

POTOMAC RIVER FISHERIES COMMISSION
Meeting at St. Solomons, Maryland
July 14, 1972

261

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

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

VISITORS: Dr. L. Eugene Cronin and Mr. Elgin A. Dunnington, Jr., of the Chesapeake Biological Laboratory; Drs. William J. Hargis, Jr., Jackson Davis, John M. Zeigler and Mr. Eron P. Ruzecki, of the Virginia Institute of Marine Science; Dr. Donald W. Lear, Jr., Environmental Protection Agency; Dr. Donald W. Pritchard, Chesapeake Bay Institute; Mr. Fred W. Sieling, Maryland Department of Natural Resources; Lt. Paul C. Wentzell, of the Maryland Marine Police; Supervisor Ralph Dameron, of the Virginia Marine Police, the Messrs. S. M. Rogers, Marine Resources Commission of Virginia, Victor R. Reynolds, real estate developer of Kitts Point; Frank Wilde, Chesapeake Bay Oyster Culture; William L. Bowie, Sr., William L. Bowie, Jr., E. T. Bourne, Otis R. Allen, Willard Elliott, and James W. Dutton, President Charles County Watermen's Association.

PRESS: Messrs. John Frye and Jerry Lazarus

The meeting was called to order by Chairman J. Clifford Hutt at 9:30 a.m.

Motion was made, seconded and approved as follows:

"That the Minutes of the meeting of the Potomac River Fisheries Commission held May 5, 1972 at the Marine Resources Commission of Virginia offices in Newport News, Virginia, be approved."

Mr. Norris reported that the planting of 54,910 bushels of fresh oyster shell on Great Neck oyster bar, on lower side of Coan River, was completed at a cost of 20¢ per bu., or \$10,982 plus \$270.50 for a tally and control man. He added that fresh shells are now being planted, as recommended by Mr. Dunnington and Mr. Haven, on six (6) two (2) acre areas below Lower Cedar Point in densities of five (5), seven (7), and ten (10) thousand bushels per acre, in preparation for planting this summer or fall hatchery-reared seed from Windmill Point Oyster Company. This is to continue the experiment begun in October 1971 with three (3) plantings of hatchery-reared seed.

Mr. Dunnington said that, of the three 1971 experimental plantings, a survey in late spring did not discover any seed living on the Great Neck planting, but this is not conclusive evidence that there are not surviving seed; the seed on Huggins Point area survived in moderate quantities and quality and finally, that the seed on the Morgantown (Lower Cedar Point) area survived best. Therefore, the Repletion Committee decided to select the Morgantown area of the river for the 1972 experimental planting of seed. In answer to a question, Mr. Dunnington said that at this point he cannot say what the survival data is on the 1971 plantings.

Dr. Hargis announced that a consortium composed of personnel from EPA (Dr. Lear), CBL (Dr. Cronin), VIMS (himself) plus CBI (Dr. Donald W. Pritchard) are formulating plans for a cooperative program to evaluate the impact of the recent freshet on oysters. This is to determine how long it will take to evaluate the situation, and to establish a program to survey conditions and evaluate future prospect. He said that in the Potomac River weekly surveys of the salinity, et cetera, had begun by various agencies named above three (3) months ago. Dr. Pritchard reported that lower depths have started to recover some salinity, and that this and next week are the critical weeks for shellfish. Mr. Dunnington gave some observations on a survey of July 12th, which indicated not all oysters above Rt. #301 Bridge are dead, but that he thinks there will be very little survival; that there is some mortality at Lower Cedar Point and Swan Point but that continued mortality depends on how long it takes river to return to a reasonable degree of salinity. He said that the first area going down river where oysters are feeding is Ragged Point. He concurs in that the next two weeks are critical; that at present, we clearly see the results of the unusual stress on oysters, but that it is too early to see what the total effect will be.

Dr. Cronin mentioned that many agencies have helped fill in the cost gap of the accelerated survey and evaluation work - he especially mentioned the U. S. Corps of Engineers. Dr. Cronin raised the question of the PRFC applying for Federal 88-309 funds in this emergency disaster situation. It was agreed that such funds would necessarily be applied for by the two states and earmarked for the Potomac River, but that it is unknown at this time how the National Marine Fisheries Service would respond to such a request.

In answer to a question pointing to the Commission helping artificially to protect oysters from catastrophe, such as present one, by moving oysters from threatened areas to lesser danger zones, both Dr. Cronin and Mr. Fred Sieling said that such an undertaking is both physically and economically not feasible. Also that, as suggested, adding salt in an open system such as the Potomac River will not work.

Mr. Victor Reynolds, representing the Kitts Point Development Corporation, presented plans for a 1000 acre residential sub-division including a marina and recreational areas. His main stress described a \$671,000 tertiary sewerage treatment plant with twenty-four (24) hour emergency holding ponds. The sewerage system will be avacuum type which, he said, requires 30 gallons of water per day per capita instead of the usual 100 gallons per day for conventional treatment plant. He said that the engineering calls for 98% BOD removal, 90% reduction of phosphates and 80% reduction of nitrogen, with a maximum effluent discharge of 200,000 gallons per day; that his marina will not allow boats with toilet facilities to dock unless they have holding tanks. He said that present plans call for the sewerage effluent discharge to be on the bottom of the river 3000 feet offshore. Mr. Reynolds emphasized his opinion that the PRFC should take a position on his proposal and suggested that it establish a set of standards applying to sewerage treatment, marinas, et cetera, so that each developer along the river would have a guideline to help with their original planning - that a procedural set-up should be formulated to prevent badly planned developments. He thinks this would help prevent poorly planned developments and subsequent additional pollution of the river. Dr. Hargis suggested that the proposal of Mr. Reynolds be studied by our Advisory Committee, with recommendations to be presented to the Commission.

Mr. James W. Dutton asked what, if anything, can be done to keep the proliferating developments from chipping away at shellfish harvesting areas; that the watermen find it difficult to get help from any other agencies. The "chipping away" he referred to concerns the one-half (1/2) mile buffer zone established around any sewerage effluent outfall regardless of degree of purity, and he said too often these buffer zones are over oyster producing areas.

At 11:25 a.m. the representatives of the CBL, VIMS, EPA and CBL (with the exception of Mr. Dunnington) left the meeting for a conference. (The Commission took a break of twenty minutes.)

At 11:45 a.m. the Commission re-convened and a motion was made, seconded and duly adopted as follows:

"That disbursements for the months of May and June 1972, being \$3,857.31 and \$5,089.46 respectively, be approved."

Mr. Norris read a letter from the Bank of Westmoreland, Inc., owners of the building that the Commission is now occupying, in which the bank gave notice of increase of monthly rental of said building to \$175 per month.

Mr. Norris also reported on progress in formulating a plan which would be suitable for office space for the Commission; one plan containing 2005 sq. ft., and another plan containing roughly 1755 sq. ft. Each plan allows for a heating room of 20 x 32 feet. The Commission directed the building committee to consummate plans for the 2005 sq. ft. building.

At 11:50 a.m. the Commission, by a motion made, seconded and duly approved went into executive session with only the Commissioners, legal officer and executive secretary present. At 12:05 p.m. the Commission resumed an open meeting. No business was conducted or action taken during the executive session.

Mr. Norris told the Commission that he had issued to the William Cyrus Rice Division of the Nuclear Utilities Services, Pittsburg, Pennsylvania, a permit dated April 7, 1972 good until June 30, 1972 for scientific fish collection, but that he had refused to issue the permit until the applicant had told him the name of their client (Potomac Electric & Power Co.), which they were reluctant to do. That subsequently, they had asked for a six-month extension of this permit, but that he has limited the permit extension to the month of July 1972, or until the NUS Corporation supplied the Commission with a meaningful report of the work already conducted. He exhibited to the Commission four (4) pages of sketchy

schedules of collections, a list of water quality parameters and the number of fish caught in a few experimental nets set for twenty-four (24) hours.

Mr. Dunnington said that the state laboratories have all this information ready to give to anyone, which they often do upon request; but that in return, private concerns do not respond when requested, and if they do, the information is so condensed and concise, that it is worthless.

A motion was made, seconded and duly adopted as follows:

"That Mr. Dunnington work up a list of information we should require applicants to agree to furnish us when they wish a permit to use unlicensed and/or illegal gear to conduct scientific surveys in the Potomac River; the list to include the principal for whom applicant is working, purpose, limitations of permit, and a revocation clause and request our legal officer, Mr. Everngam, to formulate a contract to be used between such applicants and this Commission."

Mr. Hutt advised that upon the approval of Mr. Dunnington, of Chesapeake Biological Laboratory, and Mr. Hamons, of Maryland Department of Natural Resources, that following a request from soft shell clammers, he and Mr. Norris had re-opened a triangular area of 105 acres off Dukehart Creek, St. Mary's County, for soft shell clamming until further notice. He said that the action was given the usual publicity by radio and news notices, and all clammers were notified by certified mail. Mr. Hamons had conducted a survey, which indicated a harvestable population of some 3,00 bushels of clams. However, this area is now closed, along with all other areas, by order of the Maryland Department of Health, after the clammers had only one day of good weather in which to work. A motion was made, seconded and adopted as follows:

"That the Commissioners hereby ratify and approve the action of the Chairman and Executive Secretary and authorize them to re-open this area at any time, on basis of approval by our scientific advisors and the Maryland Department of Health."

Mr. Norris advised that the Maryland Department of Natural Resources Police is changing the format of their SUMMONS AND NOTICE OF ARREST forms and asked if we should do likewise to conform to some new requirements of the Maryland Court System. Mr. Wentzell suggested that the Commission wait to change its forms until the experience of the Maryland Marine Police indicates what final format the forms should have, or whether they should be changed at all.

Mr. Dutton was recognized and told the group that the Maryland Court of Appeals had sustained the law prohibiting dredging of sand and gravel in the Potomac River in Charles County waters. He also suggested that, because of a continually growing scarcity of oysters in the Potomac River, that the season be shortened - maby closing the river after December 31st. Mr. Dunnington was asked to study this and give an opinion at the next meeting.


Dr. Jackson Davis, of Virginia Institute of Marine Science, on the question of the possibility of selective harvesting of fish by size by use of minimum or maximum size stretched mesh, said that it is possible to get some level of selection of size, but the method is an imperfect one, as net of any size mesh will catch somewhat smaller or larger fish than desired. He said that the Commission would have to decide how much inaccuracy it can tolerate; that in size alone, the variation could be great, but in total numbers of fish caught the variation would be very small. Mr. Dutton proposed a limit on net to be 3-1/4" to 6" stretched mesh. He said that the 6" stretched mesh will allow buck shad to pass through but will catch striped bass of legal size. Mr. Bourne, a fisherman and a buyer, explained that it is very difficult to weigh a large live fish that appears to be near or over the legal size, more especially when in a small boat in rough water. Mr. Hunt explained that the Potomac River Fisheries Commission is thinking in terms, not of a few ounces over or under an agreed maximum size, but a general schedule to separate "14-pound striped bass" from "20 to 30-pound bass". No conclusion on mesh size was agreed upon, and Mr. Hunt suggested that perhaps we should study the matter further and also possibly arrange with several of the commercial fishermen to experiment with various sizes of mesh next season and make available to the Commission the results of actual field testing of this proposal.

Mr. Frank Wilde was recognized and suggested to the Commission that since not only seed oysters but market size oysters are in short supply, that the Commission consider funding a seed oyster hatchery operation. He said that he is available to help, if the Commission makes the funding available; also, that his experience is that if the seed can be held to a size between a silver half-dollar and a silver collar, that crab predation is no problem. He said that for \$50,000 per year he could supply the Commission with 10,000,000 hatchery-reared seed oysters of the above size.


The Commission said that they would consider, at the next meeting, what days the river will be open for oystering.

The next meeting was set for Friday, September 15, 1972, with the time and the place to be announced later.

At 1:15 p.m. the meeting adjourned.



J. Clifford Hutt
Chairman



John T. Parran, Jr.
Secretary