

IN TASTE
**From yuck to yum:
the soft-shell crab**

GOING GREEN
PHELPS TO PLAY IN CELEBRITY GOLF TOURNAMENT **SPORTS**

New charges against IRS

Foes of same-sex marriage say their donor list was leaked to opponents

BY JOHN FRITZE
The Baltimore Sun

WASHINGTON — A leading opponent of the effort to legalize same-sex marriage in Maryland used a high-profile congressional hearing Tuesday to allege that the Internal Revenue Service leaked a list of its donors to an adversarial group just as it was mounting a campaign to put gay marriage on the ballot.

John C. Eastman, chairman of the National Organization for Marriage, told the House Ways and Means Committee that the disclosure of its tax records last year may have chilled potential donors. He called on lawmakers to investigate how the documents became public.

“You can imagine our shock and disgust over this,” said Eastman, a law professor at Chapman University in California. “We jealously guard our donors as almost every

other nonprofit does, particularly on the issues that we deal with, which are so contentious.”

The group — which has fought efforts to recognize same-sex marriage in several states — has made the allegation before. But it received a new level of attention Tuesday as Congress continued for a fourth week to investigate the IRS targeting of conservative groups that were seeking nonprofit status.

Eastman was one of six conservative

leaders who testified at a hearing that at times became emotional as witnesses described how they felt intimidated by the IRS review of their organizations.

Republicans said they believe the problems are more extensive than was disclosed in a report by the IRS inspector general last month.

Republican Rep. Dave Camp of Michigan, the chairman of the committee, said **See IRS, page 16**

Short life marred by a milieu of violence

Relatives of slain boy, 1, often lived chaotic lives

BY IAN DUNCAN
The Baltimore Sun

When Carter Scott was born, his family was embroiled in allegations of violence: His father was sitting in a jail cell, accused by two relatives of killing a cousin.

Just over a year later, Carter’s mother, Christina White, filed for a protective order alleging that his father, Rashaw Scott, beat her and slammed her head into a door.

And in May, the 1-year-old boy became the victim of deadly violence when he and his father were shot in what police said was a targeted attack. The father survived; the son died.

Now the family is left with many questions. What if Rashaw Scott had left the Baltimore area, as his lawyer advised after he was acquitted in the murder case? What if Scott, 22, had lost custody of his son, as White had requested before she failed to show up for a court hearing on the protective order?

Then maybe little Carter Scott wouldn’t have been caught up in the violence that plagues some corners of Baltimore.

Elder Kimberly Showell of the First Apostolic Faith Church said children are getting killed in Baltimore “too often.”

“We have to make some changes so we’re not standing here to say nice things about other little Carters,” she said at the boy’s funeral this week.

Members of the child’s family have **See SCOTT, page 16**



Carter Scott



Fewer fish using dam lift meant to restore depleted Susquehanna

LLOYD FOX/BALTIMORE SUN PHOTO
Fish pour out of a pipe at Conowingo Dam. American shad, the species the fish lift was installed at the dam in 1991 to help, have become so scarce that state officials and conservationists are pressing the dam’s operator, Exelon Corp., to make changes.

Shad’s dismal numbers put Conowingo in sharp focus

BY TIMOTHY B. WHEELER
The Baltimore Sun

It’s been a busy but ultimately disappointing spring for the crew that runs the big fish lift at Conowingo Dam.

Since the beginning of April, the aquatic elevator near Darlington has hoisted more than a million finny creatures up the 94-foot wall holding back the Susque-

hanna River, helping them on their annual spawning run upriver. The lift is so crowded at times with migrating fish that technician John Lahr has to count them by tens as they swim pell-mell by an underwater viewing window, headed away from the dam like morning commuters late for work.

But only a tiny fraction of those have been American shad, the once-abundant

fish for which the \$12 million lift ostensibly was built. In all, 12,733 had hitched a ride upriver, the fewest seen since the facility began operating 22 years ago. With the run waning, the lift shut down for the year on Monday.

“It’s very puzzling,” said Michael Hendricks, fisheries biologist with the Pennsylvania Fish and Boat Commission, who’s **See SHAD, page 13**

Gansler seeks cap on rise in Md. health insurance rates

No more than 5% until U.S. reform law is implemented

BY ANDREA K. WALKER
The Baltimore Sun

Maryland Attorney General Douglas F. Gansler urged state regulators Tuesday to cap the amount that insurers can raise premiums under the new health care law to no more than 5 percent until more is known about how the sweeping federal legislation will affect health costs.

The call comes as the Maryland Insurance Administration reviews requests by insurers to raise rates on those who will buy coverage from a statewide exchange, or open marketplace, established under the Affordable Care Act.

CareFirst BlueCross BlueShield, the region’s largest insurer, is seeking an average rate increase of 25 percent for those who buy coverage individually.



LLOYD FOX/BALTIMORE SUN PHOTO
State Attorney General Douglas F. Gansler says rates should be capped and then reviewed six months after the law takes effect.

Some of its customers could see increases of 100 percent to 150 percent.

The issue reflects the continued uncertainty and challenges facing states as they implement the federal health care law, key provisions of which will go into effect in **See RATES, page 19**

SUMMARY OF THE NEWS

MARYLAND

GOVERNOR’S RACE: Del. Ron George, a two-term state legislator from Anne Arundel County and Annapolis Main Street jeweler, will take the political leap of his life tonight, announcing his candidacy for the Republican nomination for governor in 2014. **NEWS PG 2**

NATION

PENTAGON: Lawmakers rebuked the Pentagon for failing to curtail sexual assaults in the military, saying commanders may need to be stripped of the power to decide on prosecuting offenders. **NEWS PG 6**

TODAY’S WEATHER

MOSTLY SUNNY

80 | **59**
HIGH | LOW

Partly cloudy Thursday **SPORTS PG 12**

BUY DIRECT FROM OUR WAREHOUSE
KITCHEN DISTRIBUTORS
OF MARYLAND

WE HAVE THE BEST BRANDS, THE BEST QUALITY AND BEST OF ALL

BUY DIRECT AND SAVE

FROM THE BELTWAY, NORTH ON I83 TO TIMONIUM RD. EXIT. THEN LEFT AT LIGHT TO 2221 GREENSPRING DR.

410-252-6200
OPEN MONDAY THRU SATURDAY

At Conowingo, focus on shad decline

SHAD, From page 1

been tracking the species' travails for decades. The number of American shad taking the lift each spring peaked at nearly 194,000 in 2001 and has been on a downward slide since. "We're not sure why," Hendricks added. "I wish I knew."

The lift's dismal performance comes as the hydroelectric dam's operator, Exelon, faces pressure to remedy the environmental harm caused by the massive barrier on the Chesapeake Bay's largest tributary. With Exelon seeking federal permission to continue producing power there for another 46 years, environmentalists and others say the company ought to be required to take significant — and potentially costly — new steps at Conowingo to enhance fish passage, improve water quality and generally restore some of the river's lost ecological vitality.

"This is a once-in-a-generation opportunity," said Mark Bryer, Chesapeake Bay program director for The Nature Conservancy.

Exelon has applied to the Federal Energy Regulatory Commission to renew its operating license for Conowingo and is in negotiations with officials from Maryland and Pennsylvania and with federal fish and wildlife agencies. Until those talks are resolved, all parties have agreed not to discuss publicly what the Chicago-based power company might do to improve passage of shad. But Kimberly Long, environmental program manager for Exelon Power, pointed out that shad runs up and down the East Coast are down, suggesting that the troubles may not be limited to Conowingo.

"I don't think anyone has pinpointed one reason for the decline in the American shad population," she said in an interview last week at the dam.

The parties are also talking about how to restore American eels, another species in trouble, to the Susquehanna, where they could play a role in helping clear up the river's murky water. And potentially the most costly and contentious of all, they're expected to grapple over what Exelon might do to help deal with the buildup of sediment behind the dam, which threatens to foul the bay if a major storm washes much of it through the dam.

But figuring out how to get more American shad upriver is particularly challenging, if only because it's not clear why they've declined. With a few exceptions, shad runs on rivers from Maine to Florida are depressed to practically non-existent. It's a sad state of affairs for a species that's been dubbed the nation's "first fish" for its role in feeding Europeans who settled the East Coast. Shad once thronged the bay's rivers each spring, making them the Chesapeake's most important fishery. So many of the succulent but bony fish were caught on the Susquehanna with huge nets stretched across the river that farmers wound up using some to fertilize their crops.

Such harvests eventually proved unsustainable, and the annual catch in Maryland fell from a peak of 7 million pounds in 1890 to just 24,000 pounds in 1980. Worried state officials finally banned fishing for them, a moratorium that has never been lifted. Maryland biologists estimate that there may be 112,000 American shad in the river below the dam, but that population also appears to have declined over the past decade, said Karen Capossela, who participates in annual sampling of them for the state Department of Natural Resources.

The loss of the American shad's spawning areas, which on the Susquehanna reached all the way to Binghamton, N.Y., is believed to be a big factor in the fish's decline. Shad are anadromous, meaning they spend part of their lives in the salty Atlantic Ocean before swimming up coastal rivers to spawn in fresh water.

Conowingo, built in 1928, was the last of five dams on the river, just 10 miles from where it empties into the bay at Havre de Grace.

Many once thought the lift built on the eastern end of the dam would turn the fish's fading fortunes around. The largest of its kind in the nation when opened in 1991, it was hailed at the time as a "phenomenal achievement" and "a giant step forward" for reviving the Susquehanna's depleted populations of shad and related river herring. For the next 10 years, the numbers of shad passed upriver gradually grew, and the operators of the four upriver dams also built fishways to reopen long-closed spawning waters.

Biologists say it's not clear what's behind the slide over the past decade, but there are several suspects. Ocean-going trawlers fishing for herring or mackerel appear to be harvesting shad accidentally during the time they roam the Atlantic. Efforts are under way to get a better idea how big that "bycatch" is, said Kate Taylor, who coordinates shad fishery management for the Atlantic States Marine Fisheries Commission.

A few rivers — including, notably, the Potomac — have seen their shad population rebound and remain relatively strong. Taylor said researchers are trying to figure that out as well.

Many shad populations might be hurt by development and pollution in their river spawning areas, Taylor said. She said it has also been suggested that other species have benefited from the decline in American shad and are now keeping them from rebounding, competing with them for food or habitat. At Conowingo, 90 percent or more of the fish lifted are gizzard shad, a related species that doesn't roam as much.

Even so, Taylor said, dams and other blockages that remain on many rivers may be a factor in keeping the coastwide shad population at an all-time low. The Potomac and the Delaware, another river with a better shad run than the Susquehanna, are



LLOYD FOX/BALTIMORE SUN PHOTOS

For 10 years after the east fish lift at the Conowingo Dam opened in 1991, the American shad population gradually grew, but this year only 12,733, the fewest since the facility began operating, made the trip across the dam; experts are trying to find out why.



Turbines, above, can produce 572 megawatts of power; the dam also furnishes cooling water for the Peach Bottom nuclear power plant and serves as a backup source of drinking water for Baltimore.

"much less dammed," Bryer said.

"There's no doubt that we need much better fish passage on the Susquehanna to restore the [river's] stock, and it all starts at Conowingo," Hendricks said.

In talks leading up to the negotiations, state and federal agencies have laid out a range of options for trying to improve fish passage, ranging from tweaking current operations at a cost of less than \$1 million up to replacing both existing fish lifts at the dam, estimated to cost a combined \$24 million. Besides the large lift on the east side of the dam, there's an older, small one on the west side primarily used to catch shad for

Conowingo Dam

American shad once thronged the Susquehanna River each spring to spawn, but they're scarce these days. The number lifted over Conowingo Dam has fallen sharply since 2001.



SOURCE: ESRI

DANA AMIHERE/BALTIMORE SUN GRAPHIC

use by Pennsylvania in stocking its hatchery, which some have suggested be upgraded to handle more eels.

By comparison, Exelon's annual budget for operating Conowingo and the nearby Muddy Run pumped storage hydroelectric facility is \$17.5 million. The company spends about \$160,000 a year operating the fish lift at Conowingo.

Some question whether bigger, better or more lifts can do an adequate job of reopening a dammed river. In a paper published this year in the journal Conservation Letters, seven biologists concluded that less than 3 percent of spawning American shad are able to get past all the dams blocking three East Coast rivers, including the Susquehanna.

It might be time to admit that fish can't be restored to a dammed river using lifts or ladders, they wrote, or even by augmenting the run with fish produced in hatcheries.

"The data speak for themselves," said co-author Karin Limburg, a fisheries scien-



Only a few of the many migrating fish technician John Lahr counts are American shad.

"I don't think anyone has pinpointed one reason for the decline in the American shad population."

Kimberly Long, environmental manager, Exelon Power, Conowingo's operator

tist at the State University of New York in Syracuse who focuses on shad in the Hudson River, another population in decline. "People ought to face the music and remove some mainstem dams. ... It really comes down to what society wants — does society want species to just slip away?"

No one's seriously proposing to remove Conowingo Dam, though, as its 572 megawatts of power-generating capacity help balance out electricity supply to the Mid-Atlantic grid, particularly when demand is at its peak. Moreover, the 14-mile-long "pond" of water behind the dam furnishes cooling water for the Peach Bottom nuclear power plant, also operated by Exelon. And it's a backup source of drinking water for Baltimore, which has tapped it occasionally when severe droughts drained the area's reservoirs.

Conowingo's removal "would cause a number of impacts to other users," Bryer acknowledged. "If we can strike a better balance and get ... better environmental performance out of the lower river while getting electricity generation, I think that would be a solution many would be excited about."

tim.wheeler@baltsun.com