

June 19, 1970

Colonial Beach, Virginia

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 and Chief Engineer Marshall Cook, of Maryland Department of Chesapeake Bay Affairs; Chief J. William Ryland, of Marine Resources Commission of Virginia, Elgin Dunnington, of Chesapeake Biological Laboratory.

VISITORS: Delegate Calvin L. Compton, of Charles County, Messrs. Douglas Brawley, Lucius Kellam, Tommy Hickman and J. Willard Dutton. Members of the press: Isabel Gough, Linda Stevens, Horton P. Bierne, Mrs. Jackie Shinn.

Mr. Hutt, Chairman, called the meeting to order at 9:35 a.m. (DST) in the PRFC headquarters. He asked for consideration of the Minutes of the meeting held April 17, 1970, saying mimeographed copies had previously been mailed to each Commissioner. A Motion was offered and seconded:

"That the Minutes as presented be approved." Motion approved.

Mr. Hutt gave an itemized report of the 1970 spring seed oyster planting program, showing purchase of 92,018 bushels of seed purchased from Virginia; 20,580 bushels of seed transplanted from Jones Shore, making a total of 112,598 bushels seed planted on five (5) natural bars at a cost of \$161,617.04. Itemized copies of this report were given to the press.

Mr. Norris and Mr. Cook recommended that instead of replacing three (3) 12" steel pipe line markers lost due to ice, that a spar buoy with a 2000-3000 pound weight be placed on line in Lower Machodoc River; a modified type of spar or floating buoy be placed on Douglas Point; and a stationary marker be installed on Cockpit Point. Mr. Cook indicated that the Maryland Department of Chesapeake Bay Affairs, with their boat and equipment, would install and service these jurisdictional line markers, since they do this same work elsewhere in the tributaries. The Commissioners agreed to the above proposal, and the Chairman requested Mr. Norris to negotiate for a permit to have a land-based line marker at Cockpit Point.

Mr. Hutt gave a brief account of his recent viewing of Hastings-Raydist electronic position location equipment. He said he could visualize useful applications of this system in the Potomac in locating seed and shell planting, fixed fishing devices, line markers, and as an aid to navigation. There was discussion concerning FCC controls on base stations required for such a system; that Mr. Hastings had indicated an approximate cost of \$20,000 for the Four (4) base stations set up in the Bay and \$1,000, more or less, for the minimum equipment needed on a boat. No action taken on this matter.

There being no further old business, new business was declared in order. A motion was offered and seconded:

"That the thirty (30) day - \$30,000 - 7% loan made by the Bank of Westmoreland to the PRFC on May 6, 1970 to pay for seed oysters and repaid June 5, 1970 and originally authorized by signed letters from each Commissioner be hereby affirmed, and that this action be made a part of the official record in these Minutes." Motion approved.

Mr. Hutt asked for consideration of letter dated 4-19-70 from Mr. Harry Stine asking that anchored gill nets be made legal. Copies of this request had been sent to the Commissioners. Mr. Compton said that Mr. Joseph Manning, Director of Department of Game and Fish, has had this question under study. Lengthy discussion brought forth opinion that anchored gill nets are not considered first class gear; that fishermen tend to neglect them and fish are wasted - that generally stake gill nets are fished systematically with few fish left to rot, as in untended anchored gill nets. Mr. Hutt asked, that if we find fishermen who neglect their nets, would the PRFC be justified in outlawing all gill nets; Lt. Wentzell answered that only the man who neglects his nets should be denied license to fish. Mr. Dunnington said that generally (depending on temperature) herring and shad die fast when gilled; that striped bass and perch probably last perhaps 12 hours (when water is cold) but deteriorate fast when the water is warm. A motion was offered and seconded:

"That we request the biologists and law enforcement officers to study this proposal and submit a report to the legislative committee for their next report to the Commission." Motion was approved, and Mr. Hutt asked Mr. Norris to arrange for this group meeting. (Mr. Compton stated, that in his opinion, the proposal needs further study.)

A motion was offered and seconded:

"That itemized operating disbursements totaling \$8,023.83 and purchase of seed oysters in the amount of \$81,909.50 for the month of April, 1970; and itemized operating disbursements totaling \$4,190.07 and purchase of seed oysters totaling \$17,923.54 and \$7,200.00 cost of transplanting seed oysters from Jones Shore for month of May, 1970, be approved." Motion approved.

A budget totaling \$352,493.00, with estimated receipts for coming fiscal year in same amount, was proposed by the Budget Committee composed of Mr. Hutt, Mr. Lankford and Mr. Norris. After discussion, during which some items in the proposed budget were adjusted but not changing the total estimated receipts, a motion was offered and seconded:

"That the attached budget totaling \$352,493.00 for the fiscal year July 1, 1970 to June 30, 1971, with estimated receipts of the same amount, be adopted and made a part of the Minutes of this meeting." Motion approved unanimously.

Mr. Hutt requested that copies of the Budget for 1970-71 be forwarded to the Governors of each state.

The Executive Secretary told the Commission that Potomac Electric and Power Company reportedly is planning a steam generating plant at Sandy Point, near Mallows Bay, in Charles County, Maryland on a site reputedly purchased in 1963. Delegate Compton remarked that the location appears to be a good one for PEPCO, because of the deep water near that point. Mr. Dunnington advised that the condenser cooling water would be taken and discharged in the middle of a striped bass spawning area, and that also larvae and fingerlings would be exposed to danger in this area of operation. He also said that in recent discussions with Dr. Cronin concerning pollution or degradation of Potomac River water resulting from discharge from generating plants, oil spills, sewerage treatment plants and other influences affecting the river, that it was suggested that instead of calling on the two state laboratory Directors in times of crisis or emergency, as has been the practice in the past (when so often the time for properly evaluating the condition or situation had passed) that it would probably be more practical that a standing committee be organized, consisting of a member each from the Chesapeake Biological Laboratory, the Virginia Institute of Marine Science and the Federal Water Quality Administration to constantly study the conditions and developments in and on the river. Dr. Cronin indicated that such a standing committee would be more alert to change and development and would keep the Commission currently alerted and advised of problems. At this point Mr. Compton said that PEPCO has withdrawn their application for re-zoning of Sandy Point site.

A motion was made and seconded:

"That the Chairman enlist the services of such a standing committee as suggested above, to constantly study and evaluate environmental problems in regard to electric generating plants and other potential problems affecting the river, and keep this Commission informed of current conditions and problems and suggest remedies and solutions on same." Motion approved.

Mr. Hutt asked the Executive Secretary to work with Mr. Dunnington to set up plans with Dr. Cronin, Dr. Hargis, and Dr. Donald Lear of the FWQA, asking them to appoint a member each to such a committee and requesting, if possible, they report their opinion and advice on the proposed PEPCO Sandy Point generating plant on or before July 21, 1970.

Mr. Hutt reported that as of June 18, 1970 funds held by the Commission in checking account, savings accounts and Certificates of Deposit amounted to \$116,335.81.

Mr. Norris reported that Mr. Lawrence Davis, Assistant Counsel to U. S. House Subcommittee on "Conservation and Natural Resources Subcommittee of the Government Operations Committee", chairmaned by Congressman Reuss, had telephoned on the 16th and said that this Subcommittee would like for representative(s) from this Commission to appear at a hearing to be held July 21st in Washington, D. C. and present statements covering PRFC's thinking on precautions, which should be taken at PEPCO's Sandy Point proposed generating plant, based on experience gained in the construction, issuing of permits, amount of cooperation of other agencies and departments during the development and construction of the Morgantown PEPCO plant.

And that they also would welcome any statement presented on the 22nd on a similar hearing concerning the Steuart Petroleum Company's operation at Piney Point, Maryland. Mr. Hutt appointed himself, Mr. Lankford, Mr. Hunt, Mr. Everngam and Mr. Norris a committee to study this request and act accordingly.

Mr. Hutt recognized Lt. Wentzell, who said that each Maryland County has a planning commission which makes recommendations, which then go to a higher state level for consideration and action, suggesting that the interests of the PRFC are related to much of this work and that it might wish to make itself conversant with such planning as it affects the Potomac River. Mr. Lankford said that he would set up communications on behalf of the PRFC with the proper agencies and departments in Maryland, so that the interests of this Commission would be recognized.

Mr. Hayden said that many citizens of Maryland have asked that oyster tonging licenses be issued gratis to tongers over age sixty-four (64). There was discussion concerning time required for advertising and adopting a new regulation effective this year plus the cost involved and loss of revenue from sale of licenses. Mr. Hutt asked Mr. Hayden and Lt. Wentzell to study this proposal, as it is applied in Maryland and report their recommendation for the Potomac River licensing to the PRFC Legislative Committee, which considers amendments to regulations each January.

Mr. Hayden reported a recent oil spill at Piney Point, asking "Is it not the responsibility of the Potomac River Fisheries Commission to protect the fisheries of the Potomac River?" He recommended that the PRFC investigate circumstances of this spill, attempt to fix responsibility and recover damages. Upon referral of this question to Mr. Everngam, he asked that this matter be deferred to an executive session of the Commission.

Mr. Hutt asked that date and place of next meeting be set. It was decided that the next meeting date within the calendar quarter be determined when a suitable place can be designated by the Maryland contingent of Commissioners. The Chairman will then call a meeting and have the Executive Secretary advertise the time and place.

Delegate Compton referred to the soft shell clam survey of Charles County waters presently being conducted by the Maryland Department of Chesapeake Bay Affairs.

At this time (11:25 a.m.) Mr. Hickman suggested that the Commission go into executive session. Mr. Hutt thereupon called an executive session. All present except Commissioners, Mr. Compton, Mr. Dunnington, the legal officer and executive secretary retired from the meeting.

The Commission noted that a soft shell clam survey is being conducted in the Potomac River by a Maryland research vessel. Mr. Compton asked that he be notified if and when any request is presented to the Commission for the opening of Charles County waters in the Potomac River to soft shell clamming.

Referring to subject of oil spill at Piney Point, Mr. Hutt asked Mr. Everngam for his counsel on this matter. Mr. Everngam gave a full appraisal of the limits of the PRFC regarding court action re damages to seafood, including that the PRFC could probably not recover monetary damages because of the spill but that other agencies in the state of Maryland possibly could; that joining with other agencies in such a claim would be more effective, that we should not start action alone, but if other agencies do, that we should join with them. Mr. Hayden suggested that the Commission should talk with other agencies about this, and Mr. Lankford said that in his opinion the Maryland Board of Water Resources is the agency with prime responsibility for any action along the above stated lines.

Mr. Hutt appointed Mr. Everngam and Mr. Hayden a committee to investigate this problem, determine what, if any, action the Commission should take and advise him thereon, and then he would contact the Commissioners to see what course of action should be taken.

There being no further new business, the meeting adjourned at 12:05 p.m.


J. Clifford Hutt, Chairman


Richard E. Lankford, Secretary

220-17

POTOMAC RIVER FISHERIES COMMISSION
BUDGET
Fiscal year July 1, 1970 through June 30, 1971

ESTIMATED EXPENDITURES

PERSONAL SERVICE:

101	Compensation of: Commissioners	\$ 2,000.00
102	Executive Secretary	14,500.00
103	Legal Officer	5,000.00
108	Clerical Help	16,272.00
109	Part time help	1,600.00
112	Commissions to Clerks of Courts on license sales	400.00
199	Other personal services (Janitorial)	200.00

CONTRACTURAL SERVICES:

201	Advertising	1,500.00
204	Postage	1,000.00
205	Telephone	1,500.00
208	Electric Current	325.00
209	Freight, express	75.00
212	Lease of equipment	75.00
214	Membership dues and subscriptions	200.00
215	Contracts - replacing line markers	4,500.00
216	Printing Regulations	400.00
220	Travel Expense	3,500.00
224	Photographic services - fish and clam charts	125.00
270	Repairs to equipment	100.00
280	Interest expense	500.00
299	Other contractual services	200.00
301	Auto tires, parts	275.00
309	Fuel for heat	325.00
310	Gas, oil - auto	325.00
313	Office supplies	1,200.00
330	Household furnishings and supplies	50.00
332	Printing license forms, tags, report books	1,500.00

CURRENT CHARGES AND OBLIGATIONS:

218	Rent	1,200.00
240	(a) Surety bond premiums- employees	175.00
	(b) Fire, liability and other insurance	400.00

PENSION AND OTHER CONTRIBUTIONS:

513	Employer's O.A.S.I. contributions	1,295.00
510	Retirement	1,078.00
511	Group Insurance	92.00

CAPITAL OUTLAYS:

802	(a) Office and other equipment and	
	(b) Furniture and fixtures	300.00

<u>CONTINGENCY FUND RESERVE:</u>	20,306.00
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DEVELOPMENT AND REPLETION EXPENSES:

33	Seed oysters and/or shells	270,000.00
	TOTAL	\$352,493.00

POTOMAC RIVER FISHERIES COMMISSION
BUDGET
Fiscal year July 1, 1970 through June 30, 1971

ESTIMATED RECEIPTS

CONTINGENCY FUND RESERVE		\$ 20,000.00
UNEXPENDED CASH BALANCE BROUGHT FORWARD		92,043.00
SALE OF LICENSES:		
Fish	\$ 7,500.00	
Oyster	20,500.00	
Crab	5,000.00	
Clam	800.00	
OYSTER BUSHEL INSPECTION TAX	100,000.00	
APPROPRIATIONS BY STATES:		
Maryland	\$50,000.00	
Virginia	<u>50,000.00</u>	100,000.00
INTEREST ON SAVINGS	6,500.00	
REPLACEMENT OF LOST LICENSE TAGS, AND		
TRANSFER & ADDITION OF OYSTER TONGING TAGS	<u>150.00</u>	<u>240,450.00</u>
	TOTAL	\$352,493.00