

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
OCTOBER 27, 1978

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

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

Visitors: Supervisor C. E. Thomas, Virginia Marine Police; Elgin A. Dunnington and Bob Lunsford, CBL; Dexter S. Haven, VIMS; Pam Duket, Maryland Fisheries Administration; Robert T. Brown and Philip Robrecht, St. Mary's County Waterman's Assoc.; Thomas Lee Arnest and Richard W. Chatham, Virginia Waterman's Association; Gene A. Hundley, Alfred Rest, Warren McKenney, Bryan N. Jewell, Thomas Samuels, Garnett L. Reamy, Allan T. Hundley, Joseph A. Neale, Albert McDonald, Tony Padid, Hugh T. Antrim, Robert McKenney, Walter Lane, And James W. Dutton.

The meeting was called to order at 9:30 a.m. by Chairman James E. Douglas, Jr. Mr. Douglas asked for consideration of the Minutes of the August 18, 1978 meeting saying that mimeographed copies had been previously circulated to each Commissioner. The following motion was made, seconded and approved:

"That the Minutes of the August 18, 1978 meeting be approved as written."

CATCH REPORTS

Mr. Douglas reviewed the problems of non-filing of seafood catch reports required of licensed watermen and the decision of the Commission at the last meeting to take corrective action. Mr. Wise, appointed "Hearing Officer", said that required notices were mailed and hearings held on September 13 and 14 for fifty-nine (59) persons who were delinquent in filing their May and June Crab Catch Reports. He presented recommendations in two lists. One a "No Action" list of thirty-two (32) individuals found delinquent in filing the reports but who prior to the hearing had submitted all required reports; on these he recommended no further action. The second an "Action" list of twenty-seven (27) individuals found delinquent and remaining so, not having responded to any notices. He recommended that 18 of these not be granted a new license until all delinquent reports are filed; that four (4) not be granted a new crab license until all delinquent reports are filed and in any event not prior to July 1, 1979, and that five (5) individuals not be granted a new license until the delinquent reports are filed and in any event not prior to January 1, 1980. Mr. Wise said that each individual had been notified by certified return receipt mail of the Hearing Officer's recommendation and that the Commission would hear each case at today's meeting. A motion was made and seconded as follows:

"That the recommendations of the Hearing Officer be approved and adopted that no further action be taken in the cases of the 32 individuals who had finally sent late catch reports." The motion was approved.

Mr. Douglas then read written statements from three (3) individuals who were unable to appear in person. He called the name of each individual on the "Action List" asking each person present if he wished to make a statement. Those present, being Mr. Arnest and Mr. McKenney, did so.

The following motion was made and seconded:

"That the twenty-seven (27) individuals on the "Action List" will not be granted a 1979 Crab license unless all delinquent catch reports for 1978 are filed within 10 days of today's date and further that any future licenses issued to these individuals will be conditional upon the filing of the required reports and that any future violation of the catch reporting provisions of the Regulations will result in an immediate notice of hearing to suspend or revoke such license."

The above motion was amended to substitute the wording...within 10 days of the mailing of a notice of Commission Action...instead of "within 10 days of today's date". For the sake of clarity, it was suggested by Mr. Douglas that this motion would apply only to the class of license i.e., crab, fish, oyster, etc. on which the individual was found delinquent in filing by the Hearing Officer.

The motion was approved unanimously. Mr. Douglas requested that each Commissioner receive a copy of the notice of commission action mailed to the referenced individuals.

HAND SCRAPING

Mr. Norris reported for the Committee appointed to recommend hours (times) for hand scraping, as follows: That the time for hand scraping be increased from three (3) to four (4) hours per day during November and December on Monday, Wednesday and Friday; add the month of March permanently for four (4) hours/day Monday thru Thursday and that the new hours be from 8:00 a.m. to noon with the present one (1) hour period before 8:00 a.m. and the two (2) hour period after noon for traveling with hand scrape aboard boat. He said that the Committee recognizes that no change can be effective for November and December 1978, but recommends action in time to allow this change for March 1979. Mr. Dunnington stated that although he was unable to attend the Committee meeting, he concurred with their recommendations.

Mr. Wade Chatham stated the Virginia Watermen's Association wants hand scraping during January and February instead of November and December annually. Robert Brown agreed with that idea, but several others disagreed.

The following motion was made and seconded:

"That the Legal Officer prepare an amendment to the Regulations which would add the one (1) hour per day Monday, Wednesday and Friday during November and December each year and add the four (4) hours/day Monday thru Thursday during March each year and that the Executive Secretary be authorized to advertise such amendments for a Public Hearing." The motion was approved.

Mr. Douglas commented on the apparent differences among the watermen as to which months they want for hand scraping, and since it is not possible to change the November-December time to be effective in January-February until 1980, he asked the Watermen's Association to survey their members and the Commission would receive their comments during the Public Hearing.

SATURDAY TONGING

Mr. Norris brought to the attention of the Commission that hours and days for tonging oysters are set by an order of the Commission which was last re-affirmed on September 19, 1975 and allows tonging from sunrise to 4:00 p.m. (EDT) or 3:00 p.m. (EST) on Monday thru Friday. A problem has arisen in that some so-called household or "recreational" harvesters wish to work on Saturdays contrary to this order. A household user is subject to all regulations other than being exempted from purchasing a license. Mr. Norris asked the Commission to include in the upcoming advertising of regulations one that bans the taking of oysters on Saturday.

Mr. Brown, Mr. Chatham and Mr. Dutton stated that Saturday tonging should not be allowed in the Potomac for anyone. Mr. Dunnington and Commission Rubelmann both stated their desire to allow household tonging on Saturday.

A motion to reaffirm the September 19, 1975 order was made and seconded. The motion was then withdrawn.

A motion was made and seconded to allow household tonging on Saturday by order of the Commission. A motion to table the above motion was seconded and approved.

Mr. Douglas stated that the subject of Saturday tonging would be considered at the next meeting.

DEATH OF MAJOR HARRY L. GEORGE

The following motion was made, seconded and passed unanimously.

"That the Executive Secretary write to Mrs. Harry L. George on behalf of all the Commissioners to extend their respect and condolences to her on the loss of her husband Major Harry L. George, Chief, Marine Division, Natural Resources Police of Maryland.

DISBURSEMENTS AND CASH ON HAND

A report on the total disbursements for the July 1-September 30, 1978 quarter by budget item was presented. It totaled \$23,727.94. The following motion was made and seconded:

"That the disbursement report for the first quarter of FY 79 totaling \$23,727.94 be accepted and approved." The motion was approved.

A statement of cash on hand as of 10/24/78 was also presented. It showed the following:

Bank of Westmoreland - Checking	\$22,988.06
C/D	55,000.00
Peoples Bank of Montross - C/D	50,000.00
Maryland National Bank C/D	110,000.00
Savings	6,235.25
Total	<u>\$244,223.31</u>

OYSTER BAR SURVEY

Mr. Dunnington reported on the Annual Fall Potomac River oyster bar survey conducted aboard the R/V Aquarius on September 11 and 12. CBL, VIMS, VMRC and PRFC personnel participated in the survey. One-half bushel samples were examined and standard bar composition data were recorded.

Mr. Dunnington said Victorella growth was the heaviest since AGNES. In the middle portion of the river, it contributed to low dissolved oxygen conditions resulting in some oyster mortalities mainly Piney Point Hollow (90%) and Lynch Point (43%). In other areas low dissolved oxygen appeared of short duration and the oysters are recovering from its effects. He said salinity is now adequate for oyster survival and growth after very low salinities earlier. This condition may have contributed to the very late 1978 spatfall. Observations in September showed very few spat and those only near the mouth of the river. The full extent of the 1978 spatfall will not be known until a winter/spring survey can be run.

NOMINATING COMMITTEE

Mr. Douglas appointed Mr. Hunt and Mr. Parran to serve as the Nominating Committee and requested they return a slate of officers for 1979 at the next meeting.

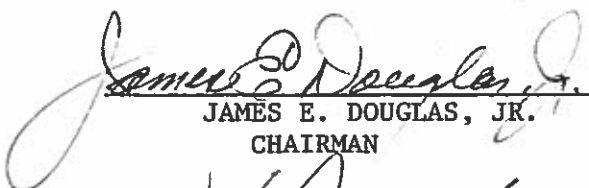
COMPOSTING

Mr. Norris told the Commission that DANO, Inc. of Washington D.C. had announced plans to build and operate a sewage sludge/garbage composting plant on the Potomac River in Stafford County, Virginia. Mr. James W. Dutton of Maryland and Mr. Hugh Antrim, a Virginia property owner near the proposed plant site, spoke in opposition to this project. After more discussion, the Chairman asked the PRFC staff to prepare a status report on the proposallincluding names of agencies (Federal, State and Local) who must comment or issue permits, what permits have been obtained and the status of the application for any unissued permits. He asked both CBL and VIMS to assist in making this report.

FUTURE MEETING

The date of the next meeting and Public Hearing on proposed regulation changes was set for January 26, 1979 at 9:30 a.m. at Colonial Beach.

A motion to adjourn was made, seconded and approved at 11:45 a.m.


JAMES E. DOUGLAS, JR.
CHAIRMAN


JOHN T. PARRAN, JR.
SECRETARY