

POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
JUNE 20, 1969

201

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

OFFICERS: K. Thomas Everngam, Legal Officer; Robert M. Norris, Jr., Executive Secretary; Cdr. Roy W. Rafter and Lt. Paul C. Wentzell, of Maryland Marine Police; Chief J. William Ryland and Supervisor E. Ralph Dameron, of Marine Resources Commission of Virginia; Elgin A. Dunnington, Jr., of Chesapeake Biological Laboratory; Thomas H. White, Chief Seafood Tax Auditor.

VISITORS: Messrs. Charles R. Bagnell, Marine Resources Commission; William S. Johnson, Department of Forests & Parks of Maryland; S. M. Rogers and W. Brooks Ballard, of Marine Resources Commission; Cox Brothers, of Nanticoke, Maryland; and representing the press: Charles McEwen, Horton P. Beirne, John Frye and Miss Isabel Gough.

Mr. Lankford, Chairman, called the meeting to order at 10:00 a.m. and stated that this portion of the meeting would be devoted to a public hearing on proposed new regulation as advertised for this date. After reading the proposed regulation in full, he said that anyone opposing would be heard; there was no response from those present. Mr. Lankford then offered the floor to anyone in favor, and Mr. William S. Johnson, of the Maryland Department of Forests and Parks, spoke in support of the regulation, which proposed to restrict commercial crabbing and fishing within 200 yards of any public bathing beach during the months of May - September inclusive annually. Mr. Lankford then asked if anyone else wished to speak for or against the proposed regulation. No further comments were offered.

Mr. Lankford thereupon declared the public hearing session closed and asked for consideration of the Minutes of the meeting held May 2, 1969. Upon reading the Minutes, Mr. Hutt offered the following motion, seconded by Mr. Hayden, as follows:

"That the Minutes of the meeting held May 2, 1969 be approved as read." Motion was approved.

Mr. Lankford submitted a final report on the 1969 spring seed planting showing that 46,769 bushels of Virginia seed oyster had been purchased at a total cost of \$83,521.50, and planted on six selected natural oyster bars; the average cost being \$1.78 per bushel overboard.

The Executive Secretary said that requests for bids for reinstalling the jurisdictional line markers above Route #301 Bridge to Mattawoman Creek and Occoquan Bay had been sent to six contractors after the last meeting and that two had responded. These two bids were opened, and the bid proposals showed McLauchlan Construction Corporation, of Richmond, Virginia, submitting a base bid of \$15,340.00 and Cox Brothers, of Nanticoke, Maryland, submitting a base bid of \$14,448.00 for this work.

After some discussion concerning the specifications on the work and supervision of same, with the Executive Secretary saying he expected to have Mr. Chapman Thompson as supervisor, Mr. Hutt offered a motion, seconded by Mr. Hayden, as follows:

"That this Commission accept the base bid offered by Cox Construction Company of \$14,448.00, as per recent invitation to bid, and that the Chairman and Executive Secretary be authorized to execute a contract with the said Cox Construction Company for

this work to be done as soon as possible." Motion approved.

It was brought to the attention of the Commission that the Chesapeake Bay Affairs already has the channel marked in Nanjemoy Creek, and that the intermediate marker on the jurisdictional line at the mouth of Nanjemoy Creek will replace the outside buoy marked now installed there. Since this stationary marker will be lighted, the Chairman said he would discuss with Mr. Marshall Cook, Chief Engineer for Chesapeake Bay Affairs, an arrangement whereby CBA install and maintain this light as part of the navigation aid system in Nanjemoy Creek now maintained by the Chesapeake Bay Affairs.

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

"That the Potomac River Fisheries Commission install the intermediate marker on the jurisdictional line in mouth of Nanjemoy Creek and have the ladder and stand for light installed by Cox Construction Company at cost of PRFC, with the light to be furnished, installed and maintained by the Maryland Department of Chesapeake Bay Affairs, subject to the approval of this proposal by the said department." Motion approved.

Mr. Everngam gave an oral status report on the PEPCO canal dredging at Morgantown, saying that letters, as authorized at the last meeting, had been written to Mr. Paul McKee, Director of the Maryland Department of Water Resources, and to the Maryland Board of Public Works, outlining estimated damages to producing oyster and soft shell clam bars in the areas where the canals will be dug. Estimated damages had recently been ascertained by a survey made by the Chesapeake Biological Laboratory at our request. Copies of these letters had been sent to the Commissioners and certain other officials, and the letters included statements documenting conservatively the damage that would ensue over a 50 year period. Mr. Everngam said that acknowledgments had been received, but that the permit has now been issued by the Department of Water Resources to PEPCO authorizing the canal dredging. The acknowledgments indicated that there would be no damage to natural oyster and soft shell clam population as a result of appropriation of the bottom.

Mr. Lankford asked for consideration of the proposed regulation, as discussed at the public hearing earlier. Questions concerning how much area in the Potomac is involved in public beaches was ascertained to be the area at Point Lookout State Park, in Maryland, and Westmoreland State Park, in Virginia. It was also brought out that the proposed restriction is the same as applies by regulation in other Maryland tributaries. Mr. Hutt offered a motion, seconded by Mr. Hickman, as follows:

"That the Regulation, as advertised and read at the public hearing this morning, be adopted to be effective thirty (30) days from today, and that same read as follows: "Section 12(b). Crabbing and Fishing Near Public Bathing Beach. It shall be unlawful to commercially take or catch, or attempt to commercially take or catch crabs and fish within 200 yards of any public bathing beach during the months of May, June, July, August and September of any year. (Amendment adopted 6-20-69, effective 7-20-69)". The Chairman called for a vote, which is as follows. Affirmative: Mr. Hickman, Mr. Hunt, Mr. Lankford, Mr. Hutt. Mr. Hayden voted "No". Chairman declared the motion carried.

Executive Secretary reported that he, Mr. Hutt and Mr. Hickman had attended Corps of Engineers hearing held June 3, 1969 on the Steuart Investment Company application for additional piers at Piney Point, Maryland and that the position of the Potomac River Fisheries Commission had been given to the Corps in the public hearing by presenting the Resolution previously adopted by the Commission and re-affirmed at the May meeting regarding opposition to any extension of the present oil facilities at that point. Mr. Hickman said that he thought

that it significant that so much interest in Steuart's proposal on the part of Virginia and Virginians was shown, as evidenced by their attendance and statements at the meeting opposing the Steuart application. Those speaking to the question out of an attendance of an estimated 150 or more people were all opposed, with only Steuart's two representatives asking for approval by the U. S. Corps of Engineers. It was noted that the Maryland Legislative Council Subcommittee resolution opposing the refinery had recently been approved by the Subsommittee.

Chairman asked for consideration of the itemized list of disbursements showing \$3,535.59 for usual budget items, plus \$14,668.30 for seed oyster planting, totaling \$18,203.89. Mr. Hutt offered a motion, seconded by Mr. Hunt, as follows:

"That the disbursements for May 1969 totaling \$18,203.89 be approved." Motion was approved.

Mr. Lankford asked that there be an executive session of the Commission at this time for consideration of the proposed budget for 1969-70. All visitors left the room. Mr. Lankford presented itemized copies of a proposed budget for the fiscal year 1969-70 showing total estimated receipts of \$311,600.00, including an unexpended cash balance brought forward from the current fiscal year of \$100,000.00. The estimated expenditures of a like total amount included \$220,000.00 for development and repletion expenses. After consideration and discussion of the various items, Mr. Hutt offered a motion, seconded by Mr. Hayden, as follows:

"That the budget, as presented, be adopted for the fiscal year 1969-70 and that an itemized copy of the budget be attached to these Minutes and be made a part thereof." Motion approved unanimously.

The date of the next meeting of the Commission was set for Friday, September 19, 1969 at 10:00 a.m. at Colonial Beach, Virginia.

There being no further business, the Chairman declared the meeting adjourned.


CHAIRMAN


SECRETARY