

*Maryland DNR*

*Sport Fisheries Advisory Commission*

*Meeting*

*Tuesday,*

*October 18, 2011*

***Maryland DNR  
Sport Fish Advisory Commission Meeting***

October 18, 2011

**SFAC Members Present:**

Jim Gracie, Chair

Bill Goldsborough

Leonard Grier (*proxy for James Wommack*)

Brian Hunt (*proxy for Larry Coburn*)

Greg Jetton

Val Lynch

Dr. Ray P. Morgan II

Ed O'Brien

David Sikorski

David Smith

Herb Smith

Carol Stevenson

Roger Traseger

Bill Windley

**SFAC Members Absent:**

Larry Coburn

James Wommack

Brandon White

**Maryland DNR Fisheries Service**

Lynn Fegley

Marty Gary

Gina Hunt

**Maryland DNR**  
**Sport Fish Advisory Commission Meeting**

October 18, 2011

**INDEX**

	<u>Page</u>
<b><i>Welcome and Announcements</i></b>	
by Marty Gary MD DNR Fisheries Service	7
<b><i>NRP Report</i></b>	
by Lt. Kelley Johnson, NRP	11
Questions and Answers by Val Lynch	12
<b><i>Regulatory Update</i></b>	12
Free Fishing Areas Discussion	12
Questions and Answers	
by Val Lynch	22
by Greg Jetton	23
by Dr. Ray Morgan	24
by Carol Stevenson	25
by David Smith	26
by David Sikorski	27
by David Smith	28
by Herb Smith	29
by Jim Gracie	30
by Herb Smith	30
by Jim Gracie	31
by Herb Smith	32
by Jim Gracie	32
by David Sikorski	33
by Bill Windley	34
by Dr. Ray Morgan	34
by Jim Gracie	35
Draft Regulatory Scoping Process	37
Questions and Answers by Jim Gracie	39
Presentation of Proposed Recreational Fishing License Suspensions	42

**Maryland DNR**  
**Sport Fish Advisory Commission Meeting**

October 18, 2011

**INDEX (continued)**

Questions and Answers	
by Jim Gracie	54
by David Smith	55
by Bill Goldsborough	56
by Ed O'Brien	56
by Jim Gracie	58
by David Smith	59
by Ed O'Brien	60
by Jim Gracie	60
by Jim Gracie	61
by David Sikorski	61
by Jim Gracie	61
Commission Update on MARI Donation Checkoff	66
Questions and Answers	
by Jim Gracie	67
<b><i>Presentation on Monitoring of Tropical Storm Irene's Impacts to Chesapeake Bay</i></b>	
by Tom Parham MD DNR Fisheries Service	69
Questions and Answers	
by Jim Gracie	78
by Ed O'Brien	78
by Jim Gracie	81
by Jim Gracie	83
<b><i>Inland Fisheries</i></b>	
Liberty and Prettyboy Reservoir Fishing Center Concept	84
Questions and Answers	
by Carol Stevenson	87
by Jim Gracie	89
by Roger Traseger	90
Wild Trout Status Report	90
Questions and Answers	
by Carol Stevenson	94
by Jim Gracie	95

**Maryland DNR**  
**Sport Fish Advisory Commission Meeting**

October 18, 2011

**INDEX (continued)**

Upper Savage River Brook Trout Survey Discussion	96
Questions and Answers	
by Dr. Ray Morgan	97
by Jim Gracie	100
by Jim Gracie	101
West Virginia/Maryland Enforcement of Trout Regulations on the Potomac River	106
Questions and Answers	
by Carol Stevenson	107
by Herb Smith	107
by Carol Stevenson	108
<b>MOTION</b>	109
<b>Questions, Answers and Comments</b>	
by Herb Smith	109
by Herb Smith	111
by Carol Stevenson	111
by Jim Gracie	111
by Bill Goldsborough	112
by David Smith	112
by Carol Stevenson	112
<b>Estuarine and Marine Fisheries</b>	114
ASMFC Update	114
Questions and Answers	
by Ed O'Brien	115
Discussion of Potential Extension of Chesapeake Bay Recreational Striped Bass Season	118
<b>Hail Cove(Chester River)Artificial Reef Presentation</b>	
by Dave Sutherland U.S. Fish and Wildlife Service	120
Questions and Answers	
by Jim Gracie	121
by Jim Gracie	122
by Jim Gracie	123
by Jim Gracie	124

**Maryland DNR**  
**Sport Fish Advisory Commission Meeting**

October 18, 2011

**INDEX (continued)**

by Bill Windley	126
<b>MOTION</b>	126
<b>Questions, Answers and Comments</b>	
by Greg Jetton	127
by Dr. Ray Morgan	128
<b>Public Comment</b>	
by Eric Zlokovitz, Representative Maryland Artificial Reef Initiative	129
<b>Questions and Answers</b>	
by Jim Gracie	130
by Greg Jetton	130

KEYNOTE: "---" denotes inaudible in the transcript.

E V E N I N G   S E S S I O N

(6:00 p.m.)

***Welcome and Announcements***

MR. GRACIE: Call the meeting to order.

MR. GARY: Brandon, are you still with us.

MR. GRACIE: We are trying to patch Brandon White in.

(Asides)

MR. GARY: All right, welcome everybody to the October 18 meeting of the Maryland Department of Natural Resources Sport Fisheries Advisory Commission. This meeting is a public meeting open to -- typically monthly on the third Tuesday of each month. Our meeting is open to the public and we encourage public participation. We have a public comment period and the public is allowed to comment before votes are taken by the commission.

Keep in mind, everyone, that Ms. Laura Jackson will be here tonight as our court reporter. Laura, are you set? Everything good? Okay. And we do have, Mr. Chairman, a couple of commissioners who are unable to make it.

James Wommack called today. I think he mentioned to you he can't make it. Also Brandon White, who we are trying to patch in. We will explain in just a moment. He is also unable to attend in person. And we have a couple proxies here tonight. So Brian Hunt is designated proxy for Larry Coburn

from Bass Pro Shops. So Brian, welcome. It is the first time he has exercised the proxy. We appreciate your being here. And actually I thought we had another proxy.

MR. GRIER: Right here.

MR. GARY: Oh, we do. Leonard --

MR. GRIER: Grier.

MR. GARY: Leonard Grier. So Laura, for James Wommack, Leonard Grier. Is it G-r-e-e --

MR. GRIER: No, G-r-i-e-r.

MR. GARY: All right, thank you. And other than that, I think all other commissioners are accounted for.

So just a couple of quick announcements, and then, Jim, I think you had something to announce. There are several additions to your folders. We have a Young of the Year, and we will be talking a little bit more about this during tonight's meeting. Young of the Year Survey, juvenile index press release, that went out today, late.

A zebra mussel press release on zebra mussel found in Sassafras River. A draft, which will probably go out tomorrow, of the State record blue-line tile fish caught off of Ocean City. And then there is a handout for Simkins Dam, which will also be mentioned during the meeting. Chairman Goldsborough has been heavily involved in that.

And two other things. I wanted to just throw out to the commission, we have been sending an awful lot of e-mails



regarding all sorts of things -- press releases coming out at different times, and got a general sense from some of you that you are just being peppered by a whole bunch of e-mails that I am putting out, and I am trying to do that to get the information to you as timely as possible.

But I think what we wanted to find out from you tonight if we could, if there is a way to quickly obtain some feedback from you, is would it be better for us to send out and compile these press releases and other information, send them out weekly or would you want me to continue and get them to you as quickly as they break so you are aware of them? I mean the tradeoff is obviously you are going to get a lot more e-mail. So if you all have a preference, let me know.

MR. GRACIE: Do you want us to deal with that now, Marty?

MR. GARY: Well, whenever but --

MR. GRACIE: I would just as soon poll the commissioners and get back to you and not take meeting time.

MR. GARY: That is fine. That would be fine.

And I just want to mention that the food you all have had tonight, I think several people have commented over the last couple of months since we went to this change of menu, we talk a lot about sustainability on the fisheries, locally sourced seafood coming out of Chesapeake Bay being consumed by residents, and all the while over the years we

have been going out and getting deli trays and things like that. And you have sandwich wraps and all here tonight.

But we went into a competitive bid using some of our seafood marketing expertise. We have two staff members who have come on, one from the transfer from the Department of Agriculture, a new hire, to do a better job of marketing our local seafood products. And so through some of their work we have made contact with caterers that are sourcing local products.

So everything on the menu tonight was off of -- tonight at least was Northern Baltimore farms, chicken all organically raised under sustainable settings. So we are paying a little more attention to the details, sort of walking the walk and -- talking the talk and also walking the walk in terms of local products. So, Jim, one other thing I think you had.

MR. GRACIE: Yes. I am going to present a proclamation from the Governor of Maryland, the State of Maryland, to Aaron Frazier and staff of Bass Pro Shops. I would just like to take a moment to read it to you.

Be it known that on behalf of the citizens of this State, in recognition of a special tribute to honor your outstanding support of the State of Maryland and the Department of Natural Resources, in appreciation of the professional commitment you have demonstrated to promote

Maryland's sport fishing, and as the people of Maryland join in honoring your contributions to our State, we are pleased to confer upon you this Governor's Citation.

I understand you are going to accept this, Brian?

MR. HUNT: Yes, I am.

(Applause)

MR. GRACIE: Okay, do we have a Natural Resources Police Report?

***NRP Update***

***by Lt. Kelley Johnson, MD DNR NRP***

LT. JOHNSON: Hello, everyone. I am Lieutenant Kelley Johnson. I am with NRP. I think Marty should have sent a revised copy yesterday for --

MR. GARY: And that is in the binders.

LT. JOHNSON: (Away from microphone) Okay, great. Everybody has had a chance to look at that. This is all the basic stuff since July since we haven't had a meeting. If you have got any questions on anything on here ---. There is tons of stuff that doesn't need to be on the report depending on the sergeant or the lieutenant that puts stuff in but all of this stuff has come off the --- reports every week. So does anybody have any questions on anything in here?

The majority of these violations in this timeframe are recreational violations and not charter or commercial, so most of the stuff on here is almost all recreational, which is

great. Does anybody have any questions? Oh, yes.

***Questions and Answers***

MR. LYNCH: You had showed one citation for undersized white in Ocean City. Was that during a tournament? Do you know the details on that?

LT. JOHNSON: I would have to look at the date on that because -- we don't put dates on here anymore because it would be 20 pages long. I would have to look at the date on that. I can get back with you. If anybody has any questions, or if I can be of any help when Don talks about the enforcement issue out at the North Branch, I will be happy to answer any questions with that.

MR. GRACIE: Okay. Sarah, are you giving us --

MR. GARY: We might skip over that, Jim. She had a presentation and --- whole computer locked up so --

MR. GRACIE: Okay, all right you want to jump to free fishing?

MR. GARY: That is fine. We can do that.

***Regulatory Update***

***Free Fishing Areas Discussion***

***by Marty Gary, MD DNR Fisheries Service***

MR. GARY: All right, well, I guess it was about a week or two ago I sent out a briefing document for you all to look at the background and the history of the free fishing areas. Hopefully you all took a look at that. Did you all

get a sense of getting acquainted with that? Anybody not on the same page with that?

DR. MORGAN: I never got it.

MR. GARY: You did not get the --

DR. MORGAN: You know, Western Maryland is a long way from Annapolis.

MR. GARY: Did anybody else get the document though? I mean, I don't want to spend 5, 10 minutes going back through it.

(Presentation from Smart Board away from microphone)

MR. GARY: But, Ray, I guess just to be fair, there are a whole suite -- 21 to be exact -- of license free fishing areas. These are areas that were largely created in 1986 or so. I think the last one was created in 1993 as an addition down in Princess Anne.

But all these sites are centered to Chesapeake Bay and its tidal tributaries, and they are affiliated, they have their origin in the statute that became the Chesapeake Bay Sport Fishing license.

And what they were intended to do back in the day, back in the mid-1980s, was create areas where folks who were subsistence fishing could go -- and these are in economically disadvantaged areas, many of them rural, but not all, some are up in the city of Baltimore -- to provide for subsistence fishing without charging folks for a license in these

economically disadvantaged areas.

The reason why we are bringing this to your attention is we have got a number of issues going on for those of you who have read the document. We have some of these sites that over the years have changed and they don't meet the original criteria. And in some cases they are just not even safe and probably ought to be removed, and we can take a look at a couple if you want.

The Route 213 bridge in Chestertown is one. There is another one out at Still Pond. And then we are also getting some requests from -- Ocean City has requested three, and there has been a formal request to the Coastal Fishery Advisory Commission -- Carrie Kennedy is sitting back against the wall. She is our formal liaison with that group. And they made a motion that there may be for three areas, and I have also included those.

I don't know if you all use that resource, the Google map, and looked at it when we sent that out, that link. But I can zoom in on it. But they have asked for three.

In addition we also have one up in, Bill, your area. The town of Perryville has requested one. Those don't really fit the original criteria of providing an opportunity for subsistence fishing in an economically disadvantaged area. Ocean City is really looking at it from the perspective of tourist families coming in for a week, and parents wanting to

go fishing with their kids. The kids don't need a fishing license but the parents do. But they might only want to fish one day.

Some of the feedback we are getting from tackle shops is walk into the tackle shop, want to go fishing with the kids, find out there is a new license requirement and, you know, geez, we'll go go-karting or something else. We are only going to fish one day. It isn't worth it for me to buy a license. Even though it is only \$12 for a seven-day, short-term license.

And I am not sure --

MR. GRACIE: Is go-karting cheaper than that?

MR. GARY: I can attest that I paid for that for my son, and it is not. I don't know if that perfectly characterizes it, Carrie, but you know, I think that is kind of a general perspective they have. And Val, you -- where is Val? Oh, there. Sorry, Val. And Val, you have been in touch with Sue, I know, and again I am just trying to be concise here. I am sure that she has fleshed that out a little bit more than that.

But still the coast was put under this new license that is now a comprehensive saltwater license, and so they feel like they would like to have some designated free fishing areas. And we can look at those and zoom in if we want.

It also begs the question that there is no inland

free fishing areas. You go to Garrett County, you go to any of our lakes, ponds, rivers, streams, nontidal waters -- there aren't any free fishing areas there. So if you change the criteria or modify it to accommodate Ocean City's request, do you also think about adding some free fishing areas for the inland areas?

There is a whole host of things to consider here, and in the paper, the document, we laid out a number of things for you to consider. And we would like to get your feedback on this. We have some real safety issues, and I will just zoom in to give you a perspective. You probably already looked at it. But in the case of Chestertown, I guess one point, the bridge -- over time I am sure I will get better at this.

MR. GRACIE: You could be a meteorologist.

MR. GARY: I am not pretty enough to be one. This bridge -- if I get close enough to actually show you what the danger issue is. It is hard to tell, but there is a sidewalk on one side but not on the other. And the real issue is -- I can't quite remember what it was like before, but now if you are up there with a rod and reel, and you go back to cast --

MR. Sikorski: No room for back cast.

MR. GARY: I mean you could get hit, there is no safety rail or anything there. So I mean, that is one example. And then you have the other one over at Still Pond



that is very similar to this.

And then I don't know if you would characterize it as a safety issue but in Baltimore City, there are three free fishing areas: Hull Street, Boston Street Pier and Middle Branch Park. And actually, I am fairly familiar with that and I bet several other people area are too.

It is pretty good fishing down there but we do have some issues with ethnic diversity and not understanding consumption rates of certain fish that -- you know, we need to properly articulate those messages. So it is not a safety issue like this but still a concern about having areas and getting those messages out.

So I don't know if you want me to go into any more detail. I know, Ray, you didn't get a chance to look at it. There were a number of things we wanted you to consider and provide us with feedback. And you know certainly one of the things we would like to walk away with tonight is knowing whether or not the original criteria to provide subsistence opportunities in economically disadvantaged areas is the one that we really need to be sticking with.

And in talking to Howard King and Janet ---, who are really our best sources for finding out exactly how this all transpired, this was a deal that was brokered when that legislation was introduced, with rural legislators. So the real question I guess comes down to does this commission

really think the consistency of those original criteria are still applicable? If not, should it be changed to something else?

I know we have had some internal dialogue, and -- where are you, Gina? She is hiding back there. So Gina, help me tag team this. So in our internal discussions, and we have a lot of input from fisheries service, and some of that revolved around some --- to keep free fishing areas but for family fishing activities.

I have got to tell you one of the examples that we thought of in our discussions was the event that was held up in North East, where individuals who read in the local paper that there was going to be a yellow perch celebration at a license-free fishing area came out, and I personally talked to people that -- adults -- that had never been fishing before.

And the reason they came was because they read about it, and they came out to the event, and they did realize that it a free fishing area. It was advertised, you don't have to buy a license.

And I think part of what we discussed that evening was if some of these adults bring their kids out and get exposed like that, they might enjoy the experience enough to ask where else can I go fishing and maybe continue and perpetuate their fishing opportunities and we might get some new fishermen.

That was some of the feedback. I don't know, Gina, if you want to mention anything else. We had a couple different perspectives we shared.

MS. HUNT: Actually, I think it would just -- we have some considerations and thoughts, you know, for instance, with safety, that we have been wrestling with them on whether or not we think some of these areas should stay or go. But it ultimately comes down to what is the criteria, and if safety is one of the criteria for a free fishing area that would determine if those should go.

So what we are really looking for from the commission is what should the criteria be for free fishing areas? Does that include inland? And then how should we evaluate the requests that we have had? There is an equity issue among counties right now where some counties have several, including Worcester County, where the Ocean City areas would be added to. Significantly more than some other counties.

So we want to look at the equity issue as well as what is the criteria, and I will just -- we can go through the questions that are in your handout or, Jim, you want to just want, you know --

MR. GRACIE: I guess I would like to hear what the department feels the rationale should be. The subsistence fishing came up when we all of a sudden were going to have --

I think it was stamp, Chesapeake Bay stamp. And people who had fished and were fishing for subsistence then were going to have to pay for a license.

So that was the criteria under which it was set up and that is why there were no inland areas because people who fish for food don't generally fish in inland areas. There are some exceptions to that. So I mean if the department thinks that there is a rationale that should be considered -- I mean if it were part of a marketing program to increase interest in fishing, fine. But I guess I would like to hear that it is part of something, not just because people are asking for it.

So do you -- are you prepared --

MS. HUNT: You are asking us to give you what we think the areas should be used for?

MR. GRACIE: Yes. Well, what the designation should be used for, free fishing?

MS. HUNT: Okay. Well, so as you said, it was originally for subsistence. But I can tell you that when we, when this was in the memo and the information went out to you, their staff went out to a majority of these sites, and everybody that was encountered and interviewed at the current free fishing areas had a license. So it was clearly not working for that purpose at those areas.

Now the encounters, the interviews were done during the week, so maybe the weekends look differently. But just,

you know, from what we saw so far, I don't think that these areas are meeting their current intent. But you know they are not well publicized either. So if you publicized it, you know, build it maybe they would come. It is just that we are not sure that is where we should be leading people.

Should we be leading them to Baltimore City where there are some health concerns? So that is where we want to try to get this feedback. We certainly have an interest in, like you mentioned, promoting fishing, trying to get folks to go out that otherwise would not.

But then, you know, again you have this fairness issue. Shouldn't we be allowing that equally throughout the State, not just in certain counties? And if you look at where the free fishing areas are now, they were more assigned to those rural communities where the legislators had requested originally that stamp.

So, you know, if you change the criteria, you really need to go back and look at where should we have these areas? So tonight's discussion is supposed to be the first step. We don't expect to come out with a list of where are all the free fishing areas after tonight. But we would like to hear the commission's feeling on what do they think the criteria should be?

MR. GRACIE: Any commissioners have any comment?

***Questions and Answers***

MR. LYNCH: I would like to look at the criteria from the point of marketing fishing to children and families, meaning that you have a youngster who doesn't require a license like you pointed out, Marty. But you got to prepare it, and it can be cumbersome. That parent or person doesn't even know that there is a license required and they will throw a line in the water right alongside the child.

But I think it can be used as part of a marketing program, and if we change the criteria to allow that to happen. I don't really have a sense of how needy subsistence fishing is. Anecdotally I get the feeling that there is not much of it except in the headwaters of some rivers and tributaries off the bay. But certainly there are areas where there are tourists, and if there are tourists like Ocean City, you can get people involved, and if they like it well enough, they will buy a license and they will come back.

So I think we ought to look from the foundation of changing the notion of subsistence fishing only to a development criteria, and that could apply anywhere when you want to get people involved.

So that would be one aspect of it. And then to find out what areas might be eligible for that, I think we have to reach out into the communities and get input and then consider it as a whole. I don't think you can have 50 locations in

Ocean City for example.

And maybe 4 is adequate or maybe it is too much. But certainly give everybody in the State the opportunity to say if we are going to talk about encouraging fishing as a family sport and marketing it for tourists in particular then we want to give everybody a shot at it.

MR. GARY: By the way, I am not sure if we captured it in the final version of the document or not but as far as we could tell, there are only two other instances of free fishing area similar to Maryland's in the United States. One is in Texas where not all but about 30, 41 of their designated State parks are license free. And then over in California, they have a number, I am not sure the exact number, I think over 2 dozen, public fishing piers along the coast.

But other than that we couldn't find any evidence that anybody else is doing free fishing areas, so that is just something else we are considering.

MR. JETTON: I am going to speak to the one I am intimately familiar with. It just happens to be what you brought up, Marty. I drive across that Chester River Bridge every day. I have been in that area 30 years, and I didn't know that was a free fishing area. So I agree with him, it hasn't really been that publicized.

The other thing about it is if your staff members are going out and interviewing people, that Chester River

Bridge is never fished in the daylight. It is a catfishing bridge. That is what they do. And they are subsistence people. I know them. My wife teaches them, teaches their kids. They go down there at midnight, they fish until 2:00 a.m. or 3:00 a.m. in the morning, they go home.

And in the same extent, I know most of the NRP officers there personally. I don't know that there has ever been an incident with a fishing rod hitting a car as they are going by on that bridge. Now I can see the concern there, but that bridge and the bridge next to it have been there 300 years and, you know, I would hate to see that lost.

Even though I didn't know it was free, I know there are people who fish on that bridge and that kind of thing, and we have a local college in town where I see college kids there at night fishing too, and I am going to guess probably most of them don't have a license, so I just don't think we have ever really pushed that that much.

MR. GRACIE: Ray and then Carol.

DR. MORGAN: Obviously these sites are all freshwater tidal and more estuarine areas, so how do you address the freshwater situation? Could you do something like maybe one weekend a month have free fishing say on Deep Creek Lake or Greenbriar or some of those? I mean the amount of freshwater fishing available is exceptionally small in relationship to the entire Chesapeake Bay and the Ocean City



areas.

MS. HUNT: Well, we already offer free fishing days.

DR. MORGAN: Okay, you do that.

MS. HUNT: We have three free fishing days. There are three. But -- and they are tidal or nontidal. We are looking at whether or not we would create designated areas where we would then publicize and say, hey, this is where you can go. It has great fishing and it is free, to get that opportunity in nontidal areas.

I will just mention though that if we were to do that it would require legislation to give us the authority to add nontidal because again these areas were added when the sport fishing license for the Chesapeake Bay was created.

MR. GRACIE: Is there language in the act that gives you the authority to do that in tidal or did it name these areas?

MS. HUNT: These areas are listed by regulation.

MR. GRACIE: By regulation.

MS. HUNT: Right, in tidal waters. The authority is from the tidal law, the sport fishing license law.

MR. GRACIE: Carol?

MS. STEVENSON: Well, I would just like to carry on what Ray was talking about on the nontidal. And I hear what you are saying but as primarily a trout fisher, and somebody who has been interested in teaching children and youth for a

long time, I like the opportunities to do something that is a little bit more expansive with children in areas that don't require licenses.

At the same time, I am concerned that I don't know -- if it becomes an area open to everybody, then it is a magnet for other kinds of fishers, you know, and if you are going to stock it with fish or put fish in a pond somewhere in western Maryland, I don't know how you prefer fishing with the community, families in communities, and how you exclude other fishers who want to come in.

So that is a problem. I also don't understand or didn't understand when I read it originally the criteria about the subsistence fishing because I don't know how you would exclude other people.

MS. HUNT: You don't exclude anyone.

MS. STEVENSON: See, that is the problem.

MS. HUNT: That is just how they were chosen.

MS. STEVENSON: So the subsistence fishing thing really wasn't as much of a, an important criteria as changing some of the criteria to reflect what we want to do, maybe to expand it into nontidal areas and also to expand it into families and children.

MR. GRACIE: Dave?

MR. D. SMITH: Marty or Gina, how many people used the free fishing areas in 2010?

MS. HUNT: We do not know. I will tell you though that to fish in free fishing area you have to have a registration. This is a license exemption. We still need contact information for all anglers, which is problematic because -- I am struggling with the word there -- but it is problematic to get that message across too. So keep in mind we should have contact information next year for everybody that has been registered.

So we could certainly survey them and say, hey, look you got this registration. Was it to go on a pleasure boat decal? Was it to fish in a free fishing area or was it personal, private waterfront property? So we can get to that answer later but we do not have it now.

MR. D. SMITH: I just think that is an important piece of this puzzle I think, to know how many people we do have using them, which sites, whether for safety or whether they are not being used. And that kind of gives you an idea whether the people, or to market better to that area. So maybe we just have to wait to get that information.

MR. SIKORSKI: And that registration would just be a tidal fishery issue, correct?

MS. HUNT: That is the -- yes, it is only tidal. It is only for the saltwater angler registry.

MR. SIKORSKI: There have been some good points brought up. I think marketing these areas further is probably

good for fishing in Maryland in general, and I am not sure what the difference we distinguished between subsistence fishing and nonsubsistence. I mean, if you harvest the fish and you take it home you are subsiding off of it. I mean all fishing could be argued to be subsistence fishing so I think that requirement, just in the nature of fishing, would be met.

It is great to have, you know, families, people, let's say in Ocean City. If Ocean City or Worcester County in general deems it necessary to have these X number of locations, I think that we should from the State level allow that, and maybe find that happy medium, that number that exists. The number that is proper for each county so there is equitable use of these free fishing areas and not hold back and then not allow this access, further access to be allowed.

As long as it is not a management issue or an enforcement issue, I say release the hounds. Let them free fish.

MR. D. SMITH: I was just going to -- Dave, that is a good point. What is the management regarding these free fishing areas, if it requires more staff. Do you have any idea? Or is there any?

MR. GRACIE: I don't think there is any.

MS. HUNT: From fisheries' perspective there is no additional management. From NRP's perspective, although she might add something, I will just say I asked, I did ask NRP

and they said they cover them on their normal patrols.

When I asked if there were any citations for not having the registration this year, they were not -- they were only issuing warnings, and the data was honestly not entered in up to date enough to find out if there were any warnings. But we don't have the answers to know if they have been an enforcement problem or not.

MR. GRACIE: Herb?

MR. H. SMITH: I mean just in terms of the report, the majority of areas are not serving subsistence fishermen. This is your conclusion.

MR. GARY: That is being derived -- we did cite visits to many of these locations but truthfully it was like a (1) site visit. But they were complemented by phone surveys to -- phone call interviews to bait and tackle stores, Natural Resource Police officers, some fishing clubs.

So we got a general sense, Herb. Nothing to quantify it obviously, but we felt we had enough information to say that a lot of these areas weren't functioning in the same way they were back in the day. Or at least as intended. The site down in Princess Anne, Manokin River, that area was added in 1993, and when Keith Lockwood went down to visit it, it was all overgrown. It wasn't necessarily even safe.

The other issue to consider is quality. If you are going to have a place, it ought to have a level of quality

even if provides just an episodic opportunity, like North East Town Park. I mean, I don't know, you might be able to catch fish in the summer or fall there, but I tell you what, you go there in late February or early March, that is a great destination.

On the other hand, down at Hull Street and over at Middle Branch Park, those people are catching fish from late spring to autumn.

MR. GRACIE: They are fishing there all the time. I don't know how you know they are not subsistence fishing, but I have never been there without seeing people fishing.

MR. GARY: I don't know. Hopefully we didn't say all of them. I guess that is what you just said. But I agree, we're not sure they ---

MR. H. SMITH: Majority.

MR. GARY: Yes, the majority. But that wouldn't include that. That clearly is providing subsistence opportunities.

MR. H. SMITH: I just think this is a slippery slope. I mean with Worcester wanting to have three more for seven sites. Where do you stop this? You have two different goals. You have the original legislative intent, which is not in the legislation but rather is DNR regulation, so you have administrative discretion on whether -- where the sites are and how many there are. And that is about subsistence.

Then there is the other issue of marketing fishing, which I would think, I would have to agree with you, that free fishing days or a one-day license for two bucks in Ocean City only, would be the way to go. But to me, to just, you know, to multiply the number of free fishing sites is insane.

MR. GRACIE: Marty, I guess my question would be if you are going to use it as a marketing tool, then it ought to be part of a marketing plan. The commission that served before I came back on here developed a marketing plan which, as far as I know, was never implemented. I actually got Brenda Foster and Joe Evans together to go over that a little over a year ago and was told that we can't do anything yet because we don't have the electronic file system yet.

So if that was an integral part of the marketing plan -- I guess in the absence of a marketing plan, you would have a hard time convincing me that this is part of a marketing plan. So it is not that unless you have a marketing plan, and I haven't seen one come forth.

MR. GARY: You are right. That is tied into the electronic system, and it is also tied into partnerships with the Recreational Boating and Fishing Foundation, and we are waiting and we are arguably pretty close to that point --

MR. GRACIE: Well, you know, if this is part of that plan, then present it as part of that plan would be my feeling about that. If there are other reasons to consider this other

than part of a marketing plan to increase interest in fishing, then we need to hear them.

MR. GARY: I don't think we are saying that it is.

MR. GRACIE: Okay. That was the question I asked.

MR. GARY: We are really wondering whether you all value it. We saw some -- we had a very passionate discussion in one of our management team meetings, and there were a number of good points made about the value of these places. But at the end of the day there are some arguments as to whether or not we should have any at all.

We just started the conversation off by saying that anything down in Ocean City costs most than buying a short-term fishing license. I mean, I am not saying that with disrespect to Sue's point but --

MR. GRACIE: I guess unless a commissioner feels strongly and wants to do something, I don't think we are ready to take a position on this tonight. And I think we ought to look into it some more.

MR. H. SMITH: I think if there is there is an unsafe site, it should be closed.

MR. GRACIE: They have the authority to do that anyway.

MR. H. SMITH: They were asking for advice.

MR. GRACIE: I just heard some contradictory information from a guy who drives that 213 bridge across the



Chester River daily who says there is nothing unsafe about it and there aren't any incidents. So on the basis of one visit to a site, I am reluctant to jump on board that conclusion.

MR. SIKORSKI: I think as long as it doesn't become extremely cumbersome to the department, reaching out to the counties that have these sites and letting them make the decision as to whether they are safe/unsafe or they are completely -- it is feasible for the community to use them.

I mean maybe limiting the number that each county can, or the State will allow each county to have, but other than that allow the county to kind of, at least coordinate with the State whether or not they are usable, safe, you know, all those sorts of issues.

MR. GARY: Well, then we have the other -- the looming issue of the next legislative session and whether or not we take action, I guess, falls in play with what happens with the Ocean City sites. So, gee, I don't know --

MS. HUNT: Any legislative action is only needed if we are going into nontidal areas.

MR. GRACIE: You have the authority to do anything in tidal.

MR. GARY: But Ocean City is expecting hopefully some feedback on their request.

MS. HUNT: Certainly. And Perryville's request is a couple years old. Because of the angler registry, we did not

move forward with it.

MS. FEGLEY: Those are really the most critical issues, Ocean City and Perryville.

MR. GRACIE: Bill?

MR. WINDLEY: Where in Perryville are they wanting to have the area?

MS. HUNT: Is it on the map, Marty? As Lynn said, these are the most timely requests, but adding those areas means that we need to consider the criteria for areas. So if Ocean City is added, then the criteria is certainly different. So you can see up there the proximity of existing free fishing areas.

MR. GARY: Right below the 40 bridge. You can do this better than I can.

MS. HUNT: I didn't do that.

(Laughter)

MR. GRACIE: You are getting the hang of this, Marty.

MR. GARY: If I am not mistaken, this has been like the newly emerged hotspot.

MR. WINDLEY: Yes, I was hoping they were trying to do something for the veterans because the veterans go out and fish.

MR. GARY: So they would come over there?

MR. WINDLEY: No, I was hoping they were trying

to --- at the Perry Point Park.

DR. MORGAN: From an analysis point of view, you have had all these sites in operation since what year?

MR. GARY: Those 21 -- well, all but 1. 20 dating back to 1986 as best we can tell.

DR. MORGAN: So then my follow-up question is has the fisheries service ever done any kind of creel survey on any of those sites to just document the patterns of fishing, et cetera, catch per unit effort, all that kind of good information that you get out of a krill survey.

(No response)

DR. MORGAN: So I would worry about that, that someone could come in and say, well, how do you document the effectiveness or the utilization of these areas, and I think, I think you should probably think about doing something like that in the future. Obviously money is tight but, you know, there might be the potential to work with some of the Federal agencies or something like that to get some extra funds.

MS. HUNT: The angler registry would give us the registration for anybody that is legally participating there, and then we could survey them through the telephone survey.

MR. GRACIE: I can't imagine that the free fishing areas are going to give you a high participation in the registry.

MR. : Yeah, that is what I am thinking.

That is what I am thinking. You are not going to see those people there.

MS. HUNT: I know.

MR. GARY: Well, we still have the Ocean City request --

MS. HUNT: We listed a number of questions -- there are seven questions in the memo that went out. I am not sure if you want to tackle some of them, come back at another meeting with answers to these now that we have had this discussion or where you think it would be more appropriate to give the department feedback.

MR. GRACIE: If you wanted to do this for Ocean City, for example, how much lead time would you need? You would want it before next spring?

MS. HUNT: They wanted it last summer. We need 94 days from the time of submission. There is a scoping process. Then, so, certainly a few months.

MR. GRACIE: I would prefer --

MS. HUNT: I would be happy with December.

MR. GRACIE: If you give us a deadline, I would be happy with us looking into this and having some discussion. How about that? We come back with some recommendations in December? At the December meeting?

MR. GARY: November? There is no December meeting, unless you want one. There is a November 15<sup>th</sup> meeting.

MR. GRACIE: Is that enough time? Does anybody have a problem with revisiting this at the November meeting? Let's do that then. Any objections?

(No response)

MR. GRACIE: Okay. Thank you, Marty.

MR. GARY: Sarah, do you want to switch or do you want to stay back there?

***Draft Regulatory Scoping Process***

***Sarah Widman, MD DNR Fisheries Service***

MS. WIDMAN: I am Sarah Widman, systems director in charge of policy and planning for the fisheries service. I think I know most of you, but I don't think I have met all of you yet. I have a couple topics I am supposed to cover, so let's start with -- really quickly, you guys have the handout on the regulatory update, where everything stands right now. Any questions, comments, anything on that?

(No response)

MS. WIDMAN: I guess your last one was July so there has probably been some movement on a couple of the regs we have scoped over the summer. No reg questions?

(No response)

So again just to reiterate, for those of you who are little new to this -- we will give you this update, but all of this stuff is also on our Website. We have a regs off the fisheries homepage. On the right-hand side there is a

fisheries regulatory link and you can go to all the draft stuff that we are working on and comment on it before we propose it. You can go to the propose page and comment on stuff that is proposed, and we also have all the text of what we proposed up there.

And then we just put up searchable -- they are getting to be searchable -- but essentially searchable Web links on the main regs page for recreational and commercial fisheries. So eventually the goal is that you can go in there and say, I want to go fishing in May in Ocean City and it will pull up what the rules are in that area for species you can catch at that time of year.

So we are getting there. It is improving. I will move on from that then. Scoping process, so we have in the past done three scoping meetings a year, public meetings, typically in February, May and September, where we basically go through the whole slew of regulations that we think we will be working on over the coming months. And we look for public feedback.

In addition to that, before those meetings we will post everything on that draft page I just told you about and ask the public to give us electronic feedback as well. We have, depending on the package, gotten some decent public feedback through the draft regs page, but we have had really poor attendance at the public meetings. So we have basically

been sitting there -- sometimes we haven't had anyone show up, but typically it is two to eight people showing up.

Candy shows up. So, you know, it is like press and a couple staff sitting around talking about regs. But I guess we are sort of at the point now where we are wanting some dialogue from you guys as far as your thoughts on continuing with that same format, trying to transition to a more electronic format, if there is other electronic formats.

We have talked about using Facebook more, using different types of formats on our Website to get more feedback and dialogue going. So I guess I will throw that out to you. If you have other suggestions that we can get people more involved because the current public meeting format doesn't really seem to be working. We are not getting any comment from ---.

### ***Questions and Answers***

MR. GRACIE: Are you in a position to maintain an interested parties mailing list or e-mail notifications?

MS. WIDMAN: We have. The department has one already, so we could add to that.

MR. GRACIE: Do people know that they can hear about them that way?

MS. WIDMAN: I don't know. That is a thought.

MR. GRACIE: Sounds like you are getting some feedback electronically.

MS. WIDMAN: We are, on the bigger, publicized packages that people are going to comment on anyway, we do get comments.

MR. GRACIE: You think it has to do with the level of controversy about the proposals, maybe?

MS. WIDMAN: I am sure it does. From what I have seen, yes, that is an indicator.

MR. GRACIE: This all came about -- I was involved with a group that sort of made this happen. We got a joint legislative chairman's report from the budget committee requiring DNR to open that process more. And the reasoning was once you promulgate regulations, you are stuck, and that that the attorney general's ruling is that you cannot make any substantive changes in the regulations without reissuing and starting all over again.

So it made it hard for you to adjust the public comments. So this was put forth as a way to get some public input before you take that step of actually publishing regulations in the register. So I think it has great value although it is going to have more value on controversial issues than on others. The fact that you are not having anybody show up at a public hearing isn't necessarily bad news. That doesn't mean it is a bad process.

In fact, giving people the opportunity to show up when they need to may be important.



MS. WIDMAN: We have also had some issues where I believe on the inland side where we had a fairly -- and maybe it was a --- that we had, and if Don is here, we had some scoping hearings where we didn't have people show up, and sort of the reaction came later. And maybe that was an issue of publicizing on our part, but I don't know if we are not getting the word out that this is the time.

MR. GRACIE: Don?

MR. COSDEN: Yes, actually, it is just a matter of vying for people's time. In that case, we actually sent direct e-mails to several people that never heard about it, didn't come to the meetings and came in at the last minute.

So we struggle with this issue all the time. Not only how do we reach them but how do we get their attention. As you said, you get way too many e-mails from us right now.

MR. GRACIE: Any commissioners have any comments or suggestions? A lot of people on this commission were involved in the process that resulted in this scoping meeting set up.

MS. WIDMAN: And there are certainly different variations of it, but we don't have to do a tri-annual set thing. We could try to carve out time before or after one of you guys' meetings. We could just set aside time if something is particularly controversial for a meeting. So there are different ways we could approach it.

MR. GRACIE: I know that this is going to put more

of a burden on you but it might also be useful to do some of these around the State. I know freshwater fisheries, when they have hearings on their annual regulations, they have them in three different locations. Is that right, Don? Four? Five. Oh, my gosh. I don't go to all of them.

So that might help you get participation too although I have got to say, the ones I have been to on freshwater, with a couple of exceptions, have not been well attended either. The one exception was the western Maryland, the brook trout.

MS. WIDMAN: I guess I will leave it at we are considering other ---, if it adding stuff to get the word out. Ideas and thoughts, if you guys have them, you can feel free to send them to me or Gina or Lynn or whoever.

All right, if there is nothing else on that, we will dive into the next topic, which is -- did we get the electronics working with Brandon, Marty?

MR. GARY: With Brandon? We don't have Brandon but we do have two other people from the public, including Shawn Kimbro. So he is apparently listening to this, but I don't see Brandon. Brandon is going to catch some heat, I am sure, for this.

***Presentation of Proposed Recreational Fishing License Suspensions***

***by Sarah Widman, MD DNR Fisheries Service***

MS. WIDMAN: Okay. So I just wanted to give you

guys some background. I was asked to come and give a presentation to I guess dialogue with you guys and address some questions that Brandon had regarding our recreational penalty system.

Some of you were involved and some of you were not, so I am just going to give everyone the same base information to sort of start from. As far as a timeline of how we got to where we are and what it is, there should be -- Dianne, what number handout is it, the recreational penalty system in here?

MS. SAMUELS: It is in No. 3, behind the regulatory update.

MS. WIDMAN: Okay. So behind the regulatory update you guys actually have the reg itself, the recreational penalty reg, which is a tiered system that was based off of the commercial system we had put into effect shortly before this one. So I will go to the timeline of kind of how we got to this system, and then we can talk about some questions.

Back in 2008, we had a task force on fisheries management, and as part of their report, they addressed some issues we were having with recreational penalties. We had some recreational penalty authority but it wasn't the same for tidal and nontidal.

The tidal --- was an authority for something that we couldn't really do because of computer issues that we have, so we sort of refigured it after that report was issued. And we

had a bill that passed in 2009 that sort of streamlined the penalty process for nontidal and tidal and gave us that authority to move forward with the regulation, which is what you have.

In 2009, with the authority ---, he said, hey, department, go write a reg to deal with penalties for recreational fishing. 2009 and 2010 we had the penalty workgroup, which is I believe four members from sport fish, four members from tidal fish, sat down with the department staff, the AG, NRP, and we had some public meetings to talk about how we do this penalty system.

And the original version of this, the straw man, came from them asking us can you guys come up with a straw man based on the commercial system that we have just put in place.

So it was essentially a system that was for first-time violations that they considered egregious. It was a point system, and they said a point system is hard to track for recreational so can you give us a straw man based on number of days of suspension or however you think it is going to work and provide us that information.

So we did some talking beforehand, we brought a straw man in and we started working through it tier by tier to determine what should be on here, what should we consider in doing that, and I will get into some of the things we talked about when we were making it in a minute.

So essentially through that process of discussions and all, all of what should be in here and what should not be in here, we came up with a draft, and then in May of 2010 we went out to the public with the draft. And we didn't really receive a lot of comment back from it at that point, and sort of bookending that with meetings at sport fish/tidal fish meetings in April and July of that year we brought it joint fish and tidal fish.

I believe they were both joint meetings you guys had that year, and we said, hey, we have this scoping meeting coming up in April. Take a look, give us feedback ahead of the scoping meeting. We didn't get a lot, so after we still didn't get a lot of comment, in May we got a handful. April, a little bit in the May scoping meeting.

In July I came back to another joint meeting and I asked everyone to please send us some more dialogue if they had any concerns or questions from what the penalty workgroup had come up with while working with us in the joint effort draft that we had devised.

So we gave it some more time for feedback, and in December 2010, the end of the year, we ended up proposing what you guys have in front of you. We are tweaking it for updates currently right now. There is a proposal out. And then January of this year we had the public hearing on it. There is a little bit of media outreach. I think Candy even came to

that hearing and wrote a little thing about it, and then in March the system went into effect.

So we have just started with the system over the past few months, and the first batch of suspensions were issued in August, so essentially in March it went into effect. In April people started getting violations, and then this summer we looked at all those, the past two months of violations and tried to figure out how the system was going to work internally. So if you want to hit the next slide, Marty.

(Slide)

MS. WIDMAN: So this is sort of how the system works, and it is the same for commercial and recreational. So NRP -- can everyone see it? I am sorry. NRP gives someone a citation, and that citation, as soon as they give you a citation, they send it over to fisheries service.

The individual at that point, once they get their citation, can either prepay it if the District Court has given a prepayable about to the violation. Or they can go to court. If you prepay it, that is considered a guilty. You are admitting guilt. Or you could go to court and be found guilty, not guilty, what have you.

Fisheries service is tracking this process, so once we get that citation, we put you in our database and we are tracking you in the court system. There is an online thing that any of us can go to on the -- the District Court has a

Website that you can go to and track by name and other information. So we are tracking these people to find out did they pay their tickets? Did they get a guilty verdict?

Once we see that they have gotten a guilty verdict, fisheries service and the attorney general's office is meeting weekly, and we sit down and we look over the new citations we got, which ones we are tracking, which ones are at a point where they need to move forward because they have gotten a guilty. Do we need to assess the suspension on them now, and do we have any hearing requests?

Once we have that meeting and, say, I got a ticket, I prepaid it, it is guilty, it is a 180-day tier violation that I did, fisheries service sees that I get a guilty, they have their meeting, they say, all right, Sarah was found in this closed area. We are going to send her a 180-day proposed notice. That proposed notice is sent out to me, and it goes over what you were found guilty of. You were found guilty of X. This is your proposed suspension.

The individual -- in the notice it explains to them they have 30 days. This is a bill that passed this year that requires them 30 days to request a hearing from the date of the letter that we sent them. We usually wait about 45 days just to make sure -- who knows, mail. The staff then will sit down and discuss hearing requests at these weekly meetings, so we have a chart showing us when we sent something and when we

need to have it back by, and if we don't get it.

Some of them, depending on the licensing system, if they don't have a recreational fishing license, which is the case sometimes, it is a certified letter. If they do have one, by regulation you are required to update your address every 30 days, so we will try to send it one more time to the most current address we have in our system.

If we have done all that and we haven't heard back, we are assuming you got your letter, you are okay with it, you are not requesting a hearing. If you do request a hearing or have questions or concerns, we have a hotline we have just set up so they can call us and ask questions and send us their written requests for a hearing.

It is at that point that we begin to address, all right, well, Sarah was in a closed area. She wants a hearing. It is a 180-day suspension. Let's see if she has, does she have past violations? What were the circumstances? Was she in an area that she claims she didn't see a closed area sign? Was she belligerent with NRP? So we talk to the officer. We get information from that person about what transpired from their perspective.

We look in the online system for District Court that I told you about to see do they have past violations. And then based on all that, the department has to make a decision: Do we want to move forward with a hearing, in which case it is



third-party hearing with the Office of Administrative Hearings, another State agency. And that judge from that office will hear the license suspension hearing for us and make a decision. And they could decide, well, I am not going to issue that person a suspension or they can say you get the full 180 days, Sarah.

So we have to decide is it worth us considering these mitigating circumstances to offer a consent agreement for slightly lower days and not go through with that hearing? Or should we go ahead and do that hearing? So that is one leverage the department has when going through this process.

So based on those mitigating circumstances, they may say, you know, if one day into the closed season or I was 10 feet into a closed area, I didn't see a sign, they may say, all right, well, how about we give you 120 days, and you don't have any past violations either.

So consent agreements are sent out at that point, or a hearing request is sent to OAH if an agreement can't be reached, and OAH would make a final decision on the consent agreement signed, and that is what the suspension will be. So that is the process we currently go through.

Typically once there is an actual suspension, we are only issuing press releases about it if it is kind of a high-profile situation. So you guys saw the press release because it was the first time we have had recreational

suspensions and we did a lot of them at once. So it was news worthy and we sent out a press release.

On the commercial end, which we have been doing a little longer, we have done press releases for cases where someone did something really horribly egregious and we want to draw attention to the fact that we suspended them. Or if there was a group of people that got in trouble together, we want to let the public know about that. It has not been every single time there has been a suspension issue.

(Slide)

MS. WIDMAN: Just to backtrack a second, when we created the system from these mitigating circumstances we might additionally consider at the point of a hearing request or someone brings up a problem with a suspension that has been proposed for them, we are also already considered in the system. And that is why right now when we see someone who gets a guilty, we are not automatically going and checking their past offenses.

Because when we created the system, everyone wanted a system, at least from what we were told, everyone wanted a system where it was just like commercial: first offense, you get in trouble, but let's build in some tolerance because we don't want to get people who accidentally had one undersized fish, whatever the problem was.

So the past offenses were included in the initial

system. There are some elements we have added since then for people who are multi-offending because the penalty workgroup felt strongly that we needed to add some element that if you got in trouble, and I can't think of them all, if you got in trouble several times in a certain year period, that you would get a longer suspension period given to you.

Unusual circumstances: We tried to kind of look at that but that is a little harder to look at in the system. So we tried to go with sort of the most common things that we think people are getting in trouble for that are egregious.

Knowing violations were considered, things that clearly, if you were way far into a closed area or out there in the middle of the season or you had 27 undersized fish, you were really doing something you shouldn't be doing, which kind of falls also into egregious again. How many fish are illegal? How far into the prohibited area, things like that.

So we tried to add some tolerances in based on -- it was a little different in the commercial system because it is a different number of fish that recreational people deal with than commercial people, but we tried to mirror that tolerance system that we have built into commercial into the recreational system.

And that is something that we are constantly looking at. So for example this summer, the penalty workgroup looked through, from that database we are keeping, they looked

through all of the violations that weren't getting caught up in the suspension system, and said, hey, based on these what should we be doing as far as adding -- do we need to add a violation? Do we need to change a violation under our suspension system because it is not working? The suspension system is not working.

So we update every year based on that. We are in the process of doing that right now.

(Slide)

MS. WIDMAN: So that brings us to the question. So these were the ones that I understood to be everyone's problems. First one: Should each offender's past violation history be considered prior to sending an initial proposed suspension, or should we continue with what we are doing and use it only as a mitigating circumstance once they come back to us with a problem with the suspension? And then a second part of that is how far back should we be going to check past violations?

And I guess, Marty, if you can click ahead to the next slide, I can give you a little background.

(Slide)

MS. WIDMAN: Right now, the current process is kind of what I just went over with you. So we are not spending an exorbitant amount of time checking them because it is only -- for example, we have had the 60 people that got

suspensions through the system, less than 5 of them have called with concerns or hearing requests were received, so it was only a couple hours of time of checking their past violations.

If we wanted to track everyone, we would use that online system I told you about, and it would depend on things. It would depend on how many past violations they had. Under that online system, which any of you could go online and check as well, it is categorized, and a lot of times natural resources is just considered a criminal offense. You actually have to click on it and then find out was it assault and battery or was it a natural resource crime. And then you have to click on them to find out if it was guilty, not guilty, whatnot.

How far back we check? So if we go back 20 years it would take a lot longer than five years, things like that. Right now, we typically are going back in the 5- to 10-year range to check people. Do we only want to consider guilty violations? So if I have 20 previous violations of natural resource law, but I only got three guilties, should that matter?

Essentially the staff estimated that to run a 5-year check on each person is about 30 minutes give or take. And we are estimated next summer, at sort of the height of the season, that we are likely to get 45 guilty violations from

recreational folks per month. So it equals out roughly about 6 hours a week devoted to checking all those people, if we checked every single guilty recreational violator.

So considering that -- Marty, if you want to go back to the previous slide of questions.

(Slide)

MS. WIDMAN: I guess that was our initial -- should we continue with what we are doing or should we start checking all of them and basically make it a day a week that a staff member is doing that?

### ***Questions and Answers***

MR. GRACIE: Are you expecting to get an answer to that question?

MS. WIDMAN: Yes. I mean, that is what --

MR. GRACIE: That is not going to happen.

MR. JETTON: Yeah, that is a huge amount of information there.

MR. GRACIE: The question that put this on the agenda was a simple one, which I don't think you have answered yet.

MS. WIDMAN: Well, we are getting to the press release question of what goes on a press release.

MR. GRACIE: No, the question was why can't you list the names of the people who were suspended? That was the question.

MS. WIDMAN: And we can, and that is our last -- so we can skip to that. The last question that I had up there was what information should be -- should we always issue a press release every time someone gets a suspension? And some of these, Jim, some of these were ones where our staff started talking, that we wanted to come to you with feedback. So they are not all straight from Brandon's question.

But the last one is pertaining to what you are talking about Brandon brought up, and it was we don't currently issue press releases every time someone is suspended. Should we do that, and if we do that, what information should be on that press release.

MR. GRACIE: I think Brandon's position -- I don't know if he is online here with us. I think Brandon's position is that the names of people whose licenses are suspended should be made public in some way.

MS. WIDMAN: Okay.

MR. GRACIE: Now whether that is a press release or whether that is on a Website or what. It is more of a consequence to them if they are publicly exposed.

MS. WIDMAN: Okay.

MR. SMITH: Jim, I think he also was more concerned -- and maybe more concerned is the wrong word -- but more concerned about prior violations. He was concerned about what --

MR. GRACIE: He didn't share that with me. I got a question from him to put this on the agenda.

MR. SMITH: Can DNR list the number of previous offenses, if any, from Commissioner White.

MS. WIDMAN: And I got that too. That is what started us down this whole previous offense dialogue.

MR. SMITH: So yes.

MR. GRACIE: Bill?

MR. GOLDSBOROUGH: I think he was also interested in consistency between the different groups, and then what would the criteria be used that applied to all?

MR. GRACIE: I think those are listed in the regulations along with the penalties.

MR. GOLDSBOROUGH: Well, that is what I understood him to be asking about.

MR. GRACIE: Those are here.

MR. GOLDSBOROUGH: Tell him.

MR. GRACIE: Well, I don't know, we just mail these here, these handouts. Ed, you had something?

MR. O'BRIEN: Yeah, I just am curious about the DNR process going forward. This is sort of coming to a head at this meeting, these questions. They are good questions.

The words egregious and commercial and recreational: I am interested in, if you have data, if you can tell me how many egregious cases you have had in the last 5 years.



And No. 2, what is the process going to be when it comes to fining an egregious case, and an egregious case to me is something that gets a lot of publicity. To a lot of people it is obvious criminal activity, and what is the -- within DNR it seems to me there should be a senior process to look at this because with the Internet and everything there are no secrets.

DNR I think sometimes is viewed as being a bureaucratic process for egregious circumstances, when there should be some specific direction out of DNR as to handle those big cases, which makes problems for all of us that are working with big groups and know things that are going on commercially and recreationally.

So I have given you a mouthful there, but that is what is needed.

MS. WIDMAN: Can I just reiterate to make sure I am getting what you are saying? So you are saying you would like to see either on the Web or somewhere out in the public more detail on what we consider egregious and how we will deal with that.

MR. O'BRIEN: I mean, you can read these regulations and you can come up with that, but to me this takes overview of management personnel in fisheries, for instance, for the fisheries staff to say, hey, here is what everybody is talking about. Now this has obviously got egregious connotations, and

how are we going to handle that, and how are we going to let people know how we are handling it?

I mean I know it is difficult, particularly when the Federals are involved. You have got about four or five cases that are just hanging out there. But there also have been violations that have surfaced. How many egregious cases do you think you have had to deal with in the last five years?

MS. WIDMAN: Two or three on the rec end and five or six on the commercial. If I would guesstimate. My take on what egregious would be, and that would be an exorbitant amount of illegal fish taken or --

MR. O'BRIEN: Egregious is something that would lead to suspension of license.

MR. GRACIE: What is your definition of egregious? I haven't heard it.

MS. WIDMAN: Well that -- I guess that was my next question. It is a very subjective thing, and we sort of had defined it out a little bit in the revocation ---, but not to that extent. It is still very, very general.

But I think when we brought that to the penalty workgroup, talking with them, talking with the AG, talking with the police, it is a hard word to define. It is like everyone knows it when they see it, but how do you define that? Yeah, it is a problem that we have and an issue we need to --

MS. FEGLEY: But you have also got offenses that are divided into tiers.

MS. WIDMAN: Right.

MS. FEGLEY: So a tier three offense is clearly more egregious than a tier one, so it is not completely --

MS. WIDMAN: Yeah. I mean it is subjective in that is a tier three egregious or a tier six egregious or is it beyond a tier six? Those types of things. The tiers do speak to that a bit.

MR. GRACIE: Dave?

MR. SMITH: You speak of two or three recreational egregious offenses? What -- just so I can get a better understanding of where you are coming from -- what was one of those?

MS. WIDMAN: I think we had -- I am trying to remember. We had one, I know, and sometimes it is just ones that get a lot of publicity because what they were doing in a group is really bad. But we had one where there was a lot of people taking striped bass, and I can't remember if it was out of season or a lot of undersized, and some of them didn't end up getting guilties so we didn't move forward with that as a suspension, which is the other battle we always face.

And there was some where we have gotten just the -- most of them surround a magnitude of illegal fish. They had a lot of undersized. They had a lot of out-of-season fish.

MR. D. SMITH: What is a lot?

MS. WIDMAN: I am trying to remember. Sorry, we give like 100 tickets a week. But certain ones where people have had over 20 fish when they shouldn't have had.

MR. O'BRIEN: That is what I am looking for, is what is a lot? And this can't all fall on your shoulders.

MS. WIDMAN: No, and it doesn't. It is a process that involves Tom and Frank --

MR. O'BRIEN: You have got to see what the public may perceive as being a lot.

MS. WIDMAN: And it is. We have regular meetings with Frank and Tom and whoever else needs to be involved to make those decisions on cases.

MR. GRACIE: So you are using a process that involves senior management.

MS. WIDMAN: Yes, we are. Sorry, when I said staff I lumped us all together, but it is staff at all levels.

MR. GRACIE: Any other comments?

MS. WIDMAN: I guess one other quick thing that Tom brought up that we are debating with now, as the system is pretty new, as to whether -- in commercial fisheries, when we suspend someone, they get suspended at the start of the fishery they got in trouble in. We are dealing with a different volume and amount of people in recreational, and Tom would like to hear your thoughts on whether we should mirror

that in recreational and start at the beginning of the season they got in trouble with or if they should start as soon as we get the information in the system.

MR. GRACIE: I am not sure I understand those two alternatives. In other words, if I got in trouble for taking illegal large mouth bass and got a suspension, then I could fish the rest of the season and it wouldn't start, the suspension wouldn't start until the next season? Is that one of the alternatives?

MS. WIDMAN: That is one of the alternatives. For example, if someone got in trouble in crabbing right now and we suspended them for a recreational crabbing violation, right now there is 180 days. They are basically just suspended during the closed season instead of getting them during the crabbing season.

MR. GRACIE: Why wouldn't the suspension apply to the day in the season starting at the time of conviction and stretching over into the next season for that many days?

MS. WIDMAN: We can. I mean, it is a tougher system to track but that is one of the avenues.

MR. SIKORSKI: That is going to be easier with crabs but if you are talking fishing, you can fish for some species all season long, all year long, whatever.

MS. WIDMAN: Right.

MR. GRACIE: So if I caught -- if I took yellow

perch illegally, I would only lose the right to fish for yellow perch? I would lose my fishing license, right, for suspension.

MS. WIDMAN: Right, you would lose your fishing license.

MR. GRACIE: So I couldn't fish for anything.

MS. WIDMAN: During -- yeah, during the suspension period, correct.

MR. GRACIE: Any commissioners have any opinions they want to suggest?

MR. SIKORSKI: I know what the definition of the striped bass season is but I know that you can also catch and release striped bass, during which you are required to have a license, so --

MR. JETTON: If you lost your license, you couldn't do anything.

MR. SIKORSKI: Right. There is no -- losing your license is losing your license.

MR. GRACIE: So if it were just calendar days, and you got a suspension in October for 90 days, you could fish again in January. That wouldn't seem like much of a suspension.

(Simultaneous discussion)

MS. WIDMAN: You don't have to answer the question now. If you guys have further thoughts -- the system is being

developed as we speak. We are working it out. So let me know.

And as far as using past offenses, just really quick. You are good with --

MR. GRACIE: How many people here were on the penalty workgroup? You were on the original one, Bill. Anybody else? Would you guys like to look at this and make a recommendation to the commission next month? Can the two of you do that? Anybody else want to serve on that little workgroup? All right, Dave Smith, Bill Windley and Bill Goldsborough. Prepare a position for the commission to consider at the next meeting in response to Sarah's questions.

MS. WIDMAN: Jim too, since we have overlap, can maybe you just throw out who would actually want to still be or be on the penalty workgroup because we are going to have a meeting soon.

MR. GRACIE: I just did that. I got one more volunteer. Two were on the former one, and Dave Smith volunteered to be on this one, so there are three of them.

MS. WIDMAN: Okay.

MR. GRACIE: Bill Goldsborough, Dave Smith and Bill Windley.

MR. GRIER: Mack was on the --

MS. WIDMAN: Mack was on it.

MR. GRIER: So I will ---.

MR. GRACIE: James Wommack also then. Are you getting this Marty?

MR. GARY: Yes. Well, who just as a point of clarification. So what you said, Jim, was take some action before the next meeting but what I also heard Sarah say was there is going to be -- another meeting is imminent.

MS. WIDMAN: So I guess to merge our things, I am going to have a penalty workgroup soon. These are the people you are reappointing to be on that workgroup, and we will look at this and come back?

MR. GRACIE: No, I didn't ask you to be on the penalty workgroup. I asked them to make recommendations to the commission on these questions.

MR. WIDMAN: Okay, that is what I originally thought.

MR. GRACIE: If you want to appoint a penalty workgroup, that is a different question. I am not sure they have all -- if they are interested in doing that.

MS. WIDMAN: I guess that -- that is fine if they want to do that. I would be happy to meet with them if they want to meet here. But in addition to that, the actual formal penalty workgroup, people have changed out so I think we only have two original members. Or three -- you are on it. So we are missing one, or are you all here. Ed, were you on it originally.



MR. GRACIE: Richie Gaines was and Dianne was.

MR. WINDLEY: Dianne was.

MR. Goldsborough: I think maybe Brian was, Brian Keehn.

MR. GRACIE: That is not from this group.

MR. Goldsborough: No, but I mean --

MR. GRACIE: I am not appointing people from the other --

MR. SIKORSKI: When are you having the next penalty workgroup meeting.

MS. WIDMAN: We have not scheduled it yet so it will be sometime, I am guessing, between now and Thanksgiving I will try and schedule something.

MR. GRACIE: Bill?

MR. GOLDSBOROUGH: On that second point, in the event we do deal with it, I have to say, as Sarah knows, I have had a very difficult time making those meetings so if somebody else feels they can do a better job representing the commission on the workgroup I would certainly --

MR. GRACIE: Is there any reason this can't be done by conference call?

MS. WIDMAN: We can have conference calls set up for it.

MR. GRACIE: Would that make it easier?

MS. WIDMAN: Would it be helpful? Okay.

MR. GRACIE: Thank you. You okay with that, Bill?  
Okay.

MS. WIDMAN: All right.

MR. GRACIE: So Bill Windley, Bill Goldsborough,  
Dave Smith and James Wommack. Thank you.

(Pause)

MR. GRACIE: Sarah, weren't you also supposed to be  
talking about the MARI check off?

MS. FEGLEY: I will do that.

MR. GRACIE: All right.

MS. FEGLEY: Okay.

MR. GRACIE: We are behind schedule so let's --

MS. FEGLEY: I think we do this one pretty quickly.

***Commission Update on MARI Donation Check Off***

***by Lynn Fegley, MD DNR Fisheries Service***

MS. FEGLEY: There was a request to update the  
commission on the possibility of putting a MARI donation check  
off on fishing licenses. And what we have learned is that to  
do that requires legislative action. So we don't have the  
authority to do that just on our own.

It actually needs legislation, and I can tell you  
that the department would not submit legislation to do that,  
which means that it would need to be -- we would toss it out  
for folks to find a private sponsor to support that  
legislation, and we would -- there are a couple of things that

would need to be carefully considered, and we are not going to solve these questions tonight and I don't recommend trying.

We would be happy to have these conversations as legislation takes form if a sponsor is found, but certainly we would want to have discussions about the scope of that check off.

So if someone makes a donation to MARI, what does that mean? Is it going to an artificial reef? Can we expand that scope to cover broader habitat restoration incorporating oysters? Those are some questions that need to be addressed, and also the question of how the funds would be administered is an important one, and there are some technicalities there, and how fisheries service is capable of tracking a single dollar as it comes in and where to allocate it to.

There is some evidence that people are more apt to donate if it is to a, not to a State agency but to a conservation or private group, so these -- so it is a short answer. This is a legislative requirement, and we would be happy to --

### ***Questions and Answers***

MR. GRACIE: I have a short question. If those issues can be resolved, are you certain the department would support the legislation if we got a sponsor?

MS. FEGLEY: I think if we could resolve those issues that, yeah, I think the department would probably

support it.

MR. GRACIE: You think so.

MS. FEGLEY: I do. My feeling is that yes.

MR. GRACIE: I would be surprised but okay.

MS. FEGLEY: Would you? I don't know.

MR. GRACIE: I think the Governor is probably going to have something to say about that.

MS. FEGLEY: I don't know. My gut feeling is that we would but, you know, then again --

MR. GRACIE: Okay. So if something is going to be done, we are sort of on our own, is what you are saying.

MS. FEGLEY: Yes.

MR. GRACIE: But coordinate with you.

MS. FEGLEY: Yes.

MR. GRACIE: Okay, thank you. Any other questions or comments? Dave Smith?

MR. D. SMITH: So what are we supposed to do with that tonight?

MR. GRACIE: Nothing.

MS. FEGLEY: That is it.

MR. D. SMITH: Or we are just mentioning it?

MS. FEGLEY: That is your update. Yep.

MR. GRACIE: That is our feedback. Thank you.

***Presentation on Monitoring Tropical Storm Irene's***

***Impacts to Chesapeake Bay***

***by Tom Parham, MD DNR Fisheries Service***

MR. PARHAM: In the interest of time I will try to move through this a little quicker. My name is Tom Parham, and I oversee Maryland's tidal water quality monitoring. I am going to give you a quick update of what happened during the last month or two.

What I am going to do is kind of set the stage of kind of what happened this late summer, and then what has happened this late fall. 2011 we had an extremely wet year. By May we had flow through Conowingo, we had the average amount of water that comes through for a whole year had gone through by May. We also had year record dead zones, a dead zone in the bay. So it was kind of, you know, it was a tough year.

And then we started with -- can you flip to the next slide, Marty?

(Slide)

MR. PARHAM: Then we started with Hurricane Irene. As everyone remembers, this was the end of August. The precipitation on this was kind of moving up the Eastern Shore. We did have some high flows on the Choptank River but Susquehanna, the Conowingo Dam, didn't open any spillways. It

wasn't considered a high flow within that time period. One thing about hurricanes, as everyone remembers, there are counterclockwise winds, so what happened was we ended up with lots of -- flip to the next slide.

(Slide)

MR. PARHAM: Here is the rainfall right here. There is Maryland in the yellow and red spots. That is roughly 8 to 12 inches of rain, but you can see a lot of that is moving up on the Eastern Shore, so the western parts of the bay were slightly spared. And then when you add with the winds -- can you flip to the next slide?

(Slide)

MR. PARHAM: This is kind of what the winds look like for that storm. Essentially the bigger the slice, the more time and the higher the wind speed. So essentially winds are blowing north and northwest during that storm. And that fits the pattern you have for hurricanes. And what that means is when we had a dead zone set up, we had lots of wind, lots of wind mixing.

So essentially what hurricane Irene did was took our dead zone, mixed up the bay, poof, nearly gone. So, Marty, can you flip to this next slide?

(Slide)

MR. PARHAM: So that was the first part of the first punch I guess if you look at it as a one-two punch. Tropical

Storm Lee was the second punch, and this was the, you know, the uppercut. Precipitation for this storm was centered on the western shore all the way up to New York. The flow coming down the dam was second all-time to Agnes.

If you look at the total flow, it was about one-half of what came through Agnes. Agnes was back in 1972. It occurred in June and did tremendous destruction to the bay. One thing that also happened was heavy scouring behind Conowingo Dam, and I will talk about that here in a second why that is important. Marty, can you change?

(Slide)

MR. PARHAM: Here are the rainfall patterns right here. Basically the purple -- this area right here is 10 to 15 to 20 inches of rain for this area right here. So anyway we got lots and lots of rainfall coming down, and that is exactly the Susquehanna watershed.

So anyway you have got lots of rain coming down, coming down the bay. Go ahead, Marty.

(Slide)

MR. PARHAM: So if you look at -- this is Harrisburg, this is the flow diagram for Harrisburg. And you see that first spike on the left? That is Irene. And the second spike is Tropical Storm Lee. So we already got a little water coming down, and we got hit with this second blast. Next slide.

(Slide)

MR. PARHAM: This is Conowingo, and what this is, is the flow record for Conowingo Dam, and let me explain something that you are seeing right here. This is 100,000 cubic feet per second right here. This part up here is where we get peak flows. This is 800,000 cubic feet. At 400,000 cubic feet, they start scouring behind the dam, so all that sediment that is back there will start to mobilize and come over the spillways.

So lots of material came over. We had -- typically in a typical year you have 1 million tons of sediment coming down over the Conowingo in a regular year. We had over 400 million tons coming for that storm alone, for Tropical Storm Lee, so a lot of material.

And the nutrients that are coming down, or the sediment and the nutrients that come down with it provide lots of fuel for algal blooms, which later can cause help in dead zones in the following year, and as algal blooms, as they grow and die off, they will settle to bottom, and as they decompose they use up lots of oxygen. The one thing about these storms though is that they are kind of happening at the end of the season, and as the water starts cooling down you have a little bit less biological activity.

So that is one of the blessings, but we don't know what is going to happen for the following year because there



is a lot of material that has come down the bay. The million dollar question right now is where is all that sediment? On a typical year you have, in the shallow parts of the bay, you have got about one centimeter per year deposition. In the deep trough you have got about four.

Well, after seeing this, we sent our folks out to the upper parts of the bay basically from the Patapsco River north --- sediment cores all over. It is not there. They can't find it. So now they are going back and they are going out tomorrow, starting tomorrow, they are going to start looking in the deep trough areas seeing if that is where all the material is. I will show some pictures later where you can look at satellite photos. The stuff is starting to settle out, so that is one of the possibilities.

But right now where is all that sediment? That is what we are trying to figure out. Next slide, Marty.

(Slide)

MR. PARHAM: What this is, this is salinity. This is another impact of the storm with lots and lots of freshwater flow. A lot of the sites in the bay are going to be depressed salinity-wise.

And so when you look at -- this is the Patapsco River up here. This is Annapolis, and this is the Goose's Reef. Goose's Reef is off of the mouth of the Choptank. Essentially what is happening is you can see the two storms

right there. The take-home message is you can have several weeks of depressed salinities. Marty, can you do the next slide?

(Slide)

MR. PARHAM: And these are some of the satellite photos right here. I think you are going to have to tab through these things. Let me see if I can tab through them. This is September 11<sup>th</sup>. This is September 12<sup>th</sup>.

(Speaking at the Smart Board away from microphone)

MR. PARHAM: You notice the plumes coming all down here. If you look at it, you can see how concentrated it is --- . It seems to get lighter as it gets down to here. And what is actually -- what is kind of interesting about it is the plume comes down to about the State line, and the folks in Virginia are really not seeing the impacts as far as the sediment coming down.

But if you look at the 14<sup>th</sup> or October 5<sup>th</sup>, October 6<sup>th</sup>, 7<sup>th</sup>, 8, 9, and here we are today. So we still have --- way up through here.

So the take-home message on this is not only does it depress salinities. We have a long period of time where there is high turbidity levels. So if you are something like an oyster, you could have some big problems. The oyster folks will be out I guess later this fall. I am not a fisheries expert, but just seeing high levels of turbidity and very low

salinities, you may have some impacts. Marty, can you go to the next slide?

(Slide)

MR. PARHAM: Here is another -- this kind of shows you what is happening in the storms here. This gray area right here is typically -- the dead zone sets up in the bay during the summer, the warmer month periods. And essentially for the main stem of Maryland, which is essentially for the basically Bay Bridge to about the State line, and that is about the area for where the deep trough is, and that is where your dead zone typically is.

You have some fingers in the mouth of the Patuxent and the Potomac, but this is essentially where it is. So on an average year you can have up to 40, 45 percent of that area as low ---, essentially not suitable for life. This black line right here is the average, and this is 2011. This is kind of what we found.

So essentially it was bad. We had a bad dead zone during the summer, Hurricane Irene comes, bam, knocks it way down. This is the early September monitoring after the storm, Tropical Storm Lee, and we are out there again and we have some numbers where it is going back up again. So what happened was Irene knocked the dead zone out, and then the amount of nutrients and sediments that came in with Tropical Storm Lee is starting to set it up again.

However, in the bay the typical process is through wind mixing, and when the water starts cooling down, the dead zone is going to be gone pretty quickly. However, the fact that all of that came down that actually reset up anoxia is pretty amazing. Next slide, Marty.

(Slide)

MR. PARHAM: We have lots of different types of monitoring on the bay, and essentially this is called water quality mapping where we have, we have our research boats with monitoring devices where you can cruise 20 knots and get a pretty good idea, collect thousands of data points. Within an hour you get a pretty good idea of surface water quality. This is a typical year right here.

This is before the storm, turbidity essentially 7.5. For a plant you need less than 10, something like that. So this is kind of average conditions. After the storm, 20 times that. Right now we are looking at about 2 times that, so it starting to come back but it is still pretty turbid.

MR. GRACIE: What depth is that at?

MR. PARHAM: This is surface, these are just surface -- yes. Marty, next slide.

(Slide)

MR. PARHAM: This is looking at salinity, looking at -- again, this is right around, this is the Patapsco right here. That is Love Point right there. This area right here.

So we are looking at, you know, 10 to 12, exactly where it should be. After the storm we are looking at 0 to 2.5. Beginning of October, basically the same thing so again big areas where you have got very, very low levels of salinity. Next one.

(Slide)

MR. PARHAM: Not only do we have lots of low salinities, we also have had record low water clarity, as you can imagine. This is off of our Eyes on the Bay Website. And essentially these yellow areas right here -- you know, the upper bay, Susquehanna flats, this is near Kent Island -- essentially the yellow areas are the range as we look at all the information we have collected from 1985. That is the range.

The blue line is the average. And the red line that we are seeing is what we have had in 2011. In each of these places, record lows are right at the bottom. Not only that, we also have some record low DO's for the month of October, and that is going to be driven by the nutrients that are bound up in the sediments as they settle down and decompose.

I talked about the resetting up of that dead zone. That is the cause of that. So this storm has done a lot of different things, you know, really not good stuff. And the verdict is still out as far as what is going to happen next year. But we are definitely seeing, through our monitoring,

some definite impacts.

***Questions and Answers***

MR. GRACIE: Normally DO goes up as temperature goes down later in the season. Is that different down at the depths. Is that not --

MR. PARHAM: What happens is in the deep trough, you know, when you have -- when those October winds and when the water starts to cool --

MR. GRACIE: It is a mixing?

MR. PARHAM: -- you get a lot of mixing that is going out. So even in the deep trough, the DO level will come up. But just the fact that the storm has put so much stuff down there, the fact that those -- the areas of very low DO start going up again is just amazing. Yes?

MR. O'BRIEN: You know, we were blessed with this good Young of the Year this year. I don't remember what the Young of the Year was when Agnes came through. I remember Agnes. I wonder what the projection is as to how this might affect Young of the Year.

MR. PARHAM: I believe the Young of the Year, the sampling part, ended before the storm started. Marty or Lynn, you probably have a better idea on that.

MS. FEGLEY: Well, I mean --

MR. PARHAM: Did Eric finish up before the storms?

MR. FEGLEY: Well, no, I was going to say that the

Young of the Year is certainly established at this point so barring -- I mean I think the biggest threat, sounds to me your question is what is going to be the impacts on these little fish that are living in the bay.

So the biggest threat to them is going to be as we move into summer, I would say, and how it sets up these dead zones and areas of bad water where that moves the fish, how susceptible they are to being able to get out of the way.

Fish, they probably will be -- fish can move. What we may see, sometimes when we see a big year class, we may see fish leaving the bay much earlier at a younger age than we usually do, which we have seen in the past. So stay tuned.

MR. PARHAM: This is monitoring of the Gooses buoy. This is --- buoy. Again what you are looking at here is the upper part is the salinity, and the take-home message here is still depressed salinities. Turbidities, they spiked. They are coming back down, down to where they are. But chlorophyll, you are starting to have some -- these spikes right here are sorts of blooms.

Typically in areas where you have lots of nutrients, you can have some wacky wintertime blooms. So it is going to be interesting to see -- our monitoring will pick this up since we go out monthly. Are we going to start seeing some of those wacky blooms because you have an excess amount of nutrients around in the bay. Marty?

(Slide)

MR. PARHAM: This is just a quick example of some of the monitoring information we have. We have 34 engineers who monitor throughout the bay. Most of these things are going to be very shallow sites. They are going to be on docks and --- usually less than three meters. Here is one at Havre de Grace, Love Point and West River.

The take-home message on these things, these green here are salinity. Susquehanna Flats is pretty much fresh anyway so not much change there. Love Point, depressed salinities. West River, depressed salinities. West River, depressed salinities.

Turbidities have basically come back down in most areas, but still when you look at the satellite photos from the flats down to I would say near the Bay Bridge, you still have a lot of turbidity. And I just looked at the satellite photos this morning.

When you look all the way up the Susquehanna River as far as you can see, which basically goes toward the New York State line before it gets too small to see, it is turbid all the way up there, so we are going to continue to have just turbid water coming down the bay for quite a while. Next slide, Marty.

(Slide)

MR. PARHAM: So kind of in a summary, we have had



elevated turbidity levels from September 7 to today in large parts of the bay. Hurricane Irene knocked out that dead zone, but parts of Tropical Storm Lee reset it up again. There are a lot of nutrients in the sediment that came down. We may see some of these outblooms setting up. However, what is going to happen next year we are not really sure. But when you have a large pulse of this food, it doesn't usually do good things.

There could be major impacts to the living resources on the bay due to these high amounts of freshwater flow and large amounts of turbidity. We already know from like the, from the flats, we can start to see that gigantic grass bed that is up on the flats. But how that is impacted, the grass beds, we don't know.

One of the silver linings might be, with a lot of the freshwater flow, it could send --- and seeds to new areas to colonize. Obviously those are freshwater plants. They are only going to live in freshwater areas so that could be a possible silver lining, but a large amount of water, close salinity, and then with the sediment that is coming along, it is acting most like a liquid sandpaper coming down.

So there could be impacts to the grass beds too. We don't know yet.

MR. GRACIE: Help me understand the impacts on algae because two things are happening. One, you got more nutrients that would fuel more algae. Two, you got temperatures going

down, which slows down growth. Three, you have got turbidity, which cuts the light to the algae too. So I am not sure it would follow that there would be a big algae bloom this year. In fact, it might be next year.

MR. PARHAM: Well, that is my point. Sometimes you will have wintertime algal blooms, some certain species. However, with all that nutrient sitting around on the bottom, that will be a source of food essentially come next spring.

MR. GRACIE: So you are looking for impacts next year possibly.

MR. PARHAM: Yes, and we may see some in the wintertime, but that is one of the things that our folks are out monitoring to find out where is all that sediment. Where did it end up? Because when you look at the plumes coming down toward the State line, you can see it gets a lot lighter, so a lot of the heavier materials have settled out. The question where is it?

MR. GRACIE: Not sure -- when you called a turbidity plume, from the Bay Bridge this weekend it still looks pretty turbid down that far.

MR. PARHAM: Exactly, exactly. We just looked at the satellite photos this morning, and when you look at -- we have our monitoring folks who are going to be out. They are out today and tomorrow on the main stem of the bay, so we will get to see exactly what is happening. But when you can see it

from the satellites, you know that those levels are still ridiculously high. While they have improved, they are still pretty high.

MR. GRACIE: That is not called infrared photography, is it?

MR. PARHAM: No. Any other questions?

(No response)

MR. PARHAM: Thank you. I appreciate your time.

MR. GRACIE: Thank you.

MR. PARHAM: Oh, one more slide here.

(Slide)

MR. PARHAM: If you guys have any -- all this stuff is from Eyes on the Bay. We have lots of real-time information. You can see basically -- it is a Google map application. You click on the stations and see our long-term information, real-time information. We have got all the satellite information that is updated daily. So if you guys are going out fishing, you can see, get a good idea where the sediment plume is.

MR. GRACIE: Have you guys done any assessment of debris, floating debris, and where that is and isn't now?

MR. PARHAM: A lot of that stuff has -- I guess the first couple weeks, the big pieces were coming down. I know a lot of that stuff has kind of settled on the shore, and I know MDE had pulled out all the propane tanks and all that sorts of

things. We haven't done any assessment as far as how much junk has come down, but a lot of it -- it was just hard to get on the water for the period right after that because boating was just totally hazardous.

MR. GARY: Tom, I just popped up the site for you.

MR. PARHAM: Okay.

(Speaking at Smart Board away from microphone)

MR. PARHAM: Okay. So essentially here is ---. If you look at current conditions right here -- well, in a nutshell what you can do right here, you can click on any of these stations. Let's look at this one right here. You can see where we are in relation to long-term averages. A whole bunch of different things. See how this year compares --- versus long term, historical.

You can see a lot of these parameter, a lot of these stations are record low clarity, record low oxygen, record low -- anyways, lots of information here. The URL is on here. If anyone has any questions, give me a yell. I would be glad to help you out. It is a great resource. And it is getting better all the time. Thank you.

MR. GRACIE: Thank you.

***Inland Fisheries***

***Liberty and Prettyboy Reservoir Fishing Center Concept***

***by Commissioner Herb Smith***

MR. H. SMITH: Hi. Ever since I came to Maryland

back in the late '60s to go to Hopkins I used to fish out Liberty Reservoir from the shore and kind of gaze in envy at people with boats.

It has always been in the back of my mind that Liberty would be an incredible fishing opportunity if a fishing center similar to the one at Loch Raven could be established there. It is 3,100 acres. It has got a very healthy, freshwater rockfish population, some in the excess of 40 pounds even. There is a wall at Reisterstown, Old Bait and Tackle, with photographs of them.

About two years ago I started talking to some city officials and got shunted off to the Bureau of Water and Wastewater.

MR. GRACIE: Been there, done that.

MR. H. SMITH: And the director there would not reply to e-mails or a huge number of telephone calls. I continued. I talked to Councilwoman Mary Pat Clarke. She liked the idea.

And then I met City Council President Jack Young at an event over the summer, and did my quick-and-dirty presentation of why this would be a wonderful thing and that he needed to find his inner William Donald Schaefer all of the Gunpowder. And he was at least somewhat receptive.

And I started meeting with his staff and talking about this, and the upshot, on October 4 we had an all-day

field trip with two of City Council President Young's staff people and a representative of Baltimore City's Department of Parks and Recreation. And Marty.

MR. GRACIE: Bob Wall wasn't it?

MR. H. SMITH: Bob Wall.

MR. GRACIE: He is in charge of their fishing program.

MR. H. SMITH: Who would like something bigger than the Patterson Park Pond.

MR. GRACIE: Yeah, I bet.

MR. H. SMITH: And we went to Loch Raven. Now Loch Raven, of course, is owned by the city although the watershed area is owned by the city but for reasons no one can explain to me, it is leased by Baltimore County and the fishing center is operated by Baltimore County.

And according to the folks there it turns a profit every year, and we went out there and looked it over, and then we went to Liberty, and what did we do -- Marty was comparing Liberty to the main woods and it was very nice.

And finally we went to Piney Run Reservoir, which of course is one-tenth the size of Liberty, and interestingly enough -- I haven't been there for a couple years -- I didn't know they now charge non-Carroll County residents \$10 apiece to --

MR. GRACIE: To enter the park, right?

MR. H. SMITH: To enter the park. \$10 apiece if you are not a Carroll County resident.

MR. GRACIE: Per day, right? Each time.

MR. H. SMITH: Each time, each time. But again, that is a very nice facility. And basically they are, according to my information, they are looking at the dollars and cents of Baltimore County and Carroll County in terms of how they are operating this, throwing out all kinds of things that it could be. You know, a private venture, they could contract it out, whatever.

But I would invite any commissioner who would be interested in, you know, providing some support for this to, you know, contact me and I will send you the list of names of folks --

MR. GRACIE: You know I am interested.

MR. H. SMITH: Yes, Jim. Roger. I have a limited number of copies of kind of my briefing paper on this.

MR. GRACIE: You can e-mail them can't you, Herb?

MR. H. SMITH: And I can e-mail them to you as well. I am HSmith@McDaniel , aka Western Maryland.

### ***Questions and Answers***

MS. STEVENSON: What are you doing up there at the Prettyboy? You are going to try the same thing at Prettyboy?

MR. H. SMITH: I would love to try at Prettyboy as well, but I think Liberty is really the target of opportunity.

You know, it is on the western side. City Council President Young is very, very keen on expanding recreational opportunities for young people in Baltimore city.

And west Baltimore, of course, has a large population rather close to that, and thoughts of running buses out of Carrie Murray Center in --

MR. GRACIE: In Leakin Park, yeah.

MR. H. SMITH: In Leakin Park is a natural. I mean Bob Wall had a tremendous number of ideas of how to make this happen. But it is still in the preliminary stages, but again the more voices, the more commitments the better for this kind of thing.

Jim certainly remembers when then-Mayor Schaefer transformed the Gunpowder River from a trout stream that died out in the summer over the top of Prettyboy water to a premier trout stream year round. And it really takes political determination and political will, and they tend to respond to the public who see this as a good idea.

MR. GRACIE: I think this is a winner. Yeah, we are going to go for it. We have some pretty influential legislators from the city that would be supportive of this too, so I am going to be talking to them soon.

MR. H. SMITH: Okay.

MR. GRACIE: And we can --

MR. H. SMITH: I have already talked Lisa Gladden,



state senator.

MR. GRACIE: I am talking about Tawanna Gaines, budget subcommittee in the house. The one who protects our general fund commitment from the governor every year when legislative services tries to remove it from the fisheries service. And Maggie McIntosh. They are both pretty influential.

MR. H. SMITH: I think we could get the critical mass pretty quickly on this, but again support from anyone is much appreciated, and I will --

MR. GRACIE: We are on it. Tell us what to do. I will try to set up a meeting with Tawanna for you and me if you like.

MR. H. SMITH: Okay.

MR. TRASEGER: Include me in that.

MR. GRACIE: Okay, Roger, sure.

MR. GARY: One other thing just to add, you know, Charlie --- tagged along that day, and anybody who knows those impoundments and those facilities certainly -- I mean this is an epic opportunity for improving access. And the one key theme I came away with that day -- I am sure you did too, Herb -- is that the city folks, where they were looking at this as an opportunity for their kids to get a chance to go out to a place.

I think this might have a nexus, Roger, with some of

the desires that the Bass Federation had to get kids out fishing and teach them and stuff.

MR. TRASEGER: And Bob and I actually already had this conversation.

MR. GRACIE: Bob is the guy who works for Trout Unlimited every year with the City Catch program in Leakin Park.

MR. TRASEGER: Yes, we discussed it. Superficially, but he brought a lot more information to me on this so --

MR. GRACIE: So anybody who wants to get involved, talk to Herb. Herb, thank you. Good work. Keep it up. Don?

MR. COSDEN: Yeah, I can't thank you enough, Herb. We spend our life looking around trying to find little places to open up, little storm water management ponds, and get turned down by our own sister agencies in the State.

MR. H. SMITH: It hasn't happened yet. There are plenty of great beginnings in politics. We have to make this one a happy ending.

***Wild Trout Status Report***

***by Don Cosden, MD Fisheries Service***

MR. COSDEN: I have got about 16 slides.

MR. GRACIE: You got 15 minutes.

MR. COSDEN: The take-home message is really pretty quick so we are going to really zip.

MR. GRACIE: Good.

MR. COSDEN: And I will get you through. Originally I asked Dr. Bob Hilderbrand to come down and present most of this information. This is from the study that he designed and did the analysis for us. He couldn't travel because of some health issues right now but I am glad he didn't because it wouldn't be much time to talk about this.

We are going to put this information together with planning an open house probably January 14<sup>th</sup> --

MR. GRACIE: In western Maryland?

MR. COSDEN: in western Maryland, probably at the community college again. The timing of this meeting is to get out and talk to people before we are up against having to propose a regulation change. So that we can talk without having something looming over people's shoulders.

MR. GRACIE: You can't do it sooner in consideration of the weather in Garrett County?

MR. COSDEN: It is a lot of work, and we also have to make sure people get there. If we ask people to show up during the holidays before Christmas, how many people are going to show?

So anyhow, I have been bringing bad news back it seems like for several years to the staff, to Tom and Gina, about trout reproduction across the State. And finally Tom said well, once you get this news out, it is time we take some of this information to the Sport Fish Commission and to the

public, which is what we are planning on doing here in the winter.

And I apologize for not having too many titles and whatnot. We were throwing these slides together pretty quick. Basically we have seen pretty poor reproduction across most of the wild trout fisheries for three, four and in some cases five years. Marty, why don't you go ahead and hit your clicker there?

(Slide)

MR. COSDEN: We just picked out a few examples across the State to illustrate this, and I believe this is trout per hectare, so while you say, wow, 250 young a year, it takes a lot of miles of the little -- a lot of meters of a little stream to make a hectare so it is not as many as it might look.

But as you see, we had some reasonable reproduction in the 2008. It bottomed out. Go ahead, Marty.

(Slide)

MR. COSDEN: Same story. I don't know what happened here in 2008 in Mill Run. That looks like a lot of trout but you know this is samplings. Sometimes you get these things. I might mention that Crabtree within our Savage River special regulation area, that was all brook trout. Mill Run is -- some of these are a combination of brown trout. We have seen the same sort of thing with brown trout, brook trout.

Doesn't matter. Okay, go ahead, Marty.

(Slide)

MR. COSDEN: This is Bear Creek. This is a combination of brook trout and brown trout. Okay.

(Slide)

MR. COSDEN: High Run, this is over in Frederick County. Go ahead.

(Slide)

MR. COSDEN: These are two Gunpowder stations, and yeah, this is --- Road, and the final one is ---. You can see we had near zero reproduction in 2010, and I can tell you what is not represented on any of these slides is 2011, and in every case it was as bad or worse.

So we are not talking about striped bass here, where three or four bad year classes doesn't matter. These fish, at best, --- five or six. So if you don't get reproduction every four, five or six years, you start losing populations.

MR. GRACIE: Brook trout are more like three or four.

MR. COSDEN: Well, brook trout three to four, although we did find some marked fish that were five years old in the Savage --

MR. GRACIE: But that is not typical.

MR. COSDEN: There is not many of them. So anyhow, this is starting to show in our survey with the adult

populations, particularly the smaller streams, in the brook trout streams. Populations are already depressed and this has only made it worse. But even some of our better streams -- the Savage River, the lower Savage, for instance, had a disaster in 2010 when they were repairing the dam and we lost about 25 percent of our adult population.

Well, we had zero reproduction in 2010. We had zero reproduction this year, and a lot of the survivors after that incident were the older, larger fish and so we think that in the next year or so fishermen are going to start seeing maybe an impact in their fishing, and I am just telling you guys, if you hear rumors you will sort of know what is behind this whole thing.

Presumably we will get this word out to the public, but we usually don't really get through a lot of the public until they have got a beef, and then they get to us.

### ***Questions and Answers***

MR. GRACIE: Carol?

MS. STEVENSON: There was a, I guess -- the reason behind some of this raising the water temperature on the Gunpowder was to increase the population by increasing some of the bait fish. That apparently didn't have any effect on the trout population.

MR. COSDEN: Well, this was a reason why Statewide pretty much -- it is amazing that it is actually even showing

up in some of the tailwater fisheries, but it has to do, we think, mostly with some high spring flows, and then in the case of some of these little mountain streams, extreme droughts in the last two years.

MS. STEVENSON: But the reason -- I thought one of the reasons of raising the temperature on the Gunpowder was to increase the population but apparently it didn't have any --

MR. COSDEN: Well, I am not sure --

MR. GRACIE: Who developed a plan to raise the temperature on the Gunpowder?

MS. STEVENSON: It has been raised for maybe three or four years, considerably.

MR. COSDEN: They have changed the way they open the gates. I am not sure it was so much to raise the population as provide a little more productivity in the stream, perhaps improve growth and provide a few bigger fish. The Gunpowder is one of the few streams that is usually full of fish, and we have never really had reproductive problems.

I am not suggesting now -- the Gunpowder is still really strong. But even there we saw dropping numbers of adults this year. I don't have the adult numbers for you right now. Those numbers haven't been crunched, but this is just kind of a heads up. We will bring the adult results back at another time.

***Upper Savage River Brook Trout Survey Discussion***

***by Don Cosden, MD DNR Fisheries Service***

MR. COSDEN: But this sort of sets the stage for what I really want to talk about tonight, which is brook trout, and specifically the brook trout out in western Maryland and then get into the results of the survey on the Savage River in the catch-and-release area, --- area of the Savage. Is that as good as it gets? It was really big on my screen.

MR. GARY: It is your slide.

MR. COSDEN: What you see here are two sets of data. The first being a survey that Dr. Ray Morgan conducted for DNR back in the 80s and up to like '90. Kind of a comprehensive brook trout survey across western Maryland. And then more recently, Dr. Hilderbrand did a re-survey of those same sites using that methodology. If you can pick it out here, what we are saying is most of the larger populations --

MR. GRACIE: She is trying to fix your slide.

MR. COSDEN: Most of the strains of better populations are seeing large declines since that early period. There were some cases, some of the smaller populations had low numbers to start with and they bumped up a little bit.

But without going too far into those data, I can say that MBSS has had sampling going on for years. They were



seeing these same sorts of trends, brook trout numbers going down. We were seeing the same thing in our surveys, and this really, back around 2005 or so, we started getting concerned about brook trout, and got more involved in all sort of actions to help conserve brook trout, including some habitat projects, water quality projects.

One of the things we did was we moved to protect the upper Savage, which is our strongest area, maybe one of the brook trout areas in the whole mid-Atlantic. And according to one of the strategies of the Eastern Brook Trout Joint Venture said move to protect your best. So in order to do that, we proposed a regulation in 2007 -- and now that you got it fixed you can go forward.

### *Questions and Answers*

DR. MORGAN: Don, can I make one quick point? Bob Hilderbrand was on my field crew during those years, and we were able to go back into almost exactly the same spots or the same transects so, you know, that is very comparable data, transect to transect, over five years worth of sampling we had back in the '80s so it is pretty good data.

MR. COSDEN: There you go. Can't get any more consistent than that.

(Slide)

MR. COSDEN: So this led to us adopting this regulation in 2007 in most of the upper part of the Savage

River above the dam except for one little put-and-take area, which is basically a catch-and-release, and it also excluded the use of ---. And at that time, we had Bob Hilderbrand design a study for us to look at the effects of this regulation, and we have been doing the monitoring now for five years.

I will says that there is a lot of support for this but there is also some resistance, and at that time when we were talking about this reg, we agreed to give it a five-year period to study and come back and review it. And basically that is where we are now. So some folks are coming to us and saying it has been five years. What did you find? What are you going to do? So here we are. This is the beginning. Okay, go ahead, Marty.

(Slide)

MR. COSDEN: These are the objectives. They basically are pretty repetitive. Restoring the number of larger fish to previous levels, restoring overall populations, obviously reducing angler-related mortality. We are hoping that will help to increase populations there. And protect the large, intact brook trout system. Okay.

(Slide)

MR. COSDEN: Study design, we had eight streams, three sections per stream that were stratified out by their accessibility to fishing, and this was pretty much right next

to the road. It takes 20 minutes or more to get into this site.

Presumably the way the data were looking, the sites that were close to the road had many fewer fish than the sites that were further away, so one of the theories we threw out there is that there are angling impacts and it is occurring at the easy spots.

So if there is an effect on the regulation, we should see that, we should see the biggest change there. All right.

(Slide)

MR. COSDEN: A map of the area. I think you all -- most of you know where that is. Let's jump right down to the slide. Next slide.

(Slide)

MR. COSDEN: Okay, this is it. So here we are. 2006 was the year before the reg went into effect. We did the whole survey, whole shebang prior to the beginning of 2007. It was after the reg came in. You can see we were pretty excited on up through 2008. It looked like we were getting a lot of fish, maybe in response to this reg.

Ideally what we wanted to see was these lines going this way, and all of them kind of converging, this black line on the bottom starting to converge up with the others. This blue line on the bottom is from MDSS Federal sites that are

under State-wide regulations. We don't know how heavily they are fished but you can see generally it was a little lower.

MR. GRACIE: Do you know what streams they are?

MR. COSDEN: Yeah, I do. Basin Run, High Run, Upper Bear Creek, Mill Run and Buzzard's Branch. So that is what we see. This is the larger fish we were talking about, just over approximately eight inches.

Not as of a much a response in the beginning. Logical; it takes a few years to grow up to eight inches. But then the same sort of downward trend, although not as pronounced, and in fact it is not really significant statistically, but never the less it is not doing what we wanted, what we had anticipated.

This is really not much of a change there in those high-access sites, the worst sites.

MR. GRACIE: Which is where you would expect the biggest change.

MR. COSDEN: It is where we hoped for the best improvement, but then again it is not, it is not going down as much but --

MR. GRACIE: It didn't start from very high though.

MR. COSDEN: I am trying to sell the --- here.

Okay. Next one, Marty.

(Slide)

MR. COSDEN: Here we go. This is going back to the

earlier message. We really, we really believe that this is what has generally been driving this issue, that reproduction has been lousy since 2008. We had a little bit of a blip there early, but even those levels, if you put them in context with some earlier years, aren't that good. Go ahead to the next --

(Slide)

MR. COSDEN: This is not really a fair comparison because this is averaging all these streams through this regulation period. And these are some high year classes that we have had historically than some of the others. But it kind of gives an idea of what you can get, and possibly could have with a good year class. So we have had nothing like that through this entire period.

MR. GRACIE: What are the units on that?

MR. COSDEN: Those are --- per 75 meter.

MR. GRACIE: Is that with the multiple. Is that regressed or is that the first pass or total in the --

MR. COSDEN: These are all --

MR. GRACIE: So okay. Thank you.

MR. COSDEN: So okay. Move forward.

(Slide)

MR. COSDEN: So really quick, this is sort of an ugly looking graph but it -- but one thing that has followed out from this work is there is definite relationship between

Young of the Year production and adult abundance. It is not surprising because these fish are mature at age one plus so when we are collecting them the next year, we are counting them as adults in our CPUEs.

MR. GRACIE: They don't get to eight inches in one year.

MR. COSDEN: They don't get to eight inches in one year. This is pure adult abundance, but a real strong relationship, much better than it looks because those lines are actually averages of all the sites within those site groups. So the lines are not -- the analysis was done on each site within itself, and so this, this will sort of give you an idea of how strong the relationship.

MR. GRACIE: I don't think I understand what you just said. The analysis is done on each site within itself.

MR. COSDEN: Yes, because it is looking at how many fish were produced this year, how many adults did we catch at that site next year, so it is looking at each site individually.

MR. GRACIE: So you are counting year class one and up fish then?

MR. COSDEN: As adults.

MR. GRACIE: Year after year.

MR. COSDEN: That is right, yeah.

MR. GRACIE: So you are calling a four-inch brook

trout an adult then.

MR. COSDEN: Well, they are -- there is a lot of literature that says they are mature so they are young a year and then they are adults.

MR. GRACIE: The second year is when they are adults.

MR. COSDEN: I think the point here is that there is a strong signal from a good year class moving forward. And in fact there is a significant relationship between the --- fish and Young of Year and two years prior.

So that would suggest we are getting fish up to eight inches at least some proportion of them within two years, which is a lot faster than I had assumed they would grow but at any rate this sort of supports the idea that poor reproduction is almost immediately --

MR. GRACIE: Well, we should have seen a peak in 2009 then if we had good Young of Year in 2008. But you had a drop in all sites at 2009 in adult fish.

MR. COSDEN: Relatively. This is family --- and I can't say it is -- there is a lot here to be looked at, and I would like to sit down with Dr. Hilderbrand at some point and bring that up later and really ask some questions of people that are interested. See if we can get into this a little better.

MR. GRACIE: Well presumably you will have some of

those answers before you have your open house.

MR. COSDEN: Yeah, and he said he will be there to speak with anybody, answer questions. So go to the next slide, Marty.

(Slide)

MR. COSDEN: So I put the executive summary in your workbooks. We just got his report late last week, and we pulled some of these -- these are paraphrased. I don't think he has these actually bulleted but if anybody wants his full report, let me know and we can e-mail it to you. It is a PDF. Okay.

(Slide)

MR. COSDEN: So basically what I have been saying here, these finds are region wide and not specific to this area where this regulation is in effect. Angling has a depressive effect. The reason he is stating that, it might not be obvious but there is some evidence that we may have protected some of those larger fish. That trend line was not as steep a decline as the overall population, and we are sort of working backwards, but the others are coming in.

We are getting convergence of those access --

MR. GRACIE: Not where you want it, though.

MR. COSDEN: He basically states several times in the report that he believes lack of recruitment is driving this whole thing. And I will say -- I didn't present data for



this last statement there. There is some evidence that maybe that is not the case. We have seen some of the biggest fish in the river, fish up to about 13 ½ inches, during some of our tagging work that didn't show up in this survey that are bigger than we have actually ever put on the board.

MR. GRACIE: I have never seen a 13 ½ inch fish in the Savage.

DR. MORGAN: And I am not going to show you any of them either.

MR. GRACIE: As if you could.

DR. MORGAN: I can.

MR. GRACIE: I can get bigger ones than that in Braddock Run.

(Slide)

MR. COSDEN: There are a bunch of slides. Let's just run through them. What are our conclusions? I think I have made all these points. So just populate through. All these are basically restating the same thing. We have seen declines, not quite as great in the larger fish. We believe they are mostly due to the lack of reproductive success right now. Keep on going. We will get to the end here. One more.

(Slide)

MR. COSDEN: These are our overall conclusions right now. We can get some better information and maybe get more of the data but basically in this area we have had four years of

terrible reproduction. Two years of extreme drought. 2010 was a record. And this is just overriding our ability to make any judgment on whether this regulation is having any effect.

There is some limited evidence that Dr. Hilderbrand points out that maybe we have protected some of the larger fish. This is the other thing. Those fish are getting pretty old now. We know they don't live too long so if we don't get reproduction in the next year or two and we lose them, we will be in worse shape. That is sort of the take-home message right now. Any questions?

(No response)

MR. GRACIE: Anybody? Thank you, Don.

MR. COSDEN: Okay. Two other things I have to run through really quickly.

***West Virginia/Maryland Enforcement of Trout Regulations***

***on the Potomac River***

***by Don Cosden, MD DNR Fisheries Service***

MR. COSDEN: Talking about the Potomac River, the north branch enforcement, we had a meeting at Western Maryland with NRP, some of the guys, a couple anglers out at Deep Creek Lake a couple weeks ago, and we pinpointed some of the issues.

I think you guys know that we would like to seek legislation to allow our officers to enforce within some distance of the bank on the West Virginia shore, and we would offer that, at least in these areas where we have this

reciprocal agreement to West Virginia as well although I am sure they are not interested.

So I think we basically would like any feedback. I am assuming the commission would support that idea but if there is some negative behind it we would like to hear it now before we move forward.

MR. GRACIE: I can't imagine. Anybody have any comment on that? In other words, they want to get enforcement authority on the West Virginia side of the north branch of the Potomac River. Essentially West Virginia -- Natural Resources Police are not, do not seem to be interested in enforcing our catch-and-release regulations, so we are not getting --

MR. COSDEN: They fish under their license, they are able to fish --

MR. GRACIE: We have a reciprocal --

MR. COSDEN: --- which belongs to Maryland. The same is true for Virginia, but we have a real issue up in the very headwaters of the river where we have -- trying to protect the wild trout population and there is a lot of poaching going on.

MS. STEVENSON: That is not going to require increases in staff is it for the Maryland side. It is just -- you want the additional jurisdiction of the reciprocity to use your existing staff to go after them.

MR. H. SMITH: West Virginia has agreed to hot

pursuit?

MR. GRACIE: Come on.

MR. COSDEN: The problem is a lot of these violations are occurring above the mean low water mark, which is technically West Virginia, and is actually not even mean low water. It is like low water at the extreme low drought period is how it has been defined in the past, and most of these folks are in West Virginia. There is no access in that reach from the Maryland side. Those boats are on the bank, already in West Virginia --

MS. STEVENSON: Is that an area where you are stocking some trophy trout so it is making it very appealing for people to go in there and fish those areas? And if you can't get enforcement will you stop putting trophy trout in there?

MR. COSDEN: That is a long story. In the past we had stocked the area somewhat because we had these net pens. More recently we were stocking with fingerlings but we had to start using adult fish because we weren't getting good returns on those fingerlings.

What has occurred just recently, come to light to us in the last year, is that we have had some reproduction of wild rainbow trout, much more than we have ever seen in the past. And we have two year classes, and one of them is getting up around 10 inches now, maybe 9, 10 inches, and then

the other is fairly small, but they are pretty abundant and they are scattered up and down that whole stretch.

So we would really like to see some protection for that --

MR. GRACIE: Would a resolution from the commission supporting this effort be useful to you?

MR. COSDEN: I think it would, yeah.

MR. GRACIE: Somebody want to make a motion?

**MOTION**

MR. H. SMITH: So moved.

MR. GRACIE: The resolution would say that -- let me see if I can get it right. We support fisheries' effort to get the authority for Maryland DNR Police to enforce regulations on the West Virginia side.

MR. H. SMITH: Reciprocity with West Virginia.

MR. GRACIE: Reciprocity is something that exists in an agreement so I would be careful using that word.

MR. H. SMITH: Jim, that is what is in it, I think.

MR. GRACIE: No, reciprocity in use. There is no reciprocity in enforcement.

MR. H. SMITH: I think I saw that too.

LT. JOHNSON: You have got to understand with us going into West Virginia, it becomes an entire law enforcement issue, not checking the fishing license and seeing if somebody has a trout. We make arrests, people are wanting to get into

fighters, we may use our guns. It is a completely different situation than checking a guy to see if there is a trout in his bucket.

It is a law enforcement liability to the department. You have got to think of us as police, not just checking a fishing license and a trout. So it is a big, big, big to-do that we have got to look into.

MR. GRACIE: And what is the implication of that statement?

LT. JOHNSON: With pursuit, it is for tidal waters in a boat. So down on the lower Potomac River, you are in a boat, you see a crime being committed, the guy flees into Virginia waters, our boats are allowed to pursue that boat into Virginia. It is not non-tidal.

MR. H. SMITH: Yes, it is hot pursuit.

LT. JOHNSON: It is not -- we can't jump out of our boat and run after a guy on land in Virginia non-tidal waters. We do not have police powers to do that.

MR. GRACIE: Have you discussed this with DNR police?

MR. COSDEN: Yes, we have, and we have a variety of opinions on that. There is obviously a lot of legal hurdles that need to be worked through but we do this on Federal lands, there is concurrent jurisdiction on Federal lands.

MR. GRACIE: Maybe a resolution of support for your

efforts would be appropriate.

MR. H. SMITH: Would the commission support legislation to allow NRP to investigate a Maryland violation in Virginia? Yes.

MS. STEVENSON: And want to arrest them.

MR. H. SMITH: To investigate.

MR. GRACIE: I wouldn't -- don't go further than he is saying, Carol, because now you are in a can of worms. That is what I just heard. So I think we support the effort would be an appropriate resolution.

MR. COSDEN: And we are going to move forward with NRP obviously. We have identified a short-term solution, which hopefully -- we have tried to contact West Virginia NRP, and they are short staffed, but we are writing a letter to their director -- who recently fished in that branch and showed some interest in this -- to their director of fisheries. And we are going to try to get some cooperation as far as targeting stocking periods next year.

MR. GRACIE: That is another issue. Do we have a second for the motion?

MS. STEVENSON: I will second it.

MR. GRACIE: Carol seconds it.

MR. GARY: I hate to have to -- want to say it one more time exactly what the motion is?

MR. GRACIE: Herb, repeat the motion.

MR. H. SMITH: The commission supports legislation to allow NRP investigate a Maryland violation in West Virginia.

MR. GRACIE: Is that satisfactory with you? Any additional discussion?

MR. GOLDSBOROUGH: It looked like our NRP representative wasn't real pleased with that wording. I am just interpreting her expression now.

MR. GRACIE: Dave?

MR. D. SMITH: Yeah, I guess just to make it clear we have NRP here who is showing great concern over this. And you are not saying legislation but support.

MR. H. SMITH: I am just reading from the recommendation.

MR. GRACIE: This is Don's recommendation so -- it is no going to happen until the t's are crossed and the i's are dotted anyway so I think what Don wants is a statement of support.

MS. STEVENSON: Supporting further study of this or the implications or --

MR. COSDEN: You want to know what we are asking for?

MR. GRACIE: Yes.

MR. COSDEN: Obviously we have been in contact, we have talked to NRP. We have also talked with the attorney



general's office, and there is a lot of details to be worked out. I can't swear that it would happen. We may hit a roadblock, but we would like to move forward and know that we have backing for this idea.

Alternatively -- I have talked to --- looking at the reciprocity issue altogether. If West Virginia can't help us enforce our regulations, why should they be entitled to fish? So there is lots of incentive here. But you have a motion on the floor. It is not guaranteed if you pass the motion --

MR. GRACIE: I am not sure I expect the commission to be Philadelphia lawyers on this. I think what we are trying to do is lend support to your efforts.

MR. GARY: Do you want to reword that then or do you want to stick with --

MR. GRACIE: Herb, are you willing to reword that?

MR. H. SMITH: Well, I am happy with the original wording.

MR. GRACIE: Well, let's call for the question then. All in favor say aye. We will do a count.

(Show of hands)

MR. GARY: I got nine.

MR. GRACIE: Opposed?

MR. GARY: I got zero.

MR. GRACIE: Abstentions?

MR. GARY: Four abstentions.

MR. GRACIE: Motion carries. Anything else, Don?

MR. COSDEN: One more thing but I think it can wait until next month when I have more information to provide anyhow.

MR. GRACIE: Thank you. Okay, Lynn, are you --

MS. FEGLEY: I think so.

*Estuarine and Marine Fisheries*

*ASMFC Update*

*by Lynn Fegley, MD DNR Fisheries Service*

MS. FEGLEY: I think the first thing was November, the first full week of November, so beginning Monday, November 8<sup>th</sup>, is the annual meeting of the Atlantic States Marine Fisheries Commission. Just wanted to update you on really the two marquee items will probably be first, I believe it is going to be Tuesday morning. The striped bass board will meet.

You may be aware that they initiated an addendum to reduce harvest coastwide by as much 40 percent based on the outcome of the assessment that has just been completed. That assessment is done, and the results are quite favorable. The stock remains within all the healthy limits. The fishing mortality levels are low. The spawning stock biomass is still placed well above the target level. There has been a slight decline but nothing -- everything looks good.

That news combined with the excellent juvenile index

that we had in Maryland. Virginia also had one of their highest striped bass JI's on record. So the feeling right now from the commissioners that we have spoken with, I would suspect that addendum is not going anywhere. That would be my gut feeling on that. I suspect the New England States, especially Maine, may still attempt to put it forward but I don't see that addendum moving forward.

So that is striped bass. Any comments on striped bass? Questions?

(No response)

MR. GRACIE: Nope. That was FYI anyway.

### ***Questions and Answers***

MR. O'BRIEN: They say they are going to fill the room up in Boston, and that charter boat presence up there I know is very, very aggressive on this, and so I think there is still going to be a lot of flack on it. And of course they wanted to cut the bay back by 50 percent. And the whole thing when it comes to the bay, and the whole thing behind that amendment, was the northern States saying they are not seeing the Cheasepeake Bay stock up there.

So it is a spawning stock issue, and then it relates when it comes to the dialogue to our trophy season, Susquehanna flats, and that is the kind of thing we hear in the advisors' conference calls.

It seems to me, just as Lynn said, that there is

just enough there to where it is not going to go anywhere, but there is, there could be some recommendations relative to the length of the fish that can be kept, and you are going to hear a lot of things again relative to the Chesapeake Bay situation.

MR. GRACIE: Is there anything we should be doing, Ed, in Maryland?

MR. O'BRIEN: I think Bill and Tom got it under control, but it is not going away yet.

MR. GRACIE: Any other comments?

(No response)

MR. GRACIE: Lynn, go ahead.

MS. FEGLEY: Marquee item No. 2 is going to be on Wednesday. It is going to be a half of day of festivities, and that will be the menhaden board meeting.

All kidding aside, the Menhaden Management Board did put an addendum out for public comment. It is a landmark event because what this addendum is doing is offering up options to set more conservative reference points for the Menhaden fishery, and more importantly what this will do is drive the coast to the ASMFC and the member states to put a management framework in place for Menhaden, that is controls on the fishery which have not existed.

It is important -- so the job of the board will be to pick precisely which reference points to adopt, and there

is a status quo option as always, and then there is an option to move the fishing threshold to a 15 percent MSP. It was set at 8 percent MSP so it is a more conservative threshold.

If the threshold is moved to a 15 percent MSP, then when you look back in time, that fishery, overfishing would have been occurring in about all of two years, all but two years of a 50-year time series. There are then options for various levels of targets, and that is where the conversation is going to get interesting as which one of those targets to adopt.

If you are talking to your constituents about this, it is very important that people understand that within this addendum were also options for management tools. That is things like quotas, spatial closures, temporal closures, size limits. Those management tools were included in this addendum for the sole purpose of public scoping.

They will not be decided on at this meeting. At this meeting the board will give some guidance as to which of those tools should be pursued and then they will be put into a separate and oncoming addendum. There will be a conversation at the board as to whether those tools should go in via an addendum or amendment.

That is a little bit of a technical conversation but the bottom line is that the most important action at this meeting is going to be to choose that new management

framework.

MR. GRACIE: Any comments, questions?

(No response)

MR. GRACIE: We are getting there. Okay. Who is leading this discussion if Brandon is not here? Brandon White asked us to consider supporting an extension of the Chesapeake Bay recreational striped bass season.

***Potential Extension of Chesapeake Bay***

***Recreational Striped Bass Season into December***

***by Lynn Fegley, MD DNR Fisheries Service***

MS. FEGLEY: I think what I would like to do is provide DNR's response to that. We are inclined not to do that for several reasons. One is again we want to be careful drawing attention to the Chesapeake Bay. We have -- Wave 4 numbers have just come in. The Wave 4 numbers are higher than they were -- did they go up or down?

So what we are seeing is in 2011, the harvest up to Wave 4, the 2011 harvest up to Wave 4 is quite a bit higher in 2011 than it was in 2010. Wave 4 harvest numbers as of now are slightly lower, but when you add the harvest up to Wave 4, and then you add in Wave 4, we don't have a lot of room. And in fact in 2010 the recreational harvest did exceed by a slight bit the quota.

So we don't have a lot of room. The impacts of these weather days actually occurred in September. That is

Wave 5, so we don't know -- we can't track this harvest close enough. We don't want to exceed the quota. We don't want to draw attention. Theoretically we should run these sorts of proposals through the ASMFC technical committee. We have lost the window to do that. This is a slippery slope.

And for consistency we also are entertaining a request for the commercial crab season to be extended, which we will likely say no due to the same reasons, for weather. So our response to that is likely going to be no.

MR. GRACIE: In light of that, anybody want to recommend we do anything? Any questions or comments?

(No response)

MR. GRACIE: Okay. The other issue was to talk about Maryland's commercial pound net fishery. I think I am going to postpone that until the next meeting when Brandon is here and let him lead that discussion. We have time to deal with that. Striped bass season had to be dealt with tonight. All right. Hail Cove, Chester River? We have somebody making a presentation on the artificial reef? Are you Dave Sutherland?

MR. SUTHERLAND: I am Dave Sutherland.

MR. GRACIE: You don't look like the Dave Sutherland I know.

MR. SUTHERLAND: I only have four slides.

MR. GRACIE: Oh, wonderful.

***Hail Cove (Chester River) Artificial Reef Presentation***

***by David Sutherland, U.S. Fish and Wildlife Service***

MR. SUTHERLAND: Dave Sutherland from the U.S. Fish and Wildlife Service. Thanks for inviting me to talk to the Sport Fish Advisory Committee. I have been on the MARI Committee since its inception, and finally we are working here at Hail Cove, which you will see in a second, with the department, which we have been doing since 2007.

It has been a great partnership. It has evolved into a good connection and partnership with MARI, who will be hopefully providing some funding for us as well as working with the CCA. The Coastal Conservation Association has also been a big partner with us. It is really here on this final phase of the reef building at Hail Cove.

(Slide)

Well, where we are going to start off is in the Chester River, in the southern part of the river. If you know where Hail Point is, at Eastern Neck Island. This is just less than a mile upstream of that on the refuge. From this area you are going to see -- you can see Love Point in the background. It is popular --

MR. GRACIE: Is it supposed to be on the screen?

MR. SUTHERLAND: Where are you?

(Pause)



MR. SUTHERLAND: So there we go. It has been a great partnership with DNR. This is the second shoreline project we have done since 2005 actually. This project started off as a living shoreline project, and the final phase is this reef portion of it, which has taken a couple years.

We finished the shoreline project in 2009, and we were just gathering the funding together, which we have now, and we are looking for some positive feedback from you guys so we can take it forward. I am going to Tidal Fish on Thursday, and hopefully before the water fowl closure period ensues that we can get this project in. So this is really shovel ready, and I will tell you the full story about it right now.

Chester River, Hail Point, is right down here. We are just upstream at Eastern Neck Island. That is Wildlife Refuge. There is Love Point in the background.

Initially this living shoreline project was to shore up this isthmus right through here. It was only about 30 feet wide. It is now, it is 60 to 70 feet wide. Good marsh grass growing on it. It is great terrapin habitat, and it is protecting 100 acres plus of SAB habitat in Hail Creek, which lays behind and separates Chester River --

MR. GRACIE: Is that a sandy beach on the edge of that?

MR. SUTHERLAND: That is -- there is a lot of open beach but there is a lot of marsh grass also. Okay? In

conjunction with the living shoreline, there were headland breakwaters constructed with rock here and here about 200 and 300 feet. It is just to provide extra shoreline protection in the event that you get some strong northeast and southeast winds. I guess we are ready for the next slide.

(Slide)

MR. SUTHERLAND: Okay, if you can just take that picture and just kind of put it a little sideways here, we are looking in -- here are your breakwaters here, and here is the living shoreline that was created. In between the two headland breakwaters is the ark of stone.

This is the initial portion of the reef that was first constructed. It is about a quarter of an acre. It is about 2,000 feet long by 15 feet wide. And we got that in place while we were waiting for the final funding for the rest of the reef, which is two and half acres in total.

MR. GRACIE: Where will that be located?

MR. SUTHERLAND: This -- the reef is going to be within this area right here, two acres, and we are not going to go any further channelward. Then these headland breakwaters -- and we are not even 200 feet from the back of the shoreline here. We are in three -- this is all three to five foot low water.

It is potentially going to be a really fine fishing location as well as have other numerous ecological benefits

from the reef creation there, which I will end up with on the final slide, which is -- we will show you some of the 20 bushels of adult oysters we placed on the reef back in 2009. Next slide.

(Slide)

MR. SUTHERLAND: Here are the 11 mounds that we are going to create. We initially thought we might use granite there but there has been an underswell of feeling within the department and in the general public that artificial materials are getting -- they are not as well thought of as they might have been.

MARI had gotten a number of great reefs created, some great fishing opportunities, great reefs created from Woodrow Wilson Bridge material, and a number of other sources of material to create reefs. But the department and the Fish Wildlife Service is trying to get back to a more natural approach. And we are thinking, and we want to place limestone to create these 11 structures here at the reef.

They are about 100 feet long by about 50 feet wide. There will be no more -- they will be from six to a foot and a half high off the bottom.

MR. GRACIE: Six inches to a foot and a half?

MR. SUTHERLAND: Yeah, I meant to say six inches to a foot and a half high off the bottom. We are not going any further channelward in the existing structures. The use of

limestone will really be, hopefully a step in the right direction here. There have been tests done on it by DNR. They found that spat is adhering to the limestone nearly as well as natural shell.

The reason for the limestone is this is as close as we can get to natural oyster shell. And certainly a long way from using slag or porcelain or broken up cement. I mean, we might come back to that. Cost is going to be an issue. We want to make, we want to create a demonstration project here at Hail Cove.

This is not in a sanctuary, but working with the Friends of Eastern Neck and Washington College, we potentially would like to get a demonstration lease started there. We were on the phone with those folks as early as today to, you know, restart the discussions there, and there is good support from Washington College and the friends group.

MR. GRACIE: What does that mean, a demonstration lease? Explain that.

MR. SUTHERLAND: That is ecological values only. There is no commercial take. It has got to be less than five acres and there has to be 503 not profit college, university, something of that nature has to be the applicant. It is not open to just anyone. It is purely ecological values.

Okay again so we have got, pretty much have our funding in place. We have got verbal agreement from DNR

engineering construction to help us place material. We have got a contractor waiting for an order for this limestone, and we are ready to go, and we are going to do it here hopefully in the near future with everybody's support.

MR. GRACIE: What would you like from us?

MR. SUTHERLAND: I would like verbal support, written support, to the department on this demonstration project. This is going to be an opening salvo for the limestone. It is as close as we can get to shell without doing shell. And we are going to get the friends and Washington College to do the lease and do the spat on shell there, and we are going to have a fine -- if I can get the next slide.

(Slide)

MR. SUTHERLAND: This is the last slide, and really this is just to remind you and to mention, you know, the ecological value of reefs. I don't know that I need to really repeat this to you guys, but we are working right from the marsh, the duck habitat, you know, black duck, canvasback, bay ducks.

They are feeding, nesting, you know, on the marsh. They are off the marsh, they are down on the reef. You have got hooked and/or bent mussels right in, creating reef habitat with the oysters on the hard substrate. It is just a continuum right from the marsh right on out, and the

ecological values are really endless on projects like this.

We are in shallow water, we are restoring the shallow water habitat that really has been lost throughout the bay. This is the demonstration --

MR. GRACIE: You are preaching to the choir. Why don't you give me time to see if we can get a resolution in support for you.

MR. SUTHERLAND: All right.

MR. WINDLEY: Where does the limestone have to come from?

MR. SUTHERLAND: It is going to come from Maryland. It is going to be western Maryland.

MR. WINDLEY: So is it an expensive proposition?

MR. SUTHERLAND: It is more costly. It is not Frederick County.

MR. GRACIE: Frederick County, that is where the limestone deposits, Frederick to Washington. Okay, does somebody want to make a motion for resolution of support?

**MOTION**

MR. GRACIE: David Sikorski. Any second?

MR. GOLDSBOROUGH: Second.

MR. GRACIE: Just say we support this project. Is that enough?

MR. SUTHERLAND: That is excellent.

MR. GRACIE: Any discussion?

*Questions, Answers and Comments*

MR. JETTON: I just have one quick question. Again, it will be in my own backyard. Washington College and the Friends of Eastern Neck Island will actually be owners of that lease?

MR. SUTHERLAND: I believe so.

MR. JETTON: Will they be in charge of that from that point on or will you guys still maintain control of that? How does that work?

MR. SUTHERLAND: It is State bottom. It is -- I am not really sure exactly the inner workings of the leases but they would be responsible for --

MR. JETTON: For monitoring and watching how it grows?

MR. SUTHERLAND: Yes.

MR. JETTON: I mean, I know the guys at Washington College, and Eastern Neck Island is just kind of a loose group of retirees for lack of a better word. And I hate to kind of minimize them but I am curious --

MR. SUTHERLAND: They need Washington College in a big way.

MR. JETTON: Yeah, they do. They need Washington College, and that is why I am asking. Okay.

MR. SUTHERLAND: I completely agree with you.

MR. JETTON: They are great guys, don't get me wrong, but they are not biologists, and Washington College is a liberal arts college but I am going to -- they just built this brand new boat just for this kind of thing so I am curious --

MR. SUTHERLAND: And they have got their Chesapeake Semester. Mike Hardesty is helping lead that up and Maryland Grows Oysters. Mike has been very involved. It just is completing the circle here on the --- habitat.

MR. GRACIE: Before we vote on that, are there any comments from the public?

***Public Comment***

MR. ZLOKOVITZ: The site is already permitted with the typical MDE watershed license and Army Corps permit, and the permit holder is the Fish and Wildlife Service.

MR. GRACIE: Call for the question then. All in favor say aye? Raise your hands. Let's do a count.

(Show of hands)

MR. GRACIE: Any opposed? That is everybody.

MR. MORGAN: I have a quick question.

MR. GRACIE: Too late.

MR. MORGAN: No, no this is a follow-up question. This Hail Cove is just one area, Dave. Have you identified some other areas that you can do the same thing?

MR. SUTHERLAND: Yeah, we are looking off of Ferry



Point just downstream around the corner at the Queen Anne's County new park there. We are working with ---. We are working to looking to work on a landscape ---. We want to expand this and we want to -- Hardesty wants to work upstream in the Chester. This is just a start, and I hope to be back here quite often really.

MR. GRACIE: Thank you, Dave. Before we adjourn the meeting, I will take comments from the public. Anybody have anything to say to the commission?

***Public Comment***

MR. ZLOKOVITZ: Hi, my name is Eric Zlokovitz. I am the artificial reef coordinator for Maryland, and I am the representative for MARI, Maryland Artificial Reef Initiative. I just wanted to give you a quick update since the last meeting on the Simkins Dam reef project.

We are very close to actually deploying the material. There has been no change in the site location. We are still sticking with Swan Point No. 1, which is indicated in the handouts. Handouts look like this. Swan Point No. 1 is shown at the top of the north end of the chart here. It is on the 20-foot contour line near Swan Point off the mouth of the Chester River.

So that is the site, which is the same site that was mentioned at the last meeting, and I have clearance from the Coast Guard to start work as early as Thursday of this week.

The Army Corps has agreed to the location. And I just have a paperwork issue actually with the MDE watershed license. The water quality certification letter for this project, for this permit, expired on October 1 and we put in a request for a renewal before it expired and we just haven't gotten the renewed letter yet so it is a paperwork issue.

So as soon as I get the renewed water -- the WQC, water quality certification letter, hopefully by the end of this week we can go ahead and deploy the material --

MR. GRACIE: Don't you have a two-year -- for WQC?

MR. ZLOKOVITZ: Yeah, the WQC letter is like a three-year letter, and the permit is a five-year letter, so they were out of sync. The Army Corps gave us a heads up on it because they keep a copy of all the permits, and we applied for the renewal back at the end of September. We just haven't received it yet. I checked again with MDE today and just hoping to get it by the end of the week.

MR. GRACIE: No red flags from MDE.

MR. ZLOKOVITZ: No, no red flags. Talked to Gary Setzer and he is okay with everything as long as the paperwork is in order. So by the end of next week I am hoping to actually deploy this material.

MR. GRACIE: Any questions?

MR. JETTON: What is the basic size of that material you are dumping there?

MR. ZLOKOVITZ: It is -- in the permit the concrete is processed down to 2 to 12 inches, and the granite chunks that were mixed in, because it is was a very old --- are 24 inches or less. So maximum size of 24 inches on the granite pieces.

MR. JETTON: So nothing really large like a table here.

MR. ZLOKOVITZ: No, and we actually have approval from the Kent County Watermen's Association. Bill has done extensive outreach with the watermen in that area. And we also have clearance from the Maryland Historical Trust because they were concerned about some historical shipwrecks in the area. And --- did a dive survey and confirmed that this area is pretty much bare rock. So based on that they are okay with it.

MR. GRACIE: Okay. Meeting adjourned.

(Whereupon, the meeting adjourned at 9:00 p.m.)

