

P U B L I C H E A R I N G

L a P l a t a , M D .

April 22, 1963

36 in audience - meeting called to order 10:01 A.M. - Invocation.

Chairman introduced members of the Commission, Senator and Delegate. Chairman explained the Compact and purpose of hearing.

Legal Officer explained two (2) typographical errors: Fish (j) 1800 feet instead of 2400 feet, and (m) add "person using".

Regulation I.

Section 1.

Q. Any person desiring a license - new or old licensee - may get a license?

Legal Officer and Commissioners agreed "yes".

Section 2.

CRABS

(a) OK

(b) OK

(c) Q. How long a line?

Answer: No limit

(d) Q. President of St. Mary's Watermen Association wants fee to remain at old figure (\$10.00 per 100 pots).

Answer: If pay \$25.00, no limit on assistants and no limit on pots.

Mr. Sayre, Pres. of St. Mary's Watermen Assoc., thinks that 100 limit and \$10.00 be put on crab pots and privelege of any number of assistants

VOTE: (1) Four favor new proposal - no limit on pots and \$15.00 and \$25.00.

(2) \$10.00 - 100 pots. Nineteen (19) voting in favor of this.

Mr. Burgess: Q. where is low water mark?

Answer: (Confused)

(e) OK

(f) OYSTERS -----

Stanley Lawrence: Q. Does line on Va. side extend into coves for Maryland watermen?

Answer: No, and the boundaries on Va. side will be marked.

Q. What points on Maryland side have been changed lately?

Answer: None - referred them to boundaries outlined in terms of Compact.

Cheslock: Q. How far do reparian rights extend?

Answer: Cannot answer (Legal Officer)

Q. Are there any reparian rights?

Answer: We cannot say but will do what we can to rule on questions within our power.

Willis: Q. Named several creeks (Liverpool) where both Maryland and Potomac River Fisheries Commission law could apply.

Answer: Mr. Rafter showed chart where line goes from point to point excluding coves.

Mr. Valliant: If out from Low water line of Maryland, PRFC takes river-side and water on Maryland side goes under Maryland law.

Mr. Sayre asked a question regarding Hollis Point to St. George Island. On this line they have been prohibited from working for the last three years. But now a part of the Potomac River.

Answer: PRFC will now have jurisdiction in Potomac River, as outlined by previously set boundary.

Senator Raley suggested that crabbers follow present regulations and that he will attempt legislation to correct needed omissions or modifications.

Delegate Linton: Q. Is PRFC going to recognize any riparian rights?

Answer: Chairman Valliant answered that we will follow Compact.

Q. Compact does not say that crab pots are included as riparian rights.

Answer: Each man's case is different - he must protect his own rights, more or less, as they may be.

Answer: Mr. Ryland - Confusion is because it is not known how far riparian rights extend. Delegate Linton says Maryland law is 500 yards out into river.

Comment by ____? : When man buys a license, there should be no riparian rights. The low water mark should be the line.

(BACK TO OYSTERS)

(f) Senator Raley: His constituents do not want season changed.

Comment by Capt. Sam Bailey: It would be a hardship if changed.

Mr. ____? thinks that if license fee be put higher, it would discourage transient or vacation tongs from Washington, D. C., etc., and improve permanent residents chances of good catch. Suggests \$25.00 license fee.

Mr. Tom Hodges commented that it would take away from economy if season was shortened.

Bailey commented that in talking with Virginia packers, they want it on old opening dates - to start Sept. 15th.

Pres. of the Watermens Assoc. stated that 800 watermen say it should remain on old opening and closing dates.

Frank Perrin, Delegate from Charles Co., commented that in his area, they are in favor of keeping season as has been in past (want no change). License fee can be changed.

VOTE: Favor October 1st - no hands showing. (Assume that all favor Sept. 15th as opening date.)

Mr. Ball stated that delaying season would keep transients out and protect the local tongs.

(g) Question by Mr. Perrin: Any 30 day grace for buying tonger's license?

Answer: No. Does not apply to Potomac River.

FISH

(h) Comment by Mr. ____? : Thinks license fees high.

Chairman Valliant answered that we will need the additional license fees to help rehabilitate the Potomac River.

(i) Comment: Mr. Dutton wants 2 months in fall to fish stake gill nets.

Mr. Sayre agrees - fall season should be October and November; and for stake net, start Feb. 15th, but not drift gill net.

Mr. Stine, Pres. of Watermens Assoc., of Charles County, thinks proposed fee on gill nets high. Suggests that proposed lengths of nets be translated into yards instead of feet.

Mr. Perrin suggests that 450 feet be made 1000 feet - easier to figure. Also asks consideration for Oct. and Nov. season. Since there is not much oyster season up there above the bridge, they need the fishing privileges.

Mr. ____? thinks that if nets are too long, the catch floods the market and lowers prices. The men create a hardship on themselves.

Comment: Chesapeake Bay and other areas control price.

Mr. Stine says he fishes 3,300 yards on net and does not catch but moderate amount of fish - 100 to 600 lbs. per haul.

Mr. Thomas Matthews (or Massey) says that balance of Va. and N. C. floods market. Potomac River is small influence.

- (j) Mr. Dutton: Q. Can 2 license be bought for one haul seine?
Answer: Yes. For Md. or Va. and Potomac River.

Mr. Lewis: Q. Does owner have to be aboard boat when rig is being fished?

Answer: No.

- (k) Mr. Grinder commented he thinks the cost of license too much for 100 (more or less) devices. Must fish at least 150 for catfish to make a living.

Showed a small hoop net, approximately 10' long by 2' diameter.

Q. Is this a pot or trap?

Mr. Ryland says if no hedging is used, it is considered a pot and \$10.00 fee per person should apply.

Q. Does it include a small hoop net?

Answer: Includes all, if no hedging.

Mr. Dutton commented that Annapolis said on sunken fyke net not staked, no license required. Applies to any length.

Comment: Mr. Simms suggests that \$10.00 be put on each man trolling for fish.

Comment: Pres. of Watermens Assoc. says lots of money made in Va. on peeler traps. Wants same licensed in Potomac River.

Comment: Mr. ? suggests that specifications be set up on sizes of hoop nets to differ.

Applies to (k) - 38 yds. overall with leader and 2 nets. (Refer back to hoop nets.)

- (k) Question asked if 2 pots connected by one hedging; is it considered one or two traps?

Answer: Two (2).

Comment by Mr. Rushemanskey: Wants peeler traps to help obtain adequate supply of soft crabs and peelers (Cobb Island).

Mr. ? commented and described new type of eel operation. Round hoop net 20' long - mesh $\frac{1}{2}$ " approximately - no hedging - used in Spring and Fall for eels. No bait - fish twice a day.

Mr. Rafter said this new type of eel pot used in New England, designed for eels - small mesh and funnels. He would classify as eel pot for licensing.

Mr. ? says eels (carp, catfish, johnny ^{CRANE} ~~crane~~) are destructive to soft crabs. Several agreed that eels should be hunted diligently.

(l) OK

(m) OK

- (n) Senator Raley: Q. What will be our policy on issuing licenses?

Answer: Chairman Valliant said that Maryland Tidewater Fisheries each year tries to estimate number of fish available and issue on that basis. We will have no restrictions.

Senator Raley thinks there should be some restrictions on issuing licenses.

Mr. Valliant says that distances required between devices will necessarily limit number of locations and therefore licenses.

Mr. Stine: Stake gill net a fixed location?

Answer: Yes.

Pres. of Charles County Watermens Assoc. definitely opposed to fixed location, because fish move.

Delegate Perrin suggests that provisions be made that person who has a "pet" location be privileged to go back.

Mr. Sayre thinks there should be no fixed location on fixed gill nets. Also on haul seines.

Answer: Does not apply to seine.

Mr. Stine: Q. Fishermen cannot wait until day season opens to place stakes or poles. Wants 15 days before season.

Answer: Stakes can be set out any time.

Delegate Linton suggests grace period of 30 days before and 30 days after for setting stakes.

Mr. Sayre says 20 days prior to season.

(o) Mr. Dutton: Pot (catfish, etc.) under 10 feet or more of waters - maybe 60 in a line tied together - wants ruling whether they must be the 200 feet apart. If so, would destroy the usefulness of this rig.

Answer: By ?. If under 10' water or more - can be linked closely and should be no menace to navigation.

Pres. of St. Mary's Watermens Assoc.: Define 200 feet clear passage-way between nets and established boat landings.

Answer: Came out of Virginia law. Applies to commercial landings and private landings. Asks postponement on decisions until trouble arises.

(p) Many comments. Senator Raley and Linton think 1200 feet, etc., OK. Watermen say that 1200 feet is too much.

Mr. Stine: 200 feet break OK - 1200 feet OK.

Mr. Sayre: Present Maryland law OK. Mr. Grinder says OK.

Question: Any limit on overall length of line of stake nets?

Answer: No limit.

Section 3. OK

Section 4. OK

Section 5.

Delegate Linton: Q. By what means? (Regarding the taking of seafood for personal use.)

Comments: Many favor no free pots - recommend use of crab line or crab trap. Critical of sports fishermen who sell commercially,

George Poe: Q. How do you stop a man from fishing a crab pot?

Answer: (None forthcoming)

Section 6.

Mr. Stine referred to Mr. Perrin, an attorney. Thinks confiscation too serious. As compared to sports boating, there is too much contrast in penalty on commercial watermen for violations of law.

Mr. Everngam says this Commission does not have right to make laws or legislate amount of fines, etc.

Mr. ? commented that as of Friday night, fish (hardheads, etc.) under legal length, coming from Va., flooded Washington market. This also applies to crabs under length in season coming from Virginia.

Dr. Byrd says that Federal law prohibits transport of illegal goods across State lines.

Mr. ? asked that we try to have D. C. pass laws on size of fish - prohibit small sizes being marketed.

Question: On size of fish (rock) law is different in Md. and Va. Which applies?

Answer: Maryland law of 1958 before amendments regarding size applies under provisions of Compact.

Question: Is the law in effect as amended in 1959 regarding losing license if stakes are not pulled?

Answer: Yes, it is. Also this Commission will adopt regulations to cover such problems, and this will be given early consideration.

Section 7. OK

Section 8. OK

Mr. ? : Q. Can a Va. officer arrest a Md. man and take him to Va. for trial?

Answer: Yes, he can, but the law enforcement has been instructed to (and it is the policy of this Commission) take him to his home state.

Mr. Sayre: Q. Maryland men who have bought 1963 licenses for Potomac River (and/or Chesapeake Bay) - are they required to buy additional licenses?

Answer: Chairman suggested that they contact Inspector or write Tidewater Fisheries for refund (if they see fit). They must buy license for 1963 from this Commission, when available.

Chairman asked members of Commission if they had any comments.

Dr. Weems: If apprehended on Md. side or Va. side of channel, where is offender carried?

Answer: Legal Counsel suggests that he be carried to adjacent state from which he hails. Further suggested that offender be carried to state of his preference, regardless where he comes from.

Other Commissioners: No comment.

MEETING ADJOURNED.

Samuel C. Linton, Jr. (Delegate) Charles Co.
Grayton, Md.

David Sayre, Pres. St. Mary's Watermens Assoc.
St. George Island, Md.

Frank Perrin (Delegate) Charles Co.
Waldorf, Md.