

POTOMAC RIVER FISHERIES COMMISSION
LEONARDTOWN, MARYLAND
JUNE 3, 1977

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

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

VISITORS: Robert Craft, Gordon Jones, Howard S.
Hudnall, S. M. Rodgers and Supervisor
C. E. Thomas, Jr., Virginia Marine
Resources Commission; Major Paul C. Wentzell,
Capt. Henry C. Batchelor, Marshall M. Cook,
George E. Hoericks, Frank M. Oslislo,
Maryland Department of Natural Resources;
Scarlett Mower, Administrative Aide to
Maryland State Senator Jim Simpson; Dexter
S. Haven, VIMS; Elgin A. Dunnington, CBL;
Jack Russell, Robert Brown, William L.
Bowie, James W. Dutton.

PRESS: Dick Myers, WKIK, Mike Klembed, St. Mary's
Beacon; Jack Kershaw, The Enterprise.

The meeting was called to order at 9:15 a.m. by Mr. Robert J. Rubelmann, Chairman, who then asked for consideration of the Minutes of the April 1, 1977 meeting, mimeographed copies of which previously had been sent to each Commissioner. The following motion was made and seconded:

"That the Minutes of the April 1, 1977 meeting be approved as written and submitted." The motion was approved.

Mr. Carpenter reported that contracts for seed and shell planting have been awarded in response to newspaper advertising for bids. The Ward Brothers, of Deltaville, Virginia, were low bidders for seed transplanting at 50 cents per bushel, and George M. Dean, Montross, Virginia, was the only bidder for shell planting contract at 29 1/2 cents per bushel. Through May 29th, 40,600 bushels of seed had been moved from Jones Shore to midriver areas, and 174,000 bushels of fresh shells had been planted on areas 1 and 2 of Jones Shore. A completion report will be given at the next meeting.

Mr. Norris presented data and an evaluation of the experimental hand scraping operation, which took place during March as follows:

	Bushels Harvested	From - To	No. of Boat Days	Bu. per Boat Day
Tongers	15,697	10-1-76 thru 3-31-77	1,435	10.9
Hand Scrapers	13,811	3-7-77 thru 3-31-77	1,008	13.7
Total	29,508		2,443	

Mr. Elgin Dunnington reported that a survey of the hand scraping areas was conducted in April to evaluate bottom conditions such as live oysters, amount of shell, mortality, et cetera, following the operation. He said a formal report was being prepared and would be submitted at the next meeting but made the following observations: 1) very few, if any, buried shell had been pulled out of the bottoms; 2) he saw no major improvements, or enlargement, in the bars; and 3) the harvest damage observed was to be expected with this type of activity. The level of harvest damage was not enough to cause alarm at this time. More small (1975 year class) oysters were observed than during earlier surveys, especially in the St. George's Island area.

Mr. Carpenter reported that a pile driving contractor was presently working at Morgantown, and he and Mr. Norris recommended that the Commission negotiate with this contractor to replace the jurisdictional line markers. They felt he could and would do this work at less cost on a time and material basis than would other bidders located at greater distance from the Potomac River. The Chairman said that although he felt that all Commission work possible should be placed on a competitive bid basis, but that the probable savings on this particular job would justify an exception to that policy this year in this instance. He also suggested we check on the availability of federal grants for this type of work. The staff was authorized to have this work done this year based on a negotiated price.

Mr. Norris reported that on April 25th a delegation including personnel from PRFC, oyster packers, the Virginia local Delegate and CBL & VIMS met with Congressman Paul S. Tribble, of Virginia, and Mr. Mike Wilkerson, Administrative Assistant to Congressman Robert Bauman, of Maryland. A request was made to Mr. Tribble and Mr. Bauman for help in obtaining funds for a federally-assisted oyster repletion program of \$5,000,000 to be spent over a 5-year period. The Congressmen are currently exploring possible means of financing this program through existing agencies or through legislative action.

Mr. Dutton asked about the conditions of the oysters in the upriver areas; Mr. Dunnington replied that the salinity has slowly recovered and the general condition of the brood stock is good, but there are no signs of reproductive success.

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

Mr. Norris reported that the Maryland and Virginia Engineers have discussed the locations of the jurisdictional line markers and recommend that they be replaced in the same positions.

Mr. Rubelmann said that the recent U. S. Supreme Court decision in the case of Douglas vs. Seacoast Products, Inc. declared certain residency requirements for fishing licenses to be unconstitutional. He asked Legal Officer Wise to review the ruling as it may apply to the PRFC, and report his findings at the next meeting.

The following motion was made and seconded:

"That the finance committee review the license fee schedule and present recommendations at the next meeting." The motion was carried. The Chairman added Mr. James W. Dutton as member of the finance committee.

Mr. Carpenter outlined problems associated with obtaining complete and accurate seafood catch reports, because many harvesters are slow or delinquent in reporting as required by PRFC Regulations. The Chairman directed the staff to prepare a system designed to bring about compliance with our regulations, including a hearing before the Commission or its agent(s) to determine if a violation exists and what action could then follow to correct the violation. Mr. Rubelmann asked that this item be placed on the agenda of the next meeting.

Mr. Norris said that he has learned that the price of reef shells to the Potomac River Fisheries Commission purchased from J. C. Langenfelder Co. includes a 90¢ per cubic yard Maryland export tax, even though the shells are planted in the Potomac River, which is within the geographical and political bounds of the state. Since the shells are not exported from the state, he asked why the PRFC should pay this tax. Mr. Rubelmann asked Mr. Norris to write a letter to him requesting consideration of this matter.

Mrs. Scarlett Mower, Administrative Aide of Maryland State Senator James C. Simpson was introduced by Mr. Parran and recognized by Mr. Rubelmann. Mrs. Mower read a statement of Senator Simpson, in which he urged the Commission to adopt a resolution that would require Maryland violators be tried in Maryland, regardless of the degree of offense, and that Virginia violators also be tried in Maryland inasmuch as the water on which alleged offenses occur belongs to the state of Maryland. He also felt that if satisfactory changes in the regulations and/or by-laws of the Compact cannot be made within a reasonable period of time by the PRFC, that Maryland should withdraw from the Compact and if that cannot be accomplished, then withdrawal of funding for the PRFC would be the next best alternative.

The following motion was made and seconded:

"That the chief law enforcement officers of both Maryland and Virginia review the combined report of Superintendent Rafter and former Chief Ryland, dated January 20, 1963, dealing with law enforcement problems and enforcement procedures followed by both Maryland and Virginia Marine Police on the Potomac, and that they report their findings, suggestions and recommendations on the 1963 report at the next meeting." The motion was approved.

Mr. Norris said some members of the Marine Police had asked that the Commission adopt a system of "warning tickets" to be used in some situations on a "first offense" basis. Mr. Rubelmann asked that the law enforcement chiefs consider such a system and include recommendations on same in the foregoing report on law enforcement.

Mr. Parran presented the Budget Committee's report for fiscal year beginning July 1, 1977, explaining that he and Mr. Douglas previously had discussed and agreed on the budget items, although Mr. Douglas could not be present today. He said that most of the items reflected some inflationary adjustments. The replacement of the jurisdictional line markers, an unusual item, was estimated at \$20,000; and the committee recommends that each member of the staff be given the option of a \$1,000 increase in salary or participation in a proposed and tentative group health insurance program, including members of the staff's families, paid for by the Commission. He also explained that the unexpended cash balance of \$20,000 for 7-1-77 brought forward was necessarily estimated and that an adjustment in that figure would be reflected also in a corresponding adjustment in the oyster repletion fund and the budget footings, but that approximately \$172,000 should be available for repletion for 1978.

The following motion was made and seconded:

"That the report of the Budget Committee be accepted and that the Executive Secretary correct the unexpended cash balance brought forward on July 1st, send copies of the budget to each Commissioner and attach a copy to these Minutes." The motion was carried.

Mr. Robert Brown said that Heron Island sand bar has moved, leaving our jurisdictional line marker in a position which interferes with haul seining, and he therefore requested that the marker be moved. The Chairman asked the engineers to investigate the situation.

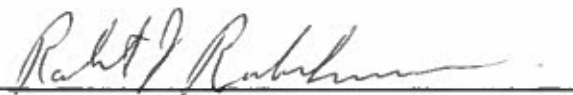
Mr. Jack Russell said that most of the St. Mary's County Watermen felt that hand scraping during March was preferred over November and December, as the regulation now allow. He said that he would request a proposed regulation change at the next meeting.

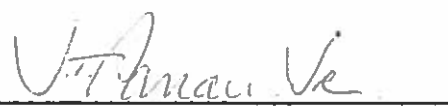
Mr. Norris reported that he had attended a public hearing before Westmoreland County Board of Supervisors on a proposed marine railway and the dredging of an entrance channel into Blackbeard Pond, which would drain directly onto Ragged Point Bar. He said he told the Supervisors that the PRFC had not had an opportunity to consider this matter, but that he planned to recommend to the Commission at their next meeting on June 3, 1977 that they oppose the project on the grounds that a marine railway, a marina, and drainage from the pond could cause an automatic closure of at least part of Ragged Point oyster bar. The following motion was made and seconded:

"That the Commission expresses its thanks to Mr. Norris for representing the Commission before the Westmoreland County Board of Supervisors public hearing on the proposed marine railway in Blackbeard Pond, and that the Commission hereby endorse the statement Mr. Norris made to the Westmoreland County Board of Supervisors." The motion was approved.

The date of the next meeting was set for September 9, 1977, at 9:30 a.m. in the Commission's office at Colonial Beach, Virginia, (It was decided later to change the place to LaPlata, Maryland.)

A motion to adjourn was made, seconded and adopted at 10:55 a.m.


Robert J. Rubelmann
Chairman


John T. Parran, Jr.
Secretary

360 (A)

POTOMAC RIVER FISHERIES COMMISSION
B U D G E T
Fiscal Year July 1, 1977 through June 30, 1978

ESTIMATED DISBURSEMENTS

PERSONAL SERVICE:

101 Compensation of:	Commissioners	\$ 1,200.00
102	Executive Secretary	19,000.00
103	Legal Officer	6,000.00
104	Asst. Executive Secretary	13,000.00
108	Clerical Help	25,000.00
112	Commissions to Clerks, license sales	200.00
199	Other personal services (Janitorial)	300.00

CONTRACTURAL SERVICES:

201 Advertising	2,500.00
204 Postage	1,300.00
205 Telephone	3,000.00
208 Electric Utility	400.00
212 Lease of equipment	200.00
214 Membership dues and subscriptions	350.00
216 Printing Regulations	800.00
220 Travel Expense	5,000.00
221 Town water & sewerage	150.00
224 Photographic services - fish charts	300.00
270 Repairs to equipment	450.00
280 Interest Expense	300.00
299 Other contractual service	20,000.00
301 Auto tires, parts	500.00
309 Fuel for heat	600.00
310 Gas, oil - automobiles	1,100.00
313 Office Supplies	1,500.00
330 Household furnishings and supplies	150.00
332 Licenses, tags, report books	2,200.00

CURRENT CHARGES AND OBLIGATIONS:

240 Insurance - surety bonds, fire, EC, liability, auto, workmen's compensation, etc.	2,200.00
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PENSION AND OTHER CONTRIBUTIONS:

510 Employer's Retirement contributions	2,895.80
511 Employer's Group Insurance contributions	169.92
513 Employer's O.A.S.I. contributions	2,960.28

CAPITAL OUTLAYS:

802 a. Office and other equipment	500.00
b. Furniture and fixtures	500.00

DEVELOPMENT AND REPLETION EXPENSES:

331 & 333 Seed oysters and/or shells	<u>233,271.83</u>
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TOTAL	\$347,997.83
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POTOMAC RIVER FISHERIES COMMISSION
B U D G E T
Fiscal Year July 1, 1977 through June 30, 1978

ESTIMATED RECEIPTS

UNEXPENDED CASH BALANCE BROUGHT FORWARD:	\$ 81,297.83
ACCOUNTS RECEIVABLE - CLERKS	100.00
SALE OF LICENSES:	
Fish	18,000.00
Oyster	30,000.00
Crab	6,000.00
Clam	100.00
OYSTER BUSHEL INSPECTION TAX:	7,500.00
APPROPRIATIONS BY STATE:	
Maryland	100,000.00
Virginia	100,000.00
INTEREST ON SAVINGS: (C/D's)	<u>5,000.00</u>
TOTAL:	\$347,997.83