

POTOMAC RIVER FISHERIES COMMISSION

Colonial Beach, Virginia

Friday, April 21, 1967

Mr. Jeremiah Valliant, Chairman, called the meeting to order at 10:08 a.m.

Members present: Commissioners H. C. Byrd, Milton T. Hickman, J. Clifford Hutt, Richard E. Lankford, Jeremiah Valliant.

Officers present: K. Thomas Everngam, Legal Officer; Cdr. Roy W. Rafter, Maryland Marine Police; Supervisor E. Ralph Dameron, Commission of Fisheries of Virginia; Robert M. Norris, Jr., Executive Secretary.

Visitors present: Honorable Calvin L. Compton, Delegate Charles County, Maryland; Press representatives: Miss Isabel Gough, Mrs. Agnes Cooke, Messrs. John Frye and John Moser.

Mr. Valliant welcomed Mr. Richard E. Lankford as a member of this Commission. Mr. Calvin L. Compton, Delegate from Charles County, Maryland was introduced.

Dr. Byrd asked whether the paragraph on Page 2 of Minutes of February 17, 1967 meeting conveys what was intended to be the expression of the Commission. (This paragraph describes Mr. Jones' report on the proposed PEPCO power plant, at Morgantown, Md., and the position taken by the Commission concerning the operation of plant and its effect on fisheries.)

Mr. Hickman offered motion, seconded by Mr. Hutt, as follows:

"That Minutes of the last meeting be approved, and if Dr. Byrd wishes to amend the above-mentioned paragraph, that his amendment be accepted." Motion approved.

Whether the jurisdictional line above Route #301 Potomac River Bridge should be marked was discussed, and Mr. Hickman offered the following motion, seconded by Mr. Hutt:

"That we request prices from engineering firms to determine the cost of marking the PRFC jurisdictional line on both sides of the river." Motion approved.

That portion of a letter dated February 15, 1967 containing a recommendation of the Maryland-Virginia Engineers and written by Mr. George H. Badger, Jr., Engineer of Commission of Fisheries of Virginia, was read: "We (the Engineers of Maryland and Virginia) recommend that in the area at the mouth of Coan River, a line be set from the true Maryland-Virginia boundary toward Great Neck Point, and that a line be set from the true Maryland-Virginia boundary to a point toward Hog Island, so that the Maryland-Virginia boundary line will be a continuous line. Also in the area of Yeocomico River, we recommend that a line be extended from the true boundary toward Lynch Point on the North side of Yeocomico River, so that the Maryland-Virginia line will be a continuous line.....". Mr. Hutt offered a motion, seconded by Mr. Lankford, as follows:

"The Commission is appreciative of the problem set forth in Engineers' report and of the efforts of the Engineers to obtain a solution, but whereas it is the opinion of the Commission that the boundary between Maryland-Virginia has been established by the Compact, the Commission feels that it is without jurisdiction to amend or alter the said line". Motion approved.

With reference to how and where oyster inspection tax can be collected on oysters being trucked to, and sold by tongers at inland points, Dr. Byrd offered a motion, seconded by Mr. Lankford, as follows:

"That the Chairman and Executive Secretary be appointed a Committee of two (2) to investigate this question and report back at next meeting using the resources of the Maryland Department of Chesapeake Bay Affairs tax collecting and auditing department". Motion approved.

April 17, 1967

Copy of letter of February 24, 1967 from Mr. Paul W. McKee, Director of Maryland Department of Water Resources, addressed to PEPCO, was read. Said letter follows:

"February 24, 1967

Mr. L. W. Cadwallader
Vice President - Generating
Potomac Electric Power Company
939 E. Street, N. W.
Washington, D. C. 20004

Dear Mr. Cadwallader:

The Department of Water Resources has received letters from the Potomac River Fisheries Commission addressed to the Department and to the Potomac Electric Power Company stating that the Potomac River Fisheries Commission opposes the construction of the plant at Morgantown until such time as the Commissioners have been assured and satisfied that the operation of the plant at Morgantown will not endanger the preservation of the fisheries in the Potomac River.

The Department of Water Resources endorses the position taken by the Potomac River Fisheries Commission and wishes to inform you that the Department of Water Resources will not issue any permits to Potomac Electric Power Company for a steam electric generating facility at Morgantown on the Potomac River until PEPCO has assured and satisfied this Department as well as all other State and Interstate agencies having management responsibilities in this area of the Potomac River that the operations of the proposed plant at Morgantown will not adversely affect the fisheries and aquatic life in the Potomac River.

Very truly yours,

Paul W. McKee
Director"

Mr. Valliant then reported further on efforts to evaluate the probable effects on the Potomac River of the cooling water from the PEPCO plant; that he and the Executive Secretary had attended several meeting in Annapolis relating to this problem in that research done by the Chesapeake Biological Laboratory on the operation of the PEPCO plant in the Patuxent River was under discussion. A first conference on March 8th was attended, and at this meeting Drs. Cronin and Mihursky presented their interim progress report on "Patuxent Thermal Studies". Pepco officials, Maryland Department of Water Resources and Chesapeake Bay Affairs representatives, Academy of Natural Sciences of Philadelphia personnel employed by Pepco and others were present. A second conference was attended on March 30, 1967, with roughly same people, at which Pepco presented its findings. Both meetings were conducted by Paul McKee, Director of Maryland Department of Water Resources. Mr. Valliant remarked that at this meeting, he suggested to all biologists, scientists, engineers and other professional people reporting and using strictly technical expressions, definitions and terms, that they couch their reports in terms understandable to lay people. Mr. Valliant said that when asked by Director McKee for any further remarks or comments, he urged that all the agencies and personnel, including Pepco, working on this project (Potomac as well as Patuxent), cooperate and try to arrive at unanimous conclusions and recommendations. Mr. Valliant further reported that he spent an hour or more at lunch explaining the situation with Mr. Cadwallader, Pepco Vice-President in charge of generating (New Potomac Plant) and feels that we may expect cooperation from him on keeping us posted with information about plant and studies. He is confident that Mr. Cadwallader understands that PRFC is not opposed to construction of the generating facility per se (i.e., unqualified opposition) but does want to be satisfied about the effects on marine life and the ecology of the river in general; that the PRFC opposes any effluent from this plant, until Pepco can demonstrate and guarantee that the seafood resources will not be adversely affected. He said that Pepco is having a hydraulic model built to determine the physical effects of its cooling water and sewage being deposited in the River.

Mr. Valliant advised the Commission of the recent death of the wife of Mr. John C. Widener, Chief Engineer of Maryland Department of Chesapeake Bay Affairs. Mr. Hickman offered a motion, seconded by Mr. Hutt, as follows:

"That on behalf of the Commission, Legal Counsel draw a resolution of sympathy to send Mr. Widener concerning his recent loss and that a copy be spread on the Minutes of this meeting." Motion approved. Resolution as adopted follows:

"RESOLUTION OF RESPECT"

The Members of the Potomac River Fisheries Commission do hereby express their sorrow and condolences to John C. Widener, Chief Engineer, State of Maryland, Department of Chesapeake Bay Affairs, on the recent loss of his wife, Mrs. John C. Widener. It is with a real sense of sorrow on his extreme loss that the Commission members and staff offer this Resolution of Respect to her memory. The Executive Secretary was directed to spread a copy of this Resolution on the Minutes of the Potomac River Fisheries Commission and to send a copy to our respected fellow worker and friend John C. Widener.

Potomac River Fisheries Commission

By Robert M. Norris, Jr.
Executive Secretary

Passed April 21, 1967."

Executive Secretary reported that to date 73,890 bushels of seed have been purchased from Virginia waters and planted on areas in the Potomac River selected and approved by the following group, which met March 2, 1967; Messrs. Elgin A. Dunnington, Jr. and Dave Drobeck, of Chesapeake Biological laboratory; Fred Seiling, Harold Davis and Paul C. Wentzell, of Maryland Department of Chesapeake Bay Affairs; Dr. Jay D. Andrews, Virginia Institute of Marine Science; Charles Bagnell, A. T. Rowe, Ralph Dameron, of Commission of Fisheries of Virginia; Mason Fisher, Waterman and R. M. Norris, Jr.

In answer to a question, Executive Secretary said this same Committee has been planning the rehabilitation program on the Potomac for the past several years and in so doing has recommended the areas, acreage, number of bushels of seed per acre and count per bushel. Also that this committee had the benefit of results of a survey of oyster bottoms made January 23 thru 25 inclusive by the Maryland Department of Chesapeake Bay Affairs.

Quotes were read on cost of reef shells planted in accordance with recommendations of above committee from two suppliers as follows:

C. J. Langenfelder & Son, Inc. 300,000 to 500,000 bu.
 @ \$2.75 per cu. yd.
(Work to be completed prior to May 8, 1967)

Radcliff Materials, Inc. 300,000 to 500,000 bu.
 @ \$3.46 per cu. yd.
(Work to be completed late May or early June)

Mr. Hutt offered motion, seconded by Mr. Lankford, as follows:

"That the low bid on shells will be satisfactory." Motion approved.

Dr. Byrd offered motion, seconded by Mr. Hickman, as follows:

"That Chairman be authorized to talk with Maryland Commission on all details on dredged shells and oyster problems above Route #301 Bridge, and report back to Commission with recommendations." Motion approved.

Mr. Everngam discussed briefly some proposed modifications in regulations, text of which had been mailed to Commissioners several weeks ago.

Mr. Hutt offered motion, seconded by Dr. Byrd, as follows:

"That the Commission consider some of the proposed regulations in executive session." Motion approved.

Mr. Hutt offered motion that the meeting be adjourned into an executive session. Motion approved at 11:50 a.m.

At 12:05 p. m. the Commission went into executive session with Legal Officer, Executive Secretary, Cdr. Rafter and Inspector Dameron present.

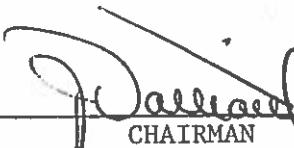
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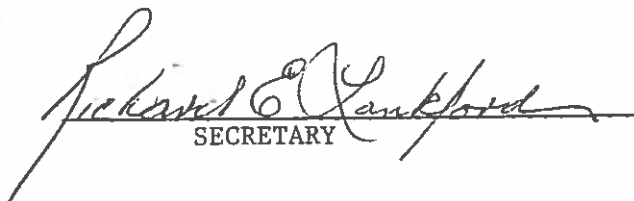
Then followed a lengthy and broad discussion about possible haul seining regulations. Mr. Hutt offered motion, seconded by Mr. Hickman, as follows:

"That Legal Counsel be directed to make a feasibility study of haul seine regulations, and if feasible, draft a proposed regulation for the establishment of haul seine berths in Potomac River and submit a copy of said proposal to each member prior to next meeting; or, if he finds it not feasible so to do, to submit to Commissioners a report of the status and his reasons for not being able to complete this assignment." Motion was approved with Dr. Byrd voting "No".

Chairman Valliant said that further consideration of proposed regulations would be delayed until next meeting.

The next meeting will be held Friday, June 16, 1967 at 10:00 a.m.


CHAIRMAN


SECRETARY