

Dr. H. C. Bryd called the meeting to order at 1:10 P.M., Eastern Standard Time.

Present: Commissioners Neville G. Ball, H. C. Byrd, Milton T. Hickman, George J. Weems, Lewis Jones, Jr., Jeremiah Valliant.

Also present: K. Thomas Everngam, Legal Officer; R. M. Norris, Jr., Executive Secretary; Chief J. William Ryland, of the Commission of Fisheries of Virginia; Messrs. Hayes T. Pfitzenmeyer and Elgin A. Dunnington, of Chesapeake Biological Laboratory; Ralph Hammer, of C. J. Langenfelder & Son, Inc.; Chief Roy W. Rafter and Supervising Inspector Paul C. Wentzell, of Maryland Department of Chesapeake Bay Affairs. Press represented by Mr. John Frye and Miss Isabelle Gough.

Commissioner Hickman offered motion, seconded by Commissioner Ball, that Minutes of meeting of April 2, 1965 as circulated, be approved. Motion approved unanimously.

Commissioner Jones offered motion, seconded by Commissioner Hickman, that Minutes of meeting of March 9, 1965 as circulated, be approved. Motion approved unanimously.

Commissioner Jones offered motion, seconded by Commissioner Weems, that the Potomac River below St. Mary's - Charles County line, except the following areas, be opened to soft shell clam dredging, and that this Order be effective as soon as charts are prepared and upon due notice given all concerned:

"CLOSED AREA "A" extends along the Maryland shore jurisdictional lines from Point Lookout to Lawsons Point. The easterly boundary is the river jurisdictional line of the Potomac River Fisheries Commission, which is identified by sighting the southwesterly point of Point Lookout over the Coast Guard pier pilings on the Cornfield Harbor side. The westerly boundary is identified by sighting the Piling Marker "M-1" over chimney in center of brick house on east shore of Calvert Bay.

CLOSED AREA "C" extends along Maryland shore from the first set of Navy range markers, located about $\frac{1}{2}$ mile northwesterly of Deep Point on St. Georges Island, to easterly end of bulkhead on St. Georges Island. The easterly boundary is identified by sighting over the two aforesaid Navy range markers. The westerly boundary is identified by sighting the end of aforesaid bulkhead over large white house with gray roof, located on St. Georges Island.

CLOSED AREA "E" extends along the Maryland shore from Oakwood Lodge on Piney Point beach to lighthouse on Piney Point. The easterly boundary is identified by sighting Oakwood Lodge over sign on end of pier. The westerly boundary is identified by sighting oil dock lighted piling "A" over Piney Point Lighthouse.

CLOSED AREA "G" extends along the jurisdictional line from Huggins Point to the westerly end of Heron Island sandbar. The easterly boundary is identified by sighting Piling Marker "M-5" over big bushy oak tree located on westerly shore of Huggins Point. The westerly boundary is identified by sighting Blakiston Island black lighted beacon over beacon #2, located at entrance into St. Patricks Creek.

CLOSED AREA "J" extends along the jurisdictional line from Blakiston Island to the easterly end of St. Catherine's sandbar. The easterly boundary is identified by sighting over Potomac River channel buoy "N-14", along westerly shore of Blakiston Island to Piling Marker "M-9" located at Colton Point. The westerly boundary is identified by sighting Piling Marker "M-11" over duckblind on St. Catherine's sandbar.

CLOSED AREA "M" extends along the Maryland-Virginia lines from Piling Marker "V-22", located on Hollis Marsh, to and around Ragged Point. The westerly boundary is identified by sighting "V-22" Marker over low clump of cedars, located on Hollis Marsh. The

easterly boundary is identified by sighting Piling Marker "V-18", located on Ragged Point, over tavern on Coles Point.

CLOSED AREA "P" extends along the Maryland-Virginia state lines and the Virginia shore from Coan River entrance channel to jurisdictional line of Potomac River Fisheries Commission at Smith Point. The westerly boundary is identified as the Coan River entrance channel and marked by navigation aids. The easterly boundary is identified by sighting a stake set on the said jurisdictional line over Smith Point."

Motion carried unanimously.

Commissioner Weems offered motion, seconded by Commissioner Jones, that Mr. Henry F. Baumann, Jr., T/A Southern Maryland Pile Driving Company, Newburg, Maryland, be authorized to replace approximately eighteen (18) missing jurisdictional line markers above Route #301 Bridge, in accordance with the following specifications and agreement that total cost be limited to \$1500.00 or less:

"Contractor to furnish all labor and material (except 4' x 4" slat targets, which will be supplied by the Potomac River Fisheries Commission). Work to be completed by July 15, 1965. Piling to be 12# pressure creosote treated and those at or near low water mark to be no less than 5-6 inches in diameter at small end and 16-18 feet long; and those in deeper water offshore to be no less than 6-7 inches in diameter at small end and 25 feet long. Piling to be of such length that when secured firmly in bottom of mounted target will have clearance of 8 foot above mean high water. Lateral braces to be installed where needed, as determined by Maryland and Virginia Inspectors and contractor. Work to be supervised by a team of one Maryland and one Virginia Inspector at all times, who are to be available when contractor is working. Any piling (including target) of the 16-18' class installed under this contract, if lost or shoved over by ice within 2 years from date of installation, will be replaced free of charge by contractor."

Motion carried unanimously.

Commissioner Jones offered motion, seconded by Commissioner Valliant, that certain Proposed Amendments to existing Regulations be accepted, advertised, and a public hearing thereon set for June 29, 1965 at 11:00 A. M., Daylight Saving Time, at Colonial Beach, Virginia, and that a copy of the Proposed Amendments be attached hereto and be a part of these Minutes.

Commissioner Jones also offered motion, seconded by Commissioner Ball, that Regulation IV, Oyster Inspection Tax, Section 1, 2, and 3 be continued in full force and effect following June 30, 1965, with the following language, "Any officer or employee of the Commission of Fisheries of Virginia, or of the Department of Chesapeake Bay Affairs of Maryland, or an agent of the Potomac River Fisheries Commission shall have the right to board any tonging or buy boat or vessel on the Potomac River within the jurisdiction of the Potomac River Fisheries Commission, and count the bushels of oysters thereon taken from the Potomac River, and may issue a tax bill or statement therefor, to be presented to the buyer at the place in Maryland or Virginia where said oysters are unloaded from said boat or vessel and are to be shipped no further in bulk in vessel, and where the tax thereon must be paid", inserted at the end of Section 1; also that Section 4 be amended to read, "These Regulations shall take full force and effect thirty (30) days after their final adoption by the Commission, and shall be in full force and effect until duly amended or rescinded"; and that Regulation IV, as herein amended, be included in the advertised Regulations. Motion approved unanimously.

May 10, 1965

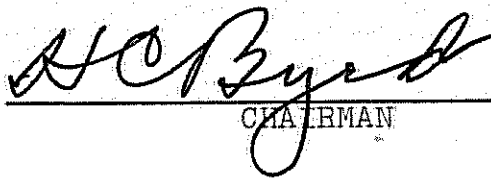
Mr. Ralph Hammer reported to the Commission that 1965 shell planting was proceeding satisfactorily, with the Dukehart Channel area planted, the Coles Point - Stoney Bar area planted, and the Jones Shore area being planted at this time. Mr. Hammer also reported that the Maryland Department of Chesapeake Bay Affairs is applying for additional shells from the Potomac River to sell to purchasers other than the Potomac River Fisheries Commission.

Chairman Byrd appointed Commissioners Valliant and Jones, as a committee of two, to work with the Executive Secretary in formulating a budget for 1965-66, to be presented to the Governors of the respective States of Maryland and Virginia.

Executive Secretary recommended an increase in the salary of Miss Judith Salenger, Clerk-Typist, of \$30. per month, increasing her salary from \$2400. per year to \$2760. per year, effective May 1, 1965. Commissioner Jones offered motion, seconded by Commissioner Ball, that this be approved. Motion carried.

Next meeting was set for June 29, 1965 following the public hearing to be held at 11:00 A. M., Daylight Saving Time.

Meeting adjourned at 3:33 P. M., Eastern Standard Time.


CHAIRMAN


SECRETARY

NOTICE OF HEARING
PROPOSED AMENDMENTS TO 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 Amendments to existing Regulations are proposed by the Potomac River Fisheries Commission.

"Regulation I"

Regulation I is hereby amended to add a new sub-section to follow immediately after Section 2, sub-section (e)⁽¹⁾ and to read as follows:

"CRABS"

"Section 2."

(e) (2) It shall be unlawful to take or catch or attempt to take or catch crabs by means of dredge or scrape.

Regulation I, Sections 2(n), (o), (p), are hereby repealed and reenacted to read as follows:

"FISH"

"(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, 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. Licensee shall procure and affix the metal tag accompanying his license to the stake at the head and outer end of such structure and at such a height and in such a position as to be readily seen from passing boats. This identification shall be displayed from the setting of the first stake until the removal of the last stake. Licensee shall remove his stakes within thirty (30) days after discontinuing fishing his stand. It shall be the duty of each pound net licensee to maintain his stakes in good condition and promptly to remove and renew any stakes that may be unsound, broken, or liable to go adrift."

"(o) No net, single fishing device or structure shall have a total length (except a haul seine) greater than 1,200 feet including lines, stakes, and rings 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, fishing device or structure shall be placed or fished within 1,200 feet of the side or end of any other net, fishing device or structure unless in the same row."

Regulation I is hereby amended to add a new sub-section to follow immediately after Section 2, sub-section (p) and to read as follows:

"(q) ~~Each fish pot, eel pot, or fish trot line~~ set in the water shall be marked with a buoy or stake easily visible on the surface which must display the tag number herein provided; all such buoys and stakes shall be marked clearly with the tag number of the licensee in not less than one (1) inch numbers in contrasting color. Any ~~fish or eel pot or fish trot line~~ in the water not so identified may be seized by the enforcement officers and held for possible legal action."

Regulation I, Section 5, is hereby repealed and reenacted to read as follows:

"General Provisions for All Licenses"
"Section 5. Commercially taking or catching seafood under the Regulations of the Potomac River Fisheries Commission shall be construed to be 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 by means other than crab pots, not more than one bushel of oysters per day, or not more than one bushel of soft shell clams per day, or not more than three dozen soft crabs or peeler crabs per day, for his own immediate household use. Taking of crabs by crab pots shall be deemed a commercial taking of crabs requiring a license hereunder. Taking of finfish by use of nets (other than dip nets) shall be deemed a commercial taking of fish requiring a license hereunder."

Regulation II, Section 4, is hereby repealed and reenacted to read as follows:

"General Provisions"

"Section 4. Reports of Catch. Every person engaged in the business of taking, catching, and/or dealing in oysters, crabs, finfish and other seafood within the jurisdiction and under the authority of the Potomac River Fisheries Commission shall report his catches and/or dealings monthly on forms to be supplied or furnished by the Potomac River Fisheries Commission. Said reports shall be mailed to the Potomac River Fisheries Commission by the seventh day of the following month."

Regulation III, Sections 8 and 10 are hereby repealed and reenacted to read as follows:

"General Instructions"

"Section 8. Method of Fishing. It shall be unlawful to take or catch or attempt to take or catch finfish 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 10. Sizes of Mesh. It shall be unlawful to take or catch, or attempt to take or catch finfish 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 catfish."

Regulation IV is hereby repealed and reenacted to read as follows:

"REGULATION IV

OYSTER INSPECTION TAX"

"Section 1. The Potomac River Fisheries Commission hereby imposes an inspection tax of 20¢ per bushel on all oysters caught within the limits of the Potomac River within the jurisdiction of the Commission. The tax shall be paid by the buyer at the place in Maryland or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel. The tax shall be paid to an agent of the Potomac River Fisheries Commission, or to such officer or employee of the Commission of Fisheries of Virginia or of the Department of Chesapeake Bay Affairs of Maryland, as may be designated by the Potomac River Fisheries Commission, and by him

paid over to the Potomac River Fisheries Commission. Any officer or employee of the Commission of Fisheries of Virginia, or of the Department of Chesapeake Bay Affairs of Maryland, or an agent of the Potomac River Fisheries Commission shall have the right to board any tonging or buy boat or vessel on the Potomac River within the jurisdiction of the Potomac River Fisheries Commission, and count the bushels of oysters thereontaken from the Potomac River, and may issue a tax bill or statement therefor, to be presented to the buyer at the place in Maryland or Virginia where said oysters are unloaded from said boat or vessel and are to be shipped no further in bulk in vessel, and where the tax thereon must be paid."

"Section 2. All persons buying said oysters and failing to pay the aforesaid 20% per bushel tax shall be guilty of a misdemeanor and subject to the penalties provided in Article V of the Potomac River Compact of 1958."

"Section 3. 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 4. These Regulations shall take full force and effect thirty (30) days after their final adoption by the Commission, and shall be in full force and effect until duly amended or rescinded."

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 Amendments to Regulations on Tuesday, June 29, 1965 at 11:00 A. M. (Daylight Saving Time) at the Town Fire House, Colonial Beach, Virginia.

ATTEST:

POTOMAC RIVER FISHERIES COMMISSION

Robert M. Norris, Jr.
Executive Secretary

By H. C. Byrd, Chairman