

MINUTES OF THE MEETING OF THE  
POTOMAC RIVER FISHERIES COMMISSION  
COLONIAL BEACH, VIRGINIA  
JUNE 2, 1978

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

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

VISITORS: Major Paul C. Wentzell, Sergeant John F. Mattingly, Maryland Marine Police; Supervisor C. E. Thomas, Jr., Virginia Marine Police; Dr. Herbert Austin, Dexter Haven, and Jim Zaborski, VIMS; Elgin A. Dunnington, UMCEES, CBL; Pam Duket, Maryland Fisheries Administration; Steve Mayer, James W. Dutton, James L. Jones, Judith F. Hansen, and Robert T. Brown.

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

Mr. James E. Douglas, Jr., Chairman, called the meeting to order at 9:30 a.m. He asked for consideration of the Minutes of the January 27, 1978 meeting, mimeographed copies of which had been previously circulated to each Commissioner. The following motion was made and seconded:

"That the Minutes of the January 27, 1978 meeting be approved as written." The motion was approved.

Mr. Norris reported that the Advisory Committee met in February and suggested 14 regulation changes. After review and study by the PRFC staff and Maryland and Virginia law enforcement officials, the number was cut to 9 plus 1 new proposal establishing a pound net season. Each proposal was then read and explained with the following action or amendments:

Regulation I, Section 1 (a) - No comment - no changes

Regulation I, Section 1 (b) - No comment - no changes

Regulation I, Section 2 (a,b,c) - No comment - no changes

Regulation I, Section 2 (h) (1) - A motion was made, seconded and approved to amend the proposal as follows: (a) defining a pound net as a fishing device having only one head or trap and providing that each additional head or trap carry an additional \$50 fee, (b) fixing the pound net fishing season from February 15th thru December 15th, and (c) requiring the licensee to properly locate his stand.

Regulation I, Section 2 (s) - A motion was made, seconded and approved to amend the proposal by allowing the setting of pound net poles 15 days prior to the start of the fishing season.

Regulation III, Section 10 - Mr. James W. Dutton said that 1 1/2" mesh for a haul seine and fyke net is too small and he opposed any regulation on eel pots. Mr. Robert T. Brown favored the eel pot regulations and said 1 1/2" mesh is o.k. in haul seine and fyke nets. No changes in text were made.

Regulation III, Section 11 - A motion was made, seconded, and approved making the measurement of rock, otherwise known as striped bass, 12" minimum and 32" maximum from tip of nose to the fork of the tail.

Regulation III, Section 12 - No comment - no changes.

Regulation III, Section 12 (c) - A letter signed by Senator James Simpson of Maryland and one from the Maryland Watermen's Association opposing the crab culling box were presented. Mr. Brown voiced strong opposition to the size of the culling box, stating that specific measurements should not be required. A motion was made, seconded and approved to eliminate the size but require a separate crab culling container.

Regulation V, Section 1 (b) (1) - No comment - no change.

The following motion was made and seconded:

"That the ten (10) proposed regulation changes as presented and amended above be approved for advertising for a public hearing." The motion was approved.

Mr. Douglas requested that a copy of the regulations as discussed and approved for advertising be attached to and made a part of the Minutes of this meeting.

Mr. Norris reported that thru March 31, 1978 the Mechanicsville Office had sold fish, crab and oyster licenses valued at \$1,615, \$600 and \$25 respectively totaling \$2,240.

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

A report on total disbursements of \$23,821.66 for the third quarter (1/1/78 thru 3/31/78) was presented. The following motion was made and seconded:

"That the report of disbursements for the period January 1 thru March 31, 1978 totaling \$23,821.66 be accepted and approved." The motion was approved.

A statement of cash balances in banks as of June 1, 1978 was presented. It showed the following:

Bank of Westmoreland: Checking	\$10,297.07
C/D's	40,000.00
Bank of Southern Maryland: C/D's	50,000.00
Maryland Bank and Trust Co.: C/D's	60,000.00
Peoples Bank of Montross: C/D's	30,000.00
Maryland National Bank: Savings	3,734.00 (as of 5/22/78)
Grand total in Banks:	\$194,031.07

Mr. Norris reported on the 1977-78 oyster season as compared with the previous season, as follows:

	<u>'76-'77</u>	<u>'77-'78</u>
Total Bu. per Buyer's Reports	29,546	166,257
Total Tax Paid	\$7,406.37	\$41,324.65
Tongue & Hand Scraper Licenses	309	1,110
Licensed "HS" boats (3/77)	98	19
Number "OT" Tags (boats)	203	544
Licensed Buyers	4	16
Unlicensed Buyers		27

Mr. Douglas reminded the watermen of the importance of filing complete and accurate catch reports and the important role these reports play in decisions of the Commission regarding opening or closing harvesting areas.

A report on the 1978 repletion program was presented. Mr. Norris explained that the seed transplanting program to the upper shellfish-producing bars was halted on May 18th because of the unusually high fresh water flow in the Potomac River Basin causing extremely low salinities from Cobb Island Bar and above. Prior to discontinuing the program, 61,000 bushels had been planted on five areas: Red Bar - 5,200 bu.; Coles Point - 7,800 bu.; King Copsico - 7,300 bu.; Sheepshead - 27,400 bu. and Herron Island - 13,000 bu. The average count was 395 seed/bu., the cost was 49¢/bu. plus count and control totaled \$31,202.

June 2, 1978

Colonial Beach, Virginia

The Commission was told that shell planting is still in progress and when completed, approximately 400,000 bushels of reef shell and 250,000 bushels of fresh shell will have been planted.

Mr. Douglas announced that following the last meeting, he had appointed Mr. Hickman and Mr. Parran nunc pro tunc as of the 1/27/78 meeting as co-chairmen of the 1978 Budget Committee to report today. Mr. Parran thereupon reported a proposed budget for fiscal year 1978-79 totaling \$333,800. He said that the amount for personal services is less than last year because the office is now being operated with four full time employees rather than five. The June 30, 1978 estimated unexpended cash balance will be adjusted with a corresponding adjustment in development and repletion expenses as of that date.

The following motion was made, seconded and approved:

"That the budget as presented for fiscal year July 1, 1978 through June 30, 1979, with the proper correcting adjustments to be inserted as of June 30, 1978, be adopted and a copy attached to and made part of these minutes."

A motion was made, seconded and approved adopting a Resolution regarding the signing of checks. Mr. Douglas requested that a copy be attached to and made a part of these minutes.

Mr. Norris recalled a letter he wrote each Commissioner some two months back advising that Mrs. Kathryn P. Hopkins, employed as Office Secretary since April 1963, and Mrs. Helen T. Gray, Bookkeeper since 1967, retired as of April 30th and March 31st respectively. He said that Mrs. Norma Meadows Rollins has accepted the position of Office Secretary and that Mrs. Peggy Jane Holbrook, Clerk-Typist for three years, has agreed to include the bookkeeping in her duties with help when needed from other staff members. Mr. Norris also said that it appears at this time that with some modifications in the office routine and accounting, being worked out with the help of the Auditors that an office staff of four people (as suggested above by Mr. Parran in the budget report) will be able to take care of the administrative work. He asked for the approval of the Commission for these changes in positions and employment.

The following motion was made, seconded and approved:

"That Mrs. Norma Meadows Rollins' employment as Office Secretary be approved."

The following motion was made and seconded:

"That Mrs. Norma Rollins and Mrs. Peggy Holbrook are authorized to approve license applications and to sign licenses." The motion was approved.

Mr. Robert Brown asked the Commission to seek the necessary legislative authority to allow and regulate power dredging. The Chairman informed Mr. Brown that if he could get such legislation approved by the Maryland General Assembly, he was sure the Virginia General Assembly would pass a similar law.

A motion was made and seconded offering the following resolution:

"Resolved, That the Chairman and the Executive Secretary of the Potomac River Fisheries Commission are hereby authorized to borrow on demand note(s) up to seventy thousand (\$70,000.) dollars against ninety thousand (\$90,000.) dollars in funds currently invested in six (6) three-month Certificates of Deposit having maturity dates ranging from June 27, 1978 to August 17, 1978, thereby allowing payment of repletion expenses without causing loss of earned interest on said C/D's and the said loans are to be repaid as the C/D's mature." The motion was unanimously approved.

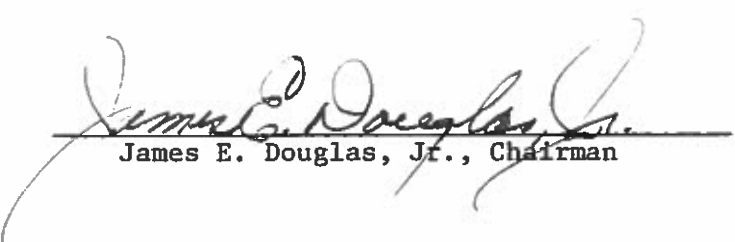
A motion was made, seconded and approved declaring the following six (6) items surplus:

1. One (1) Smith-Corona Marchant Typewriter, Mod. #72-E12  
Serial No. 5326253; purchased 1963
2. One (1) Smith-Corona Marchant Electric Typewriter  
Mod. #4EE 13 Ser. #6025540, purchased 1963


3. One (1) Norelco dictating machine Mod. #82 Serial No. 18878; purchased 1963
4. One (1) Drop leaf counter (table) old chart drafting table - custom made, purchased 1968
5. One (1) Garment rack, Cat. #25A9745C (currently used as blackboard holder); purchased 1963
6. Three (3) framed pictures, custom-made; purchased 1963

The date of the next meeting was set for August 25, 1978, the time and location (some place in Southern Maryland) to be announced by the Chairman prior to that time.

At 12:15 p.m. a motion to adjourn was made, seconded and approved.



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James E. Douglas, Jr., Chairman

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John T. Parran, Jr., Secretary

July 5, 1978

NOTICE OF HEARING  
PROPOSED AMENDMENTS 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 Amendments to existing Regulations are proposed by the Potomac River Fisheries Commission.

Regulation I, Section 1 is hereby amended by adding the word "clams" in the first sentence thereof between the words "oysters" and "and crabs" and by re-numbering this section to be known as "Section 1 (a)".

Regulation I is hereby amended to add a new section to follow immediately after Section 1 (a) and to read as follows:

Section 1 (b) Unlawful Use of License and Giving False Information - It shall be unlawful for any person: (1) To permit any other person to use or exhibit his or her personal oyster tonging, hand scraping or clamming license, or (2) to display or exhibit any oyster tonging, hand scraping or clamming license not issued to that person, or (3) to give false information concerning his or her identity.

Regulation I, Section 2 (a) is hereby repealed and re-enacted to read as follows:

Section 2 (a). For each individual taking or catching crabs commercially by dip nets, trot lines or patent trot lines, a license fee of \$25.

Regulation I, Section 2 (b) is hereby repealed and re-enacted to read as follows:

Section 2 (b). For each peeler trap, a license fee of \$10.

Regulation I, Section 2 (c) is hereby repealed.

Regulation I, Section 2 (h) (1) is hereby repealed and re-enacted to read as follows:

Section 2 (h) (1) Pound Net. For each pound net a license fee of \$50. A pound net shall be defined as a fixed fishing device with one (1) head or trap on the channel end and only one (1) leader or hedging. For each additional head or trap on same leader or hedging, there will be an additional fee of \$50. The season for fishing pound nets shall be February 15th thru December 15th of each year. The licensee shall be responsible for correctly locating each pound net. Each pound net may be identified by the licensee with at least one permanent marker pole or stake which shall project above the surface of the water at least eight (8) feet at mean high tide and located at the channel end of the structure. The licensee's tag accompanying his license shall be attached to said pole at all times as provided in Regulation I, Section 2 (n). Any pound net set at any other time or in any other manner, than that prescribed in these Regulations, shall be unlawful.

Regulation I, Section 2 (s) is hereby repealed and re-enacted to read as follows:

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Section 2 (s). All licensees shall set all nets in accordance with the location description contained on their licenses. Gill net stakes or poles, anchor gill nets, and pound net hedging poles, shall be kept in a straight line, in accordance with the license location, throughout the entire structure and row. Each fishing structure or apparatus, whether the net be attached or not, shall be marked with red, waterproof, reflective tape, at least 4" wide and giving 360 degree visibility at the channel-end of the fishing structure or apparatus. All fish net stakes shall be pulled and removed from the Potomac River by the licensee within fifteen (15) days after the close of the respective fishing seasons except the pound net marker pole provided in Regulation I, Section 2 (h) (1). The pound net licensee may start setting stakes or poles no sooner than fifteen (15) days before the fishing season. Failure to remove fish net stakes as herein provided shall constitute a separate offense for each and every day said stakes remain after the prescribed time for removal thereof.

Regulation III, Section 10 is hereby repealed and re-enacted to read as follows:

Section 10 Sizes of Mesh. It shall be unlawful to take or catch, or attempt to take or catch, finfish on the Potomac River with any net whose size of stretched mesh is less than herein provided, to wit: pound net 1½ inches; haul seine 1½ inches; fyke or hoop net 1½ inches; or in the case of a gill net a minimum of 2½ inches and a maximum of 7 inches. Nothing in this section shall apply to pound nets set within 1000 feet of the mean low water line. Each eel pot set in the Potomac shall incorporate at least twenty (20) square inches of 1 inch by ½ inch wire mesh in the holding compartment of the pot. A reasonable tolerance for shrinkage, stretching and/or manufacturing variance shall be allowed in the case of each measurement.

Regulation III, Section 11 is hereby repealed and re-enacted to read as follows:

Section 11 Sizes of Commercial Fish. No person shall commercially catch on the Potomac River or take or kill, sell, offer to buy or sell or expose for sale, or have in possession: (a) any black bass, large or small mouth; (b) any catfish less than 8 inches; (c) any yellow perch Perca Flavescens less than 8 inches; (d) any pike less than 14 inches; (e) any rock, otherwise known as striped bass, less than 12 inches or greater than 32 inches in length; (f) any sturgeon weighing less than 25 pounds; (g) any taylor or bluefish less than 8 inches; (h) any sea trout or weakfish less than 10 inches; and (i) any hardheads or croakers less than 10 inches. Measurements shall be from tip of nose to the end of the caudal fin or tail except in the case of rock (otherwise known as striped bass) wherein the measurement shall be from the tip of the nose to the fork of the caudal fin or tail.

Regulation III, Section 12 is hereby repealed and re-enacted to read as follows:

Section 12 Kinds and Sizes of Crabs. It shall be unlawful for any person to take, catch or have in possession any hard crabs measuring less than five (5) inches across the shell from tip to tip of spike, except mature female crabs identified by the rounded apron, or any peelers measuring less than three (3) inches across the shell from tip to tip of spike. Once taken, peelers shall be kept separate from other crabs. Peelers are hereby defined as having a soft shell that is developing under the hard shell, on which there is a white, pink or red line or rim.

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on the edge of that part of the back fin next to the outer section of this fin. Officers are authorized to confiscate any hard crabs or peelers of a size less than the measurements herebefore provided, wherever found and shall dispose of any crabs so confiscated. A tolerance of four (4) undersized hard crabs per bushel, and ten (10) undersized hard crabs per barrel shall be allowed.

Regulation III is hereby amended to add a new Section to follow immediately after Section 12(b) and to read as follows:

Section 12 (c) Culling of Crabs. Each vessel shall be equipped with one and only one crab culling container. Any crabs not in such container shall be deemed to be in possession. No crabs shall be in such container while the vessel is in transit and all crabs being transported on the Potomac shall be in baskets or barrels. A boat or vessel shall be deemed to be in transit when crabs are no longer being taken aboard or the boat or vessel is not in close proximity to crab pots identified as those belonging to the licensed vessel containing the crabs.

Regulation V, Section 1 (b) (1) is hereby amended by adding a new first sentence to read as follows: "The fee for each soft shell clam license shall be \$100.", and by deleting the next to the last sentence thereof.

#### 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 Amendments to Regulations on Friday, August 18, 1978 at 9:30 a.m. in the Main Conference Room of St. Mary's Governmental Center (Leonard Hall), Leonardtown, Maryland.

BY: James E. Douglas  
Chairman

ATTEST:

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

June 2, 1978

R E S O L U T I O N S

Upon motion duly made, seconded and unanimously passed, the following Resolutions were adopted by the Potomac River Fisheries Commission held in accordance with the provisions of the Maryland-Virginia Potomac River Compact of 1958 at a meeting held June 2, 1978 at Colonial Beach, Virginia:

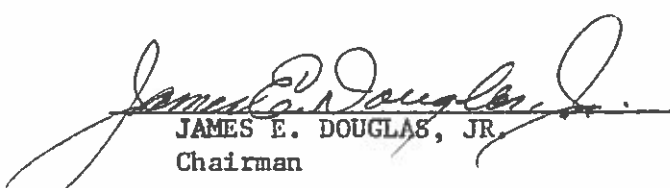
- That the funds of this Commission may be deposited in a Demand Account with the Bank of Westmoreland, Inc., Colonial Beach, Virginia.
- All checks of the Commission drawn on said bank under the amount of Two Thousand Dollars (\$2,000.00) shall be signed by any one of the following officers and/or employees of the Commission, to wit:

Chairman  
Vice-Chairman  
Executive Secretary  
Assistant Executive Secretary  
Office Secretary

- All checks of the Commission drawn on said Bank in the amount of Two Thousand Dollars (\$2,000.00) and over shall be signed by either the Executive Secretary or Assistant Executive Secretary and countersigned by the Chairman or Vice-Chairman of the Commission.

These Resolutions shall supercede any and all former Resolutions only in respect to signatures and countersignatures of checks of the Commission.

I hereby certify that the foregoing are a true and correct copy of the Resolutions of the Potomac River Fisheries Commission duly adopted on June 2, 1978.

  
JAMES E. DOUGLAS, JR.  
Chairman

ATTEST:

  
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JOHN T. PARRAN, JR.  
Secretary



BUDGET  
 POTOMAC RIVER FISHERIES COMMISSION  
 STATEMENT OF PROJECTED EXPENDITURES  
 FISCAL YEAR JULY 1, 1978 THRU JUNE 30, 1979

PERSONAL SERVICE

101	Compensation of: Commissioners	\$ 1,500.00
102	Executive Secretary	20,000.00
103	Legal Officer	6,000.00
104	Asst. Exec. Secty	14,500.00
108	Clerical Help	15,760.00
109	Part time Help	1,500.00

112	Commissions to Clerks, license sales	300.00
199	Other personal services (Janitorial)	<u>300.00</u>

\$ 59,260.00

CONTRACTUAL SERVICES:

201	Advertising	3,500.00
204	Postage	1,400.00
205	Telephone	3,000.00
208	Electric Current	450.00
209	Freight, express	50.00
212	Lease of equipment	100.00
214	Membership dues and subscriptions	400.00
216	Printing Regulations	800.00
220	Travel Expense	6,000.00
221	Water Service	155.00
224	Photographic services - charts	250.00
270	Repairs to equipment	450.00
280	Interest Expense	200.00
299	Other contractual services	3,000.00
301	Auto tires, parts	600.00
309	Fuel for heat	600.00
310	Gas, oil - auto	1,200.00
313	Office Supplies	1,500.00
330	Household furnishings and supplies	150.00
332	Licenses, tags, report books	<u>2,000.00</u>

\$ 25,805.00

CURRENT CHARGES AND OBLIGATIONS:

240	Insurance - surety bonds, fire EC, auto liability, workmen's compensation, etc.	
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\$ 2,200.00

PENSION AND OTHER CONTRIBUTIONS:

513	Employer's O.A.S.I. contributions	3,277.14
510	Retirement	2,641.00
511	Group Insurance	<u>106.56</u>

\$ 6,024.70

CAPITAL OUTLAYS:

302	a. Office and other equipment	300.00
	b. Furniture and fixtures	350.00
	c. Building	<u>2,500.00</u>

\$ 3,150.00

DEVELOPMENT AND REPLETION EXPENSES:

331 & 333	Seed oysters and/or shells	
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\$216,460.30

UNEXPENDED BALANCE:

\$ 26,446.90

TOTAL:

\$339,946.90

BUDGET  
POTOMAC RIVER FISHERIES COMMISSION  
STATEMENT OF PROJECTED REVENUES  
FISCAL YEAR JULY 1, 1978 THRU JUNE 30, 1979

	<u>'78-79 BUDGET</u>
UNEXPENDED CASH BALANCE BROUGHT FORWARD:	\$ 25,446.90
SALE OF LICENSES:	
Fish	25,000.00
Oyster	30,000.00
Crab	18,000.00
Clam	-
OYSTER BUSHEL INSPECTION TAX:	37,500.00
APPROPRIATIONS BY STATE:	
Maryland	100,000.00
Virginia	100,000.00
INTEREST ON SAVINGS: (C/D'S)	<u>4,000.00</u>
TOTAL	\$339,946.90