

August 13, 1976

Leonardtown, Maryland

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

OFFICERS: Robert M. Norris, Jr., Executive Secretary;
Kirby A. Carpenter, Assistant Executive Secretary;
J. Owen Wise, Legal Officer.

VISITORS: Dexter S. Haven and Jackson Davis, VIMS; Elgin A. Dunnington, CBL; Earl J. Shiflet, Secretary Virginia Department of Commerce and Resources; S. M. Rogers, Norman E. Larson, Howard S. Hudnall and C. E. Thomas, Jr. with the VMRC; Robert Forste, DNR; Major Paul C. Wentzell and Capt. Harvey C. Cook, Maryland NRP; Harry T. Stine, T. A. Hickman, Neal J. Smith, J. Neal Smith, Delores Smith, W. E. Green, Wallace Owens, Mike Woodall, Nick Shah, W. L. Bowie, Jr., A. S. Campbell, Walter M. Maddox, Walter I. Maddox, James W. Dutton, Tucker Brown, Sam Bailey, Jr., Ernest Woodall, Joseph Bowles, Robert Faunce, George W. Robertson, Robert T. Brown, David Faunce, plus about 15 others.

PRESS: Jack Kershaw, Enterprise; Joe Gatins, Times-Dispatch; Joanne Spiers, St. Mary's Beacon; Dick Myers, WKIK.

The meeting was called to order at 10:05 a.m. by Mr. James E. Douglas, Jr., Chairman. Mr. Douglas asked for consideration of the Minutes of the last meeting held June 4, 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 June 4, 1976 meeting, as submitted, be approved." The motion was approved.

Old business was declared in order.

A PLAN FOR THE MANAGEMENT OF THE FISHERIES OF THE TIDAL POTOMAC RIVER was presented by Dr. Davis and Mr. Dunnington, of Virginia Institute of Marine Science and Chesapeake Biological Laboratory respectively. Dr. Davis emphasized that the report contains two (2) suggested plans for the oyster fishery, one of which has several options, which the Commission may choose between. The largest portion of the text deals with oysters since they are the most manageable fishery. The two options presented are: 1) A combination public and private (leasing) fishery, and 2) A continuation of the present public fishery. They recommend that the soft-shell clam fishery be managed as at present and that consideration be given to development of a fishery for brackish water clams in the future. Slight modification of size limits on crabs is recommended to increase the value of the catch. No fundamental change is recommended in the finfishery, though some regulations might be changed to maximize the yield. They also suggest that the Commission continue to use its public position to try to influence decisions on water quality, sewage treatment and land use, which will affect fisheries.

Mr. Douglas accepted the report on behalf of the Commission and thanked Mr. Dunnington and Dr. Davis for the immense amount of time, work and study devoted to formulating these plans. Mr. Rubelmann suggested that the report be made available to interested persons for any comments. Mr. Douglas emphasized that these plans are to be considered a "First Cut". The following motion was made and seconded:

"That the PLANS FOR THE MANAGEMENT OF THE FISHERIES OF THE TIDAL POTOMAC RIVER be made available for comment by interested persons." The motion was approved.

Mr. Douglas suggested that anyone wishing to read the report contact the staff and that they keep in mind that it is only a report and no formal action by the Commission will be taken until the public has had an opportunity to review the plan.

The report of the Finance Committee was presented by Mr. Rubelmann. He said that the committee, including several watermen, had met several times. He explained that attempts were made to establish a more rational correlation among the licensee fees based on the cost of gear, length of season, value of catch, etc., rather than an across the board or per cent increase. The proposed new license fees are as follows:

Anchor or Stake Gill Net8	\$25	Hand Tongs	\$50
Drift Gill Net	30	OT tags	5
Haul Seine up to 1,000'	25	Oyster Buyer	50
Haul Seine up to 2,400'	100		
Pound Net	60	Any Crab Trot Line*	25
Fish Pot	25	Peeler Trap	10
Eel Pot	25	Crab Pot	50
Fish Trot Line	10	Crab Buyer	50
Fyke Net	15		
		Clam Dredge	100

The asterisk (*) indicates those licenses which would be a new format, that is, an Anchor or Stake Gill Net license would allow either type of gear to be used. Bases on the total number of licenses issued last year, the proposed fees are estimated to increase revenue by \$30,000. The committee also recommended that enabling legislation by Maryland and Virginia be requested to allow the Commission to set the oyster inspection tax at a more appropriate level by elimination of the present 25¢/bu. ceiling, and to allow a tax on clams to accrue to the PRFC.

A general discussion regarding the proposed license fees followed. Mr. Dutton suggested that the increase be postponed one year, so they could be tied into the management plan presented today. He sees the need for management and recognizes that it costs money, but he was in general opposition to increasing licenses at the present. Mr. Francis (Tucker) Brown stated that he was in general agreement with Mr. Dutton. He asked how much federal money has been received since Tropical Storm AGNES and how that money was spent. Mr. Douglas gave assurances that every dollar has been used in oyster repletion work but explained that as this meeting was being held in Leonardtown that all PRFC records are not at hand, but he would see that Mr. Dutton and Mr. Brown received a statement showing the amount of federal funds received and what work was accomplished.

A letter from Senator James C. Simpson, Charles & St. Mary's Counties, dated August 10, 1976 stating his opposition to increasing license fees was read. Mr. W. E. (Billy) Green asked that small (shallow) pound nets carry a lesser fee than the large, deep water pound nets similar to the haul seine provision. Mr. Robert Brown said the license fees are too high and will result in fewer licenses being sold, therefore no additional revenue will result. There was also an expression by those in attendance that a \$50 oyster tonging license is too high. Mr. Douglas requested Mr. Norris to send a reply to Senator Simpson promptly.

Mr. Rubelmann made a motion to adopt the committee report, so that regulations could be prepared for advertisement. The motion was not seconded. The following motion was then made, seconded and approved:

"That the Finance Committee report be accepted for discussion."

Mr. Carpenter reported that direct federal funding from U. S. Government agencies, including National Marine Fisheries Service, as proposed at the last meeting has been investigated and concluded that due to Federal restrictions and the PRFC's position under the Maryland-Virginia Compact of 1958 as regards NMFS, direct federal funding does not appear feasible.

Mr. Norris reported that since the river had been re-opened for clamming, two (2) licenses had been sold. The clambers report finding no harvestable clam populations in the Potomac. A general discussion regarding the hours for clamming suggested the following motion:

"That the hours for the taking or catching of soft-shell clams in the Potomac shall be from one-half hour before sunrise until 12:00 noon each day, except Sunday, during the months of June, July, August and September." The motion was seconded and approved. (See action taken later in this meeting.)

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

Disbursements for the months of June and July 1976, itemized lists of which had been circulated to the Commissioners several days prior to the meeting, were considered. June totaled \$29,082.82, of which \$22,800 was for seed transplanting; and July totaled \$59,275.33, which included a payment of a \$10,000 Note and \$40,000 in transfer of funds to C/D's. The following motion was made and seconded:

"That the disbursements as listed and itemized totaling \$88,358.15 for the months of June and July 1976 be approved." The motion was approved.

A statement of funds, as of August 12, 1976, was presented, showing \$20,499.85 in checking account in the Bank of Westmoreland, plus \$120,000 in C/D's equally divided among the Peoples Bank of Montross, the Maryland Bank & Trust Co., and the Bank of Southern Maryland, totaling \$150,499.85 cash on hand and in the banks.

As requested at the last meeting by Charles County Water Association because of possible rangia clam harvest efforts resulting in damage, Dr. Davis and Mr. Dunnington reported that investigation of the occurrence and possible spread of "eel grass" in the upper river determined that the grass was very similar to, but not true eel grass. The grass, which was thought to be eel grass, is located in shallow water and the development of a rangia clam fishery would not be detrimental to the vegetation.

Mr. Samuel Bailey, Jr. spoke in favor of development of a rangia clam fishery and added that he is trying to establish a market for this seafood. He requested that he be allowed to use a hand scrape to obtain a sample from above Route 301 Bridge. This sampling will be used to help determine the feasibility of harvesting and marketing rangia clams.

A motion to allow the use of hand scrapes between Port Tobacco River and the upper shellfish limit for the taking of rangia clams by anyone did not receive a second.

Mr. Douglas said that a survey to locate any harvestable populations of rangia clams above Upper Cedar Point would be organized immediately and that any clams taken could be used by Mr. Bailey. Mr. Dutton, upon request, was welcomed as a member of the survey. Mr. Dunnington, of CBL, was asked to supervise this operation in cooperation with VIMS personnel.

It was brought to the attention of the Commission that Regulation V, Section 7(4) controls the hours for soft-shell clamming and, therefore, the motion made earlier in meeting was in conflict with the Regulation. A motion was made, seconded and unanimously approved to nullify the previous motion regarding the hours for taking or catching soft-shell clams. The following motion was then made and seconded:

"That Regulation V, Section 7(4) be modified to bring it in line with the Maryland law regarding the hours for clamming and that this be done the next time regulations are amended." The motion was approved. Therefore, the hours for clamming are set by current regulations; that is, from sunrise to sunset except as affected by Maryland Health Department regulations.

The following motion was made and seconded:

"That the proposed budget for Fiscal Year 1976-77 totaling \$207,407.45 be adopted effective July 1, 1976." The motion was approved. The Chairman said that a copy of the budget would be made a part of the Minutes of this meeting.

There was discussion about the difficulty of culling oysters on Jones Shore due to several years accumulation of oyster set on old market-size oysters. It was the consensus of the Commission that the cull law, as prescribed by regulation, should prevail throughout the entire river.

Mr. Norris reported that we had received a response from Potomac Electric Power Company to the Resolution adopted at the last meeting asking PEPCO to raise one section of transmission line at Moss Point to allow use of old channel. In a letter dated June 17, 1976 from Mr. Reid Thompson, President of PEPCO, stated that PEPCO had learned of the concerns of the PRFC too late to be able to conform with the request made in the Resolution.

Mr. Norris also reported that he and Mr. Carpenter had attended the Public Hearing on the site suitability of the proposed Nuclear Generating Station at Douglas Point sponsored jointly by the Nuclear Regulatory Commission and the Maryland Public Service Commission. As requested by Mr. Norris, the hearing officer said that the hearing record would remain open for ten (10) days after today's PRFC meeting to allow the PRFC an opportunity to comment. The following motion was made and seconded:

"That Mr. Dunnington and Dr. Davis be requested to prepare a statement on behalf of the Potomac River Fisheries Commission of impacts on the fisheries associated with the proposed Douglas Point Power Plant but making no commitment as to PRFC position, and because there is not time for the Commission to consider the statement, that it be sent directly to Mrs. Bowers, Chairman of Nuclear Regulatory Commission." The motion was approved.

Mr. Tucker Brown said he feeld there are problems with current haul seine regulations, and he requested that a starting time be set by regulation. He also spoke of problems with the permit system for moving a patent tong rig. Mr. Douglas said the haul seine regulations would be considered by the legislative committee.

The following motion was made and seconded:

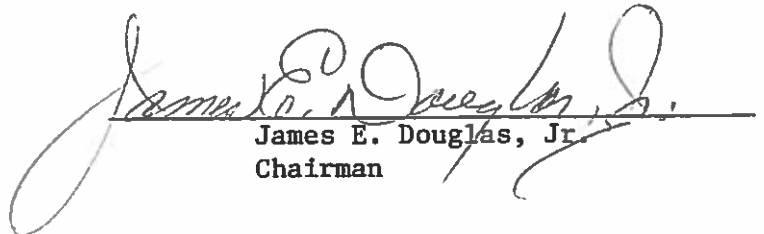
"That the staff, police and watermen be authorized to arrange for a mutually agreeable permit system for the transportation of a patent tong rig." The motion was approved.

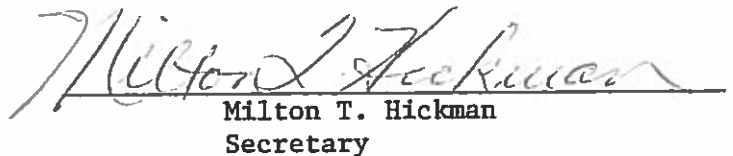
Mr. Brown spoke in favor of hand scraping in the Potomac and read the following recommendations of the St. Mary's County Watermen's Association on regulations for hand scraping: time - sunrise to noon; limit - 15 to 20 bushels per boat per day; no hand scraping on Saturday or Sunday; that all bars be open to hand scraping; there be no mixed gear (tongs) on boat; that t 15 or 20 bushel measuring box (container) be mandatory; there be a point system for violators (similar to driving license system); be only one hand scrape per boat; that each person on board must be licensed; and that the river be opened January through March for hand scraping. He suggested this be established on a trial basis.

Mr. David Sayre expressed the opinion that a waterman, namely Tucker Brown, be a member of this Commission.

The next Commission meeting was set on October 1, 1976 at 10:00 a.m. in Colonial Beach, Virginia. A motion to adjourn was made, seconded and approved at 1:05 P.M.

A motion was made and approved that the staff make the necessary arrangements for the Annual Joint Law Enforcement Luncheon-Meeting.


James E. Douglas, Jr.
Chairman


Milton T. Hickman
Secretary

POTOMAC RIVER FISHERIES COMMISSION
B U D G E T
Fiscal Year July 1, 1976 through June 30, 1977

ESTIMATED DISBURSEMENTS

PERSONAL SERVICE:

101 Compensation of:	Commissioners	\$ 1,850.00
102	Executive Secretary	18,000.00
103	Legal Officer	5,000.00
104	Asst. Executive Secretary	12,000.00
108	Clerical Help	22,800.00
112	Commissions to Clerks, license sales	100.00
199	Other personal services (Janitorial)	300.00

CONTRACTURAL SERVICES:

201 Advertising	4,000.00
204 Postage	1,200.00
205 Telephone	3,000.00
208 Electric Utility	400.00
209 Freight, express	50.00
212 Lease of equipment	200.00
214 Membership dues and subscriptions	250.00
216 Printing Regulations	800.00
220 Travel Expense	5,000.00
221 Water Service	130.00
224 Photographic services - charts	300.00
270 Repairs to equipment	450.00
280 Interest expense	300.00
299 Other contractual services	500.00
301 Auto tires, parts	300.00
304 Cleaning materials and supplies	50.00
309 Fuel for heat	450.00
310 Gas, oil - autos	1,100.00
313 Office Supplies	1,200.00
330 Household furnishings and supplies	150.00
332 Licenses, tags, report books	1,600.00

CURRENT CHARGES AND OBLIGATIONS:

240 Insurance - surety bonds, fire, liability, EC, auto, workmens compensation, etc.	2,000.00
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PENSION AND OTHER CONTRIBUTIONS:

510 Retirement	3,021.03
511 Group Life Insurance	172.80
513 Employer's O.A.S.I. contributions	2,756.68

CAPITAL OUTLAYS:

802 (a) Office and other equipment	1,640.00
(b) Furniture and fixtures	300.00

BANK LOAN FOR SEED TRANSPLANTING:

5,000.00

DEVELOPMENT & REPLETION:

331 & 333 Seed oysters and/or shells	<u>111,036.94</u>
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TOTAL:

\$207,407.45

POTOMAC RIVER FISHERIES COMMISSION
B U D G E T
Fiscal Year July 1, 1976 through June 30, 1977

ESTIMATED RECEIPTS

Unexpended cash balance brought forward:	\$ 15,509.45
Accounts Receivable - Clerks	80.00
Sale of licenses:	
Fish	17,420.00
Oyster	3,328.00
Crab	6,970.00
Clam	100.00
Oyster Bushel Inspection Tax:	10,000.00
Appropriations by State:	
Maryland	75,000.00
Virginia	75,000.00
Interest on Savings (C/D's)	<u>4,000.00</u>
TOTAL:	\$207,407.45