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"Potomac River Compact of 1958"

Potomac River Fisheries Commission

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**POTOMAC RIVER FISHERIES COMMISSION
OYSTER/CLAM ADVISORY COMMITTEE**

PRELIMINARY MEETING AGENDA

August 22, 2017

**222 Taylor Street
Colonial Beach, VA
Carpenter Building
John T. Parran Hearing Room**

1. Call to Order – 6:00 p.m.
2. 2016-2017 Final Harvest Report (Handout, Draft Orders & Possible Action)
3. Jones Shore SMA Rotation for 2017-2018 (Handouts, Draft Order & Possible Action)
4. Consideration of third OMR Bar - Sheepshead (Handout, Draft Order & Possible Action)
5. Review of Rotational Natural Harvest Program Plan and Special Management Areas – (Handout, Draft Order & Possible Action)
6. Discussion of Harry W. Nice Bridge Replacement
7. Oyster Strategic Planning Panel Update
8. Advisory Committee Vacancies
9. Election of Chairman and Vice-chairman
10. New Business
11. Adjourn

Oyster/Clam Advisory Committee Meeting

Potomac River Fisheries Commission - P.O. Box 9 - Colonial Beach, VA 22443
(804) 224-7148 - Fax: (804) 224-2712

FOR IMMEDIATE RELEASE

Date: August 8, 2017

Contact: Martin L. Gary
(804) 224-7148, Fax: (804) 224-2712

Colonial Beach, VA

The Potomac River Fisheries Commission Oyster/Clam Advisory Committee, which is comprised of private citizens and industry representatives, will meet at **6:00 p.m. on Tuesday, August 22, 2017** in the John T. Parran Hearing Room of the PRFC building, Colonial Beach, Virginia. Items on the agenda will include, but may not be limited to: 2016-2017 Final Harvest Report, Jones Shore SMA Rotation for 2017-2018, Consideration of third OMR Bar - Sheepshead (Handout & Possible Action), Review of Rotational Natural Harvest Program Plan and Special Management Areas – (Handout & Possible Action), Discussion of Nice Bridge Replacement, Oyster Strategic Planning Panel Update, Election of a Vice Chairman (Wayne France vacancy), and a VA Vacancy on the Committee.

Any recommendations developed by this committee will be forwarded to the Potomac River Fisheries Commission for consideration prior to implementation.

This meeting is open to the public and all interested persons are invited to attend. PRFC does not discriminate against individuals with disabilities; therefore, if you are in need of reasonable accommodations due to a disability, please call (804) 224-7148 or (800) 266-3904 no later than three work days prior to the meeting date and identify your needs.

Potomac River Fisheries Commission
Oyster Harvest Report --- DETAILS
2016/2017 SEASON

Natural Bar Locations

BAR	TONGER			HAND SCRAPE			TOTAL BUSHELLS	Last Season (to date) BUSHELLS
	BUSHELLS	MEN	CPUE	BUSHELLS	MEN	CPUE		
POPES CREEK								3,502
GREAT NECK								3
SWAN POINT								528
CALVERT BAY				16	1	16.00	16	
THICKET POINT				1	1	1.00	1	1
ST. GEORGES				11	2	5.50	11	
PINEY POINT				50	14	3.54	50	
KITTS POINT				44	9	4.89	44	
JONES SHORE	184	36	5.11	3,510	513	6.84	3,694	35
GUM BAR	252	53	4.75	1			253	
CORNFIELD				269	38	7.07	269	
CEDAR POINT	2,994	494	6.06	1			2,995	
BEACON BAR	177	35	5.06				177	
Totals:	3,607	618	5.84	3,902	578	6.75	7,508	4,069

OMR Bar Locations

BAR	HAND SCRAPE			TOTAL BUSHELLS	Last Season (to date) BUSHELLS
	BUSHELLS	MEN	CPUE		
RAGGED POINT	3,412	501	6.81	3,412	1,659
Totals:	3,412	501	6.81	3,412	1,659

All figures are rounded to the nearest whole number, except for CPUE

2016/2017 SEASON

	2015/2016 (season total)	2015/2016 (to date)	2016/2017 (to date)
Harvester's Report	5,728	5,728	10,915
Natural Bar	4,069	4,069	7,508
OMR Bar	1,659	1,659	3,407
Buyer's Reports	5,771	5,771	10,121
Natural Bar	4,095	5,771	6,793
OMR Bar	1,676	0	3,328
Tax Paid by Buyer	\$11,541.50	\$11,541.50	\$20,242.50
Natural Bar	\$8,189.50	\$11,541.50	\$13,586.50
OMR Bar	\$3,352.00	\$0.00	\$6,656.00
Tax Paid by Harvester	\$204.00	\$204.00	\$1,269.00
Natural Bar	\$178.00	\$178.00	\$1,233.00
OMR Bar	\$26.00	\$26.00	\$36.00
Estimated Dockside Value	\$248,357.46	\$248,357.46	\$496,748.93

NUMBER OF LICENSES SOLD:

	2015/2016 (season total)	2015/2016 (to date)	2016/2017 (to date)
TONGER:			
Tonger	0	0	27
Tong Boat Operator	3	3	32
TBO Assistant	3	0	13
TONGER TOTAL:	6	6	72
HAND SCRAPE:			
Personal	109	109	52
Vessel	53	53	30
HSV Assistant	0	0	9
HAND SCRAPE TOTAL:	162	162	91
BUYER:			
Licensed	0	0	0
Registered	13	13	13
BUYER TOTAL:	13	13	13
OYSTER MANAGEMENT RESERVE:			
Participant	20	20	30
Crew 1	0	0	5
Crew 2	0	0	0
OMR TOTAL:	20	20	35
GRAND TOTAL:	198	198	211

PROPOSED AMENDMENTS TO THE ORDERS

New Language
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FOR THE PURPOSE OF
setting the 2017-2018 public oyster fishery

ORDER #2016-13 2017-11
(replaces #2015-12 2016-13)

2016-2017 2017-2018 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>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1 thru Dec. 31, 2016 2017	Monday thru Friday	Sunrise to 1:00 p.m.
	Jan. 1 thru Mar. 31, 2017 2018	Monday thru Friday	Sunrise to 3:00 p.m.
Hand Scraping	Nov. 1 thru Dec. 31, 2016 2017	Monday thru Friday	Sunrise to 1:00 p.m.
	Jan. 1 thru Mar. 31, 2017 2018	Monday thru Friday	Sunrise to 3:00 p.m.

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 #2016-13 2017-11 shall become effective September 30, 2016 2017 and remain in effect through March 31, 2017 2018.

PROPOSED AMENDMENTS TO THE ORDERS

New Language

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FOR THE PURPOSE OF
setting riverwide bushel limits for the public fishery

ORDER #2016-15 2017-13

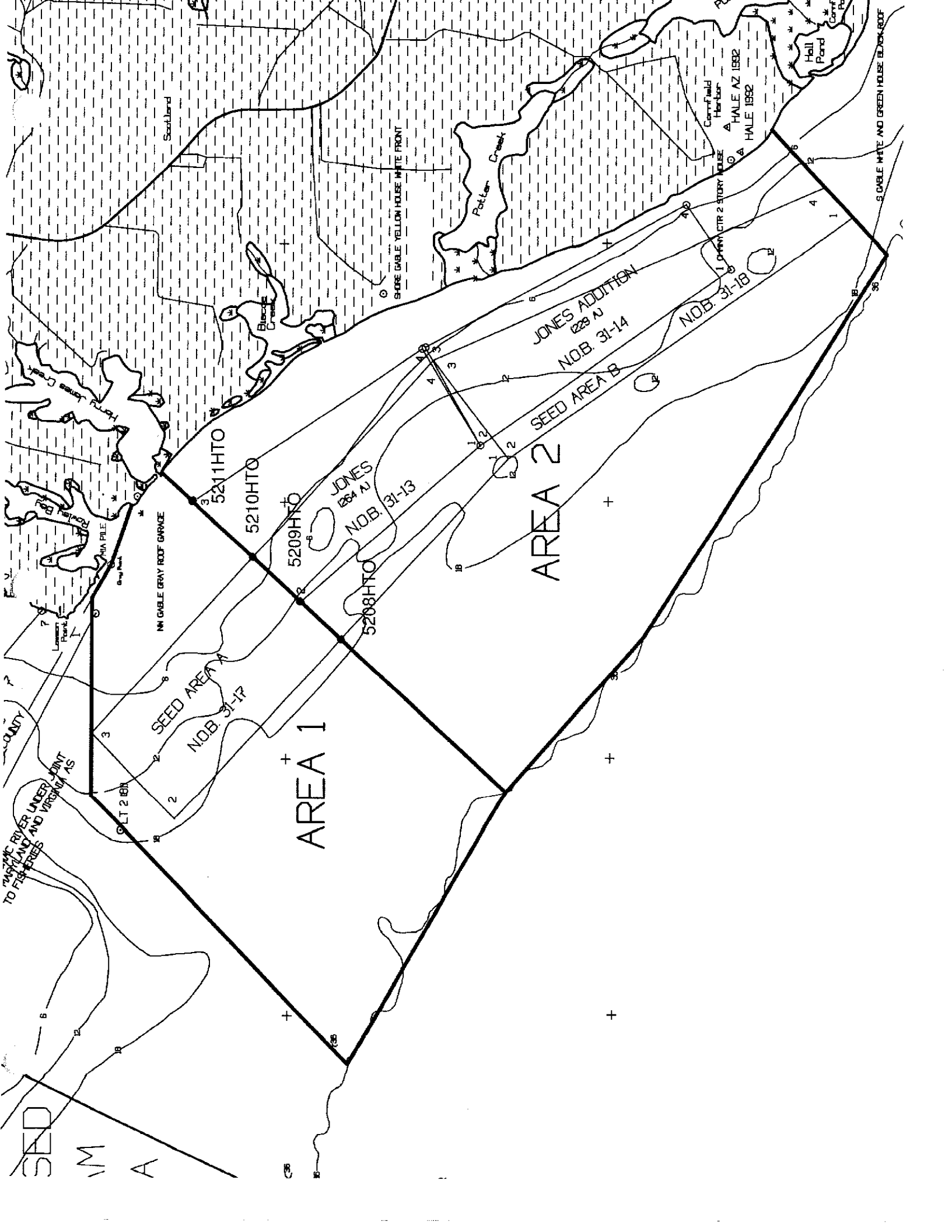
Riverwide Daily Oyster Bushel Limits

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~~ 2017-2018 commercial oyster season, from October 1, ~~2016~~ 2017 through March 31, ~~2017~~ 2018, 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~~ 2017-13 shall become effective October 1, ~~2016~~ 2017, and remain in effect through March 31, ~~2017~~ 2018.





SEED 1 M A

COUNTY
MAY RIVER LAKER JOINT
TO FISH SPICES AND VIRGINIA AS

SCOTT 2 BHK
CULT 2 BHK
M GABLE GRAY ROOF GARAGE

SEED AREA A
NOB. 31-17

5211HTO

5210HTO

5209HTO

5208HTO

JONES
128 N.J.
NOB. 31-13

JONES ADDITION
128 N.J.
NOB. 31-14

SEED AREA B
NOB. 31-18

AREA 2

AREA 1

1 CORNER CTR 2 STORY HOUSE

2 CORNER CTR 2 STORY HOUSE

HALE AZ 1992
HALE 1992

CORNFIELD
HARBOR

HALL POND

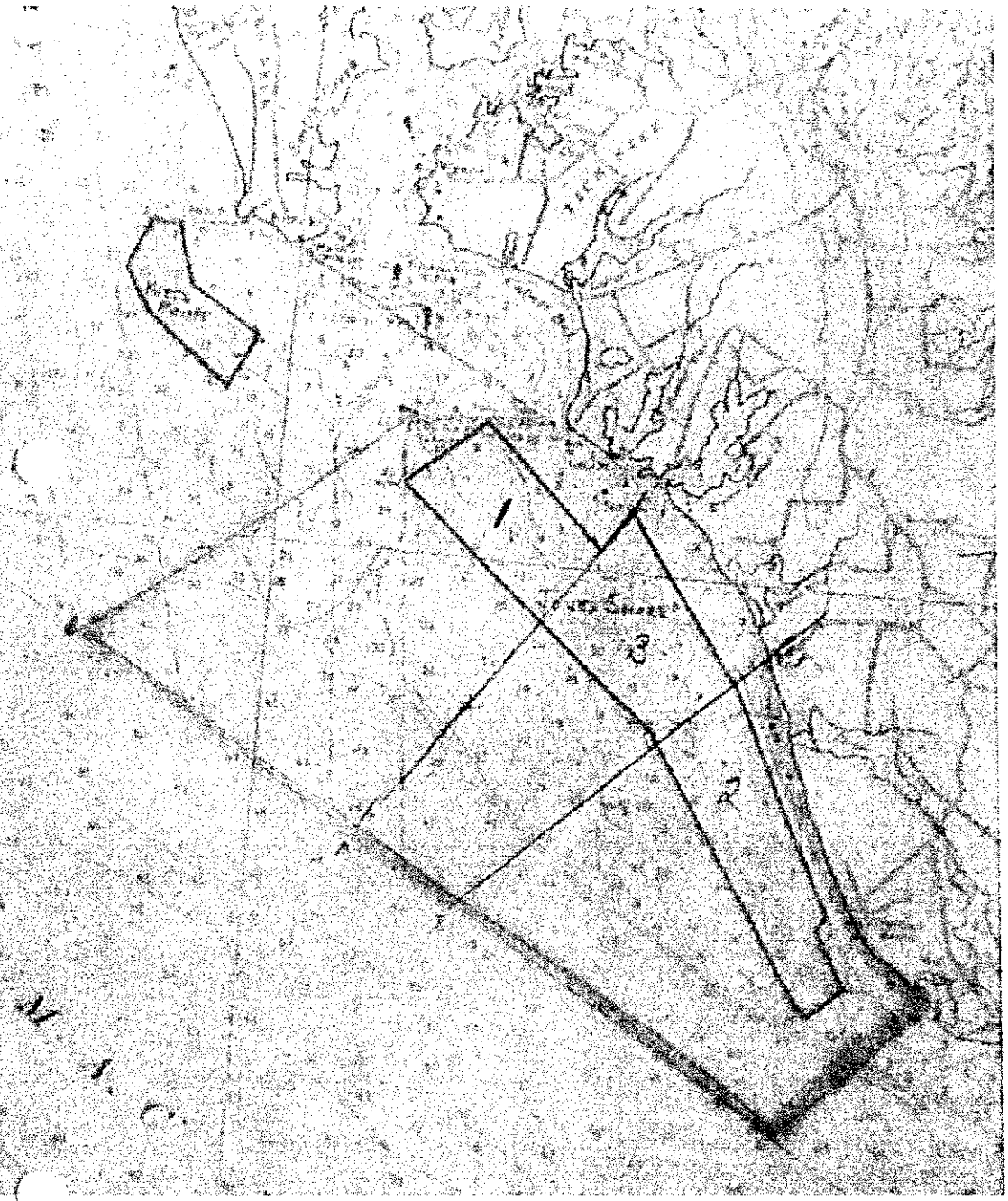
SHORE GABLE YELLOW HOUSE WHITE FRONT

SHORE GABLE WHITE AND GREEN HOUSE BLACK ROOF

SOUTH LANE

BLOCK
CRASH

PATTON
CRASH



ORDER #2016-14 "Revised" 2017-12

**2016-2017 2017-2018 JONES SHORE BAR OYSTER SEASON
AREAS, DATES, DAYS, AND TIME LIMITS**

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources on the Jones Shore Bar and pursuant to its authority under Regulation II, Section 2(b) and Regulation I, Section 7(a)(1), **HEREBY DECLARES AND ORDERS:** The 2016-2017 oyster season, areas, dates, days open and time limits shall be as follows:

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1, thru Dec. 31, 2016 2017 Jan. 1 thru Mar. 31, 2017 2018	Monday thru Friday Monday thru Friday	Sunrise to 1:00 p.m. Sunrise to 3:00 p.m.

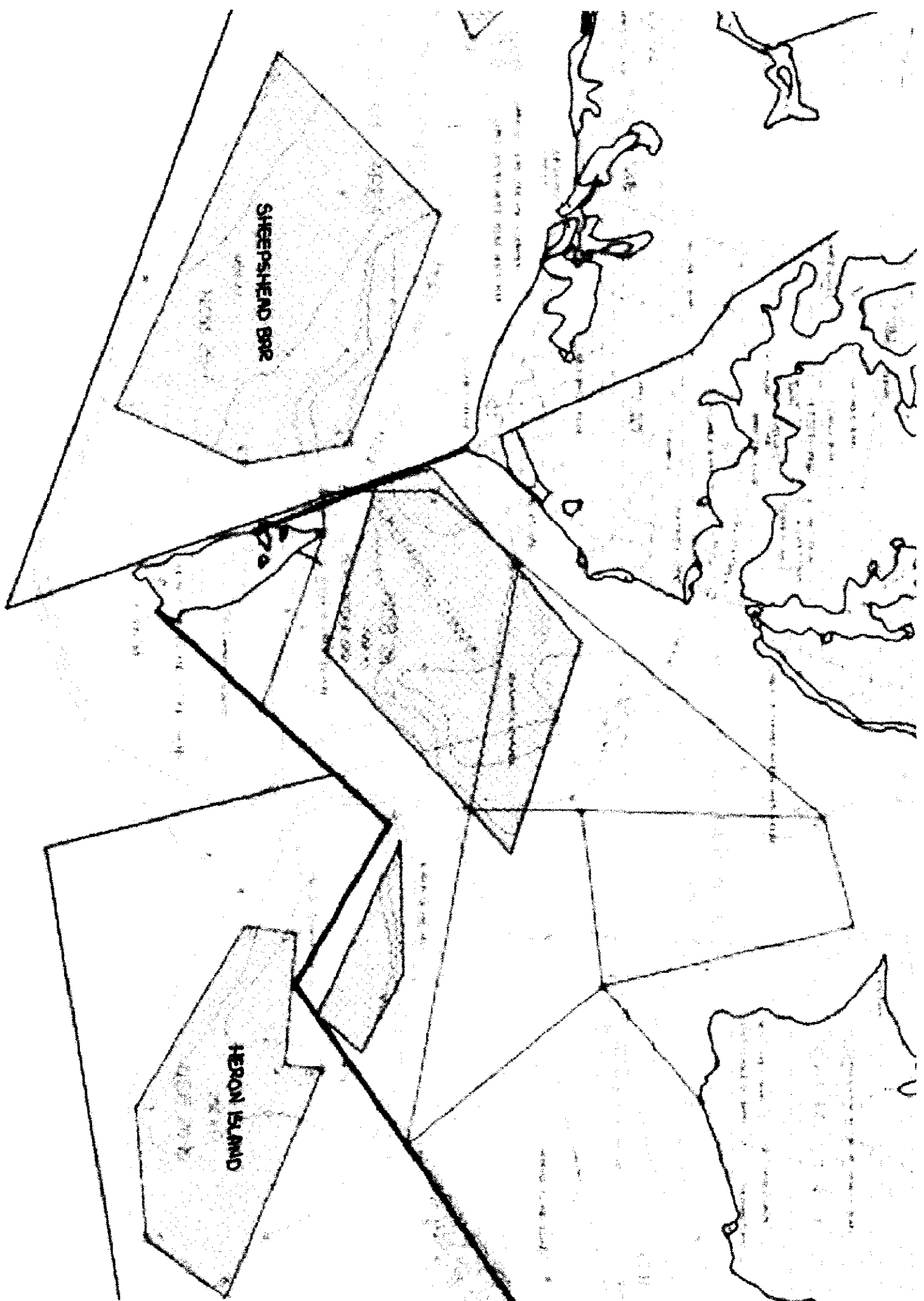
Area open to Hand Tonging - That portion of the Potomac River commonly known as Jones Shore and enclosed within the following described boundaries: ~~Beginning at the mouth of Harry James Creek (38° 5.377' N, 76° 22.886' W) St. Mary's County, MD; thence southwesterly to a point (38° 4.323' N, 76° 24.132' 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. Description and GPS will be updated by Louis Wright with MD DNR Hydrographic Department.~~

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Scraping	Nov. 1, 2017 thru Feb. 28, 2017 2018 Mar.1 thru Mar. 31, 2017 2018	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) Description and GPS will be updated by Louis Wright with MD DNR Hydrographic Department.~~

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

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2016-14 "Revised" 2017-12 shall become effective ~~December 12, 2016~~ September 30, 2017 and remain in effect through March 31, 2017 2018.



PROPOSED AMENDMENTS TO THE ORDERS

New Language

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FOR THE PURPOSE OF
designating Sheepshead Bar as an Oyster Management Reserve Area

DRAFT NEW ORDER #2017-14

Oyster Management Reserve Area Designated

THE POTOMAC RIVER FISHERIES COMMISSION, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to expand oyster seed planting for the Oyster Management Reserve Program to Sheepshead Bar, and subject to its authority under Regulation VIII, Section 6(a): **HEREBY DECLARES AND ORDERS:** that Sheepshead Bar (480 acres) is designated as an Oyster Management Reserve Area **that will remain open to oyster harvest until such time the Commission approves planting oysters for the OMR program on it, and said OMR oysters are planted.**

BE IT FURTHER DECLARED AND ORDERED: That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Sheepshead Bar, after OMR oysters are planted, unless the person is an eligible participant, crew, or helper in the Oyster Management Reserve Program and this area has been announced as being open and ready for harvest by the Commission.

AND, IT IS FURTHERED DECLARED AND ORDERED: That this Order #2017-14 shall become effective December 1, 2017 and remain in effect until further notice.

Potomac River Fisheries Commission

Rotational Natural Oyster Harvest Plan
(As recommended by the technical advisor group)

March 8, 2013

This Rotational Natural Oyster Harvest Plan was designed to help the Potomac River Fisheries Commission come up with a self-sustaining public oyster fishery for planting natural diploid oyster seed on a rotational plan on five oyster bars in the Potomac River. The Blue Ribbon Oyster Panel had identified the diploid planting program as the second phase of their Oyster Revitalization Plan for the Potomac River. The Oyster/Clam Advisory Committee supported this rotational plan and contributed ideas as it was discussed. A technical group reviewed the five oyster bars selected in the middle area of the river and recommended some changes.

I. Rotational Oyster Bars – Middle River

Oyster bars recommended for this rotational plan (located between the Rt. 301 Bridge and Cobb Island) include:

Cedar Point – good shell base; planted last in 2003/04 with good results; plant first.

Swan Point – good shell base; good history

Gum Bar - good shell base; good history

Pascahanna – has flat, hard bottom and is fairly sheltered; good history.

There are several bars that could be considered as the fifth bar in this program; however, those bars have not been surveyed in several years. Technical advisors recommended that Stoney Bar, Bluff Point, and Watsons Bar be included in the next fall oyster survey to determine which would be best. The Oyster/Clam Advisory Committee agreed to this and asked that Old Farm and Green Hill be surveyed as well.

Cedar Point and Swan Point are fairly large bars – technical advisors recommended dividing the bars in half and allowing harvest to continue on the unplanted portions.

These oyster bars are generally above the disease line and normally below the severe freshet line. These oyster bars are in an area of the river where historically disease has had no impact. Although there have been severe freshet effects documented on both Pascahanna and Cedar Point (1993 and 1994), such events are rare. Swan Point, Cedar Point and Gum Bar are historically significant Potomac River oyster bars; however they have not been productive since 2007. Currently, very few market size oysters can be found on these oyster bars and there has been no spat set. Diploid oyster seed plantings will begin to re-establish the natural life cycle of oysters on these bars and provide new brood stock in the middle river.

By having five oyster bars in the plan, we will get four-year growth of oysters before harvest is allowed, which will provide many ecological benefits to the river. In the middle area of the river, oyster growth is fairly slow. It will probably take four years for a significant portion of the seed planting to achieve a large, high quality oyster.

II. Rotational Cycle

The plan design allows one of the five oyster bars to be planted with diploid oyster seed each year during the five-year cycle. When each bar is planted, the entire bar will be closed (except for Cedar Point and Swan Point – only the planted portion will be closed). Until a bar is planted, it will remain open for harvest. Once the planted oyster bar has been closed for four years, it will be opened for public harvest, and replanted the following spring, thereby continuing the rotation. When all of the bars have been planted, only one of the five oyster bars will be open at any time.

III. Oyster Seed Planted

Oyster (diploid) seed will be obtained for planting from reliable natural sources within the Chesapeake Bay system (i.e. Great Wicomico River, James River). Bids will be accepted for the purchase, moving and planting of this seed. If we are unable to locate natural seed in a given year, the other option is to plant spat on shell; however this is a more costly option. There are several private hatcheries that can provide diploid eyed larvae for sale. Bids can be obtained from remote setting stations (where the eyed larvae is set on shell) in order to obtain high quality seed (spat on shell) for the best price. The amount of seed planted each year will be based on available funds that year.

IV. Harvest Details

Since these rotational oyster bars are located in the middle river area, harvest will be by hand tong only. Each oyster bar will be surveyed, prior to opening it to harvest, and an estimate of the percent of oysters greater than three inches and greater than four inches will be determined, as well as percent of mortality on the bar. We hope to be able to project the amount of harvestable oysters, based on the amount of seed that was planted, amount of mortality that occurred and survival of market oysters based on size.

The Commission may open the rotational oyster bars on a different schedule than the regular oyster season which opens October 1. The specific opening dates for this rotational program could be recommended by the Oyster/Clam Advisory Committee and specified in an Order, so the industry could maximize the yield and profit for this high quality product. When the bar is opened for public harvest, only between 60-75% of market oysters will be allowed to be taken and then that harvest bar will be closed. All oysters not harvested on the bars will serve as brood stock, which will result in multiple age classes of oysters scattered in the river. In order to help track the amount of oysters harvested from the open bar, we will require the buyers to call in on a daily basis to report the amount of oysters they bought from that year's "open" rotational oyster bar.

V. Financial Strategy

The Commission will provide \$50,000 (seed money) for the first four years to get the program started, which is the same amount (\$200,000) that is committed for the Oyster Management Reserve Program (OMRP). The Commission will maintain the current \$300 oyster license surcharge fee that is required when a person purchases an oyster license, and the surcharge fee plus the oyster license fee revenue will be directed to this rotational oyster program. In addition, half of the Commercial License Registration funds (other half goes to OMRP) and Oyster Inspection Tax money from this program and any other natural harvest will be directed to this program as well. Additional funding sources are being investigated. It is the goal of this Commission to have this rotational oyster program develop into an economically self-sustaining public fishery.

The Commission is currently pursuing the feasibility of increasing the Oyster Inspection Tax as well as increasing penalty fees through legislative action in Maryland and Virginia.

A rotational oyster program identification tags will be required to be attached to the oyster containers when they are sold to label them as a sustainable fishery product. The tags will be sold at cost to the watermen.

The Commission is responsible for managing the oyster fishery in the Potomac River. Replanting oyster bars and maintaining brood stock requires investment which should be shared by the Commission, watermen and everyone who uses the river.

PROPOSED AMENDMENTS TO THE ORDERS

New Language

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FOR THE PURPOSE OF
Discussing the opening or continue the closure of Lower Cedar Point Bar and Addition

O R D E R #2013-09 "Revised"

Rotational Natural Oyster Harvest Program Established

THE POTOMAC RIVER FISHERIES COMMISSION, having given consideration to the protection, promotion, growth and conservation of the oyster resource and having found it desirable to establish a Rotational Natural Oyster Harvest Program for the purpose of rehabilitating the oyster fishery in the middle-river area of the Potomac River, and subject to its authority under Regulation I, Section 8(a): **HEREBY DECLARES AND ORDERS:** that Lower Cedar Point Bar (150 acres) and Addition (574 acres) are designated as a Rotational Natural Oyster Harvest Program area.

HEREBY DECLARES AND ORDERS: That it shall be unlawful for any person to take, catch or attempt to take or catch oysters by any means at any time on Cedar Point Bar and Addition for four years as the rotational program's design is followed unless the Commission so chooses to open the area (Reg. I, Sec. 8(a)).

BE IT FURTHER DECLARED AND ORDERED: The Commission, at its December 2, 2016 meeting, passed a motion to OPEN Lower Cedar Point Oyster Bar and Addition to tonging only starting December 12th through December 30, 2016, Monday through Friday from sunrise to 1:00 p.m., after such time the oyster bar shall remain closed until further notice. Lower Cedar Point and Addition are located in the Potomac River on the Maryland side from Lower Cedar Point downstream to Cuckold Creek (includes Waverly). A daily call in of oyster harvest is required by 4:30 p.m.

AND, IT IS FURTHERED DECLARED AND ORDERED: That this Order #2013-09 "Revised" shall become effective December 12, 2016 and remain in effect until December 30, 2016.

Oyster/Clam Advisory Committee Vacancies

The committee functions in accordance with the procedures, quorum and other requirements set forth in the "Membership and Procedures for Potomac River Advisory Committee" adopted by the Potomac River Fisheries Commission on March 6, 2009. The following member's terms expire 3/31/2018. The Commission will fill the vacancies at its March meeting. The committee may nominate any qualified individuals to fill the positions.

<u>Position</u>	<u>Current Member</u>	<u>Nominated by FAC</u>
Maryland St. Mary's Co. Tonger's Committee	Craig Kelley Ridge, MD	_____
Virginia Commercial Oysterman	Thomas E. Lewis Vacant – 11/22/16	_____
Virginia Commercial Oysterman	Wayne France Vacant – 7-14-2017	_____