

PRESENT - MEMBERS: Commissioners Richard E. Lankford, Milton T. Hickman, William P. Hunt, Lawrence O. Hayden, J. Clifford Hutt, Donald E. Hood.

OFFICERS: K. Thomas Everngam, Legal Officer; Robert M. Norris, Jr., Executive Secretary.

VISITORS: Dr. L. Eugene Cronin, Maryland Natural Resources Institute; Mr. Elgin A. Dunnington, Jr., Chesapeake Biological Laboratory, Dr. William J. Hargis, Jr., Virginia Institute of Marine Science; Dr. J. Harmic, Delaware Fish and Game Commission; Mr. Thomas Hickman, Mr. S. M. Rogers.

The Chairman, Mr. J. Clifford Hutt, called this informal session of the Commission to order, explaining that it provided only a preliminary run-through, giving everyone the opportunity to see what is on the agenda; that perhaps there are some things not on the agenda that some of the Commissioners would like to have added before tomorrow; that there would be no formal action tonight at this briefing session.

Relative to item "Consideration of proposed oil refinery and Free Port at Piney Point", Commissioner Hood explained that inasmuch as he works for a company that may, at some future date, be involved in building contracts related to Steuart Petroleum Company, to avoid even the suggestion of a conflict of interest, that he would like to be excused from participating in or being present during discussion now or in the future when said refinery is under consideration. The Chairman said he understands there is no conflict of interest when a person exposes the problem and does not vote. However, after discussion, the Commission deferred to Mr. Hood's wishes and judgment in this matter.

Itemized list of disbursements for July and August were studied.

The number of days river should be open for tonging was discussed. Representatives from the Chesapeake Biological Laboratory and the Virginia Institute of Marine Science suggested the 1968-69 season catch cannot be predicted accurately for much depends on harvest efforts.

Dr. Cronin suggested that, in light of the study commission appointed to review the 1958 Compact, the Commissioners might wish to consider preparing an analysis of what the Commission has accomplished and what it wants accomplished in the future.

At 10:20 p.m. Commissioner Hood left the meeting, when Mr. Hutt announced review of status of the proposed oil refinery and Foreign Trade Zone at Piney Point.

Dr. Cronin reviewed briefly discussion on this subject which occurred this a.m. at meeting of Board of Natural Resources; and Dr. J. Harmic, of the Delaware Fish and Game Commission, spoke briefly giving his opinion of the condition of the Delaware River, as related to effects of refineries and other allied industrialization there.

At 11:47 p.m. the informal session was recessed to re-convene at 10:00 a.m. the following morning.

10:00 a.m. Tuesday, September 10, 1968

Mr. Hutt called the meeting to order in the Town Hall in Colonial Beach, Virginia.

PRESENT - MEMBERS: Commissioners Richard E. Lankford, Milton T. Hickman, William P. Hunt, Lawrence O. Hayden, J. Clifford Hutt, Donald E. Hood.

OFFICERS: K. Thomas Everngam, Legal Officer; Robert M. Norris, Jr., Executive Secretary.

VISITORS: William T. Saul, Chief Engineer, Mr. Robert Smith, Attorney and Mr. Ralph Dudley, of Steuart Petroleum Company; Elgin Dunnington, Jr., Dr. W. J. Hargis, S. M. Rogers, T. A. Hickman, M.A. Thorne, Marjorie Thorne, Enos Richardson, Jr., Rod A. Coggin, Dorothy Turner, R. Marshall, R. Carter Wellford, Howard Schlereth, W. S. Andress, F. G. Augustine, R. Rinke, H. Rinke, Frederick Tilp, Edwin Beitzell, Mr. and Mrs. Clarence Biscoe, J. H. Morris, III, Marietta Kincannon, James Ficklin, H. Kirk Swann, Elizabeth Dos Passos, John Dos Passos, Lucy Dos Passos, Ross Applegate, Calvin Sanford, William Thour, J. H. Jester, J. Paul Kieling, Mr. and Mrs. Charles Henderson, Mr. and Mrs. Clifford Presnall, Mr. and Mrs. Walter Thomas, Mulvy J. Thomas, Mrs. J. F. Dalton, Capt. J. F. Dalton, John Springer, William O'Brien, Carl McNeal, Francis Russell, Harry Stine, Willard Dutton, Felix Johnson. Press representatives were Isabel Gough, Agnes Cooke, Barbara Stuart, John Frye, R. Claxton, Hank Burchard, William Spaven. In addition to those named, there were approximately 30 more where names we were able to get.

Chairman Hutt said that item on the agenda "Consideration of Proposed Oil Refinery" would be considered first. At this point, Commissioner Hood retired from the meeting for reasons previously assigned. Mr. Hutt then introduced Mr. Saul, who presented his statement on the proposal of his company, outlining their plans for the future in general terms, and answering questions which came from the spectators and the Commissioners from time to time until 10:45 a.m. After this, there was a period until 11:35 a.m., during which time the Commissioners, the Chesapeake Biological Laboratory and the Virginia Institute of Marine Science representatives and Dr. Harmic asked questions of Mr. Saul and Mr. Smith, and a general detailed discussion took place regarding what Mr. Saul had presented.

At this point (11:35 a.m.) Mr. Hutt said that due to limited time available for the remainder of the agenda to be considered at this meeting, that there would be no questions and answers. However, the following persons were given as much time as they desired to make statements:

Mr. Carter Wellford, Warsaw, Va.
 Mr. William O'Brien, St. Mary's Co., Md.
 Mr. H. J. Schlereth, Mt. Holly, Va.
 Mr. Ross Applegate, Colonial Beach, Va.
 Mr. Andrew McCutcheon, Fredericksburg, Va.
 Mr. Enos Richardson, Loretta, Va.
 Mr. David Sayre, President St. Mary's Co. Waterman's
 Asso., St. George Island, Md.
 Mr. J. W. Dutton, White Plains, Md.
 Mr. Clifford Presnall, Coles Point, Va.
 Mr. Harry Stine, President CBSIA, Cobb Island, Md.
 Mr. M. A. Thorne, Tucker Hill, Va.
 Mr. J. W. Ferguson, President Va. Oyster Packers Asso., and
 President Va. Oyster Packers & Growers
 Asso., Remlik, Va.
 Mr. J. H. Jester, Councilman, Colonial Beach, Va.

All of the foregoing persons listed expressed complete opposition to a refinery, Foreign Trade Zone and an industrial complex at Piney Point.

Mr. Hutt offered Mr. Saul time to reply to the above. Mr. Saul explained that he thought people were misinformed as to Steuart Petroleum Company's operation and proposal; that they have been operating for 19 years with a clean record and issued a general invitation to anyone and to all to arrange an appointment and they would be welcome to visit the present plant at Piney Plant, and he would be glad to show them everything about this plant.

Mr. Hutt read letters from the following opposing the construction of an oil refinery and establishment of Foreign Trade Zone and complex at Piney Point:

Oyster Institute of North America
Richmond County, Virginia Planning Commission
Delegate Walther B. Fidler, Richmond, Westmoreland
Northumberland and Lancaster Counties, Va.
St. Mary's County Citizens Association

Mr. Hutt declared the meeting recessed at 12:35 p.m. from the Colonial Beach Town Hall to re-convene immediately in the headquarters office of the Potomac River Fisheries Commission for consideration of the agenda items "oil refinery" and "tonging days per week" respectively in order to have a quorum, as Mr. Lankford had to leave.

The following were present: Commissioners Hayden, Hickman, Hunt, Hutt and Lankford, with Commissioner Hood remaining absent from the assembly during the ensuing discussion on the oil refinery proposal at Piney Point.

Also present were K. Thomas Everngam, Legal Officer and Robert M. Norris, Jr., Executive Secretary.

The five Commissioners considered in detailed discussion the question of the proposed refinery, Foreign Trade Zone, pier extension, as related to the Potomac River. The following Resolution was offered by Mr. Hickman, seconded by Mr. Lankford, as follows:

"Be It Resolved That, the Potomac River Fisheries Commission does hereby oppose the extension of the size, scope, or function of any petroleum facility at Piney Point in St. Mary's County, Maryland, because the Commission believes that such an extension will be detrimental to marine resources of the river and will not be compatible with the use of the river for the conservation, repletion and production of seafood, and the Executive Secretary is hereby instructed to send copies of this Resolution to all pertinent governmental agencies." Motion approved by unanimous vote of all five Commissioners present and voting.

Commissioner Hood was not present during the public hearing, and was not present and did not participate in any part of the consideration and the vote on the foregoing Resolution.

At this time (1:15 p.m.) the meeting was recessed for lunch and re-convened at 2:25 p.m. with the following Commissioners present: Messrs. Hutt, Hood, Hunt, Hickman, Hayden. (Absent: Mr. Lankford) Officers present were Messrs Everngam and Norris, Jr., Visitors present: Mr. J. W. Ferguson, Dr. W. H. Hargis, Dr. Morris Brehmer, Mr. T. D. McGinnis, Mr. Elgin Dunnington, Mr. J. William Ryland, Lt. P. C. Wentzel, Mr. E. E. Dameron, and press members were R. Claxton, Free Lance-Star; Hank Burchard, Washington Post; William Spaven, Richmond Times-Dispatch; Miss Isobel Gough, Richmond News Leader; John Frye, National Fisherman; Mrs. Agnes Cooke, Northumberland Echo.

Mr. Hickman offered a motion, seconded by Mr. Hayden, as follows:

"That the Minutes of the meeting held July 18 and 19, 1968 as mimeographed and distributed to each Commissioner prior to this meeting be approved as written, with the proper correction being made in the spelling of Mr. Hutt's name." Motion was approved.

Mr. Hutt reported that Mr. Widener and Mr. Sinclair, Chief Engineers of the Maryland and Virginia Commissions had partially completed placing temporary markers on the missing jurisdictional line marker stations, and that The Cox Construction Company, who will drive the markers, advise they expect to begin work on or before September 15th.

The Chairman asked for consideration of the agenda item concerning number of tonging days to be allowed in each week with the opening of the season October 1st. Mr. Hutt prefaced this by explaining that for the past two years, it has been necessary to restrict the tonging days to prevent a glut of shell stock and a resultant waste of oysters, especially in the event of unseasonable hot weather.

After full discussion of whether the number of days per week for tonging should be restricted to less than five (5) days beginning with October 1st until circumstances indicate to the Commission that no further conservation or health requirement purposes will be served, and after review of similar problems during the beginning of the 1966-67 and 1967-68 seasons, review of current factors by the two states marine laboratories and industry spokesmen who were present, motion was offered by Mr. Hunt, seconded by Mr. Hood as follows:

"That the Commission does hereby close the Potomac River for the taking or catching of oysters on Monday, Friday and Saturday of each and every week hereafter, beginning Tuesday, October 1, 1968 until further notice."

Industry spokesmen asked for Monday for tonging, saying that the necessary carryover of shell stock for shucking on the following Monday and Tuesday constituted a problem to the packing houses. After full discussion the above motion was approved unanimously.

The Commission agreed that it would not be necessary to call a meeting to add additional days for tonging; that the Chairman and Executive Secretary could keep the Commissioners advised of conditions and when the situation appears to warrant such action, that same can be accomplished by telephone agreement between the administration and the various Commissioners.

Mr. Hickman offered a motion, seconded by Mr. Hood, as follows:

"That the Executive Secretary pursue the matter of leasing an automobile with the Virginia State Highway Department and is authorized to lease a vehicle, if available." Motion approved unanimously.

Mr. Hunt offered a motion, seconded by Mr. Hayden, as follows:

"That itemized disbursements for July 1968 totaling \$5,310.16 and itemized disbursements for August 1968 of \$4,022.65 plus transfer of funds amounting to \$30,000 from checking account to interest accounts of \$15,000 each to the Bank of Westmoreland, Inc. passbook saving account and on Certificate of Deposit with Peoples Bank of Montross be approved." Motion was adopted.

The Commission agreed to have the next meeting Saturday, November 16, 1968 at 3:00 p.m. in Baltimore, Maryland - the place to be determined by Executive Secretary.


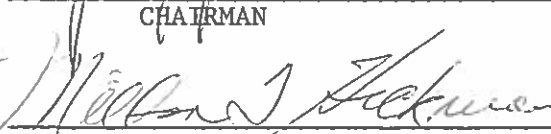
Mr. Hood offered a motion, seconded by Mr. Hunt that this Commission approve the Peoples Bank of Montross, Montross, Virginia as a depository for Commission funds."

Mr. Hutt reported receipt of letter from Bank of Westmoreland, present owner of the building occupied by the Commission, requesting that in lieu of \$110.00 per month rent including fuel oil for heating furnace, that the agreement beginning October 1, 1968 for occupancy of the building by the Commission be on the basis of \$100 per month rent with the PRFC paying for heating oil for furnace. Mr. Hickman put this in the form of a motion agreeing to the bank's request; the motion was seconded by Mr. Hayden, and duly approved.

Mr. Hood offered a motion, seconded by Mr. Hickman, as follows:

"That the Executive Secretary be authorized to hire a competent engineer to supervise, on behalf of the Commission, the installation by The Cox Construction Company of the 33 jurisdictional line markers according to contract specifications; that Mr. Johnson, an engineer with the Maryland Department of Chesapeake Bay Affairs, be requested to do this, and if he is not available, to take steps to employ such an individual wherever available." Motion was approved.

The meeting adjourned at 3:40 p.m.


CHAIRMAN

SECRETARY