

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

OFFICERS: Robert M. Norris, Jr., Executive Secretary; K. Thomas Everngam, Legal Officer; Lt. Paul C. Wentzell, of Maryland Marine Police; Chief J. William Ryland and Supervisor Ralph Dameron, of the Marine Resources Commission of Virginia; Elgin A. Dunnington, Jr., of the Chesapeake Biological Laboratory.

VISITORS: Messrs. Elgin H. Nininger, Fred D. Wilkerson, Charles R. Bagnell, S. M. Rogers, M. E. Gutridge, George M. Dean, James E. Baines, James W. Dutton, Thomas Shymansky, Harvey J. Stine, William A. Lewis, Harry T. Stine, G. I. Ruppert Lore. Members of the press: Isabel Gough, Linda Stevens, Horton P. Beirne and John Frye.

Mr. Hutt, Chairman, called the group to order at 10:00 a.m. (EST) in the auditorium of the Colonial Beach Fire Department Building, stating that three (3) proposed regulation changes, as advertised, would be considered at this public hearing. Mimeographed copies of PRFE Regulation I, Section 2, ss (r); Regulation I, Section 2, ss (i), and Regulation I, Section 5, ss (a) and (b), as recently advertised and as written in Minutes of meeting held February 6, 1970 in Annapolis, Maryland, were distributed to all persons present.

Mr. Hutt asked for comments on Regulation I, Section 2, ss (r) pertaining to this sub-section adding an "anchored-stake gill net up to 500 feet in length including lines, stakes and rings". Mr. J. W. Dutton recommended 600 feet in length rather than 500 feet, and that the new device be an anchored gill net instead of an "anchored-stake" gill net. Mr. Fred Wilkerson recommended not changing from the conventional stake gill net other than allowing two or more stakes at each end of the net to give additional support to the structure. He said he cannot hold an anchored gill net where he fishes in the river. He also said he opposes anchored gill nets in the Potomac River. Mr. Harry Stine requested that anchored gill net without poles be adopted; also, that with the present season of March 1st through May 26th on drift gill nets, that there would not be any interference with present fisheries if anchored gill nets were made legal. There were no further comments.

Regulation I, Section 2, ss(i) adding a license fee of \$8.00 in this sub-section for an "anchored-stake" gill net did not draw any comment or opposition.

Mr. Hutt next asked for consideration of Regulation I, Section 5, ss(a) and (b) modifying present Section 5 pertaining to the taking of seafood for household use. In answer to only one question raised, Mr. Hutt pointed out that there is no change in the regulation (which originally and still does) require a license for taking of hard crabs by use of a crab pot, or pots.

Mr. Hutt asked if there were any further comments or discussion on the three (3) proposed changes in the regulations. There being none, he declared the public hearing closed at 10:25 a.m. and recessed the meeting to the PRFC headquarters. The meeting reconvened at 10:35 a.m. in the Commission office. A substantial number of the visitors named above followed to the new meeting place.

Following discussion on changing proposed length of "anchored-stake" gill net from 500 to 600 feet maximum; that Charles County watermen will have no problem if they wish to use three (3) instead of two (2) poles in this structure, and that the new licensed gear will not affect those fishermen now fishing conventional stake gill nets of up to twelve hundred (1200) feet in length. Mr. Hayden offered a motion, seconded by Mr. Julie, as follows:

"That the maximum length of the proposed "anchored-stake" gill net be changed from 500 to 600 feet where reference to length occurs in proposed Regulation I, Section 2, ss(i) and ss(r)." Motion approved.

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

"That Regulation I, Section 2, ss(i) and ss(r), as amended, to read as follows be adopted:

'(i) For each stake gill net location of 1,200 feet and under, including lines, stakes and rings, a license fee of \$8. For each anchored-stake gill net location of 600 feet and under, including lines, stakes and rings, a license fee of \$8. For each float or drift gill net of 1,200 feet and under, a license fee of \$8. The season when float or drift gill nets may be set or used shall be from April 1st to May 26th inclusive, of each year. No float or drift gill net shall be set or used at any other time on the Potomac River. There shall be no closed season for the setting of stake nets or for the taking and catching of shad and herring on the Potomac River.'

'(r) Stake Gill Nets and Anchored-Stake Gill Nets. It shall be unlawful to hold or attempt to hold a stake gill net stationary in the water by any other means than as hereinafter set forth and defined. A stake gill net shall be a flat net which is suspended vertically in the water with meshes that allow the head of a fish to pass but entangle its gill covers as it seeks to withdraw. (1) A conventional stake gill net shall be held stationary in the water by means of a series of wooden stakes or poles driven or embedded firmly into the bottom in such a manner as to support themselves and the net hung thereon. (2) An anchored-stake gill net shall be held stationary in the water by means of a wooden pole or stake at each end, which end pole or stake shall be firmly embedded upright in the bottom. Anchors shall be used to hold said end poles or stakes perpendicular in the water. Anchored-stake gill nets shall not have a length greater than 600 feet including lines, stakes and rings. A visible daymarker and night light shall be affixed to each channel-side end stake.'

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Motion/approved unanimously.

Regulation I, Section 5, was discussed and Mr. Hickman offered a motion, seconded by Mr. Lankford, as follows:

"That Regulation I, Section 5, ss(a) and ss(b), as advertised and presented at public hearing, be adopted." Motion was approved unanimously.

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

"That the three (3) regulation changes adopted above be effective as of July 1, 1970." Motion was approved.

The Chairman recognized Mr. J. W. Dutton, who asked the Commission to consider legalizing anchored gill nets. Mr. Hutt said this would be taken under consideration if one (1) stationary pole for identification purposes is used. Mr. Dutton, at Mr. Hutt's request, said he would have prepared and presented to the PRFC a proposed regulation incorporating his, and others, ideas covering their needs for an anchored gill net, incorporating the use of a "location" stake for identification purposes.

Mr. Dunnington, on subject of reducing legal size of soft shell clams, speaking for himself and Mr. Hayes Pfitzenmyer, of the Chesapeake Biological Laboratory, reported unfavorably on reducing legal size from 2 inches because, (1) smaller than 2" clams have probably not reached the age for spawning and, (2) this would constitute an additional dip into the present reduced brood stock of soft shell clams.

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

"That any consideration regarding reducing size of soft shell clams below 2" minimum be tabled." Motion approved.

The legal Officer, Mr. Everngam, submitted that in his opinion it is entirely proper and in keeping with the responsibilities of the Commissioners to invest any temporary surplus funds in short term investments, such as certificates of deposit, U. S. Treasury Bills, et cetera, to make such funds income-producing during seasons when the Commission cannot purchase seed oysters or use its funds for other conservation or seafood resource improvement practices.

Referring to request made at previous meeting that he investigate sources of seed oysters in Maryland, Mr. Lankford reported that the Department of Natural Resources advises that it is not within the law for the Department of Chesapeake Bay Affairs to sell seed oysters from public seed oyster grounds in Maryland to the Potomac River Fisheries Commission.

Mr. Hutt asked for report on seed oyster planting now in progress. Mr. Norris said that 13,003 Va. bushels of seed had been planted on Stoney Bar at Coles Point; 29,462 Va. bushels planted on Gum Bar at Colonial Beach; and that seed now were being planted on Sheepshead Bar at Blakiston Island (to date 17,716 Va. bushels). After discussion concerning the sequence of planting Huggins Bar and Cobb Bar following Sheepshead planting, it was decided to try to segregate Jones Shore seed in a separate area, and that Mr. Dunnington and the usual advisors determine the sequence of further plantings on natural bars based on need for repletion.

Mr. G. I. Ruppert Lore, Ridge, Maryland, referring to some previous negotiations with the Commission about sub-leasing his leased oyster ground, in Smith's Creek, offered to consider this matter further. However, Mr. Hutt advised Mr. Lore that the advice of counsel is, that under the law of Maryland, the PRFC is not eligible to sub-lease oyster ground. However, that the PRFC would like to purchase seed oysters from Mr. Lore when, and if, he had any available for the open market.

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

"That the itemized disbursements presented to the Commission for the month of February 1970 amounting to \$3,156.95, and for the month of March 1970 amounting to \$3,544.64; the purchase of two (2) U. S. Treasury Bills for sixty (60) days each in this period of \$49,111.75 and \$29,489.20 respectively; and purchase of seed oysters amounting \$52,291.50, be approved." Motion approved.

Mr. Norris reported that three (3) jurisdictional line markers had been damaged or lost due to heavy ice and wind during the winter. Mr. Hichman offered a motion, seconded by Mr. Lankford, as follows:

"That the Executive Secretary negotiate for the replacement of these missing markers and poll each Commissioner on the results to determine if the replacement work should proceed." Motion approved.

Mr. Hutt asked the Commissioners to note the financial statement presented showing \$180,228.80 on hand and invested in C/D's and Treasury Bills, most of which is not available for use until May 15th and June 1st, stating that if the seed oyster buying is to continue, it would be necessary to borrow \$50,000 for up to 45 days, at which time \$80,000 in C/D's will mature. Mr. Hickman offered a motion, seconded by Mr. Lankford, as follows:

"That the Executive Secretary be authorized to borrow \$50,000 for a time not to exceed sixty (60) days for the Potomac River Fisheries Commission upon his signature and that of the Chairman, or Vice-Chairman, and that the following resolution be furnished the lending bank:

'WHEREAS, the Potomac River Fisheries Commission has need for \$50,000 to pay for seed oysters purchased, or to be purchased, for its 1970 seed oyster rehabilitation program, and, therefore,

BE IT RESOLVED, that a loan of \$50,000 at an interest rate not to exceed 7% for a term not to exceed sixty (60) days from date of this meeting is hereby authorized, to be negotiated at the Peoples Bank of Montross, Montross, Virginia, said note of the Commission to be signed by, 1) either the Chairman or the Vice-Chairman, and 2) the Executive Secretary of this Commission.'"

The motion was unanimously approved.

The Commission was advised that two planters leasing ground in the James River have offered seed to the PRFC. Mr. Lankford offered a motion, seconded by Mr. Hunt, as follows:

"That the Potomac River Fisheries Commission buy seed oysters from additional areas if available and if needed to complete the 1970 planting program, and that Mr. Hickman, Mr. Bagnell, Mr. Dunnington and Mr. Norris be a committee to appraise all factors, and that the Potomac River Fisheries Commission be guided by the decision of this committee; also that committee be authorized to negotiate for seed from planters in the James River, and if the price overboard in the Potomac exceeds \$1.85 per bushel, to poll the Commissioners for their opinion." Motion was approved.

Mr. Hutt appointed Mr. Lankford, himself and Mr. Norris, to report a proposed budget for 1970-71 at the next meeting.

There was some discussion and explanation regarding use by this Commission in the Potomac River of proposed electronic position locating equipment including sonar and tracking systems, if Maryland and Virginia fisheries commissions should ever employ such a system. Mention was made of this possibility for future discussion.

The Executive Secretary was authorized to advise C. J. Langenfelder & Son, Inc. that the PRFC would not be purchasing any reef shells this year.

The next meeting will be held June 19, 1970 at 9:30 a.m. (DST) in Colonial Beach, Virginia.

There being no further business the meeting was adjourned at 12:15 p.m.

  
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CHAIRMAN  
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SECRETARY