

POTOMAC RIVER FISHERIES COMMISSION
Colonial Beach, Virginia
October 22, 1965

Chairman H. C. Byrd called the meeting to order at 9:20 a.m., (EST), after which followed the invocation.

Members present: Commissioners H. C. Byrd, N. G. Ball, Milton T. Hickman, Lewis Jones, Jr., and Jeremiah Valliant.

Also present: Messrs. K. Thomas Everngam, Legal Officer, Elgin A. Dunnington, Jr., J. W. Ryland, Paul C. Wentzell, Ralph Dameron, R. M. Norris, Jr., Executive Secretary. Press members: John Frye, Dallas Long, Miss Isabelle Gough.

Commissioner Hickman offered motion, seconded by Commissioner Jones, that Minutes of meeting of September 2, 1965, previously circulated, be approved as presented. Motion approved.

Under old business, Commissioner Valliant presented and read the following Report of Special Committee comprised of the undersigned:

"REPORT OF SPECIAL COMMITTEE"

At the September 2nd, 1965 meeting of the Potomac River Fisheries Commission at Colonial Beach, Virginia - the Chairman, according to the minutes, "discussed somewhat briefly some of the problems the Commission faces in legal interpretations and in operations". Following this discussion, Commissioner Hickman offered a motion, that was seconded by Dr. Weems requesting the Chairman to appoint a committee to arrange an early meeting with the Attorney General's of Maryland and Virginia to try to establish a workable solution to questions raised about the Commission's Legal Right to collect taxes; to resolve authority over certain marketing problems; right to require buyer's records and reports; and any other problems that now concern the Commission.

The Attorney General of Virginia, due to the many current obligations, asked that he be excused unless our meeting could be postponed. The Committee felt that we should move now. The Attorney General of Maryland agreed to meet with the Committee in La Plata, Maryland, at 11:00 A. M., Wednesday September 15, 1965, in the office of Special Assistant Attorney General Digges.

Report of that meeting follows: (Lapsed time of meeting approximately one hour and forty five minutes.)

SUBJECTS DISCUSSED:

1. Legal opinion regarding the Potomac River Fisheries Commission's Authority over the buying and marketing of Seafood caught in the Potomac River under the Commission's jurisdiction.

The opinion is still the same. There is sufficient authority in the Compact to accomplish the collection of oyster taxes and of the compilation of reports on Oyster catches in the Potomac River Jurisdiction by the State of Maryland and Virginia and their respective agencies charged with administering the Seafood Laws. New law passed by the Maryland Legislature in the 1965 session requires seafood buyer's licenses to be obtained by residents as well as non-residents.

Conclusion: Any break-down in the process, apparently due to the lack of cooperation and/or communication between Commissions, Departments, and/or their field forces.

Remedy: Taken under advisement.

- II. Present boundary lines should stay as now indicated in the Compact until study has been completed by the Commission.
- III. The formation of a Commission to review the Compact met with disapproval on the basis that more time should pass to accumulate more experience under normal operating conditions.
- IV. Titling of Virginia boats in Maryland was discussed. Conclusion not reached; however, it appears to be in the hands of the Commission of Chesapeake Bay Affairs for any action.

Respectfully Submitted,

(SIGNED) K. Thomas Everngam
Legal Officer

(SIGNED) Lewis Jones, Jr.
Commissioner

(SIGNED) Jeremiah Valliant
Commissioner "

Commissioner Valliant offered motion, seconded by Commissioner Ball, that the above report be accepted and approved. Motion carried.

Chairman Byrd requested Executive Secretary to report at next meeting concerning any problems related to collection of Oyster Buyer's Weekly Reports and payment of or collection of 20% per bushel Oyster Inspection Tax.

A full transcript of the proceedings of the joint meeting of law enforcement personnel held September 23, 1965, at Potomac Beach, with Dr. Byrd and Mr. Hickman presiding, was presented each Commissioner. The record was accepted and ordered filed with other records of the Commission. Chairman Byrd asked Mr. Everngam to check on any question left partially unanswered at the meeting and report at subsequent meeting on any remedies needed.

Under new business the question of posting bond with an Inspector in lieu of planting cargo of oysters (which had been found to contain more than 5% unculled oysters) was discussed. It was agreed that the Potomac River Fisheries Commission does not desire to change its regulation on "posting bond in lieu....." at this time.

Chairman Byrd appointed Mr. Hickman, a committee of one (1), to study question of "posting bond and/or confiscation of cargo", and report at next meeting.

A letter dated September 24, 1965, from Chairman Egbert L. Quinn, Seafood Committee of the Maryland Legislative Council, requesting the Commission to permit the setting of stake gill nets parallel to shoreline, was read. This request was submitted at the behest of the Charles County and St. Mary's County Watermen Associations.

After consideration of the request, Commissioner Jones offered a motion, seconded by Commissioner Valliant, that the Potomac River Fisheries Commission reaffirm its position relative to setting of stake gill nets, and that Executive Secretary shall so advise the Chairman of the Seafood Committee and give reasons why this regulation was adopted in the first place.

Commissioner Jones offered a motion, seconded by Commissioner Valliant, that to bring Mrs. Kathryn P. Hopkins, Office Secretary, salary in line with similar position in Maryland and Virginia, that her salary be increased from a present scale of \$3960.00 annually to \$4560.00 annually - the monthly increase to be effective October 1, 1965. Motion carried.

Executive Secretary reported that two range markers

have been placed on the Virginia shore indicating the Charles - St. Mary's Counties line across the Potomac River.

Chairman Byrd recognized Mr. Dunnington, Research Associate from Chesapeake Biological Laboratory, Solomons, Maryland, who reported on the September 21st-23rd joint survey made with Dr. Andrews, of Virginia Institute of Marine Science, of oyster bars and shell plantings, using the Maryland boat ORION. He reported that Ragged Point bar has made a splendid recovery population-wise but wants the Commission to know that the optimum gain in volume is being lost by taking the present $2\frac{1}{2}$ to $3\frac{1}{4}$ inch oysters; that in another year, they would produce so much more in volume (if not lost because of disease, etc.). No MSX found at Ragged Point and no positive identification of MSX on Jones Shore shell plantings, but there is heavy MSX in Cornfield Harbor. He said lower Potomac is a fringe area for MSX, but it is unlikely that it will extend farther up river. He recommends moving Jones Shore seed - be moved in Spring of 1966.

Chairman Byrd invited Mr. Dunnington to next meeting of the Commission to be held in College Park, Maryland on November 20, 1965 to discuss and offer recommendations on oysters in the Potomac, the closing of any oyster rocks and other pertinent matters. Mr. Dunnington accepted and requested that Dr. Andrews, of Virginia Institute of Marine Science, be included. Dr. Byrd agreed.

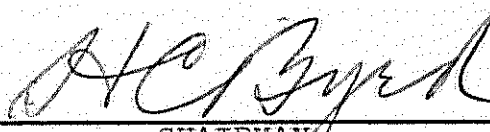
Commissioner Jones asked Mr. Dunnington about moving oysters from above Route #301 Bridge down to areas in middle river, and if done, would they grow faster. Mr. Dunnington recommended that oysters in these areas not be moved: (1) for it is suspected that they act as brood stock for such good market-producing bars as Swan Point, Cedar Point and others farther down river; (2) they are a valuable source of disease-free oysters for experimental use; (3) that the volume of oysters produced would be relatively unimportant, because the area involved probably does not involve more than about 50 acres; (4) that if the cull size was reduced, a mining operation would result and the bars would be stripped, because recovery is very low in this area; and (5) if kill from a freshet threatened, there would be plenty of time to move the stock.


Mr. Dunnington congratulated the Commission on the highly successful and fruitful result realized from requiring seafood catch reports from individual licenses. He strongly urged that soft shell clam be included with all other fisheries catch reports.

***** Commissioner Jones offered motion, seconded by Commissioner Valliant, that statement from Southern Maryland Pile Driving Company, for \$371.40 for material and labor, be paid providing that it is agreed in writing with Mr. Henry Baumann, Jr., owner, that the contract will be continued. Motion approved.

Time and place of next meeting will be announced by Chairman Byrd for November 19 and/or 20, 1965.

Meeting adjourned.


CHAIRMAN


SECRETARY