

POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
October 23, 1964

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Chairman Lewis Jones, Jr. called the meeting to order at 9:03 A.M. Present were Commissioners H. C. Byrd, N. G. Ball, Jeremiah Valliant and Milton Hickman; Legal Officer K. Thomas Everngam; Executive Secretary Robert M. Norris, Jr.; Chief J. William Ryland and Inspector Ralph Dameron from Virginia; Supervising Inspector Paul C. Wentzell from Maryland. Press was represented by Messrs. Dallas Long, John Frye, John Goolrick, and Miss Isabelle Gough.

Commissioner Hickman offered motion, seconded by Commissioner Valliant, that reading of Minutes of meeting of August 6 and 7, of which mimeographed copies had previously been circulated among the Commissioners, be dispensed with and that said Minutes, as written, be approved. Motion carried.

Commissioner Hickman offered motion, seconded by Commissioner Valliant that the following resolution be adopted in conformance with: (1) suggestions of Virginia Supplementary Retirement System and (2) motion adopted at last meeting:

"Be it hereby resolved that the Potomac River Fisheries Commission, a political subdivision, created by the Potomac River Compact of 1958, acting by and through the members of the Commission, does hereby elect to have such of the employees and officers of the Commission, who are regularly employed full time on a salary basis, and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 1964 to participate in the Virginia Supplemental Retirement System under conditions set forth in Title 51, Chapter 3.2, Section 51-111.67:1 through 51-111.67:13, Code of Virginia, as such Code has been or may be amended from time to time and said Commission agrees to pay its cost for participation of its employees for all prior years service for the Commission prior to July 1, 1964 for which credit is authorized and established on Forms required by the Retirement Board and for membership service in the Retirement System effective July 1, 1964 and for group life insurance effective December 1, 1964 and also to deduct from said employees' wages and pay over in the manner prescribed, the respective amounts required by law.

Now, therefore, Lewis Jones, Jr., Chairman of the Potomac River Fisheries Commission, Colonial Beach, Virginia and Robert M. Norris, Jr., Executive Secretary, are authorized and directed in the name of said Commission, to execute any required contract in order that the employees of said Commission may become entitled to benefits provided under the Virginia Supplemental Retirement Act. In execution of any contract which may be required, the seal of said Commission shall be affixed and attested by the Executive Secretary, and said officers of the Potomac River Fisheries Commission are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter and in conformity with law. The Executive Secretary of said Commission be and is hereby authorized and directed to pay from time to time such sums as are due to be paid under said contract by said Commission and its employees."

Motion carried unanimously.

Proposed regulations relating to soft shell clamming were considered. Commissioner Byrd offered motion, seconded by Commissioner Ball, that regulations as presented be proposed, advertised and a public hearing be held, and that the regulations, as proposed, be attached to and become a part of these Minutes. Motion carried.

Commissioner Valliant offered motion, seconded by Commissioner Hickman, that the public hearing on the proposed soft shell clamming regulations be held in the St. Mary's Court-house, Leonardtown, Maryland, on Thursday, December 10, 1964 at 2:00 P.M.(EST). Motion carried unanimously.

It appearing that the accepted statistics on oyster catch for season 1963-64 are based on the individual tonger's record of catch, as submitted to this Commission monthly; the Executive Secretary was instructed to continue requiring the "Seafood Catch Reports" until further notice.

The Legal Officer was requested to revise the affidavit on license applications in order that Clerks of Courts can "witness" an applicant's signature to his statement of age, residence, et cetera, as required on application forms, and that the "witnessing" of said signatures be not confined to Notary Publics.

Commissioner Byrd offered motion, seconded by Commissioner Ball, that charge of \$1651.50, by Maryland Department of Chesapeake Bay Affairs for engineering locations for jurisdictional line markers above Route #301 Bridge and supervising the installation of same, be paid. Motion carried.

Chairman Jones reported the following action taken by the administration:

1. Burglary insurance policy on money and securities "On & Off Premises Broad Form", in amount of \$2,500. has been purchased.
2. Deposits of \$22,000 each on checking accounts in Citizens National Bank of Southern Maryland, Lexington Park, and the Southern Maryland National Bank of La Plata, have been transferred to Certificates of Deposit, at interest of 4% and 3½% respectively; and that \$25,000 has been transferred to savings account in the Bank of Westmoreland, Inc., Colonial Beach, Virginia, at 3½% interest, as there appears no need for these funds until approximately June 1965 for further rehabilitation and conservation work.
3. That securities have been placed in escrow by the two Maryland banks, in their correspondent banks, to secure the Commission's funds. (This had already been done by the Bank of Westmoreland.)
4. A surety bond of \$2,500 has been purchased on Miss Judith Salenger, a clerk-typist.

Commissioner Byrd offered motion, seconded by Commissioner Valliant, that action taken in Items 1, 2, 3, and 4 above be approved and confirmed. Motion carried.

Commissioner Byrd offered motion, seconded by Commissioner Ball, that the request of Executive Secretary that petty cash account be increased from \$100 to \$200 be granted. Motion carried.

Commissioner Byrd offered motion that decision on increase in annual salary for Mrs. Kathryn P. Hopkins, office secretary, from present \$3600 to \$3960 be referred to Chairman Jones, with authority to act in any manner he deems desirable

after investigation of the merits of the situation. Motion was seconded and carried.


Itemized list of disbursements, amounting to \$107,375.98 (including shell planting in June and July of \$97,871.75 and installation of markers in river of \$4,275), August 1, 1964 through September 30, 1964 inclusive, was presented along with General Ledger Trial Balance Sheet, as of September 30, 1964. Commissioner Byrd offered motion, seconded by Commissioner Hickman, that disbursements be approved. Motion carried.

Commissioner Byrd offered motion, seconded by Commissioner Hickman, that Chairman Jones write the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia of the element of doubt concerning the legality of adopting soft shell clamming regulations, and ask that they propose legislation to clarify the doubt that exists. Motion carried unanimously.

Next meeting to be held immediately following Public Hearing on proposed soft shell clamming regulations in Leonardtown, Maryland, in the County Courthouse. Chairman Jones suggested that Friday, December 11, 1964 be held open by the Commissioners for a possible carryover of the meeting into the next day.

Meeting adjourned at 12:35 P. M.


CHAIRMAN


SECRETARY

*Minutes of this meeting approved
at March 9, 1965 meeting P. 83 '65*

NOTICE OF HEARINGPROPOSED REGULATIONS OF POTOMAC RIVER FISHERIES COMMISSION

Pursuant to 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 V.
SOFT SHELL CLAMSSECTION 1. License to Operate Hydraulic or Mechanical Dredge.(a) who may obtain license.

Any person who has been a bona fide resident of the State of Maryland or Virginia for a period of not less than twelve (12) months immediately preceding the date of his application may be granted a license to take or catch soft shell clams (Mya arenaria) with a hydraulic or mechanical dredge in the waters of the Potomac River within the jurisdiction of the Potomac River Fisheries Commission.

(b) Application for and issuance of license.

Every person desiring a license to take or catch soft shell clams in the waters of the Potomac River by hydraulic or mechanical dredge and who fulfills the requirements of Section 1 (a) above, shall complete an application for such license on a form approved ^{by} the Potomac River Fisheries Commission, which shall include a statement as to the name or number of his boat and the dimensions thereof. The applicant shall make oath or affirmation that he is the owner of the dredge and boat, that there is no lien on either dredge or boat held by a non-resident of Maryland or Virginia, that he shall be the master, captain, and/or operator thereof, that he has been a bona fide resident of Maryland or Virginia for a period of twelve (12) months immediately prior to making of such application, that he shall employ in operating such dredge and boat only persons who, prior to such employment, shall have resided in Maryland or Virginia for a period of one (1) year; and that all information he has furnished is true. The application shall be sworn or affirmed to before any Notary Public and forwarded to the Potomac River Fisheries Commission, together with a license fee in the sum of \$25. Upon receipt of such application to which oath or affirmation has been made, together with the license fee stipulated above, the Potomac River Fisheries Commission may issue a hydraulic or mechanical soft shell clam dredge license for

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the Potomac River, which shall be valid from July 1st to June 30th of each year, and which shall not be transferrable to any other person.

(c) Display of license number.

Before engaging in the catching or taking of soft shell clams by hydraulic or mechanical dredge, each licensee shall paint on or firmly attach his Potomac River Fisheries Commission license number to both sides of the vessel described in the license. The painted or attached number shall be in characters eight (8) inches in height and be positioned above the hull forward of amidship, but not on or near the bow.

(d) License to be aboard vessel.

The captain, master, or operator of any vessel described in a hydraulic or mechanical dredge license always shall have such license aboard such vessel and shall exhibit the same whenever it shall be requested by any duly authorized enforcement officer authorized to enforce Regulations of the Potomac River Fisheries Commission.

SECTION 2. Transfer of Dredge.

It shall be unlawful for the owner of any licensed hydraulic or mechanical dredge to transfer such dredge to another vessel unless such other vessel be of his ownership, and unless the licensee shall make application as prescribed for original license, which application shall include a statement as to the name or number and description of the boat to which the dredge is to be transferred. Such application shall be forwarded to the Potomac River Fisheries Commission, together with the license originally issued and a fee of Five (\$5) Dollars. The Potomac River Fisheries Commission may cancel the original license and in lieu thereof issue to the licensee a new license on which shall be described the vessel to which the dredge is to be transferred. All provisions of these Regulations applicable to the vessel described on the original license shall apply to that set forth on the new license.

SECTION 3. Creation of Security Interest.

It shall be unlawful for the holder of a hydraulic or mechanical soft shell clam dredge license from the Potomac River Fisheries Commission to consummate, at any time during the term of such license, any transaction with any person who is a non-resident of the State of Maryland or Virginia, whereby the creation of any security interest in or lien on either the dredge or the vessel is created.

SECTION 4. Specifications as to Dredge, Equipment and Catch Limit.

(a) Each said hydraulic or mechanical soft shell clam dredge shall be equipped with not more than one conveyor or elevator having one blade and one water manifold, the width between the exterior jets attached thereof not exceeding thirty-six (36) inches. The water jet pipes at each end of the manifold shall be set parallel to the median vertical longitudinal plane of the dredge, or inward toward the center thereof.

(b) Each motor and engine used in the operation of any hydraulic or mechanical dredge or of the vessel on which such dredge is affixed, installed, or mounted, shall be provided with an adequate muffler.

(c) It shall be unlawful for any person licensed hereunder to take or catch soft shell clams with any hydraulic or mechanical dredge or rig in the waters of the Potomac River to take or catch or have in possession aboard a vessel in excess of forty (40) bushels of soft shell clams in any calendar day. It shall be unlawful for any hydraulic or mechanical dredge or rig licensed for the taking or catching of soft shell clams to be employed for the taking or catching of more than forty (40) bushels of soft shell clams in any calendar day.

(d) It shall be unlawful for any licensee or operator of a clamming dredge or rig to have any oysters on board.

SECTION 5. Opening and Closing Clamming Areas.

(a) Authority to open and close clamming areas.

The Potomac River Fisheries Commission may open and close any portion of the soft shell clamming areas of the Potomac River and prohibit the taking or catching of soft shell clams thereon whenever in the judgment of the Potomac River Fisheries Commission it shall seem necessary or desirable to protect or promote the growth of soft shell clams or to restrict the manner or method of taking clams in any area, or to protect the development and growth of clams or to establish seed beds, or to take any restorative measures which the Commission may deem best. Said area or areas may be closed for a period of time or may be closed for so many days of the week.

(b) Procedure for closing area.

Before closing any soft shell clam area the Potomac River Fisheries Commission first shall give reasonable notice thereof to all licensees. The notice shall described the area to be closed and the proposed date and period of

closing.

(c) Reopening of area.

After closing an area the Potomac River Fisheries Commission may reopen said area whenever, in the judgment of said Commission, such reopening is advisable. An area shall be reopened by giving reasonable notice of such reopening to all licensees and to the public.

(d) Unlawful to take or catch soft shell clams in closed area.

It shall be unlawful to take or catch soft shell clams, with any device, upon any area which has been closed by any rule or regulation of the Potomac River Fisheries Commission.

SECTION 6. Minimum Size of Soft Shell Clams.

It shall be unlawful for any person to take, catch, or have in his possession soft shell clams measuring less than (2) inches along the longest dimension across the shell, and any clams measuring less than two (2) inches so measured shall be returned forthwith to the bed or bar from which they were taken; provided, however, that any person licensed to dredge, deal in, or export soft shell clams may have in his or their possession not in excess of five per cent (5%) per U. S. standard bushel, by volume, of such clams less than two (2) inches in size as aforesaid.

SECTION 7. Area to work.

All that area of the Potomac River within the jurisdiction of the Potomac River Fisheries Commission.

It shall be unlawful to take or catch or attempt to take or catch soft shell clams with any hydraulic or mechanical dredge, or with any other type gear, as follows:

(1) Within 100 yards of any commercially productive oyster tonging area as may now exist, or as may be defined on the charts of the Department of Chesapeake Bay Affairs, or as may be established by survey by the Potomac River Fisheries Commission, or of any area on which Potomac River Fisheries Commission has planted oysters or shells, or of any area prohibited by the Potomac River Fisheries Commission and marked with buoys or other markers by the Potomac River Fisheries Commission, or

(2) within 50 feet of any bulkhead, wharf or pier, constructed or erected

in, out in, over or under any of the waters of the Potomac River, or

(3) within 1,000 feet of any public bathing beach on the Potomac River during the months of May, June, July, August, and September of any year, or

(4) on Sunday, or between sunset and sunrise on any other day, or

(5) within 100 yards of the mean low water mark of any Potomac River shore line, or

(6) within 500 yards of any occupied duck blind, where decoys are set out, during the legal duck hunting season.

SECTION 8. Authority of Enforcement Officers.

(a) Any officer duly authorized to enforce the Regulations of the Potomac River Fisheries Commission or the laws relating to the Potomac River is hereby authorized, to examine the boat, dredge, rig, cargo, hold, bin, cabin, or lot of soft shell clams in order to enforce the Regulations of the Commission or the laws relating to the Potomac River.

(b) It shall be unlawful for any person to conceal any soft shell clams in a cabin, compartment, locker, cupboard, or other place on any vessel or rig in the Potomac River where they are not clearly visible and readily accessible for inspection at all times by duly authorized officers of Maryland or Virginia or agents of the Potomac River Fisheries Commission. All soft shell clams found on any licensed vessel or rig in the Potomac River used for dredging of soft shell clams shall at all times be in bulk quantity or in plain view in their containers.

(c) It shall be unlawful for any person on the Potomac River to offer for sale or have in his possession soft shell clams which have not been culled as required by the Regulations of Potomac River Fisheries Commission.

SECTION 9. Severability Clause.

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 10. Penalty.

The penalty for a violation of the foregoing Regulations shall be as

provided in Regulation I Section 6 of the Potomac River Fisheries Commission and as set forth in Article V Section 2 of the Potomac River Compact of 1958.

Proposed Amendments to Existing Regulations
of Potomac River Fisheries Commission

Regulation I, Section 3, is hereby repealed and reenacted to read as follows:

"Section 3. No person shall engage in the commercial taking and catching of oysters, crabs, finfish, soft shell clams and other seafood on the Potomac River in the area prescribed in the Regulations of the Potomac River Fisheries Commission, nor shall any person use or permit the use of any net, boat, tongs, dredge, 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 provided in the Regulations of the Potomac River Fisheries Commission. All persons so engaged shall exhibit their licenses for so doing when required by any enforcement officer of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. 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."

Regulation III is hereby amended to add a new section to follow immediately after Section 12 and to read as follows:

"Section 12(a). Crabbing at Night. It shall be unlawful for any person to commercially take or catch crabs between sunset and sunrise, or to land or unload crabs earlier than sunrise or later than sunset."

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 proposed Regulations and Amendments to existing regulations on Thursday, December 10, 1964, at 2 P.M., Eastern Standard Time, at the Court House at Leonardtown, Maryland.

ATTEST:

Robert M. Norris, Jr.
Executive Secretary

POTOMAC RIVER FISHERIES COMMISSION
By: Lewis Jones, Jr., Chairman