

Public Hearing
November 19, 1971
Colonial Beach, Virginia

PRESENT - MEMBERS; Commissioners Richard E. Lankford, J. Clifford Hutt, William P. Hunt, Roy E. Julie, Jr., John T. Parran, James E. Douglas, Jr.

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

VISITORS: 41 persons on attached list, including 2 press representatives.

The Chairman, Mr. Lankford, called this public hearing on the Proposed Amendments to Potomac River Fisheries Commission Regulations at 9:30 a.m. in the Town Fire House, Colonial Beach, Virginia. He asked the Legal Officer, Mr. K. Thomas Everngam, to read and explain each proposed regulation one at a time, and said there would be questions, answers and discussion concerning each as they were presented. Mimeographed copies of these proposed amendments were distributed.

Mr. Everngam explained that changes in the regulations came about as a result of suggestions by fishermen, people interested in the industry, law enforcement officers and proposals presented to the Executive Secretary. He then proceeded to read and explain each proposed change in regulations including increase in some license fees.

Regulation I, Section 1: Changes licensing year from fiscal to calendar year beginning January 1, 1972, except oystering.

Regulation 1, Section 2(d): Changes crab pot license from a person to a boat. Brought no adverse comments.

Regulation 1, Section 2(h)(1): Mr. Ammon D. Dunton, Jr., counsel for a group of pound net fishermen, requested that the proposal to limit season for pound netting be deleted. There was discussion from spectators supporting this stand, and also indicating a consensus that pound net fishermen would remove all stakes at least once a year during their off season and would be willing to sign an affidavit to this effect. Zoning the river for seasons in various areas was discussed, but counsel advised that the Commission does not have this authority.

Regulation I, Section 2(h)(2): There were no adverse comments.

Regulation I, Section 2(i)(1): One licensee remarked it to be "practical and acceptable". No other comments.

Regulation I, Section 2(i)(2): No comments.

Regulation I, Section 2(m): Changes fish and eel pot license from person to boat. No objections.

Regulation I, Section 2(n): Discussion and consensus same as under Regulation I, Section 2(h)(1) above.

Regulation I, Section 2(q): No objections. (Amending section provides for separate section for fish and eel pots, fees and type of license).

Regulation I, Section 2(r): Proposes to be repealed. No objections.

Regulation I, Section 2(s): Proposes to require night light on each net location and removal of stakes after fishing season. Some discussion concerning type of light to be used.

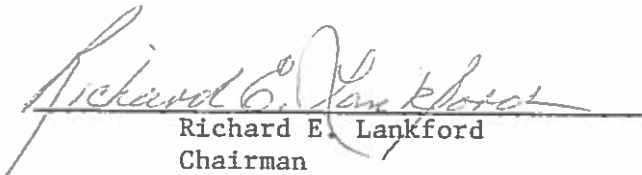
Regulation I, Section 5(a): Proposes to allow a person to set one (1) crab pot for household use without a license. Mr. Dutton spoke against this proposal, and Mr. Embrey suggested a small fee for several pots. No other comments.

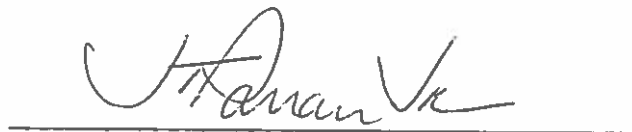
Regulation I, Section 5(c): Proposes to allow the taking of oysters for immediate household use by diving, with or without SCUBA. Mr. Dutton opposed. No other comments.

Regulation II, Section 2(a): Defines method of taking oysters commercially.
No comment.

Regulation III, Section 8: No adverse comments.

In closing the public hearing, Chairman Lankford told the group that every comment would be taken under serious consideration, and the meeting was adjourned at 11:25 a.m.


Richard E. Lankford
Chairman


John T. Parran, Jr.
Secretary

PRESENT - MEMBERS: Commissioners Richard E. Lankford, J. Clifford Hutt, William P. Hunt, Roy E. Julie, Jr., John T. Parran, James E. Douglas, Jr.

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

VISITORS: Lt. Paul C. Wentzell, of the Maryland Marine Police; Chief J. William Ryland and Supervisor E. Ralph Dameron, of Virginia Marine Police; Elgin A. Dunnington, Jr., of the Chesapeake Biological Laboratory; Howard Hudnall, of Virginia Marine Resources Commission; and Isobel Gough and Horton P. Beirne, of the press.

Following the Public Hearing at the Fire House on Proposed Amendments to Regulations, the Commission re-convened in the Commission offices, and the regular meeting was opened by the Chairman at 11:40 a.m.

A motion was made, seconded and approved as follows:

"That the Minutes of the meetings held September 23 and September 24, 1971 previously circulated to each Commissioner be approved."

Chairman Lankford considered the Proposed Regulations next.

Motions were made, seconded and approved as follows: (See amended regulations attached)

"That Section 1, of Regulation I, be adopted as amended and attached."

"That Section 2(d), of Regulation I, be adopted as amended and attached."

"That Section 2(h)(1), of Regulation I, be adopted as rejected and affirmed."

"That Section 2(h)(2), of Regulation I, be adopted as amended and attached."

"That Section 2(i)(1), of Regulation I, be adopted as amended and attached."

"That new Section 2(i)(2), of Regulation I, be adopted as written and attached."

"That Section 2(m), of Regulation I, be adopted as amended and attached."

"That Section 2(n), of Regulation I, be adopted as amended and attached."

"That Section 2(q), of Regulation I, be adopted as amended and attached."

"That Section 2(r), of Regulation I, be repealed."

"That Section 2(s), of Regulation I, be adopted as amended and attached."

"That Section 5(a), of Regulation I, be adopted as amended and attached."

"That the new Section 5(c), of Regulation I, be adopted as written and attached." (Commissioner Parran against on vote).

"That Section 2(a), of Regulation II, be adopted as amended and attached."

"That Section 8, of Regulation III, be adopted as amended and attached."

A motion was made, seconded and approved as follows:

"That the foregoing fifteen (15) adopted regulations be affective January 1, 1972

Mr. Elgin A. Dunnington, of the Chesapeake Biological Laboratory, reported that 200,000 hatchery produced seed were purchased from Mr. Frank Wilde, of Shady Side, Maryland, and planted on three (3) designated areas. The only thing now is to wait and see how seed survive through summer of 1972.

A MOTION was made, seconded and approved as follows:

"That the disbursements for the month of September 1971, in the amount of \$43,495.82 (\$40,000 being transfer of funds to C/D; and for the month of October 1971, in the amount of \$7,890.32, be approved."

Executive Secretary Robert M. Norris, Jr. asked the Commission if they desired

to transfer some capital to C/D's and what amounts and to which banks should the transfer be made. A motion was made, seconded and approved as follows:

"That the Executive Secretary be authorized to monitor the Commission funds henceforth at his discretion for the best advantage of the Commission."

Chairman Lankford advised the Commission that the letter from Mr. Edwin Barry, Assistant to the Secretary, Maryland Department of Natural Resources, relative to printing of regulations had been taken care of.

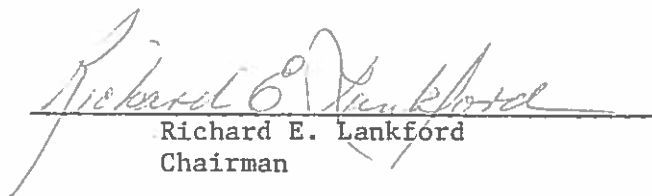
Mr. Hutt read a letter from Mr. George Mason, Jr. relative to constructing an office building for the PRFC, stating the amount of rent for said building. Mr. Hutt explained that the Bank of Westmoreland wants to expand and needs the property on which the PRFC office building now stands, and which the Bank owns.

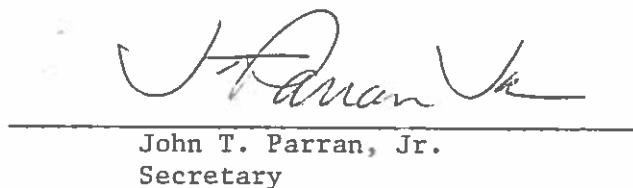
A motion was made, seconded and approved as follows:

"That the Executive Secretary be authorized to establish needs and floor plans for a new office building and obtain some type of cost estimates."

The date of the next meeting was tentatively set for January 21, 1972 - place to be decided later."

There being no further business, the Chairman declared the meeting adjourned at 1:30 p.m.


Richard E. Lankford
Chairman


John T. Parran, Jr.
Secretary

11-14-71

Public Hearing on
"Proposed Regulation
Zoo House Colonial
Barr, etc."

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Howard H. Cudde

Ralph Cameron

Marshall Cook

Dorothy Ren

P. W. C. C. C.

Elgin C. Dunnington

Jack Jones

James H. Self

Jackie Skinn

James W. Dutton

W. Lute Plains, Mo

Willard Elliott

William Harrison

Harry Haysme

A. J. Embrey, Jr.

Randolph Garrison

Mr. Ernest Green

Bernard L. Barnes

Everett Green

Russell F. Finner

Elgin Manning Jr

William J. Jackson

Frank W. B. B. B.

Walter V. J. Johnson

Frank P. Delano

Wayne M. Balderson

W. L. McKenney

William Ryland

Chief Inspector

B. J. Mitchell

J. D. Knecht Jr.

Talnage Jett

254-B

Frank M. ^E Ginnes

Thomas L. Berry

Thomas T. Williams

Finns Hundley

Susan Evans

John W. Heickl

Ammon Decatur Jr.

Geo. Bobb Creek

Robert N. Beam

Frank W. Korday (NWL)

Harold Gouldman (NWL)

AMENDMENTS TO REGULATIONS OF THE POTOMAC
RIVER FISHERIES COMMISSION

Regulation I, Section 1 is hereby adopted to read as follows:

Section 1. Any citizen of the States of Maryland and Virginia, who has resided in either or both said states for at least twelve (12) months immediately preceding their application, and desiring to commercially take and catch oysters and crabs, or any such citizen desiring to erect, maintain, or use any fish nets, seines, trot lines or pots, in the waters of the Potomac River, between the Chesapeake Bay (beginning at the intersection of the low water mark at Point Lookout and an established line running from Smith's Point to Point Lookout) westerly to the intersection of the District of Columbia and Maryland boundary line at Fox Ferry Point, and following the boundary line of the District of Columbia and the State of Virginia to the Virginia shore, as provided in the Potomac River Compact of 1958, shall first apply for and obtain a numbered license from the Potomac River Fisheries Commission, or from an officer or agent duly designated by the said Commission to issue same. Each said license shall be good for the licensing year January 1st through December 31st, except licensing for the taking and dealing in oysters, which shall be issued for a licensing year from July 1st through June 30th of each year. No license issued under the authority of the Potomac River Fisheries Commission shall be transferable in any manner. (Amendment adopted 11-19-71 effective 1-1-72)

Regulation I, Section 2(d) is hereby adopted to read as follows:

(d) For each boat or vessel used in taking or catching crabs with crab pots, a license fee of \$20. Each crab pot set in the water shall be marked with a buoy or stake easily visible on the surface which must display the tag number herein provided; and the tag must be displayed in a clearly visible position on the outside starboard side of the hull of the boat or vessel. All such buoys and stakes shall be marked clearly with the tag number of the licensee in not less than one (1) inch numbers in contrasting color. Any crab pot in the water not identified in this manner may be seized by the duly authorized enforcement officers and shall be subject to forfeiture. Whenever crab pots are being fished, the license must be aboard boat or vessel and available for inspection by any authorized enforcement officers of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. (Amendment adopted 6-24-66 effective 7-31-66; amended 11-19-71 effective 1-1-72)

Regulation I, Section 2(h)(2) is hereby adopted to read as follows:

(h)(2) For each anchor gill net location of 1200 feet and under, a license fee of \$15. An anchor gill net shall be construed to be a gill net that is held stationary in the water by means of conventional anchors, heavy weights, or wooden poles or stakes imbedded into the river bottom at each end of the net. When using poles or stakes as a means of anchoring a net, one (1) center pole may be used. Anchor gill nets shall be marked at each end with a spar buoy, wooden pole or stake, which shall project above the surface of the water at least four (4) feet at high tide. The licensee's tag shall be attached to the channel-side buoy or stake and said tag number be painted in black numbers at least one (1) inch in height on a white background on the inshore spar buoy or stake. The season for setting anchor gill nets shall be September 1st through May 31st of each year. An anchored gill net shall not be licensed for any location that has a depth of water greater than 35 feet mean low water. No anchored gill net shall have a depth greater than 12 feet hung measure. Any net that is set in violation of this regulation may be seized by the duly authorized enforcement officers and shall be subject to forfeiture. Poles shall be illuminated and removed in accordance with the provisions of Regulation I, Section 2(s). (Sub-section (h)(2) adopted 11-19-71 effective 1-1-72)

Regulation I, Section 2(i) is hereby adopted to read as follows:

(i)(1) For each stake gill net location of 1200 feet and under including lines, stakes and rings, a license fee of \$15. The season for setting stake gill nets shall be September 1st through May 31st of each year. 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. A 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. Said poles or stakes shall be spaced not more than 150 feet apart in said series. Poles shall be illuminated and removed in accordance with the provisions of Regulation I, Section 2(s). (Amendment adopted 6-24-66 effective 7-31-66; amended 4-17-70 effective 7-1-70; amended 11-19-71 effective 1-1-72)

Regulation I, Section 2(i)(2) is hereby adopted to read as follows:

(i)(2) For each drift gill net of 1200 feet and under, a license fee of \$15. The licensee shall be in attendance while said nets are in the water, and if a drift gill net is discovered unattended, it shall be seized by duly authorized enforcement officers and shall be subject to forfeiture. Each net shall have a clearly visible marker buoy on each end of the net, which shall project above the surface of the water at least three (3) feet. The buoys shall have the licensee's tag number painted black in numbers at least one (1) inch in height on a white background on each net-marker buoy. The vessel attending the drift nets shall have the license tags clearly displayed on the outside starboard side of the vessel. The season when drift gill nets may be fished is April 1st through May 31st of each year. (Amendment adopted 11-19-71 effective 1-1-72)

Regulation I, Section 2(m) is hereby adopted to read as follows:

(m) For each boat or vessel used in taking or catching fish or eels with fish or eel pots of less than ten (10) feet in length, a license fee of \$20. Whenever fish or eel pots are being fished, the license must be aboard boat or vessel and available for inspection by any authorized enforcement officers of the State of Maryland or Virginia or agent of the Potomac River Fisheries Commission. Fish or eel pots, when fished in series, shall be identified by placing the licensee's tag number on the end pots or buoys; fish or eel pots fished singly shall also be so identified, and the tag must be displayed in a clearly visible position on the outside starboard side of the vessel. Any fish or eel pots in the water not so identified in this manner may be seized by the duly authorized enforcement officers and shall be subject to forfeiture. (Amendment adopted 6-24-66 effective 7-31-66; amended 11-19-71 effective 1-1-72)

Regulation I, Section 2(n) is hereby adopted to read as follows:

(n) Each application and license issued under Regulation I, Section 2(h)(1) Pound Nets, Section 2(h)(2) Anchor Gill Nets, Section 2(i)(1) Stake Gill Nets and Section 2(k) Fyke or Hoop Nets above shall be for a fixed location or place where the net, fyke, weir or other device is to be fished. Licenses to operate the aforementioned nets or gear shall expire on December 31st of each year but shall be renewable annually to the person named therein, provided the licensee shall file an application, including appropriate license fee, on or before January 1st of each year after 1971, to renew the license for the same fixed location or place as he has fished during the current license year, and shall make an affidavit for each year after 1972 to the effect that he has pulled the poles used in this stand and removed the same from the Potomac River in accordance with the provisions of Regulation I, Section 2(s), and this affidavit shall be a material basis for the issuance of the new license for the said location, and he will be granted same on the basis of said affidavit unless he has forfeited same by non-user or for a violation under Sections 4 or 6 of these Regulations. The making of a false affidavit shall be the basis of a hearing for the revocation of said license and the assignment of said location to some other person. The failure to file for a previously assigned fixed location fishing stand by the 1st day of February next will forfeit the right of the previous licensee to said stand and it may be assigned to some other person upon application. Licensee shall procure and affix the tag accompanying his license to the stake at the head and outer end of such structure and at such a height and in such a position as to be readily seen from passing boats. This identification shall be displayed from the setting of the first stake until the removal of the last stake. All stakes shall project not less than four (4) feet above the surface of the water at mean high tide. Each pound net and stake gill net licensee shall maintain his stakes in good condition. He shall promptly remove all stakes that may be unsound, broken or liable to go adrift at his licensed location. (Amendment adopted 6-24-66 effective 7-31-66; amended 11-19-71 effective 1-1-72)

Regulation I, Section 2(q) is hereby adopted to read as follows:

(q) Each fish trot line set in the water shall be marked with at least one buoy or stake easily visible on the surface which must display the tag number herein provided; each such marked buoy or stake shall be marked clearly with the tag number of the licensee in not less than one (1) inch numbers in contrasting color, and the tag must be displayed in a clearly visible position on the outside starboard side of the vessel. Any fish trot line in the water not so identified may be seized by the enforcement officers and shall be subject to forfeiture. (Amendment adopted 6-24-66 effective 7-31-66; amended 11-19-71 effective 1-1-72)

Regulation I, Section 2(r) is hereby repealed. (Amendment adopted 11-19-71 effective 1-1-72)

Regulation I, Section 2(s) is hereby adopted to read as follows:

(s) All licensees shall set all nets in accordance with the location description contained on their licenses. Gill net stakes or poles, anchor gill nets, and pound net hedging poles, shall be kept in a straight line, in accordance with the license location, throughout the entire structure and row. Each net shall have an illuminated white light visible for at least 1/2 mile on a clear night and at least a 4-inch wide 360° reflector attached to a stake, pole or buoy marking the channel side of the fishing structure. Said light shall be illuminated from sunset to sunrise during the entire time the fishing structure is in the water. All stakes of pound nets shall be pulled and removed by the licensee from the Potomac River at least once during the licensing year, and all other net stakes shall be pulled and removed from the Potomac River by the licensee within fifteen (15) days after the close of the respective fishing seasons. (Sub-section (s) adopted 6-24-66 effective 7-31-66; amended 11-19-71 effective 1-1-72)

Regulation I, Section 5(a) is hereby adopted to read as follows:

Section 5. (a) Commercially Taking Seafood and Household Use. Commercially taking or catching seafood under the Regulations of the Potomac River Fisheries Commission shall be construed to be taking or catching of same for market or profit. Taking of crabs by crab pot, finfish by use of nets (other than dip nets), and soft shell clams by means of hydraulic dredge, shall all be deemed a commercial taking or catching of seafood requiring a license hereunder, except that a person may take or catch crabs by means of one (1) single crab pot for his personal household use. No license shall be required for such crab pot. Each personal crab pot set in the water shall be marked with a buoy easily visible on the surface, which must display the owner's initials in not less than one (1) inch letters in contrasting color. (Amendment adopted 6-29-65 effective 7-29-65; amended 4-17-70 effective 7-1-70; amended 11-19-71 effective 1-1-72)

Regulation I, Section 5(c) is hereby adopted to read as follows:

(c) It shall be lawful to take or catch oysters for immediate household use described in Section (b) of this Regulation by shaft tongs, and by hand, and by diving with or without scuba, and by no other means. (Sub-section (5)(c) adopted 11-19-71, effective 1-1-72)

Regulation II, Section 2(a) is hereby adopted to read as follows:

Section 2. (a) Devices for Taking or Catching Oysters. It shall be legal to take or catch oysters commercially in the waters of the Potomac River by shaft tongs operated by hand from a boat with no underwater assistance, as defined in these Regulations, and by no other means. (Amendment adopted 11-19-71, effective 1-1-72)

Regulation III, Section 8 is hereby adopted to read as follows:

Section 8. Method of Fishing. It shall be unlawful to take or catch, or attempt to take or catch, finfish in the Potomac River by the use of a spear, gig, or gig iron, or by the use of any purse net, buck net, beam trawl, otter trawl, trammel net, troll net, or drag net. (Amendment adopted 6-29-65, effective 7-29-65; amended 11-19-71 effective 1-1-72)