

POTOMAC RIVER FISHERIES COMMISSION  
Colonial Beach, Va.  
October 2, 1963

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Meeting was called to order at 1:35 P. M. (EST) by Chairman Jeremiah Valliant, in the Commission Offices, Colonial Beach, Virginia. Commissioners Byrd, Hickman, Jones, Ball, Weems and Legal Officer K. Thomas Everngam present. Present were Law Enforcement Officers Roy Rafter and Paul Wentzell, Maryland, and J. William Ryland and Ralph Dameron, Virginia. Press members present were Mr. Dallas Long and Mr. John Frye.

Commissioner Jones offered motion, seconded by Commissioner Ball that Minutes of meeting of September 9th be approved as written in mimeographed copies previously mailed to each Commissioner. Motion carried.

Legal Officer K. Thomas Everngam reported that the J. R. McCrone, Jr., Inc., Engineering Firm, have agreed to a reduction of Five Hundred Dollars (\$500.00) in their contract for survey work, thereby reducing their total bill to \$1,835.00. On the recommendation of Chairman and Legal Counsel, who have negotiated this modification with McCrone, motion was made by Commissioner Byrd, seconded by Commissioner Ball, that we settle with McCrone for \$1,835.00 and pay Maryland Department of Tidewater Fisheries \$500.00 for work done by them, subject to presentation by them of statement to substantiate their survey costs.

Commission was advised that the Maryland Department of Tidewater Fisheries is requiring all non-resident oyster buyers on the Potomac River (including Virginia buyers) to purchase a \$50.00 license. Commissioner Byrd offered motion, seconded by Commissioner Jones and carried unanimously, that the following Resolution be immediately presented to Maryland Department of Tidewater Fisheries: "Resolved; That the Potomac River Fisheries Commission through its Chairman advise the Legal Counsel of the Maryland Tidewater Fisheries Commission that the Potomac River Fisheries Commission supercede regulations of the Maryland Tidewater Fisheries Commission relating to the Potomac River; further, that the law of Maryland under which the order recently issued by the Maryland Tidewater Fisheries Commission relating to buy boats in the Potomac River is null and void in its application to the said River because it did not become law until after 1958; further, that the Potomac River Fisheries Commission shall furnish the Maryland Tidewater Fisheries Commission all records of catch in the Potomac River, as may be requested, and in its possession."

The Commission recessed at 5:45 P. M. (EST) for dinner and reconvened at 8:30 P. M., with all Commissioners present except Commissioner Weems.

Commissioner Jones offered motion, seconded by Commissioner Byrd, that the Chairman, upon the advice of Legal Officer, investigate through legal counsel of both Maryland and Virginia our position regarding "sport fishing", as it relates to our jurisdiction over same to determine whether we are responsible for regulating and licensing sport fishing. Motion carried.

There followed discussion by Commissioners and Law Enforcement Officers present of Proposed Regulations regarding Fishing.

Commissioner Byrd offered motion, which was duly seconded and carried, that the Commission recess (as of 10:00 P. M., EST) and reconvene on October 3, 1963, at 9:00 A. M. (EST).

At 9:05 A. M. (EST), on October 3, 1963, the Commission reconvened, with Chairman Valliant presiding. Present: Commissioners Byrd, Weems, Ball, Jones and Hickman.

Commissioner Weems suggested that Law Enforcement Officers gather statistics on March 1964 catch of fish in gill nets, as such information might have bearing on licensing period for such devices. Chairman so ordered.

Commissioner Jones offered motion, seconded by Commissioner Weems, that we eliminate present licensing in Regulation I, Section

2, Sub-section (i) of float or drift gill nets in the Potomac River in March of each year, thereby making season April 1st through May 26th inclusive each year when drift or float gill nets may be set and that this change be effective as of July 1st, 1964. Motion carried unanimously.

Commissioner Ball offered motion, seconded by Commissioner Weems, that Regulation I be amended by an addition of new Sub-section (q) in Section 2, to the effect that the season when shad and herring may be caught or taken by any means on the Potomac River shall be from March 1st to June 15th inclusive each year. Motion carried unanimously.

Commissioner Byrd offered motion, seconded by Commissioner Jones, that the following Proposed Regulations be approved by this Commission and publicly advertised as required by the Potomac River Compact of 1958, and a public hearing on same be held at La Plata, Maryland, in the Courthouse, on November 14, 1963, at 10:30 A.M. (EST). Motion carried unanimously.

(PROPOSED REGULATION IA (I) AND REGULATION III,  
SECTION 1 through 14 INCLUSIVE ATTACHED.)

The Executive Secretary was authorized to get several estimates on 2-way radio set-up and report at the next meeting.

Commissioner Weems offered motion, seconded by Commissioner Jones, that salary of Mrs. Kathryn P. Hopkins, Office Secretary, be increased to \$3,600.00 annually, effective October 1, 1963.

Commissioner Byrd offered motion, properly seconded, that Commissioner Jones prepare a Resolution for consideration at next meeting that Legislatures of Maryland and Virginia be requested to authorize a law enforcement force under the Potomac River Fisheries Commission to supercede the present joint law enforcement by Maryland and Virginia Law Enforcement Officers. Motion carried.

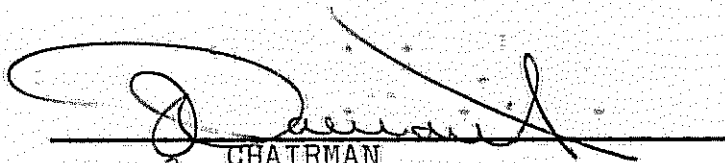
Commissioner Byrd offered motion, seconded by Commissioner Jones, that should Chairman of the Virginia Commission of Fisheries notify Chairman of this Commission that seed oysters are available at reasonable cost in the James River, that Chairman Valliant and Executive Secretary be authorized to spend up to \$50,000 for same. Motion carried.

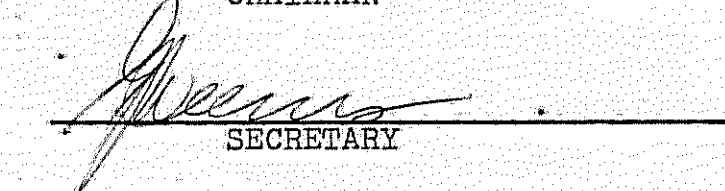
Executive Secretary was instructed in the meantime to determine, upon the advice of the best possible authorities, where to plant seed oysters.

Executive Secretary was instructed to authorize the Maryland and Virginia Law Enforcement Officers in the Potomac River to continue using their respective States Summons and Warnings books.

The Executive Secretary was instructed to put the question of a retirement system on the agenda of next meeting and to present all information available pertinent to Retirement Systems of Maryland and Virginia.

Motion to adjourn was carried unanimously at 10:30 A. M. (EST). The next meeting to be held in La Plata, Maryland, on November 14, 1963 at 10:30 A. M., in the County Courthouse.

  
CHAIRMAN

  
SECRETARY

NOTICE OF HEARING  
PROPOSED REGULATIONS OF POTOMAC RIVER FISHERIES COMMISSION

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

Regulation IA (1)

Regulation I, Section 2. Fish. Subsection (i) adopted April 22, 1963 and effective May 22, 1963, is hereby repealed and reenacted to read as follows: "(i) For each stake, float or drift gill net of 1,200 feet and under, a license fee of \$8. The season when stake nets may be set or used shall be from March 1 to May 26 inclusive, of each year. The season when float or drift gill nets may be set or used shall be from April 1 to May 26 inclusive, of each year. No stake, float or drift gill nets shall be set or used at any other time on the Potomac River.

Regulation I, Section 2. Fish. is hereby amended by adding at the end thereof a new subsection (q) to read as follows:

"(q) The season when shad and herring may be caught or taken by any means on the Potomac River shall be from March 1 to June 15 inclusive, of each year.

Regulation III.

Section 1. Duties of Officers. It shall be the duty of the Officers and Inspectors of the Department of Tidewater Fisheries Commission of Maryland and of the Virginia Commission of Fisheries to see that the provisions of the Regulations of the Potomac River Fisheries Commission, and of the Potomac River Compact of 1958, and the applicable commercial fisheries laws relating to the Potomac River, are not violated. Said officers and inspectors are authorized to arrest all persons found violating any of the provisions thereof, and to summons or take the said offender or offenders to a Maryland or Virginia county adjacent to the Potomac River where the alleged offense occurred, which under the Potomac River Compact of 1958 shall thereupon have jurisdiction over the offense, to be dealt with according to law. Said officers and inspectors may seize any and all fish, oysters, crabs, and seafood that may be caught, sold, offered for sale, or are being held in violation of any of the provisions of said Regulations and laws, to be disposed of at the discretion of said enforcement officers to the best interests of the Potomac River. Said officers and inspectors may also seize any and all boats, seines, nets or other fishing outfit or set in violation of the Regulations and/or laws relating to the Potomac River. Said enforcement officers and inspectors shall also have authority to stop, board, and inspect any boat or vessel engaged or reasonably believed to be engaged in the commercial taking or buying of fish, crabs, oysters and seafood on the Potomac River, in order to make lawful inspections required under the Regulations and laws relating to the Potomac River.

Section 2. Arrest Upon Information. Upon information given upon oath or affirmation to any said Justice of the Peace, Trial Magistrate, or Court in Maryland or in Virginia of the violation of any Regulation or law relating to the Potomac River, said Justice of Peace, Trial Magistrate or Court shall issue his warrant for the arrest of the offender and/or the seizure of the seines, nets, boats, or other fishing outfit, to be directed to any enforcement officer of the Department of Tidewater Fisheries of Maryland or of the Virginia Commission of Fisheries, or other officer authorized to make arrests on the Potomac River.

Section 3. Warrant for Unknown Offender. If the name of the offender be unknown he may be arrested on a warrant describing him as John Doe, the person committing the offense, without otherwise stating his name in the warrant.

Section 4. Procedure Upon Seizure. If upon a hearing in any case of arrest and/or seizure, the Justice of Peace, Trial Magistrate, or Court adjudges the owner or person having charge of the property so seized guilty of violating any of the provisions of the Regulations or laws relating to the Potomac River hereunder, which imposes the forfeiture of such property for such violations, then said Justice of Peace, Trial Magistrate or Court, may adjudge same to be condemned and disposed of as provided in Article V., Section 4, of the Potomac River Compact of 1958. In case the owner is not known, said Justice of the Peace, Trial Magistrate, or Court may proceed ex parte to hear and determine any question of forfeiture. In any case in which an appeal is taken, the property shall be released upon the filing of bond as provided for by the Court forfeiting same, and upon final determination of the case, the same shall be released or condemned, or the bond forfeited, depending upon whether the party is acquitted or found guilty.

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Section 5. Disposition of Fines. Any fine imposed for a violation of the Potomac River Regulations or applicable laws relating to the Potomac River shall be paid into the Court in which the case is prosecuted and accounted for under the laws applicable to that Court as provided by Article 5, Section 4, Potomac River Compact of 1958.

Section 6. Dynamiting Unlawful. No person shall place, throw or make use of dynamite or other explosive substance so as to kill fish and seafood in the Potomac River, except for bona fide engineering, scientific, or mining purposes, for which purposes a permit first must be secured from the Potomac River Fisheries Commission.

Section 7. Threshing Unlawful. It shall be unlawful for any person to whip or beat any of the waters of the Potomac River with poles, sticks or any other thing, for the purpose of driving fish into nets, seines, or any other contrivance for catching fish.

Section 8. Method of Fishing. It shall be unlawful to take or catch fin fish in the Potomac River by the use of a spear, gig, or gig iron, or by the use of any purse net, buck net, sunken anchored gill net, beam trawl, otter trawl, trammel net, troll net, or drag net.

Section 9. Haul Seines. (a) It shall be unlawful to drag or haul any seine with two or more vessels propelled by power or to use any haul seine more than 2,400 feet in length including brail lines on the Potomac River. Power winch anchored in a vessel or boat, not propelled by power, may be used, provided said winch boat is anchored in four feet depth of water or less.

(b) It shall be unlawful for any person to empty a seine in the Potomac River so as to leave the unlawful fish to perish. He shall at all times cull his catch and/or empty his seine in waters of sufficient depth to enable the unlawful fish to return to the Potomac River.

(c) The use of haul seines shall be prohibited in the Potomac River during the months of January, February, and March of each year.

(d) It shall be unlawful for any person to fish with a haul seine on the Potomac River during the period from Friday midnight until sunrise on Monday.

Section 10. Sizes of Mesh. It shall be unlawful to fish on the Potomac River with any net whose size of stretched mesh is less than herein provided, to wit: pound net 2 inches; haul seine 2½ inches; gill net 2½ inches, fyke net or hoop net 2 inches. No net or trap made of monofilament webbing material shall be used in catching fish or seafood on the Potomac River. Nothing in this section shall apply to the use of pots in the catching of eels or cat fish.

Section 11. Sizes of Commercial Fish. No person shall commercially catch on the Potomac River or take or kill, sell, offer to buy or sell or expose for sale, or have in possession (a) any black bass, large or small mouth; (b) any catfish less than 8 inches; (c) any perch, white or yellow, less than 8 inches; (d) any pike less than 14 inches; (e) any rock, otherwise known as striped bass, less than 12 inches in length or weighing more than 15 pounds; (f) any sturgeon weighing less than 25 pounds; (g) any taylor or blue fish less than 8 inches; (h) any sea trout or weakfish less than 10 inches; (i) and any hardheads or croakers less than 10 inches. Measurement in the case of each fish shall be from tip of nose to the end of the caudal fin or tail.

Section 12. Kinds and Sizes of Crabs. It shall be unlawful for any person to take, catch or have in possession any hard crabs, measuring less than five inches across the shell from tip to tip of spike, or any peelers (which are hereby defined as having soft shell fully developed under the hard shell, on which there is a pink line or rim on the edge of that part of the back fin next to the outer section of this fin) measuring less than three and one-half inches across the shell from tip to tip of spike; nor shall any person take, catch or keep in floats or in his possession any fat crab, or any crab known as a snot crab or green crab, or buckram crab (a crab that has a paper shell), or any sponge crab, spawn crab, blooming female crab and mother crab, or the female crab from which the egg pouch or bunion has been removed. The enforcement officers on the Potomac River are hereby authorized to confiscate and liberate into the waters of the Potomac River any fat crab, snot crab, green crab, buckram crab, sponge crab, spawn crab, blooming female crab, and mother crab, or the female crab from which the egg pouch or bunion has been removed, where found, and held in violation of this section, and said officers are further authorized to confiscate any hard crabs, peelers or soft crabs of a size less than the measurements hereinbefore provided, wherever

found, and shall dispose of any other matter.

Section 13. Severability. If any word, 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 word, clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

Section 14. These Regulations shall take full force and effect thirty (30) days after their final adoption by the Potomac River Fisheries Commission.

NOTICE OF HEARING

Notice is hereby given to all interested persons that a public hearing will be held by the Potomac River Fisheries Commission on the adoption of the foregoing Regulations on Thursday, November 14, 1963, at 10:30 A.M., Eastern Standard Time, at the Court House, at La Plata, Maryland

ATTEST:

POTOMAC RIVER FISHERIES COMMISSION

Robert M. Morris, Jr.  
Executive Secretary

By Jeremiah Valliant, Chairman