

MINUTES OF THE MEETING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
JUNE 5, 1981

PRESENT: COMMISSIONERS - Chairman, John T. Parran, Jr., William P. Jensen, Francis J. Russell, Milton T. Hickman, William P. Hunt (James E. Douglas, 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; Donald Z. O'Bier, Supervisor, Virginia Marine Police; Oren T. Mears, VMRC; Elgin A. Dunnington, U of Maryland CEES; Herb Austin and Dexter Haven, VIMS; Beverly Jack and Bill Seiling, Maryland DNR; Robert T. Brown, St. Mary's County Watermen's Association; James W. Dutton, Oliver J. Tippet, Howard B. Forrest

PRESS - Todd Shields, Times Dispatch/Westmoreland News; Isabel Gough, Richmond News Leader; Richard Polk, The Enterprise; Rusty Dennen, The Free Lance Star

The meeting was called to order at 9:30 a.m. by Chairman John T. Parran. He asked for consideration of the minutes of the February 6, 1981 meeting. Mr. Jensen said that following the last meeting a telephone poll of the Commissioners had been taken wherein they approved the Hearing Officer's recommendations regarding 18 of 21 licensees called to a hearing for failure to file required seafood catch reports, and that that action should be included in the minutes of the meeting. (Action on the other three is described in the February 6, 1981 minutes.) The following motion was made and seconded.

"That the Minutes of the February 6, 1981 meeting be cross-indexed to include a reference to the above paragraph of these minutes and that the February 6, 1981 minutes then be hereby approved."

The motion was approved.

REPLETION PROGRAM

Mr. Carpenter gave a status report on the 1981 repletion program; thru May 29, 1981 four of the 19 areas selected to receive seed had been planted; 56,700 bushels of seed had been transplanted at a cost of \$28,350 (50¢/bu.) and the average counts ranged from 1,651 spat/bu. to 1,164; the seed planting program is moving somewhat slower than anticipated, but we expect to move a total of 200,000 bu; the shell planting portion of the program should be completed in the next several weeks even though more fresh shell than was originally estimated has become available. To date 294,000 bushels have been planted on Jones Shore and approximately 100,000 bu. are still to be planted.

DISBURSEMENTS AND CASH ON HAND

Disbursements for the January-March quarter of FY 81 were \$28,677.84. The following motion was made and seconded.

"That the third quarter statement of disbursements of \$28,677.84 be accepted and approved."

The motion was approved.

A statement of cash on hand as of 6/3/81 was presented as follows:
Bank of Westmoreland - Checking \$39,783.13, Statement Savings \$61,355.81;
Maryland National Bank - Savings \$8,546.22, C/D \$100,000.00 for a grand total in banks of \$209,685.16.

BUDGET

Mr. Jensen and Mr. Hickman presented a proposed budget for July 1, 1981 thru June 30, 1982 explaining that it represents a 10% increase in salaries and reflects inflationary cost adjustments in the other items. The budget totaled \$484,700.00 with an estimated unexpended cash balance brought forward of \$50,000 which will be adjusted as of July 1, 1981 when the exact unexpended balance is known. They said this will be reflected in a corresponding adjustment in the Development & Repletion Expense, currently estimated at \$329,102.66.

The following motion was made and seconded: "That the budget presented today, when adjusted July 1, 1981 as explained above, be adopted and that a copy be attached to and made part of the Minutes of this meeting."

The motion was approved.

OFFICE

Mr. Norris asked the Commission to authorize a study of replacing the heating and air conditioning system with a more efficient system. The present system is expensive to operate and does not provide adequate heating or cooling. After a brief discussion the Chairman asked Mr. Norris to begin an investigation of the alternative systems and respective costs and report at the next meeting.

OYSTER PRODUCTION REPORT

Mr. Carpenter presented a final report on the oyster harvest during the 1980-81 season, as compared with the previous season. Sheepshead was the most productive tonging area followed by Green Hill and Ragged Point. Hog Island led in hand scraping production. The total harvest by hand scraper and tonger of just over 61,000 bu. compared with 99,000 plus bushels last year. The tax of \$15,648.11 collected this year compared with \$24,104.53 paid last season. He attributed part of the lower production to be a result of lower harvest effort as only 540 licenses were sold this year compared with 774 last year.

SCIENTIFIC ADVICE

Mr. Elgin A. Dunnington, CBL, and Dr. Herbert Austin, VIMS, gave an oral report on harvest efforts in the Potomac. They said they had made a superficial examination of the numbers of licenses sold and the harvest over the last several years. In general, the Potomac data indicates the same basic trends in most fisheries as observed throughout the entire bay area. They agreed that if the question of possible overharvest of certain fisheries was to be answered, that a great deal more definitive information would need to be examined. This effort involves many manhours of staff time, but they felt the effort would be worthwhile and could provide a valuable data base. Since most of the information that was needed is available, the scientists were asked to continue their investigations.

REGULATION CHANGES

Mr. Jensen reported that Regulation III, Section 11 was amended and approved at the last meeting pending the Attorney General's rendering a decision that fish caught legally in the Potomac would not be considered illegal if landed in Maryland. Before that decision was obtained, S. B. No. 783 was passed and signed by the Governor. S. B. No. 783 amended Article - Natural Resources Section 4-102(b) of the Annotated Code of Maryland (1974 Vol. & 1980 Supplement), now reads as follows:

(b) "Notwithstanding any general or local laws or ordinances to the contrary, finfish, crabs, oysters, clams and other shellfish caught in the waters within the jurisdiction of the Potomac River Fisheries Commission, in compliance with regulations prescribed by the Commission pursuant to the Potomac River Compact of 1958, may be possessed, stored, marketed and otherwise disposed of elsewhere in the state."

With this law becoming effective July 1, 1981, Mr. Jensen said it should clarify the original question and eliminate the need for the Attorney General's opinion.

STRIPED BASS

Mr. Jensen advised the Commissioners that the Atlantic States Marine Fisheries Commission had released the draft of the Fishery Management Plan for the striped bass of the Atlantic Coast, Maine-North Carolina prepared by the State/Federal, Striped Bass Management Project. He suggested the plan should be reviewed and reported on by the staff at the next meeting.

HOUSING/INDUSTRIAL DEVELOPMENTS

Mr. Robert T. Brown advised the Commission that the Maryland Rock Company had applied to the St. Mary's County Zoning Board for a conditional use permit to operate a sand and gravel plant in the Posey's Bluff area of St. Mary's. Plans announced by the Company indicate they intend to construct a loading/unloading dock parallel to the shore in the Posey's Bluff area of the Potomac. This would involve a substantial amount of dredging in the area to obtain a 10 ft. M.L.W. channel and basin and that a portion of this dredging would be on an oyster bar.

Mr. Brown asked the Commission to object to this plan because of the damage to the oysters. Mr. Dutton concurred saying the maintenance dredging could result in the loss of the entire area to oysters. Mr. Dunnington stated the area in question has a high potential for oyster production and he objected to the "nibbling away" of oyster bottoms.

The Chairman asked the staff to fully investigate this matter and report at the next meeting.

WASTEWATER TREATMENT PLANTS

Mr. Parran presented a letter he had received from the Charles County Commissioners regarding a recent spill of partially treated sewage into the Potomac from the Blue Plains Sewage Treatment Plant (STP), wherein they asked the PRFC to investigate this matter to help determine the extent of the damage to the Potomac, ways to address the problem and make certain that it does not occur again. Mr. Norris reported he had been in contact with the Maryland Health Department who are monitoring the spill and that minimal damage is expected to be found. Mr. Parran asked that Mr. Norris continue his investigation of the matter and reply to the Charles County Commissioners.

DAMAGE TO OYSTER BARS

Mr. Robert T. Brown informed the Commission that on June 3, 1981 the tug "Sealevel" pushing two barges loaded with sand and/or gravel ran aground on Herron Island oyster bar. He notified this office and asked for police assistance in stopping the tug from attempting to free himself until high tide. He suspected considerable damage was done to the oyster bar from both the actual grounding of the barge and the prop wash during the time the tug was attempting to free the barge. The Chairman asked the scientists to assist the staff in investigating this matter and determine the extent of damage to the oyster bar.

CONFISCATED PROPERTY

Mr. Carpenter reported that during the gill netting season numerous nets were seized by the enforcement officers because of oversize mesh, no licenses, or being set in more than 36' depth of MLW. The following motion was made and seconded.

"That all confiscated equipment of illegal description be destroyed and all legal equipment be disposed of at Public Auction."

The motion was approved.

Mr. Norris was asked to make the necessary arrangements for the sale.

CATCH REPORTS

Mr. Wise presented a list of eight individuals who were invited here today for a hearing for failure to timely file the required seafood catch reports. Mr. Parran then read each name and asked the individual to step forward.

Howard B. Forrest explained he had stopped oystering and did not realize reports were still required. A motion was made and seconded that:

"The Hearing Officer's recommendation be approved and that the one week suspension be the first week of the 81-82 oyster season."

The motion was approved.

There were no others present wishing to speak. The following motions were then made, seconded and approved:

1) Briscoe, Joseph T. - Approve recommendation and one month suspension be the month of October 1981 for oyster license.

2) Butler, Ralph T. - Approve recommendation of no action because reports had now been received.

3) Clark, Donald G. - Approve recommendation and two week suspension of all 1982 gill net licenses the first two weeks of March 1982.

4) Dyson, Irving A. - Approve recommendation revoking all licenses and no new licenses be issued until after appearing before the Commission.

5) Farrell, Stacey S. - Approve recommendation and one week suspension be the first week of the 1981-82 oyster season.

6) Pruitt, Jerry E. - Approve recommendation and one week suspension of gill net license be the first week of March 1982.

7) Shymansky, Robert J. - Approve recommendation.

Mr. Wise noted that Mr. Thomas J. King, Jr. had applied for an eel pot license in April, but at a previous meeting his licenses were suspended for one month which would be determined later by the Commission and the application had not been processed to date. A motion was made, seconded and approved "That Mr. King's suspension be the month of May 1981."

The motion was approved.

BANKING

A motion was seconded and approved adopting 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 fifth thousand (\$50,000) dollars to be repaid immediately upon receipt of revenue from Maryland and Virginia due July 1, 1981 and customarily paid on or before September 1 each year. The purpose of this borrowing is for operating funds and to continue the 1981 Spring-Summer Repletion Program if seed are available on Jones Shore."

/s/ John T. Parran, Jr.
Chairman

/s/ Francis J. Russell
Secretary

SURPLUS EQUIPMENT

A motion declaring the following items surplus was made, seconded, and approved:

- 1) one used machine stand, purchased 4/67 for \$10.00
- 2) One Triner Scale (postage), purchased 5/63 for \$18.00
- 3) two wooden, 12 sect. cabinets purchased 7/65 for \$12.59
- 4) one Rangematic Distance Finder purchased 5/74 for \$34.36
- 5) one Rite Line Copyholder purchased 3/70 for \$23.95
- 6) three Kardex 12 drawer files purchased 8/62 and 12/64 for \$40.00 ea.

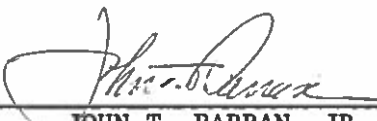
REGULATION CHANGE

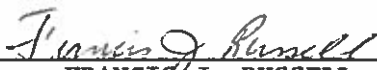
Mr. Norris said several items regarding the regulations have been suggested for changes. The Chairman asked the Legislative Committee to meet and report at the next meeting.

FUTURE MEETING

The next regular meeting was set for August 21, 1981 at 9:30 a.m. at the Commission office in Colonial Beach.

A motion to adjourn was made, seconded and approved at 10:50 a.m.


JOHN T. PARRAN, JR.
Chairman


FRANCIS J. RUSSELL
Secretary

COMMISSIONERS:

JOHN T. PARRAN, JR. (MD.)
Chairman

JAMES E. DOUGLAS, JR. (VA.)
Vice-Chairman

FRANCIS J. RUSSELL (MD.)
Secretary

MILTON T. HICKMAN (VA.)

WILLIAM P. HUNT (VA.)

WILLIAM P. JENSEN (MD.)

MARYLAND-VIRGINIA COMPACT 1958



OFFICERS:

J. OWEN WISE
Legal Officer

ROBERT M. NORRIS, JR.
Executive Secretary

KIRBY A. CARPENTER
Asst. Exec. Secretary

POTOMAC RIVER FISHERIES COMMISSION

222 Taylor Street
P. O. Box 9
COLONIAL BEACH, VIRGINIA 22443

(804) 224-7148

June 5, 1981

R E S O L U T I O N

The following resolution was adopted at a regular meeting of the Potomac River Fisheries Commission held in Colonial Beach, Virginia Friday, June 5, 1981:

"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 fifty thousand (\$50,000) dollars to be repaid immediately upon receipt of revenue from Maryland and Virginia due July 1, 1981 and customarily paid on or before September 1 each year. The purpose of this borrowing is for operating funds and to continue the 1981 Spring-Summer Repletion if seed are available on Jones Shore."

A handwritten signature in cursive script, appearing to read "John T. Parran, Jr.", written over a horizontal line.

JOHN T. PARRAN, JR.
CHAIRMAN

A handwritten signature in cursive script, appearing to read "Francis J. Russell", written over a horizontal line.

FRANCIS J. RUSSELL
SECRETARY

POTOMAC RIVER FISHERIES COMMISSION
1981-82 BUDGET

	<u>1981-1982</u> <u>BUDGET</u>
<u>PERSONAL SERVICE:</u>	
101-109 Salaries incl. Compensation of Commissioners	\$ 77,260.86
112 Commissions to Clerks, license sales	250.00
199 Other Personal Services (Janitorial)	500.00
	\$ 78,010.86
<u>CONTRACTUAL SERVICES:</u>	
201 Advertising	2,500.00
204 Postage	2,200.00
205 Telephone	3,000.00
208 Electric Current	750.00
212 Lease of Equipment	180.00
214 Membership dues & subscription	350.00
216 Printing Regulations	1,000.00
220 Travel Expense	6,000.00
221 Water Service	165.00
224 Photographic Services-Charts	500.00
270 Repairs to equipment	800.00
280 Interest Expense	750.00
299 Other Contractual Services	15,000.00
301 Automotive Expense	3,600.00
309 Fuel for Heat	900.00
313 Office Supplies	1,000.00
330 Household Furnishings & Supplies	200.00
332 Licenses, tags, report books	4,500.00
	\$ 43,395.00
<u>CURRENT CHARGES & OBLIGATIONS:</u>	
240 Insurance - surety bonds, fire auto liability, workmen's comp.	2,500.00
<u>PENSION AND OTHER CONTRIBUTIONS:</u>	
510 Retirement	4,328.19
511 Group Insurance	227.56
513 Employer's O.A.S.I. contributions	4,646.55
	\$ 9,202.30
<u>CAPITAL OUTLAYS:</u>	
801 Office & Other Equipment	250.00
802 Furniture and fixtures	1,200.00
805 Improvements to building	500.00
	1,950.00
<u>DEVELOPMENT & REPLETION EXPENSES:</u>	
225,331,333,334 & 335 seed oysters and/or shells	333,482.97
 <u>UNEXPENDED CASH BALANCE:</u>	 20,000.00
 <u>TOTAL:</u>	 \$488,541.13

1981-82 BUDGETRECEIPTS

	<u>1981-1982 BUDGET</u>
UNEXPENDED CASH BALANCE BROUGHT FORWARD: (as of 7/1/81)	\$53,841.13
<u>SALE OF LICENSES:</u>	
Fish	35,000.00
Oyster	37,500.00
Crab	20,000.00
Clam	200.00
OYSTER BUSHEL INSPECTION TAX:	20,000.00
<u>APPROPRIATIONS BY STATE:</u>	
Maryland	150,000.00
Virginia	150,000.00
INTEREST ON SAVINGS: (C/D's)	20,000.00
MISCELLANEOUS: CONFISCATED PROPERTY & SALE OF TAGS, ETC.	2,000.00
TOTAL:	\$488,541.13