

June 4, 1976

Colonial Beach, Virginia

PRESENT - MEMBERS: James E. Douglas, Jr., Chairman, Milton T. Hickman, John T. Parran, Jr., Robert J. Rubelmann, Richard E. Lankford. (Absent: William P. Hunt)

OFFICERS: Robert M. Norris, Jr., Executive Secretary; Kirby A. Carpenter, Assistant Executive Secretary.

VISITORS: Elgin A. Dunnington, CBL; Jackson Davis, VIMS; Carson M. Hooper and Ruth Chandler, U. S. Coast Guard; Paul C. Wentzell and Harvey C. Cook, Maryland Marine Police; C. E. Thomas, Jr., Virginia Marine Police; Don Webster and Norm Bender, University of Maryland, Sea Grant; Bill Seiling and Phillip R. Mohler, DNR, Extension Service; James W. Dutton, President Charles County Watermen's Association; William L. Bowie, Sr., William L. Bowie, Jr., Sam Bailey, Jr., Allen Dent, Thomas J. King.

PRESS: Rusty Demmen, Westmoreland News; Joe Gatins, Times-Dispatch; Cyndi Young, Free Lance-Star, Jack Kershaw, The Enterprise; Isabel Gough, Richmond News Leader.

The meeting was called to order at 9:50 a.m. by Chairman James E. Douglas, Jr. Mr. Douglas asked for consideration of the Minutes of the meeting held March 5, 1976 in Colonial Beach, Virginia, stating that mimeographed copies had previously been submitted to each Commissioner. The following motion was made and seconded:

"That the Minutes of the March 5, 1976 meeting, as submitted, be approved." The motion was approved.

Old Business was declared in order.

Dr. Davis reported that all segments of a Management Program for Potomac River Fishery study had been presented piecemeal in oral form in recent meetings and that a written report will be ready shortly. Mr. Douglas said, that after each Commissioner had received and reviewed the report, it would be made available to the public for comment prior to any formal action by the Commission.

Mr. Norris reported on the 1976 spring repletion program saying that 45,600 bushels of shell-strike seed oysters from Jones Shore have been transplanted to middle river bars as follows: Red Bar - 8,800 bu.; Ragged Point - 12,800 bu.; Sheepshead - 8,800 bu.; Heron Island - 9,600 bu.; and Huggins Point - 6,400 bushels. The program has been halted temporarily but will resume later this summer (as was suggested and approved by the Commission) and will continue as long as the seed and funds hold out. In reply to a question, a brief summary of complete repletion effort by this Commission was presented. Between 1963 and 1975, there have been 7,872,615 bushels of shell and 668,638 bushels of seed planted in the Potomac at a total cost of \$2,364,893. It was estimated that the dockside value of Potomac River oysters landed during that same period was in excess of \$14,000,000. It was also noted that a survey to determine the economic impact of Potomac River oysters on the area has been initiated by the PRFC staff, and as soon as the figures are available, they will be distributed.

The following motion was offered and seconded:

"That the Potomac River be opened for the taking or catching of soft-shell clams, in the areas open prior to the closing in 1972, but that any area with oyster populations or formerly open but now containing oysters, either natural, or planted with seed or shell, will be closed and that this opening be effective June 14, 1976 and the areas remain open until further notice." The motion was approved.

Mr. Norris reported that the application to the Economic Development Administration, of the U. S. Department of Commerce, dated 1-9-76 for federal funds for repletion work has not been approved nor disapproved at this date. He said that Congressman Gude's office is still interested in our problem of financing a continuing repletion program and actively promoting our cause. Mr. Douglas asked those in attendance for any support they could give. Mr. Parran suggested a meeting with our Representatives, both House and Senate, from Maryland and Virginia, in order to seek a wider base of support for the requested federal assistance, and perhaps Congressman Gude could be asked to arrange such a meeting.

Mr. Rubelmann reported that the Finance Committee had met and discussed changes in license fees and inspection tax. He said that watermen and industry from both sides of the river would have an opportunity to review and comment before presentation of any proposal to the Commission, and that this second conference would be held in the near future.

Mr. Douglas said the PRFC staff had begun work on a budget for FY '77, but several items could not be estimated or set at this time. He asked that the Commission members of the Finance Committee complete a proposed budget for presentation at the next meeting and instructed them to consider each state annual appropriation to be \$75,000.

The following motion was made and seconded:

"That the salary for Legal Officer be set at \$5,000.00 per annum."
The motion was approved.

Mr. Douglas outlined the current status of the state appropriations telling that the Maryland General Assembly had appropriated \$75,000 in the regular budget, as had Virginia; but after the Virginia General Assembly had adjourned, Maryland had approved the requested \$25,000 increase in a supplemental budget, and so now the Virginia Commissioners have requested of the Governor's Office that \$25,000 be added to the Virginia contribution. Mr. Douglas said that in the event that Virginia does not match the additional \$25,000 from Maryland, this Commission would be able to accept only \$75,000 from Maryland and for this reason had asked that only a \$75,000 appropriation be anticipated in FY 1977 budget from each state.

With the above as a preamble, the following resolution was read:

"RESOLUTION

WHEREAS, the State of Maryland has informed the Potomac River Fisheries Commission by letter of 14 May 1976 that the Maryland General Assembly has approved a supplemental request of \$25,000 for the Commission for the Fiscal Year 76-77, and

WHEREAS, this supplemental appropriation is contingent upon a like additional amount being appropriated by the Commonwealth of Virginia, and

WHEREAS, this action by the State of Maryland occurred subsequent to the adjournment of the Virginia General Assembly, and

WHEREAS, the lingering effects of Tropical Storm AGNES have severely reduced the revenues available to the Commission to continue its oyster repletion program at a time when the repletion program is critical and additional funds are urgently needed, e.g., the oyster inspection tax produced \$169,539 during 1966-67 but only \$5,037 during 1975-76, and

WHEREAS, the Potomac River Fisheries Commission has seed oysters available for transplanting if funds can be obtained to pay for same now,

NOW THEREFORE BE IT RESOLVED, that the Commissioners of the Potomac River Fisheries Commission from both the States of Maryland and Virginia do respectfully request that the Governor of the Commonwealth of Virginia make every effort to seek \$25,000 additional funds for the Commission at the earliest possible time.

Adopted June 4, 1976

POTOMAC RIVER FISHERIES COMMISSION

BY: /s/ James E. Douglas, Jr.
Chairman

ATTEST:

/s/ Robert M. Norris, Jr.
Executive Secretary"

A motion was made, seconded and unanimously adopted approving this Resolution and the Executive Secretary was instructed to immediately forward the resolution to Governor Godwin.

The following resolution was read at Mr. Douglas' request:

"RESOLUTION

WHEREAS, the Honorable K. Thomas Everngam has been legal counsel to the Potomac River Fisheries Commission since the Commission's inception; and

WHEREAS, Mr. Everngam has diligently and earnestly discharged the duties of legal counsel with skill and dedication; and

WHEREAS, Mr. Everngam's contributions to the legal community, his county, state and country have been recognized by his appointment to the bench causing him to resign his post as counsel to the Commission;

NOW THEREFORE BE IT RESOLVED that, the members of the Potomac River Fisheries Commission express their appreciation and thanks to the Honorable K. Thomas Everngam for his long and devoted service to the Commission.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Minutes of this Commission and the original be presented to Mr. K. Thomas Everngam.

/s/ James E. Douglas, Jr.

/s/ Milton T. Hickman

/s/ Richard E. Lankford

/s/ John T. Parran, Jr.

/s/ Robert J. Rubelmann

/s/ William P. Hunt

Adopted June 4, 1976"

A motion to adopt the above Resolution was made, seconded and unanimously adopted.

Mr. Rubelmann nominated Mr. J. Owen Wise, of Denton, Maryland for the position of Legal Officer. The following motion was made and seconded:

"That Mr. J. Owen Wise be offered the position of Legal Officer of the Potomac River Fisheries Commission." The motion was approved. Mr. Douglas, Mr. Hickman and Mr. Rubelmann voted "yes". Mr. Parran and Mr. Lankford voted "no", with the explanation that they had earlier promised their support to another applicant and felt compelled to vote as they did, although they had no personal objection to Mr. Wise. The Chairman requested that the vote be recorded in the Minutes.

The following motion was made and seconded:

"That the 1969 Plymouth, previously declared surplus, be disposed of at public auction at a time and place convenient with Mr. Norris." The motion was approved.

Mr. Dutton listed a number of bills now pending in Congress regarding fisheries which propose financial assistance to fisheries through grants, research, development programs and marketing projects. He suggested that these bills could be a source of funds for the PRFC rather than increased license fees. He said also that steps would be taken to see that the PRFC be specifically named as eligible for funds in these bills. Mr. Douglas asked the administrative staff to investigate the possibilities raised by Mr. Dutton.

There being no other old business, new business was declared in order.

Itemized disbursements for the months of March, April and May 1976, which had been circulated to the Commissioners several days prior to the meeting, were considered. March totaled \$5,825.82; April totaled \$7,594.91; and May totaled \$8,438.36. The following motion was made and seconded:

"That the disbursements as listed and itemized totaling \$21,859.09 for the months of March, April and May 1976 be approved." The motion was approved.

A statement of funds, as of June 3, 1976, was presented, showing \$24,059.26 in checking account in the Bank of Westmoreland, plus a \$14,000.00 C/D in the Maryland Bank and Trust Co.; for a total of \$38,059.26 cash on hand and in the banks.

The final report on oyster catch for the 1975-76 season was read, showing production of 20,123 bushels for the entire season compared with 52,362 bushels last year. The oyster inspection tax was \$5,037 this year vs. \$13,103 last year. The number of tonging licenses sold was also down from 303 in 1974-75 to 230 this year.

Mr. Carpenter reported that we have not received a response from the Maryland Health Department regarding the taking of rangia clams from the brackish water area of the Potomac. Their response and position on water quality is considered an essential first step to the development of any regulations for the fishery in the upper river. Mr. Dutton stated that eel grass seems to be making a comeback in the Potomac between Port Tobacco River and Maryland Point, and he expressed concern that a rangia fishery utilizing hydraulic clam dredges and the spread of eel grass may not be compatible. Mr. Douglas asked the scientific advisors for an evaluation of eel grass vs. rangia clams and to report their findings at the next meeting.

Mr. Hooper and Mrs. Chandler, of the U. S. Coast Guard, were introduced. Mr. Hooper explained the situation resulting from PEPCO's transmission line crossing, now under construction, between Moss Point and Possum Point. After a lengthy discussion of the problems to mariners and fishermen in the area, the following resolution was presented:

"RESOLUTION

June 4, 1976

WHEREAS, Potomac Electric and Power Company is constructing a transmission line, which runs at an oblique angle, across the Potomac River from Moss Point, Maryland to Possum Point, Virginia supported by towers placed in or near the old established navigational channel as shown on a drawing prepared by Commonwealth Associates, Inc. and approved February 6, 1975, and

WHEREAS, this construction has caused an arbitrary relocation of said channel toward the Virginia shore in area No. 4 between towers #182 and #183, as shown on aforementioned drawing, with a vertical clearance of 172 feet, and

WHEREAS, crossing the river at an oblique angle will cause confusion to mariners and force them to swing away from the historic channel in order to pass between aforementioned towers at right angles, and

WHEREAS, relocating the navigational channel away from the Maryland shore will interfere with and prohibit the use of assigned, historic and valuable fish net locations in the path of this new channel,

NOW THEREFORE BE IT RESOLVED, that the Potomac River Fisheries Commission hereby requests the Potomac Electric and Power Company to increase the height of tower #181 sufficiently (or whatever modification is necessary) to increase the vertical clearance to 172 feet under the transmission line over the historic, familiar and established channel, which will allow the continued use of the historic channel in area No. 4 between towers #181 and #182.


/s/ James E. Douglas, Jr. (By RMN, JR.)
Chairman

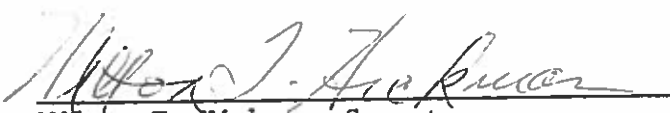
ATTEST:

/s/ Robert M. Norris, Jr.
Executive Secretary"

A motion was made, seconded and approved to adopt this resolution. Mr. Douglas asked that copies be sent to the Corps of Engineers, U. S. Coast Guard, Maryland Department of Natural Resources and the press. He also requested Mr. Norris to sign the papers on behalf of the Commission, since he would be unavailable for the next several days, and forward the resolution with a letter to Potomac Electric & Power Company.

The next meeting was set for August 13, 1976 at 10:00 a.m. in Leonardtown, Maryland. There being no other business, a motion to adjourn was made, seconded and approved at 11:35 a.m.


James E. Douglas, Jr., Chairman


Milton T. Hickman, Secretary