

POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VA.
DECEMBER 19, 1969

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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; Lt. Paul C. Wentzell, of Maryland Marine Police; Chief J. William Ryland, Supvr. E. Ralph Dameron, C. R. Bagnell, Repletion Officer, and S. M. Rogers, Engineer, of Marine Resources Commission of Virginia; M. M. Cook, Engineer of Maryland Department of Chesapeake Bay Affairs; and Elgin A. Dunnington, Jr., of Chesapeake Biological Laboratory.

VISITORS: Horton P. Bierne, M. S. Kilpatrick and John Frye, Press representatives.

Mr. Lankford called the meeting to order at 9:00 a.m. and asked for consideration of Minutes of last meeting held September 19, 1969, remarking that mimeographed copies of said minutes had been sent to all Commissioners prior to today. There being no objection or corrections, Mr. Lankford declared the Minutes approved as written.

Mr. Norris reported that Cox Construction Company completed, early in October, as per contract, the jurisdictional line marking from Route #301 Bridge through Occoquan Bay and Mattawoman Creek. He noted that the intermediate lighted line marker in center of Nanjemoy Creek (between Upper Cedar Point and Riverside markers - a distance of approximately three miles) could not be placed exactly on the line due to a greater depth of water (20 to 25 feet) than had been anticipated at this location. After conferring, the engineer, the contractor and the executive secretary thought it best to place the marker a short distance inside the line in water reasonably shallow enough to minimize the danger of ice pushing the marker out. This line being completely in Maryland waters, and not a state line, made it seem that a slight deviation in the three (3) mile stretch across the mouth of Nanjemoy would not be as critical as the certainty that if the installation was in deep water, ice would damage or destroy it. However, after the marker was driven, it developed that it is 900 feet inside the true jurisdictional line, a greater distance than had been anticipated to be needed for safety.

Mr. Cook, the Maryland Engineer, said that a spar buoy has since been placed on the line proper, where the lighted piling was planned, and suggested this substitution might be satisfactory since the buoy would give a back-up range in line with the shore markers.

Discussion revealed that the Commissioners felt that the PRFC should not be identified with the lighted marker outside of its jurisdiction and inside the Maryland tributary of Nanjemoy Creek. Thereupon Mr. Hutt offered a motion, seconded by Mr. Hickman, as follows:

"That the steel piling with daymarker and light recently installed by the Potomac River Fisheries Commission as an intermediate jurisdictional line marker in the mouth of Nanjemoy Creek, intended to be placed at the intersection of Nanjemoy Creek channel and the PRFC jurisdictional line, having been placed so far off the actual jurisdictional line that it cannot serve any useful purpose as a PRFC line marker, be hereby offered as a gift to the Maryland Department of Chesapeake Bay Affairs for whatever use it may be to the said Department.

If the Maryland Department of Chesapeake Bay Affairs does not desire to accept the rights, title and use of this marker, that the Potomac River Fisheries Commission have same removed at the earliest convenient date." Motion approved unanimously.

Mr. Lankford requested that a letter be sent to Mr. Manning explaining the above action in asking that the Maryland Department of Chesapeake Bay Affairs consider taking over this marker in the light of the circumstances surrounding its location.

Mr. Lankford said that he would discuss with Mr. Manning the question of maintaining an intermediate spar buoy identified as a PRFC line marker near the center of the Nanjemoy Creek jurisdictional line.

Mr. Norris reported that word has been received that Steuart Petroleum Company has withdrawn their application for an oil import quota of 100,000 b/d for Piney Point; also that the Corps of Engineers has advised that the Steuart Petroleum Company's application for a new pier at Piney Point, Maryland has been withdrawn; but the one for improvements and additions to an existing pier has the Corps' approval.

Mr. Dunnington reported that the survey, authorized at the last meeting, to determine soft shell clam population on the Virginia shore below Coan River to Smith Point, and on Maryland shore at St. George's Island, indicated that there are no commercial quantities of clams in those areas.

Mr. Hayden outlined a proposal that a triangular area of approximately 105 acres in front of Dukehart's Creek be opened for a limited time for soft shell clamming, because part of the 105 acres is to be dredged for the purpose of deepening the channel into Dukehart's Creek; therefore, it would seem logical to allow the clam industry to take any clams before they are destroyed by the channel dredging operation. Two surveys have been conducted in this area in recent months indicating there are no oysters in the 105 acre area. Mr. Hayden further said that the area could be easily marked by existing beacons and buoys and suggested that a police boat be stationed there during working hours to enforce the lines restricting the area to be worked. Following considerable discussion of this proposal Mr. Hayden offered a motion, seconded by Mr. Hutt, as follows:

"That the Potomac River Fisheries Commission open an area for soft shell clamming that has been previously closed for the period from January 1, 1970 to March 15, 1970 between the hours of 8:00 a.m. and 1:00 p.m. daily in front of Dukehart's Creek, which said area has been surveyed as containing 105 acres more or less and being a triangular area in the Potomac River commencing at a point, a red nun buoy '14A', the northwesterly side bearing approximately sixteen (16) degrees true through Dukehart Channel marker '#10' until it intersects the shoreline, and the southwesterly side bearing approximately 38 degrees true from said buoy '14A' through a piling near the shore until it intersects the shoreline." Motion approved unanimously.

The Executive Secretary was instructed to make the necessary arrangements including sending certified mail notices to all licensed clambers with return receipt requested, and with notices also to the magistrates and judges in the counties adjacent to the waters of this area, and also to give reasonable notice to the general public through notices over radio and through newspapers.

Itemized lists of disbursements for the months of September, October and November, 1969 being \$3,581.29, \$20,254.66, and \$5,102.03 respectively were presented to the Commissioners. Mr. Hunt offered a motion, seconded by Mr. Hayden, as follows:

"That the disbursements as presented for the period September-November, 1969 be approved." Motion was approved unanimously.

A report on oyster production October 1st through December 10, 1969 was presented showing 277,886 bushels reported caught with tax paid. Mention was made of the 1968 seed planting of 20,700 bushels

on Gum Bar which has produced so far this year 54,573 bushels of market oysters.

Possible sources of seed oyster for the 1970 repletion program were discussed. Mr. Baggett said that the supply in Virginia is not promising, but that if seed are available, he would be glad to send as many as possible to the Potomac River. Mr. Lankford said that Maryland law allows one-half of any seed production above 1,000,000 bushels from public rocks to be sold for repletion work to private buyers. Discussion followed in the vein that since all of the Potomac consists of public rock that seed from Maryland should logically be available for repletion in these Maryland (Potomac River) waters. Mr. Lankford said he would discuss this with the Maryland Department of Chesapeake Bay Affairs as a possible source of seed for the Potomac River Fisheries Commission.

Mr. Lankford appointed a committee (members named below) to consider modifications in the PRFC regulations, with a report to be made at an early date: Messrs. Everngam, Wentzell, Dameron, and Norris.

Mr. Norris reported that a recent survey of the line markers above Occoquan Bay and Mattawoman Creek to the District of Columbia line showed that only two (2) markers on the Virginia shore, and five (5) markers on the Maryland shore, remain out of twenty-two (22) originally installed and that several of these are leaning. He advised the Commission of a recent communication, following several others in recent years, from the U. S. Coast Guard headquarters in Portsmouth, Virginia, requesting that the Commission correct the discrepancies (of missing and/or leaning markers). Discussion with the law enforcement officers present, the engineers from Maryland and Virginia indicated that the need for these markers is not as great as that for the markers installed in 1968 and 1969. Mr. Hutt offered a motion, seconded by Mr. Hayden, as follows:

"That the Executive Secretary direct a request to the U. S. Coast Guard for a temporary discontinuance of said upriver markers." Motion approved.

Mr. Norris reported to the Commission that several catfish licensees in the upper Potomac have requested stricter enforcement of the minimum size on catfish taken by commercial fishermen. This request was referred to the Committee on Regulations for a report.

Mr. Lankford appointed a committee to investigate the possibility of investing, for short term, a portion of the funds of the Commission now in checking account and to determine what the rate of interest on such investment would be. He appointed to this committee the following three (3) persons: Chairman Lankford, Commissioner Hunt and Executive Secretary Norris.

Election of officers for 1970 was proposed by Mr. Lankford. Mr. Hunt nominated Mr. Hutt for Chairman, and Mr. Hickman seconded the nomination. There being no further nominations, a unanimous vote was cast electing Mr. Hutt Chairman for 1970.

Mr. Hutt nominated Mr. Hayden for Vice-Chairman, and Mr. Hunt seconded the nomination. There being no further nominations, Mr. Hayden was unanimously elected Vice-Chairman for 1970.

Mr. Hickman nominated Mr. Lankford for Secretary, and Mr. Hutt seconded the nomination. There being no further nominations, Mr. Lankford was unanimously elected Secretary for 1970.

Mr. Norris said that the Auditors, at the time of the last audit, suggested that the policy of the Commission regarding payment of expenses should be brought up to date. After discussion, a motion was offered, seconded and duly approved as follows:

"That the policy of payment of expenses, as outlined in the Minutes of meeting held April 1, 1963, be re-affirmed."

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It was decided to hold the next meeting in Annapolis, Maryland on February 6, 1970. Mr. Lankford said he would arrange for a place to meet, and the time and place would be announced in advance.

There being no further business the meeting was adjourned at 11:30 a.m.


CHAIRMAN


SECRETARY