

POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
SEPTEMBER 19, 1969

PRESENT - MEMBERS: Commissioners Richard E. Lankford, J. Clifford Hutt, Lawrence O. Hayden, William P. Hunt, Milton T. Hickman.
(Vacancy existing as to 3rd member from Maryland)

OFFICERS: K. Thomas Everngam, Legal Officer; Robert M. Norris, Jr., Executive Secretary; Roy W. Rafter, Paul C. Wentzell, and Thomas H. White, of Maryland Department of Chesapeake Bay Affairs; Elgin A. Dunnington, Jr., of Chesapeake Biological Laboratory; J. William Ryland, Charles R. Bagnell, E. Ralph Dameron and S. M. Rogers, of Marine Resources Commission of Virginia.

VISITORS: Press Members; John Frye, Mrs. Jackie Shinn, Miss Linda Stevens, Miss Isabel Gough and Horton P. Bierne. Others: John D. Diehl, Vice-President of Haynie Products, T. A. Hickman, James T. Russell, George T. Beitzell, Sam Bailey, Jr., Herman W. Dixon. Also, Russell Dow, Clam Dealer, Seabrook, N. H.

Mr. Lankford called the meeting to order at 10:00 a.m. and asked for consideration of the minutes of the last meeting held June 20, 1969. Copies of the minutes had been previously sent to each Commissioner. Mr. Hutt offered a motion, seconded by Mr. Hayden, as follows:

"That wording in motion in minutes of June 20, 1969 regarding Nanjemoy Creek lighted marker on PRFC-Maryland line is incorrect and should be written 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. Hutt offered a motion, seconded by Mr. Hayden, as follows:

9 "With the inclusion of the above correction that said minutes of the meeting of June 20, 1969 be approved." Motion approved.

The Executive Secretary said that Cox Construction Company reports receipt of steel piling for line marking and are preparing piling to start construction within a few days. Also that Mr. Chapman Thompson, a retired highway engineer, (who supervised similar work last year) has been employed to supervise the installation of the markers on behalf of the Potomac River Fisheries Commission.

Mr. Lankford said that it is the policy of the Maryland Department of Chesapeake Bay Affairs not to maintain lights on private aids to navigation. Mr. Hutt offered a motion, seconded by Mr. Hayden, as follows:

"That upon installation of said navigational aid light that the PRFC accept responsibility for maintaining the light on jurisdictional line marker in center of Nanjemoy Creek." Motion approved.

Mr. Hutt reported that he and Mr. Norris, along with many other citizens and representatives of civic groups and political sub-divisions had attended a recent meeting in the office

of the Secretary of Interior, with Under Secretary Dole presiding. This meeting had been arranged by Mr. Jess Malcolm, Executive Director of the Chesapeake Bay Foundation, to provide an opportunity for such representatives as the above to present their feeling about the Piney Point, Maryland oil quota application and refinery proposal. He said that he made clear the position of the PRFC as outlined by the resolution adopted by this Commission opposing any extension of the present facilities of Steuart Petroleum Company, at Piney Point. He said that the spokesmen for all the other groups, totaling an estimated fifty (50) or more people, indicated strong opposition to any approval by the U. S. Department of the Interior for the 100,000 barrel daily import quota application and also any oil refinery at this point. Mr. Lankford said that it had been impossible for him to attend this meeting due to prior commitments.

Each Commissioner was given an itemized list of disbursements for the months of June through August inclusive. Upon reading same, Mr. Hutt offered a motion, seconded by Mr. Hunt, as follows:

"That the disbursements for the months of June, July and August 1969 being \$5,056.46, \$4,018.98 and \$3,883.28 respectively be approved". Motion approved.

Mr. Lankford recognized members of a group representing the soft-shell clamming interests of St. Mary's County. Mr. George Beitzell said his group is asking the Commission to open for clamming the now closed area between Sheepshead Oyster Bar extending inshore to Dukehart's Creek between Waterloo and Colton Points, saying that most clams in other open areas of the Potomac are dead. Also that if this area could be opened there would be no conflict with crab potting due to season of year and that law enforcement needs would not be great. Mr. Herman Dixon said the clam and seafood industry needs this boost because of an anticipated light oyster harvest. In answer to a question, he said that about 20 boats (clam) are now operating. Mr. Sam Bailey, Jr. indicated that, without this area, the clam industry in the Potomac River would soon shut down.

Mr. Dunnington, of the Chesapeake Biological Laboratory, made several remarks indicating that adequate protection of Sheepshead Bar is not important, as it is one of the most productive bars in the river; that the area requested to be opened to clamming is a good oyster planting area; that it has been well known that the area in question contains harvestable quantities of clams; that it is a question of enforcing the conservation laws to protect the abundant oysters adjacent to this area, if open to clamming; that opening the area involves watching a line parallel to the shoreline, which is difficult to enforce; that he fears setting a precedent of "spot zoning" as opposed to the present broad separation of clam and oyster area; that all of this was recognized and taken into account when the clam areas were first established; he suggested that if may thus become necessary to open other oyster bars for the same purpose, and he feels that it is not feasible to "spot zone".

Mr. Lankford posed the question that, "Does this not boil down to a precedent for 'spot zoning' and opening and closing of areas?"

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

"That discussion on opening this area be set back to be further considered in executive session." Motion approved.

Mr. Lankford proposed discussion on question of limiting the number of days the river should be opened for tonging beginning October 1st. After consideration of the various influences (weather, supply and condition of oysters, possible number of tongs involved, production in other areas) Mr. Hayden offered a motion, seconded by Mr. Hutt, as follows:

"That the Potomac River be open for five (5) days each week for tonging oysters beginning October 1, 1969, Monday through Friday."

POTOMAC RIVER FISHERIES COMMISSION
BUDGET
Fiscal year July 1, 1969 through June 30, 1970

ESTIMATED EXPENDITURES:

PERSONAL SERVICE:

101	Compensation of: Commissioners	\$ 2,000.00
102	Executive Secretary	13,000.00
103	Legal Officer	5,000.00
108	Clerical help	17,000.00
112	Commissions to Clerks of Courts on license sales	600.00
199	Other personal services	400.00

CONTRACTURAL SERVICES:

201	Advertising	2,000.00
204	Postage	1,000.00
205	Telephone	1,500.00
208	Electric Current	300.00
209	Freight, express	75.00
212	Lease of equipment	75.00
214	Membership dues and subscriptions	250.00
216	Printing Regulations	100.00
220	Travel Expense	3,500.00
224	Photographic services - fish and clam charts	100.00
215	Contracts - replacing line markers	16,000.00
270	Repairs to equipment	50.00
301	Auto tires, parts	200.00
309	Fuel for heat	300.00
310	Gas, oil - auto	400.00
313	Office Supplies	1,200.00
330	Household furnishings and supplies	50.00
332	Printing license forms, plates	2,000.00

CURRENT CHARGES AND OBLIGATIONS:

218	Rent	1,200.00
240	(a) Surety bond premiums - employees and (b) Fire, liability and other insurance	600.00

PENSION AND OTHER CONTRIBUTIONS:

513	Employer's O.A.S.I. contributions	1,400.00
	Retirement	600.00
511	Group insurance	100.00

DEVELOPMENT AND REPLETION EXPENSES:

33	Seed oysters and/or shells	220,000.00
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CAPITAL OUTLAYS:

802	(a) Office and other equipment and (b) Furniture and fixtures	600.00
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CONTINGENCY FUND RESERVE:

20,000.00

TOTAL	\$311,600.00
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POTOMAC RIVER FISHERIES COMMISSION
BUDGET
Fiscal year July 1, 1969 through June 30, 1970

ESTIMATED RECEIPTS

UNEXPENDED CASH BALANCE BROUGHT FORWARD: \$100,000.00

SALE OF LICENSES:

61 Fish	\$ 3,500.00
63 Oyster	25,000.00
62 Crab	4,000.00
66 Clam	500.00

OYSTER BUSHEL INSPECTION TAX: 75,000.00

APPROPRIATIONS BY STATES:

Maryland	\$50,000.00	
Virginia	<u>50,000.00</u>	100,000.00

INTEREST ON SAVINGS: 3,500.00

REPLACEMENT OF LOST LICENSE TAGS, AND TRANSFER AND ADDITION OF OYSTER TONGING TAGS	<u>100.00</u>	<u>211,600.00</u>
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TOTAL \$311,600.00

The Chairman asked for any further comments, pro or con, concerning this motion. There being none, the motion was voted on and approved.

Mr. John Deihl, Vice-President of Haynie Products, Inc., operating a large pound net fishery, was recognized and asked for permission to install a few experimental square concrete poles, 12" x 12" x 65' long in some of their pound net stands, in order to test the feasibility of this equipment rather than continuing the use of same length wood poles. That, if these successfully withstand ice and wind during the winter, then his company would like to use the concrete poles exclusively. He said that 75 concrete poles will set a net instead of the 150 wood poles needed; that the wood poles are becoming very difficult and expensive to buy; that though originally the concrete stands would cost more to install than the \$1700 more or less annual cost of the permanent concrete poles amortized over a period of years would be much less on an annual basis; using concrete poles, they anticipate they can fish almost the year around with fewer and permanent crews, fewer and better boats and with less hazard to navigation. He said that the cost of seasonal crews, setting and pulling the wood poles, has made the cost of the present mode of fishing prohibitive. Mr. Deihl said that if the PRFC approves this proposal, his company will apply for approval of the U. S. Corps of Engineers and U. S. Coast Guard, and abide by their requirements and regulations.

Commander Rafter said that broken, leaning and drifting wood poles are a problem and a hazard to navigation. He said that if the concrete poles are made visible, they would be an improvement.

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

"That the Commission grant a permit to install up to six (6) experimental concrete 12" x 12" x 65' pound net poles, in one pound net location for a period of eighteen (18) months from October 19, 1969, designating Haynie Products, Inc. as our agency to test this research project to improve the conservation of the finfish industry." Motion was approved.

Mr. Sam Bailey, Jr. requested permission to use a hydraulic clam dredge and to tong oysters within 100 yards of the east side of Blakiston Island on Sunday, September 28, 1969, to be supervised by the Marine Police, and with all catch going back overboard as caught, in order to demonstrate to visitors and spectators how shellfish are harvested during the second annual "Blessing of the Fleet" to be held on Blakiston Island that day. Mr. Hutt offered a motion, seconded by Mr. Hayden, as follows:

"That Mr. Bailey's request to conduct a demonstration of catching shellfish on September 28, 1969, as outlined above, be approved." Motion approved.

Mr. Hayden extended to the Commissioners, and others, a cordial invitation to attend the "Blessing of the Fleet" ceremony on September 28th, and also to attend the annual "Oyster Festival", of St. Mary's County, in Leonardtown on Oct. 4, 1969.

Mr. Hickman said he understands that Dr. Byrd, a former Commissioner, is quite ill in the hospital and suggested that the interest, concern and best wishes of the Commission be conveyed to him. The Chairman ordered that the Executive Secretary communicate this to Dr. Byrd.

Mr. Dixon, a visitor, asked if the Potomac River Fisheries Commission has knowledge of, or is sponsoring, any water pollution studies in the Potomac. Mr. Lankford said that the Maryland Board of Water Resources conducts regular water quality sampling.

After asking if there was any other business to be brought before the Commission, Mr. Lankford declared a recess and

that the Commissioners, Legal Officer and Executive Secretary would reconvene in ten minutes for an Executive Session.

At 11:47 a.m. the Commission went into Executive Session. A lengthy discussion on the request of the soft-shell clammers took place. Mr. Hutt offered a motion, seconded by Mr. Hickman, as follows:

"That the application from soft-shell clammers to open the area inside Sheepshead Bar and between Waterloo and Coltons Points, Maryland to soft-shell clamming be denied." Motion was approved unanimously.

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

"That the Vice-Chairman and Executive Secretary be authorized to check two (2) areas now closed to clamming; i.e., the areas shown on clam charts as "Area P" running from Coan River to Smith's Point on the Virginia Shore, and "area C" in front of St. George's Island, Maryland, to determine if a marketable population of soft shell clams exists therein, and if so, the Vice-Chairman and Executive Secretary be authorized to open said areas for hydraulic dredging of soft-shell clams." Motion approved.

Executive Secretary reported that a Mr. Booth, Burgess, Virginia, has offered us seed struck on 20,000 bushels of shell plants at \$1.50 per bushel F.O.B. Great Wicomico River, Northumberland County, Virginia. The Commission decided not to offer to buy these seed oysters.

The next meeting is to be called by Mr. Lankford and the time and place to be announced by him.

There being no further business, Mr. Lankford declared the meeting adjourned.


CHAIRMAN


SECRETARY