

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
Colonial Beach, Virginia
January 27, 1978

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

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

VISITORS: Howard S. Hudnall, C. E. Thomas, Jr., VMRC;
Philip Mohler, Janet Van Tassel, Doug Ritchie,
Pam Duket, Major Paul C. Wentzell, Lt. Henry
Batchelor, Md. DNR; Dexter Haven and Herbert
Austin, VIMS; Walter E. Raum, Environmental
Health Officer, St. Mary's County; Reed W.
McDonough, Deputy Director, Maryland Environmental
Service; Thomas C. Winstead, President Virginia
Watermen's Association; Francis J. Russell,
President St. Mary's County Watermen's Association;
James L. Jones, President Charles County Watermen's
Association; Douglas F. Jenkins, Sr., James W.
Dutton, Howard Smith, Russell E. Powell, Allan
Powell, James A. Powell, Robert T. Brown, Larry
Crowder, Joe Scrivener, Jerry L. Elliott, Walter L.
Hundley, David B. Kelly, Willard W. Elliott,
William Bowie, Sr., Stanley Rollins, Irving Brann.

PRESS: Lawrence Latane, Westmoreland News; Jack Kershaw,
The Enterprise; Isabel Gough, Richmond News Leader;
Anne Hazard, Richmond Times-Dispatch; Rusty Dennen,
Free Lance-Star; Dick Myers, Maryland Independent

The meeting was called to order at 9:10 a.m. by Mr. Rubelmann, Chairman. Mr. Rubelmann asked for consideration of the Minutes of the December 9, 1977 meeting, which had been previously circulated to the Commissioners mimeographed in draft form. The following motion was made and seconded:

"That the Minutes of the December 9, 1977 meeting be approved as presented today." The motion was approved.

Mr. Rubelmann announced that the Public Hearing on proposed regulation changes would be delayed until later in the meeting to allow time for any additional watermen to arrive. He then introduced Mr. Reed McDonough, Deputy Director, Maryland Environmental Service.

Mr. McDonough orally reviewed the proposal to establish a sludge composting facility at Cedar Point Neck, Charles County, to be operated on the principal of a prototype at Beltsville, Maryland. This composting operation would handle all sludge from the Blue Plains STP amounting to about 600 tons per day and later be enlarged to handle sludge from additional STP's. He proposed that a single agency management with responsibility for sludge control offers the best solution to regional problems of sludge disposal and that composting appears the most feasible method at this time. He then announced, because the Service believes it to be in the best interest of all concerned that they devote their efforts to further development and detailing of the concept. He then appealed to the Commission to support the concept of single agency management of sludge treatment and disposal.

Mr. Rubelmann thanked Mr. McDonough and said that he would be advised of any action taken by the Commission on this matter.

Mr. Walter Raum, Environmental Health Officer, St. Mary's County, was recognized and asked to explain the rumored proposal for disposing of liquid sludge from Blue Plains STP in St. Mary's County. Mr. Raum explained that the firms of Browning, Farris and C. J. Langenfelder & Son have submitted a bid to the Blue Plains treatment plant to barge down to White Point, St. Mary's Co., 300,000 gallons per day of raw sludge composed of 94% liquid and 6% solid from the Blue Plains STP, where it would be pumped into a holding lagoon and then deposited on 2,000 acres of agricultural land. He concluded by saying that at this point acceptance of this idea by St. Mary's County is not definite, and that he would keep the Commission informed on any further developments of this proposal.

Spokesmen for the Virginia Watermen's Association and the St. Mary's County Watermen's Association expressed their opposition to both the sludge composting and liquid sludge disposal proposals.

OPEN PUBLIC HEARING SESSION

At 9:30 a.m. the Chairman called a recess of the regular meeting and convened the Public Hearing on Proposed Regulation Changes.

Copies of the proposed regulations, as advertised, were distributed. Mr. Rubelmann said that the purpose of the Public Hearing was to hear comments on the proposal to allow hand scraping for oysters five (5) days a week during the month of March 1978. He also stated that anyone desiring to speak to the proposed regulation would have the opportunity, but that they would be limited to one statement only.

Mr. Jack Russell, President St. Mary's County Watermen's Association; Mr. Robert Brown, 2nd Vice President St. Mary's County Watermen's Association and Mr. Thomas Winstead, President Virginia Watermen's Association all spoke in favor of opening the river for hand scraping during March 1978 as proposed, and no one spoke in opposition.

After asking if there were further statements or comments and no one responding, Mr. Rubelmann closed the Public Hearing session at 9:49 a.m., and the regular meeting reconvened.

CLOSE PUBLIC HEARING SESSION

Mr. Douglas offered the following motion, seconded by Mr. Lankford:

"That Regulation II, Section 2 (a)(2) be adopted as advertised and that it be effective March 1, 1978 and that a copy of this regulation be attached to and made part of these Minutes." The motion was approved.

In response to a question about the license requirements for hand scraping in March, the Chairman said that the licenses were issued for the season, and therefore licenses issued for the November-December period would also be valid during March 1978.

Mr. Rubelmann said that in the past the Commission has employed the services of personnel from Watermen's groups, the marine laboratories of each state, repletion officers from DNR and MRC and others and that these committees had been known as the (1) Repletion, (2) Legislative and (3) Financial Committees. As the same people are involved, he suggested that hereafter it would be practical and realistic to use one committee referred to as the Advisory Committee. With the concurrence of the Commission, he said this would be done and then called for the report of the newly-named Advisory Committee.

Members: Dr. Herbert Austin, Dexter Haven, Harold Davis,
Elgin A. Dunnington, Paul C. Wentzell, C. E. Thomas, Jr.,
J. Owen Wise, Douglas Jenkins, James L. Jones,
Elgin Ninninger, Larry Crowder, John W. Allen, Jr.,
John F. (Tucker) Brown, H. S. Hudnall.

Mr. Norris presented the recommendations of the Advisory Committee which are as follows:

1. How may the difference in sizes of the Maryland vs. Virginia oyster tub effect the amount of PRFC inspection tax? It was felt that any possible increase in inspection tax resulting from an adjusted tax for a Virginia tub (which is slightly larger than a Maryland tub) was not justifiable, because legal precedence has been established by the PRFC in accepting 25¢ per Virginia tub since original adoption of the tax. Committee recommends no action on this question.

2. Should legislation by the two states' General Assemblies be sought to remove the 25¢ per bushel inspection tax limit? It was thought that in a year or two the chances for support by, or at least a lesser degree of opposition by watermen for this request would exist as this suggestion follows closely the increases in license fees. Therefore, majority of Committee recommends that we postpone this action until next year. Several of Committee do not agree with this thinking.
3. Should the size of striped bass be changed to conform to the 32" Maryland limit? It is recommended that the PRFC proceed with emergency regulation change making the legal size of striped bass 32" (not 15 lbs.) to conform with Maryland law for this 1978 fish season. It was also suggested that a maximum size of stretched mesh of 7" be adopted for gill nets with a maximum twine size of #139 for nylon net and #208 for monofilament net.
4. The Committee recommended the following program for oyster repletion for 1978:
 - a) Plant Jones Shore seed area #3 and #4 with shell at the rate of 4,000 bu./ac. 400,000 bu. @.25 = \$100,000
 - b) Transplant 150,000 bu. seed from Jones Shore to:

Swann Point	25,000 bu.	
Cedar Point	10,000	
Stoney Pt. (Rosier Cr.)	10,000	
Sheepshead	20,000	
Cobb Island	20,000	
Red Bar	5,000	
Coles Point	10,000	
King Copsico	10,000	
Swann Point	15,000	
	<u>125,000</u>	
Miscellaneous	25,000	
	<u>150,000 bu. @.50</u>	75,000

c) Plant 50,000 bu. shell at St. Georges Island @.25 = 12,500

d) Plant 50,000 bu. shell at Hog Is. and/or Great Neck @.25 = 12,500
\$200,000

Mr. Dutton objected to the maximum twine size of #139 for nylon net stating that it was not heavy enough to hold large fish late in the season. He also objected to the change to 32" on striped bass, claiming the loss of many down-run fish which would be under 15 lbs. but over 32" in length at that time of year.

Mr. Rubelmann said that advice of the legal officer is that the Commission could not enact emergency regulations covering the size of striped bass, therefore, there would be no action on this proposal for 1978 season and that we would therefore proceed with the normal regulation change procedure.

After some general discussion about the proposed repletion program for 1978, Mr. Douglas offered the following motion, seconded by Mr. Parran:

"That the repletion program outlined above be adopted for 1978 with Heron Island given consideration for planting of seed from the 25,000 bushels listed as miscellaneous if they are available." The motion was approved.

In response to request of the Commission at the previous meeting that a study be made of the licensing problem near the discharge canal of Morgantown PEPCO Plant, Mr. Carpenter reported that since the last meeting Mr. Richard Holbrook sold his rights and interest in the two gill net locations (100 and 500 yards below the 301 Bridge on the Maryland shore) to a Mr. William W. Elliott in December of 1977. Mr. Elliott fished both stands for the remainder of 1977 without incident. However, because of the potential for conflict and trouble between commercial and sports fishermen at the above-mentioned location, the staff recommends that Mr. Elliott be allowed to renew the location 500 yards below the bridge, but not the location 100 yards below the bridge.

Mr. Douglas offered the following motion, seconded by Mr. Parran: "That Mr. W. W. Elliott be granted licenses to fish both locations, i.e., 100 and 500 yards below the bridge." The motion was approved.

A report on expenditures for the first two fiscal year quarters ending December 31, 1977, totaling \$125,602.36, which includes the first quarter disbursements, be approved as presented."

A report of cash on hand and in the banks as of January 25, 1978 showed:

Bank of Westmoreland - Checking	\$15,896.00
- C/D's	40,000.00
Bank of Southern Maryland C/D's	50,000.00
Maryland Bank & Trust Co. C/D's	60,000.00
Peoples Bank of Montross C/D's	60,000.00
Maryland National Bank, Mechanicsville Branch Savings	<u>526.00</u>
Total	\$226,422.00

Mr. Norris presented a report on the oyster harvest activity from October 3, 1977 thru January 21, 1978 as compared with the same period last season as follows:

	<u>1976-77</u>	<u>1977-78</u>
Total bushels per Buyer's reports	13,325	137,354
Total tax paid	\$3,312	\$34,021
Total bushels per tongers reports		108,177
Number of Tonger/hand scraper licenses sold	309	1,110
Buyers (on boats)	4	16
Number of "OT" boats	203	544
Number of "HS" Boats (March '77)	98	19
Unlicensed buyers		27

Of the 137,354 bushels total, 4,580 were reported as harvested by hand scrapers, the balance by tongers. According to buyers reports the most productive bar was Sheepshead followed by Swann Point and Jones Shore, but the tongers' reports show the order to be Swann Point, Sheepshead, and Ragged Point.

Mr. Rubelmann called for the report of the Nominating Committee for the slate of officers for 1978. Mr. Lankford nominated Mr. James Douglas for Chairman; Mr. Robert Rubelmann for Vice-Chairman; and Mr. John T. Parran for Secretary. Mr. Lankford then moved that nominations be closed and that the Secretary cast a unanimous vote in favor of the nominees. The motion was seconded and approved and the new officers were declared elected for 1978.

Mr. Rubelmann then turned the Chair over to Mr. Douglas and the meeting continued.

Mr. Norris presented a list of suggested amendments to the regulations. Mr. Rubelmann moved that these suggestions be given to the Advisory Committee for study and consideration. The motion was seconded and approved.

Mr. Carpenter reported that Mr. Dexter Haven says that Virginia Institute of Marine Science has just completed a comprehensive study of the Virginia oyster industry and Mr. Haven says copies of this very valuable reference work are available directly from VIMS.

Mr. Howard Smith, a pound net licensee, said Mr. Carpenter told him that he would be required to pay a double license fee for a pound net with two heads. In his opinion, as he is licensing a 1,200 foot location he should be allowed to set two (2) pounds within that distance. Mr. Norris explained that on prior occasions when such a double device was licensed, the licensee had paid a double fee (one for each pound). The Chairman directed the Advisory Committee to consider having a definition of a pound net included in the regulations.

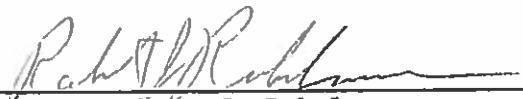
The following motion was made and seconded:


"That a pound net with two heads will require two licenses and fees, but if the Commission, after further study, decides within this license year in favor of allowing two heads on a single row of hedging, the licensee, Mr. Smith, will be entitled to a refund of one fee." The motion was approved.

Mr. Winstead asked if the buyer is responsible or liable for possession of small oysters. He was informed that the law is a "possession" law and, therefore, anyone who has in possession small oysters is responsible and liable to be charged for having unculled oysters.

The next Commission meeting was set for June 2, 1978 at 9:30 a.m. at Colonial Beach, Virginia.

A motion to adjourn was made, seconded and approved at 11:00 a.m.


Robert J. Rubelmann
Chairman


John T. Parran, Jr.
Secretary

December 2, 1977

NOTICE OF HEARINGPROPOSED AMENDMENT TO REGULATIONS OF THE
POTOMAC RIVER FISHERIES COMMISSION

Pursuant to the Potomac River Compact of 1953, as duly enacted into law by the General Assemblies of the States of Maryland and Virginia and duly ratified by the Congress of the United States of America, the following Amendment to existing Regulations relating to Hand Scraping is proposed by the Potomac River Fisheries Commission.

Reg. II, Sec. 2(a)(2). Time for Use and Possession of Hand Scrape. During 1978, the use of a hand scrape shall only be permitted on Mondays through Fridays, inclusive, during the month of March and, in addition, on Mondays, Wednesdays, and Fridays during the months of November and December. Thereafter, the use of a hand scrape shall only be permitted on Mondays, Wednesdays and Fridays of November and December of each year. On any of the aforesaid permitted days, the use of a hand scrape shall only be permitted during the hours of 9:00 a.m. to 12 noon, legal established time, in such areas as shall from time to time be designated by the Commission as hand scraping areas. Possession of a hand scrape shall be permitted during the aforesaid times and for one (1) hour before and for two (2) hours after such hours. The use or possession of any hand scrape at any other time is unlawful.

NOTICE OF HEARING

Notice is hereby given to all interested persons that a public hearing will be held by the Potomac River Fisheries Commission on the adoption of the foregoing Proposed Amendment to Regulations on Friday, January 27, 1978 at 9:00 a.m. in Colonial Beach, Virginia.

POTOMAC RIVER FISHERIES COMMISSION

By: Robert J. Rubelmann
Chairman

ATTEST:

Robert M. Norris, Jr.
Robert M. Norris, Jr.
Executive Secretary