spring. Chairman Erskine stated Bevan's/Cowart Seafood may have some larvae still available and he would see about making a

donation to the project. Mr. Gary thanked Mr. Brown for his donation and noted the Compact is set up to accept donations like this. We are asking him to sign some documents to have as records of the planting. Tucker Brown thanked the Commission and said it's been a very productive day. From the OMR program, he thanked Shop Cove and Robert T. Brown for his donation.

Capt. Bob Holden asked law enforcement if it was possible to have poaching signs placed at boat ramps. He crabs at Piney Point Hollow and he has instances where several of his crab pots are fished in a row in the same area every weekend.

Carl Kirk apologized for being out of line earlier. He thought public comment was being taken collectively rather than each one at a time. He does think it's important to clarify Reg. I, Sec. 5(a) with the term hydraulic. He feels the word hydraulic should be changed to automatic. In engineering terms, hydraulic has a very specific meaning. Mr. Mayo asked law enforcement if they had an issue with what Mr. Kirk is saying. Law Enforcement stated it would make things more clear if it said automatic. Chairman Erskine stated it would be reviewed for clarity.

Sammy Dorough noted there was dredging that took place this past winter at Port Tobacco. The buoys were moved from there to Swan Point and left there. He stated he removed the buoys himself using his boat on September 7, 2016. They had been left overboard for 128 days. He called Capt. Rose twice who advised him they were not VMRC buoys. He brought them to today's Commission meeting and placed them in front of the PRFC building in the parking lot. He questioned who they belonged to. Commissioner Bull questioned why he removed them from the river. Mr. Dorough stated he brought them here because he was tired of looking at them. Commissioner Bull asked if they were Mr. Dorough's property. Mr. Dorough stated he brought them to the Commission. He stated he would like to know what the response is from staff for not going and getting the buoys out of the river.

Mr. Dorough then noted that it states in Regulation that CPID Tags/Decals will be provided to the crabbers no later than March 15<sup>th</sup>. This past year they were not received until two days before the season opened. It's not right and staff should take responsibility for dropping the ball on this. There's no reason this should happen and staff should be deducted a 40 hour paycheck because they are not doing a good job.

Mr. Gary clarified the buoys that are apparently outside this building were positioned and stationed by MD DNR Hydrographic Operations. They were originally on station at Jones Shore. They were then moved to Pope's Creek. They have been there all along and the intention was to move them back to Jones Shore, which was probably going to happen in the next 30 days or so. Mr. Gary is bothered and troubled that an individual other than the people who own the buoys have tampered with the buoys. He will speak to the Commission and law enforcement about that in a different setting. It sets a bad precedent for individuals to be tampering with state property, our partner's property and it's going to influence the logistics of Jones Shore. He has been made aware that the anchors are no longer attached to those buoys. This is going to cause some problems and is not a desired outcome from the Commission's perspective.

### **Update Mileage Reimbursement**

Mr. Gary stated this is a minor detail noting that the federal guidelines for mileage reimbursement have changed and our policy manual is inconsistent with that. The current reimbursement is \$.57<sup>5</sup> and the federal guidelines were adjusted to \$.54. He suggested we maintain consistency and change the rate in the policy manual. It would become effective after today.

***A motion was made by Commissioner Rice, seconded by Commissioner Fleming and unanimously passed to change the mileage reimbursement to \$.54.***

### **Joseph E. Craven, Jr. – Missed Crab Pot License Renewal for 2016**

Mrs. Craven appeared before the Commission on behalf of Mr. Craven. She explained that Mr. Craven has been diagnosed with throat and tongue cancer and does not have verbal skill because of that. Last summer they were in Florida and the mail was being forwarded from Maryland. She stated she never received the renewal application to renew the license and with everything going on it slipped her mind. It was not his intention to not renew the license and to have it revert back to the Commission. He has held the license for a long time and would like to eventually turn it over to his son when he retires in a few years. She asked the Commission to forgive her for not renewing it during the renewal period and she would be willing to pay any late fees that may have occurred with the reestablishment of the license.

Mrs. Cosby stated this license was not renewed during the renewal period nor was it renewed during the grace period through April. Mrs. Craven stated she is not saying the mail is that poor, but she never received anything about the renewal in order to take care of it. This is really just a sad situation all around. Mr. Gary stated he spoke with Mrs. Craven and he took a look at his renewal history and he has never been late before. Staff's recommendation would be supportive of granting the license back to Mr. Craven.

Commissioner Rice stated he's pretty sure the application got mailed and he's pretty sure the mail system is that bad.

Commissioner Blazer questioned how this will work if the license was reverted back to the Commission. Is there a license to give back considering there is a cap in place? Mr. Gary explained we are operating under limited entry with the goal to reduce down to 400 licenses. The Commission has the prerogative to reinstate licenses and have done so in the past. Mr. Mayo stated the Commission can do so and felt it's the spirit of the rule versus the letter of the rule.

***A motion was made by Commissioner Rice, seconded by Commissioner Hall and unanimously passed to grant Mr. Craven his crab pot license with him paying the appropriate late fees.***

**Date and Place of the Next Meeting**

The next Commission meeting is scheduled for Friday, December 2, 2016 at 9:00 a.m. in the John Thomas Parran hearing room in Colonial Beach, Virginia.

Commissioner Fleming asked Mr. Gary if Dave Secor will be returning to the Commission to follow up on the presentation he did earlier in the year. Mr. Gary stated that was one of the requests for this meeting, but Mr. Secor had to reschedule for our December 2<sup>nd</sup> meeting. There have been four requests for presentations at that meeting and he will try to prioritize so that the agenda doesn't get overloaded.

**Adjourn**

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

---

A. J. Erskine, Chairman

---

Lynn H. Kellum, Secretary