

POTOMAC RIVER FISHERIES COMMISSION  
Colonial Beach, Va.  
April 1, 1963

19

The meeting was called to order at 1:08 P.M. by Chairman Jeremiah Valliant, in the Town Hall at Colonial Beach, Virginia. Commissioners Milton T. Hickman, Dr. H. C. Byrd, Dr. George J. Weems, N. G. Ball and Lewis Jones, Jr., were present. Others in attendance were Roy W. Rafter and J. William Ryland, A. E. Bucker and Thomas C. Sheehy, of Virginia State Auditors Office, and Press, Dallas Long, Mrs. John Cooke and John Frye.

Minutes of meeting of February 12, 1963 were read and approved. Minutes of meeting of March 6, 1963 were read and approved with addition acknowledging conference at 4:30 P. M. with the Maryland Senate Chesapeake Bay and Tributaries Committee, our Commission being their guests.

Mr. Everngam, Legal Officer, reported that Proposed Regulations are in process of being published for three weeks in the 10 newspapers having circulation in counties and cities adjacent to Potomac River, and posted in the proper public places in counties and cities involved and that acknowledgements from the above papers and court officers have been verified by letter or phone. The two typographical errors - e.g. "2400"feet instead of "1800" feet for maximum length of haul seine; and the words "person using" left out of item (m) before the wording "fish or eel pots", in the published Proposed Regulations; according to law, are of such nature as not to change the substance of the Regulations; and therefore the proposed and published regulations are not thereby voided. He added that minor changes can be made and minor errors can be corrected after the hearings without further publishing the proposals.

It was moved, seconded, and carried that a copy of the Proposed Regulations be attached to and made a part of these Minutes.

In answer to question by A. E. Bucker, Virginia State Auditor, it was moved, seconded and carried that we adopt a form each for fishing license, crabbing license and oyster license, which will describe only the one type rig that is licensed and that license for only one type operation appear on each certificate.

- a. Write type of rig in a blank on the certificate. A blank space shall be printed on each license and when issued the type rig shall be typed in.
- b. Use different color each for fish, crab and oyster license certificate.

In response to question about reporting catches of seafood; it was moved, seconded and unanimously carried that it be the policy of the Commission to require that all catches be reported to the Commission. Have instructions on reverse of license forms. Executive Secretary directed to arrange wording and compliance of licensees.

It was moved, seconded and unanimously carried that this Commission operate on a fiscal year basis of July 1st to June 30th.

It was moved, seconded and unanimously carried that the Executive Secretary be authorized to sign checks, without counter signature, for salaries and set, normal office expenses; such as utilities, office stationery and supplies, rent, etc. Other checks must be countersigned by Chairman, and Executive Secretary must provide Commission with list of checks drawn and bills paid subsequent to previous meeting.

It was moved, seconded and unanimously carried that the following resolution be written in the Minutes of this meeting and a certified copy furnished the Bank of Westmoreland, Inc., Colonial Beach, Virginia; and that the Executive Secretary shall not write two or more checks of less than ONE THOUSAND DOLLARS (\$1000.00) to effect payment of one item of expense that exceeds

ONE THOUSAND DOLLARS (\$1000.00).

"Be It Resolved, the Bank of Westmoreland, Inc., be, and it is hereby designated a depository of this Commission and that its funds so deposited may be withdrawn upon a check, draft, note, or order of the Commission.

"Be It Further Resolved, that all checks, drafts, notes or orders drawn against said account in an amount not to exceed ONE THOUSAND DOLLARS (\$1000.00) be signed by Robert M. Norris, Jr., Executive Secretary, with no countersignature required; and checks, drafts, notes or orders in excess of ONE THOUSAND DOLLARS (\$1000.00) be signed by Robert M. Norris, Jr., Executive Secretary, and counter signed by Jeremiah Valliant, Chairman.

NAME

Executive Secretary

Chairman

AND THAT THIS RESOLUTION supercede old Resolution dated 21st of January 1963, only in respect to signatures and countersignatures."

Question was raised whether in view of Paragraph #5 in lease agreement with Mr. Greenlaw, that the interior decorations (such as partitions) paid for by the Commission are "capital improvements". Legal counsel advised in negative.

It was moved, seconded and carried that the list of office equipment, as suggested by Executive Secretary, be approved for purchase; namely, two (2) window air conditioners, one (1) Mosler double door Class "B" 2-hour safe, inside dimensions 60 x 33 x 20 inches, and an A. B. Dick mimeograph Model #416, a typewriter, adding machine check protector and duplicating machine.

It was moved, seconded and carried that the following bills be paid:

- a. Henry G. Boyd - renovating office.....\$1,651.05
- b. Freight bill on furniture from Richmond -  
(Arthur Packet)..... 35.00
- c. Tide-Neck Press - stationery..... 107.41
- d. Times-Crescent Newspaper - legal ads..... 161.00

and included in same motion that the Executive Secretary pay all bills for recent legal ads as presented.

It was moved, seconded and unanimously carried that the policy of the Commission relative to office be as follows: that the office be open each day Monday through Friday 9:00 A.M. to 5:00 P.M., except that on days when only one person in office it may be closed for lunch hour from 12:00 noon to 1:00 P. M.

Executive Secretary was requested to write a letter of appreciation to the Mayor of Colonial Beach thanking the Town for the flowers that were placed in the office today.

It was moved, seconded and unanimously carried that the Executive Secretary be authorized to send each applicant for crab pot or other license a letter (copy of which is below and is to be made a part of these Minutes) allowing applicant to operate in the River until licenses are available. The intent of the Commission was stated to be that this should apply to new applicants as well as those who had licenses last year.

COLONIAL BEACH, VA.

(Date)

Your inquiry about crab pot (or other type license) for Potomac River for this season is hereby acknowledged. The Commission is preparing regulations and license system now. Legal notices of same are appearing in newspapers and being posted in Courthouses in counties and cities adjacent to the Potomac River for three

weeks beginning with issues of week of March 17th, 1963.

When licensing procedure is set up, you will be notified thru newspapers or from this office or both. You must, if eligible for a license, then proceed immediately to purchase a license, in person or by mail, from the Potomac River Fisheries Commission at Colonial Beach, Virginia. Office will be open Monday thru Friday, 9:00 to 5:00.

In the meantime, carry this letter with you when operating in the Potomac River to show to proper authorities if requested. This letter will allow you to operate until such time as licenses are on sale. As said before, you will then be required to proceed to purchase same if you are eligible.

Very truly yours,  
POTOMAC RIVER FISHERIES COMMISSION  
By: Jeremiah Valliant, Chairman

Per:

Executive Secretary

(Note: If you have an old number, use same. If not, further instructions at later date will be available.)

It was moved, seconded and carried that applications with checks and or Money Orders attached forwarded by Maryland Department of Tidewater Fisheries to this office for 1963 oyster tonging licenses for Maryland be returned to the Maryland Department of Tidewater Fisheries to be disposed of at their discretion.

Consideration was given request in letter from (1) Maryland State Senator J. Frank Raley, of St. Mary's County; (2) verbal requests from Captain Sam Bailey, Maryland State Senator John Parran, of Charles County, and the President of the Watermen's Association of Charles County, Maryland, for a meeting with this Commission. Senators Raley and Parran's request was on behalf of some of their constituents. It was moved, seconded and carried that the Executive Secretary reply to Senator Raley's letter that we are setting a tentative date of May 9th, 1963, at 1:00 P.M., in the Courthouse at La Plata, Maryland, if it is to be a joint meeting. Ask him if he wishes to confer with Senator Parran regarding joint meeting with Charles County watermen at the time and place stated above. Also that we would like to know some of the problems these groups wish to discuss.

It was thought to be too late to move oysters from upper areas of Potomac River to areas in lower or middle river to prevent kill from freshets. Executive Secretary was requested to seek advice from Dr. Cronin, Mr. Manning, and Laboratory at Gloucester Point, Virginia and let Mr. Valliant know immediately. \*

It was moved, seconded and unanimously carried that Executive Secretary get a written recommendation from the auditors on the amount of the fidelity bond to be carried and to proceed to procure bond immediately, conforming to their recommendation regardless of amount suggested by auditors.

It was moved, seconded and unanimously carried that the Executive Secretary purchase fire and extended coverage insurance, to cover our equipment and furniture one hundred per cent (100%).

Mr. Valliant read letter from Dr. L. Eugene Cronin, Director of the Natural Resources Institute, Chesapeake Biological Laboratory, Solomons, Maryland, offering the Commission their reports on research in the Potomac River, their surveys of oyster bars, etc. and their willingness to undertake contracted research for our Commission. The Executive Secretary was instructed to reply to the letter indicating that we would like to have a resume of the information, facts and figures, statistics, etc., in their possession that would be helpful to us and that we appreciate immeasurably their interest in our work. \*

Mr. J. William Ryland, Virginia Fisheries Law Enforcement Chief, suggested a plan for marking the boundaries of the Potomac River at confluence of tributaries by a system of 15' cresoted piling with a 4' x 4' white marine plyboard flag on top of each. He estimated this could be done for possibly Ten Thousand Dollars (\$10,000.00). It was moved, seconded and carried that the law enforcement and engineering departments in both Maryland and Virginia Departments of Tidewater Fisheries be asked to cooperate in instituting a program of getting such markers at the mouths of the tributaries.

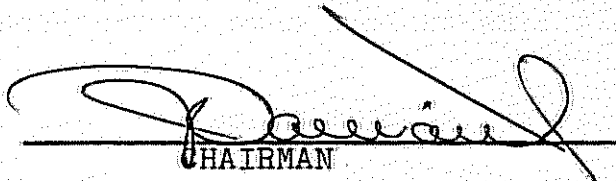
It was moved, seconded and carried unanimously that a letter from this Commission go forward to the firms named in report of February 12, 1963, thanking them for their work. These firms have made surveys of methods and costs of marking the mouths of the tributaries of the Potomac River.

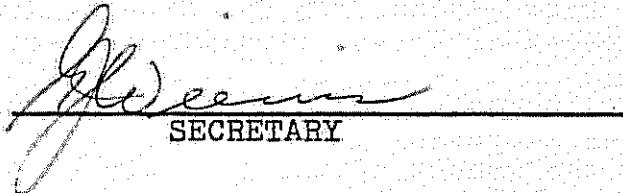
It was moved, seconded and unanimously carried that the Executive Secretary have Tidewater Telephone Company send each member of this Commission, the Legal Officer and Executive Secretary telephone credit cards.

ART. I  
SEC. 3 It was moved, seconded and unanimously carried that each Commissioner be paid at the rate of Twenty-Five Dollars (\$25.00) per day for each day or part day on Commission business and include the day leaving home and day returning, and the Executive Secretary be hereby authorized to pay all reasonable claims for reimbursement of expense and per day pay upon presentation.

ART. II  
SEC. 4 It was moved, seconded and unanimously carried that the Executive Secretary and Legal Counsel be reimbursed for travel in personal automobile at the rate of ten cents (10¢) per mile and other out-of-pocket expenses in line of duty for the Commission and that claims for same must be approved by the Chairman.

Adjourned.

  
CHAIRMAN

  
SECRETARY

NOTICE OF HEARING  
Proposed Licensing Fee Regulations of Potomac River  
Fisheries Commission For Taking of Finfish, Crabs  
and Oysters From The Waters of The Potomac River

Pursuant to the provisions of the Potomac River Compact of 1958, as duly enacted into law by the General Assemblies of the State of Maryland and Virginia, and duly ratified by the Congress of the United States of America, the following Regulations are duly proposed and promulgated by the Potomac River Fisheries Commission, as follows:

Regulation I.

Section 1. Any citizen of the States of Maryland and Virginia, who has resided in either or both said states for at least twelve (12) months immediately preceeding their application, and desiring to commercially take and catch oysters and crabs, or any such citizen desiring to erect, maintain, or use any fish nets, seines, trot lines or pots, in the waters of the Potomac River, between the Chesapeake Bay (beginning at the intersection of the low water mark at Point Lookout and an established line running from Smith's Point to Point Lookout) westerly to the intersection of the District of Columbia and Maryland boundary line at Fox Ferry Point, and following the boundary line of the District of Columbia and the State of Virginia to the Virginia shore, as provided in the Potomac River Compact of 1958, shall first apply for and obtain a numbered license from the Potomac River Fisheries Commission, or from an officer or agent duly designated by the said Commission to issue same. Each said license shall be good for the licensing year July 1st to June 30th and shall not be transferable in any manner.

Section 2. The annual commercial license fees payable to the Potomac River Fisheries Commission under Section 1 herein, shall be as follows:

CRABS

(a) For each person (working on any boat used in) taking or catching crabs commercially by dip nets, nets with handles attached, or ordinary trot lines pushed or pulled by hand, a license fee of Four (\$4) Dollars.

(b) For each person taking or catching crabs with trot lines that are used on mechanically propelled boats, a license fee of \$10.

(c) For each person taking or catching crabs with patent trot lines a license fee of \$15.

*for each person  
trot line, a license fee of \$2.00*

2.

(d) For each boat operator catching crabs with crab pots, a license fee of \$15; or if catching crabs with one or more assistants \$25.

(e) For each boat (buying crabs or engaged in buying, selling, or marketing crabs) on the Potomac River, a license fee of \$8. No person shall be required to procure an additional license hereunder for marketing his own catch.

#### OYSTERS

(f) For each person working on any boat used in taking or catching oysters by hand or ordinary tongs, a license fee of \$6. No oysters shall be taken by patent tongs, hand scrape, or by dredging. No oysters shall be taken or caught except during the tonging season, which shall begin on the first day of October in each year and end on the first day of April next succeeding.

(g) For each person buying or purchasing oysters in excess of 25 bushels a year, on the Potomac River, from any person catching or taking oysters from the Potomac River, a license fee of \$10.

#### FISH

(h) For each pound net, a license fee of \$7.

(i) For each atake, float, or drift gill net of <sup>1200</sup>~~450~~ feet and under, a license fee of <sup>8</sup>~~\$6~~; and ~~for each additional 150 feet of net or fraction thereof, an additional license fee of \$2.50.~~ The season shall be from March 1 to May 26 inclusive of each year and no nets shall be set or used at any other time.

(j) For each haul seine for catching fish, a license fee of \$25. No haul seine shall be used in the Potomac River of a greater length than <sup>1800</sup>~~2,400~~ feet. The license of a haul seine rig shall be present whenever haul seine equipment is being fished or is aboard a boat.

(k) For each fyke net or hoop net, weir, or similarly fixed device for catching fish <sup>OR EELS</sup>, a license fee of \$5.

(l) For each person using a fish trot line, a license fee of \$5.

(m) For each <sup>person using</sup> fish or eel pots <sup>OF LESS THAN 10' IN LENGTH</sup>, a license fee of \$10.

(n) Each application and license issued under Sections (h), (i) and (k) above (except float or drift gill nets) shall be for a fixed location or place where the net, ~~seine~~, fyke, weir, or other device is to be fished. A licensee may apply on or before June 1st of each year after 1963, for a license for the same fixed location or place as he had fished or used the previous year, and he will be granted same, unless he has forfeited same by non-user or for a violation under Sections 4 or 6 of these Regulations. add =

3.

(o) No net or single fishing device shall have a total length (except a haul seine) greater than 1,200 feet in the Potomac River. Between successive fishing nets, devices or structures in the same row, there shall be at least 200 feet of clear and unobstructive interval or open space, and adjoining rows of same shall be at least 1,200 feet apart. In addition, a clear passageway in the Potomac River of at least 200 feet wide shall be maintained at all times between all navigable channels and all established boat landings.

(p) No net or fishing device shall be placed or fished within 1,200 feet of the side or end of any other net or fishing device, unless in the same row, but ~~this shall not apply to a licensee who desires to place his own nets or devices closer than 1,200 feet to each other, and will also not apply to fishing by hook and line.~~

Section 3. No person shall engage in the commercial taking and catching of oysters, crabs, and finfish on the Potomac River in the area prescribed in these Regulations, nor shall any person use or permit the use of any net, boat, tongs, or other device, nor shall any person take any action for which a license is required under the foregoing Regulations, without first having procured a license from the Commission as aforesaid. All persons so engaged shall exhibit their licenses for so doing when required by any enforcement officer of the State of Maryland or Virginia. Non-residents of Maryland and Virginia shall not be issued licenses nor permitted to commercially take or catch seafood from the said waters of the Potomac River.

Section 4. The Potomac River Fisheries Commission after ten days notice to any person having a license issued by it, may after a hearing suspend or revoke such license for violation of any of the provisions of these Regulations or of the applicable laws regulating the taking or catching of seafood on the Potomac River.

Section 5. Commercially taking or catching seafood under the preceding Regulations shall be construed to be the taking or catching of same for market or profit. Nothing in these Regulations shall apply to anyone taking or catching not more than one bushel of hard crabs per day, not more than one bushel of oysters per day, or not more than three dozen soft crabs or peeler crabs per day, for his own immediate household use.

Section 6. Article V Section 2 of the Potomac River Compact law provides that the violation of any regulation of the Commission shall be a misdemeanor.



~~Unless a lesser punishment is provided by the Commission,~~ Such violation shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or confinement in a penal institution for not more than one (1) year, or both, in the discretion of the Court, and any vessel, boat or equipment used in the taking of finfish, crabs, oysters, clams or other shellfish from the Potomac River in violation of any regulation of the Commission or of applicable laws may be confiscated by the Court, upon the abandonment thereof or the conviction of the owner or operator thereof.

Section 7. If any clause, sentence, paragraph or section of these Regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

Section 8. These Regulations shall take full force and effect thirty (30) days after their final adoption by the Commission.

NOTICE OF HEARING

Notice is hereby given to all interested persons that public hearings will be held by the Potomac River Fisheries Commission on the adoption of the foregoing proposed Regulations, at the following places on Monday, April 22, 1963:

Court House, La Plata, Maryland, at 10 A.M.

Town Hall, Colonial Beach, Virginia, at 3 P.M.

ATTEST:

Robert M. Norris, Jr.  
Executive Secretary

POTOMAC RIVER FISHERIES COMMISSION

By Jeremiah Valliant, Chairman