

The meeting was called to order at 10:05 A. M. (EST) by Chairman Jeremiah Valliant in the Grand Jury Room, Court House, Leonardtown, Maryland. Commissioners Milton T. Hickman, Dr. George J. Weems, N. G. Ball, Lewis Jones, Jr., and K. Thomas Everngam, Legal Officer were present. Dr. H. C. Byrd entered shortly thereafter. Also in attendance were: Mr. Joseph H. Manning, Director, and Mr. Paul C. Wentzell, Supervising Inspector, from the Maryland Department of Tidewater Fisheries; Mr. G. F. Beaven and Mr. Fred W. Sieling, of the Chesapeake Biological Laboratory; Mesrs Bucker and Owen, from the Virginia State Auditors Office.

It was moved, seconded and carried that reading the Minutes of meeting of April 22, 1963, which had been circulated by mimeographed copies, be dispensed with.

Mr. Everngam's report on requiring licensees to report catches of seafood in the Potomac River concludes that the Commission does have such authority and can implement this program in two ways:

1. By a regulation duly advertised with public hearings
2. By a "housekeeping" or informal regulation without penalty provision

It was moved, seconded, and carried that it be left to the administration to effect a "housekeeping" type of regulation.

A delegation from Virginia composed of Messrs. L. E. Balderson, Jr., George Walker, Jr. and Harry Bullis presented to the Commission a petition signed by over 100 petitioners, requesting that length of haul seine be increased to 2400 feet, and Mr. Balderson spoke in support of this request. Mr. Valliant told them that their request would receive full consideration, and the delegation withdrew.

The Chairman asked the Commissioners to peruse list of bills paid by checks #1 through #45 inclusive, period 2-14-63 through 4-30-63, totaling \$8,812.18. It was moved, seconded and carried that these expenditures be approved.

It was moved, seconded and carried that the following bills be paid: Smith-Corona-Marchant, Inc., 2 typewriters \$594.00; Morton Marks & Sons, Mosler Safe \$1003.70; and six miscellaneous bills totaling \$60.48 for office supplies and stationery.

It was moved, seconded and carried that the Executive Secretary purchase two window air-conditioners adequate for needs of the office, and also venetian blinds and/or drapes for the small windows in the offices.

Preparation of budget was discussed. Question: "Do un-used funds, deposited to General Account of this Commission, revert to respective States at end of fiscal year?" Mr. Bucker, Virginia State Systems Account Supervisor, said in his opinion that once paid no funds would revert to Virginia. There was one dissent but the consensus of opinion was that un-used funds would not revert to Maryland either. Accounting procedures recommendations were requested of Mr. Bucker, who displayed a copy of a "County Form Budget" and said that the State of Virginia would require only a once-a-year budget. He displayed a "flow chart" on an accounting system, and it was moved, seconded and carried that his recommendations be adopted, subject to the Maryland Auditors Office approval.

Commissioner Jones observed that a repletion program should start at once or as soon as possible. Chairman Valliant asked Mr. Manning, Mr. Beaven and Mr. Sieling to present today a list of bars where shell planting would be indicated and the approximate number of bushels of shells needed to cover each.

The Commission recessed for lunch at 11:45 A. M.

At 12:40 P. M. the Commission reconvened informally and session was opened to State Senator Raley, of St. Mary's County, and a group

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of approximately twenty of his constituents. Senator Raley's opening statement included request to consider the taking of soft shell clams. Captain Sam Bailey asked that clam taking be allowed but only within county lines, which would extend from shore straight into river, limiting the clam taking to county residents. Mr. George Bietzell endorsed this plan and called it a mining, not a dredging operation.

Senator Raley said that Maryland Legislature has approved legislation authorizing the taking of soft shell clams and that to make legal Virginia must do likewise.

Mr. Walter Dorsey said that the words "leasing, dredging, patent tonging" used simultaneously apply only to oystering, and in his opinion do not apply to clamming.

Chairman Valliant said that with the consent of the Commission this area will be explored.

Senator Raley urged that the soft shell clamming industry be promoted and introduced Mr. Sayre, President of St. Mary's Watermen Association, who said that some members of his association want legalized soft shell clamming included in our regulations.

In reply to question about difficulty of locating line between Blackistone Island and Herring Island Reef, it was agreed that change must be by joint legislative action of Maryland and Virginia. Senator Raley said he would introduce bill clarifying line in next session of Maryland Legislature. He asked the Commission to try to clear the problem.

Mr. Bill Dixon asked if no soft shell clamming possible until Legislative action in 1964. Chairman Valliant replied "Not necessarily; that it depends on legal opinions we will immediately seek".

Mr. Walter Dorsey asked if Commission would object to a suit for a "Declaratory Judgement", (a "friendly suit" - someone remarked). Commissioners voiced no objection.

Captain Sam Bailey said from Potomac River Bridge up river that this area should be a seed oyster area; that oysters there do not mature to market size because of freshet kill and to save should be taken and placed on bars below the Bridge. He ventured the opinion that at least 100,000 bushels seed oysters available there.

In reply to Senator Raley's question, "if Charles County oystermen object to this" - Captain Bailey said they do not.

Commissioner Jones remarked he thinks he agrees with proposal; if small oysters up there, they should be moved. Captain Bailey said they should be planted no higher up River than Swann Point. Commissioner Ball said he always understood the area above Morgantown was considered a seed area.

Senator Raley asked whether we are considering getting shells from Maryland, who in turn will have taken them from bottom of Potomac River, and plant same in proper areas to catch spatfall.

Chairman Valliant replied source of shells is being sought and will probably be contracted from Maryland or Virginia. However, that Commission has to work within limit of funds. He asked for comments on locations, such as "Cornfield Harbor" and Jones Shore". One waterman said good locations to plant shells.

A waterman remarked that formerly in about 18 feet of water on Cobb Point Bar oysters were plentiful - now just bare sand. Thinks shell should be planted there. Chairman Valliant asked Mr. Beitzell how many bushels shells should be planted per acre. Mr. Beitzell replied he does not know.

Mr. Sayre said area back of St. George Island is good for planting - was always good oyster bottom and if cultch available bottom will not shift. That it produces good quality oysters.

Mr. Sam Bailey, Jr. asked opening date of oyster season and was told October 1st. He asked if it can be changed this year (meaning to September 15th), and Commissioner Jones replied that it probably would not be changed this year.

Mr. Sayre asked what benefits will watermen get out of moving date from September 15th to October 1st. Chairman Valliant said that it was designed to keep "outsiders" from depleting oyster supply in

Potomac River in the two weeks before other oyster areas open. Mr. Sayre replied that it will depress price if all areas open at same time.

Mr. Beitzell, the Baileys (Sr. and Jr.) all said the Commission's thinking is logical but it does not work that way. They think that only 25-30 outside boats came in river to work the early two weeks. Mr. Allen Thompson says summer work is over before two weeks period in question and the watermen need the September oystering to supplement income....

Mr. Allen Thompson objected to the "free" bushel of oysters, crabs, and the three dozen soft crabs allowable for household use without a license - that this amounts to big traffic, and that people should buy from a commercial waterman or dealer for household use. Also many sell what is supposed to be for "household" use. Everyone operating in River should buy a license.

Senator Raley asked permission to summarize what he considered the high points of the discussion and listed:

1. There will be forthcoming a judgement on soft shell clamming. (Chairman remarked "No disagreement".)
2. Consideration will be given taking seed oysters above Potomac River Bridge and put to use on lower bars.
3. Shells will be planted on bars for cultch.
4. Consideration will be given to changing opening date of oyster season to September 15th.
5. That his group is grateful to the Commission for meeting with them at this place (Leonardtown) to discuss problems and that he feels the Commission is sincere.
6. He asked that when we do arrive at conclusions on above points that he be informed.

Chairman Valliant said he could see no reason why the Executive Secretary should not do just that.

Senator Raley and group left at 1:50 P.M. (EST) and the Commission resumed deliberations in formal session.

Mr. Wentzell suggested for use on fixed fishing devices and some boats a 7 x 7 inch aluminum identification tag with "Potomac" at top; year of issue and type of fishing device abbreviated on second line; and a serial number on third line. The tag to have a blue background with orange letters for 63-64. The Commission accepted this recommendation with provision that peeler traps also be tagged, and that oyster boats not carry tags.

It was moved, seconded and carried that a boat operator having purchased a \$15.00 license for Crab Pots may purchase a stamp later at a cost of \$10.00, which will allow him one or more assistants. Stamp to be attached to boat operator license.

Changing length of haul seines and opening date of oyster season was tabled for consideration at next meeting.

Executive Secretary was instructed to write Maryland Department of Tidewater Fisheries recommending extension of spring fishing season to the latest date allowed under Maryland law.

Decided that Commissioner Valliant and Commissioner Hickman explore sources for shells to plant and ascertain costs of same. This in relation to recommendations in Paragraph #9 of these Minutes.

It was moved, seconded and carried that Executive Secretary request a certification from Maryland and Virginia Marine Biological Laboratories, estimating quantity of seed oysters above Potomac River Bridge now available for seed and if necessary that a survey be made by whichever Laboratory can do so first.

The Executive Secretary was requested to get reports on operation "EDO" that begins next week by the Maryland Department of Tidewater Fisheries.

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An expenditure for a survey to determine cost of membership in Retirement System by either Maryland or Virginia Retirement System, up to \$150.00, was authorized after employees decide which system to join.

It is not the intent of the Commission to allow any unlicensed "family" fishing nets; nor unlicensed crab pots; nor unlicensed oyster tongers. The regulations countenance "...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.", but the Commission goes on record saying it does not specify how the individual is to implement such "taking or catching".

The Executive Secretary was authorized to hold for ten to twenty days all gill net license applications to allow for conference with Law Enforcement Chiefs of each State to decide which ones, if not all, will be accepted.

Commission scheduled next meeting for Monday, June 10, 1963, at 11:00 A. M. (EDT) at Colonial Beach, Virginia.

One item for next agenda is "further oyster regulations".

Meeting adjourned at 3:20 P. M. (EST).


CHAIRMAN
SECRETARY