

MARYLAND DEPARTMENT OF NATURAL RESOURCES

MEETING OF THE

MDNR SPORT FISH ADVISORY COMMISSION

HELD AT

TAWES STATE OFFICE BUILDING

C-1 CONFERENCE ROOM

ANNAPOLIS, MARYLAND

ON

TUESDAY, APRIL 12, 2011

FROM

6:13 P.M. to 8:19 P.M.

HUNT REPORTING COMPANY  
Court Reporting and Litigation Support  
Serving Maryland, Washington, and Virginia  
410-766-HUNT (4868)  
1-800-950-DEPO (3376)

P R O C E E D I N G S

CHAIRMAN GRACIE: Okay. I'd like to call the meeting to order. Marty had some announcements to make.

MR. GARY: Thank you. Mr. Chairman, members of the public, Commissioners, welcome to the April 12<sup>th</sup> meeting of the Sport Fisheries Advisory Commission.

I'm going to ask everybody in the room to please silence their cell phones now and turn them off and silence them. David from the Hunt Reporting Company is here and this meeting is being recorded. There will be a verbatim transcript available in approximately ten days, ten working days after this meeting concludes.

We do have a few announcements and the Commissioners, there are several, so I've laid them out and you should have a cover sheet there, and so I just want to walk through these.

Before I hit the bullets, and I'm going to

HUNT REPORTING COMPANY  
Court Reporting and Litigation Support  
Serving Maryland, Washington, and Virginia  
410-766-HUNT (4868)  
1-800-950-DEPO (3376)

go through these very quickly because we have so many questions, if you have any.

First of all, the agenda that we have tonight that's in the folders, and the ones for the public that's over on the table over here on our right, has been updated. There are a couple of new items. Catherine McCall has been kind enough to join us, to give us our wind energy update, and there's a couple of reminders to that as well.

Next, attendance tonight. Brian Hunt was supposed to be here for Larry Cover (phonetic) who is out of town, but I did not hear from Brian other than Larry said he was coming, so hopefully maybe we'll still see him.

I understand Ed O'Brien is en route, and Bill Goldsborough just got back to us about an hour ago to let us know he cannot make it, and his proxy, John (indiscernible) was also unavailable.

Last of the three bullets, keeping your thoughts and prayers for one of our Tidal Fish Advisory Commissioners, J.R. Gross. I don't know J.R.'s exact status, but I've talked to a number of watermen and a couple of the Tidal Fish Commissioners

and he's not doing very well. So just keep him in your thoughts and prayers, please.

After these bullets, I think as you all know Neil Jacobs put in a letter of resignation saying he was unable to make the meetings or most of the meetings as required, and so he turned in his resignation.

We looked at several potential candidates on (indiscernible) the interest list submitted and the applications, and we're proud to announce that Dr. Raymond P. Morgan II, otherwise known to a lot of the folks in this community as Ray, has been appointed to the Sport Fish Commission.

He teaches up at Frostburg for the Appalachian Lab with the University of Maryland system. And Ray is teaching on Tuesday nights through the 10<sup>th</sup> of May so, unfortunately, he was unable to join us tonight, but he will be here for the May meeting May 17<sup>th</sup>.

There's a Fisheries Management, Fishery Atlantic States -- I'm sorry, Mid-Atlantic Fisheries Management Council meeting (indiscernible). It's here in Annapolis and Mike Luisi will tell you more about

it, but it's close to home here and for those folks who have not had a chance to see the Mid-Atlantic process firsthand, it's a great opportunity and also a (indiscernible) opportunity to modify, and Mike will talk more about that.

Three press releases were added into handouts. One on Hickory Shed went out this week. A second one on illegal recreational fishing within a striped bass spawning reach, specifically off of the Choptank, and then some guilty verdicts that came out on in oyster poaching cases. Those are all press releases that came out of our communications office this week.

Some calendar items I'll quickly go through. Mid-Atlantic Council again here in Annapolis, today through Thursday.

Tidal Fish Commission meeting here in C-1 on Thursday. Our Spring trophy season for striped bass on Chesapeake Bay begins this Saturday, along with Summer flounder season. And in short, we fish krill statewide.

Coastal Fisheries Advisory Committee meeting at the Ocean City Marlin Club on May 3<sup>rd</sup>. A tri-annual

scoping meeting on the 9<sup>th</sup> of May, here at the Tawes Building at 6:00.

River herring, and a few of the commissioners have asked about that, that will be discussed at that meeting as we prep for management actions in the coming year.

Oyster Advisory Commission meeting on the 18<sup>th</sup>, and right before that the Joint Sport Fish/Tidal Fish May 17<sup>th</sup>. That will be over in the Calvary Church, and we'll send an announcement on that.

The Artificial Reef Committee meeting on the 19<sup>th</sup>. And this one does not have a date, but many of you may have heard about it. If you have an interest, we'd love to have you out on the press boat for the reaping of the USS Radical, a 570-foot Navy destroyer that's going to be put off the Delmarva about 30 nautical miles to the Northeast of Ocean City. The largest boat, the largest ship sunk for an artificial reef on the East Coast when it goes down.

Delaware is hosting this event, but Maryland and New Jersey are partners, and they're using the Cape May-Lewes Ferry. It's an all-day event that if any of the commissioners are interested in attending,

please let myself or Eric (indiscernible) know.

Eric's here tonight as well.

Diamond Jim tagging. We're into our fifth year of Diamond Jim. It's been popular. The last couple of years we've taken kids out and so we'll be tagging the last three days of, the last Thursday of May, the last Thursday of June, and the last Thursday of July. So the 26<sup>th</sup> is the first tagging day of May.

If any of the commissioners are interested in coming along, and actually Greg will probably be one of the tagging operators; I'm sure he has in the past. And Ed may be too, if he's free. But what we we've been doing is taking kids out and putting them with mentors, so if any of the commissioners have a nephew or a son or a grandson, somebody they'd like to take out, it's great to have them out with our biologists tagging the fish out there and having great interaction and fishing and the whole works. So that would be the 26<sup>th</sup>, it's a Thursday.

And finally, there's a Sport Fish/Tidal Fish meeting on the 26<sup>th</sup> as well. That would be in the evening, so go Diamond Jim tagging during the day and come back to the attend the meeting in the evening.

The last bullet that I have is of course the legislative session ended yesterday, and we have a couple of handouts, and Gina, if you want to comment on that. Do you want to summarize that?

MS. HUNT: Sure. In here in Tab 2 is the legislative and regulatory summary, the regulatory handout that you get ever month. The legislative one actually tells you which bills passed, which bills failed. If you'd like me to talk about any of them, I'd be happy to, but I thought you know I don't want to waste too much time here. They are obviously things we've talked about throughout the session. So if you have questions, please let me know.

And also, I just wanted to take this opportunity to thank the commissioners. There's a number of commissioners that really went to bat for us this session. We did I think extremely well, when you look at the bills that were in this year, there were some that were trying to restrict the Department and our authority and those, fortunately, didn't pass. Other bills, in particular the enforcement and the penalty bills passed, and that will be a great tool for NRP.

The Inspection bill for NRP where they have actually looked into a cooler now, so there's some great work that happened this session. But we hit a lot of obstacles and you know some of the commissioners really went to bat for us, and I appreciate it. And even beyond the commissioners, CCA, you know, Trenton, you guys really I know you spent a lot of time downtown for us and I appreciate it.

So I just wanted to thank you all and, you know, we'll live to fight another day, but I thought this fight went really well.

CHAIRMAN GRACIE: Are there any specific bills that any commissioners have questions about? Otherwise we'll move on.

MS. JOHNSON: All right. I guess everybody's got a copy of this. It should be pretty quick up here, since it's only been about a month since our last meeting. But unless anybody has considered talking about the striped bass and a few of these oyster cases that were made, I'll primarily focus on the non-tidal cases that we've been making for this past month, since this is the first month where that

season is back in, thankfully.

But one thing I would like you to know, an update from last month on one of the oyster cases from February 21<sup>st</sup>. It is on there, but I do want to just make note of that. In the oyster case from February 21<sup>st</sup>, three people were charged. Each received 18 months probation and a \$1,500.00 fine, with \$1,000.00 of it suspended. And one person was fined an additional 300 for oystering without a license. So I just wanted to update you from last month's agenda, if you would look at that.

We're really starting to pick up this non-tidal violations made in the trout streams. We've issued probably close to a dozen post-season cases through Central and Western that I know of that are not listed on here. So some of the trout streams that have been closed with freshly stocked trout, we've caught people in there fishing.

A couple of cases were made on trout streams out in Washington County where only under 16 and under can fish. We've caught a couple of adults in there, so the guys are really starting to make some good cases but, specifically, especially with Lieutenant

Kirkwood tonight, who is Commander over in Central.

And he told me they've worked about 25 hours, give or take, on a fishing grant, which is tremendous help to NRP, but with those 25 hours, they issued about 17 citations and 25 warnings.

So that endorsement is tremendous for us and it is pretty, based on the fishing grant, that doesn't count what we've done outside the fishing grant but -- so that's something that's really been (indiscernible) with that.

And the guys in out West, in Frederick County alone last week we issued six warnings. We're issuing warnings right now for the Felt-soled waders new law. It seems like we're going to be issuing a lot and a lot of people using those this year.

It's going to be an educational year for sure, but just last week alone in Frederick there were six. And I'm sure there was quite a few out in the Allegheny area as well. But again, it's going to be a total education within the fisheries. As I've said, it's a tremendous amount of (indiscernible) to educate the folks on the guise of using the Felt-soled waders.

CHAIRMAN GRACIE: Is that what we have in our

packet?

MS. HUNT: Yes. Yes. Yeah. Last month I mentioned that we were going to start using our canine Blue, which we haven't done for fishing for non-tidal fishing enforcement. And in the past month since that meeting word has spread out West that we've got a conservation dog that can sniff trout or bass from anywhere. And it is a tremendous help. He walks along the streams. He has actually smelled trout in people's coolers in their trucks.

We, though consent and all that, the fishermen have been legal in that there may be 10 trout in the cooler, but there's two guys type thing, okay? But the dog has served to be very productive and we hope by the end of, you know, through the Summer, through the heavy part of trout season and through the Summer that the dog actually will make some good cases. But it is well known out West already that we've got a canine and it's gone over really really well.

CHAIRMAN GRACIE: What do you mean when you say, "out West?"

MS. JOHNSON: I mean Officer Dieterly has a

dog and what we've done is we've begun to use him. And Officer Dieterly is the controller of Blue. He specifically got him trained on trout, on fish, whereas typically before it was here, there.

CHAIRMAN GRACIE: No, my question is where is out West?

MS. JOHNSON: Frederick County West.

CHAIRMAN GRACIE: Okay. Frederick, Washington, Allegheny and Garrett? All four?

MS. JOHNSON: Yes. What we're doing is we're training him one month, one schedule he's working Allegheny/Garrett. Then once the next schedule he's working Frederick/Washington, and it will trade back and forth through the Summer.

Actually, we'd like to continue to do this. Other regions may hear about this and pick up on it. Each region has its own canine. So when I say out West, Blue has been doing this; we've just started implementing it and it's gone really well.

CHAIRMAN GRACIE: Good.

MS. JOHNSON: Yeah. People are shocked, actually, that he can sniff that trout from there. I just want him to find a walleye hidden under a rock

somewhere, because that's been so --

VOICE: Can he find oysters on a vessel?

MS. JOHNSON: I think the handler teaches the dog to smell whatever it is. They can probably train them. But you know how when you walk the dog through a

(Indiscernible) and it's CDS, a drug dog. They don't know it's really smelling for fish, so --

CHAIRMAN GRACIE: After the word's out, that's going to be a strong deterrent, isn't it?

MS. JOHNSON: Absolutely. Absolutely. Unfortunately, we only have one dog per region, but nevertheless --

CHAIRMAN GRACIE: We won't tell anybody that.

MS. JOHNSON: Don't tell anyone. We try to get the best use of him now, but we're real happy that this worked and word is out. Because a dog spends one weekend on a couple different trout streams, that's a lot of contact. That's a lot of fisherman contact, and then one fisherman will tell five to ten people or more, so it's good.

So anyhow, does anybody have any questions or -- Okay. Thank you.

CHAIRMAN GRACIE: Thank you. Mike.

MR. LUISI: Good evening everyone. I just have a few updates to give you guys tonight. In your binders, one of the things that you'll find is that NOAA is putting together a focus group to help improve the (indiscernible) process. And I was contacted a few weeks ago by some of the National Fisheries Board members to see if I could get this information out to interested anglers. What they're doing is they're going to be doing a focus group on all the aspects of (indiscernible), by trying to determine ways which they can reduce bias, increase the accuracy and the timeliness, and the spacial resolution of recreational (indiscernible).

This is a direct way in which you can contribute to this process, and I would ask that you would go ahead and read through this, because what you'll see is that they're going to be putting these focus groups together on Monday, May 2<sup>nd</sup>, and Thursday, May 5<sup>th</sup>. They're looking for screening probably 8 to 12 individuals. They're going to try to host the meetings here in Annapolis at a conference room somewhere. It's going to be in the early evening.

So what I'm going to ask for you guys to do tonight after you look this over, if you're interested in participating, fill this out, go ahead and sign it, and give it to Marty on your way out tonight. But if you have anyone else who you think might be interested in participating, and we obviously don't have enough, there aren't 12 people for both the meetings, as far as commission members, so if you have anybody else that you think would be interested in participating in this, you can contact Nancy, who's going to be coordinating these focus groups. She's (indiscernible) and her contact information is at the bottom of this page, or you can just have them get in touch with me, and I'd be happy to forward this off.

I'd like to get Nancy enlisting potential people in groups in probably maybe a week, a week and a half or so. So if you can you know get back to me, I'll forward this stuff along to her. And there is a \$25.00 gift card that you'll get in response for your participation in this.

MS. STEVENSON: (indiscernible).

MR. LUISI: As far as you know that could be a comment at the ending. You know we're working to

establish (indiscernible) capturing and  
(indiscernible) for recreational (indiscernible).

(Inaudible discussion.)

MR. LUISI: A couple of other very quick announcements. Marty mentioned that Mid-Atlantic Council is meeting this week. It's a good opportunity for all of you. It's in Annapolis. It's downtown at the Calvert House which, it's on State Circle next to the shop that sells stone pets, between the Potato Factory, whatever that restaurant is. You know, if you could just walk around State Circle a few times, it's in one of the Maryland historic hotels.

There was a meeting this afternoon on eco systems and ocean planning, but more in tune with what I would think you guys might be interested in. Marty mentioned it, but tomorrow evening at 5:00 there's going to be a public listening session. I've handed all of you a press release. You should have that in front of you. It is announcing that listening session. It's an opportunity for anyone interested to sign up to speak, ask questions, provide comment on any issue that you'd like to, directed toward the Mid-Atlantic Council and National Fishery Service.

You'll see a list of the potential topics that will be discussed. However, it is an opportunity to sit in and listen to what other folks have as areas of concern, and then offer your own voice in that venue. So that is tomorrow evening.

And then the last thing that I have to say about the Mid-Atlantic Council is that, well let me tell you that on Thursday morning, okay, from 10:00 to 11:00, the Bureau of Ocean Management, Regulation and Enforcement, which is BOEMRE, is going to be doing a presentation on offshore wind energy.

Now Catherine, in a few minutes, will be talking to you more about the Maryland specific energy programs, but BOEMRE is going to be expanding that scope of the presentation to include all of the Mid-Atlantic. So that is another opportunity if you're interested in the offshore wind energy projects. It's another place to come and listen and see the Council process at work through that presentation.

We don't talk about the Mid-Atlantic Council. We mostly, you know, seem to talk about the Atlantic (indiscernible) Fisheries Commission here, but I served as the State's representatives on that

council. So if you ever see anything of interest as far as what they will be discussing, there are a lot of joint management plans between the Council and the Commission. They meet jointly in many cases to determine you know things like summer flounder, black sea bass and (indiscernible) and others (indiscernible). If you ever have any interest, please let me know. Just send me an email and I'd be happy to tell you kind of what how the Council is pursuing those items.

CHAIRMAN GRACIE: Do you have a question here, Marty?

REP. O'BRIEN: Yes, sir. You said you're on the Council now?

MR. LUISI: Yes, I serve as the State's representative.

REP. O'BRIEN: Okay. Who else is on the Council now?

MR. LUISI: For Maryland?

REP. O'BRIEN: Yes.

CHAIRMAN GRACIE: Steve Linhard is.

MR. LUISI: And Howard (indiscernible) is the

Governor appointment and then Steve Linhard, he's the, he recently came on around when I did, around a year ago.

REP. O'BRIEN: Right. Good Man.

MR. LUISI: And he is one of the At-Large members.

REP. O'BRIEN: Okay. Got you. Thanks.

MR. LUISI: Any other questions?

REP. O'BRIEN: Yeah, I got another one.

MR. GARY: Go ahead.

REP. O'BRIEN: Marty, I saw something recently about that place up the Bay, at the head of the Bay that has the catch-and-release tournament. What's the name of it? I'm having a senior moment here.

MR. GARY: On the flats?

REP. O'BRIEN: No, right up here at the head of the Bay, where they have that catch-and-release tournament.

MR. WHITE: Boatyard Bar and Grill?

REP. O'BRIEN: Huh?

MR. WHITE: Boatyard.

REP. O'BRIEN: Yeah, what's this, there's

some kind of an affair up there this week?

MR. GARY: As far as I know it's just their, it's the same thing they've been doing. It's their 10<sup>th</sup> year. I'm not aware of anything different.

REP. O'BRIEN: Well, I saw something about the Environmental Defense Fund throwing a big bash and inviting everybody.

MR. GARY: I don't know.

REP. O'BRIEN: Do you know anything about that?

MR. LUISI: There is a I want to say kind of after the meetings tomorrow, after the Council meetings tomorrow, the Environmental Defense Fund is hosting a cocktail hour for Council members and other invited guests. I don't know who is on that list.

REP. O'BRIEN: Yeah, they're doing this, again, I'm putting my National hat on now. They're doing this all over the country, romancing the councils, and spending money like it's water. And what they're promoting is catch shares. That's the motive: to influence people to support catch shares. And further, they want to separate the for-hire boats from recreational. They want a separate entity, which

helps them facilitate catch shares. So this is strictly an EDF affair, isn't it? The State isn't in any way contributing towards this or?

MR. LUISI: I'll probably be there to eat some (indiscernible).

REP. O'BRIEN: Where is it, Mike, in case we want to crash the party?

MR. LUISI: Well, is my life in any danger if I tell? It's at Harry Brown's.

CHAIRMAN GRACIE: We invited?

MR. LUISI: I'm not sure who -- I know that the Council is invited. I don't know who the other invitees are. I have no, we have no connection to it. It was an EDF thing.

CHAIRMAN GRACIE: Okay. That answers my question.

MR. LUISI: They put it together and it's all on the --

CHAIRMAN GRACIE: Nice finesse, Mike.

MR. GARY: Anything else? Thank you, Mike. We're going to have a presentation by Cathy McCall.

MS. McCALL: All right. I just wanted to and if Marty would fill in the gaps if I miss anything,

but I thought it would be (indiscernible) a little bit of communication going on with Steve and worrying about what has been going on with offshore wind energy planning off the Maryland coast.

Right now (indiscernible) but I wanted to tell him I've been working a lot with the (indiscernible) Fisheries Advisory Committee, and I wanted to come into this group and thank you for having me here.

And just to share a little bit of information about what is going on, what (indiscernible) to help place the process, and then also opportunities that are -- for anybody else that is interested in participating and to go forward, I'm just going to do kind of a quick overview.

There's been a lot of interest over the past several years, locally, regionally, nationally, to push forward to obtain energy from renewable sources. Maryland has a certain percentage of energy that it needs to obtain from renewable sources by 2020. And so one of the things that the U.S. Bureau of Ocean Energy Management, BOEMRE, that Mike mentioned, is starting to look at how to remove barriers to

developing offshore wind, how either it goes off and to look at how, at the same time, we can ensure that we're protecting our natural resources and maintaining the ocean uses that are already going on in allowing the states to find a new (indiscernible) going on out there.

And so what I'm going to present tonight is the Maryland approach to how we're trying to achieve this balance. This is just a quick map. The U.S. Energy Department estimates that offshore winds off Maryland's coast has outstanding wind energy, and rivals some of the sources on land in the Midwest.

The image over here on the right-hand side, this is a depiction of what wind energy looks like. Typically, the current technology has wind turbines that are anchored into the seabed floor. Some of the experimental technologies which are not being pursued in Maryland, are floating turbines and another use of that nature. What we're talking about just to be clear is the winds that would be anchored into the seabed and they would have scour protection around the base of the turbines. Rocks. It would provide a similar kind of artificial reef extra (indiscernible).

So how did Maryland go about identifying where offshore wind would be in Maryland or off Maryland's coast? The U.S., BOEMRE, leases out these lease blocks. Each one of them has a specific number and they are leased by the federal government, what are called OCS blocks, outer continental shelf (indiscernible). So if you hear me using that term, that's kind of the courtesy that they put wind turbines or any offshore energy project in.

So the first step is really a state identifying to the federal government that there is good in developing offshore winds. At that point, which Maryland did in early or late 2009, early 2010, is it serves an establishment of an intergovernmental task force. It's comprised of state representatives, federal representatives, local and tribal task force members. From there, all of those different entities get together and they develop what is called a draft or request for interest, RFI area.

Task force numbers --

CHAIRMAN GRACIE: Quick question.

MS. McCALL: Sure.

CHAIRMAN GRACIE: On the intergovernmental

task force --

MS. McCALL: Yes.

CHAIRMAN GRACIE: -- are they just government agencies and tribes, no stakeholders?

MS. McCALL: That's correct.

CHAIRMAN GRACIE: Okay.

MS. McCALL: The task force (indiscernible) a lot of comments and negotiate this article and then they made an announcement in the Federal Register soliciting responses of interest from the development community. And you may have heard of a couple of them. Fisherman's Energy and Blue Water Wind are a couple that are up and down the East Coast.

So one of the things, I'll back up. Let me remind you about this time last year. The Maryland Energy Administration had put out a request for to the development communities asking what the interest was for developing offshore winds in Maryland. So they issued a request for interest and they heard back from a number of companies, and that was kind of our first indication that yes, there is interest in developing that type of industry.

And so what we did, at the very beginning

before we entered into any of the task force discussions, DNR and MEA got together and started talking about developing an RFI area to make sure that, before we left anything out, we were including -  
- yes?

CHAIRMAN GRACIE: You're going too -- what's MEA? You're going to fast for me.

MS. McCALL: Okay. Maryland Energy Administration.

CHAIRMAN GRACIE: Thank you.

MS. McCALL: Got together and just wanted to make sure that we were mapping out where all of our own natural resources and uses, including commercial, recreational, fishing, shipping activities, those types of things.

So in April of 2010, we had two different stakeholder informational open houses. We held one in Annapolis and one in Ocean City. Invited several folks, our elected officials, the communities and the city groups, communities. We reached out to several Coastal Fisheries Advisory Committee members, posted on the in our website, and working with several of the folks with DNR Fisheries to get that information out

to folks.

We went out to the Coastal Fisheries Advisory Committee and did a presentation. And that in April of last year (indiscernible) we held the task force meeting between state and local and federal governments.

In May and June we at that time had been gathering a lot of this information and data and looking at where the best place to potentially put this offshore wind, RFI area would be. We worked with several commercial and recreational fishing individuals, and scoped and mapped out different areas with people platting and following line fishing (indiscernible). We've had the artificial reefs shipwrecked (indiscernible) folks who are going out.

In June we launched what we called the Coastal Atlas. It's an online portal where you can see all of the data. In July they held the second task force meeting and that's when it we first identified this qualified area.

From May to November we were having ongoing dialogue with stakeholders and feeding that information up to the task force.

In November BOEMRE issued a federal Request for Interest. They put it out in the Federal Register and heard back in January. They got eight companies that responded to that notice, saying that they were interested in developing offshore wind.

And then there were also a number of comments made about shipping and fishing issues along the coast, and I'll get into that a little bit more. And then just last month they held their third task force meeting to summarize what those responses were.

So each of the components, and I'm going to go through them in a minute in the next few masters, the (indiscernible) from the very beginning was to make sure that forming of the process.

CHAIRMAN GRACIE: I guess I'm curious as to where we are in the decision-making process, whenever you're going to cover that.

MS. McCALL: Yes.

CHAIRMAN GRACIE: But I saw an email from Steve Linhard, who is a Mid-Atlantic Marine Fisheries representative, saying that there's a presentation coming up on this at the meeting this week.

MS. McCALL: Uh-huh.

CHAIRMAN GRACIE: And the stakeholders had already been informed of this. This Commission has known nothing about this. This has been going on since April of 2010, and this is the first we've heard of it. I'm shocked.

VOICE: Right.

CHAIRMAN GRACIE: I'm shocked. This is the official Sport Fish Advisory Commission for Maryland Recreational Fisheries appointed by the government. The Coastal Advisory Committee is just that, a committee. It has no legal status. And if you think you've coordinated with stakeholders, I got to tell you it hasn't happened. I hope we're not too far along in this decision making process to get included.

MR. GARY: Hey Jim, let me make a comment just in Catherine's defense. I'd like to go back and see exactly what emails were distributed, but I do know Catherine, I mean to all the ends that she knew, tried to reach out to as many resources as she could. I put her in touch with both Steve and Val Lynch and Monty Hawklins (both phonetic), and I thought there was at least some email correspondence for this group. Whether or not --

CHAIRMAN GRACIE: I've done an Outlook search and by emails and I didn't have any.

MR. GARY: But I'm just saying for the record

--

CHAIRMAN GRACIE: And I'm not criticizing Catherine. I think it's your responsibility.

MR. GARY: Right. All right. Well, it may very well be and I'm going to take the hit on it, if that's the case. But I don't want Catherine to feel uncomfortable about something when --

CHAIRMAN GRACIE: Well, we all feel very uncomfortable that this has gone on for 13 months and we're just now hearing about it.

MR. GARY: All right. All right. Well, in any event, let me go back tomorrow, go back through and see what exactly our process yearly. Because I know that you and I had a pre -- I know there was something moving forward and I said hold on, let's make sure we get a few people plugged into this. But let me go back and take a look at that again.

CHAIRMAN GRACIE: I'm a lot more interested in how we can still have input and where the process stands and that's my concern now. Not to go over a

whole laundry here so.

MS. McCALL: Mr. Chairman, the one thing that I have told Steve and Marty this week was, and in our program just started combing through all the emails. We put out several emails last month, in terms of (indiscernible) fisheries and got at least, I don't remember the exact number, but we got several different associations and several advisory committee and advisory commission members. And I'm happy to forward those emails.

I have a preliminary list of the folks that actually we reached out to, and I did participate in the mapping and I'm happy to share that.

So the goals of the --

CHAIRMAN GRACIE: Are you saying we're going to get that list?

MS. McCALL: I'm happy to share it with you.

CHAIRMAN GRACIE: Okay. That would be helpful.

MS. McCALL: So really, our goal along the coast were to provide opportunity for the public to get involved. When we did all of the open houses, I think over June 5<sup>th</sup>, when we did all of the open

houses there were, we put notices in the (indiscernible), worked with several of the (indiscernible) organizations to get the information out. We held several open houses. If you've been attending the Fisheries open houses, similar style and similar format.

We had posters up around the room and all the information is available on line right now, if you wanted to go back in and look at any of that. Just walking through the process of how you save offshore wind, what is the federal process.

We had our mapping available. You can see there in the center, the center pane, we had an online public comment database. I brought forms and cards with me tonight. You're welcome to submit any comments or express interest in getting involved in the process.

So that was the first part of this. Like I said, back in April we started doing one-on-one interviews with a number of commercial (indiscernible) on the coast. Starting at how where the local community knowledge was, and looking at historical uses, as well as current and potential future uses as

well.

I had a couple of those meetings. I distributed mapping mailers. I sent out about 15; got about two back. Tried to reach out to folks. We did several user group (indiscernible). (Indiscernible) folks to come around the table and start mapping out on nautical terms where the uses were, and then we'll hit on issue-specific basis. We reached out to a number of different resource experts.

We had to include things like offshore berms, which (indiscernible) and fish and wildlife. Artificial reefs we worked with Eric (indiscernible) Fisheries, our Maryland geological surveys. We worked with DNR Fisheries for a lot of the fisheries resources forming information.

There is a lot of (indiscernible) migration off the coast. We worked with the DNR Fisheries Service. We worked with Fish and Wildlife. Bass are migrating off the coast, so we worked with the University of Maryland.

For our sand resources and shoals, we worked with engineering, construction, as well as the geological survey. They're going out there and do the

sands, replenish the beaches. And then from a viewshed perspective, we worked with the Town of Ocean City and Assateague Island National Seashore. There was some viewshed (indiscernible) about whether they would reflect on the horizon. (Indiscernible).

So let me just orient you to how you'll view the next several slides. The box here in red was the original RFI area that one developer showed an interest in, and it centered along the Northern part portion of Maryland's ocean. This current box is about 12 miles offshore to this Western boundary here. And you can see that in the final one.

But so the one concern for Ocean City's perspective, they wanted a 10 mile viewshed buffer. At that point there's a lot of different renderings that you can view, that you can see what they would look like on the horizon. Assateague Island had (indiscernible) that they're looking at, and they wanted to make sure that since that's the last (indiscernible) placed in the state, that they'd have that (indiscernible), have a viewshed buffer.

And then the arrow right there depicts where most of the developer interest was concentrated. And

that's why we came up with that original, the original RFI area.

So then each of these (indiscernible) would also see this blue box. This blue box ended up going out in your Federal Register to get more information from (indiscernible) about developing that. So I have it down here. The blue is always going to be the final one that we'll have. Right now, the red one is the draft one from last year.

CHAIRMAN GRACIE: Do you have a question?

D. SMITH: It's not really a question, but I just wanted to clarify, going back a little bit. I just called our chapter president over in our Atlantic Coast chapter and he in fact did say they attended several meetings, public hearings, and they did get comments. So I just wanted to make sure that it did get out there, just so that there is (indiscernible).

MS. McCALL: And so we'll start with this one. This is a generalized fishing use map and it's a product of a lot of the work that (indiscernible) officials (indiscernible). It's buffered here. When we were working with them we did that with the understanding that we would buffer some of those

areas. So the original data is (indiscernible).

And so what we mapped out is that we knew that there were a number of different critically important commercial and recreational and sportfishing grounds that have been reported in all portions of those orange areas. In some of those areas, (indiscernible) between 40 and 80 percent of their annual catch.

The line up here in black, if you can see that and the area North of that, during our meetings (indiscernible) and we kept the wind to that area in the North would (indiscernible).

(Indiscernible) there's a number of different soft corals out there. (Indiscernible) has been very active in adopting many (indiscernible), and so there are several records of in all those green boxes, and then in these yellow boxes there are also potentially some additional ones.

Now, one of the issues that you can solve to avoid certain particular habitats is microsite and turbine. Just like you would go if you were putting in a fence and you don't want to have to have rocks, you can move it several liters in any direction.

From the voting card perspective, one of the things that we kept hearing about with that annual white marlin opening straight out of Ocean City and out to the canyon, that they're traversing basically this straight line every year, and then commercial and recreational folks are often seeing a buoy here and going out to diverse fishing grounds, and so we wanted to take that into consideration.

And then there's also the transportation separations. In coming out of the Delaware Bay, there's a lot of ship traffic going up and down the East Coast, and this is kind of the draft map just showing all of these blue lines are ship densities. And so we knew that there would be a potential issue there working with that ship traffic.

Our offshore birds and shoals, you'll see here these shoals are shown on the ground, and then the darker purple it is, is more bird density that has been reported off the coast. And then this is showing where the artificial reefs and shipwrecks are located. We worked with the Ocean City Reef Foundation and DNR Fisheries to get all this mapped out, and then NOAA provided a lot of information about where shipwrecks

were off the coast.

As you can see from this, originally there was the great Eastern reef in the middle of the RFI area. There aren't currently anymore in there, once the border shifted.

So the final RFI area that went out in the Federal Register, this is the shape that they put out. What ended up happening between the time that we presented that red area to the task force, and how we got here, the Department of the Defense is operating a lot of activities out of Norfolk, and they said that there were big concerns in the Southern portion of our region.

And we also knew that there were a lot of fishing conflicts as well, and so that's why you'll see this big difference between the red block and the blue block. We shifted it significantly North and moved it in so that it's just about ten miles off the coast of Ocean City. (Indiscernible) all of that information and feedback and outreach kind of shapes this process.

Some of the other recommendations that Maryland put forward to the task force, that we really

need to consider what Best Management Practice is, Navigational safety, and also micrositement practices should be implemented in any RFI area.

We wanted to limit your catch to some of our (indiscernible) and also make sure that we're ensuring the safe boating and fishing access, artificial and natural reefs, existing fishing grounds, and also some of those boating corridors. We wanted to limit impacts to some of the known bird migration areas and also some of our other ocean resources.

And we do know that there are several different research and data (indiscernible) that various groups are working actively to fill. There is a (indiscernible) and marine mammal migration (indiscernible) migration pathway. There's research coming out now about the impact of turbines on crabbing and fish communities. Noise and vibration impacts to some of the local resources. Resource values and shoal deeds, that's not any more with (indiscernible).

Some of the comments that the federal government received back on that RFI area, the Department of Interior is now overseeing the leasing

process. It's in federal waters, so (indiscernible) that Federal Register notice, they got comments back for January 10<sup>th</sup>. Eight developers responded to that and, as I mentioned previously, some of the other comments about that RFI area really were just the regional shipping communities. They also (indiscernible).

What we did is we mapped out all the responses from the developers, and then this map is showing the darker red it is, the greater the interest, the greater the developer interest. So you can see what people most likely say now is that Maryland could potentially see wind development in this (indiscernible) short area.

CHAIRMAN GRACIE: Are those preferences based on wind records, generally?

MS. McCALL: Yeah, there is a --

CHAIRMAN GRACIE: Wind and depth I would guess.

MS. McCALL: Yeah, they definitely have depth wind priorities for how far out they can put the technology. Once you start getting out towards this eastern (indiscernible) start to push the depth winds,

and also you'll see this kind of big, yellow area straight through there. If you were to take that transportation corridor coming out of Delaware and drive it straight through there, you would see that most of the developers really wanted to just stay away from that issue entirely.

So there's a couple opportunities to participate going forward. The project in this RFI area that fall in federal waters. However, you see this western boundary, the RFI area, and shore? The way that the planning is going currently, there would have to be a potential transmission from an offshore wind facility to shore. I'm not sure where that would go. It could go up to Delaware; it could come into Maryland. There's a lot of boundaries that have to kind of be overcome.

However, to get out in front of mapping out that, we have an opportunity to map out fishing grounds between that western boundary and shore, tied in by (indiscernible) that transmission pathway should go. And then there's a lot of wind facilities in (indiscernible) and some different practices about how close you can get to turbines and how fast can you go

into the wind farm. So the only other project going on, and maybe some of you have heard about it, is Cape Wind up in Massachusetts. It's a very different environment. Much shallower, much closer to shore. So we have an opportunity to kind of review what the fishing activities are in other wind facilities, and make recommendations about which preferred options or which practices Maryland should consider in it's offshore wind (indiscernible).

So with that, my contact information is down here. If you go over to that website, there's a bunch of information that will get you out to that. I can also go ahead and I'll pass this around. It has the web address on it, and I'll leave these with Marty. These are some comment forms. But I'm happy to take any questions.

CHAIRMAN GRACIE: I have a question. Is that going to be available on the website, that presentation?

MS. McCALL: Yeah, there are, the presentation is up there right now.

CHAIRMAN GRACIE: Okay. Great.

MS. McCALL: Thank you.

CHAIRMAN GRACIE: Thank you, Cathy. Any other questions? Dave Sikorski, are you going to lead this discussion?

MR. SIKORSKI: Yes.

CHAIRMAN GRACIE: Okay.

MR. SIKORSKI: I believe all the commissioners have received the letter that I emailed out yesterday? And I hope everybody's had a chance to review that, and I hope the letter did cover my NCCA scalings on some steps that can be taken with the occurrence of recreational angler accountability, as we see it in the State of Maryland.

And along in your packet there is the ASMFC 2009 fishing area review of the (indiscernible) plan for striped bass, which details a great bit of information and information that is used to manage the striped bass fishery, which we all take part in.

And I would say that you know ask for any comments from commissioners on the letter, specifically, or the issue, and start a roundtable discussion as to those concerns, any the commissioners may have or feelings towards the issue.

I've received you know numerous phone calls

in the last day to discuss the issue, and I, you know I think it's something that's been discussed quite a bit in the past in, you know, recreational angler accountability.

What does that mean? I've tried to spell out what I feel it needs to both CCA and what I feel about it and would like to hear from some of the commissioners, their concerns, and what they're hearing from any membership they may represent.

CHAIRMAN GRACIE: Well, I'll be happy to have some discussion here, but I also have a suggestion.

MR. SIKORSKI: Uh-huh.

CHAIRMAN GRACIE: Question.

MR. SIKORSKI: Uh-huh.

CHAIRMAN GRACIE: The \$50,000.00 figure that you put in here?

MR. SIKORSKI: Yes.

CHAIRMAN GRACIE: What's the basis for that?

MR. SIKORSKI: That figure was provided to me by the Department.

CHAIRMAN GRACIE: Okay.

MR. SIKORSKI: A little better clarification on that is generally, the Atlantic Coast Cooperative

Statistical Program provides a fund, which is part of (indiscernible) funds a large portion of the bill for the surveys, and about \$40,000.00 of that was cut this year leaving Maryland short. So --

CHAIRMAN GRACIE: My suggestion would be whether or not the Commission would want to set up a subcommittee to do some detailed work on this, and work with fisheries to come up with some recommendations and a plan for funding what needs to be done.

MR. SIKORSKI: Absolutely. I think that --

CHAIRMAN GRACIE: Is that something that makes sense to people? I'd be happy to let you chair that, if we want to do that.

MR. SIKORSKI: Okay. I'd be happy to chair it.

CHAIRMAN GRACIE: Carol?

MS. STEVENSON: Doesn't that relate to this focus group and they are also working toward or is that something different?

CHAIRMAN GRACIE: I guess it's sort of related.

MR. SIKORSKI: Yeah, it is related. The

bulleted remarks are in the letter. It's information from the Department to me and other leadership at CCA, giving some just basic things that are going on. And part of that is are the focus groups to redesign the survey system which exists within EMRE, so that is directly related to it, and we do thankfully have the opportunity to give some input.

MS. STEVENSON: Combine with that?

MR. SIKORSKI: Absolutely. Yeah. Yeah.

CHAIRMAN GRACIE: Okay. Ed?

MR. O'BRIEN: When it comes to this recreational data, let me tell you about a typical day at a charter boat dock. First of all, recognize that we have to send in a weekly report covering every fish that's caught in poundage. And now we have another form that we've got to fill out, the first 20 fish we catch on a given day, if we catch 20 fish. Whether it's 14 inches or 45 pounds, we have another form that we fill out that lists every single fish and its size. So now you got pounds and you got size, and there could be conflict particularly when you're estimating pounds, you know, you're really pulling it out of the sky.

So with that background, the NRP's people show up and they are talking to everybody that gets off our boat. Voluminous data. Parties complain about hey, how do we get away from these guys? But they're doing their job. They are doing their job. So that's a lot of accountability there.

Now, the most efficient group, and I must say the most courteous group, are the DNR people that go down there. And they usually stay around the fish cleaning stands because they're really interested in biological stuff, but they do take notice of every boat and people on the boat and that kind of thing.

So when I hear more about more money for accountability, I'm not so sure I have a good feeling about that, because I know the things that we're harassing the DNR now to get funds for. Like our Veteran's Program where the money's not there right now. Like a lot of things and, certainly, the Reef Program.

So I'm not so sure that any more DNR money today should be prioritized towards this, to be honest with you. Your letter and your sentiments, you know, I totally support, except when it comes to this

funding thing. There's a priority situation and that's about it.

CHAIRMAN GRACIE: Thank you. I don't know that we're intending to make a decision on that tonight. I really would like to see some people get together, come back to the Commission with a set of recommendations that's been discussed with Fishery staff. My suggestion is to --

MR. O'BRIEN: Well, I forgot to mention, with all that, then I go home at night and fill out my reports and the phone rings, and it's somebody from (indiscernible) calling me personally. I mean --

MR. WHITE: But I think didn't we just put the new licensing system into effect, and isn't that going to help with accountability? And how much more do we have to discuss about that would be my question.

MR. SIKORSKI: I would say that putting any kind of blind faith in the new system will probably get us the same result we've had for the last forever. In my time on the Commission I've heard a -- no, I want to --

MR. WHITE: So far you have every person has to register.

MR. SIKORSKI: All we did was query the Department to say, what small efforts can be made to clear up the grey areas which exist? When we all came together as a Commission, one of our first big issues was our pre-season catch-and-release discussion. And what came out of that was we needed more outreach and education.

One thing that I have to, one thing I did call for in my letter, outreach and education on catch-and-release.

Another thing, when we have you know major shortfalls to the tune of we're talking \$50,000.00, and it's sad that I can sit here and say \$50,000.00 is not a lot of money, but I think for the importance of, you know, recreational anglers to have a defensible position to say that we are comfortable with the data which exists on our activities, and the Department is comfortable with their ability to manage our activities, and you know it's not a very large bill.

I totally understand Captain O'Brien's concerns about just the continual aggravation for not only a charter boat captains but their clientele, because it's unnecessary. They document their catch

and there's a, you know, the whole thing hopefully by using the focus groups to help them for the (indiscernible) program, and through a worker that this commission could put together, we could actually come up with better ways to survey people that aren't being surveyed. I think that's the ultimate goal here is to survey those who aren't being surveyed, and find, make the information more accurate.

CHAIRMAN GRACIE: Ed?

MR. O'BRIEN: Yeah, I really appreciate what you've done here, and here's what I appreciate most about it. When you, the CCA, come up with an idea, we get notice in advance. We get a letter. We know what's coming and, therefore, we can think about it a little bit. And when we sit around the table then there's a much more feeling of respect, so I want you to know we do appreciate that, even though I might disagree.

MR. SIKORSKI: Thank you very much.

CHAIRMAN GRACIE: Dave made a point of getting that to us ahead of time this time. It was a better process than we had last summer.

Jim?

MR. WOMMACK: There was a discussion in our office about this agenda item today and a number of activities that are occurring with our staff, mainly with Linda Barker under her tutelage. And Mike's prepared to just take a minute to address that. It may be of value to the Commission in addressing some of the things that Dave and others talked about.

CHAIRMAN GRACIE: Great.

MR. LUISI: I won't take very much of your time, only to say that you know Dave, we spoke about accountability and I think we left that meal that we had understanding that accountability means better estimates, you know, better data, and how we're going to get there.

It's been about a year now that we have been supplying, we've been putting in additional funds, and your letter spoke to that, in order to increase the number of samples that are collected. On-site samples. And then you know right now we're lacking a bit as far as the phone intercept, the phone survey goes.

We are currently we have staff looking at what impacts that those additional samples are giving

us. What, is it benefitting us to put the money in to do that? Or are we getting nothing for what we're spending?

We are really at the preliminary phase of that evaluation. We only have based on when add-ons, we consider those add-ons to the baseline sampling, and we only have about two months worth of add-ons in any given wave that we can compare previous years' estimates without the add-ons to a wave estimate with add-ons that we can even begin to start saying, you know, we're getting something for our money.

And what I'd like to do is to say that, you know, I think in a few months we'll have, we have funding set aside for additional survey work, for additional intercept surveys through Wave 3, Wave 4, into Wave 5 next year. And what I'd like to do is volunteer Linda, and for Andrea Hoover in our statistics -- I'm not even sure what the name of the program that you guys have got her in, but have them come and present to you guys the findings.

VOICE: But they're volunteered regardless, right?

MR. LUISI: Yeah, I'm volunteering them to do

it. But in a few months maybe get next time maybe not a joint meeting, but the next meeting of just this group, maybe they can come back and present to you their findings as to what the bang for the buck is.

CHAIRMAN GRACIE: Can I suggest that that process go on with his subcommittee, before it comes here? And that's going to be selected by interest; people that want to serve on that subcommittee will. And it's understood that they're going to spend some extra times like we did on some other things, and have meetings or conference calls or whatever they need.

So I don't, I think there's some people that are very knowledgeable on this Commission, and a few that have a big stake in it, and I'd like to see them get involved with it, okay?

MR. SIKORSKI: Okay.

CHAIRMAN GRACIE: Any other comments or questions? Can I have volunteers for this subcommittee? Herb? Dave Smith? Carol?

MS. STEVENSON: I'd like to do it.

CHAIRMAN GRACIE: What are you doing in your spare time, Mack?

MR. WOMMACK: I guess I'm being volunteered.

CHAIRMAN GRACIE: Thank you. We've got Herb Smith, Dave Smith, Carol Stevenson, James Wommack. What are we calling your committee?

MR. LUISI: I'll let Dave name it. What do you want to call it, Dave?

MR. SIKORSKI: Recreational Angler Accountability Workgroup.

MR. SMITH: Mr. Chairman, I just have one question.

CHAIRMAN GRACIE: Sure.

MR. SMITH: I've done a lot of survey work. Fifty thousand dollars, I mean it's like a national survey with 2500 in, but that's a huge amount of money --

CHAIRMAN GRACIE: Yeah, it is.

MR. SMITH: -- for a phone survey.

CHAIRMAN GRACIE: You guys can validate this in your workgroup.

MR. SMITH: I'm just making that comment.

CHAIRMAN GRACIE: Yeah, okay. We're not here to make any decisions on that.

MR. SMITH: It's a lot cheaper on that, that's all.

CHAIRMAN GRACIE: Good. That'll be great.

Okay. Steve, are you going to make a presentation to go with this handout?

MR. EARLY: No, I'm going to be delightfully brief.

CHAIRMAN GRACIE: Oh, come on!

MR. EARLY: Is there money involved?

CHAIRMAN GRACIE: There's always money involved.

MR. EARLY: All right. In one of the tabs, under one of the tabs in your binder, I don't know which one, is the DNR draft document --

CHAIRMAN GRACIE: Tab six.

MR. EARLY: -- discussing fisheries allocation. It's not there for a discussion tonight. We're providing that to Sport Fish tonight, Tidal Fish on Thursday night, with an eye towards discussion at the joint Sport and Tidal Fish meeting in May.

The document provides some background on allocation process in Maryland. Foreshadowed of course as far back as the 1800's, we got codified guidance by law in 1987 with the FM Fee bill. The Fishery Management Task Force told us a few years ago

to address allocation specifically. We tried to develop an allocation policy in the late '90's, all of which culminates today in this draft process, which we look to discuss with you in May. That's it.

CHAIRMAN GRACIE: Thank you. Carol?

MS. STEVENSON: I was just wondering, I don't know exactly what's in this allocation document as a draft. I know it's going to be kicked off by the assessment that's going to be performed, and it's kind of in preparation.

MR. EARLY: I'm not sure that's true, but go ahead.

MS. STEVENSON: Okay. Well, my question was being tied to that assessment that they were going to be doing, and they've moved up from 2012 to 2011. What are the specific findings or the results of that report that would then translate into going ahead with that draft?

CHAIRMAN GRACIE: Are you talking about stock assessments?

MS. STEVENSON: Yeah.

CHAIRMAN GRACIE: They're separate.

MS. STEVENSON: That isn't, the stock

assessment isn't going to contribute to or launch this decision or launch his draft?

CHAIRMAN GRACIE: No, the draft has been launched; you've got it before the stock assessment.

MS. STEVENSON: Right, and it's just a draft and --

CHAIRMAN GRACIE: It's an allocation policy. It may not direct specific allocation numbers at all. Stock assessment may play into how allocation is done later, but not the other way around. So I don't think so. Mike?

MR. LUISI: This is a generic document --

CHAIRMAN GRACIE: Exactly, a generic.

MR. LUISI: -- order for all fisheries.

MS. STEVENSON: Okay. So it's not related to the --

MR. LUISI: The allocation process, when it's desirable to the FMP process that provides triggers for initiating discussions of allocation prompting review. It is not tied to the striped bass stock assessments, not tied to the blue crab stock assessment, it stands on its own.

CHAIRMAN GRACIE: Thanks. That was my

understanding too. Any other comments or questions?  
You've got it. I'd hope you read it and be prepared  
to discuss it next month.

MR. EARLY: It's only like seven pages.

CHAIRMAN GRACIE: Okay. Who is leading this  
discussion? Is Ed doing it? Ed Licionne?

MR. LICIONNE: Thank you. With the new  
licensee system coming up, with the caucus  
involvement, MARI, which is the Maryland Artificial  
Reef Initiative, had a meeting in March and we passed  
by unanimous vote, a recommendation that on the  
license form, when a fisherman is going to sign up to  
get a Maryland license starting say 2012, we would  
very much like to see a Maryland Artificial Reef  
Initiative block on there for a voluntary donation.  
There's many states That use this process right now.  
So you would have the donation option on this fishing  
license for somebody that is going to get a Maryland  
fishing license. It could be any amount.  
(Indiscernible) will show you how to do that, I  
believe. I think they're working out the system now.  
I think one of the advantages of looking at MARI is  
that they have universal appeal. They've got every

user group I believe in the Bay that's a member of MARI. Charter boat Association, MSFA, CCA, Waterman's Association, CBF, Bass Association, and I can go on and on. So you shouldn't get a lot of objection from user groups in terms of having an option on there to donate to MARI.

So what we're asking for is for the Sport Fish Council to make that recommendation to the Department. There's going to be a block on the 2012 fishing license for a voluntary donation to MARI. And just to give you an idea, since its existence, it's about three years old, we have raised about \$2.1 million for artificial reefs in the Bay and on the (indiscernible). We've spent a little bit over \$1.9 million.

Most of those contributions have come from either a bond fund, from major corporations, from grants, etcetera. We've also initiated from when we first started a viaton (phonetic) for the recreational angler to contribute. But what we need is a vehicle to get the information back out there, the availability for the recreational angler contributing in to MARI, so we can continue to put rocks and for

habitat.

CHAIRMAN GRACIE: I was just talking aside to Gina. I was curious as to whether that would require legislation. She says no, the Department's looked into it.

MR. LICIONNE: Yeah.

CHAIRMAN GRACIE: There is a Maryland Artificial Reef Fund right now, but that's not under control of DNR.

MR. LICIONNE: That's correct.

CHAIRMAN GRACIE: This would be a separate fund under control of DNR, is that what you're proposing?

MR. LICIONNE: It's actually the MARI fund is at the spending guidelines are at the direction of DNR. I mean we as MARI make a recommendation to DNR; this is how the money would be spent.

CHAIRMAN GRACIE: My question is do we need to worry about how the money gets to where it's supposed to. Because if you're doing a checkoff, then the license agent is collecting money.

MR. LICIONNE: Right.

CHAIRMAN GRACIE: And that goes to DNR.

MR. LICIONNE: Yeah.

CHAIRMAN GRACIE: I would see that money going to whatever funnel you want to get it, as long as it gets to MARI. One of the advantages of having it come to MARI is that you don't have to worry about those dollars being spent someplace else.

MR. LICIONNE: Exactly.

CHAIRMAN GRACIE: That's not going to go to a general fund. That's not going to go to --

MR. LICIONNE: No.

CHAIRMAN GRACIE: If we have a checkoff people will want to know it's going to where they said it's going, or you'll lose all credibility.

MR. LICIONNE: Exactly.

CHAIRMAN GRACIE: What would you like this Commission to do? Just have them endorse that recommendation?

MR. LICIONNE: Yeah, I would like Sport Fish to recommend through the Department that there would be a donation block on the 2012 license for a voluntary donation to MARI.

CHAIRMAN GRACIE: Anybody want to make a motion?

H. SMITH: A dedicated donation.

CHAIRMAN GRACIE: Yeah. Do I have a motion?

Dave Smith, do you move?

D. SMITH: No, I just have a question. Can I ask a question?

CHAIRMAN GRACIE: Sure. Uh-huh.

D. SMITH: So that there's a box on that that they check it and that money goes to a fund, and that fund is only for MARI projects?

MR. LICIONNE: Right.

D. SMITH: And that's directed by MARI?

CHAIRMAN GRACIE: What's your question?

D. SMITH: I'm just curious. I just want to be clear that that is, that's where the money is going to.

CHAIRMAN GRACIE: Well, I think that we would embody that in the motion, if we wanted to make such a motion, to make that recommendation. We can do it any way we want to. Mack?

MR. WOMMACK: Well, who has the say in what MARI uses the money for? You know, is it reef programs only or how is that supposed to work?

CHAIRMAN GRACIE: There's a Maryland

Artificial Reef Committee that works with DNR, and I think they go through prioritization.

MR. LICIONNE: Yes, we do. Any money that goes to that will be used exclusively for the reef program.

MR. GARY: Right and that material, like Mack Burns in the last week or so where he had located some (indiscernible) concretes and material that's right up at the Port of Baltimore now, if they're willing to donate it. However, there's still transportation laws and that sort of thing, and that's where this kind of money, that's where the struggle is, because it seems like that's a gift to try and endorse that, but then we all know how much the transportation and deployment costs would be.

MR. WOMMACK: Right. The only reason I'm pushing the issue is because they got barges already there and all they got to do is build it. There may be some kind of way with that contact I gave you maybe you can, you know --

MR. GARY: I think it's a matter of were they willing to also donate fuel costs (indiscernible).

CHAIRMAN GRACIE: I'm going to stop the

discussion, if there's no motion. If somebody wants to make a motion, we can discuss this.

MR. WHITE: I'd like some information. I have a question on exactly how that, is there already an example in the state where the money goes through the state and the state writes a check to a nonprofit to go into a fund? Because that's what I'm seeing here is how the money will go, and I just want to --

I like the idea and I'll make a motion to make it happen, as long as feasibility is that we have an example that already does that, because I don't know how the state does that with the money.

CHAIRMAN GRACIE: Do you want to address that, Gina? Are you familiar with the details? What happened in the past was money was donated directly to the Maryland Artificial Reef Initiative --

MR. WHITE: I understand that.

CHAIRMAN GRACIE: And CCA housed the fund.

MR. WHITE: I understand. I completely understand how it worked because I helped with that. But in this case --

CHAIRMAN GRACIE: Okay. This is different.

MR. WHITE: -- this is different because it's

going to go through the DNR licensing system, which means the state now possesses the money, and the state has to write a check. And where, who talks about where that money -- and who can stop it? Because --

MS. HUNT: Right. You want some assurances that the money does get transferred.

MR. WHITE: And that we've got legislation.

MS. HUNT: And you know without this being -- right, without that, right, that's exactly what I was going to say. Without this being legislated, the money comes into the Department and it's simply up to us to transfer it. There is no legal requirement for us to do that, but you know it's not unprecedented, though.

And Wildlife even has had, I don't remember what they've had a donation for, but they've had a donation. I don't think it goes to a third-party, but it's not something the Department has a problem with taking money and separating it out. I mean it will be very clearly earmarked. When you go through the database, you'll know exactly how much money came in through that, and it would be, you know, easy to piece that out and then transfer it.

There has to be an agreement and we do this with other contracts, with other companies and stuff like that but, if you're looking for some legal assurance, I can't give you that.

MR. WHITE: Great. Now I would think that we could write out the MOU between the state and MARI. Is that the understanding? And I would think that that (indiscernible).

MS. HUNT: Well, we'd need something anyways just to do the transfer of costs.

CHAIRMAN GRACIE: I'm not sure I'm concerned about the mechanics of whether the state writes a check to MARI, or whether the state writes a check to pay for bills that MARI incurs with its decisions.

MS. HUNT: Right.

CHAIRMAN GRACIE: I'm not sure that matters, as long as it's earmarked and as long as it's not going to be used for anything else. So would that, does that satisfy people? I think if you want a legal requirement, then we have to go through legislation and that could be problematic for a number of reasons, particularly in the climate of the General Assembly right now. So I don't know if it's going to be any

better next year but --

MS. HUNT: You could always you know start it in 2012 and put it in legislation in 2012 that doesn't go into effect until you've already started taking money. I mean it's plenty of things get codified after they have already started, so you know to provide you those assurances for the money later on. It doesn't have to actually be there at the time you start collecting it.

CHAIRMAN GRACIE: I'd like to see it happen not dependant on legislation, because I'm not sure that --

MR. LICIONNE: The DNR absolutely has the authority to do this.

MR. WHITE: Yes. Well, that's what Gina is saying, so that's why I asked you the question before we, you know --

CHAIRMAN GRACIE: David?

D. SMITH: When you check that box, is that tax deductible at that time? I mean is that tax deductible?

CHAIRMAN GRACIE: MARI's a nonprofit, so if it's going to MARI it would be, but not if it's going

to the state necessarily.

MS. HUNT: Yeah, I don't know the answer to that.

D. SMITH: And so consult your accountant on that, right?

CHAIRMAN GRACIE: It won't be. That was the question, it won't be. I don't think so.

MS. HUNT: You're giving out of the goodness of your heart at that time.

D. SMITH: Oh, okay.

MR. LICIONNE: Well, maybe what we want to say in our motion is that we recommend that the state proceed to set up a process for a check off for the license, and we'll get a report on how they want to do it, before we finalize it.

CHAIRMAN GRACIE: Yeah, and if we do that, we'll make a motion to check off on the license for donation are. Anybody want to make a motion?

MR. SIKORSKI: I'd like to make a motion that we recommend that the state --

CHAIRMAN GRACIE: Hold on one second. All right, David, make your motion.

MR. SIKORSKI: That the Commission make a

motion so that the Department create an option to make a donation to MARI.

CHAIRMAN GRACIE: A check off on the license application.

MR. SIKORSKI: Yeah. That the Commission make a --

MR. GARY: We recommend that the state sets up a check off on the license fees for a donation to MARI. DNR. Look up there and make sure that's what you want. Seconded by Brandon White; moved by Dave Sikorski.

MR. SIKORSKI: It should really say create an option for donation. However they decide to build their signed check-off box is fine with me. I mean whatever. Who cares?

MS. HUNT: Donation.

CHAIRMAN GRACIE: A donation.

MS. HUNT: To MARI.

MR. GARY: On the 2012 recreational Sport --

MR. SIKORSKI: Yes.

CHAIRMAN GRACIE: Yes. Put the pressure on them.

MR. SIKORSKI: And that is with the

understanding that the funds are used solely for MARI.

MR. GARY: Very good. Is that all right?

MR. SIKORSKI: Cool. Yes.

CHAIRMAN GRACIE: Whereby, Sikorski, seconded by Brandon White. Discussion? Call the question then? I was supposed to let the public talk first before we moved. Excuse me. Any comments from the non-commissioners?

All right. We'll call the question. All in favor say aye.

GROUP: (Unanimous.) Aye.

CHAIRMAN GRACIE: Opposed? Abstained? Okay. Eleven, zero, zero. Thank you.

MR. LICIONNE: Thank you, all.

CHAIRMAN GRACIE: Don Cosden, you're on.

MR. COSDEN: This is fairly pretty short and sweet. (Indiscernible). Did you guys get the mockup report (indiscernible) exhibits? (Indiscernible).

(Indiscernible). So I would just ask the Commissioners to have the (indiscernible).

CHAIRMAN GRACIE: Is this the one about the Pindo (phonetic) or they're both (indiscernible).

MR. COSDEN: Savage River (indiscernible).

CHAIRMAN GRACIE: What's going on with Pindo?

MR. COSDEN: The Pindo site is a natural (indiscernible) site we have an area there on the (indiscernible) in the Pindo area where we need a site. People have been using (indiscernible) have used in the (indiscernible) property.

CHAIRMAN GRACIE: I've been camping there for ten years, so yeah.

MR. COSDEN: (indiscernible) most people can use the (indiscernible) from all the way out in one day, (indiscernible). So they've been looking for a number of years now to get a small launch site there and a parking lot, and several things fell through but this is pretty promising.

CHAIRMAN GRACIE: It wouldn't be enough not a facility where people could have a primitive campground?

MR. COSDEN: No, I don't think so.

CHAIRMAN GRACIE: Because a lot of people like to do a two-day flip to Cumberland from Black Oat Flats.

MR. COSDEN: Right.

CHAIRMAN GRACIE: And that's in the middle.

That's why I camp on the Barton property, so we can do that.

MR. COSDEN: And I think there's some property further down, we can discuss that at some point. There's property further down owned by the state.

CHAIRMAN GRACIE: That would really be a big help to the float fisherman.

MR. COSDEN: It's not officially designated for camping. It's not (indiscernible), but maybe a wildlife management area. I can check into that and see.

CHAIRMAN GRACIE: There's a need, if you can do something for that.

MR. COSDEN: Just briefly, as we talked about, this discharge permit for the (indiscernible) as soon as the end of this month. And (indiscernible) several weeks (indiscernible) letters coming in from the Homeowner's Association suggesting that MDE is not taking their (indiscernible).

I don't have any reason to believe that the MDE is going to vary from the decision (indiscernible) just based on the information that was presented at a

number of other meetings that we attended. That decision is based on data presented by (indiscernible).

One of the actual changes in lake levels due to the changes in permit 207, (indiscernible) that indicated there were (indiscernible). It's going to be a small benefit to lake users, (indiscernible). It also protects that trout lease that's downstream, and still provides the (indiscernible) users their recreation as well. But I would say the state then will be probably talking about this next year.

Have you heard that NRP is already talking to anglers about the use of (indiscernible) and our folks in (indiscernible) at several of the regional meetings for NRP to discuss that idea of how we're going to enforce the (indiscernible). As far as you have in your folders there (indiscernible) anglers, when they say what's this? What's this all about? You can say here is what the (indiscernible). We just printed a limited number of those, mainly for that purpose.

We outlined the (indiscernible) about a month ago and they have (indiscernible).

We talked about the area closure on the Potomac down at Quantico Marine Base, and I suggested that fisheries will be drafting a letter to possibly ask for some amount of access down there again. The letter never went out. The address of the letter (indiscernible) in the meantime, I've been invited to a meeting actually tomorrow at the Base, which will include the Virginia (indiscernible) and Potomac River Fisheries Foundation (indiscernible) staff, as well as their lawyers, to discuss what potential use for possibly getting some. They've suggested that there may be (indiscernible) in order to fish in that area. (Indiscernible).

I wanted to briefly mention trout stocking. We finished our first round, into our second round. We always get a lot of calls for this. We always get a tremendous number of questions about stocking. Where do we stock. For the last few years we've tried to provide (indiscernible) besides the stocking schedule, which is on line now, we have given an 800 number. This is updated weekly on Thursdays, after the entire weeks stocking typically gets done. And we also have a website that we're trying to get daily

updates on. We don't always catch them though.

But we still get a lot of disgruntled anglers that didn't know, didn't find out (indiscernible), and I'm not sure how we deal with that, other than try and get (indiscernible) and hopefully they can find that information when they need it.

Pennsylvania, a number of years ago, went to a process different from ours, where they announced the day they were stocking. (Indiscernible) fishery, they announced where they stocked (indiscernible) this day. (Indiscernible) asked us to do that. There's a lot of reasons I can tell you why they don't do that. (Indiscernible). But I may bring that discussion up sometime later, at some later date.

CHAIRMAN GRACIE: Are you going to say something about the ORB trails?

MR. COSDEN: The ORB trails.

CHAIRMAN GRACIE: I've had some discussions with Wendell (indiscernible).

MR. COSDEN: Okay.

CHAIRMAN GRACIE: And I've agreed to try and help mediate a discussion about the popular lake ORB

trails. So who should I talk to?

MR. COSDEN: To mediate a discussion with  
DNR?

CHAIRMAN GRACIE: Yes.

MR. COSDEN: Well, you'd be talking to myself  
and Alan (indiscernible). The lead person on this is  
really Paul Gadido (phonetic).

CHAIRMAN GRACIE: Gadido? Okay.

MR. COSDEN: He's leading this process. The  
Department has spent several years pulling together  
all of the people that had interest in these trails,  
and they had asked that they have the State Forest,  
and came up with a report. And several weeks ago we  
had all these meetings with these ORB stakeholders,  
clubs and we did a presentation. We are studying on  
this topic of the trail, and our main interest is to  
conquer (indiscernible). Apparently, they have four  
miles long and four-and-a-half miles towards the  
(indiscernible) and then six (indiscernible).

CHAIRMAN GRACIE: I thought it was seven? It  
wasn't very --

MR. COSDEN: Yeah, I think it was six.

CHAIRMAN GRACIE: Oh, okay.

MR. COSDEN: But regardless, if you can imagine the kind of impact you have with a lot of the ORB's going through this stream every weekend.

CHAIRMAN GRACIE: We had a discussion more than 20 years ago, When McLaughlin was still in Parks, and he wanted to put some, lower the dams and bridges in there to stabilize the stream beds, so the vehicles could cross without stirring up the sediment. And they insisted on working live in the stream with concrete, and found a limited objective to that. And rather than trying to accommodate what you just said, to help this whole thing, that's I don't know what it would cost, but it's something that could be done and might solve the (indiscernible).

MR. COSDEN: No, it's been brought up. That was brought up by this group. Our feelings on and the (indiscernible) to say that, unless it's done well, you can (indiscernible) by building four bridges, three (indiscernible).

CHAIRMAN GRACIE: I understand that. I would agree with that. So we would hope we would do it well, if we decided to do it.

MR. COSDEN: And sir, our point was for a

four-and-a-half mile trail, how much money do you want to spend on (indiscernible). But regardless, the outcome is that they have, we have closed this to ORB's to study another trail in (indiscernible) and possibly rebuild (indiscernible). A lot of that is dependant on this Forestry certification process that's going on up there.

CHAIRMAN GRACIE: Are you talking on 15-mile creek?

MR. COSDEN: It's above the ridge above 15-mile.

CHAIRMAN GRACIE: Oh, okay.

MR. COSDEN: There was a group of stabilizers at this meeting, and the (indiscernible).

CHAIRMAN GRACIE: There might be some interest in raising money for the cost of stabilized crossings too, outside of state funding. So at any rate, I'm going to -- sometime after, I told Wendell I'd get back to him after his session was over, and find out who to talk to and set up a little meeting. So will you coordinate that, if I come to you on it?

MR. COSDEN: Yes, certainly. So now and really, I just had one more thing I wanted to mention.

I wanted to mention (indiscernible). Some of you are familiar with the gravity of it, so with (indiscernible) brook trout stream, the only one on the coastal (indiscernible) in Maryland. (Indiscernible). At times we thought that we were about ready to lose that population. Our guys grabbed (indiscernible) just recently, and we found (indiscernible). So we're pretty excited about that.

There's still a place on the edge (indiscernible) right at the headwaters of the stream and --

CHAIRMAN GRACIE: They've done some unique stormwater management which may really enhance things.

MR. COSDEN: They've gone to great pains, yeah (indiscernible). I guess you would call them state-of-the-art stormwater management and this is all experimental.

CHAIRMAN GRACIE: Yeah, it's experimental. I don't know if it's state-of-the-art yet.

VOICE: Where is this?

MR. COSDEN: This is actually at the intersection of 3 and 32. (Indiscernible) and it's just it has a lot of groundwater (indiscernible).

CHAIRMAN GRACIE: Very sandy soil, so you get a lot of infiltration (indiscernible). It's pretty unusual. Any questions for Don? Is that it, Don?

MR. COSDEN: Yeah, that's it for now.

CHAIRMAN GRACIE: Do you mind if we move Marguerite ahead of you, so that she can get out of here?

VOICE: Sure.

CHAIRMAN GRACIE: Are you ready?

MS. WHILDEN: Thank you very much. This is the second time I've discussed these issues. I brought another example for this group, but I just wanted to recap. As described on the agenda, I'm with the Terrapin Institute and we're very concerned about bycatch and habitat conservation, and I just wanted to -- Marty will send out the report that we gave to the Tidal Fish Commission, and we had some examples in that of bycatch. And maybe they were extreme examples but the main point, as far as we know, those problems haven't been addressed.

And one of the things that deals in the problem of addressing them is that, after the Terrapin Fishery was closed in 2007, Fishery transferred the

responsibility to Wildlife. And the rationale that we got was that it was a non-game reptile.

But that really didn't seem to be consistent with other fisheries that become (indiscernible) or nonrecreational. So we do have a problem with that, just based on the lack of precedent and being based (indiscernible). But from a practical standpoint, taken that species away or out of conventional management seems, you know, I still can't figure that one out.

Fisheries is still its biggest impediment for the impact, and the division that it's been assigned to doesn't really have a relationship with the watermen and fishermen that would help promote the conservation items that (indiscernible).

So I have more of an explanation in this two-page writeup for you to consider the report that we did for the Tidal Fish Commission, and I think what I'd like to do is ask for your input on something like that. Does anybody know what I'm talking about, as far as (indiscernible) Terrapin Fishery or --

MR. HASTINGS: Do you want me to summarize what I know, Margie?

MS. WHILDEN: Yeah, Ken.

MR. HASTINGS: When the harvest of terrapins was eliminated, Fisheries decided we no longer have a management role, and now it's all turtles are under Wildlife. And what Margie is saying is that the Wildlife Administration does not have the contact with the water, the user groups, the eco system or anything, and she's saying that she's hoping that Fisheries will maintain its responsibilities in managing Terrapin. Is that fair?

MS. WHILDEN: Thanks. And it's not like -- and let me be perfectly clear. We're not lobbying (indiscernible) group at this point, but I have some suggestions that maybe Fisheries could assign someone to help with this transition. Because right now it's been in this state of flux for four years.

The first year the workgroup did put together the list of priorities. Bycatch, habitat, and lack of improvements were the three big things. I know there was a meeting between Wildlife and Fisheries, but you know the fact is I don't think collaboration of diverse issues really works. That's why there is a distinct Wildlife, we are the distinct

Fisheries.

And as Ken said, the rationale was that all reptiles are now under Wildlife. Well, there are still snapping turtles, and that's because it's commercial, it's a commercial business. I just think it's not a good precedent for Fisheries in that, first off, they are the only ones that can do anything about bycatch.

And then it seems to collide or conflict with the ecosystem management philosophy that was, I think is still part of the fisheries mandate, as well as Maryland's heritage in fisheries.

I really don't, I'm not that interested in promoting its heritage, as much as I am just trying to keep it, to keep the abundance and safe.

And if I could show you the pictures in the other one, you would see that there were about 800 terrapins that drowned in nets. Now, clearly that's not an example that I've ever seen before, but in contrast, there were 122 terrapins killed in the Patuxent River oil spill. The Patuxent River, and that oil company was assigned quite a bit of damages for that.

By comparison, there were 800 in these nets.

It was an accident, but what if it happens again? I mean it's just something that we at least should have some kind of requirement or regulation so that these nets are checked. And if they're not checked, then the people can have them removed.

The same way with (indiscernible) nets. Now, there are extreme examples where they're not checked for (indiscernible) and --

Marty, maybe you could put, if you don't mind, can you put up that CNBC report, if it's convenient? And I can just show -- oh, I'm sorry. You're gave me the disk right back.

MR. GARY: Yeah, you have, this is your presentation here, right?

MS. WHILDEN: Yeah, this is just for the habitat. But I guess you know I'll just wrap up the bycatch end of it and the confusion it's created in DNR.

I'm asking you to give me your comments on that or maybe you know again, it doesn't have to go back into Fisheries, but I just don't understand why they would take it out. If that's the way we're going

to do things, then shad, river herring and sturgeon should get out and go over to Wildlife. It just seems to be a waste of funds and energy. And the staff there is overworked. They told me that they can only afford ten percent of their time to go to the species.

And after the bycatch and the habitat things are at least addressed or, especially the bycatch, you can do whatever you want, meaning if you think that's a better way to manage it, I haven't seen it in four years. I haven't seen any of --

CHAIRMAN GRACIE: It seems to me -- well, first of all, Margie asked me a question I guess a couple of weeks ago. She understood that the Commission, Commissioners represented certain constituencies. And I said there's no actual requirement to represent specific constituencies. The only legal requirement under the Commission laws is that we have one commissioner from Western Maryland.

And in fact, but we do try to represent recreational fishing constituencies, and there has been a recreational fishing interest or stakeholder group for terrapins. So it seems to me that what we're dealing with is something that seems to be

falling through the cracks, by default. I don't know if the Commission wants to get better informed on this and make a recommendation. I don't want to try and do that tonight, but I would like us to consider that.

MS. WHILDEN: Yeah, I claim a stakeholder status and so do my supporters, and we have a lot of fun watching turtles.

CHAIRMAN GRACIE: I know.

MS. WHILDEN: No, I mean I don't want to split hairs, but it is a recreation. So but the other thing --

CHAIRMAN GRACIE: But the issue is it's not fishing. This is a Sport Fish Advisory Commission. Sport Fishing; that's what it is by name.

MS. WHILDEN: Okay. Well, then Fisheries then is strictly commercial and recreational.

CHAIRMAN GRACIE: As defined by the charge on their commissions, that's correct. But that, I mean that doesn't mean we won't have any other interest, Margie. That's what I'm saying. We may want to weigh in on this. Did you want to say something, Carol?

MS. STEVENSON: Well, I was just wondering if there was a way to approach it through the crab pots?

And I don't know what kind of mortality the crab pots are, homeowner's crab pots, our homeowners on the coast would be imposing on the terrapin population, but I don't think that's something Wildlife could address. Maybe the Fisheries has difficulty addressing it, but the crabbing is a sport fishing interest.

The bycatch from that it seems like there might be something to do with licensing or, you know, looking at those ways of not having the bycatch and crab fishing, that kind of mortality in crab fishing. But it's become --

MS. WHILDEN: There is they are already regulated that you have to have a terrapin excluder device to have a crab pot on your fishing pier.

MS. STEVENSON: Even if you're a homeowner?

MS. WHILDEN: That's the only people that can have a crab pot on their fishing pier.

MS. STEVENSON: Yes, but having those exclusion devices, you know, and monitoring and educating people so they don't get the terrapins when they're --

MS. WHILDEN: Well, I think that was really

one of my main points I wanted to make under bycatch and that's exactly right. That requirement has been in place since '99, and I don't know how Wildlife is going to endorse that.

CHAIRMAN GRACIE: Well and it's a Fishery regulation.

MS. HUNT: It's a Fisheries regulation that's enforced by National Resources Police.

MS. WHILDEN: Well, I mean I don't want to split hairs. I mean obviously Fisheries has made their decision and what they want to do, so I don't think it's very effective and I think it's a concern. I'm just trying to cover all bases, you know? Anybody that's got fisheries in their name, you know, I'm just going to invite them and --

CHAIRMAN GRACIE: Who in Fisheries have you discussed this with, Margie?

MS. WHILDEN: Well, actually, since '07 - '08 really no one.

CHAIRMAN GRACIE: That was Howard King then right?

MS. WHILDEN: No, it was Harley I think was the last time I --

CHAIRMAN GRACIE: But Howard was the head of Fisheries then, right?

MS. WHILDEN: Right. Yeah, he --

CHAIRMAN GRACIE: So this has happened before Tom O'Connell took over Fisheries, do you know, Gina?

MS. HUNT: Yes.

MS. WHILDEN: Well, here's the other thing then. We've been going along with any program since September 2008. That's when the terrapin (indiscernible) was devised under Wildlife. And this puts me in a very awkward position, like complaining about the staff. I don't really care who does it, and that's exactly what our legal counsel advised us to say. We're not in a position to tell Fisheries how to do their business, but the terrapin management requirement for the terrapin conservation regulations are still under Title IV.

So you know for three years now we haven't objected to whatever DNR wants to do, but we have three letters promising collaboration and cooperation and I think everyone in this room knows, if you can't get Wildlife and Fisheries to collaborate on a day-to-day, that's why they're separate departments.

But whatever you guys want to do. If you want to create another turtle department that's fine too, but you know they're still demanding --

CHAIRMAN GRACIE: Well, we're not in a position to create any departments.

MS. WHILDEN: Oh, I know.

CHAIRMAN GRACIE: Okay. We're an advisory commission so, I wanted to make sure you understand that.

MS. WHILDEN: Yeah, I understand. But you understand my frustrations after all these years. I don't really feel like we're getting anywhere and, at this point I would just -- it's not the Wildlife positions staff's fault or anything. It really clearly is a Fisheries thing.

But I just wanted to go over some habitat. I know that this is a bit of an extraneous issue for Fisheries people, but they do hear a lot of concern about habitat. It just keeps coming up. And so I've put together, this is for another thing that I'm working on.

This is, one of these properties in this section is slated for some major shore erosion

controls. Now, this is the deed back in the '60's and '70's. This is the progression of the erosion, this being '94 and '95. And this is really the point of -- right here.

CHAIRMAN GRACIE: Which one's which, Margie? Help me.

MS. WHILDEN: Ninety-four and '05.

CHAIRMAN GRACIE: Well, I can't read the numbers. Point to it.

MS. WHILDEN: Okay, 1994 and 2005.

CHAIRMAN GRACIE: Okay.

MS. WHILDEN: But the point of reference would be this area here. You see, there's really not a whole lot of erosion, and this is just an example.

Here's another '07 and '09. You're not seeing a whole lot of erosion. This, there was some treatment here and that treatment may have actually caused this line to go back.

CHAIRMAN GRACIE: Are they proposing Rip Rap to harden the shoreline?

MS. WHILDEN: Yeah, I'll show you what they're proposing to do. Here's another I think this is just a larger area, a larger view. Yes, a larger

view of that. Another view. Oh, this is kind of interesting. We've been just kind of thinking of ways to maybe extend some of that erosion.

These I think are like sandbars or sand waves, and I'll show you the whole view. Okay. Now here's what the proposal is, just on the one property. And I don't mean to pick on this property really, it's just something I know about, but you know they want to come out 90 feet with the living shoreline.

This is about 90 feet (indiscernible). And I think there might be some gaps, you know, but I guess the overall -- and this would be maybe 15 feet at the base, comes up three, maybe two feet over (indiscernible) water. It's going to be a very different vista and maybe very different dynamics there and that's all I heard.

But curiously, I was looking into this (indiscernible) and some other things, and in the late 1800's, this is called Paul (phonetic) Cove. I don't know why it's called that. But there are some Clovis points from prehistoric mankind prehistoric settlements down there and I found a more recent one and it was written by USGS Service, and they remarked

on the stability of this cove. It literally was called Paul Cove then, and (indiscernible) hundreds of acres lost (indiscernible), yet this cove remains (indiscernible).

So I guess the overall concern, some of, you know, our zest for living shorelines or something, I think some of, the main thing is some of these, these points just are not eroding to any great extent. And certainly, the living shoreline techniques that seem to be most popular are those that are encrusted behind a rock wall.

Now, for terrapins, they don't climb over those things very well. Even when there are gaps that would be -- this would be the property -- even if there are gaps there for fish, hence at times it could be a cruel hoax. You know, you lure these fish in there, the tide drops, they gave out.

There were some other examples in the paper that I presented to the Tidal Fish that show an example of those shore erosion designs that's already in place.

It comes way out into the channel. Anyway, I just thought I would alert you to these problems that we're

seeing. It's not a matter that DNR has direct control over, but I know habitat is the key issue.

CHAIRMAN GRACIE: I think you're probably getting into a level of detail that's beyond -- I've designed living shoreline projects, so I might understand what you're talking about there.

MS. WHILDEN: Right.

CHAIRMAN GRACIE: The real issue is who is managing these critters and who is speaking for them in the process, isn't it?

MS. WHILDEN: Oh, terrapins?

CHAIRMAN GRACIE: Yes.

MS. WHILDEN: Yes, That would be it.

CHAIRMAN GRACIE: And that's where I think we might have a role. I don't know how much interest the Commission has in this. I certainly will be happy to facilitate some discussions with you and Fisheries, if you want to proceed that way, as long as the Commission doesn't have any objection.

Does anybody want to do anything or say anything about this? It's kind of sticking our nose in to say gee, why aren't you doing your management job, or who is doing it. So I'm not sure how far we

can go with that; we're like you.

MS. WHILDEN: Well, and I just want to make one thing perfectly clear. Fisheries up to this point has, I'm not holding them responsible because it's been at Wildlife, you know? So I clarified this with Tom

O'Connell, this all happened before King, you know, and he thought there was coordination. But that's why I wanted to stress, I did not stress that at the last meeting. There is not coordination, so and --

CHAIRMAN GRACIE: Well, why don't you and I talk separately?

MS. WHILDEN: Sure.

CHAIRMAN GRACIE: And then I'll meet with (indiscernible) Perdido (phonetic) and Tom O'Connell, and I'll see what everybody thinks and then we'll get back together.

MS. WHILDEN: Okay.

CHAIRMAN GRACIE: Okay.

MS. WHILDEN: And there's one other point I wanted to make on the habitat is that most of these are encroaching into fishable areas, so that is another, that's another concern. Some of them maybe

the ones you're working on are not that extensive, but I just see them a little more advanced.

CHAIRMAN GRACIE: Any questions for -- thank you very much.

MS. WHILDEN: Thank you.

CHAIRMAN GRACIE: Roger?

MR. TRAGESER: Okay. This is more FYI than anything else. We've been working on our organization actually for a couple of years now, Elk Neck State Park, Rose Harbor. A beautiful park, adequate parking, decent ramps. The biggest problem we have is it's relatively unprotected. You have the C&B canal with a lot of large boat traffic that comes down Elk Neck and then out to the, down to the Bay. And that boat traffic creates a lot of problems with the water at that facility, in launching boats and pulling boats back out again. I think it probably accounts for that part, at least from a boating point, of being somewhat underused.

So we started entertaining the thought of putting some sort of breakwater structures out there. This is the facility (indiscernible), part of Virginia, on the Potomac. It's almost straight across

from where Mattawoman Creek is on Maryland's side.

They don't have the boat traffic issue, they really have wind issue, because this facility sits right on the river. So that wind comes rolling in there.

But with these breakwater structures that they have out here, it keeps this area amazingly calm. Even in the roughest wind days, they can launch boats and pull them out without any problem whatsoever.

So we, like I said, we've been working on this project, putting it out to DNR. We actually secured some funding and had a study that was done; this is Elk Neck. And the study created these breakwater structures that would be put in place and were to protect this area right here. Sort of an example of how the breakwater structure, it's pretty basic. You know, they brought down to the bottom of the mortar and then you have a certain amount of elevation that comes above them. For the most part, they are quarry, large quarry stone construction.

There was a letter -- Marty, I don't think you did it as a handout, that letter I sent you? I was hoping it would be as a handout but, the bottom line is, and maybe we can get it out to everybody

afterwards. The bottom line is the price tag that came back on this, and we just got that back recently, was a million dollars to have these structures put in there.

Now, you know, I'm not going to sit here and try to rationalize a million dollars. That's a lot of money and we all know that there's just not a million dollars laying around. We're still staying with this. We're thinking of some alternates that might mitigate the cost a little bit . Perhaps instead of the entire structures being built out of the quarry stone, and this is really where sort of MARI comes into effect too, because our representative on MARI, Dick Barrick, who is also a waterways engineer, so that's been a coup for us that he's been involved in all of this.

CHAIRMAN GRACIE: Did he lay out the design for you, Roger?

MR. TRAGESER: No, no, no. This was sort of an engineer study design. This was, I don't think this was (indiscernible). I think this was part of what the state parks and engineering and --

CHAIRMAN GRACIE: Oh, okay, yeah. And the state parks was in there. Okay.

MR. TRAGESER: It's gotten that involved anyway. He just signed off on it. But he's going to probably, he's already spoke to MARI about it, and I'm sure he's going to come back again now that we have some knowledge and what not.

But what we've been thinking about though, as far as costs, trying to get this thing adjusted, they get more realistic at some period of time is, rather than these things being built completely out of quarry stone, which I'm sure would be very expensive, perhaps the lower foundation could consist of rubble, concrete and then just the finish, on the top, be quarry stone would probably mitigate the costs somewhat. But you said before --

CHAIRMAN GRACIE: Not much. Most of the cost is in the installation.

MR. TRAGESER: Well, installation and, like you said before, a lot of the cost is in transportation too.

CHAIRMAN GRACIE: Yes.

MR. TRAGESER: Getting it to the location. So I don't have the numbers all broken down in front of me, Dick had them, but the ones that he commented

on was just getting the stuff there is expensive.

So the other thing that would mitigate costs quite a bit is we want to see if they would consider doing this in stages. The biggest issue, I mean wind is wind. You know, you can, you have that all the time, everywhere. The real big impact on this area is the shipping channel.

Those structures highlighting a mark off in red are probably the ones that would, or certainly the ones that would alleviate that problem more than the other ones down here. These alleviate winds coming from the South.

We do have an issue because of the location of that river with Northeast winds, but I think they mentioned to me a lot of your heavier noreasters are in the colder months anyway. Probably not as bad as when we're out fishing in the Spring and the Summertime.

So we were looking at possibly sort of reintroducing this thing as four structures going in, as opposed to eight. Then we also talked about -- Dick and I did, and I mentioned this to Don the other day -- at the (indiscernible) themselves, doing some

pier extensions, and then on those piers putting wind boards. Boards that actually mount vertically or horizontally, and drop down below the water surface. Not all the way to the bottom, but any of that wind wave action that comes up and gets to those piers, it doesn't roll into the piers as well.

I know what happens. Last October I was washing my boat and pulling it out at Broad Creek, which is right off the Nanticoke. Now, that's not a wind issue that you have there, that's a current issue.

When that tide rips out running down the Nanticoke, trying to get your boat even on a short pier like that, up a ramp is brutal. I mean you get swung all over the place.

So perhaps considering putting those wind boards in would help to really negate a lot of that South wind action wave that comes in. And then it could be that, if we can move forward at some point in time, and even just have those four structures put in, that could solve that problem all by itself.

You have the presentation listed as a habitat answer, and certainly, it would be a habitat

answer. Those structures do bring bait in and they do bring fish in, and these rocks over here at (indiscernible) get fished all the time.

So it creates that habitat, but it also, in our opinion, creates a better environment for that park. It becomes more utilized and they may generate more venue.

And then the last issue that we're dealing with here that having that facility becoming more (indiscernible) location for tournaments is right now an enormous number of tournaments get run up here around the Northeast. Anchor Marine. And I mean guys fish all the way down here, come back up, release these fish up in Anchor Marine. Seems like a lot of these fish during season are getting stacked up in there.

But we've actually had discussions with Joe and Don about how do we redistribute fish short of putting boats up there, putting them in the boats, tracking them back down, which isn't good because that's not good for the fish either to be moved from you know boats to a release boat.

Eventually, if we can get this facility into

a point where guys want to run tournaments out of it, and if we know it's a good facility to do that, we can influence organizations to run tournaments out of, help with that. It would help with the overall distribution of the fish in that area that get caught and released there. And that's just a different picture of one of the ones down at the (indiscernible).

So the only reason we're waiting for our presentation right now is if funding's an issue. We want to go back to the drawing board, look at this thing, talk to some people about the, you know, could we restructure these things. Would that bring the cost down. Do a phasing, you know, with how that would bring the costs down.

Funding outlets. I'm talking with Don. We thought perhaps Port Authority. I know they have funding for, you know that sort of shipping, mitigation, things of that nature. There might be some dialogue we can orchestrate with them.

We wanted to let the Commission know what we were involved with here and just make sure that we could sort of get the Commission's support, as we move

forward with this. Any questions?

CHAIRMAN GRACIE: What do you want from the Commission tonight, Roger?

MR. TRAGESER: I don't want anything from the Commission tonight. You know, this was just an FYI.

CHAIRMAN GRACIE: When you talked about phasing, has the engineering group reviewed that? Because it occurs to me that, in putting those forward, it may exacerbate some problems in another area by funneling the current a different way.

MR. TRAGESER: No, we haven't even gotten that far. I mean the letter that we got with the overall price for this thing is sort of a follow-up process.

CHAIRMAN GRACIE: Okay.

MR. TRAGESER: So this was just discussion.

CHAIRMAN GRACIE: So you'll be proceeding with those discussions and evaluations?

MR. TRAGESER: That's right. So rather than me coming here and saying well, this is what we've been working on and now here's what we're doing. You know, I'm filling you guys in on where we all are in coming out of the gate the first time. So I'll follow

up when we have something different and, hopefully,  
file a report.

CHAIRMAN GRACIE: Any questions from the  
Commissioners?

MS. STEVENSON: I just was wondering, so you  
bring this to us and it seemed like a very preliminary  
stage. And the Army Corps, is this something you are  
going to move forward through to the Army Corps for  
permitting? Or do you not need to do that?

MR. TRAGESER: It's not that we would be at  
that stage just let.

CHAIRMAN GRACIE: You will have to, if you're  
going to do it.

MR. TRAGESER: Oh, I know that.

MS. STEVENSON: But you're nowhere near that  
stage of the game? No?

MR. TRAGESER: We've only been doing it,  
we've only been involved in this for about --

MR. COSDEN: Is this the Capital programs  
Engineering group?

CHAIRMAN GRACIE: This would be a Capital  
program, if you were to have money available.

MR. COSDEN: It's the engineer thing and it

might include MARI, Capital funding, possibly some money from Port Authority, and that's what we're trying to (indiscernible) to get out of there.

And I would add this is a concern for us as far as conservation and best management. We are trying to figure out how to get tournaments to spread their base of operations around a little bit, to keep it better distributed.

We are doing a survey this year with the tournament (indiscernible) and asking them specifically, several things, but this is one of the things we're asking if they would use this facility, if it were a little better (indiscernible). So we'll have that information (indiscernible).

We are also doing a tagging study and looking at this to be from out in this area. We have just a little more information on how of course actually this (indiscernible) got to be. They already had a (indiscernible). We also has some personal, a series of lodging at Brook Harbor when I was doing the striped bass (indiscernible) survey. (Indiscernible).

MR. TRAGESER: All right?

CHAIRMAN GRACIE: All right. Thank you,

Roger. We had some comments from the audience?

VOICE: Yes. Roger, one thing I suggest is what you really need to do is look at the local level from up there.

MR. TRAGESER: Yeah.

VOICE: Because that's going to be the (indiscernible). And it's not too early to look at any construction that's being done up there.

MR. TRAGESER: Okay.

VOICE: Because it would be a great local project (indiscernible).

(Inaudible discussion.)

MR. TRAGESER: I mean and I guess focus on what we will install or, you know, what the engineering department says we should or shouldn't install, how would we install it. But you're right. Keeping an eye on where available resources are.

VOICE: That's the big thing and (indiscernible).

MR. TRAGESER: Well, I think Dick's more in tune with that process. (Indiscernible) I'm glad we've got him on board with that, because he's keeping everything in check. Anything else?

CHAIRMAN GRACIE: Thank you, Roger. Any other comments from non-commissioners before we adjourn? The floor is open. Yes?

MR. HASTINGS: Just a quick item.

(Indiscernible) and I know (indiscernible), but I'd just like to indicate how happy we are with the enforcement action that goes on down there. The regulations, the hearings, and (indiscernible) is starting to run our facility now and this is a great thing (indiscernible) Mason Springs Conservancy. (Indiscernible).

I haven't sent my son there yet, but people that have been there come from our board have told me they said they're very excited about the (indiscernible), once again this year, just like it was last year. So kudos to the agencies.

CHAIRMAN GRACIE: Thank you, Ken. Any other comments? I think I have a motion to adjourn.

VOICE: Seconded.

CHAIRMAN GRACIE: So moved.

(Whereupon, at 8:19 p.m., the above-entitled meeting was adjourned.)

.

•

•

•

•

•

•

•

•

•

•

•

•

•