

MINUTES OF THE MEETING OF THE
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
MARCH 7, 1980

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

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

Visitors: Paul C. Wentzell, Chief, Maryland Marine Police; Robert J. Markland and Donald O'Bier, Virginia Marine Resources Commission; Harold A. Davis, Jr., Bill Sieling, Pam Lunsford and W. R. "Nick" Carter, III, Maryland Department of Natural Resources; Steve Mayer, Tri-County Council; John Merriner and Dexter Haven, VIMS; Elgin A. Dunnington, CBL; Richard D. Arnold and David Sayre, Commissioners of St. Mary's County; Douglas F. Jenkins, Sr., President Virginia Watermen's Association; Robert T. Brown, St. Mary's County Watermen's Association; Harry T. Stine, Charles County Watermen's Association; Alfred Chatham, Goerge Herbert, Jr., Mike Harding, Billy Harding, Lee Arnest, Garnett Reamy, Newbill Conley, Gene A. Hundley, Donald G. Clark, Tayloe Dameron, Thomas Samuels, Wade Chatham, Howard S. Smith, William A. Lowery, James W. Dutton, Joseph A. Neale, Alan T. Hundley, John A. Jenkins, James M. Mozingo, Alton D. Jewell, Bryn N. Jewell, Oren Landman, Ronald Evans, George Poe and Walter Parkinson.

Press: Dick Myers, Maryland Independent; Brad Cavedo, Richmond Times-Dispatch; Richard Polk, The Enterprise; Rusty Dennen, The Free Lance-Star; Debbie Bowen, Westmoreland News; Isabel Gough, The Richmond News Leader.

The Meeting was called to order at 9:30 a.m. by Chairman John T. Parran, Jr. Mr. Parran asked for consideration of the Minutes of the November 9, 1979 meeting, stating that mimeographed copies had been previously circulated to each Commissioner. The following motion was made and seconded:

"That the Minutes of the November 9, 1979 meeting be approved as written."
The motion was approved.

REPLETION PROGRAM

Mr. Norris reported that the repletion committee met on December 14, 1979 and agreed to recommend that 30% of this year's repletion program funds be used for purchase of seed oysters and the balance used for shell plantings. A survey of the James indicates that seed should average about 900 count per bushel at a cost of \$3.00 overboard in the Potomac. Douglas Jenkins, a member of the committee, said he still prefers at least 50% spent on seed and 50% on bagless dredging with no shell plantings. Robert Brown and Wade Chatham endorsed Mr. Jenkins' proposal. Mr. Dutton suggested seeding the upriver bars. Mr. Samuels said shell plantings are good but that seed are needed now. Commissioner Douglas explained that James River seed is limited and that the PRFC should coordinate its program with MRC. The following motion was made and seconded:

"That up to 40% of the 1980 repletion funds be used for the purchase of seed oysters which count at least 600 per bushel, and that the balance of the funds be used for shell plantings." The motion was approved.

Hand Scraping

Mr. Elgin Dunnington reported that he and Mr. Dexter Haven concur that since hand scraping was started as an experiment, any additional area opened to hand scraping, as was requested at the last meeting, would invalidate the experiment. They recommended that no changes be made until the end of a five-year period. Mr. Dameron said that the Bonums Creek area has received some set and in his opinion this is partly the result of hand scraping. Wade Chatham indicated belief that additional areas would not interfere with the experiment. Mr. Dutton spoke against adding more area at this time. Mr. Stine said the experiment should be completed and evaluated before changes are made and if results indicate the hand scraping is "Good" then entire river should be opened to hand scraping. The following motion was made and seconded:

"That no changes in hand scrape regulations be considered until after an evaluation report is received following the 1981 season." The motion was approved.

JURISDICTIONAL LINE MARKERS

Mr. Carpenter reported that repair and replacement work on lost and damaged markers was started in December. However, during a storm on December 17, 1979, the pile driving rig broke loose and sank off Smith Point in the Bay. The contractor, Mr. Blanton, Woodbridge, Virginia, has not been able to locate the barge and determine if it is salvageable. Work will be continued in Spring of 1980 subject to the contractor's ability to do so, or another contractor will be sought to complete the work.

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

SEED AREA REQUESTED BY ST. MARY'S COUNTY

Mr. Parran stated he, as Chairman, had received a formal request from the Board of Commissioners of St. Mary's County for the exclusive use of an area from Cornfield Point to Point Lookout for seed production for Southern Maryland tributaries. He introduced Mr. Richard Arnold, a Commissioner of St. Mary's County who explained that subsequent to the above request, the St. Mary's Commission had decided to request that the PRFC grant the said area to Maryland as outlined and a similar area, perhaps on the Virginia shore to grow seed for Virginia tributaries and he would confirm this change by letter. He said that tonging should not be stopped in such areas and each state should enjoy an equal area on each side of the river to produce seed.

Mr. David Sayre, another St. Mary's County Commissioner, also spoke in favor of and endorsed this proposal commenting that if the Virginia watermen want a seed area on their side of the river, it should be granted. Both Mr. Arnold and Mr. Sayre said this proposal would help all watermen and would relieve some of the harvest pressure on the Potomac.

In response to a question by Mr. Rubelamnn, Mr. Sayer said pollution, fresh water and real estate development in the water shed were the reasons for the lack of a set in recent years in the St. Mary's River, formerly a good seed producing area.

Mr. Elgin Dunnington explained that the lack of oysters in other areas had increased the harvest pressure on the St. Mary's River for market oysters and in addition to the reasons given by Mr. Sayre the lack of a sizable brood stock reserve in the St. Mary's has contributed to the decline in production of seed oysters from that area.

Commissioner Douglas said the proposal has some intriguing possibilities and if indeed the Potomac holds the keys for future oyster production, it should be investigated. The following motion was made and seconded:

"That the Potomac River Fisheries Commission should investigate the amended proposal by the St. Mary's County Commissioners and give it due consideration." The motion was approved.

Mr. Douglas asked Mr. Hickman, Mr. Rubelmann and Mr. Wise to serve as an ad hoc committee to investigate the St. Mary's County Commissioners' proposal to use a portion of the Potomac for seed production for the tributaries.

OYSTER PRODUCTION REPORT

An oyster production report for the period October 1 thru March 5 was presented showing the harvest in bushels to be below the same period last year. The number of licenses sold was also less. Mr. Carpenter pointed out that the buyers and the tongers/hand scrapers reports are very close in numbers of bushels. He attributed this to improved reporting by the watermen.

The most productive tonging bars are Jones Shore, Cornfield and Sheepshead. Great Neck has replaced Hog Island as the most productive hand scraping area.

DISBURSEMENTS AND CASH ON HAND

Disbursements for the October-December quarter of FY 80 totaled \$28,910.54. It was presented by budget item prorated against the annual budget. For the first two quarters in fiscal year the amount spent (\$52,137.83) represented 45.20% of the annual budget. The following motion was made and seconded:

"That the second quarter disbursement report be accepted and approved."
The motion was approved.

A statement of cash on hand as of 3/5/80 was presented as follows:

Bank of Westmoreland: Checking	\$ 22,279.07
Savings	31,123.92
Maryland National Bank: Savings	9,215.00
C/D	30,000.00
Maryland Bank and Trust: C/D	30,000.00
Bank of Southern Maryland: C/D	20,000.00
Federal Reserve Bank - Treasury Bills	<u>140,000.00</u>
Total	\$282,417.99

GILL NETTING

Mr. Walter Parkinson presented a petition signed by several watermen requesting the Commission to consider establishing a minimum size of 4" stretched mesh on gill nets. Mr. Dutton, Stine and Jenkins all objected to such a proposal.

A motion was made, seconded and approved directing the legislative advisory committee to consider the request later.

SHAD FISHERY

Mr. W. R. "Nick" Carter, Tidewater Fisheries Section, Department of Natural Resources, gave a brief report on the dramatic decline in the State's landings of American Shad. Landings have declined from the 800,000-1,000,000 lb. levels in the 1950's and 1960's to only 20,600 lbs. in 1979. Several causes have contributed to this failure. Dams, pollution, foreign fleets and over fishing are all suspected causes, with over-fishing being the only directly controllable factor by the Department.

Several alternatives for rebuilding the stocks were detailed. They ranged from complete closure of the fishery to various restrictions on the gear and/or times for fishing. Mr. Carter stated Maryland was considering immediate emergency regulations to stop fishing for shad during the spawning run, and he urged the PRFC to take similar action since 64% of Maryland's landings are from the Potomac.

Mr. Rubelmann made a motion to advertise regulations similar to Maryland's if Maryland adopts a regulation. After a brief discussion regarding the wording and time restriction on PRFC regulation changes, the motion was withdrawn and the following motion was made and seconded:

"That the Potomac River Fisheries Commission will meet to discuss possible action regarding the shad fishery if the Secretary of the Maryland Department of Natural Resources determines that emergency regulations are necessary and if so will advertise same for public hearings." The motion was approved.

ELECTION OF OFFICERS

Mr. Hunt, speaking for the Nominating Committee, presented a slate of Officers for 1980 as follows: Chairman, James E. Douglas, Jr.; Vice-Chairman, John T. Parran, Jr.; Secretary, Robert J. Rubelmann. A motion was made, seconded and passed electing the officers as presented by the Committee. Chairman Parran congratulated the new officers and said the new Chairman should make the committee appointment which were next on the agenda. He then continued the meeting.

ECONOMIC SURVEY

Mr. Parran stated that the need for reliable economic data on the Potomac fishery is becoming more evident. He had asked Mr. Steve Mayer of the Southern Maryland Tri-County Council to begin discussions with Mr. Norris regarding a possible study to determine the economic impact of the Potomac fisheries. Mr. Mayer said he had just learned that a similar study was being contemplated by Maryland and suggested that possibly the information the PRFC desires could be obtained if a Potomac study were run in conjunction with the Maryland study. Mr. Parran asked Mr. Mayer if he would prepare a detailed proposal and present it at the next meeting.

BANKING

The following resolution was read by the Chairman:

"Resolved, that the Chairman and the Executive Secretary of the Potomac River Fisheries Commission are hereby authorized to borrow on demand note(2) up to one-hundred thousand (\$100,000) dollars against two hundred twenty thousand (\$220,000) dollars in funds currently invested in Certificates of Deposit and Treasury Bills having maturity dates ranging from May 1, 1980 to July 16, 1980, thereby allowing payment of repletion expenses without causing loss of earned interest on said C/D's and Treasury Bills and the said loans are to be repaid as the C/D's and Treasury Bills mature."

A motion was made, seconded and unanimously approved adopting the above resolution.

AUDIT REPORT

Mr. Norris said the annual joint audit report was mailed recently to each Commissioner by the auditors. Mr. Parran asked if each Commissioner had received their copy and everyone responded affirmatively. Mr. Rubelmann commented that the report showed everything was accounted for properly and commended Mr. Norris for a fine job during the past year.

PERMITS - CORPS OF ENGINEERS

Mr. Norris said he received a phone call this morning from a fisherman who informed him of an application for a Corps of Engineer permit for an anchorage to be established in the Indian Head area of the Potomac. Mr. Norris explained we had not received notification on the proposal, but the fishermen believe granting the permit would interfere with established fishing stands in the area. The following motion was made and seconded:

"That the staff investigate the proposal and if they determine that the anchorage is indeed in a fishing area and would interfere with fishing activities, the Commission opposes issuance of the permit by the Corps of Engineers." The motion was approved.

Mr. Norris explained that Mr. Philip Castle and Mr. Mike Varner have requested the PRFC support their efforts to persuade the Corps of Engineers to reactivate plans for dredging channel into Monroe Bay and to begin this project at once. The Corps had recently announced a decision to discontinue the project for funding reasons. The channel has shoaled and is very hazardous to both commercial fishing vessels and other users. The following motion was made and seconded:

"That the Executive Secretary write to the Corps of Engineers expressing this Commission's dismay at the Corps' decision not to continue with the maintenance dredging of Monroe Bay Channel Project." The motion was approved.

FUTURE MEETING

The next regular meeting will be Friday, June 6, 1980 at 9:30 a.m. at Colonial Beach, Virginia.

HOUSING /INDUSTRIAL DEVELOPMENTS

Mr. James W. Dutton pointed to recent newspaper articles about the practice of burning PCB's at the Morgantown Power Plant. He questioned and objected to the practice and suggested the PRFC obtain copies of all EPA

permits issued to industrial dischargers on the Potomac in order to be aware of activities such as this. The Chairman asked Mr. Norris to request copies of all present and future permits from the EPA, Maryland or Virginia regarding air or water discharges.

BUDGET COMMITTEE

At this point, Mr. Douglas asked Mr. Hickman and Mr. Rubelmann to serve on the Budget Committee for FY 1981.

Chairman Parran then announced that this concluded any new business and only one other item would be considered by the Commission at today's meeting-- it being pound net location claimed by two (2) persons. He then declared a 3-minute recess at 12:20 p.m., during which a few visitors left the room and the principals in the dispute came forward.

The meeting was reconvened by the Chairman who explained that the Commission would now hear testimony regarding an application for a pound net license for 1980 filed by Mr. A. D. Jewell for a location licensed in 1979 by Mr. J. A. Neale. Mr. Jewell's application was filed on the basis of Mr. Neale's not fishing (non-user) the stand during 1979. Mr. Neale was represented by Mr. Frederick Olverson, Attorney, and Mr. Jewell was represented by Mr. J. Clifford Hutt, Attorney.

Mr. Wise stated that both Mr. Neale's and Mr. Jewell's attorneys agreed that there would be no oaths administered and no verbatim transcript of the proceedings, but each witness could be cross examined by the other and that the Commissioners could ask questions of the witnesses.

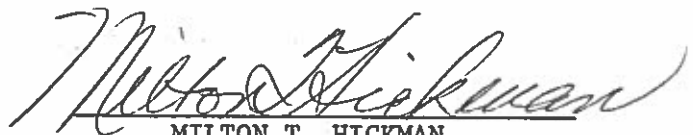
Each side began with an opening statement, witnesses were called, testified and cross examined. The Commissioners asked several questions of various witnesses. When all witnesses had been heard, each side made a summation of their case.

At 1:40 p.m., Chairman Parran called for a recess during which the Commissioners and Mr. Wise went into executive session for deliberation on the matter. At 1:55 p.m., the meeting was reconvened and the Chairman read the FINDINGS. Mr. Parran, Mr. Hunt and Mr. Hickman voted YES finding for Mr. Jewell; Mr. Douglas and Mr. Rubelmann voted NO finding for previous owner. The Chairman declared the location forfeited to Mr. Jewell and advised the staff to issue license to him and refund Mr. Neale's fee accompanying his application.

A motion to adjourn was made, seconded and approved at 2:00 p.m.



JOHN T. PARRAN, JR.
CHAIRMAN



MILTON T. HICKMAN
SECRETARY