

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

OFFICERS: K. Thomas Everngam, Legal Officer; and Robert M. Norris, Jr., Executive Secretary.

VISITORS: Chief J. William Ryland and Supervisor Ralph Dameron, of Virginia Marine Police; Lt. Paul C. Wentzell, of Maryland Marine Police; Messrs. Marshall Cook, Engineer Maryland Fish and Wildlife Administration; Edwin M. Barry, Assistant to the Secretary, Maryland Department of Natural Resources; Dr. Donald Lear, Jr., of Federal Water Quality Administration; Elgin A. Dunnington, Jr., Chesapeake Biological Laboratory; Spencer M. Rogers, Engineer, and Douglas V. Bralley, Marine Resources Commission of Virginia, Lewis Jones, Jr. and Dr. Morris L. Brehmer, of Virginia Institute of Marine Science; Willard Dutton, Charles County, Maryland, and Press Representatives: Miss Isobel Gough, Mrs. Jackie Shinn, Messrs. Horton Bierne, Sean Kilpatrick, Atlee C. Green.

Mr. Hutt, Chairman, called the meeting to order at 9:30 a.m. A Motion was offered and seconded as follows:

"That the Minutes, as circulated to the Commissioners and presented at this meeting, be approved." Motion was approved.

A written report was distributed showing results of the Cobb Island clam area operation, which was closed on December 31, 1970. A total of 1,334 bushels of clams was harvested. In discussion of soft shell clamming prospects in general, Mr. Elgin Dunnington endorsed the idea of closing the entire river to soft shell clamming; later re-opening specified areas in staggered stages to prevent damage to remaining adult clam populations and to eliminate disturbing beds of juvenile clams before they are ready to harvest. A motion was offered and seconded as follows:

"That the agenda of the next regular meeting to be held at Colonial Beach, Virginia, include the item concerning the closing of the entire river to clamming, until further notice, with the proposal that sections of the river be re-opened to clamming in stages when surveys indicate such areas to be ready for harvesting." Motion was approved.

The Executive Secretary was requested to send notices of the above to all licensed clambers pursuant to Potomac River Fisheries Commission Regulation V, Section 5, prior to the meeting at which this question will be considered.

Mr. Norris reported that of the ten fishermen, to whom notices were sent requesting that their fish net stakes be removed under Regulation I, Section 2(n), seven have indicated compliance with request, three have not. The Commission instructed him to write to the latter three, that it is the policy of the Commission not to renew licenses for fish net stands that are not in compliance with the above regulation.

Mr. Norris reported that a letter of January 4, 1971, from Mr. John L. Reynolds, Chief, Operations Division of the U. S. Corps of Engineers, states that the public hearing on application by Potomac Sand & Gravel Company for a permit to dredge sand and gravel in the Craney Island area has been postponed and will be re-scheduled, and that we will be notified of the time and place so we can, at that time, insert into the record any comments on behalf of the Commission. Mr. Dunnington recommended, with Dr. Brehmer concurring, that it would be safer from a conservation standpoint to restrict dredging in said area from March 15th to June 15th each year, to protect the spawning of striped bass and shad. A motion was offered and seconded as follows:

"That the Executive Secretary ask the U. S. Corps of Engineers not to approve a permit for dredging in Craney Island area for sand and gravel until this Commission can ascertain what is proposed by Potomac Sand & Gravel Company, and under what conditions, and by what specifications the company will operate." Motion approved.

Mr. Barry said that recourse by an appeal through the Maryland Board of Review of the Maryland Board of Public Works is available if conditions named in a permit are not satisfactory to PRFC. Mr. Hutt requested Mr. Everngam to explore this possibility and report at next meeting. Mr. Barry said that the Board of Public Works has already approved application of Potomac Sand & Gravel Company for dredging in the Craney Island area. Mr. Julie said that he would check with appropriate agencies in Maryland and keep the Chairman of PRFC advised.

Mr. Norris said that the 1970 Fall seed planting had been completed with 7,816 bushels of shell seed planted on a ten-acre area on the Hog Island shell planting of 1967, at a total cost of \$13,513.28, or \$1.73 per bushel.

Mr. Hutt reported that to date oyster production is about 55% of last year's production. It is thought that this is due partly, at least, to lack of harvest effort. Mr. Hayden questioned the lack of production on Sheepshead Bar considering previous heavy plantings of seed. He suggested cultivating the bottom with a heavy dredge without a bag, in order to bring the shells and oysters out of the bottom. Mr. Dunnington said that this should not be done during cold weather. A motion was offered and seconded as follows:

"That the agenda for the next regular meeting to be held in Colonial Beach, Virginia, include a notice that the Commission will consider cultivating the bottom on Sheepshead to bring shells and oysters to the surface of the bar." Motion approved.

A motion was offered and seconded as follows:

"That the Executive Secretary follow policy of maintaining an average balance of \$10,000 in checking account, thereby keeping any surplus over and above the aforementioned amount in interest bearing accounts. Motion approved. The Executive Secretary was requested to explore what interest the local bank will pay on our checking account balance above \$10,000.

The 1971 Spring oyster repletion program was discussed. Mr. Hickman said that it appears that there will be no seed available to the PRFC from the public grounds in either the James River or the Great Wicomico Rivers. Mr. Hutt asked the Maryland Commissioners to look into possibility of PRFC buying seed from among the first 1,000,000 bushels produced in Maryland. He also asked Mr. Barry to pursue this matter through Secretary Tawes' office, as the Potomac River is Maryland waters. He added that the PRFC would expect to pay for the seed, as it has done in Virginia. The Executive Secretary was authorized to write a letter to Secretary Tawes explaining the position of the PRFC and requesting his support in arranging for purchase of seed by PRFC from Maryland.

The use of surf clam shells for cultch was discussed and was recommended by Mr. Dunnington. If cost is not excessive, the Commission authorized exploring the availability of reef shells and surf clam shells for cultch and seed from Great Wicomico private planters, and possibly the use of a few of Mr. Frank Wilde's hatchery grown seed. Mr. Hunt said he would determine the cost and availability of surf clam shells. Mr. Dunnington was asked to report back at next meeting on the use of the artificially grown seed; Mr. Norris is to explore the private seed supply.

Mr. Everngam presented a resolution as follows in memory of Dr. Harry C. Byrd. A motion was offered and seconded as follows:

"RESOLUTION OF RESPECT TO THE MEMORY OF DR. H. C. BYRD

WHEREAS, the late Dr. Harry C. Byrd, of Maryland, was one of the original members of the Potomac River Fisheries Commission from the time of its organization in December 1962 until 1968; and

WHEREAS, Dr. Byrd also served as Chairman of this Commission for two terms; and

WHEREAS, Dr. Byrd was always a strong advocate for the conservation, repletion, and advancement of the seafood resources of the Chesapeake Bay and its tributaries, including the Potomac River; and

WHEREAS, this Commission deems it proper that the memory of Dr. Byrd and his lifetime efforts in the advancement of the natural resources of the waters of the Chesapeake Bay, its tributaries, and the Potomac River, be memorialized and preserved among the records of this Commission;

NOW THEREFORE, BE IT RESOLVED BY THE POTOMAC RIVER FISHERIES COMMISSION as follows:

1. That this Commission express its appreciation for the valuable services and efforts rendered to the Potomac River by its late member and Chairman, Dr. H. C. Byrd, during his terms as a member of this bi-state compact agency of Maryland and Virginia.
2. That the leadership, advice, guidance, and service of the late Dr. Harry C. Byrd in the affairs of this Commission, during its first five years of existence, and the high regard of the past and present members of this Commission for Dr. Byrd, is a proper and fitting subject for this resolution of memorialization, and is an expression of sympathy to his family and many friends in Maryland and Virginia.
3. That a copy of this Resolution be spread upon the permanent records of the Potomac River Fisheries Commission, and a copy be sent to his family.

Passed January 22, 1971

POTOMAC RIVER FISHERIES COMMISSION

By: /s/ J. Clifford Hutt
Chairman

"That the foregoing Resolution be approved and a copy spread on the Minutes of this meeting and a copy sent to Dr. Byrd's family." The motion was unanimously approved.

Mr. Norris said the Legislative Committee had no completed drafts for proposed regulation amendments but offered a list of suggestions for regulation additions or modifications. The Commission, with some changes in proposals, requested the Legislative Committee to report at next meeting.

Mr. J. W. Dutton was recognized by the Chairman and spoke in favor of "anchor gill nets" and offered a list of proposed regulations for this type of fishery. In answer to a question by Mr. Hunt, Mr. Dutton said that it would be satisfactory with the fishermen to rig the anchor gill nets in fixed locations with' above water markers at each end of the net proper.

At 12:10 p.m. the Commission went into executive session for consideration of the proposal above. At 1:31 p.m. the Commission reconvened in regular session, and all visitors and press members returned.

A motion was offered and seconded that the Legislative Committee draft proposed regulations authorizing "Anchor Gill Nets", specifying that each end of the net must be firmly anchored and identified with an above water marker denoting ownership, location rights, etc. The motion was approved.

A motion was offered and seconded as follows:

"That the Legislative Committee include in regulation proposals that a drift gill net must be attended at all times it is set, and if discovered not attended that it shall be confiscated by Marine Police." Motion approved.

A motion was offered and seconded as follows:

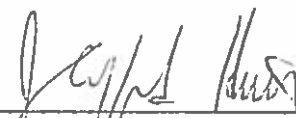
"That the Commission does not approve changing the Regulations to allow persons over age 65 to receive 'gratis' oyster tonging licenses." Motion approved.

A motion was offered and seconded as follows:

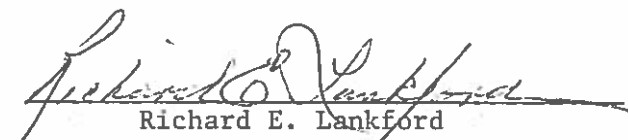
"That fish and eel pot licenses be made to conform to the manner in which crab pot licenses are issued; i.e., to boat operator with assistant or assistants, with same fee as for crab pots." Motion approved.

The next meeting will be held in Maryland early in March 1971, and the time and place will be advertised as soon as suitable accommodations can be arranged, in order that the public may have this information. At the Maryland meeting, the time and place of the next subsequent meeting, which will be held in Colonial Beach, Virginia, will be announced.

The meeting adjourned at 2:05 p.m.



J. Clifford Hutt
Chairman



Richard E. Lankford
Secretary