

Colonial Beach, Virginia

March 8, 1974

PRESENT - MEMBERS: Commissioners John T. Parran, Jr., James E. Douglas, Jr., J. Clifford Hutt, Roy E. Julie, James L. Sisson, Jr. (Absent: Richard E. Lankford)

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

VISITORS: Drs. William J. Hargis, Jr., Jackson Davis, of Virginia Institute of Marine Science; Capt. Harvey C. Cook, Maryland Marine Police; Messrs. Trueman L. Haskell, Potomac River Association; Charles E. Davis, Jr., John B. Morris, Jr., J. L. Trossback, Jr., John Francis (Tucker) Brown, Philip R. Mohler, Extension Service, Maryland Department of Natural Resources.

PRESS: James Henderson and Mrs. Jackie Shinn, Westmoreland News; Jack Kershaw, The Enterprise; John Frye, National Fisherman; Helaine Patterson, The Free Lance-Star; Isabel Gough, Richmond News Leader; Jeremy Lazarus, Richmond Times-Dispatch.

At 10:00 a.m. the meeting was called to order by Mr. John Thomas Parran, Jr., Chairman.

The following motion was made and seconded:

"That the Minutes of the meeting held December 14, 1973, mimeographed copies of which had been circulated to each Commissioner, be approved." The motion was approved.

Mr. Parran reported that the hand dredging and hatchery seed experimentation bills had not been introduced on the floor of either House, but they were in the computer and would be introduced. He said that the wording of the handscrape bill was identical to that introduced in Virginia, and is as follows: THE POTOMAC RIVER FISHERIES COMMISSION SHALL HAVE THE POWER TO MAKE, ADOPT, AND PUBLISH SUCH RULES AND REGULATIONS AS MAY BE NECESSARY OR DESIRABLE FOR AUTHORIZING AND REGULATING THE DREDGING OF OYSTERS WITH HANDSCRAPES IN AREAS OF THE POTOMAC RIVER WITHIN ITS GEOGRAPHICAL JURISDICTION AND MAY LEVY LICENSE FEES FOR SAME.

Mr. Douglas said that the Virginia General Assembly had passed and sent to Governor Godwin the same legislation Mr. Parran had addressed.

The status of appropriation request to Maryland and Virginia General Assemblies for additional budget funds was discussed. The Commission was informed that the Virginia Budget is very close to being passed, and no problem is foreseen. Maryland's granting of additional budget funds is contingent upon Virginia approval, which when confirmation is received will be in the form of a supplemental bill. Mr. Douglas informed Mr. Parran that he would advise him of Virginia approval as soon as possible, in order that Mr. Parran could advise the Maryland Department of Natural Resources to proceed with the supplemental bill.

Mr. Norris reported that upon the advice of the Oyster Repletion Committee, seed oysters were planted on Swan Point, Gum Bar and Cedar Point. Each area contained approximately 20 acres and was being planted at a rate of 500 bushels per acre. To date 27,227 bushels have been planted at a cost of \$76,535.34. Mr. Norris also reported that because of the availability of seed at the present time and that \$80,000 in capital funds presently invested in U. S. Treasury Bills will be available on March 14, 1974 and that possibly some additional Federal funding will be forthcoming this year that we are continuing to buy additional seed, which will be planted in a similar manner on Bluff Point. He said that when the Oyster Repletion Committee met in early winter, they recommended this program including a shell planting program in the lower river as large as funds will permit and that also experimentation with hatchery seed should continue. The following motion was made and seconded:

"That the Chairman and Executive Secretary be authorized to sign note(s) to borrow up to \$50,000 to pay for seed oysters until the additional funds become available." The motion was unanimously approved.

Mr. Norris reported that Mr. Carlos White, of the Virginia Office of Emergency Services, is continuing in his efforts to have the FDAA monies released to us, which will cover the losses resulting from AGNES of capital investments in seed oysters in the years 1969, 1970 and 1971. The application had been turned over to the National Marine Fisheries Service, who has stated, that although the PRFC is eligible to receive funds from NMFS, that NMFS has no funds available. Therefore, the application will be re-submitted to the FDAA.

The Chairman then opened the floor to discussion and comments concerning Steuart Investment Company's, (1) proposal to build an oil refinery and, (2) their application to the U. S. Corps of Engineers to build an extension to the present pier at Piney Point, Maryland. He recalled that at the last meeting, this Commission had re-affirmed its September 10, 1968 resolution on this subject. He said that Mr. Norris and Mr. Carpenter had presented a copy of this resolution to the U. S. Army Corps of Engineers at a public hearing held in St. Mary's County, which establishes the Commission's opposition to the pier extension. Mr. Norris reported that about 150 copies of the resolution had been sent to various governmental bodies in both Maryland and Virginia. It was learned that Steuart had received two (2) St. Mary's County permits, one for a warehouse building and one for a large concrete pad, but to date had not applied for any State or Federal permits, other than that for the pier extension.

Mr. Trueman Haskell, Potomac River Association, told the Commission that Senator Paul J. Bailey's bill to prohibit any oil refinery in St. Mary's County had passed the Senate with two amendments, (1) making the bill emergency legislation and (2) to permit any presently existing operation to continue.

There being no other old business, Chairman Parran called for new business.

Mr. Norris reported that there had been an increase in the fishing effort believed to be the result of fewer oysters this year. At present, in the lower and middle sections of the river, the catch of striped bass is very satisfactory. He also reported that, as of March 6, 1974, 527 anchor and 331 stake gill nets and 62 pound net licenses had been sold to 245 fishermen.

The following motion was made and seconded:

"That the action extending hours for oyster tonging from sunrise to 4:00 p.m. instead of 3:00 p.m. Monday through Friday for the 1973-74 season, as agreed by telephone poll taken January 7, 1974 and effective that date, be approved." The motion was approved.

An oyster production report, as of February 2, 1974, showed that the number of tongers, bushels taken and tax collected was approximately half of the number for the previous year at the same period:

	<u>1973-74</u>	<u>1972-73</u>
Tongers	251	500
Bushels	28,567	56,975
Tax	\$7,158	\$14,246

Disbursements for the months of December 1973, January and February 1974 being \$11,078.79; \$18,332.89 and \$42,201.64 respectively, were itemized (\$55,741.59 of this was for seed oysters), and the following motion was made and seconded:

"That the disbursements as enumerated and itemized totaling \$71,613.07 for the said three months be approved." The motion was approved unanimously.

Mr. Parran brought before the Commission Maryland House Joint Resolution No. 61, which states: "FOR THE PURPOSE OF REQUESTING THAT THE GOVERNOR OF MARYLAND INVITE THE GOVERNOR OF VIRGINIA TO JOIN WITH HIM IN THE APPOINTMENT OF AN INTERSTATE COMMITTEE TO DEVELOP RECOMMENDATIONS FOR LEGISLATION AND REGULATORY ACTIONS GOVERNING THE CATCHING OF FINFISH AND CRUSTACEANS IN CHESAPEAKE BAY AND ITS TRIBUTARIES AND THE POSSESSION OF SAME". He then asked for discussion and comments.

Dr. Hargis, of VIMS, said that the type of activity suggested in this resolution has been going on through the Atlantic States Marine Fisheries Commission's efforts to bring the different state regulations in line with one another.

Mr. Douglas recalled that he had previously suggested to Mr. Joseph Manning that they set up an ad hoc committee to meet and identify problem areas. Citing this Commission as an example, he said that joint management is definitely possible.

Mr. Parran agreed with Mr. Douglas and said that he was in agreement with the concept and felt that the PRFC should be a vital part of any such undertaking.

Mr. Hutt raised objections to the formation of a "committee" but not the philosophy.

Mr. Julie stated that a broad based committee was a viable concept.

The following motion was made and seconded:

"That this Commission wishes to express its intense interest in House Joint Resolution No.61 and request additional time to formulate a definite opinion and to present this opinion at a public hearing before the Environmental Matters Committee." Motion approved.

Mr. Norris was requested to inform the Chairman of the Environmental Matters Committee of this action.

Mr. Tucker Brown told the Commission of his support for dredging in the Potomac. He felt that small power winders, only to "lift the dredge from the bottom to the boat", should be allowed and agreed with a catch limit being imposed. He also believes that the oyster beds, dead and alive, would benefit from the cleaning action of the scrapes and that buried shells would be re-deposited on the bottom. He would prefer a hand scrape operation, even without winders, over present conditions. He then asked what were the chances of dredging this fall? He was told that if the two states granted the Commission authority to regulate dredging, it would be effective July 1, 1974. But, that there was no guarantee the regulations would be changed this year.

Mr. Parran commented that this statement by Mr. Brown reflects a new thinking on the Maryland side of the river.

Mr. Parran stated that it was with great personal pleasure that he had served as Chairman, and then called for the report of the Nominating Committee. Mr. Douglas, speaking for the committee, nominated the following slate of officers for 1974: Mr. James L. Sisson, Jr., Chairman; Mr. John Thomas Parran, Jr., Vice-Chairman; Mr. James E. Douglas, Jr., Secretary. At this point, Mr. Parran asked Mr. Julie to act as Chairman pro tem to conduct the election, and Mr. Julie asked then for further nominations. A motion was made, seconded and approved that the nominations be closed. Mr. Julie called for a vote on the candidates as a group, and by a voice vote, the above slate was unanimously elected. Mr. Julie then turned the meeting back to Mr. Parran, who in turn installed Mr. Sisson as the Chairman for 1974.

Mr. Douglas complimented the retiring Chairman, on behalf of himself and the entire Commission, on his capability in effectively carrying out the work and activities of the Commission. Mr. Norris made a similar statement on behalf of himself and the staff.

Mr. Hutt spoke for a few minutes telling of his great pleasure and pride in serving on the Potomac River Fisheries Commission and that he has considered it a singular privilege.

Chairman Sisson called the next meeting for May 31, 1974 at Colonial Beach, Virginia.

Mr. Norris called the attention of the Commission to a statute in Virginia, which became effective 1-1-74, which establishes a single body of law applicable to the pledging of security as collateral for public funds on deposit in Virginia banking institutions. Mr. Everngam said he had reviewed the Act and thought it may not apply to a bi-state commission, but it would seem sensible to comply. The following motion was made and seconded:

"That this Commission acknowledge and approve our participation in the Virginia Security for Public Deposit Act." The motion was approved.

Chairman Sisson appointed a committee to investigate obtaining a memorial plaque for the office. Mr. Hutt and Mr. Parran are to serve on this committee. The following motion was made and seconded:

"That the Plaque Committee be authorized to expend funds for the purchase and installation of said plaque." The motion was approved.

Mr. Douglas, Mr. Parran, Mr. Norris and Mr. Carpenter were named as the Budget Committee to prepare and present at the next meeting a proposed budget for 1974-75 fiscal year.

By a voice vote, Mr. Carpenter was authorized to sign fisheries licenses issued by the Commission.

In response to a question, Dr. Hargis informed the Commission that his report on the Environmental Impact Statement concerning a refinery operation at Piney Point, Maryland made for Steuart Investment Company is presently in draft form and will be forwarded as soon as possible. It was determined that after each Commissioner had reviewed the report, the report could be made public. He said there will be a separate report issued by the Chesapeake Biological Laboratory but that the two reviews agree.

Mr. Sisson said that he felt that this Commission must take positive direct action on many issues in the coming year. He then called for and received a motion to adjourn. The motion was made, seconded and approved at 11:45 A.M.



John T. Parran, Jr.
Chairman



J. Clifford Hutt
Secretary