

**Minutes of the Regular Meeting
Potomac River Fisheries Commission
Colonial Beach, Virginia**

September 8, 2011

Commissioners Present: Thomas J. O'Connell (MD) – Chairman, Steven G. Bowman (VA) – Vice-Chairman, Dennis C. Fleming (MD) - Secretary, Ida C. Hall (VA), William L. Rice, Sr. (MD), J.T. Holland (VA), Robert H. Bowes (MD) and Kyle J. Schick (VA).

Officers Present: Kirby A. Carpenter – Executive Secretary, Ellen B. Cosby – Assistant Executive Secretary and Michael C. Mayo – Legal Officer.

Others Present: Lt. Charles Sauter – MdDNR Law Enforcement; Capt. James Rose and 1st Sgt. Adam Friend – VMRC Law Enforcement; Joe Grist – VMRC; Joe Heckwolf – Maryland Attorney Generals Office; John Morris, George Smith and Mark Hunter – Crab Advisory Committee; Paul Springer, Jr. – Oyster/Clam Advisory Committee; Sam Dorough, Jr., Jason Jones, Joe Stine, Reid Franklin, David Franklin, Patrick Goldsmith, Clarence Goldsmith, Paul Springer, III, Willy Rawlings, Richard Riche, Frank Swann, Mike Swann, Roger Hill and several others who did not sign the guest register.

Chairman O'Connell called the meeting to order at 9:00 a.m. Commissioner Schick provided the invocation and Mr. Mayo led the Pledge of Allegiance.

Consideration of Minutes

A correction was made to the June 9, 2011 minutes noting a typographical error on page 6 that will be corrected prior to the minutes being placed in the minute book.

A motion was made by Commissioner Rice seconded by Commissioner Bowman and unanimously passed to approve the minutes, as corrected, of June 9, 2011.

Blue Ribbon Oyster Panel Report – August 11, 2011

Chairman O'Connell noted the Blue Ribbon Oyster Panel was formed earlier this year to look at new ways of advancing the public oyster fishery in the Potomac River, setting forth some goals and looking at some strategies to increase the amount of harvest while striving to make the fishery economically sustainable.

Ellen Cosby presented the Blue Ribbon Oyster Panel Report. She noted the panel's subcommittee met on July 14, 2011 to review the revised model and to "fine-tune" some of the details of the program. After a focused discussion, subcommittee recommendations included: have at least 20 people in the program to make it self-sustainable; to qualify for the management program, each person should purchase an individual hand scrape license and pay a surcharge fee

of \$300 each year for three consecutive years; only allow hand scrapes on the management reserve areas; cap participation in the management reserve program to 75 people or 50 boats; have the Commission pursue increasing the oyster tax from \$1 to \$2 (requires legislative action); and set the maximum cost of spat on shell at \$20.

The PRFC Oyster/Clam Advisory Committee met on August 2, 2011 and they were advised of the panel's progress and of the sub-committee's recommendations. There were concerns and questions about the surcharge fee.

The Blue Ribbon Oyster Panel met on August 11, 2011 and reviewed what had taken place up to that point. Dr. Miller had revised his model and further simulations were looked at and what the outcome would be for watermen as far as profit. The panel came up with further recommendations to present to the Commission. There was consensus that there should be at least 35 people in the initial phase of the management reserve program, and setting a cap on the number of boats could wait a year or two. The issue of transferring in or out of the program was undetermined; however, it was agreed to recommend a three-year consecutive participation requirement (oyster license and surcharge payment) and a \$300 surcharge fee. It was also agreed that the oyster tongers surcharge and license fees be directed to planting diploid seed in the tonger's area of the river and the management reserve would be for hand scrapes only.

The panel recognized that this program needs to be publicized and explained to the watermen. A timeline was proposed for the program as follows:

- Management reserves were established January 2011
- Oyster license surcharge maximum level was established March 2011
- September 2011 – Order to set surcharge fees and requirement for 3 consecutive years to qualify as participant
- Panel meets to further develop plan
- Spring 2012 – Initial planting
- Spring 2013 – Second planting
- Spring 2014 – Third planting / first harvest

Commissioner Hall asked Mrs. Cosby to elaborate on the concerns that were voiced regarding the surcharge fee. Mrs. Cosby explained the concern was if the tongers would be paying the surcharge fee as well as the hand scrapers. The regulation, as its written, states everyone who purchases an oyster license has to pay a surcharge fee. The panel felt the tongers' license fees and surcharge fees should go toward a natural seed (diploid) planting program. Commissioner Hall asked what the status was with contacting larger firms for sponsoring the oyster management reserve program. Mrs. Cosby explained GenOn (Morgantown generating facility) officials had seemed interested in the sponsorship program. Information was provided to them that would be taken to the "higher ups" for further evaluation. As of today, the Commission has not heard back from GenOn. Initial contact with NuStar, the oil terminal at Piney Point, was made and unfortunately no other businesses have been contacted to date. Panel members suggested other people and organizations to contact and perhaps an article in the paper to generate interest.

Commissioner Bowes verified that each planting is estimated to cost \$100,000. Mrs. Cosby explained that \$100,000 would plant 5 acres on each managed reserve area for an initial one year planting. Commissioner Bowes stated there are three years of planting that have to take place and questioned if the funds would be available to do that. Mrs. Cosby explained the Commission has seed money to cover the first two years and the third year would come from surcharge, license and registration fees and would be dependent on participants in the program.

Chairman O'Connell clarified this is one of the reasons why the proposed plan has a minimum number of 35 participants, because without that there won't be enough money to cover the fees involved to run the program. The program would be placed on hold until 35 participants sign up for the program. Chairman O'Connell suggested Mrs. Cosby review the model created by Dr. Tom Miller from the University of Maryland, for the Commission. Dr. Miller did a great job developing this model that allows you to look at the investment and the return of the investment, with how it relates to the profitability of the individual harvester. It's really helpful to see how you need to establish the license fee structure in order to make the program economically sustainable and allow the program to build over time.

Mr. Carpenter stated in the back of the Commissioner's packet there is a handout of the sample model runs so that everyone can follow along with the presentation. Mrs. Cosby then reviewed the model and some of the simulations for the program.

Oyster/Clam Advisory Committee Report

Mrs. Cosby stated the committee met on August 2, 2011 and reviewed the following agenda items:

Commercial License Registration – Mrs. Cosby explained the Commission adopted a Regulation that would require any person wishing to purchase a commercial license(s) to pay a \$50 registration fee. The fee would be valid from July 1st to June 30th each year. The committee had no comments on this agenda item.

Blue Ribbon Oyster Panel Update – Mrs. Cosby explained the background of the PRFC Blue Ribbon Oyster Panel and the charge it received from the Commission to develop a put-and-take public oyster fishery that would be economically self-sustaining. She reviewed the recommendations from the panel and presented the computer model created by Dr. Tom Miller. There were several questions regarding the areas to be planted, number of boats that would be allowed to work and the oyster license surcharge fees as well as when to allow the watermen to start harvesting.

Order 2011-XX – Oyster Season, Dates, Days and Time Limits – Mrs. Cosby noted staff was not recommending any changes from last year's season. The committee felt there needed to be more time added to the hand scraping season and recommended it be changed to 8:00 a.m. to 3:00 p.m. starting January 1st to March 31st.

Election of Chairman and Vice-chairman – The committee voted to keep John F. Tucker Brown as Chairman and Wayne France as Vice-chairman for another term.

Mr. Carpenter felt if the Commission approves this program today and begins to move forward, this is only the beginning. The Blue Ribbon Panel is still going to meet to and deal with the questions that have not been answered yet. One of these important questions is when to harvest. Logically, the people who have signed up for the program would have the opportunity to set the time frame of when they want to work, within reason. The program would be structured for that. Issues such as transferring and others need to be considered. We need to recognize that there's more work to be done.

Commissioner Bowes asked if anyone from the Oyster/Clam Advisory Committee could comment on gear anticipated participation right now. Paul Springer, member of the Oyster/Clam Advisory Committee stated he could not provide exact numbers, but discussing this program with folks in Charles County, Maryland, he has received various comments from too much money to invest and others saying they supported it. He has received a broad spectrum of comments when talking about this program. What is more helpful is explaining this program to the watermen and showing them what the investment has the potential to bring back to them. The other point Mr. Springer wanted to make was over the last several years nothing has been done. This is an attempt to get something started.

Chairman O'Connell thanked Mr. Springer and agreed that the Blue Ribbon Oyster Panel talked with industry members, participating on the panel, for a way to package this so that they could share this with others and explain the program. He advised there would be a lot of education involved.

Commissioner Rice questioned if there is not enough participation to start the program, has the Commission decided what will be done with the funds that are collected as part of this program. Mr. Carpenter explained that the draft Order prepared for today's meeting states that funds collected as a result of the discontinuance of the program will revert to the natural seed planting. There will be no refunds and the money collected would be used to supplement natural seed planting. Commissioner Rice asked if there was a plan to allow someone to join into the program later down the road, versus joining the very first year. Mr. Carpenter stated the program is not designed as a limited entry program. If someone wants to wait a few years and see what's taking place, they have the right to pay into the program, advising that they will still have to pay for three years prior to harvesting. Mr. Carpenter said the discussion of a cap will also need to be addressed later in time.

Commissioner Bowman feels the Commission needs to be very direct when explaining this program. They need to be made aware of the potential of the program and risks that are involved. He wants to be on record conveying his concern for the ultimate risks that are involved from an economic perspective. He advised everyone to look at this program long and hard before a decision is made.

Commissioner Fleming stated he is excited about this and as the industry trends towards aquaculture, this very program is in fact a co-op, which lessens the sting. He feels that it will build experience for future watermen to branch out on their own.

Mr. Springer appreciated Mr. Bowman's comments. He explained that this program is front end loaded to be successful. It's designed that way because it has specific targets (2 reserved areas), limits the number of oystermen and can be viable. There are risks involved as there is with any investment and without risks there is no success. Mr. Springer is in full support of the program.

Commissioner Hall asked for clarification of the oyster surcharge that pertains to oyster tongers. Mr. Carpenter explained the surcharge fee paid by an oyster tonger would be set aside to plant natural seed on the tonging oyster bars. Anyone wanting to be in the oyster management reserve program needs to purchase a hand scrape license and pay the \$300 surcharge.

Mr. Carpenter reiterated on Commissioner Bowman's comment about disclosure and advised that there will be a disclosure statement for every individual to sign, recognizing that there is no guarantee, there are no refunds and that this is a voluntary program. The Commission wants to cover itself in the interest of full disclosure.

Order 2011-09 – Oyster License Surcharge Fees

Commissioner Bowes felt that placing a surcharge on the watermen that don't intend to be a part of this program could potentially drive some license revenue away. He suggested placing the surcharge fee on individuals wanting to participate in the program and leave the other watermen alone for right now.

Chairman O'Connell asked Mr. Carpenter and Mrs. Cosby how this would affect the simulation runs on the economic sustainability of the different models. Mr. Carpenter stated yes it would affect the results. However, in March of this year the Commission adopted Regulation I, Sec. 2(f) – Oyster License Surcharge which states that "Any person desiring to purchase any Potomac River Fisheries Commission oyster license(s) shall first pay an oyster license surcharge as established from time to time by Commission Order, not to exceed \$350.00 per person per year..." With this Regulation in place, in order for the Commission to change the draft Order would require an advertised public hearing and a regulation change. Commissioner Bowes stated the draft Order could be changed to \$0 for the surcharge fee.

Chairman O'Connell stated the Commission has been hearing from the industry for a long time now that something needs to be done. This would allow the start of the managed reserve area(s) as well as create funds for future oyster seed plantings.

Commissioner Bowes questioned how the surcharge fees paid by the tongers are incorporated in to the models seen here today. Mr. Carpenter explained that the model being shown does not count the tongers fees. Only the fees being paid by the hand scrapers are calculated into the model runs.

Commissioner Rice stated it makes sense that if you pay the \$300 surcharge and you have the opportunity to work the area, you are going to go work to make a profit. For years the Commission devoted a percentage of its budget to oyster repletion. He questioned if the Commission thought they would have the ability to add additional funding, possibly easy to obtain from the watermen, by having them pay on their own. The amount of watermen that may

pay into the program is not going to buy a lot of oyster seed. You'll never get tongs if you don't have oysters. He currently has mixed emotions about the \$300.00 surcharge fee but when you put it into realistic terms, it's about eight bushels of oysters. If the fishery has gotten to the point, for the whole season, you can't invest eight bushels for the whole crop, then you're at rock bottom and that's where we're at right now. The choice is ours to make.

Commissioner Bowman believes this issue has been thoroughly debated and believes it's an investment in the oyster situation in the Potomac River. Therefore, *a motion was made by Commissioner Bowman, seconded by Commissioner Rice to adopt Order 2011-09 as presented.*

Commissioner Hall questioned if there is a deadline as to when the watermen can sign up for the program. Mr. Carpenter stated the Order reads for the 2011-2012 oyster season so that would be between now and March 31, 2012. If we don't have 35 participants by that date, then we'll move on and do something different.

Commissioner Schick stated he's been on the Commission going on seven years and he's seen a lot of money spent on scientific studies trying to bring in a different kind of oyster and we haven't accomplished anything. This is the first time that we have a hope of putting people on the water and bringing oysters back. He truly feels this is the best shot we have to achieving this. If it doesn't work, then we've given it our best shot. He's excited about it and hopefully it will work for everyone.

Chairman O'Connell called for the Commissioners votes and with 7 in favor and 1 opposed, Order 2011-09 passed. Mr. Bowes stated that he voted against the motion because he was opposed to tongs paying the surcharge fee.

ORDER #2011-09
Oyster License Surcharge Fees

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resource and pursuant to its authority under Regulation I, Sections 2(f) and 7(a).

HEREBY DECLARES AND ORDERS: establishment of a \$300.00 per person oyster license surcharge fee, effective for the 2011-2012 oyster season.

BE IT FURTHER DECLARED AND ORDERED: that oyster license surcharge fees collected and associated with oyster tong licenses and oyster buyer licenses will be used to purchase natural seed for planting.

BE IT FURTHER DECLARED AND ORDERED: that oyster license surcharge fees collected and associated with hand scrape licenses will be used for the Oyster Management Reserve Program. Provided, however, collection of less than 35 management reserve surcharge fees for 2011-12 oyster season will result in the discontinuance of the program and any such surcharge fees collected for this program will revert to the natural seed planting as stated in the previous paragraph.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2011-09 shall become effective September 30, 2011 and expires June 30, 2012.

Order 2011-08 – 2011-2012 Oyster Season Dates, Days and Time Limits

Chairman O'Connell advised that the Oyster/Clam Advisory Committee has made a recommendation to modify the hand scraping time limit between January 1 and March 31, 2012. Last year it was from 8 a.m. to 1 p.m. Monday through Friday and the Committee proposes to change it to 8 a.m. to 3 p.m. Monday through Friday. Mrs. Cosby stated this recommendation was not discussed very much and was proposed for wanting more time. Chairman O'Connell asked if there were any bushel limits in regard to hand scraping. Mrs. Cosby stated there are none in place at this time.

Commissioner Fleming asked Mr. Carpenter how staff feels about changing the time limit to 3 p.m. Mr. Carpenter stated recognizing the limited resource in the Potomac River, staff is not going to support the additional time requested. Hand scrapes are more efficient than hand tongs and can operate at a more efficient level and with the resource being at an all-time low, any additional pressure is not really warranted at this time.

Commissioner Rice stated on the other side of the equation, January through March can be a very windy time of year. Perhaps the Committee thought if you had a good day you could make better use of it, because there's a lot of down time during the winter.

A motion was made by Commissioner Bowes, seconded by Commissioner Hall to adopt Order 2011-08 with the Oyster/Clam Advisory Committee's recommendation.

Commissioner Bowman stated the Commission just voted on a measure that would try to resurrect and bring back the limited resource we have. Based on staff's recommendation and CPUE, he cannot support the motion at this point based on the limited resource.

Chairman O'Connell called for the Commissioners votes and with 3 in favor and 5 opposed the motion fails.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and passed with 7 in favor and 1 opposed to adopt Order 2011-08 with staff's recommendation of the same season as last year.

**ORDER #2011-08
(replaces #2010-07)**

2011-2012 OYSTER SEASON DATES, DAYS, AND TIME LIMITS

THE POTOMAC RIVER FISHERIES COMMISSION, having considered the protection, promotion, growth and conservation of the oyster resources and pursuant to its authority under Regulation II, Section 2(b) and Regulation I, Section 7(a)(1), **HEREBY DECLARES AND ORDERS:** The 201-2012 oyster season dates, days and time limits shall be as follows:

<u>Gear</u>	<u>Season</u>	<u>Days</u>	<u>Hours</u>
Hand Tonging	Oct. 1 thru Dec. 31, 2011	Monday thru Friday	Sunrise to 1:00 p.m.
	Jan. 1 thru Mar. 31, 2012	Monday thru Friday	Sunrise to 3:00 p.m.

Hand Scraping Nov. 1, 2011 thru Mar. 31, 2012 Monday thru Friday 8:00 a.m. to 1:00 p.m.

BE IT FUTHER DECLARED AND ORDERED: Possession of a hand scrape shall be permitted during the aforesaid times and from one hour before and for two hours after such times. The use or possession of any hand scrape at any other time is unlawful.

AND, IT IS FURTHER DECLARED AND ORDERED: That this Order #2011-08 shall become effective September 30, 2011 and remain in effect through March 31, 2012.

Chairman O'Connell expressed his appreciation to Mrs. Cosby, Mr. Carpenter and Commissioner Schick who helped him chair the meeting and all the industry who took the time to come to some of the Blue Ribbon Oyster Panel meetings. He felt this is a positive step forward.

Open Public Hearing – 10:10 a.m.

Mr. Carpenter advised that all items were advertised and the Commission had received certification from all the newspapers. The Commission can proceed with the public hearing of the items listed below:

1. To amend **Reg. VII, Sec. 3(b)** Identification of Pots to require all crab pots to be identified with a tag/decal.
2. To adopt **Reg. I, Sec. 2(d)(5)** Crab Pot ID Tags/Decals Fee and Replacements establishing the fee for crab pot ID tags/decals and replacement ID tags/decals.
3. To amend **Reg. VII, Sec. 5(d)** Crab Pot Longlines would be a technical correction pending the adoption of Reg. VII, Sec. 3(b).
4. To amend **Order 2008-07** Commercial Crab Fishery Time Limits establishing new time limits for the commercial crab fishery.
5. To establish **Order 2011-09** under the provision of Reg. I, Sec. 2(f), to determine an oyster license surcharge fee.

Mr. Carpenter noted there were two additional items added to the advertisement that did not have to be advertised but were included as a way to generate interest in the oyster reserve program and the possibility of having a crab time limit so that people were aware of what was going on.

Chairman O'Connell explained that there is an issue that has come before the Commission for a while now. The issue is, without bushel limits in the Potomac River, crab pot limits are a tool to keep everyone within the harvest targets that are agreed upon by the bay jurisdictions. Over time, the Commission has heard that there has been abuse of the crab pot limits and the Commission has been working with the Crab Advisory Committee to try and find a solution to that problem. Before us today are draft regulations looking at marking crab pot buoys that would facilitate enforcement of that management tool. He stated he would take public comment at this time and asked that comments be brief and spoken to the regulations proposed.

Sammy Dorough is a crab potter in the Potomac River. He has a problem with the crab pot identification stickers. He crabs multiple types of crab pots that have different types of coatings on the wires to accommodate the water quality throughout the river. By using multiple types of crab pots and only be allotted a certain amount of stickers will limit the number of crab pots he

can use. He tries to maintain 475 crab pots overboard at all times. He questioned how many people have been issued tickets for having crab pots over the limit during the last three years. Mr. Dorrough suggested increasing the fine and not penalize 500 people for what a few are doing wrong. He is also concerned with being able to receive replacement decals because there is a substantial amount of loss during the entire crab season. He also does not agree with the two week female harvest closures. The regulations on the female crabs are unfair to the watermen working on the Potomac River because the river can not save the crabs alone. He ended with stating the stickers for the crab pots are not going to work and the Commission needs to increase the fines and go after the ones who are doing wrong.

Patrick Goldsmith stated he has lost over 40 crab pots during a season and has concerns of receiving replacement decals. By changing corks and washing pots, you limit the amount of pots allowed to be set back in the water, if you can't receive the proper amount of replacement decals. He suggested two different color decals, one for up river and one for lower river.

John Morris questioned what's the purpose of the decals? The buoys are clearly marked now and should be easily identifiable with that alone. There should be no need for stickers also. Chairman O'Connell stated the purpose of the proposed regulation is to facilitate enforcing the crab pot limit. Mr. Morris stated this tagging system is not going to do any good trying to stop people from setting too many crab pots. Law enforcement has to count a rig of pots even if there's a crab pot that does not have a sticker before a citation could be written of over the limit. Mr. Morris also crabs multiple gear types and feels this is not a good solution to this issue. He stated Maryland has tried this before and they are no longer practicing it and asked why they did away with it. Chairman O'Connell replied because Maryland has bushel limits in place. Mr. Morris stated the way the replacement program is set up is going to cost the watermen a lot of money just to replace decals and the amount we are allowed to replace will still not be enough. Ten percent will not cover your loss in the river.

George Smith agrees with Mr. Morris's comments. He felt there are regulations in place to identify the crab pots now and adding a decal is only identifying them twice. He stated the decals do come off when you wash the pots. He said there needs to be more law enforcement to patrol the water.

Jason Jones agreed with the comments made today.

John Morris stated the Crab Advisory Committee voted not to have decals and he feels the Commission is not listening to what the industry is trying to say. Chairman O'Connell advised the Commission asked the Crab Advisory Committee to take up this issue. There's been a problem with abuse of crab pots and the committee was charged to come up with a solution, otherwise the Commission would have to solve the problem. As of the today the Commission has not heard a reasonable solution except for increasing law enforcement and/or increasing penalties. This is something the Commission will take under advisement as we debate this issue.

Close Public Hearing – 10:30 a.m.

Commissioner Bowman stated he had a couple of points to make. From what he's hearing today, he's not sure that there isn't a misunderstanding by the watermen of how this accountability of crab pots works. It's not realistic for law enforcement to go out there and count every single crab pot licensed to a waterman. Counting crab pots to check what's over the limit is virtually unenforceable. You can't enforce it because of what the mandate is to enforce the provisions of being over the limit. So what do you do in place of that, you issue identification tags. The tags are not there to generate revenue, but to certify that person has a legitimate right to have that crab pot in the water and that crab pot is specifically licensed. Therefore, a citation would not be issued for over the limit, it would be issued for not having a tag/decal on a crab pot buoy. One of the best tools in management of the crab fishery is to know how much specific effort is out there. If you don't know how much effort is out there, there is no way to manage the fishery or the amount of effort the fishery can sustain. What this program does is give management an opportunity to somewhat control the number of crab pots overboard to determine effort. Commissioner Bowman agreed with the concerns addressed today about changing out crab pots and wasn't sure what could be done logistically to better serve the watermen, as far as ensuring they have the lawful number of decals available to them. He stated he would like to have staff work on that situation.

Chairman O'Connell stated due to the weather conditions there were a number of watermen who called the office and were planning to attend today, but were unable to due to flooded road conditions. He was not sure if they would have any different input, but in order to accomplish what the Commission needs to today, action will need to be taken prior to the December Commission meeting. If there was a desire of the Commission to allow other people who had planned to come but were not able to attend, to provide input, the Commission could call a special meeting between now and the December meeting to take final actions.

Mr. Carpenter explained there were a number of calls this morning that were primarily received from St. Mary's County expressing their interest in attending, but were unable to do so because of the weather. He can safely say the he doesn't believe that any of the people coming to the meeting were coming in support of this program. The range of comments will certainly speak for the general public at large on that issue. He felt the Commission was free to move in the direction if feels necessary.

Commissioner Rice felt the industry did a good job offering up some suggestions and alternatives that if a system like this were put in place it may work more efficiently. He felt the Commission should accommodate the industry in their needs as far as having multiple rigs of crab pots. These problems can be worked out, but not sure how we should proceed under these circumstances.

Mr. Carpenter stated he needs help with a little more detail. He suggested possibly issuing a separate peeler pot license, but that comes with a lot of other issues to deal with. In terms of the proposal in front of the Commission today, there are provisions in place within the draft regulations that allow for replacements and loss due to a weather event. Mr. Carpenter does not have a solution to deal with a waterman that has two different types of crab pots other than changing the corks. We do know from experience that the decals we have used in other programs have worked and if they are properly put on, they will stay on throughout the course of

the season. He said there are some quick-connect tags that may be an option but he's not sold on that idea.

Commissioner Hall stated she supports the concept of having accountability and using the decals as a better means of managing the crab fishery. The way these draft Regulations are presented poses some concerns. The replacement of tags is a concern. She feels that 5% is not enough for replacements. There are more that are lost on a daily basis. The ghost pot recovery program gave us an indication of how many crab pots are lost. This is something we need to consider when thinking about replacements and that the percentage should be increased. She stated she would like to be a part of creating the incident report form that's required for further replacements, so she would know what's being included in the form. The Commission should know what's being approved in granting additional replacements and is concerned with the additional costs that may be placed on the watermen. She was also concerned if this includes recreational crabbers.

Mr. Carpenter explained that recreational crabbers are already required to place decals on their crab pot buoys and have been doing so since the license was instituted. They are provided five decals when the license is purchased and we have yet to have any of them come back for replacement decals. The Commission has been selling the recreational crab pot license for a number of years.

Commissioner Bowes commented in response to Commissioner Bowman's comment about counting crab pots, and he totally agreed with him. He sees the tagging system as a way for law enforcement to spot check and if there is no decal on the crab pot they can then investigate further. He is leaning toward the program, but feels there are issues that need to be addressed such as what to use for the tagging system, a decal/sticker or a tag that can be changed from one cork to another.

Commissioner Bowman asked Mr. Joe Grist from VMRC to speak on that issue. He stated VMRC has investigated that matter and would like his feedback. Mr. Grist stated there is an interest in pot tagging in Virginia as well. VMRC has been working with companies that deal with the Alaska fisheries and other fisheries along the west coast. They currently have an interchangeable tagging system in place. There are a lot of variables and a variety of tags that can be considered and have been very successful on the west coast.

Commissioner Bowman asked what the cost was for some of these types of tags. Mr. Grist stated it depends on the size of the tag and how detailed you get. It varies between 10¢ and 50¢ a tag, depending on the design. In comparison, striped bass tags issued in Virginia average 13¢ a tag.

Chairman O'Connell summarized that some of the concerns voiced from the public are issues with multiple rigs and the only solution heard was possibly using interchangeable tags. Other issues included different pots (ie. peeler pots and hard crab pots), replacement tags and cost, and the issue about the decals not staying on the gear. These are the main concerns expressed here today and there have been some potential solutions to address these issues, but going forward

today, how much flexibility does the Commission have with the regulations as drafted to make sure we have the best program going forward.

Mr. Carpenter stated the Commission also investigated some other type of tags and found that the tags were not very reliable or stable. There are other options that we could look into, keeping in mind that we need to keep the cost around the 10¢ range. The draft regulations state tags/decals, so if the Commission would leave it to staff to make that decision about which type to use and how it would be used, that would solve many of the issues addressed here today. With regard to the replacement issue, he has heard that 10% loss is something to be expected and that was built into the regulation. Additional replacement tags are going to be made available, but would require an incident report to be provided with specific information to support the loss. He believes the Commission should give the program a try.

Chairman O'Connell stated in regard to different pot types, do the draft regulations provide the flexibility to examine that issue. Mr. Carpenter said if the Commission uses a moveable tag that would address that issue. The decal is not moveable and would not work for that situation; however the information that has been provided about the west coast system will give us some different options for types of tags used.

Commissioner Bowes suggested making this a one year program to see if it works or doesn't work and if it doesn't work we need to come back and address the issues.

A motion was made by Commissioner Schick, seconded by Commission Holland to accept staff's recommendation on the tagging/decal identification system keeping in mind that this program will be monitored and the Commission will be working with the Crab Advisory Committee on any modifications that may be needed.

Mr. Carpenter called the Commission's attention to Regulation VII, Sec. 3(b) and requested to add the bold wording under item ii) (b) to read ... "attached/display to one spar buoy and **the number of tags/decals** shall correspond to the number of pots shown on the flag (15 or 30)". This is for clarification purposes.

Commissioner Schick and Commissioner Holland both accepted that amendment as part of the motion.

Chairman O'Connell called for the Commissioners votes and with 6 in favor and 2 opposed the motion passed.

Reg. I, Sec. 2(d)(5) Crab Pot ID Tags/Decals Fee and Replacements

- i) The fee for crab pot ID tags/decals shall be \$50.00 per crab pot license. Crabbers must declare their intent to be 'active' or 'inactive' at the time of their license renewal/issue. The fee is payable at the time of renewal/issue for 'active' crabbers wishing to receive ID tags/decals by March 15th. 'Inactive' crabbers wishing to become 'active' must contact the office and pay the fee at least 45 days prior to receiving their ID tags/decals. ID tags/decals will be available for pick up at the Commission office, or can be shipped to the crabber for the established shipping and handling charge.

- ii) Replacement ID tags/decals – The original number of ID tags/decals issued will be the lawful number of pots that can be set plus 5% as replacement ID tags/decals. Replacement ID tags/decals in excess of the original number issued may be purchased for \$1.00 each up to an additional 5%. Any further request for replacements must be accompanied by an incident report on forms supplied by the Commission. The Commission may, after review of the incident report, either grant or refuse to honor such request.
- iii) In the event of a river wide or defined area weather event, the Commission, by Order, may suspend the crab pot ID tags/decals requirement for such period of time(s) or area(s) as it determines.

Reg. VII, Sec. 3(b) Identification of Pots

Licensees may set crab pots singularly or attached to a crab pot longline or both. The marking requirements are as follows:

- i) For singularly set pots –
 - a. Each crab pot set singularly in the water shall be marked with a buoy easily visible on the surface which must legibly display the boat decal number herein provided in not less than one (1) inch numbers either branded into the buoy or painted in contrasting color. All crab pot buoys with the same decal number must be painted alike and a sample buoy shall be displayed aboard the licensed vessel. Each buoy shall have only one Potomac River boat decal number displayed and all such buoys set in the Potomac shall be deemed to be crab pots.
 - b. Each crab pot buoy shall also have one PRFC issued crab pot identification tag/decal attached/displayed in a manner as to be clearly visible on the surface of the water.
- ii) For pots attached to a crab pot longline –
 - a. Each longline shall be identified with a spar buoy placed at each end of the longline. Each spar buoy must have an 18 inch square flag legibly displaying the letters “CP”, the boat decal number and either “15 pots” or “30 pots” in not less than 4 inch letters/numerals. The bottom of such flag shall be at least 4’ above the water.
 - b. PRFC issued crab pot identification tag/decal shall be attached/displayed to one spar buoy and the number of tags/decals shall correspond to the number of pots shown on the flag (15 or 30).

Any crab pot or crab pot longline in the water not identified in this manner may be seized by the duly authorized enforcement officers and shall be subject to forfeiture.

Reg. VII, Sec. 5(d) Crab Pot Longlines

Each longline shall be identified as required by Reg. VII, Sec3(b) (ii) and contain either up to 15 crab pots or no more than 30 crab pots and each line will be counted as either 15 pots or 30 pots when determining compliance with the license limitation. Any licensee using crab pot longlines, will, at the direction of any authorized enforcement officer, pull the line for inspection. No longline shall be set in waters less than 20’ MLW.

Commissioner Rice stated he voted no, stating he agrees with the necessity to know how many crab pots are in the water, but he wasn’t comfortable with voting for the motion because there are too many details that haven’t been worked out that could put hardships on the watermen. He also stated this issue came from the industry, but once again no one from the industry has showed up to support this issue. Therefore knowing all the complaints were legitimate, then he has no other reason than to vote against it.

Commissioner Schick stated there's another Commission meeting scheduled between now and the 2012 crab season and thought some of the concerns could be worked on and addressed during the next meeting. He asked for Mr. Carpenter's thought on that. Mr. Carpenter thought that between now and the next meeting, staff will commit to finding other alternatives to decals and be able to present them along with cost estimates for each version. Staff will try to see if there are some other ways to address the multiple rig portion of the fishery.

Commissioner Bowes asked Mr. Carpenter when these regulations would become effective. Mr. Carpenter stated they could become effective in as little as 30 days, but suggested making the changes effective for the 2012 crab season. There is no way the Commission should change this type of regulation during the middle of a season. He suggested to the Commission that they could make the regulations effective April 1, 2012, which would be the start of the crabbing season and would give the Commission two meetings to refine any details.

A motion was made by Commission Bowman, seconded by Commissioner Holland and passed with 7 in favor and 1 opposed to make the effective date for these regulations April 1, 2012.

Chairman O'Connell questioned if the Commission needed to consider an earlier effective date in order for staff to issue the crab pot tags. Mr. Carpenter explained the plan at this time would be that anybody renewing their license(s) would pay for the tags at that time. The Commission is not going to order tags that have not been paid for. There are a number of people who have crab pot licenses that are inactive and tags will not be ordered for those licenses. We hope to have the tags available to the industry by the 1st of March to begin the season. That would give them a month to get their rigs ready.

Commissioner Rice stated March 1st would be the latest date for issuing the tags because people are working on their pots long before then.

Commissioner Bowman asked Mr. Grist if he has some sample tags available to conduct an experiment with to see if it will work or not. Mr. Grist explained two years ago he provided sample tags to a member of the Crab Advisory Committee for that very purpose. He did say he has some available and would get them to Mr. Carpenter.

Crab Harvest Report

Mr. Carpenter stated the crab harvest report is through August in reality, but includes September preliminary data. In general April, May and June were pretty good months. The CPUE's were all above average and the harvest was above or near average. In July and August, things changed where the harvest was below the long-term average and the CPUE's were in line with numbers we've seen before. The preliminary report (April through September) showed 41,548 bushels of hard crabs harvested. The peeler crab harvest was 15,335 pounds and soft crab harvest was 1,383 pounds.

Commissioner Bowman stated the PRFC first month trends are right in line with Virginia's harvest. Whatever is happening with the harvest is somewhat consistent across the board.

Crab Stock Assessment

Chairman O'Connell stated Mr. Glenn Davis from MdDNR was supposed to be here to present the report, but due to road conditions he was unable to make it. Chairman O'Connell stated several Commissioners have seen the stock assessment report and stated he would provide some broad conclusions from that.

The blue crab stock assessment is done every so many years, noting that it's been five years since the last stock assessment was completed. It's a benchmark stock assessment that incorporates new information that has been developed since the last assessment. One of the specific tasks of this new stock assessment was to examine the establishment of sex specific targets for managing the fishery.

The last assessment established an abundance target of 2,000,000 age 1+ crabs which included both male and female crabs. There is also a target of how many crabs can be removed through fishing practice each year (46%) and a threshold that you don't want to exceed of 53%. Through the new stock assessment, the group did come forward with a recommendation for female specific targets. That new target is a more conservative target and is proposed to be 215,000,000 female crabs. This is a much more conservative target and is almost a doubling of the abundance target. The good news is despite the protection of female crabs, our management efforts have been so successful that the last year of the assessment in 2010 still had us at that proposed abundance target. With this more conservative target, if it's adopted, it doesn't necessarily mean that there will be a need to reduce harvest levels.

However, at this point in time, he doesn't think we are in a position to be looking at relaxing harvest restrictions. Ultimately we are going to be dependent upon the results of next year's winter dredge survey results to see where we are with those new targets. There is also a new proposed fishing removal target for female crabs (34%); currently it is 46% for both male and female crabs. The stock assessment has been completed and peer reviewed. Where we are in the process is the Chesapeake Bay Stock Assessment Committee will be reviewing the stock assessment and looking at providing management advice for implementing those new targets to the bay jurisdictions. They will begin meeting later this month and will provide feedback back to the management agencies in early October. The management agencies will look at how to proceed with the new management targets and we are awaiting the winter dredge survey results as well as how the fishery performed last year and then see how we need to move forward for next season.

Mr. Carpenter noted that Dr. Tom Miller was one of the principle authors of the stock assessment and would have presented the report if he had been available today.

Patrick Goldsmith suggested taking some of the funds provided by the Government and paying the lower river watermen, who catch mainly females, a percentage of their harvest to stay home. Something has to be done in Virginia with the sponge crab harvest, but it always seems like changes are made in the Potomac River every year.

Commissioner Bowman explained at the level we are, we have no authorization to issue any buy-outs or subsidies to watermen. On the sponge crab issue, he stated Mr. Goldsmith was right and that there are some concerns with that fishery. However, if you speak to the 53 watermen who have not been able to work for the last 3 years, they would disagree with Mr. Goldsmith over the fact that Virginia hasn't done anything about sponge crabs. Mr. Goldsmith stated they have a subsidy to help them, such as the ghost pot program. Commissioner Bowman stated that program will last a half season and will be done. Mr. Goldsmith questioned the licenses that were bought back were owned by people who were retired and weren't using them anyway. It was a waste of money. Commissioner Bowman explained that although they were licenses that people weren't using, there is nothing out there saying that they wouldn't utilize those licenses in the future. It's called latent effort and it's just as much of a problem of trying to control, in the matrix of management, as it is the number of crab pots out there to begin with during a crab pot tagging program.

Order 2011-11 – Commercial Crab Fishery Time Limits

Chairman O'Connell stated there's an Order, which was another option to addressing the crab pot identification program. The Commission has moved forward with adopting the necessary Regulations and feels there's no need to take action on this Order. He then asked if there was any discussion on this Order. Hearing none, the Commission took no action and moved forward with the meeting.

Order 2011-10 – the 2011-2012 Gill Net Season and Restrictions & Commercial Striped Bass Catch and Size Limits

Mr. Carpenter noted the major change on this Order is the change in the quota. It is a reduction from 482,796 to 449,002 pounds as a result of a lower overall bay quota last year.

Chairman O'Connell stated other than calendar changes, he noticed there was a later start to the beginning of the gill net season and asked for an explanation. Mr. Carpenter stated that is because November 14th is the second Monday of the month. Last year November 8th was the second Monday of the month. We did get some comments from the sport fishing community that those first two weekends in November are striped bass fishing time. We also need to take into consideration that we are dealing with a lower quota this year. The gill net quota will translate to 80 tags issued for each stand this year instead of 90 tags.

A motion was made by Commissioner Bowes, seconded by Commissioner Holland and unanimously passed to adopt Order 2011-10 as presented.

ORDER #2011-10
(replaces #2010-08)

**2011-2012 GILL NET SEASON AND RESTRICTIONS
& COMMERCIAL STRIPED BASS CATCH AND SIZE LIMIT**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population, and pursuant to its authority under Regulation I, Section 8 and Regulation III, Sections 9(a), (b) and 10(a): **HEREBY DECLARES AND ORDERS**: the gill net fishery shall be allowed under the following conditions and limitations:

- a) **Season** - The gill net season shall be from November 14, 2011 through March 25, 2012.
- b) **Permitted Nets** - Each licensee, shall be permitted to set and fish a single properly identified net, in the number of his licensed locations (stands) as follows:
 - i) November 14th through February 29th – all stands, and;
 - ii) from March 1st through March 15th – 4 stands, and;
 - iii) from March 16th through March 25th – 3 stands.
- c) **Other Conditions** – Once renewed no change of the ownership of any gill net licenses will be allowed during the remainder of the open gill net season. Two or more licensees may, and are encouraged to, jointly fish lawfully licensed and set nets belonging to one or more of the individuals.
- d) **Quota** – The gill net striped bass quota shall be 449,002 pounds (59,120 ID Tags) total for all licensees, less any taken with a hook and line as may be allowed under Regulation III, Sec. 13(d). Each individual's striped bass quota will be proportional to the number of gill net licenses held by that individual and will be represented by a number of striped bass identification tags issued to that individual.
- e) **Striped Bass Size Limit**

November 14, 2011 through February 14, 2012	18" Min.
February 15, 2012 through March 25, 2012	18" Min. / 36" Max.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2011-10 shall become effective November 1, 2011, shall supersede and repeal Order #2010-08 and remain in effect for the year 2011-2012 or until such time the Commission has taken further action.

American Eel YOY Survey

Mr. Carpenter advised that Troy Tuckey from VIMS, who normally presents the report, is on travel and is unable to attend today. Mr. Carpenter reviewed with the Commission the conclusions and recommendations of the report, and pointed out #4 which reads "We recommend continued sampling of glass eels from the Potomac River sites because recruitment estimates from Clark's and Gardy's Millponds display consistency (low variation) through time, a characteristic that will enhance detection of change. Time series of glass eel abundances from the James, York, and Rappahannock rivers are more variable (more 'noise' in the data) and are less likely to provide early and definitive signals of change."

Mr. Carpenter stated he has talked with the people at VIMS about this program for the last ten years. The Potomac River is the furthestmost inland sample site on the east coast. ASMFC mandated all states monitor the elver run and he has said for years whatever numbers are

produced from these sites may be the most useless numbers in the group. Here, the scientists are saying we may have the most important sampling site, because the eels have migrated this far inland and the recouplement is more stable, so you may be able to detect a change in the recouplement pattern much easier in the Potomac River. VIMS would like to continue this program that is funded through the ACFCMA funds, so it is passed through money to us. He felt the Commission should continue to meet the ASMFC mandate and continue the program into the future.

Summary of the August ASMFC Meeting

Mr. Carpenter stated this is an information document that is provided after every ASMFC meeting. He stated he would answer any questions pertaining to the meeting and the actions that were taken. The Commission had no questions.

Blue Catfish Resolution

Mr. Carpenter explained one of the things that did occur during the ASMFC meeting was a resolution on non-native invasive catfish. A copy has been provided in the meeting packet. It was adopted by the full Commission and essentially recognizes that blue and flat head catfish are non-native invasive species that have entered into the Potomac River as well as Virginia waters and others in Maryland. With the recognition that the bay states were able to generate throughout the entire ASMFC recognizing the problem and the situation we have here, it is evident that we want to try to prevent any future occurrences of species like this.

Chairman O'Connell followed up with regard of how the bay jurisdictions should move forward. The bay jurisdictions are part of the Chesapeake Bay Program fisheries goal implementation team. This issue came to the attention of the public through that process that began almost a year ago. That group is working together to take this information and try to develop a unified bay policy that we could advance in looking at some of the mitigation strategies that have been recommended through this team's process. He doesn't see a need to take immediate action today, but know that the time is very near in regard to taking action to reduce these population levels to address the ecosystem impacts that we are having.

Commissioner Rice commented that while the Commission is speaking about invasive species, he noted that the issue we have with snakeheads up river has gotten to the point of where there was a snakehead tournament held. This is something that is not going to go away. There are people who are currently doing work to promote a market for this fish.

Announcement of the ASMFC 70th Annual Meeting

Chairman O'Connell stated the ASMFC 70th annual meeting is scheduled for November 7th to 10th in Boston, MA. Mr. Carpenter advised that one issue that will be part of the meeting will be consideration of the proposed amendments to the Menhaden FMP. In connection with that, PRFC will be hosting a public hearing on that issue here at the office on October 18th at 6:30 p.m. Recognizing the resolutions that the Commission took with regard to the Executive Secretary's participation at ASMFC, this issue will have the potential to see that Maryland and

Virginia are on different sides. He asked how many Commissioners were thinking about attending the upcoming meeting for support and guidance when it comes time to vote on this issue as well as other issues. A few of the Commissioners stated they were planning to attend.

Financial Reports

Fourth Quarter Disbursements and Cash on Hand – The report of the fourth quarter disbursements (April through June) for the operation budget was presented by budget item totaling \$128,202. A report of the cash-on-hand was also presented totaling \$593,655.41, as of September 6, 2011.

A motion was made by Commissioner Bowman, seconded by Commissioner Fleming and unanimously passed to approve the expenditures as presented.

Acknowledgment of Audit Report FY '09 – '10

Mr. Carpenter stated each Commissioner should have received this report individually and stated the audit summary showed proper recording and reporting of all transactions, in all material respects, in the Commission's financial system; no matters involving internal control and its operations necessary to bring to management's attention; and no instances of noncompliance with applicable laws and regulations or other matters that are required to be reported. The Commission received a "clean slate" on this audit.

Delinquent Seafood Catch Report Hearing

Todd Robert Yeatman – Mr. Carpenter stated this is Mr. Yeatman's first offense for failure to file crab pot reports. The reports have not been filed prior to today's meeting. Staff's recommendation would be a one week suspension and one year probation. Mr. Yeatman stated he marked "finished for the season" on his first report he sent in May. He currently has an inactive crab pot license and would like to keep it that way. Mr. Carpenter stated the Commission does not have any record of receiving any reports from Mr. Yeatman.

A motion was made by Commissioner Bowman, seconded by Commissioner Holland and unanimously passed to accept staff's recommendation of a one week suspension and one year of probation.

Joseph Xavier Stone – Absent – Mr. Carpenter stated this is Mr. Stone's first offense for failure to file crab trot line reports. The reports have not been filed prior to today's meeting. Staff's recommendation would be a one week suspension and one year probation.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall and unanimously passed to suspend all license(s) until Mr. Stone appears before the Commission.

Resolution of Appreciation – J.T. Holland

Chairman O'Connell stated a replacement has not yet been named for Commission Holland and even though his term has expired he will sit on the Commission until a replacement is named. On behalf of the Commission, we would like to recognize Commissioner Holland with a resolution of appreciation.

**POTOMAC RIVER FISHERIES COMMISSION
RESOLUTION OF APPRECIATION
September 8, 2011**

WHEREAS, Mr. J. T. Holland served with distinction and honor representing the Commonwealth of Virginia on the Potomac River Fisheries Commission since his appointment by Governor Mark R. Warner in 2003; and

WHEREAS, Mr. J. T. Holland served this Commission on the nominating and budget committees; and as its Vice-Chairman and Chairman during his tenure; and

WHEREAS, Mr. J. T. Holland further served this Commission by freely giving of himself and his time, representing the Potomac River Fisheries Commission at numerous Atlantic States Marine Fisheries Commission meetings; and

WHEREAS, Mr. J. T. Holland's experiences as former Mayor of Nassawadox and former member of Northampton Board of Supervisors served him well when dealing with bi-state issues, budgets and public hearings; and

WHEREAS, Mr. J. T. Holland brought a lifetime of experience and knowledge of government when rendering decisions that reflected his dedication to the principles of preservation and wise use of the Potomac River fishery resources.

NOW, THEREFORE, BE IT RESOLVED, that the Potomac River Fisheries Commission and its staff express their heartfelt gratitude to **J. T. Holland** for his service and dedication.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the Minutes of the Potomac River Fisheries Commission for all to see and be reminded of the service of **J. T. Holland**.

Commissioner Holland stated he has enjoyed his eight years and thanked everyone. Mr. Carpenter then presented Commissioner Holland with a gift.

Resolution of Appreciation – Lt. Charles P. Sauter

**POTOMAC RIVER FISHERIES COMMISSION
RESOLUTION OF APPRECIATION
September 8, 2011**

WHEREAS, Lieutenant Charles P. "Chas" Sauter acted with distinction and honor, representing the Maryland Department of Natural Resources Law Enforcement and the Potomac River Fisheries Commission since issuing his first PRFC citation for 3 small flounder on June 26, 1992; and

WHEREAS, Lt. Chas Sauter served this Commission by providing sage advice when needed and utilizing his keen attention to details and common sense when commenting on changes to regulations and orders while attending numerous meetings of the Commission and the Advisory Committees since 1996; and

WHEREAS, Lt. Chas Sauter further served this Commission by being a dependable source of information pertaining to Law Enforcement issues, especially when helping with revisions of the Pre-Payable Fine Schedule; and

WHEREAS, Lt. Chas Sauter's professionalism and integrity served him well when dealing with the public, and his sense of humor and quick wit served him well when dealing with the PRFC staff; and

WHEREAS, Lt. Chas Sauter's many years of law enforcement efforts were reflected in his dedication to the fair and wise use of the Potomac River fishery resources.

NOW, THEREFORE, BE IT RESOLVED, that the Potomac River Fisheries Commission and its staff express their deep gratitude to **Lt. Chas Sauter** for his service and dedication.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the Minutes of the Potomac River Fisheries Commission for all to see and be reminded of the service of **Lieutenant Charles P. "Chas" Sauter**.

Lt. Sauter thanked everyone and said he certainly appreciated it. He thanked the Commission for having the opportunity to work with them and it may not have always worked the way it should have but it always worked. He said it's been an enjoyable experience and has made him a better officer.

Date and Place of the Next Meeting

The next Commission meeting is scheduled for Friday, December 2, 2011 at 9:00 a.m.

Executive Session – 11:40 a.m.

A motion was made by Commissioner Bowman, seconded by Commissioner Hall and passed to immediately recess into closed session to discuss legal matters and immediately reconvene thereafter.

Reconvene – 12:25 p.m.

A motion was made by Commissioner Bowman, seconded by Commissioner Bowes that only legal matters were discussed during Executive Session. A roll call vote was taken and all Commissioners agreed.

Art Work

Mr. Carpenter announced that the art work displayed in the hearing room was provided by Robin Schick. She served a couple of years in Honduras with the Peace Corp. and the art work displayed is from her time there.

Adjourn

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Thomas J. O'Connell, Chairman

Dennis C. Fleming, Secretary