

Meeting Summary
Oyster Advisory Commission
Maryland Department of Natural Resources
Annapolis, MD
4:00 PM – 7:00 PM
22 October 2014

LIST OF ATTENDEES

Commissioners Present

Donald Boesch	University of Maryland Center for Environmental Science
Anthony Chatwin (Chair)	National Fish and Wildlife Foundation (NFWF)
Kelton Clark	Morgan State University
Kelley Cox	Phillips Wharf Environmental Center
William Goldsborough	Chesapeake Bay Foundation
Douglas Legum	Douglas Legum Development
Kenneth Lewis	Coastal Conservation Association
Donald Meritt	University of Maryland Center for Environmental Science, Horn Point Lab (UMCES HPL)
Anthony O'Donnell	Maryland House of Delegates, Environmental Matters Committee
Claire O'Neill	U.S. Army Corps of Engineers – Baltimore District
Peyton Robertson	NOAA Chesapeake Bay Office
Eric Schott	University of Maryland Center for Environmental Science
Evan Thalenberg	Chesapeake Bay Savers
Donald Webster	University of Maryland Extension
Robert Witt	Commercial Waterman

Commissioners Unable to Attend

Mark Bryer	The Nature Conservancy
Richard Colburn	Maryland Senator, Dorchester County
Douglas Lipton	NOAA
Ben Parks	Maryland Watermen's Association, Dorchester County
Shane Robinson	Maryland House of Delegates, Environmental Matters Committee
William Windley	Maryland Saltwater Sportfishermen's Association
Leonard Zuza	Southern Maryland Oyster Cultivation Society

Other Meeting Attendees

Maryland Department of Natural Resources: Frank Dawson, Frank Marengi, Mike Naylor, Eric Weissberger

Maryland Department of the Environment: Kathy Brohawn

Oyster Recovery Partnership: Stephan Abel

Phillips Wharf Environmental Center: Carol McCollough

Chesapeake Bay Seafood Industries Association: Bill Sieling

Coastal Conservation Association: Larry Jennings

MEETING SUMMARY

Opening Remarks (Dr. Anthony Chatwin, Oyster Advisory Commission Chairman)

Dr. Chatwin opened the meeting at 4:05 stating he was looking forward to the recommendations developed by the subcommittees.

Approval of Minutes from 17 June 2014 Meeting (Dr. Anthony Chatwin)

The minutes from the 17 June 2014 meeting were approved unanimously

Public Comment

Dr. Chatwin opened the floor to public comment. No members of the public spoke.

Procedure for Gauging Support of Recommendations

Dr. Chatwin stated that 27 recommendations were put forth by the subcommittees for review by the entire Oyster Advisory Commission. He stated that the standard for acceptance of a particular recommendation would be the ability to live with it, even if a commissioner did not support it enthusiastically. Dr. Chatwin noted that the language of the recommendations could be altered in order to garner more support.

Dr. Meritt asked if the recommendations were prioritized. Dr. Chatwin replied that all had equal priority, but there was less divergent opinion on the lower-number recommendations. He stated that the commission would first vote on the recommendations where there was likely to be substantial agreement. Dr. Meritt stated that all recommendations should be considered equally, none should be approved cursorily, and there should be time for discussion. Dr. Chatwin replied that he would read a recommendation and call for a vote. If there were any concerns, the recommendation would be tabled for the time being and returned to for discussion.

Delegate O'Donnell noted that Dr. Chatwin alluded to an executive committee, and stated that he was unaware of such a committee. Dr. Chatwin replied that the executive committee consisted of himself and the chairs of the subcommittees, and that it existed strictly for logistical purposes. The executive committee suggested speakers for the meetings of the full commission and helped develop the voting process. Recommendations made to the OAC were from the full subcommittees, and were not changed by the executive committee.

Dr. Chatwin stated that the recommendations were based on research done by the subcommittees. Mr. Thalenberg noted that he conducted approximately 70 interviews with

DNR, NRP, and other jurisdictions, with some interviews lasting 3-4 hours. He stated that some of the findings were updated based on an interview with NRP conducted this morning.

Dr. Clark asked what would happen to the recommendations. Dr. Chatwin replied that DNR would respond to the approved recommendations, stating whether or not they intend to implement them and if so, how. Delegate O'Donnell asked if the final report is to go to DNR only or the legislature as well. Mr. Naylor stated that the report should probably go to everyone, although Dr. Chatwin said it was his understanding that the recommendations were to go only to DNR. Dr. Chatwin stated that he intended to submit a cover letter and a list of recommendations, rather than a formal report. Mr. Robertson stated that he hoped that these recommendations would be part of the public record, and that the legislature would act on them if they felt them to be important.

Mr. Webster noted that four of the enforcement subcommittee's recommendations are related to the budget, and asked if DNR intended to include them in their budget. Dr. Meritt noted that although NRP needs more funds, the recommendations should focus on oysters, not the budget. Dr. Boesch suggested that the recommendations should be written to focus on oysters, but that the cover letter should recognize DNR's fiscal and personnel constraints. Mr. Thalenberg disagreed, stating that the recommendations must include the financial detail to be effective and that budget constraints are not the OAC's problem. If the state is investing \$70 million in a project, they must find the funds to make it work. Delegate O'Donnell concurred, saying that details do matter, as his colleagues in the legislature will ask him why the commission recommended a specific number of boats, and that he had to be able to justify the number. Mr. Thalenberg replied that the details supporting the recommendations are in the findings submitted to the commission.

Dr. Chatwin stated that not all the recommendations could be discussed in great detail, and to accept that the subcommittees had derived the recommendations in good faith based on their findings. Ms. O'Neill noted that none of the recommendations should come as a surprise as they were discussed at the June meeting and commissioners were also e-mailed the findings. Delegate O'Donnell pointed out that the previous meeting minutes make no mention of detailed numbers.

Discussion of Recommendations

1. NRP Fleet Modernization: addition of 6 small boats to NRP fleet at \$110,000 each
An initial vote showed 7 commissioners in support of this recommendation. Dr. Meritt noted that oysters were not mentioned in the recommendation. Delegate O'Donnell echoed Dr. Meritt's point. Dr. Chatwin stated that the cover letter will state that all recommendations are for oysters, but suggested revising the language to incorporate enforcement of oyster laws and regulations. Dr. Schott concurred.

Dr. Lewis indicated that some flexibility should be incorporated into the recommendations. Similarly, delegate O'Donnell asked that details of boat number and cost be removed from the recommendations. Dr. Chatwin asked if the commission is doing its job by removing details

when the research done by the enforcement subcommittee indicates that 6 new vessels are needed. Mr. Thalenberg confirmed that his research supported the acquisition of 6 new vessels. Dr. Clark stated that the specific number of boats should be included in the recommendation. Delegate O'Donnell stated that he didn't know if the data obtained by the subcommittee were correct. Mr. Robertson suggested making the recommendation less specific, but including the details of cost and boat number in the findings. Mr. Thalenberg stated that this was acceptable, as long as all of the findings and recommendations are submitted together. Dr. Chatwin agreed.

A second vote was taken, and the recommendation was supported unanimously.

Mr. Dawson indicated that DNR has a strategic plan for NRP, which can be amended to incorporate recommendations from the commission. DNR then makes budget recommendations to fund the strategic plan.

Dr. Clark commented on the voting process, stating that a vote should be taken on each recommendation, tabling those with disagreement for later discussion.

2. NRP Vehicle Replacement: Replace all NRP vehicles at 150,000 miles

Delegate O'Donnell asked that the language specifying the mileage for vehicle replacement be removed, noting that NRP has fleet managers that determine when vehicles need replacement. The language was changed accordingly.

This recommendation was supported unanimously.

3. Vessel Monitoring System: Require those convicted of oyster violations to have a vessel monitoring system on their boats

Delegate O'Donnell asked what counted as a violation, and was concerned that minor violations would be treated the same way as major violations. Mr. Thalenberg suggested changing the language from "violation" to "conviction," and noted that the recommendation was phrased to leave some flexibility for the DNR penalty workgroup. Mr. Dawson noted that certain convictions lead to license suspension, and suggested that a vessel tracker be required for people with suspended licenses to re-enter the fishery.

Mr. Witt noted that offenders who had trackers placed on their boats would just fish from a different boat without a tracker. Mr. Thalenberg stated that the offenders would still have to pay \$1000 for the tracker. Mr. Witt noted that poaching crimes usually net more than \$1000, and that this cost would not deter illegal fishing. Mr. Webster suggested changing the wording to state that any vessel the offender is on have a tracker.

Delegate O'Donnell expressed his concern that commercial watermen are being vilified. Dr. Clark suggested changing the language to specify "persons" rather than "commercial watermen".

Dr. Meritt inquired about people fishing without a license, noting that they could not have their licenses suspended.

With the revised language, 12 commissioners supported this recommendation.

4. Helicopters: Restore helicopter capabilities to NRP

Delegate O'Donnell suggested changing the language to include unmanned aircraft. Mr. Thalenberg noted that small aircraft are not efficient.

Dr. Schott stated that the recommendation should be phrased to reflect the relevance to oysters.

This recommendation was supported unanimously.

5. Dedicated Assistant Attorney General: Hire an assistant attorney general to work exclusively on natural resource cases

This recommendation was supported unanimously.

6. MLEIN Support: Allocate funding for maintenance of the MLEIN system and build MLEIN facilities that cover the Tred Avon and Little Choptank Rivers

Dr. Clark asked if protecting sanctuaries would have the unintended consequence of sending poachers to aquaculture areas. Mr. Dawson requested that language specific tower locations be removed, noting that MLEIN locations are purposely not advertised so that potential poachers are unable to identify areas not under surveillance. Ms. Cox indicated that there might be other spots that might need surveillance in the future. Delegate O'Donnell noted the need to protect investments in areas like the St. Mary's River.

This recommendation was supported unanimously.

7. Human Resources: Add NRP officers to meet patrol requirements

Mr. Thalenberg noted that the 2006 merger of NRP with the Maryland Park Service police resulted in a 50% reduction of the NRP force. Delegate O'Donnell asked if the specificity of a particular number of officers could prevent DNR from achieving the desired goal of hiring more officers. The language was changed so as not to specify a particular number of officers.

This recommendation was supported unanimously.

8. NRP Task Force: Set up a task force of NRP officers charged with protecting oyster restoration efforts

This recommendation was supported unanimously.

9. Courtroom Support: Track disposition of citations and train officers in courtroom procedure

Mr. Thalenberg noted that there is currently no formal training in courtroom procedure, and no post-court analysis of why a case was won or lost.

This recommendation was supported unanimously.

10. Seizure and Forfeiture: Encourage DNR to use their authority to seize vessels and equipment used in illegal harvest

Dr. Lewis noted that DNR did not seize vessels because the department then assumes responsibility for vessel maintenance, and if the vessel is returned it must be returned in the

condition in which it was received. Mr. Thalenberg replied that there are companies that maintain seized vessels, and the key to using the seizure authority is to have someone supervise the seizure process from the beginning. He also noted that vessel seizure is a highly effective deterrent, and was previously recommended by the OAC.

Dr. Schott suggested removing any reference to seizures being a source of revenue, as revenue is not the motivation of the recommendation.

Delegate O'Donnell asked if boats of recreational fishermen could be seized, and noted that there should be due process before seizure of a vessel. Mr. Thalenberg replied that vessel seizure is not mandatory, and that officers can use their discretion in seizing vessels. Mr. Dawson noted that the law currently contains a set of penalties leading to license revocation, and suggested that those may be more appropriate than seizure. Dr. Boesch replied that DNR already has the authority to seize vessels, and that the department should use this authority. Dr. Clark and Mr. Thalenberg echoed Dr. Boesch's comments. Mr. Robertson suggested that the recommendation state that the department make "greater use of its authority."

In an initial vote, the revised recommendation was approved by all but Mr. Witt. Mr. Thalenberg commented that if the seizure were left until conviction it would gut the recommendation. Dr. Boesch reiterated that the DNR should use its full authority to seize vessels. Dr. Meritt suggested the recommendation state that DNR store seized vessels appropriately. Mr. Legum noted that the federal government is not responsible for property it seizes.

Mr. Thalenberg suggested a vote on revised language suggested by Delegate O'Donnell. Only 9 commissioners supported the recommendation, and it was not put forward.

11. Preclusion from Fishing: Preclude those convicted of illegal shellfish harvest from obtaining an aquaculture lease

Mr. Webster asked what specific permits would be involved and what activities violators would be banned from. Delegate O'Donnell stated that this was a matter for the Aquaculture Coordinating Council (ACC). Mr. Dawson agreed, noting that there was a case where someone who had lost his license applied for an aquaculture lease.

Ms. Cox noted that the recommendation stated nothing about the public fishery.

Mr. Thalenberg recommended tabling the recommendation, and Mr. Robertson suggested that the matter be referred to the ACC. Dr. Chatwin noted that the commission would not put forward this recommendation, and that Mr. Dawson would take the matter to the ACC.

12. Fishery Closure: Monitor sanctuaries with active restoration, and if evidence of poaching is found close aspects of the public oyster fishery

Delegate O'Donnell asked how much area would be closed. Mr. Witt asked how we would know if an area was poached, and stated that innocent people should not be punished with fishery closure because of the misdeeds of others. Dr. Schott replied that poaching could be measured scientifically. Mr. Witt asked what would be accomplished by closing the fishery. Mr. Thalenberg noted that the bay is in poor condition and that poaching in sanctuaries happens.

Dr. Chatwin suggested striking the part of the recommendation related to fishery closure. Mr. Naylor noted that the commission should not be too prescriptive with the recommendations as monitoring might not detect poaching. Dr. Meritt asked if the intent was to increase punishment in areas that were difficult to protect.

This recommendation was supported unanimously.

13. Consideration of Land Use: Consider current and future land use in the prioritization of oyster restoration efforts

Mr. Webster asked why land use shouldn't also be considered in areas with significant amounts of leased bottom. Ms. O'Neill replied that the lease applicants, not DNR, are responsible for determining the location of their operations.

Dr. Boesch informed the commission that he was leaving the meeting early, and that he supported the remaining recommendations with any appropriate modifications.

Delegate O'Donnell asked if we are going to let the state determine land use plans around Harris Creek. Mr. Robertson replied no, and stated that land use would be considered in the selection of new restoration areas.

The recommendation was supported by all commissioners except Delegate O'Donnell.

14. Development of Blueprint: Identify aquatic habitats of high ecological value to sustain healthy oyster populations

This recommendation was supported by all commissioners except for Delegate O'Donnell and Dr. Meritt.

15. Watershed Implementation Plans: Those WIPs that achieve maximum ecological return on investment should be implemented first

Mr. Webster suggested that the recommendation make reference to areas of oyster aquaculture as well as areas of oyster habitat preservation. Dr. Meritt asked if this recommendation was a mandate on where to restore oysters next. Mr. Robertson replied no. Dr. Schott asked if all WIPs were already completed. Mr. Robertson replied that they have not yet been implemented.

This recommendation was supported by all commissioners except Delegate O'Donnell.

16. Land Use Planning Guide: Develop a guide for land use planners on the importance of oyster reefs

Mr. Webster suggested including aquaculture in the recommendation. Dr. Meritt worried that the recommendation would lead to a list of priorities forcing restoration in certain areas. Mr. Robertson replied that the recommendation is for education, not prioritization, and for making sure that we don't compromise our investment in oyster restoration.

Mr. Thalenberg noted that it is fair to give developers advanced notice of how their actions may affect oysters. Dr. Clark agreed. Dr. Meritt noted that we currently have zoning laws which

require notification of surrounding property owners, and anything related to the Critical Area Commission raises a red flag.

In an initial vote, the recommendation was supported by approximately half of the commissioners. Dr. Schott stated that a watered-down recommendation was meaningless.

In a second vote, the recommendation was supported by all commissioners except Mr. Webster and Delegate O'Donnell.

17. Failed Septic Systems: Address failed septic systems that may affect shellfish

Mr. Webster asked if we already addressed failing septic systems. Ms. Brohawn replied that MDE is responsible for correcting failed septic systems, and does so when they are discovered. She noted that failed septic systems are only affecting shellfish in Crocheron.

Dr. Clark asked about the rationale for the recommendation. Mr. Robertson asked about the relationship to nutrient contamination. Dr. Schott asked if there are areas closed to aquaculture due to bacteria. Ms. Brohawn replied that there were indeed areas closed due to bacteria, but they couldn't be linked to a failing septic system. Mr. Legum replied that if sewage is damaging oyster, the problem should be addressed. Ms. Brohawn replied that it was being addressed.

Delegate O'Donnell stated that he wasn't opposed to the intent of the regulation, but noted it may result in unintended consequences and larger government.

Mr. Robertson noted that there didn't seem to be support for the recommendation. Dr. Chatwin agreed, and the recommendation was not put forward.

Public Comment

As the scheduled time for public comment had arrived, Dr. Chatwin interrupted the discussion of the recommendations to hear from members of the public.

Ms. Brohawn addressed the commission regarding the enforcement recommendations. She noted that if any stricter penalties for poaching should also apply to prohibited waters in order to protect public health. Mr. Goldsborough replied that Dr. Chatwin could take prohibited waters into consideration when developing the final recommendations. Dr. Chatwin noted that prohibited areas are already prioritized for NRP patrol because of human health issues.

Ms. Brohawn then inquired about the Watershed Improvement Plan recommendation, asking how maximum ecological return was defined. Mr. Robertson replied that it was not defined, and asked if MDE was using any criteria for implementing WIPs. Ms. Brohawn replied that she was not sure that the WIPs could be implemented, noting that regulations impact what could be done in surrounding lands. She also asked if anyone was considering Tier II waters. Dr. Schott suggested presenting this idea to the fish habitat group.

Dinner Break

Noting that the scheduled adjournment time (7:00) had arrived, Mr. Legum suggested breaking for dinner and then resuming discussion. The commission then broke for dinner.

Discussion of Recommendations (continued)

18. Foundation Layer and Shell Veneer: Use any suitable material for a reef base, and cap with a shell veneer

Dr. Meritt asked why a shell veneer was necessary if a material received a natural spat set. Dr. Clark suggested just having a foundation layer with no veneer. Dr. Meritt replied that flexibility is needed to use alternative substrates in locations where they work, and that the objective for each site should be considered individually. Ms. O'Neill commented that if a shell veneer is not necessary it should not be mandated, and that some people don't see the need for a veneer. Dr. Meritt stated a veneer was not necessary.

Mr. Thalenberg asked to whom the material would be environmentally acceptable. Dr. Chatwin replied that environmental acceptability was determined by the permit process.

Upon initial voting, Mr. Legum was the only commissioner to support the recommendation. A second vote was taken on revised language without mentioning shell veneer. The revised recommendation was supported by all commissioners except for Mr. Legum.

Dr. Chatwin noted that if consensus cannot be reached, or if there are a few no votes, minority opinions could be presented along with the recommendations.

19. Spat on Shell: Use spat on shell on all restoration sites unless the area receives sufficient spat set

Dr. Clark expressed agreement with the concept, but also expressed concern that the recommendation precluded the development of alternatives. Mr. Legum commented that we are charged with using the best available science.

Mr. Naylor commented that it is DNR's policy to plant spat on shell on all created reefs and all seed-only areas, and that no area can reach restoration goals solely with natural spat set. Ms. O'Neill replied that it is necessary to have a spat set threshold above which seeding would be unnecessary. Dr. Clark asked if spat on shell would be placed independently of expected larval settlement. Mr. Naylor reiterated that no locations had high enough recruitment to meet restoration goals without planting spat on shell.

Mr. Goldsborough noted that the spat could also be set on a substrate besides shell.

Upon voting on the initial language, all but 5 commissioners supported the recommendation. A second vote on revised language resulted in only 5 commissioners supporting the recommendation. Dr. Chatwin noted that consensus was not reached.

After the second vote, Dr. Meritt noted that DNR already plants spat on shell on all restoration sites. Mr. Thalenberg recommended another vote on the original language. Ms. O'Neill asked if adding other means of seeding to the recommendation would be acceptable. Dr. Meritt stated that he did not want to support in situ setting, and that he viewed the recommendations as works in progress.

A third vote showed 9 commissioners supporting the original language of the recommendation. Dr Chatwin agreed to put the recommendation forward.

20. Three Year Shell Reserve: All state shell should go to the hatchery until a three year reserve is established

Delegate O'Donnell stated that there were significant issues with this recommendation. He noted that watermen wanted to purchase shell from Virginia, but that DNR did not want them to. He expressed concern that the shell would be controlled by Dr. Meritt. Mr. Naylor replied that the shell was under DNR's control, not the control of Dr. Meritt, and that the state had a similar policy without specifying a three year reserve. Dr. Chatwin noted that the recommendation came from the OAC, not DNR.

Dr. Clark questioned whether shell for the Morgan State University Hatchery, as a state institution, also fell under DNR's control.

Dr. Meritt stated that Delegate O'Donnell was interpreting the recommendation in ways unintended by the substrate committee. He noted that the Oyster Roundtable made similar recommendations to ones discussed, including the provision of fresh shell for the hatchery. Hatchery production is up according to state demands, and more shell is needed. Shell dredging permits are not in place, limiting the amount of shell available. Dr. Meritt noted that the most cost-effective use of fresh shell is in the hatchery, and that a stockpile was necessary to prepare for shell shortages resulting from disease mortality.

Delegate O'Donnell expressed concern with the wording "under financial control of the state." He noted that building a 3 year reserve of shell could take a long time, and take away watermen's ability to plant shell. He stressed the need to get other shell resources from the bay.

Dr. Clark stated that the recommendation sounded like Horn Point was trying to control all of the shell.

Upon initial voting, 7 commissioners supported the recommendation, and five did not. Dr. Chatwin noted that the recommendation would be put forward. Ms. O'Neill stated she thought the commission was operating by consensus. Dr. Chatwin stated that this will create problems.

Ms. O'Neill noted that it was not the intent of the recommendation to control Virginia shell, and suggested finding language acceptable to more commissioners. Dr. Clark suggested changing the language to specify shell under DNR's control, rather than general state control. Mr. Naylor noted that DNR provides shell to entities other than the Horn Point hatchery, including the Piney Point Hatchery and aquaculture facilities in St. Mary's County. He asked how much shell a three year reserve would entail.

Dr. Schott asked how much shell was purchased with bushel taxes vs. other funds. Dr. Meritt stated that money issues should not be lumped with creating a shell reserve for the hatchery. Mr. Naylor noted that volume of shell available to be harvested is limited, and that watermen could buy shell directly from shucking houses at any time. Delegate O'Donnell stated that the bushel tax was used historically to buy shell for the county oyster committees. Mr. Thalenberg did not

agree that just because you pay a tax you have a vested interest in the use of that tax money. Mr. Naylor noted that the watermen could buy all shell available with the county funds, leaving none for the hatchery.

Delegate O'Donnell stated that this recommendation would do serious damage. Ms. O'Neill stated that she was uncomfortable putting the recommendation forward given the disagreement. Dr. Lewis agreed.

A vote showed 7 commissioners in support of the recommendation. The recommendation was not forwarded.

21. Evaluation of Substrate: Annually assess restoration substrates and placement methods
Dr. Clark suggested an up or down vote. Mr. Thalenberg suggested that the recommendation should state that DNR should report its findings to the OAC. Mr. Naylor noted that DNR already assess substrates and placement methods for each project.

This recommendation was supported unanimously.

22. Identification of Buried Shell: Identify areas of buried shell and evaluate feasibility of retrieval

Dr. Meritt noted that if buried shell deposits were identified and mined, the issues with shell shortage would be moot. Delegate O'Donnell agreed.

This recommendation was supported unanimously.

23. Use of Buried Shell: Develop cost-effective ways to retrieve buried shell and use it for reef base material

Dr. Schott asked if buried shell can be used in the hatchery. Dr. Meritt replied that the upper bay fossil shell was too brittle for hatchery use, and that any new deposits would have to be evaluated for use in the hatchery.

This recommendation was supported unanimously.

24. Shell Deposits on Land: Examine the feasibility of terrestrial shell deposits for use in oyster restoration

Delegate O'Donnell stated that there must be plenty of shell deposits in Maryland. Ms. O'Neill stated that she knows about a deposit in Virginia, but no others. Mr. Thalenberg suggested removing the language citing the Virginia shell as a "prime example" of terrestrial shell.

This recommendation was supported unanimously.

25. Equipment Development: Research and develop equipment for recovery, cleaning, and placement of buried shell

This recommendation was supported by 9 commissioners.

26. Reef Material Specifications: Develop specifications for reef materials and protocols for material assessment

This recommendation was supported unanimously.

27. Shell Recycling: Increase tax incentives for shell recycling

Dr. Chatwin asked what was limiting participation in the shell recycling program, the incentive or amount of shell. Mr. Legum noted that we are getting only a quarter to a third of restaurant shell, and Mr. Thalenberg stated that a lot of shell was ending up in landfills. Mr. Thalenberg also noted that no tax credits have been applied for as it is a hassle to apply for the credit with little monetary gain. Mr. Sieling stated that restaurants are eager to get involved in the shell recycling program, but logistics were problematic. Dr. Meritt noted that shell obtained from restaurants is often contaminated with things like beer bottles and lobster shells.

Delegate O'Donnell suggesting getting information on the recycling program's performance from ORP before taking any action. Dr. Clark suggested a formal analysis of the program's performance. Ms. Cox stated that people aren't aware of the program. Mr. Naylor stated that DNR does not have the expertise to evaluate the effectiveness of tax incentive programs.

This recommendation was supported unanimously.

Dr. Chatwin stated that he would write a cover letter and forward the approved recommendations along with the subcommittee findings to the Secretary of Natural Resources. Once that is done, the OAC will have fulfilled its obligations under the current charter, which ends at the end of 2014. DNR will respond to the recommendations with a plan to address them.

Delegate O'Donnell asked if the OAC will sunset at the end of this charter. Mr. Naylor replied that the future role of the OAC was still being discussed.

Close and Adjourn

Dr. Chatwin congratulated the commissioners on a job well done and adjourned the meeting at 8:42 PM.