

MINUTES OF THE MEETING OF THE  
POTOMAC RIVER FISHERIES COMMISSION  
COLONIAL BEACH, VIRGINIA  
MAY 7, 1982

PRESENT: COMMISSIONERS - John T. Parran, Jr., Chairman, Francis J. Russell, James E. Douglas, Jr., William P. Jensen and R. Wayne Browning, (Ivan D. Mapp absent).

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

VISITORS - Paul C. Wentzell, Henry C. Batchelor, Francis X. Wood, Maryland Marine Police; Robert J. Markland, Virginia Marine Police; Elgin A. Dunnington, CBL; George Krantz, U of M, CEES; Dexter Haven and Mike Osterling, VIMS; Bill Outten, DNR; Oren T. Mears, VMRC; Walter E. Raum, St. Mary's County Health Officer; Robert T. Brown, St. Mary's County Watermen's Assoc.; James W. Dutton, Charles County Watermen's Assoc.

PRESS - Jim Toler, Free Lance-Star; Isabel Gough, Richmond News Leader; John Wilson, National Fisherman

The meeting was called to order at 9:55 a.m. by Mr. Parran. He asked Mr. Douglas to introduce the new Virginia Commissioner, Mr. R. Wayne Browning of Davis Wharf, Virginia. Mr. Douglas did so and also said Governor Robb had appointed Mr. Ivan D. Mapp of Virginia Beach, Virginia, but Mr. Mapp's schedule did not allow his attendance here today. Mr. Parran welcomed Mr. Browning on behalf of all the Commissioners.

Mr. Parran then called for consideration of the Minutes of the January 8, 1982 meeting, mimeographed copies of which had been previously sent to each Commissioner. The following motion was made and seconded:

"That the Minutes of the January 8, 1982 meeting be approved as written." The motion was approved.

#### POLLUTION - SLUDGE

Mr. Jensen reported the District of Columbia officials are considering a proposal to dispose of its sludge by ocean dumping, that at this point no land disposal is included. Maryland is opposed to any form of ocean dumping and will oppose any attempt by the District of Columbia to do so. Since no permit applications have yet been filed, details of the proposal are unavailable.

#### HAND SCRAPING

Mr. Haven and Mr. Dunnington presented a joint evaluation of hand scraping and oyster culture in the hand scrape area. Mr. Haven showed several slides of the area involved, landings of market oysters and volume of shell planted, the relationship between shells planted and oyster production, and the average harvest per boat per day by hand scrapes. He noted a good correlation between the shell planting and harvest a couple of years later. He also showed the hand scraping catch having a peak in the third year followed by a continuing decline. The decline was not only in the total harvest but was quite evident in the catch per unit of effort, which had dropped from 18.1 to 8.1 bushels per boat per day for Hog Island and from 25.7 to 7.6 for Great Neck.

Mr. Dunnington then showed several slides of the spat setting records for the Potomac (and the Bay) from 1939 to 1965, and from 1966 to 1975. They showed a general lessening in the intensity and range of successful spat fall. He then showed a table comparing the spat fall in the hand scrape area with that in the mid river area. The average for the period 1974 thru 1981 in the hand scrape area was 85.4 spat per bushel while the mid river area was only 1.2 spat per bushel. Mr. Dunnington explained the apparent disparity of spat fall between the areas was because the hand scrape area is where the highest spat fall occurs (high salinity) naturally; also hand scrapers working on scattered populations, which is a poor reproductive situation and working on areas where shell have been planted.

Based on their evaluation, they concluded (1) harvest is related to shell planting, (2) scattered natural ("wild") populations contributed to the peak in production in the third year, (3) annual recruitment is marginal to good in the hand scrape area, but marginal to zero upriver from there, (4) future productivity will largely be limited by repletion efforts. Therefore, they recommend: (1) no upriver extension of the hand scrape area, (2) increasing the shell plantings in the hand scrape area, and (3) that no seed be planted in the good setting areas but in the mid and upriver areas.

In responding to a question, Mr. Dunnington believed the catch per unit of effort would not have declined as drastically without the use of hand scrapes. But he also said the bottoms in the area have neither been damaged nor improved with the use of hand scrapes.

Mr. Brown argued that the total production since hand scraping started was greater than in previous years, therefore, hand scraping is good and should be extended upriver.

Mr. Russell noted the relationship between shell planting, spat sets and harvest and said he could not support an upriver extension of the hand scraping area at this time. Mr. Douglas also expressed his concern about the upriver extension. Mr. Russell asked Mr. Dunnington and Mr. Haven if Cornfield Harbor could be added without any detrimental effects. They responded it could if shell were planted to help sustain the harvest.

Mr. Douglas suggested deferring any decision on this item until after the report of actions taken by Maryland and Virginia General Assemblies on the request of PRFC to authorize power dredging in the Potomac including a possible increase in the oyster inspection tax limit.

#### POWER DREDGING

Mr. Douglas reported that Virginia has passed an amendment to the current hand scraping authorization to allow power dredging and impose a repletion fee on oysters taken by such means. Mr. Jensen explained that Maryland had introduced a resolution requesting further study of the matter, but that the resolution did not get out of General Assembly Committee. However, his department will study the matter and report to the committee next year.

Maryland's lack of action eliminates the possibility of PRFC authorizing power dredging until at least next year. The following motion was made and seconded:

"That the hand scrape area be amended to include Cornfield Harbor, extending from Cornfield Point to the mouth of the river and authorize the advertisement of such for a Public Hearing." The motion was approved.

A motion was made and seconded as follows:

"That the Commission ask the Maryland and Virginia General Assemblies to amend the current laws authorizing hand scraping to include a provision enabling the PRFC to collect a fee for repletion work on oysters caught with hand scrapes." The motion was approved.

#### DAMAGE TO OYSTER BARS

Mr. Wise reported that C&P Towing Company had sent a check in the amount of \$100.00 as a show of good faith and partial payment on the \$3,500.00 they agreed to pay for damages to Heron Island oyster bar last summer.

#### DISBURSEMENTS & CASH ON HAND

Disbursements for the third quarter (Jan-Mar) were presented by budget item. They totaled \$39,708.02 of which \$4,192.15 was for oyster repletion work from last year. A statement of cash on hand as of May 5, 1982 was presented as follows: Bank of Westmoreland - Checking \$5,544.01, Savings \$21,665.55; Maryland National Bank - Savings \$3,891.21, C/D \$160,000; Peoples Bank of Montross - C/D \$100,000 for a grand total of \$291,100.77. A motion to approve the third quarter disbursements of \$39,708.02 was made, seconded and approved.

OYSTER PRODUCTION REPORT

An oyster harvest report for the six month season ending March 31, 1982 was presented comparing the harvest with the previous season. The number of tongers increased from 380 to 610 and their catch rose from 54,000 to 90,000 bushels. The number of hand scrapers also increased from 124 to 157, but their catch fell from 11,000 to 8,700 bushels. The combined total catch resulted in an oyster inspection tax of \$24,627.45 being collected. Sheepshead, Jones Shore and Ragged Point were the most productive tonging bars accounting for about 1/2 of the total. Great Neck and Hog Island were the best hand scraping areas.

REPLETION PROGRAM

Subsequent to the repletion program approval at the last meeting, advertising for sealed bids on transplanting seed and planting shells was run in eleven newspapers throughout the river and Bay area. We received no bids for the shell planting, however, thru negotiation with packers on the Potomac we should be able to purchase 350,000 bushels of fresh shell at the same cost overboard as last year. Only one bid was received on the seed transplanting program. It was from Jackson Creek Seafood, Inc. (i.e. Ward Bros.) the same company as last year, at a price of .60¢ per bushel. Both the seed and shell operations are scheduled to begin Monday, May 10, 1982.

JURISDICTIONAL MARKERS

Mr. Carpenter flew over the Potomac recently to survey the ice damage to our markers. Two markers are missing completely and about a dozen others are in need of repair, extending from the Coan River to Indian Head. We are currently negotiating with several firms to reset, straighten and/or repair the markers as need be. It is estimated that the cost will range between \$12,000 and \$15,000, which is reflected in the proposed budget to be presented later in the meeting.

BUDGET FY 1982-83

A proposed budget for the fiscal year July 1, 1982 thru June 30, 1983 was presented. The estimated receipts show a decrease in fish license revenue but an increase in the oyster license and tax revenue. The appropriations for Maryland and Virginia remain unchanged at \$150,000 each. Total estimated receipts were \$524,800. The proposed disbursements also totaled \$524,800 of which \$363,340.40 was for oyster repletion expense, a \$30,000 increase over last year. Mr. Douglas suggested the item of salaries be handled in executive session at the end of today's meeting. A motion was then made, seconded and approved, adopting the proposed budget subject to changes made in the cash balance brought forward and actions taken in executive session.

ELECTION OF OFFICERS

Mr. Douglas asked if Mr. Browning would accept the Chairmanship. Mr. Browning declined saying he would rather defer the honor until he is more familiar with the Commission's functions and operations. Mr. Douglas was nominated for Chairman, Mr. Parran as Vice Chairman and Mr. Browning as Secretary. There being no other nominations a motion was made, seconded and approved electing the above slate of officers.

PEPCO - FLY ASH

Mr. Robert Brown said PEPCO has filed for a Maryland Water Resources Discharge Permit for its fly ash disposal site near Faulkner. He said the hearing regarding the permit was not advertised adequately and that PEPCO wanted to have coal mining standards apply to the discharge. He asked the Commission to support efforts to have a formal public hearing held on this permit request.

The scientific advisors were asked to comment. They indicated the fly ash pit was on a tributary of the Potomac. Any discharge from the site would eventually enter the Potomac and there is a possibility of an adverse impact on the marine resources of the river.

A motion was made, seconded and approved authorizing Mr. Norris to write to the Water Resources Administration stating the Commission's support for a public hearing on the question of issuance of this permit.

#### SPECIAL PERMITS

Mr. Brown said he had been contacted by Mr. Bob Cole who is filming a documentary on the Potomac. Mr. Cole's schedule for filming may not coincide with the legal season for oystering but he wants to include pictures of that type of activity. Mr. Brown asked if a special permit could be obtained to allow him to oyster for the filming. The Chairman told Mr. Brown to work out the details with Mr. Norris when more information was available.

#### SOFT SHELL CLAMS

Mr. Brown requested a survey of the Cobb Island and Cuckolds Creek area of the Potomac to determine if any soft shell clams are available in harvestable quantities. Mr. Dutton said if such a survey were allowed in Charles County waters several people from the area would be very much interested in being present.

Commissioner Jensen said all of the PRFC regulations regarding soft shell clams should be reviewed, particularly the current 40 bushel catch limit. He asked for the legislative committee to study these regulations and report at the next meeting.

A motion was made, seconded and approved authorizing a survey of the soft shell clams in the Cobb Island and Cuckolds Creek area to be arranged by the staff and include representatives from Charles County.

#### CATCH REPORTS

The Hearing Officer presented a list of 27 individuals who had been called to a hearing today for failure to file the required seafood catch reports.

Mr. Russell said Mr. Michael Wayne Dement had contacted him and asked if this hearing could be deferred until the next meeting since he was unable to attend today's meeting. A motion was made, seconded and approved deferring action on Mr. Dement until the next meeting.

A motion was made, seconded and approved adopting the Hearing Officer's recommendations regarding all others, except Messrs. C. O. Rowe, D. H. Cornelius, and T. D. Young, and that all suspensions be for the beginning of the season in the case of oyster licenses or upon notification in other cases.

A motion was then made, seconded and approved that: Mr. Charles O. Rowe, Mr. Douglas H. Cornelius and Mr. Thomas D. Young have their licenses revoked and in accordance with the published guidelines any new licenses may only be issued after a personal appearance by the licensee before the Commission.

#### EXECUTIVE SESSION

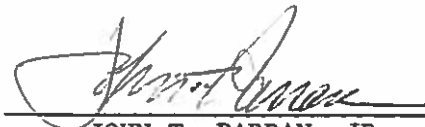
At 12:05 p.m. a motion was made, seconded and approved to go into executive session for the purpose of considering personnel matters. Everyone except the Commissioners were asked to leave the room. At 12:40 p.m. the public meeting was reconvened. The Chairman announced the budget items 102-108 for personnel services was set at \$67,713 plus the salary for the legal officer. This adjustment in the proposed salaries together with an adjustment in the cash balance brought forward as of June 30, would be reflected in the development and repletion expenses account so the adopted budget would remain balanced.

Mr. Norris explained that the 1976 Dodge owned by the Commission was becoming a liability because of high mileage and that in March he had made a phone poll of the Commissioners for approval to buy a new Plymouth Reliant through the state of Virginia. He said the Commissioners approving, the purchase was made at a cost of \$5,724.85 (sticker price \$8,917.00). He asked for a motion for the record supporting this. A motion was made and seconded approving this purchase. The motion was approved.

FUTURE MEETING

The next meeting was set for July 23, 1982 at 9:30 a.m. at the Commission office.

A motion to adjourn was made, seconded and approved at 12:45 p.m.



JOHN T. PARRAN, JR.  
CHAIRMAN



FRANCIS J. RUSSELL  
SECRETARY

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by  
Rh + sand