

***Maryland DNR***

***Spring Meeting of the Sport Fisheries  
Advisory Commission***

Tuesday,  
April 26, 2016

***Held at the***  
Tawes State Office Building  
Annapolis, Maryland

***Maryland DNR Spring Meeting of the Sport Fisheries Advisory Commission***

April 26, 2016

**SFAC Members Present :**

William Goldsborough, Chair  
David Sikorski, Vice Chair

Micah Dammeyer  
Rachel Dean  
Mark DeHoff  
James Gracie  
Robert Hardy  
Valentine Lynch  
Greg Madjeski (*proxy for Phil Langley*)  
Raymond P. Morgan, II  
John Neely  
Edward O'Brien  
Chris Pittas (*proxy for Beverly Fleming*)  
Roger Trageser  
James Wommack

**TFAC Members Absent**

Beverly Fleming  
Phil Langley  
Samuel Leonard  
Tim Smith

**Maryland DNR Fisheries Service :**

Bill Alcarese  
Dave Blazer  
Brenda Davis  
Lynn Fegley  
Paul Genovese  
Angela Giuliano  
Mike Luisi  
Aaron Parker  
Tony Prochaska  
Sarah Widman

**Maryland DNR Spring Meeting of the Sport Fisheries Advisory Commission**

April 26, 2016

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KEYNOTE: "----" indicates inaudible in transcript.  
 "\*" indicates phonetic spelling in transcript.

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A F T E R N O O N S E S S I O N

(2:10 p.m.)

*Welcome*

*by Bill Goldsborough, Chairman*

MR. GOLDSBOROUGH: All right. Welcome to the Spring Meeting of the Sport Fish Advisory Commission. My name is bill Goldsborough. I am the chairman, at least for now.

MR. : Do you have a different agenda?

MR. GOLDSBOROUGH: Appreciate you all coming, the audience as well as commissioners. We have a couple folks who aren't here. Tim Smith is not here, at least not yet. Beverly could not be here, but Crutch is here for her. Thank you for coming, Crutch. And Greg Madjeski is here instead of Eddie Green for Phil Langley. Is that about right?

MR. MADJESKI: Right.

MR. GOLDSBOROUGH: Thanks, Greg. Appreciate it.

Are we missing anybody else? Bobby Leonard. I haven't seen Bobby Leonard yet.

MR. : Bobby is not coming either.

MR. GOLDSBOROUGH: Bobby Leonard is not coming either. Okay.

All right. Enough with the updates. You got any, Mr. Fisheries Director?

1 *Announcements/Updates*

2 *by Dave Blazer, MD DNR*

3 MR. BLAZER: I guess just one quick announcement.  
4 It is not something that we put in the agenda, but I think  
5 happened right after our January meeting. The District of  
6 Columbia put out a notification about striped bass and some  
7 contamination that they found in their surveys and their  
8 studies of looking at striped bass. And they put out an  
9 advisory regarding fish consumption in the District of  
10 Columbia. They did it for their whole jurisdiction, although  
11 it was primarily for the Anacostia River.

12 The Department and MDE, the Potomac River Fisheries  
13 Commission in Virginia, all kind of got together and worked  
14 with the District of Columbia to kind of clarify what the  
15 advisory was and, you know, why their issues were above the  
16 thresholds. MDE is actually the responsible party within the  
17 State of Maryland for fish consumption advisories.

18 We have done our fish consumption test. Our  
19 striped bass are within the parameters and are safe. The  
20 District did their technique a little bit differently. They  
21 included skin on their filets, when they had surveyed and  
22 studied, which is the common practice for most of the people  
23 in the District of Columbia. Our surveys, because they're  
24 mostly in the commercial fish that are tested and served in  
25 restaurants, are filets without the skin. So that's kind of

1 the difference in the fish consumption advisories. The skin  
2 accumulates a lot of those things. We don't recommend that  
3 you eat the skin. If you check MDE's website where they talk  
4 about their advisory. That's kind of the recommendation that  
5 they have.

6 So we have done a little bit of outreach when that  
7 occurred. And we have done a little bit more since then,  
8 just trying to reassure people of the fears about is it safe  
9 to eat striped bass, you know, that are caught in the Potomac  
10 and the Chesapeake, that that really doesn't impact Maryland  
11 or Virginia or PRFC's areas of fishing. So just wanted to  
12 bring that forward as kind of a quick announcement.

13 MR. GOLDSBOROUGH: All right. Thank you. Anything  
14 else?

15 MR. BLAZER: That's it.

16 MR. GOLDSBOROUGH: All right. Let's move on to  
17 public comment. Is there anybody in the audience that would  
18 like to provide some remarks for the Commission?

19 (No response.)

20 MR. GOLDSBOROUGH: All right. That's good. Let's  
21 move on then to the NRP activity report. Lieutenant Parker.

22 ***NRP Report***

23 ***by Lt. Aaron Parker, Acting Director, MD DNR NRP***

24 LT. PARKER: Hello. How is everyone doing today?

25 (A chorus of "very good.")

1           LT. PARKER: Again we have the handouts in there  
2 that have a breakdown. I don't know if anyone has any  
3 questions on those or not.

4           MR. GOLDSBOROUGH: So you all will have a chance to  
5 look at that under tab two. And then summary noteworthy  
6 cases, I think that's pursuant to a request we made. And you  
7 did it that way.

8           LT. PARKER: Yes.

9           MR. GOLDSBOROUGH: Appreciate that.

10          Anybody have any questions or comments? Ray?

11          MR. MORGAN: I have a question on the sanctuaries.  
12 I count six case from January 2016 to March 2016 where people  
13 were collecting oysters from sanctuaries. The sanctuaries  
14 are designed to, you know, really enhance the oyster fishery  
15 in Maryland to protect it in certain areas. Is there a  
16 different penalty that could be applied to people that are,  
17 you know, harvesting from the sanctuaries? Or what kind of  
18 penalties are incurred with those cases?

19          LT. PARKER: Well, they have the penalties that are  
20 within the regulations. And we impose on the -- well,  
21 depending on what happens when we go to court. But then the  
22 Fishery Department also has others, when they have their  
23 license, they have other sanctions that can happen against  
24 them depending on what the point systems. There is an actual  
25 point system that can affect them actually losing their

1 license or --

2 MR. MORGAN: Okay. That was the question. They  
3 could have their license revoked after so many violations?

4 LT. PARKER: Yes.

5 MR. MORGAN: Okay. Good.

6 MR. GOLDSBOROUGH: Any other questions for  
7 Lieutenant Parker?

8 (No response.)

9 MR. GOLDSBOROUGH: Very good. Thank you, sir.

10 I am going to pass the gavel over to Mr. Blazer for  
11 the next agenda item.

12 ***Vote on Chair and Vice Chair***

13 ***Dave Blazer, MD DNR***

14 MR. BLAZER: Thank you. One of the things we need  
15 to do today is to elect a chair and vice chair of the Sport  
16 Fish Advisory Committee to serve a two-year term. I believe  
17 it is two years. Right?

18 MR. GOLDSBOROUGH: Yes.

19 MR. BLAZER: We sent out a request probably about  
20 six weeks ago. We did hear back from the current chair,  
21 Mr. Goldsborough, and the vice chair, Dave Sikorski, if they  
22 are interested in staying in those positions for Sport Fish.  
23 We did not receive any other nominations or interest in  
24 continuing on as chair and vice chair.

25 So with that, are there any recommendations from

1 the floor of people that would be chair and vice chair?

2

3 Mr. Gracie? Are you going to handle these  
4 separately?

5 MR. BLAZER: We can, yes.

6 MR. NEELY: I'd like to nominate Bill Goldsborough  
7 as chair.

8 MR. BLAZER: Okay.

9 MR. : Second.

10 MR. BLAZER: We have a second. Any questions or  
11 comments?

12 (No response.)

13 MR. BLAZER: All those in favor of Mr. Goldsborough  
14 retaining the chair please say aye.

15 (A chorus of "Ayes.")

16 MR. BLAZER: Any opposed?

17 (No response.)

18 MR. BLAZER: Okay. Thank you.

19 Congratulations.

20 MR. BLAZER: Vice chair? Yes, sir?

21 MR. : I would like to nominate Dave  
22 Sikorski as vice chair?

23 MR. : Second that.

24 MR. BLAZER: Any questions or comments?

25 (No response.)

1 MR. BLAZER: Thank you. All those in favor of  
2 Mr. Sikorski continuing on as the vice chair please signify  
3 by saying aye.

4 (A chorus of "Ayes.")

5 MR. BLAZER: Any opposed?

6 (No response.)

7 MR. BLAZER: Thank you.

8 Congratulations. Great. Thank you. You are in  
9 for two years.

10 MR. GOLDSBOROUGH: Thank you, all, for the vote of  
11 confidence. You get an extra cracker today.

12 MR. : Actually, crackers are in today.

13 (Laughter)

14 MR. GOLDSBOROUGH: All right. Let's move on to our  
15 black bass report and inland update. Tony? Where is Tony?

16 MR. PROCHASKA: Right here.

17 ***Black Bass/Inland Update***

18 ***by Tony Prochaska, MD DNR***

19 MR. PROCHASKA: Good afternoon, everyone. I know  
20 Paul sent out some light reading material, and I'm sure  
21 everyone ran to the inland fisheries report. Is that  
22 correct?

23 Okay. Well, I thought maybe I would start with  
24 that, just some highlights from the report, and then move I n  
25 to black bass. I have a half-hour, which is the longest I

1 have had since we started, well, since I started, which has  
2 been a year. So --

3 MR. GOLDSBOROUGH: And we are behind schedule.

4 MR. PROCHASKA: And we are behind -- no. We are  
5 ahead of schedule.

6 MR. GOLDSBOROUGH: Already.

7 MR. PROCHASKA: We are ahead of schedule.

8 MR. : How much can you make up?

9 MR. PROCHASKA: It depends on how many questions I  
10 get asked.

11 MR. GOLDSBOROUGH: Well, you are down to 29  
12 minutes.

13 MR. PROCHASKA: Okay.

14 MR. : Mike, are you monitoring this?

15 MR. PROCHASKA: All right. So I will start with --

16 MR. GOLDSBOROUGH: Sorry, Tony.

17 (Slide)

18 MR. PROCHASKA: That's okay. I will start with  
19 some highlights from the inland fisheries report. The first  
20 is northern pike. I don't know if anybody saw some of the  
21 pictures, you know, on the first page of the report. But we  
22 had scoped a regulation change, the idea of developing a  
23 trophy, northern pike fishery in Deep Creek Lake. And we got  
24 support when we scoped it. But a number of questions were  
25 raised, and we had some questions internally and decided that

1 the best course of action would be to dedicate resources to  
2 finding out more about this population in Deep Creek Lake,  
3 getting the information that we need, and then, you know,  
4 considering a regulation change in the future, which would  
5 allow us to assess, you know, whether or not we are meeting  
6 our management objections. I mean, we have very little data  
7 on the population, so we wouldn't know how effective a  
8 regulation change would be to meet our objective.

9           So we are in the process of doing that. I think we  
10 have tagged over 60 northern pike, and the biggest one is 42-  
11 and-a-half inches, so pretty big fish. So that's what we are  
12 doing currently for northern pike in Deep Creek Lake.

13           The other thing I would like to highlight in the  
14 report is the Richard A. Johnson Environmental Education  
15 Award. Ray, I don't know if you would like to say a little  
16 bit about that award? I know Appalachian Lab, it is a  
17 monetary award.

18           MR. MORGAN: Sure. Sure. We have been giving this  
19 award for over 25 years now. And it is primarily designed to  
20 honor the memory of Richard Johnson, who was a local  
21 orthopedic surgeon, an avid birder, an outstanding  
22 photographer. And his wife has set up an endowment, and  
23 various people contribute to that endowment. And we honor  
24 those groups who have displayed outstanding environmental  
25 stewardship.

1           There is a committee set up. And year they evaluate  
2 people from primarily Allegheny and Garrett Counties. And  
3 this year it is going to the Marcellus Shale --

4           MR. PROCHASKA: -- Stream Monitoring Coalition.

5           MR. MORGAN: -- Stream Monitoring Coalition.

6           MR. PROCHASKA: Right.

7           MR. MORGAN: And that's Thursday night. So --

8           MR. PROCHASKA: Yes. It's a partnership. Seven  
9 different organizations work together, the Department of  
10 Natural Resources being one of them, and non-profits, Mid-  
11 Atlantic Chapter of TU, Savage River Watershed Association,  
12 Yonker\* Watershed Association. And basically the goal of  
13 that program was to establish baseline conditions in streams  
14 and rivers in Western Maryland in advance of any Marcellus  
15 shale gas development.

16           And I was lucky to be a part of that when I worked  
17 in Resource Assessment Service and am still a part of that,  
18 you know, as my responsibilities in inland fisheries. Al  
19 Foss\* has been working in that program. He is the West One  
20 Region manager, has Garrett College students involved. So it  
21 has been a great experience, collected a lot of great  
22 information. So the award is Thursday.

23           I would like to talk a little bit about some brook  
24 trout work --

25           MR. GRACIE: Do you want questions now or do you

1 want to wait until the end?

2 MR. PROCHASKA: I'm sorry. Sure. You can --

3 MR. GRACIE: Who is listed on that award for Trout  
4 Unlimited?

5 MR. PROCHASKA: I know Nick Webber was there. It  
6 says Mid-Atlantic --

7 MR. GRACIE: You said Maryland Chapter. It should  
8 be Mid-Atlantic.

9 MR. PROCHASKA: Mid-Atlantic. Did I say --

10 MR. GRACIE: Oh, I thought you said Maryland.

11 MR. PROCHASKA: Did I say Maryland? I'm sorry.

12 MR. : You said Mid-Atlantic.

13 MR. GRACIE: That's not -- Maryland Chapter is one  
14 of the seven chapters in the --

15 MR. PROCHASKA: I said -- what did I say?

16 MR. : Mid-Atlantic.

17 MR. PROCHASKA: I did? Okay.

18 MR. GRACIE: -- Mid-Atlantic Council.

19 MR. PROCHASKA: Right. No, I didn't -- I don't  
20 think I -- it's not Maryland. It's Mid-Atlantic Council.

21 MR. GRACIE: It's Mid-Atlantic. Okay. Great.

22 MR. PROCHASKA: Yes. It's listed on the website,  
23 too. So let's see. Where was I?

24 Okay. Brook trout, Upper Gunpowder, we are  
25 conducting a telemetry study, looking at the movement of

1 brook trout in the Upper Gunpowder Falls Watershed. Staff in  
2 the early part of March tagged 15 fish, inserted them with  
3 radio tags and have been going out there weekly or every  
4 other week to look at the movements of fish. I mean, they  
5 are in the mainstem above Pretty Boy. And the thought is  
6 that as temperatures warm, they will move up into the  
7 tributaries.

8 I talked to Adam Eschleman today, and he said one  
9 of the fish moved about a mile. A very similar study that  
10 occurred up in the Upper Savage, looking at the movement of  
11 fish, brook trout in the Upper Savage moving up to seven  
12 miles. So we are really interested in that study and the  
13 results of that study. It is also part of a larger effort,  
14 the Upper Gunpowder Falls partnership. I know Maryland  
15 Chapter TU is involved in that.

16 MR. GRACIE: Now that was started by the Maryland  
17 Chapter, yes.

18 MR. PROCHASKA: Right. Exactly. But Maryland DNR  
19 is involved. And we have deployed temperature loggers in  
20 this partnership with others. And the whole goal there is  
21 conservation and restoration, improvements in water quality  
22 and habitat for the conservation and restoration of brook  
23 trout.

24 All right. So let's see what else I have in here I  
25 wanted to mention. I guess if anybody has -- does anybody

1 have any other questions before I move into black bass? I  
2 don't know if anybody had any other questions on those items.  
3 There is a lot in the inland report. You know, if you have  
4 time, look at it. If you have any questions, let me know.  
5 If I can't answer it, I can pass it on to the staff that  
6 would.

7 All right. So we have quite a bit to talk about  
8 regarding black bass. And I thought maybe I would provide,  
9 you know, kind of a timeline since our last meeting that  
10 occurred in late January. We had two specific meetings.  
11 Inland fisheries staff attended. One we essentially ran. It  
12 was a black bass roundtable, occurred on February 4. It is  
13 open to any interested black bass anglers or constituents.  
14 Joe Love is our tidal black bass manager. He basically  
15 provides an overview of work that we have done, you know,  
16 over the past year, as well as the work that we want to do in  
17 the upcoming year.

18 And we talk about a lot of things. Those minutes  
19 are on our website under tidal black bass program, if you  
20 want to look at it. We did talk about the status of the  
21 fishery, and that's really what we are going to end up  
22 focusing on here in a few minutes.

23 We also attended the Potomac River Fisheries  
24 Commission meeting specific to black bass. Multiple  
25 jurisdictions attended. D.C. presented. Virginia, Maryland

1 presented. Again, constituents attend as well. And the  
2 summary of that meeting was all the jurisdictions recognized  
3 a problem with the Potomac River Fishery for black bass.

4 And I guess at this point, Paul, can you put up  
5 those two slides?

6 I have two slides I want to show you. It is  
7 basically independent fisheries data collected through our  
8 tidal black bass program.

9 It's the two graphs.

10 Some of you have seen this. And I know everyone in  
11 this room has it, too, through some of the memos that went  
12 out, one on the 15th and one on the 24th.

13 I am trying to see it up there.

14 MR. : Can you see it?

15 MR. PROCHASKA: I'm looking. It is a PDF. Do you  
16 have your e-mail? Can you get to your e-mail I sent to you  
17 this morning?

18 MR. : I don't think I can get to it ---.  
19 It's one or the other.

20 MR. : Try the one below.

21 MR. PROCHASKA: It's none of those. I don't think  
22 so, unless you have renamed it.

23 Well, unfortunately, that really puts me in a bind.  
24 I have it on my computer, but -- so anyway, the graphs I want  
25 to show you, that Paul is going to bring down, show the

1 independent fisheries data that we have collected through our  
2 tidal bass program in the Upper Bay and the Potomac River.  
3 And what the slide shows you is on the y axis, catch per unit  
4 effort for one-plus fish through time. And what you will see  
5 is over the last decade a steady decline in CPUE from -- for  
6 example, for the Potomac River it went from 60 to 80 one-plus  
7 fish down to around 9 fish, one-plus fish per hour.

8           And what you will also see in a few minutes,  
9 hopefully, is the reference line in those graphs for both the  
10 Upper Bay and the Potomac River. And we are below the  
11 reference line. Everyone knows we have a black bass  
12 fisheries management plan, how we are going to assess the  
13 populations, how we are going to manage the fisheries, what  
14 actions we take if we are below reference line. And, you  
15 know, I guess I would really like to have those graphs, but  
16 at this point I can't --

17           So I will tell you what we did commit to do.  
18 Actually --

19           (Slide)

20           So this is actually a table out of our black bass  
21 MFP. And what it shows you, if you have a specific problem  
22 with the fishery, what actions you would take to address that  
23 issue. So, for example, for poor recruitment we conduct E or  
24 F, E and F possibly, which is stocking and habitat  
25 enhancement for protection. And if you have over-fishing,

1 you know, higher fishing mortality, you do things such as  
2 changing creel limits, change in poor size limits, no  
3 possession, fish enclosures, et cetera.

4           So these are the actions that are laid out in the  
5 fisheries management plan to address specific problems with  
6 the fishery. And, you know, some of the things that the  
7 Department has committed to doing, one is education and  
8 outreach, reaching out to black bass anglers, how to reduce  
9 stress in fish and reduce fish mortality, working with  
10 tournament anglers to implement best management practices to  
11 reduce, you know, stress to fish and improve fish  
12 survivorship.

13           We have been working with the regulatory agencies  
14 through environmental review that also issues specific to  
15 pollution. Dominion is an example in the Potomac.

16           One of the other things we have agreed to do that  
17 is increase production of large mouth bass and increase our  
18 stocking efforts, working with hatcheries. We are collecting  
19 brood fish. We are done collecting brood fish from the Upper  
20 Bay, as well as the Potomac. They are in our hatcheries.  
21 And we are going to stock all the young that are produced and  
22 the adults, you know, from the Potomac. We are collecting  
23 from the Potomac back to the Potomac. Adults and the young  
24 from the Upper Bay will go back to the Upper Bay.

25           So those are the things that we have committed to

1 do. We are also doing some habitat enhancements. Smoots Bay  
2 is an example of habitat improvements. And all those actions  
3 that I just mentioned address either poor recruitment or over  
4 fishing. But given the condition of the fishery -- and  
5 again, I would like to show you these graphs. Again, I think  
6 you saw them in the memos that we sent out -- we thought  
7 immediate additional conservation action was necessary.

8           After those meetings on the 4th and the 11th we got  
9 together, the staff got together. We evaluated a number of  
10 actions that we could take. And, you know, one of the  
11 problems is fishing mortality. Through Joe's work -- you  
12 know, not only fishing mortality but also habitat loss. And  
13 there is only so many issues that we can address, and fishing  
14 mortality is obviously one that we can.

15           So we evaluated a number of management actions.  
16 And the one that we ended up selecting was one that -- the  
17 first one was scientifically valid. It reduced the number of  
18 large fish that come to scale, which those are the ones that  
19 are more susceptible to mortality. And two, it was something  
20 that we felt was, of all the options that we evaluated, the  
21 most benign. It turns out that that was probably not a good  
22 assumption.

23           So -- all right. Can -- at least Jim is listening.  
24 All right. So if we can pull those graphs up. That's it  
25 right there.

1 (Slide)

2 MR. GENOVESE: Sorry for that.

3 MR. : Thought you handled it very well,  
4 Tony.

5 MR. PROCHASKA: (Away from microphone) All right.  
6 Now I'm sweating a little bit.

7 So here is the Potomac River. Like I sais, on the  
8 y axis we have CPUE of one-plus fish, you know. And so what  
9 you see is in the early 2000s, you know, we were around 60 to  
10 80 fish per hours, one-plus fish. And then there has been a  
11 steady decline. And now in '15 we are down here around, you  
12 know, 9 fish per hour.

13 Recruitment is also -- a number of young produced.  
14 This is with the number of young produced. And it is kind of  
15 right at the management ---. This is the reference line,  
16 like I mentioned. We have essentially been below that line  
17 for at least five years. Our fisheries management plan  
18 requires that after three consecutive years you have to  
19 conduct -- you have to take action.

20 So that's the Potomac River, new advancements in  
21 the Upper Bay. So here is the Upper Bay, very similar trend.  
22 You know, for '14 and '15 we were below that reference line.  
23 We were at the reference line before that slightly below.

24 MR. GRACIE: is that the three consecutive years?

25 MR. PROCHASKA: Three consecutive years, yes.

1           Now, you know, in the Upper Bay we don't -- we are  
2 not below three consecutive years.

3           MR. GRACIE: Not there yet, but you are heading  
4 there.

5           MR. PROCHASKA: But we are heading in that  
6 direction. And if you look at the size distribution, there  
7 is a lot of larger fish in the Upper Bay, but there is not a  
8 lot of smaller fish in the Upper Bay. So once those fish  
9 leave the population, you know, I think it is going to look a  
10 lot like the Potomac River. And we are around, you know, 19,  
11 20 fish per hour in the Upper Bay. So this is the trend that  
12 we are dealing with.

13           We have a fisheries management plan. That table --  
14 can you pull that table up again, please, Paul?

15           (Slide)

16           It basically states if you are below this reference  
17 line after three consecutive years, it is poor recruitment,  
18 you take these actions. If you think, you know, that fishing  
19 mortality is an issue, you take these actions, the ones that  
20 I have mentioned. It all changes in the middle.

21           So that's the situation we are under. I did  
22 mention the things that we are doing, you know, that we  
23 committed to that didn't necessarily directly impact, you  
24 know, anglers, other things the Department felt we could do  
25 to help, you know, improve recruitment or address over

1 fishing.

2 So on the 15th of March -- go ahead, Jim.

3 MR. GRACIE: I have a question. What is the  
4 criteria for whether or not you have scoping hearings before  
5 you propose regulations?

6 MR. PROCHASKA: Okay. So we do, if it is a  
7 regulation, we obviously --

8 MR. GRACIE: I don't think this was scoped.

9 MR. PROCHASKA: No.

10 MR. GRACIE: That's why I am asking.

11 MR. PROCHASKA: Well, this was actually, and I will  
12 talk about it, a condition placed on a permit. And we have  
13 regulations to give us the authority to place conditions on  
14 permits. That was vetted publicly. And so through the  
15 permitting process, we have the ability to place conditions  
16 on the permits. In fact, at the black bass roundtable -- it  
17 is in the minutes -- Joe Love had mentioned the fact --  
18 because we had a long discussion at the black bass roundtable  
19 about changes in either creel or size limits. And we  
20 couldn't reach a consensus.

21 The other thing, too -- this is in the FMP. You  
22 know, these actions, you know, creel, size limit changes --  
23 and this was also scoped publicly. But, you know, we -- so I  
24 guess this wasn't a regulation change, so it wasn't scoped.

25 MR. GRACIE: I guess that was my question.

1 MR. PROCHASKA: Right.

2 MR. GRACIE: The scoping requirement is the  
3 regulations.

4 MR. PROCHASKA: Right.

5 MR. GRACIE: And this wasn't a regulation.

6 MR. PROCHASKA: This was just a condition placed on  
7 the permit.

8 MR. GRACIE: Thank you.

9 MR. PROCHASKA: All right. So, again, we all got  
10 together. We evaluated management options. We selected one  
11 that we felt would reduce -- that we knew, based on the  
12 analysis of our data that we have, we felt it was a very  
13 scientifically valid approach, reduce fishing mortality. And  
14 again, we thought it was relatively benign. But, again, that  
15 wasn't the case.

16 The permit condition was this. From June, after  
17 June, so from June 16 through October 31, if you were a  
18 tournament organization that was going to have 10 boats,  
19 fishing a tournament in the Upper Bay or the Potomac River,  
20 your possession limit, you were allowed five fish creel, but  
21 only one of those fish could be greater than or equal to 15  
22 inches. And all that information was in the memos that you  
23 guys received, one on the 15th, one of the 24th.

24 Again, we felt like this approach was very  
25 scientifically valid and reduced the number of large fish

1 that come to scale, reducing fishing mortality. We got a lot  
2 of constructive input. It was a very busy time for us. You  
3 know, we tried to be as responsive as we could. Joe was on  
4 the phone pretty much ten hours a day for two weeks straight.  
5 We were all very busy addressing concerns that were raised.  
6 And through those discussions with tournament organizations  
7 we came up with a second option. So when you apply for a  
8 permit now from June 16 through October 31 you have two  
9 options: fish the fishable slot or select option two, which  
10 basically if you implement certain best management practices  
11 that are laid out, and you guys will see that in the second  
12 memo that came out on the 24th, you could fish under the  
13 statewide regulations. So 5 fish creel, minimum of 12  
14 inches.

15           So that's where we ended up, especially tournament  
16 organizations apply for permits during that period have two  
17 options. And what we do is -- you know, what we have done is  
18 recognize the fact that tournament organizations do try to do  
19 a good job of fish handling. Some organizations go above and  
20 beyond, implement these best practices to reduce stress,  
21 reduce mortality, so we should recognize them for their  
22 efforts. So that's where we ended up for that.

23           At the same time, to even confuse matters, we were  
24 scoping catch and return areas. You guys -- the end of  
25 January we mentioned the fact that we were going to scope

1 these catch and return areas, three in the Upper Bay, three  
2 in the Potomac. The idea was to improve reproductive  
3 success, increase the number of fishable-sized bass in these  
4 areas. And we received 127 comments on those ranging from,  
5 you know, full support and even expand to other areas to  
6 hell, no, never, and everything in between.

7           So staff got together, reviewed all the comments.  
8 When I say staff, I mean Joe Love, the total bass manager,  
9 and the three regional managers involved, so Center Region  
10 Mark Staley, Eastern Region Brett Coakley, and then Mary  
11 Gross in Southern Region, and their staff. So, you know,  
12 eight or nine of us have gotten together and tried to  
13 identify, you know, based on the comments that were received  
14 and the issues that we face and how we can address those  
15 issues, how best to proceed. And we have come up with a  
16 couple different options.

17           So I think what we have decided was based on the  
18 input that we got regarding the permit condition and all the  
19 feedback, constructive feedback, we got on that, as well as  
20 these catch and return areas, it is probably important that  
21 we have a group that we have the ability to go to and  
22 evaluate management options. Given the condition of the  
23 fishery, knowing that we have to take actions, we need some  
24 individuals or group of constituents that can help us make  
25 decisions that will help the fishery to recovery. Because

1 that is our responsibility, obviously, to accelerate the  
2 recovery of the fishery. And we need valuable input from our  
3 constituents.

4 So that's kind of where we are. I don't know if  
5 anybody has any specific questions about the memos that went  
6 out. But at this point, if possible, I would like to turn it  
7 over to Roger, because we work closely with --

8 Go ahead, Jim

9 MR. GRACIE: One quick question going back to your  
10 Potomac River Tournament, American Bass Anglers Open Series.  
11 It says you were there to monitor release boat conditions and  
12 ensure recovery prior to release, but you don't have any  
13 results here on what the recovery was.

14 MR. PROCHASKA: Yes. Well --

15 MR. GRACIE: What was it?

16 MR. PROCHASKA: So I can tell you, I can tell you  
17 that, because we had staff attend that tournament. It is the  
18 ABA Tournament. And --- is the tournament director. Now  
19 this -- you know, that tournament is in the spring, first.  
20 So these options don't apply. This is only during the summer  
21 period, the thermally critical period, when oxygen levels are  
22 low, temperatures are high, the fish are stressed.

23 There were -- there were some problems at that  
24 tournament, but they were resolved. And, you know, mortality  
25 was low. So --

1 MR. GRACIE: But there was mortality?

2 MR. PROCHASKA: I would have to talk to Tim to find  
3 out, you know, the exact number.

4 MR. GRACIE: Because that is a pretty cold time of  
5 year.

6 MR. PROCHASKA: Right.

7 MR. GRACIE: You wouldn't expect mortality --

8 MR. PROCHASKA: I mean, we just had a tournament in  
9 the Upper Bay this past weekend. And we had --

10 MR. GRACIE: -- unless it is poor handling.

11 MR. PROCHASKA: Well, I mean, some fish are deep  
12 hooked. I mean, there are other reasons --

13 MR. GRACIE: Yes. Sure.

14 MR. PROCHASKA: -- that fish die other than just  
15 handling. So --

16 All right. So any other questions?

17 MR. DAMMEYER: I have a question.

18 MR. PROCHASKA: Sure, Micah.

19 MR. DAMMEYER: You know, you guys talked about the  
20 catch and release areas. So is that going to get  
21 implemented?

22 MR. PROCHASKA: Well, like I just mentioned, we  
23 have a couple different options, I think, on the table. But  
24 I think we need advice. We need some help and guidance.

25 MR. GRACIE: You are getting no consensus is what I

1 think I am hearing. Is that correct?

2 MR. PROCHASKA: Yes. Right.

3 So I guess at this point I would like to turn it  
4 over to Roger, if you could.

5 MR. TRAGESER: Yes. We right now as a group, being  
6 the Department and stakeholders, we have one relatively  
7 informal black bass roundtable conference. We had our  
8 conference in February. And we talked about certain possible  
9 actions based on the reports and the surveys and all that  
10 came out. The fact that shortly after that meeting -- and  
11 without any information even relayed to myself or anybody  
12 else as part of that bass fishing community -- and it was at  
13 that meeting the action attached to that permitting process  
14 was put in place. It took us all by total surprise.

15 And I think that is probably what got me upset a  
16 little bit more than anything else, the fact that I hear  
17 about it from a phone call from somebody else saying did you  
18 see this e-mail. And I am like, gee, I would have thought  
19 maybe I would have gotten a phone call or something along  
20 those lines. So myself and my conservation director, Scott  
21 Sole\*, who is also my proxy on this commission, set up a  
22 meeting with Tony and Dave and Gina. And we sat down and  
23 talked.

24 And I think they understood that it probably would  
25 have been a smoother transition or move if we had been

1 informed. What we did get out of that was the fact that one  
2 roundtable conference a year just isn't going to cut it.  
3 This is an important fishery on a lot of different levels.  
4 It addresses a number of different user groups: tournament  
5 anglers, recreation anglers, guides. And we really feel like  
6 this fishery needs to have its own advisory committee set in  
7 place, a group of individuals, Department people,  
8 stakeholders, that can get together at least four times a  
9 year, like this commission does, or more if there is an  
10 action that needs to be taking place, or at least communicate  
11 back and forth with each other during that course of time to  
12 discuss some issues. Because I am sure the Department can  
13 gain a lot more information from us out in the field that  
14 they can use to their benefit.

15           So I am really here to ask this Commission if they  
16 can support the Department forming an advisory committee for  
17 black bass.

18           MR. GRACIE: A question?

19           MR. PROCHASKA: Go ahead, Jim.

20           MR. GRACIE: We just formed what we are calling a  
21 cold water subcommittee of the Commission. We hadn't even  
22 thought about -- we have had one meeting, but we hadn't even  
23 thought about outreach to other organizations. But it occurs  
24 to me that that is something that should be part of the  
25 function of it, because three or four people on the

1 Commission maybe aren't in a position to speak for all the  
2 fisherman in the recreational fishery.

3 MR. TRAGESER: Right.

4 MR. GRACIE: So I guess it sounds like you are  
5 thinking about reaching out to other groups to involve them  
6 in these meetings. I like that idea. I certainly would move  
7 to support -- and I would call it a subcommittee so we are  
8 consistent -- for the bass fishery.

9 MR. TRAGESER: Refer to it as a subcommittee?

10 MR. GRACIE: Yes, because we already use that term  
11 already. And it's a committee or subcommittee of  
12 commissioners. If somebody would like another term, we ought  
13 to make them consistent, I guess, because they are going to  
14 have the same kind of charter. I don't really care what you  
15 call it.

16 MR. BLAZER: If I can chime in real quick. You  
17 know, I think, you know, what we talked about in-house maybe  
18 with Roger and others is -- because, you know, we see over  
19 the next year, two years, there may be more actions needed.  
20 So we kind of call this a working group, similar -- you know,  
21 like on the tidal fish side we have the blue crab working  
22 group and the striped bass working group. You know, there are  
23 going to be some specific tasks that we want them to address  
24 over the next year or two. So whether we call them  
25 subcommittee or working group, you know, I don't care one way

1 or the other. But the idea is, you know, we are going to put  
2 this group together and try and get a diverse view of  
3 stakeholders that are in that fishery and talk through a lot  
4 of those issues.

5           You know, you asked about scoping. And we had the  
6 roundtable. And, you know, I think the lesson learned was we  
7 just didn't have enough feedback and consensus. And we are  
8 hoping that this process will maybe be an improvement to help  
9 us with that stakeholder engagement. So --

10           MR. GRACIE: Well, sort of another note there, a  
11 number of people at this table who are very sensitive to the  
12 need for organizing input to you guys on things that you want  
13 to do and your request to move ahead is one of the things.  
14 There is a group called the Maryland Sportsmen's Foundation  
15 that's in the process of getting ready to go through a  
16 strategic planning exercise. There are six of us active  
17 members, and I think four of them are at this table: Ed, Ed  
18 Sikorski, Bill, and me.

19           And we have recruited -- we have done an outreach  
20 already to representatives of other hunting and fishing  
21 groups. And we have, I think, is it 17 people that have  
22 agreed to work with us through our planning exercise. We  
23 have hired facilitators from Maryland non-profits. We are  
24 actually meeting with them this Thursday.

25           And what we would like to do is create a statewide

1 forum for sportsmen so that we can talk together, compare our  
2 thoughts and ideas, give ourselves a chance to come to  
3 consensus on issues and be there to support the Department  
4 when we think it is doing the right thing and to fight with  
5 it when we think it's not.

6           So that's in the offing, and that's underway. Just  
7 so you know, I don't think we will be in a position to  
8 comment on the things you are interested in the next six  
9 months. Our process is going to take probably eight or nine  
10 months before we finalize our plan. But at any rate, we are  
11 going about this in a very, I think, thoughtful and strategic  
12 way. So -- and we recognize that as a great need because we  
13 have a lot of fragmented groups. And a lot of them react  
14 without being educated on the issues. So we want to help  
15 provide that kind of a forum where people can understand the  
16 issues better and work together.

17           MR. BLAZER: And I think we appreciate that, Jim.  
18 And that's kind of what we are trying to do with this tidal  
19 bass work. I hope that you all think of your role here as a  
20 sports fish advisory committee that you are looking out for  
21 what is best for the state. You are offering your personal  
22 experiences in your --

23           MR. GRACIE: We do. I do, anyway. That's the way  
24 I look at this thing.

25           MR. BLAZER: -- niche. But we hope that this

1 Commission, and all of our work groups, are looking out what  
2 is best for the state. You know, sometimes you are going to  
3 have to swallow something that you don't like, but other  
4 times they will benefit everyone in the group. So -- and I  
5 think that is -- this is a good example where this bass  
6 working group, where if we get the tournament people, the  
7 fishing guides, the recreational, you know, just weekend guy,  
8 and others to kind of sit in on that and maybe think about  
9 what is best for the resource. And remember, that's what our  
10 charge is, what is best for the resources. And we figure out  
11 how do we go about doing that.

12           If we can get, just like we have here, people to  
13 think on that large scale, you know, I think this working  
14 group will come up with some really good ideas and then come  
15 up with some actions that can move forward.

16           MR. GRACIE: And that group will be represented on  
17 that foundation we are talking about. Roger has already  
18 agreed to be onboard. So --

19           MR. TRAGESER: And I think there are more people  
20 out there than we tend to realize sometimes that feel that  
21 way about helping the resource and doing positive things for  
22 the resource. Because one of the things that's come out of  
23 that action, as brutal as it was when it first came out and  
24 as much feedback, negative feedback that I heard, is a lot of  
25 the positive feedback from people that said, yeah, there is a

1 problem, and maybe we should do this, maybe we should do  
2 that.

3 I mean, North East Anchor Marine that falls right  
4 in the middle of that area has stepped up, talked to one of  
5 our guys. He is in our Maryland Bass Nation now even though  
6 his club is up in Pennsylvania, because he sat in on that  
7 roundtable conference and was very impressed by the level of  
8 communication and the work that we all do together. Now, he  
9 has that facility going through the stages of building and  
10 setting up a weigh-in station. And you and I talked about  
11 some other things that could be done to enhance that, so that  
12 they can weigh those fish there. And if they are going to  
13 release them there, can release them in the best possible  
14 conditions that they can.

15 MR. GRACIE: Right.

16 MR. TRAGESER: And a lot of people have come  
17 forward that way. A lot of other ones, our group right now,  
18 our club, we don't even bring fish in for weigh in. We weigh  
19 them on the boat. We do this thing with what is called a  
20 score tracker app. You weigh your fish, you pull up the app,  
21 you enter the weight into the app. And everybody you are  
22 fishing against knows what you've got. I don't know if  
23 that's a good thing or bad thing.

24 (Laughter)

25 MR. TRAGESER: But it's fun. And it doesn't

1 bring -- and the fish are out of the water two minutes and,  
2 boom, they are back in. And that's it.

3 MR. GRACIE: Right.

4 MR. TRAGESER: So I don't know whether I need to --  
5 we talked about -- you know, I brought this to the  
6 Commission. And I want to get their blessings on us or on  
7 the Department moving forward on forming whether it is a  
8 committee or work group. Do we need a motion?

9 MR. GRACIE: The motion is on the floor. It hasn't  
10 been seconded.

11 MR. PROCHASKA: We can interpret it that way. We  
12 have a motion from Roger, I guess, to --

13 MR. GRACIE: This was from me.

14 MR. PROCHASKA: From Jim. Okay. I'm sorry.

15 MR. NEELY: I will second it for discussion.

16 MR. GOLDSBOROUGH: Thank you, John. Did you get  
17 that? John Neely's second.

18 MR. PROCHASKA: Do we have a second?

19 MR. GRACIE: Yes. John Neely seconded.

20 MR. PROCHASKA: So is there any more discussion we  
21 need to make on that?

22 MR. GOLDSBOROUGH: Questions? Comments? For Roger  
23 or Tony? Dave?

24 MR. SIKORSKI: Just for clarification. I support  
25 it. I think it is a great idea. And it's something that you

1 would be -- would you be the lone sport fish commissioner  
2 that would be a part of this committee, and then you would  
3 bind other groups? Or how would that work?

4 MR. TRAGESER: We talked to the Department about  
5 looking at candidates and actually putting out -- creating  
6 sort of a qualification.

7 MR. GOLDSBOROUGH: Yes, application process.

8 MR. TRAGESER: We want everybody -- we want all of  
9 the different stakeholders represented. There should be,  
10 like I said, there should be guides involved in this, because  
11 they -- so that is part of the development process right now.

12 MR. SIKORSKI: Well, what would be the process for  
13 approving those people? Was it something from the Governor's  
14 office, like this body, or is it --

15 MR. TRAGESER: Just your department here.

16 MR. GRACIE: Well, I just have one comment. I  
17 really think you ought to open it to volunteers on the  
18 Commission, just as we did the --- fisheries group. And I  
19 would assume that anybody here that wanted to serve on it  
20 would have qualifications adequate for any of these.

21 MR. TRAGESER: I think that would be --

22 MR. GRACIE: I wouldn't want to turn down a  
23 commissioner who wanted to help you.

24 MR. TRAGESER: Oh, no, not at all.

25 MR. GOLDSBOROUGH: Ed?

1 MR. O'BRIEN: Well, I appreciate your initiative,  
2 and I certainly support it. But then I sit here and I think,  
3 you know, how about striped bass. The watermen have a very  
4 effective work group when it comes to striped bass relative  
5 to, and of course it has to be relative to their interests.  
6 I think recreational with charter boats participating, just  
7 like we do to an extent with the watermen's work group, I  
8 think striped bass certainly should compete with your idea  
9 for attention.

10 Now, what you are talking about, Jim, of course, is  
11 something that's maybe a little more longer term. I think --  
12 I am not sure we shouldn't immediately, not immediately, but  
13 short term be thinking about some kind of a striped bass  
14 working group relative to people that go out recreationally,  
15 either guides, people who own the small boats, or people that  
16 we facilitate getting out there. And that's a lot of people.

17 I mean, some things -- I think the commercial work  
18 group is affected in their interests. I think they are  
19 representatives on it from -- certainly we have a charter  
20 boat on there. I don't know. Recreational used to be on  
21 that group.

22 Bill, are you still on that -- do you participate  
23 in the commercial work group?

24 MR. GOLDSBOROUGH: On the industry work group? No.

25 MR. O'BRIEN: So I think, you know, with -- your

1 idea is a good one, but I am just saying that we have an  
2 other species, too, that needs a little massaging as to how  
3 we manage it.

4 MR. GOLDSBOROUGH: Jim?

5 MR. GRACIE: My only comment is that I don't think  
6 that this commission would deny that, if there was any group  
7 that wanted to do that. The key, I think, is somebody has to  
8 be willing to set it up and take charge of it. So are you  
9 volunteering to do that, Ed?

10 MR. O'BRIEN: No.

11 (Laughter)

12 MR. GRACIE: That's what it will require. Nobody  
13 is in charge of --

14 (Simultaneous conversation.)

15 MR. O'BRIEN: The charter boat people are  
16 commercially licensed. We have a lot of people that do  
17 commercial fishing. We are right in the middle.

18 MR. GRACIE: I understand that.

19 MR. O'BRIEN: But sometimes it's effective to be in  
20 the middle. You know what I mean?

21 MR. GRACIE: Yes.

22 MR. O'BRIEN: But, I mean, I have worked with this  
23 now since 1970. And, you know -- but, I mean, I just think  
24 there is a balance needed in this right now.

25 MR. GOLDSBOROUGH: So why don't we deal with the

1 motion on the table right now and then immediately come back  
2 to your thought, Ed, while we are talking about potential  
3 work groups?

4 We have a motion on the table by Jim, seconded by  
5 John. Is there any further discussion on that?

6 MS. DEAN: Can I just ask one more time what the  
7 charge was for the group?

8 MR. GOLDSBOROUGH: Can we read the motion? Who has  
9 that?

10 MR. : Do you have that, Paul?

11 MR. GENOVESE: This has the formation of a black  
12 bass advisory committee.

13 MR. GOLDSBOROUGH: So Rachel asked about the  
14 charge, Roger.

15 MR. BLAZER: Are we calling it a subcommittee?  
16 Because that is what the cold water --

17 MR. GRACIE: You can call it -- I don't care what  
18 you call it.

19 MR. BLAZER: Do you want it to be a subcommittee?  
20 Okay. Subcommittee.

21 MR. GRACIE: I like the idea of -- I don't like the  
22 idea of working groups. That sounds too ad hoc.

23 MR. BLAZER: Subcommittee.

24 MR. GRACIE: This sounds more permanent. I think  
25 we have permanent issues in the long run that we are going to

1 need to do.

2 MR. BLAZER: And also, it will be a subcommittee of  
3 this group, so it will come back through here. Right?

4 MR. GRACIE: But that then makes it clearly a part  
5 of --

6 MR. GOLDSBOROUGH: So who would like to answer  
7 Rachel's question for a quick description of charge?

8 MR. GRACIE: I think Roger --

9 MR. GOLDSBOROUGH: Would that be Roger or Tony?

10 MR. GRACIE: -- probably did that with his  
11 preamble, but that is probably too long to write.

12 MR. TRAGESER: Yes. I was hoping that that was  
13 what my introduction of it was.

14 MR. GRACIE: Yes. I thought it was.

15 MR. TRAGESER: You know, it is a diversified  
16 fishery, very diversified fishery. There is a lot of moving  
17 parts with that fishery. And the fact that the Department as  
18 a result of how this last action came out, the Department  
19 could use advice as we move along, more than just once a  
20 year --

21 MR. GOLDSBOROUGH: I agree.

22 MR. TRAGESER: -- which is what happens in  
23 February. You know, quarterly meetings with the subcommittee  
24 can only be -- you know, provide positive information for the  
25 Department to work. And all those involved with that group

1 will know what the Department is doing, what the Department  
2 is thinking will be part of that. And that would be our  
3 basis for putting that group together.

4 MR. GOLDSBOROUGH: Thank you, Roger.

5 Jim?

6 MR. GRACIE: I guess this is maybe a funny  
7 distinction, but it is important in my mind. I told the  
8 people that have already been to the first meeting of my  
9 subcommittee that one of our functions is going to be to  
10 advise the Commission, as a subcommittee of the Commission.  
11 We weren't intending to speak directly to the Department and  
12 bypass the Commission. I don't know if that is something you  
13 want to consider or not, but I think that's the appropriate  
14 way to do it since it is being set up by this Commission.

15 MR. TRAGESER: Will that work with the Department,  
16 if we kind of work it through this Commission?

17 MR. GOLDSBOROUGH: Sure. Okay. So let the record  
18 reflect this would be a subcommittee of this Commission. It  
19 will bring guidance back here to the Department through the  
20 Commission.

21 Is that good, Tony?

22 PROCHASKA: Yes.

23 MR. GOLDSBOROUGH: Okay. All in favor please say  
24 aye.

25 (A chorus of "Ayes.")

1 MR. GOLDSBOROUGH: Opposed?

2 (No response.)

3 MR. GOLDSBOROUGH: Abstentions?

4 (No response.)

5 MR. GOLDSBOROUGH: Motion passes unanimously.

6 MR. TRAGESER: Can I have one minute just to add  
7 something to --

8 MR. GOLDSBOROUGH: Sure.

9 MR. TRAGESER: -- habitat?

10 MR. GOLDSBOROUGH: Sure.

11 MR. TRAGESER: We had our habitat restoration  
12 project in National Harbor, Smoots Bay. So we had a meeting  
13 I guess about a month ago or so now at National Harbor, very  
14 productive. Our schedule is -- this is going to be a  
15 combination of quite a large number of reef balls being made  
16 up plus concrete anchoring for large wood structure, trees  
17 and whatnot. They have plenty of big trees down there that  
18 we anchor in these areas.

19 So the time frame right now is we are going to  
20 start casting the reef balls and the wood anchor supports in  
21 September. And we should start placing structure in October.

22 MR. GRACIE: Question. Do you have references or  
23 some kind of diagrams or something on how you anchor trees?  
24 I would be interested in that to see if there is some other  
25 applications.

1 MR. TRAGESER: I do. I do. I mean --- has that.  
2 And I can get that forwarded to you.

3 MR. GOLDSBOROUGH: Anything else, Roger?

4 MR. TRAGESER: That's it.

5 MR. GOLDSBOROUGH: Thank you.

6 Tony, if you don't mind returning back to that  
7 striped bass question for a second.

8 MR. PROCHASKA: Okay.

9 MR. GOLDSBOROUGH: Ed, would you like to elaborate  
10 or would anybody like to comment on Ed's thought about --

11 MR. O'BRIEN: Yes. I think this is a good idea.  
12 And I think it could be a pilot for how we approach the  
13 striped bass issue. What Jim is working on, what we have  
14 been working on in the Sports Fish Foundation, that is not  
15 intended to be in any way anti-commercial, not at all. And  
16 we have to be careful what we do here. You have guides. You  
17 have a lot of guides in your group. And they take the public  
18 out, too.

19 So I think this is something good. And I think we  
20 can learn something from it when it comes to striped bass.  
21 So I still think we need some more concentration on striped  
22 bass, and I think that's coming --- the problems we have.

23 MR. GRACIE: Could you help us increase the money  
24 from this Commission, Ed, to take charge of that as a  
25 subcommittee like Roger and Tony got for his?

1 MR. O'BRIEN: I'm not proposing it as a  
2 subcommittee.

3 MR. GRACIE: Oh, you're not.

4 MR. O'BRIEN: I am saying let's see how this  
5 develops. In the meantime, we can be talking about it.

6 MR. GRACIE: Oh, okay. We sure are asking ---

7 MR. O'BRIEN: You are going to have your  
8 educational session. We are going to be taking on some more  
9 people.

10 MR. GRACIE: Okay.

11 MR. GOLDSBOROUGH: Any other comments or questions  
12 for Ed about this?

13 (No response.)

14 MR. GOLDSBOROUGH: Very good. Thank you, Ed.

15 Tony, do you have anything else?

16 MR. PROCHASKA: No. I just want to thank you for  
17 your time. And I would like to get this formalized quickly,  
18 because the first issue is how to move forward with catch and  
19 returns, the idea of catch and returns. The advice that we  
20 got from the Secretary was to identify a management action.  
21 You know, we can work with this group and identify what  
22 action that's going to be and actually scope it again, this  
23 idea, instead of going towards a regulatory proposal, scope  
24 it again, and then based on feedback. So that's kind of  
25 where we are.

1 MR. TRAGESER: Tony, what did you say our timeline  
2 was for trying to get this subcommittee together?

3 MR. PROCHASKA: I mean, maybe I am being --

4 MR. TRAGESER: You mentioned something about the  
5 end of July?

6 MR. PROCHASKA: Maybe I am being overly optimistic,  
7 but I would like to have it by June or July, to be honest  
8 with you.

9 MR. : I thought he said half an hour.

10 MR. PROCHASKA: We have pressing issues.

11 MR. : And we have your attention now,  
12 so --

13 MR. PROCHASKA: Yes, Dave?

14 MR. : And we have yours.

15 MR. SIKORSKI: I know it is one more e-mail, but it  
16 may benefit the whole Commission to get e-mails, to be kept  
17 up to date on what is going on with your process as you go  
18 back to your subcommittee?

19 MR. PROCHASKA: Sure.

20 MT. TRAGESER: In case anybody is interested, I  
21 know the Potomac is tough fishing, but the Upper Bay is on  
22 fire. Big fish still.

23 MR. PROCHASKA: That's what our data says, but  
24 there is not many --

25 (Simultaneous conversation.)

1 MR. GRACIE: I was wondering if this extra unit  
2 effort had something to do with you guys not remembering how  
3 to catch fish as you get older.

4 (Laughter)

5 MR. DAMMEYER: Is this work group going to focus  
6 solely in tidal black bass or is --

7 MR. PROCHASKA: Yes.

8 MR. DAMMEYER: Okay. So it's just tidal black  
9 bass.

10 MR. PROCHASKA: Yes, tidal black bass.

11 MR. GRACIE: Do they have a senility correction  
12 back there?

13 (Laughter)

14 MR. PROCHASKA: Thanks, everybody.

15 MR. GOLDSBOROUGH: Thanks, Tony.

16 MR. : You know you're getting old when  
17 you say you want a seat in the back of the boat.

18 MR. GOLDSBOROUGH: All right. Very good.

19 Thank you, Tony. We are right on schedule.

20 All right. Let's move on to the Policy Program.  
21 Sarah, thank you for being there.

22 MS. WIDMAN: Sure.

23 ***Policy Program***

24 ***by Sarah Widman, MD DNR***

25 MS. WIDMAN: I have a lot today, so --

1 MR. : What do you need first, Sarah?

2 MS. WIDMAN: Let's go in order. So let's start  
3 with our legislative update.

4 MR. GOLDSBOROUGH: You are under Tab 5 with that.

5 MS. WIDMAN: So we had a really busy session,  
6 probably the most fishery bills of any session maybe in  
7 history. Hopefully you have had a chance to look at it or  
8 you are able to keep up, following them during session. I  
9 know we had a new wink for that this year on our website.

10

11 Some highlights, I guess, to bring to your  
12 attention, if I can focus on a few. We did get House Bill 62  
13 passed. So this is going to allow us to start down the path  
14 of e-licensing, which we had some statutory roadblocks to  
15 before. So that will be, I guess, something we will be  
16 working on in the near future.

17 We have another bill to allow commercial fin fish  
18 trout lining. We are looking to specifically target some of  
19 the invasive catfish species. So I will circle back to that  
20 in a moment, but we are going to have to reconvene our gear  
21 workgroup because there are a couple gear-related issues that  
22 have come out of session from both the commercial and rec  
23 end. So I will circle back in a minute on that.

24 Some haul seines in Kent County specific to shad.  
25 We had our housekeeping bill pass. So specific to you guys,

1 you may want to be aware that we will -- recreational gigging  
2 is not going to be allowed in tidal waters. Previously it  
3 wasn't. And I know last time we looked at your regs that the  
4 sport fish tidal fish gear workgroup was interested in  
5 allowing it and regulating that. So that will pave the way  
6 that we can now do that. So that will be a rec discussion  
7 when we get the gear workgroup together.

8 MR. GRACIE: Sarah, is that related to the ---  
9 issue?

10 MS. WIDMAN: Completely unrelated. It just came up  
11 when we were talking about different types of gear with the  
12 gear workgroup. And because of the way the law was worded  
13 previously, we couldn't allow it.

14 MR. GRACIE: But won't it eliminate gigging  
15 for ---?

16 MS. WIDMAN: It allows recreational gigging in  
17 tidal waters.

18 MR. GRACIE: Oh, it allows. I'm sorry.

19 MS. WIDMAN: Right. So right now the other  
20 projectile gear we have listed in reg, there are some species  
21 that we don't allow taking of. There are some season and  
22 distance stuff in there.

23 MR. GRACIE: I just misheard you. Sorry.

24 MS. WIDMAN: No problem.

25 Other stuff that came out, there is some related to

1 commercial grab trout line times that will be getting  
2 discussed. The other one for the gear workgroup, we have a  
3 commercial northern snakehead bow fishing license now. So  
4 this is outside of our normal licensing. If you just want to  
5 bow fish for snakeheads, it will be its own license, \$15.  
6 But we will have to look at gear-specific regulations related  
7 to bow fishing now commercially, specifically.

8           We will have the recreational license donation  
9 program, which I am sure we will be hearing more about as --  
10 it is not specific to fisheries. It's hunting and fishing.  
11 So you will probably hear more about that, as well. And then  
12 we will be working on some reporting stuff to do with  
13 oysters.

14           So those were kind of the big action item ones that  
15 came out fisheries related. The two points I want to raise  
16 while we are on that is that gear workgroup, so I am  
17 anticipating -- which normally Jacob comes to these meetings,  
18 my program manager, to talk about regs. He has been out on  
19 paternity leave. But he should be back shortly, and he is  
20 going to get together the gear workgroup.

21           Previously I have from sport fish Roger Trageser,  
22 Tim Smith, Dave Sikorski, Beverly Fleming, and Phil Langley  
23 were your representatives. I don't know if you guys want to  
24 change that, add people, subtract people.

25           (No response.)

1 MS. WIDMAN: We're good with that? Yes? Okay.  
2 Okay.

3 And then also while we are on workgroup fronts,  
4 penalty workgroup, so our annual review of all of our  
5 suspension and point schedules related to suspensions, as  
6 well as looking at the District Court's fine schedule for  
7 fisheries fines. We will be meeting June 2. As soon as I  
8 have the handout for that -- it is on the calendar, but I  
9 will be sending it out to the full Commission so you guys can  
10 see that.

11 And your workgroup members for that one are  
12 currently James Womack, Roger Trageser, Tim Smith, and Val  
13 Lynch. So, really quick, if anyone wants to change on that  
14 one, as well, since we are meeting in a few weeks?

15 (No response.)

16 MS. WIDMAN: We are good? Okay.

17 MR. GRACIE: I won't have them until you start  
18 having meetings.

19 MS. WIDMAN: That's how it usually goes down, but  
20 that's okay.

21 All right. Questions on legislation before I move  
22 on to regs?

23 (No response.)

24 MS. WIDMAN: Good? Okay. Then moving on, you guys  
25 have our normal regulation update. There is not a lot from

1 the regulation end, mostly just lease-related public notices  
2 that went out. And that's again because the beginning of the  
3 year we can't submit regulations. So we are just starting to  
4 get back into the loop on that.

5 Any questions on the lack of regs there?

6 (No response.)

7 MS. WIDMAN: Okay. And then scoping. So there are  
8 only three items in your fisheries regulatory scoping  
9 handout. So there are blue crabs. Again, this is related to  
10 changing some harvesting times in the coast to be consistent  
11 with the bay. There is some stuff related to commercial  
12 oyster diving and who requires a license and then clarifying  
13 some stuff in a fishery management area, Nirvana Lake. Were  
14 there any questions or suggested changes in how we are  
15 scoping those three items?

16 MR. GOLDSBOROUGH: Rachel?

17 MS. DEAN: I will ask the question. I could  
18 probably save it for a Thursday meeting, but for oysters I  
19 thought it was the color that had to be licensed. I thought  
20 it was only in the Potomac River that all persons onboard had  
21 to be licensed.

22 MS. WIDMAN: So this came up this year. And we had  
23 the AG look at it, and we looked at it. And it can be  
24 interpreted that the way it is worded now that every single  
25 person on that boat needs the license for diving.

1 MS. DEAN: But it doesn't have to be interpreted  
2 that way?

3 MS. WIDMAN: Well, we want to clarify it, so it --

4 MS. DEAN: Okay.

5 MS. WIDMAN: -- is not interpreted that way.

6 MS. DEAN: Thank you.

7 MS. WIDMAN: So it would just be the actual people,  
8 you know, the diver himself and then whoever is actually  
9 bringing it onboard --

10 MS. DEAN: Thank you.

11 MS. WIDMAN: -- would need the license.

12 Other questions on scoping items?

13 (No response.)

14 MS. WIDMAN: Okay. And then really quick -- I am  
15 being super fast. Okay. So fishery management plans, we had  
16 brought to you guys -- remember, we are kind of changing up  
17 the fishery management plan process a little bit, so we are  
18 going to kind of go in the direction of these updates. So  
19 you will be getting a whole update report that we submit to  
20 the legislators at your October meeting or, I guess, a couple  
21 weeks beforehand to review. And then we will have a comment  
22 time for you to give us comments on those in October.

23 However, kind of the end cycle, which we are  
24 starting a little backward because we -- we did have you guys  
25 look at it this year, but then we came with some bullets at

1 your last meeting, if you kind of maybe vaguely remember.  
2 And we had some feedback that folks wanted a little more  
3 detail. So you should have the highlights for 2015, because  
4 your management plan had 2016. And this is providing a  
5 little more detail in a little bit different format. And  
6 hopefully that will help you all in kind of looking ahead at  
7 what is going on. And specifically, if there is anything  
8 that you see on here that you want staff to come talk about  
9 at the July meeting or October meeting specifically, we can  
10 certainly get that on the agenda.

11 So I don't need answers today, but certainly take a  
12 look at it, let us know or let me know if you want someone to  
13 talk about any specific species. And then we can do that.  
14 So we will try to mirror this at the next round at your  
15 January meeting, I guess, unless people want further changes  
16 to it.

17 MR. GOLDSBOROUGH: So everybody take note. You  
18 have a little homework. Well, there is plenty of homework  
19 inherent in everything we are talking about, but this one  
20 keep in mind particularly. Take a close look at it, if you  
21 haven't already, and provide some feedback, if there is  
22 anything you would like some more focus on at a later  
23 meeting.

24 MS. WIDMAN: Questions or comments on that?

25 (No response.)

1 MS. WIDMAN: Okay. And then lastly you have two  
2 work plans. Nancy wanted me to provide you guys with the  
3 oyster and blue crab. So this is, remember, from the  
4 Chesapeake Bay program, the management strategies. We have  
5 all these workgroups on work plans. In January, I think we  
6 reminded you guys to comment on them. So now all the  
7 comments have been incorporated.

8 These two Nancy felt had the most substantive  
9 changes from comments, so she wanted to make sure you guys  
10 saw them. But essentially the final products are going to be  
11 posted on the Chesapeake Bay program's website. And I think  
12 you have a link from your prior meeting. There is a whole  
13 dashboard, if you go to their website, about what is going on  
14 with this. And so all those plans will be up there on  
15 Friday, so you will see the final versions. And then it is  
16 going to be a two-year implementation time schedule, which,  
17 you know, I am sure they will be updating people as they  
18 check things off their implementation to-do list. So again,  
19 just a heads-up that that is going on unless there are more  
20 questions on that.

21 MR. GOLDSBOROUGH: Any questions for Sarah?

22 MR. GRACIE: On anything on that?

23 MS. WIDMAN: Yes.

24 MR. GRACIE: I have a question that is unrelated to  
25 your report.

1 MS. WIDMAN: Sure.

2 MR. GRACIE: Did you get a request from Margaret  
3 McGinty to give the habitat work group some feedback on the  
4 planning process in Maryland and required input from  
5 fisheries on master plans?

6 MS. WIDMAN: I think there was some discussion. I  
7 saw e-mails on that. And I think there was reach-out with  
8 planning to figure --

9 MR. GRACIE: There was what?

10 MS. WIDMAN: The reach-out with planning to talk  
11 about that. But I don't know the resolution of that. Do you  
12 want me to --

13 MR. GRACIE: We have a meeting coming up -- is it  
14 the second Wednesday of -- and we are hoping to get that  
15 stuff back in time to be able to discuss it. So I don't -- I  
16 gave Margaret a follow-up a couple weeks ago, and she said  
17 she has been too busy to talk to you yet. So I don't --

18 MS. WIDMAN: Okay. She mentioned something, but we  
19 haven't discussed in-depth. So I will touch base with her.

20 MR. GRACIE: I might have to reschedule the meeting  
21 if it is not even ready. That's why I just --

22 MS. WIDMAN: Okay.

23 MR. GRACIE: We are unhappy with the way counties  
24 include or exclude fisheries' impacts in land use decisions.  
25 We want to have a better understanding of what the state

1 planning law requires and how it has been interpreted by  
2 counties. And we might want to go to the General Assembly  
3 and try to get changes over the next however many years it  
4 might take.

5 MS. WIDMAN: Okay.

6 MR. GOLDSBOROUGH: Tony?

7 MR. PROCHASKA: So, Jim, just to address that  
8 point, inland staff, we do get comprehensive plans and other  
9 plans from municipalities, from integrated policy and review  
10 that come from planning. And staff does spend time reviewing  
11 those plans and submitting comments to advocate for resource  
12 protection. Whether or not those recommendations are  
13 incorporated in the plans is unknown in that case, or it is  
14 just --

15 MR. GRACIE: Well, we look at plans and don't see  
16 any mention of fisheries in places where they clearly should  
17 have been. So, I mean, we kind of -- before we go wading in  
18 without looking, we want to find out what the existing law  
19 requires and then start calling people.

20 MR. PROCHASKA: Yes. Inland staff have been  
21 working with Margaret on comments specific to plans.

22 MR. GRACIE: Yes. We know you make comments. We  
23 don't know whether they are --

24 MR. PROCHASKA: Right. It is whether or not they  
25 are being incorporated.

1 MR. GRACIE: -- incorporated or read or anything.  
2 And there is no public process that let's the world know that  
3 you have made comments and what they are. So one of our  
4 concerns would be that those comments should be part of a  
5 public hearing process. And I don't know whether they are or  
6 not.

7 MR. PROCHASKA: Okay.

8 MR. GRACIE: If they are, then, you know, we will  
9 just do a mandamus and not worry about going to the General  
10 Assembly.

11 MR. PROCHASKA: Okay. Thank you.

12 MR. GOLDSBOROUGH: Anything else for Sarah?

13 (No response.)

14 MR. GOLDSBOROUGH: Anything else from Sarah?

15 MS. WIDMAN: No. That's it for me.

16 MR. GOLDSBOROUGH: All right. Very good.

17 Thank you for that, Jim, that habitat workgroup.  
18 We want to keep up with that. Subcommittee. Good work.

19 MR. GRACIE: It's not a subcommittee. It's  
20 really -- Tom O'Connell made it much larger than that, I will  
21 note. I am not sure how that part is working out.

22 (Laughter)

23 MR. GOLDSBOROUGH: All right. Let's move on  
24 recreational blue crab regulations. Brenda? And this is an  
25 item that we have added to the agenda that I mentioned in our

1 last meeting, if you remember, based on some input that we  
2 got from a stakeholder, who is here today. And is it okay  
3 with you if I let him make a few comments first?

4 MS. DAVIS: Sure.

5 MR. GOLDSBOROUGH: Okay. So Bill Alcarese? If you  
6 would like to, you can sit right next to Brenda there, use  
7 the same mic.

8 ***Recreational Blue Crab Regulations***

9 ***by Bill Alcarese and Brenda Davis, MD DNR***

10 MR. ALCARESE: Good afternoon. My name is Bill  
11 Alcarese, and I appreciate the Commission taking the time to  
12 hear a few suggestions concerning crabbing. I want to talk  
13 about observations and then wrap it up with some suggestions,  
14 which would be recommendations for the Commission to maybe  
15 possibly take on.

16 There is only -- there are three issues here that  
17 we can start with. Setting gear, and I am talking about  
18 recreational crabbing and commercial crabbing, primarily in  
19 the rivers. A recreational trout liner is currently allowed  
20 1,200 feet of baited trout line and is required to maintain  
21 in-kind visible markers on each end. Commercial crabbers are  
22 allowed to set gear well before the light of day. And  
23 oftentimes you will find them setting multiple lines in zig-  
24 zag fashions. And it becomes challenging for the  
25 recreational crabber by the time he is allowed to get out

1 there to basically thread his line in between such staged  
2 situations.

3           Going on to the user of crab traps, observations  
4 have been that they will set their gear oftentimes in circles  
5 and zig-zig fashions. They will use markers that are barely  
6 visible or discernible. And if their run was straight and  
7 visibly marked, it would be easier for others to place their  
8 gear without overlap.

9           And then common times to set gear, that's just it,  
10 there are not common times because the commercial people are  
11 allowed to set well before the light of day. And there was a  
12 House bill that was introduced this year to allow them to  
13 even set basically in the middle of the night. And the  
14 excuse for the bill's position was that a safety pawn was  
15 used because of the -- that the commercial guys are getting  
16 old, and they don't want to work out in the sunshine.

17           MR. GRACIE: I didn't hear that. The reason was  
18 what? Start over again. I missed that.

19           MR. ALCARESE: I'm sorry. There was a House bill  
20 that was proposed. And the pawn that was used to support  
21 this was for the commercial people to be able to set their  
22 gear in the middle of the night. And the reason for that was  
23 that the commercial people are getting older, and they don't  
24 want to work out in the sunshine, and that their catch could  
25 die because it's out in the sun.

1           Anyway, so my suggestions or recommendations is  
2 that, number one, with crabbing with traps a user would be  
3 required to set traps in a consistent straight line and  
4 giving them a little bit more distance but be required to  
5 mark the beginning and the end with one visible, with visible  
6 in-kind markers, so you can see the beginning and the end of  
7 their run.

8           Commercial trout liners in the rivers be allowed  
9 to, of course, set their gear. They are allowed unlimited  
10 gear. But they would be required to set one straight line.  
11 And then setting gear, that all parties be allowed to set  
12 gear at an established, designated start time instead of  
13 different times and staggered times.

14           And I want to follow up with what Roger Trageser  
15 said a little earlier. I'm in here listening. And this is  
16 all about fun. This is not about over-catching or -- it's  
17 about fun, going out there and trying to have a good time.  
18 And observation-wise this is what is going on. What I stated  
19 earlier -- and I think if we get consistent rules in place it  
20 is going to make it easier for everyone, including DNR, to  
21 enforce policies and regulations.

22           So, again, I thank you for the time that you have  
23 allowed me to talk her. And pending any questions, I will be  
24 on my way.

25           MR. GOLDSBOROUGH: Thank you, Bill.

1 I think we are going to hear from Brenda now about  
2 the regs as they are in place. Right?

3 MS. DAVIS: Right.

4 MR. GOLDSBOROUGH: And that will inform the  
5 Commission a little bit more, if we want to discuss the  
6 issue.

7 MR. ALCARESE: I will stay for that.

8 MS. DAVIS: So gear conflict issues come up fairly  
9 frequently. And they are not just rec against commercial or  
10 commercial against rec. There is also -- you know,  
11 commercial guys don't like it any better when buoys are set  
12 everyone and, you know, you can't easily find a place to put  
13 your gear.

14 As far as set times go, the only place where start  
15 times differ is with trout line. As far as collapsible  
16 traps, both recreational and commercial are -- the start time  
17 is a half-hour before sunrise. Recreational can go to  
18 sunset. Commercial has to stop seven-and-a-half hours after  
19 sunrise.

20 The discrepancy, there is a half-hour discrepancy  
21 between start times for trout lines for commercial, which is  
22 one hour before sunrise and to nine hours after. And  
23 recreational is a half-hour before sunrise to sunset. So  
24 commercial guys get 10 hours, the recreational guys get 15.

25 The difference in the start time is that the

1 commercial guys are not doing this, they are not out there to  
2 have fun. They are not doing it for personal consumption.  
3 They are operating their businesses and harvesting seafood to  
4 sell to other people. And the bill that he mentioned would  
5 allow earlier start time for commercial on holidays. I  
6 believe it ended up being the holiday and maybe the weekend  
7 before, because that's when buyers require that seafood be in  
8 earlier to avoid mortality from the heat of the day and to  
9 have seafood on hand when people want it for their 4th of  
10 July crab feast or Memorial Day or labor Day.

11 So the mortality issue is real, as is seafood  
12 safety, and something that, you know, we are concerned about  
13 being, our watermen being able to bring quality, fresh,  
14 healthy seafood to the dock.

15 The gear setting issue has been addressed, or has  
16 been discussed. And we have not come up with any ideas. And  
17 it would be a great one for this committee as to how to  
18 actually have an effective, enforceable regulation that  
19 determines where someone can set their gear. You know,  
20 cordoning off, putting your trout lines in a big triangle,  
21 really doesn't benefit anybody. But like I say, we haven't  
22 come up with a way to deal with that.

23 And the buoy requirements for trout lines for  
24 recreation and commercial are the same. There are no buoy  
25 requirements for collapsible traps. And I am not sure how we

1 would do that, because it is incredibly small, light-weight  
2 gear. And if you have to put a great big buoy on it, it is  
3 going to be bouncing around and not catch well. So that's,  
4 you know, another issue that is certainly up for discussion.

5 MR. GOLDSBOROUGH: Thank you, Brenda.

6 Any questions or comments from commissioners for  
7 either Brenda or Bill, actually? Jim?

8 MR. GRACIE: Do we have anything written either on  
9 Bill's proposal or the summary that Brenda just did? I don't  
10 see anything in packet on it.

11 MR. GOLDSBOROUGH: Well, this was added to the  
12 agenda after the packet went out. So I see Paul has  
13 summarized what came out of Bill's e-mail earlier. I believe  
14 that's where that came from.

15 MR. ALCARESE: Yes.

16 MS. DAVIS: And I can certainly write up the  
17 summary of the reg.

18 MR. GOLDSBOROUGH: And we should make this  
19 available to everyone. I guess it will be on the website,  
20 right, because it was in the meeting? So you will be able to  
21 get this on the website.

22 Dave?

23 Were you not done, Jim?

24 MR. GRACIE: I had a question for Bill. Is there  
25 any evidence that people are sending up trout lines to

1 exclude other areas of the fishery? In other words, I could  
2 cordon off an area where the trout line to keep people from  
3 getting to a section where there are a lot of crabs to try  
4 and keep them for myself.

5 MR. ALCARESE: It has been experienced, I can tell  
6 you that. I mean, I --

7 MR. GRACIE: So we don't have any restrictions on  
8 the placement of these. It is not like a duck blind where  
9 you license an area.

10 MR. ALCARESE: No, no, nothing of that sort. No.

11 MS. DAVIS: They have to be a certain number of  
12 feet apart.

13 MR. ALCARESE: Right.

14 MS. DAVIS: You can't set your gear right on top of  
15 each other, just like the blinds.

16 MR. GOLDSBOROUGH: Dave?

17 MR. SIKORSKI: A question. In point two it  
18 mentions visible markers on recreational trout line gear. Is  
19 it regulation that commercial gear also have visible markers?

20 MS. DAVIS: It applies to both.

21 MR. SIKORSKI: Right. That's what I thought.

22 MR. ALCARESE: And the thing about the gear, sir,  
23 about the drop pots or, what do you call them, crab traps,  
24 which that is just not the way I was brought up, I just don't  
25 use those, but it is to have a marker, in-kind marker, at the

1 beginning and at the end, not every crab trap in between.

2 MR. SIKORSKI: Are you talking commercial or  
3 recreational gear?

4 MR. ALCARESE: I'm talking -- well, commercial or  
5 recreation. A commercial guy can use drop pots, as well as a  
6 recreational guy.

7 MR. GRACIE: But is that requirement there now?

8 MR. ALCARESE: No.

9 MR. GRACIE: No. Okay.

10 MR. ALCARESE: And it is just so it's discernible,  
11 so you can see the beginning and you can see the end and, you  
12 know, give them a distance. You give them a couple -- I  
13 realize they need a longer distance because they are running  
14 and pulling and stopping and moving, so they are going to  
15 need two 2,500 feet probably to set 30 traps would be the  
16 recreational person.

17 And the bill, just one more point, the bill that  
18 was proposed -- I mean, it's amazing what you can read on the  
19 internet. But when I pulled this bill up during the waning  
20 days of the session, the actual proposal was that the  
21 commercial people wanted that nighttime allowance from June  
22 until October, I believe. And then it was pared back to  
23 these three days. So it was proposed to grab the entire  
24 summer.

25 MR. GRACIE: Did the bill pass?

1 MR. ALCARESE: I don't know.

2 MR. BLAZER: It got amended to just the holiday  
3 weeks, as Brenda described.

4 MR. GRACIE: Oh. So it passed with the holiday  
5 weekend.

6 MR. BLAZER: Yes.

7 MR. GRACIE: Okay.

8 MR. SIKORSKI: Are you attending the Tidal Fish  
9 Advisory Commission on Thursday and bringing up this issue?

10 MR. ALCARESE: No. I wasn't -- I didn't know --  
11 this is my first time here.

12 MR. GRACIE: That might be a good idea.

13 MR. ALCARESE: I know I'm out of the loop on  
14 Thursday. I'm sorry. I --

15 MR. SIKORSKI: I will just make some comments. You  
16 know, my personal experience out there is there can be a lot  
17 of gear in the water. I know when I was first on this  
18 Commission I think we discussed the marking of traps and  
19 different colors and all that sort of thing. And a lot of  
20 people went through a lot of work to try and figure out what  
21 was right. And the reality is not one single color, not one  
22 single shape is right, depending on varying light conditions,  
23 varying conditions.

24 So, you know, crabbers, especially commercial,  
25 don't want to lose gear probably worse than we want to run it

1 over or be in conflict with it. And I think in general they  
2 do a pretty darn good job of marking their gear so we don't  
3 hit it. There is float-free zones or float-free channels.  
4 And maybe there aren't enough for some people, but they are  
5 limited in the area they can work.

6           And I know some commercial crabbers. And, Jim, I  
7 wouldn't say that they set a line to keep people out of it,  
8 but they generally work within their community to try and  
9 find the place that they can fish effectively or crab  
10 effectively and not get in each other's way. They have their  
11 own pecking order and seniority and that type of thing that  
12 happens in those communities.

13           It is kind of -- I understand your frustration, but  
14 I don't see regulation that would be necessary from the  
15 Department's perspective -- I would not recommend that the  
16 Department to pass on further regulation for the placement of  
17 these lines simply because the bay is so varying, and every  
18 tributary is so varying. And the time of year and the depths  
19 and the way you set your lines and everything is so varying.  
20 And I just don't think we could ever wrap our heads around  
21 something that wouldn't cause major trouble for different  
22 folks.

23           I understand your concerns. And I think from my  
24 understanding the crab pot issue that you have, where there  
25 is a mark on one end and a mark on the other --

1 MR. ALCARESE: Traps, crab traps.

2 MR. SIKORSKI: Traps, drop traps.

3 MR. ALCARESE: Right.

4 MR. SIKORSKI: Well, I wasn't aware of drop traps  
5 being used with just one mark on each end and being used on  
6 long lines. But I am aware of commercial crab pots being  
7 used in that way. And that's about the place I could see  
8 there being conflict, but it would be really difficult.  
9 Because a lot of crabbers have moved to the long line-type  
10 gear so they can lessen the number of floats up on the  
11 surface. So there is one on one end, one on the other, and  
12 then a long series of pots. And that's pots, not traps.

13 MR. ALCARESE: And that's in the bay.

14 MR. : In the bay, yes, in the bay.

15 MR. SIKORSKI: So I would recommend, just from my  
16 personal experience, to discuss this with some folks in the  
17 commercial industry. I know this fishery is mostly  
18 commercial. It is the most valuable in the state. And I  
19 would take their interest up before we started, as  
20 recreational fishermen, kind of trying to recommend different  
21 regulations.

22 MR. ALCARESE: I think the point here, to comment  
23 though back, is that the -- at least I am not suggesting in  
24 any way that any one party has the opportunity to sequester a  
25 special area or something of that nature. It is just

1 consistency in setting equipment and doing it in a way that  
2 it is fair and to have more fun. I mean, regulations are  
3 drafted for a lot of purposes, but they are also drafted for  
4 behavior. And when you have intentional -- and I am not here  
5 slamming any group of people. Okay? Because I mentioned  
6 about recreational people setting drop pots in circles and  
7 zig-zigs and everything else. So, you know, it is across the  
8 board.

9           And this would become a -- this is a behavior issue  
10 that regulations often have to address. You know, you have  
11 to address behavior. You have to control people. And if you  
12 did this consistently, it is going to make it a lot easier  
13 for enforcement. NRP is not going to have a problem in  
14 trying to judge what's going on. One straight line and just  
15 what I -- what the -- you took out right he e-mail what is up  
16 on the board.

17           So, you know, you have my phone number. You have  
18 my e-mail address. I bring it to this Commission for  
19 consideration and take it from there. And again, it is only  
20 about one thing, having a good time. That's all.

21           MR. GOLDSBOROUGH: Any other questions for Bill or  
22 for Brenda?

23           (No response.)

24           MR. GOLDSBOROUGH: All right. I think this  
25 Commission hasn't really gotten -- hasn't been too active in

1 recreational crabbing, but it certainly falls under our  
2 purview. So I would suggest that we try and pay attention to  
3 the pattern of the fishery this year, as it develops, stay in  
4 touch with you, Bill. Maybe you can alert us to particular  
5 areas where we might be seeing this kind of conflict, so we  
6 can get maybe a little more information, a little bit better  
7 informed on possible ways to reduce conflict, because they  
8 are certainly interested in doing that, to the extent it is  
9 feasible.

10           A point was made that current regulations -- and  
11 this is true at any time -- have evolved over a long time  
12 based on lots of different things that have happened. So you  
13 can't just unravel everything because you never know what you  
14 might be unraveling as you do it. But there is always a  
15 possibility to make adjustments and make improvements, but  
16 you have to have good information on that.

17           So, Rachel, do you have a comment?

18           MS. DEAN: Yes. There is a lot of commercial  
19 implications. And I would invite you to bring your concerns,  
20 especially as it is addressed to the commercial industry, to  
21 the Tidal Fish Advisory Commission. But on the rec side I  
22 think either I need some clarification or I would like to  
23 dispel the idea that collapsible traps could be on a long  
24 line, the idea behind those traps.

25           MR. ALCARESE: No, that's not at all -- no, ma'am.

1 The collapsible traps is not on a long line, but you have in-  
2 kind marker at the beginning of your run and an in-kind  
3 marker at the end of the run, give a distance of about -- you  
4 know, give extra distance here. Give them 2,500 feet or so,  
5 so they have a nice area to work. But have in-kind markers  
6 so you can see where the collapsible traps are staged.

7 MR. BLAZER: But they are still on individual  
8 lines.

9 MR. ALCARESE: But then they are on individual  
10 lines. No one is asking to put a big marker on each trap.  
11 It is just where you start and where you finish. Because it  
12 is the same thing with a trout line. You don't have markers  
13 in between. You have a marker in the beginning and you have  
14 a marker at the end, same recommendation.

15 MR. SIKORSKI: I will just say I was not clear on  
16 that. That makes a little more sense now. I understand what  
17 you are --

18 MR. : How do you find those traps when  
19 you go back to pick them up, if they are not on a long line  
20 and they are not marked?

21 MR. ALCARESE: Because they -- well, they put  
22 little -- they will put little trap, little floats on them  
23 maybe the size of like a saucer, you know, like a -- and they  
24 go and they pick them up.

25 MR. SIKORSKI: Put big ones on each end.

1           MR. ALCARESE: But then you can't, especially if  
2 there is a little bit of wave out, you can't see them. Now  
3 the guy or gal that sets them, they know where they are.  
4 But, you know, you are out there trying -- then you go out  
5 there to stage your line, and then you are running over top  
6 of them. And contentious behavior then starts and things of  
7 that -- you're too close to me.

8           So all this does is balances everything out, that  
9 it is an event start time, straight, and everybody moves on  
10 from that point.

11          MR. GOLDSBOROUGH: Mark?

12          MR. DeHOFF: I see the benefit of trying to avoid  
13 the conflict, but I think that by having separate start times  
14 you are already avoiding some of the conflict. Instead of  
15 having all the user groups out in the same area at the same  
16 time, trying to set their lines at the same time, I see that  
17 as being more potential for having conflict.

18          Also one of the issues that I have with the idea of  
19 trying to run them in straight lines. I have been fishing on  
20 the bay a long time. I don't know of a single edge that runs  
21 in a straight line. And these guys are following contours.  
22 And the crabs are at 22 feet this week. They are at 18 feet  
23 next week. That's what they are following. They are  
24 following contour lines. That's where they need to put these  
25 things. If we regulate that they have to put them in

1 straight lines, then their efficiency is going to go way  
2 down, costs are going to go way up, because they are going to  
3 have to put their traps in areas that don't have crabs.

4 So I see those as two possible pitfalls to trying  
5 to regulate the situation.

6 MR. ALCARESE: Well, again, the same thing with the  
7 recreational person setting his gear, then.

8 MR. DeHOFF: Absolutely.

9 MR. ALCARESE: So, I mean, it becomes a little  
10 challenging for a recreational person that's allowed a 1,200  
11 foot trout line to have multiple lines. I mean, the whole  
12 thing is that, you know, we are regulated by the catch. I  
13 don't know what difference it makes to anyone if I had a  
14 1,200 foot line or a 12,000 foot line. If I am only allowed  
15 a bushel of crabs, I am only allowed a bushel of crabs.

16 So, you know, it goes back to what other people are  
17 allowed to do, and they then turn and take the opportunity to  
18 put oftentimes what we witness and find multiple lines. So,  
19 again, it is just a suggestion to try to keep this thing even  
20 and move on from that point.

21 MR. GOLDSBOROUGH: Rachel, did you have something  
22 else?

23 MS. DEAN: I wanted to thank Brenda and also a  
24 comment about the bottom doesn't go in a straight line, but I  
25 kind of wanted to turn that double standard on end. I did a

1 little bit of math. And on July 4 of this year a commercial  
2 crabberman can only crab 10 hours, whereas a recreational  
3 crabberman can crab 15 hours. So I understand the  
4 frustrations of kind of a double standard. But it kind of  
5 works both ways.

6 So, again, there is a lot of commercial things, and  
7 I don't think this Commission -- I think they understand a  
8 lot of it, but I just wanted to point that out as well.

9 MR. GOLDSBOROUGH: What about a crabber woman?

10 (Laughter)

11 MR. GOLDSBOROUGH: Anything else for Brenda or for  
12 Bill?

13 (No response.)

14 MR. GOLDSBOROUGH: Thank you, Bill.

15 MR. ALCARESE: Thank you.

16 MR. GOLDSBOROUGH: All right. Let's move on to the  
17 Estuarine and Marine Report. Is that Mike?

18 MR. LUISI: That's me.

19 MR. GOLDSBOROUGH: Very good.

20 ***Estuarine and Marine Report***

21 ***by Mike Luisi, MD DNR***

22 MR. LUISI: Good afternoon, everyone. Mike Luisi.  
23 I am the director of our Estuarine and Marine Fisheries  
24 Division here at Fisheries Services. And I have a -- there  
25 is a lot of information on the report here tonight. I am

1 just going to be kind of swift, get through as much as I can,  
2 and then I am going to turn it over at some point to Brenda,  
3 who is going to give you some information on the winter  
4 dredge survey results and speak more to crabbing.

5           So I took it upon myself to kind of rearrange this  
6 list of items so that it --

7           MR. GOLDSBOROUGH: Oh, no. That's not allowed.

8           MR. LUISI: -- flows a little more smoothly. I  
9 hope you don't mind, Mr. Chairman. But I will make sure to  
10 touch base on everything here. And I was going to start with  
11 the ASMFC in the Mid-Atlantic Fisheries Management Council  
12 and announcements.

13           So as you know, the Mid-Atlantic Council makes  
14 management recommendations for federal water species. They  
15 make recommendations to the National Marine Fisheries  
16 Services on waters three miles and out. And I believe I  
17 reported to you back at your last meeting that one of the  
18 current seats, one of the individuals who sits currently on  
19 the Mid-Atlantic Council, Steve Linhart\*, who, as many of you  
20 know, is a recreational fisherman, resident of Maryland,  
21 holds an at-large seat for the council, he has decided not to  
22 run for an other term. So we were in the process of going  
23 through what is a federal process to solicit for and get  
24 nominations for that at-large seat.

25           There are currently three at-large seats and one

1 obligatory seat on the council that will be filled this  
2 summer. The first meeting that that new individual will be  
3 serving, or those individuals will be serving, will be in  
4 August. So there are at-large seats in Maryland, Virginia,  
5 and Delaware. And of the people who have decided to either  
6 reapply or to move on, nominations have, it has been  
7 confirmed, nominations have been received by National Marine  
8 Fisheries Service for those positions from the States of  
9 Delaware, Virginia, Maryland, and new Jersey. And we are  
10 kind of just in a waiting period at this time.

11 We will receive information on who was going to  
12 fill those seats. The at-large seats can be filled from any  
13 state. Like I said before, one currently is held by a  
14 Maryland resident. And we would hope that we could get  
15 another Maryland resident in that position. So we are  
16 waiting. We are in a holding pattern until the end of June.  
17 It has been -- we have been told that by the end of June the  
18 selections will be made, and we will be informed of those  
19 selections when that happens.

20 MR. GRACIE: Are you at liberty to divulge who the  
21 nominees are from here?

22 MR. LUISI: Yes. It's all -- it's public  
23 information. If any of you wanted to go online, you could  
24 see the letters that have been written. Everything that has  
25 been sent in to NOAA is public. There were -- there are

1 probably a dozen or more nominations from these states.

2 MR. GRACIE: Wow.

3 MR. LUISI: Are you interested in Maryland's  
4 nominations?

5 MR. GRACIE: Yes.

6 MR. LUISI: Okay. So we had applications filled  
7 out by Mark Eustice\*, Pete Jensen, Dave Sikorski, and Ward  
8 Slacum\*. So those were the four individuals that were sent  
9 off to NOAA from the State of Maryland. And all of this  
10 information, like I said, is available on NOAA's website.  
11 They are soliciting for any additional letters of support for  
12 any of those candidates or those individuals from any of the  
13 states. And the way NOAA handles this is, you know, they use  
14 this as an opportunity between now and June as a data  
15 gathering time period for when they are going to be getting  
16 all sorts of letters in hopes to be able to make the best  
17 selection for the advisors to then -- that will start a  
18 three-year term this summer.

19 Now, another point to all of that is that next  
20 year -- and this is, again, we are going to be finding  
21 ourselves -- we are going to find ourselves in the same  
22 position again next year because Howard King, who sits in one  
23 of Maryland's obligatory seats, he is terming out. So he has  
24 served three three-year terms and can no longer apply for the  
25 seat. So again, next winter, January, February, we will be

1 soliciting again for individuals who are interested in  
2 serving on the council in one of Maryland's obligatory seats.  
3 So NOAA will need to select somebody from Maryland that  
4 applies, and that application is sent to the feds.

5 Sticking with council issues --

6 MR. BLAZER: Real quick, Mike. I'm sorry.

7 MR. LUISI: Yeah, yeah.

8 MR. BLAZER: So, you know, we are a year away from  
9 that Maryland obligatory seat. We will probably start a  
10 process probably in about six or eight months from now to  
11 request applications. So if you know people that are  
12 interested in that Mid-Atlantic seat, you need to start  
13 thinking about it. We have talked to a lot of folks on the  
14 coast, because you are dealing with a fishery from 3 to 200  
15 miles out most of the time. So we want to make sure that we  
16 get some candidates for that seat for next year. So we are  
17 giving you a lot of lead time to think about it.

18 MR. GRACIE: It will be after these appointments.

19 MR. BLAZER: After this one, yes.

20 MR. GRACIE: Okay.

21 MR. BLAZER: Sorry, Mike.

22 MR. LUISI: Okay. Yes, no trouble at all.

23 All right. So sticking with council issues, I  
24 thought there were two actions that were recently taken that  
25 would be of interest for you. The council met in Montauk,

1 New York, back in the second week of April. One of the  
2 species that has been discussed very heavily over the last  
3 year is the blue line tilefish. For any of you following any  
4 of the offshore actions, blue line tilefish, there is very  
5 little known about the recreational fishery for blue line  
6 tilefish. And they are managed by the South Atlantic  
7 Council. So the management jurisdiction does not extend into  
8 our area.

9           However, we have fishermen in the Mid-Atlantic that  
10 fish for blue line tilefish, whether they are commercial or  
11 recreational. And given the stock status from an assessment  
12 that was conducted last year by the South Atlantic Council,  
13 it was determined that blue line tilefish were in need of  
14 protection, that their stock had declined, and that the Mid-  
15 Atlantic Council needed to take action to kind of stop or put  
16 a backstop on harvest, uncontrolled harvest, since there was  
17 no management from any other states in the mid-Atlantic.

18           So an emergency action was taken by the National  
19 Marine Fisheries Service as a result of the recommendation of  
20 the council. That emergency action can only last for one  
21 year. So over the course of this last year we have worked  
22 very hard on an amendment on adding blue line tilefish to the  
23 filefish management plan at the council's level.

24           And this amendment, there were a couple things that  
25 I thought that you would be interested in. Not only does it

1 set up a quota for blue line tilefish, not only does it set  
2 up and establish an allocation between the commercial and  
3 recreational fisheries, which ends up being, I think, 73  
4 percent commercial and 37, what is it, 26, 27 percent -- the  
5 numbers, I think, have decimals there. So anyway, it is a  
6 split between commercial and recreational.

7           But on the recreational end, I thought what you  
8 guys may find interesting is that the council recommended to  
9 the feds that they manage the recreational fishery based on  
10 limits, catch limits, that differ between the different  
11 modes. And by modes I mean party charter boats, private  
12 angler vessels, and head boat vessels. So there are three  
13 categories of boats that fish for tilefish. You have your  
14 big head boats that can carry 12 or more passengers, and they  
15 are inspected by the Coast Guard. You have your 6-pack boat  
16 up to your 12-pack boat carrying passengers for hire. And  
17 then you have your private angler, who is not able to carry  
18 passengers for hire.

19           And so the council recommended a seven, five, and  
20 three fish bag limit for those three different categories,  
21 which is different from typically how the recreational  
22 fisheries are dealt with. Some of the reasoning behind it  
23 has to do with to be able to continue to allow for the  
24 businesses that have developed around that fishery to be  
25 maintained. The current bag limit is seven. So for those

1 large vessels that have built the businesses around those --  
2 they had an unlimited catch limit up until last year. It  
3 went to seven fish. And now, without doing this separation  
4 of the different modes, all anglers were going to be faced  
5 with a very, very short season and a very, very reduced  
6 limit, maybe down to two or three fish.

7           So it was just one of the things the council  
8 recommended. It will be interesting to follow this and  
9 determine whether or not or to hear whether or not National  
10 Marine Fishery Service will approve that recommendation.

11           MR. GRACIE: How big are these fish?

12           MR. LUISI: They can get decent size. I mean, they  
13 are not the golden tiles that can get really, really large.  
14 But I would say maybe five to eight pounds. Dave probably  
15 has more experience out there with actually --

16           MR. SIKORSKI: Yes. I mean, they can be round.

17           MR. LYNCH: Yes. I have seen 14, 18.

18           MR. GRACIE: How does a head boat regulate seven  
19 fish?

20           MR. LUISI: Per person.

21           MR. GRACIE: Oh, per person. Wow.

22           MR.           : That can be a lot of fish.

23           (Simultaneous conversation.)

24           MR. GOLDSBOROUGH: All right. Come to order.

25           MR. LUISI: One of the other things I thought you

1 guys would find interesting is not only is the counsel  
2 recommending that all commercial anglers, not commercial, all  
3 recreational anglers, including the private anglers, get a  
4 permit to fish for blue line tilefish. They are getting a  
5 separate permit.

6           They are also mandating electronic reporting of all  
7 landings. So over the next year or two, the National Marine  
8 Fisheries Service is going to be working on developing a  
9 model, a tool. Some of these tools have already been in the  
10 works. But it is looking like there is going to be a mandate  
11 on electronic reporting of these fish for the purposes of  
12 gathering the information that we need to manage it. We are  
13 kind of taking a shot in the dark a little bit because of the  
14 lack of data that we have on what is an appropriate level of  
15 harvest.

16           MR. GOLDSBOROUGH: Val?

17           MR. LYNCH: On this mandate or electronic  
18 reporting, is there a protocol for the use of that data or is  
19 there somebody saying we would like to have it?

20           MR. LUISI: I don't know if there is protocol --

21           MR. LYNCH: Is that a mandate looking for a problem  
22 or is that a problem solved by a mandate?

23           MR. LUISI: It is a problem solved by a mandate.  
24 It is a data poor species that we don't have the information  
25 on to do a better job at managing, determining quotas, you

1 know, acceptable catch levels. And so new information from  
2 the recreational fishery will be extremely helpful.

3 MR. GRACIE: So are you saying they set these  
4 limits without data?

5 MR. LUISI: We set these limits with limited data.

6 MR. GOLDSBOROUGH: Dave?

7 MR. SIKORSKI: At this point is MRIP the only input  
8 for catch data for --- rack or is it also for head boat and  
9 six-pack?

10 MR. LUISI: Yes, MRIP is the only --

11 MR. SIKORSKI: MRIP across the board.

12 MR. LUISI: MRIP across the board. And it is such  
13 a rare event species, there are so few people that travel the  
14 distance that it requires to go that are caught out in the  
15 deep water canyon areas. And it is so difficult to get to.  
16 Having a surveyor come across somebody at the dock with a  
17 blue line tilefish is pretty rare. And so while it is  
18 happening, it is very difficult to estimate the catch. And  
19 that is what this is going to help, help us with.

20 MR. GOLDSBOROUGH: Ed?

21 MR. O'BRIEN: Just plunging into something you said  
22 about the different sized boats and different catch limits, I  
23 feel I should tell you that I have been vice chairman, vice  
24 president, of the National Charter Boat Association for over  
25 20 years from Alaska on around to Maine. And there is

1 something really going on right now that is going to affect  
2 that kind of thing. And that is Uber. This Uber thing has  
3 the Coast Guard pulling their hair out.

4 MR. GRACIE: What is it? I don't know what Uber  
5 is.

6 MR. : You mean the taxi shared thing?

7 MS. DEAN: Yes. How does it relate?

8 MR. LUISI: Well, it relates to, let's say, a 20-  
9 foot boat. The guy goes to school. And the schools are  
10 working very cooperatively with those and gets a Coast Guard  
11 license. And he just advertises that he is in the business.  
12 And people, word of mouth, it will get around. And all they  
13 have to do is call them. The Coast Guard has very little  
14 control. They have control on the cert line boats, total  
15 control. And that's -- anyway, this is probably the biggest  
16 thing going on right now involving the Coast Guard and  
17 charter fishing people who take out people for hire. And  
18 that is what Uber is doing.

19 There has been a lot of precedent set in court  
20 relative to the taxes. And all this interrelates. Uber now  
21 is a multi billion dollar industry when it comes to  
22 automobiles. And now they snip it relative to people taking  
23 out fishing people for hire.

24 The six-pack thing I will predict will -- the guide  
25 thing, that could disappear in several years. I mean, what

1 the Coast Guard is under pressure now is just to regulate  
2 more instead of regulating less. So it is something they are  
3 just getting into. The people involved with the Coast Guard,  
4 which is now a lot of the times changing hands, it is the  
5 biggest problem they have right now is trying to figure out  
6 what to do with this Uber. And it is totally predictable.  
7 When you get these little boats out there where they have --  
8 for instance, they will pick up two people at one docket, go  
9 to another dock and pick up two more. And these kind of  
10 boats with the suspected lack of experience -- not a Coast  
11 Guard license, they are relatively easy to get if you study.  
12 There are going to be accidents. There already have been  
13 accidents in a similar situation involving these boats that  
14 tow -- I forget what they call them, power gliders.

15           And again, these were not even a six-pack, to where  
16 at least you have some vision coming from the Coast Guard  
17 districts. So this comes at a time when they are sensing  
18 that the six-packs need more regulation. And it is all right  
19 there in a big pot. It is going to stir around for several  
20 years before the Coast Guard comes up with a program. And I  
21 am very involved with that.

22           MR. GOLDSBOROUGH: So I saw several hands. I  
23 thought, Val, you had yours up a minute ago. Right?

24           MR. LYNCH: Yes. I just wanted --

25           MR. GOLDSBOROUGH: Go ahead.

1           MR. LYNCH: On the blue tile, as well as the golden  
2 tile, there is a few boats that will target that out of Ocean  
3 City. I can't speak below there. But out of the Indian  
4 River, as well. But very often I would suspect that most of  
5 the blue tilefish are caught by offshore anglers who want to  
6 try something different, had a slow day, had a good day, and  
7 they want to keep dropping and try something different for  
8 their party. So those are the people that you really want to  
9 target. I think it is more than you might suspect.

10           MR. LUISI: Okay. That's good information. But,  
11 yes, that is some of what we have been hearing, stopping deep  
12 trap.

13           MR. LUISI: All right. I have several hands. I am  
14 going to start at that end and come down with Rachel.

15           MS. DEAN: No. I just -- I know we got off topic a  
16 little bit there, but I had the question, was the concern  
17 coming -- you started by saying that you are on the National  
18 Charter Boat. Is the concern coming from the competition  
19 from these smaller boats that are Coast Guard licensed, but  
20 are they licensed through the state? So is the concern about  
21 the competition or is there evidence to show that there are  
22 safety concerns?

23           MR. O'BRIEN: Well, the small boats are not  
24 inspected. They are not licensed. The boats are not  
25 licensed like the Coast Guard certifying the boat, which

1 Maryland has many of them. Maryland and Florida lead the  
2 country when it comes to certifying boats. So they are Coast  
3 inspected. The Coast Guard has responsibility for them. And  
4 there is a big difference, for instance, even with the six  
5 packs, but that is something that they are looking at, how  
6 to, from a safety standpoint, handle this thing. And Uber  
7 has just magnified the interest in this.

8 Does that answer your question? I don't think it  
9 does.

10 MR. : There is no Coast Guard license.

11 MS. RACHEL: Okay. They are Coast Guard licensed.  
12 Okay.

13 MR. O'BRIEN: No. The Coast Guard license now,  
14 relative to the operator, is one thing. That's not a  
15 difficult situation for anybody to get.

16 MS. RACHEL: No, but I know I could lose my  
17 license. I know that's online. Okay. All right. I just  
18 didn't know if it was a competition posed by the six-pack  
19 boat or if there is a legitimate concern about the safety,  
20 have we seen evidence of it. I wasn't sure.

21 MR. O'BRIEN: It is the competition from Uber,  
22 which then leads into our smaller boats, boats that aren't  
23 certified.

24 And what was the second part of the question? What  
25 was the last --

1 MS. DEAN: The safety.

2 MR. O'BRIEN: Oh, yes.

3 MS. DEAN: I couldn't tell if there was evidence  
4 that suggests that there are safety concerns. But like I  
5 said, I know we are off topic now.

6 MR. O'BRIEN: Yes. Small -- well, I mean, it is  
7 brought up. I think it is more on topic than you might  
8 think.

9 MS. DEAN: Okay.

10 MR. O'BRIEN: And the accident situation with small  
11 or uninspected boats is astronomical compared to certified  
12 charter boats, which also are, you know, passenger boats.

13 MS. DEAN: Oh. I didn't know we had that data.  
14 Okay.

15 MR. GOLDSBOROUGH: Jim?

16 MR. GRACIE: I don't know too much about this kind  
17 of fishing certainly, but if I want to go tilefishing, I know  
18 I can go out on a head boat for a fairly inexpensive per-head  
19 price. And I don't know why I would ever want to get on a  
20 charter boat that costs six times as much to go for tilefish  
21 when I can get less for half as many fish. So it sounds like  
22 it is going to drive the small boats out of business for  
23 people who was to do tilefishing. It just -- that's a  
24 terrible competitive disadvantage it puts the small boats at.  
25 They can only take three fish, and they have to charge more

1 money per person.

2 MR. LUISI: Well, just to be clear, the 6-pack, 12-  
3 pack boats could have up to -- could have 5 fish rather than  
4 7. So it is 2 less.

5 MR. GRACIE: So it's five. Yes, it's less, more  
6 money for less fish. It doesn't sound like a fair  
7 competitive playing field to me. Was that discussed, do you  
8 know?

9 MR. LUISI: It wasn't.

10 MR. GRACIE: Wow.

11 MR. LYNCH: Jim, that's not really an issue. These  
12 fish are out in 50 fathoms or more. They can even be  
13 300,000. So you need a decent-sized boat to get out there.  
14 Mostly they are a secondary target for tuna and melon fish.

15 MR. GRACIE: So people out going tilefishing, they  
16 fish for tilefish when they are out there.

17 MR. LYNCH: Indeed. There are a couple of guys who  
18 focus on tilefish, but mostly it's a secondary target for the  
19 big rigs.

20 MR. GRACIE: They better find a new one at this  
21 price, though.

22 MR. LUISI: All right. So I am still coming down  
23 the line here. I have Chris, then there will be Mack, and  
24 then I am going over to Rob.

25 Go ahead, Chris.

1           MR. PITTAS: He brought up the part about Uber.  
2 Well, in my line of work of what I do, in Somerset County  
3 there were three boats that were almost purchased from Uber  
4 in reference to taking people out fishing. I don't know  
5 where it is going to go yet, because my investigation is not  
6 done. But they bought a 19-foot, a 28-foot, and a 30-foot  
7 that they are purchasing. And they purchased -- the subject  
8 sold his license and his boat together.

9           And another captain sold his oyster license and  
10 everything together with it. Not that they would want it, I  
11 wouldn't understand, but the part of the fishing -- now, they  
12 are trying to get into it. And one of the guys that come  
13 down, he come down from San Francisco. And he purchased at  
14 28-footer. Now, I don't know what they are trying to do or  
15 are they going to do it, but Uber is purchasing boats. And  
16 they have come to agreement, I think, on three in Somerset  
17 County. I can say that.

18           And the object is of what I've got into with it, is  
19 Crisfield, Deal Island, and Winona picking up people that  
20 usually come down with the charter captains in Deal Island  
21 and stuff that charter six to eight people to go out fishing.  
22 They pay them. But Uber is coming to pick up three different  
23 places for several different people. And like the gentleman  
24 said there, I feel that's a problem, because look at -- if  
25 you look at the news and everything else of what Uber has

1 been through, you know, they are really not reputable people  
2 that are driving or whatever.

3 MR. GRACIE: They are not drug tested. Like  
4 anybody with a Coast Guard license taking passengers for hire  
5 should be drug licensed.

6 MR. : if they are running a boat, they  
7 are.

8 MR. PITTAS: And, see, the one person -- the one  
9 that -- one of the people that worked for Uber that is going  
10 to be chartering one of these boats, he is the only one that  
11 has a boat license or a captain's license. But the other  
12 two, I'm not too sure about. But they are purchasing boats.

13 MR. LUISI: That's correct.

14 Mack?

15 MR. WOMMACK: The tilefish and golden blue tile and  
16 gold tile, that's usually late season, February, that that  
17 season runs for them.

18 MR. GRACIE: Can you speak up, Mack?

19 MR. LUISI: He is asking about the season.

20 MR. WOMMACK: Yes. Because I know the guys on the  
21 shore from being from Deal's Island. And as far as Uber is,  
22 we ain't had no problems out of none of that. We will handle  
23 them if that happens down there. But anyhow --

24 (Laughter)

25 MR. GRACIE: I like that.

1           MR. WOMMACK: And believe me, believe me, in those  
2 little, small towns, that's how it works. But anyhow, the  
3 guys I know from Chincoteague and all that go out  
4 tilefishing, just like Val said, you ain't going to get too  
5 many small boats, no 19-footers, running no 40 miles out in  
6 the ocean, going out there. So I can't even see that's a  
7 problem, because that's late in the season usually when they  
8 go tile and blue tilefish. And that's right around, back at  
9 the end of deer season. So there's very few guys I see. And  
10 it's got to be an awful nice day that they run out there to  
11 catch it.

12           So I'd like to know is there a date, time date on  
13 that season when that's open?

14           MR. LUISI: Well, for golden tile I can't -- I  
15 don't have that.

16           MR. WOMMACK: Because I'm pretty sure --

17           MR. LUISI: So for the blue line tilefish, it was  
18 an open season?

19           MR. WOMMACK: It was open season.

20           MR. LUISI: All information that -- the council  
21 went through this process to try to gather as much  
22 information from recreational anglers as they could to  
23 estimate what was being caught, so they could produce a quota  
24 that was a sustainable quota. And the SSC worked really  
25 close to the council on this.

1           From all indications most of the fish are caught  
2 starting in the spring through the fall. It is not a winter  
3 fishery at all for blue line tile.

4           MR. WOMMACK: Oh, okay. For blue line, but --

5           MR. LUISI: So they are -- the actual season that  
6 is being recommended for next year, for 2017, starts on May 1  
7 and goes through October 31. So they are eliminating the  
8 last two months of the year and the first four months of  
9 the -- so that portion of the year would be closed.

10          MR. WOMMACK: Closed.

11          MR. LUISI: Just for the blue lines. The golden  
12 tiles, I can't tell you the season on some of that.

13          MR. WOMMACK: Because I know very well in the  
14 winter sports that the guys do go for the golden tile. They  
15 usually run in big boats and parlor houses, so even the  
16 recreational sport fishermen. And it has to be an awful flat  
17 day for them to get out there and run that hard, to go that  
18 far. So I just can't see nobody with a 19-foot boat running  
19 out there, or 20-foot boat, running out to the canyons. They  
20 couldn't even get across the sound on a windy day, more less  
21 go out to the canyons. So I just -- Val, you can vouch to  
22 that point out of Ocean City or whatever, running that far in  
23 a little boat. They wouldn't even have the fuel to get out  
24 there.

25          MR. GRACIE: They would try to go.

1           MR. WOMMACK: Yes. They ain't going far, not in  
2 the middle of the winter.

3           MR. GOLDSBOROUGH: Rob? You good?

4           MR. HARDY: No, thanks. Yeah, I'm good.

5           (Laughter)

6           MR. LUISI: All right. Let's go. We have a long  
7 way to go here.

8           MR. GOLDSBOROUGH: All right. Go ahead.

9           MR. LUISI: So back to the council actions. One  
10 more quick council action. I want to keep it really -- I  
11 have a lot of stuff for you guys tonight, so I am going to  
12 try to be quick through it.

13           The council voted and approved a draft document for  
14 public comment on unmanaged forage. I have been talking  
15 about this with you guys for the last year or so. It's an  
16 amendment that is an omnibus amendment, which will then be  
17 factored into all of the other amendments the council  
18 manages, which looks at protecting -- and I can specifically  
19 say that the amendment is looking to prohibit the development  
20 of new and expansion of existing directed commercial  
21 fisheries on unmanaged forage species until there is adequate  
22 scientific information to approve that expansion or to allow  
23 for that expansion, taking into consider all the components  
24 of ecosystems and other existing fisheries in order to  
25 advance the ecosystem's approach.

1           So council is taking action to protect forage space  
2 that is not managed at all. These include species like  
3 anchovy species, silver sides, cutlas fish family, some tuna  
4 and mackerel, some fish in the tuna and mackerel family,  
5 pelagic mollusks. We have a list of about 50 different  
6 things that aren't managed at all. Council is taking the  
7 initiative to put some protections on those fish and species.

8           MR. GRACIE: What are the protections?

9           MR. LUISI: Pardon?

10          MR. GRACIE: What are the protections?

11          MR. LUISI: The protections could be in a couple  
12 different forms. It could be to prohibit completely any  
13 commercial harvest of those different species, or it could be  
14 an incidental catch limit.

15          MR. GRACIE: I was going to say, is there a by-  
16 catch issue?

17          MR. LUISI: Like just an incidental. So what they  
18 are trying to do is they are trying to stop the targeting of  
19 fish species that we have no idea about their population,  
20 health, and their stock size. And then so if there is going  
21 to be interest in expanding fisheries -- and we are talking  
22 about forage fish now. It is a small fish, tropic level. We  
23 are talking about things like sand lance, harvest fish, fish  
24 in the halfbeak family, green-eyed family. I mean, half the  
25 things, a lot of them I don't even -- I am not even sure what

1 they are. I have never even seen them before. But they are  
2 things of interest to the predator fish that the council  
3 manages.

4 And there is a link there between the fish that the  
5 council manages, such as sea bass and flounder and spiny dog  
6 fish and other fish, that these are an important forage base  
7 for those other species. So they are taking that action.

8 So you will have an opportunity over the summer to  
9 provide public comment on where you think the council should  
10 go, whether they should prohibit completely all harvest of  
11 any of those fish or have an incidental take limit. That's a  
12 reasonable amount that in some cases harvesters can't -- you  
13 can't get around a few silver sides once in a while.

14 So we are going to be debating that over the summer  
15 and after public comment. I just thought I would give you  
16 guys that list. So that's something to put on your radar for  
17 council actions.

18 That's it for the council. Moving on to ASMFC,  
19 next week there is an ASMFC meeting. It is in Alexandria on  
20 May 2 to May 5. I wanted to take the moment here to just let  
21 you guys know that this will be Bill's last meeting as the  
22 Governor's appointed member of the Commission. The  
23 Governor's appointee come the August meeting will be Rachel.  
24 So she will be coming to serve the Governor on the  
25 Commission.

1 Delegate Dana Stein is still the legislative  
2 appointee. And Captain Ed has been representing Delegate  
3 Stein for the last few meetings and I would assume would plan  
4 to continue with that. So I just wanted let everybody know  
5 about that. And, you know, it's been great working with Bill  
6 over the years. I have only more recently become more active  
7 in the ASMFC role, but I know that all of us here at the  
8 Department really appreciates all Bill's efforts and all the  
9 work, all the hard work that you have put into that very,  
10 very, very important job there with ASMFC.

11 Regarding agenda topics, I would fell like I would  
12 be -- well, I almost felt like I was in the twilight zone a  
13 minute ago with all the Uber talk. But I would be in like a  
14 twilight zone if I didn't -- if we didn't have to talk about  
15 striped bass or summer flounder or black sea bass. But none  
16 of those species are on the agenda next week. So it is going  
17 to be very strange. It is going to be really weird to be  
18 there and not have all of that, you know, happening all at  
19 once.

20 But what I -- so without it being on the agenda, it  
21 is important that you guys understand where we stand with  
22 striped bass, because I know it is on everyone's mind  
23 regarding the actions that the ASMFC will be taking over the  
24 next year. Right now data are being worked on at the state  
25 level. They are going to be compiled. And an assessment

1 update is going to be conducted this summer. We would -- we  
2 hope that that assessment update could be available by August  
3 so that the board will have an opportunity to work through  
4 the fall. But it is very unlikely, I believe, that we are  
5 going to have that assessment by August, because this  
6 assessment was added to the workload on top of everything  
7 else that everyone had planned for this summer. It is  
8 just -- I want to set the expectation that it is more likely  
9 we are going to get that assessment update resolved in  
10 October next year, which will help inform the board as to  
11 management change for 2017 and beyond. So --

12 MR. GRACIE: Is anything happening toward our  
13 separate reference points discussion in that process?

14 MR. LUISI: Not in this assessment update process.  
15 But in the longer term benchmark assessment that is going to  
16 be conducted in a year-and-a-half, two years, that's when  
17 that is going to get folded in. So we have backed off --

18 MR. GRACIE: So we are three years away.

19 MR. LUISI: We have backed off -- probably, yes,  
20 2018 or 2019 will be that, the period of time when the  
21 reference points are part of that conversation.

22 MR. GOLDSBOROUGH: Ed?

23 MR. O'BRIEN: As you know, I pushed hard for this  
24 and ASMFC, the reason being is we did not have good landing  
25 years in 2014, and particularly 2015. That 20-inch fish was

1 a real factor. And the trophy season we had that slide,  
2 which ended up being a disaster. So the whole intent of what  
3 we were trying to do there is get that 2015 data on top of  
4 the table. And what you are saying is that it looks from a  
5 standpoint of workload that that is going to be impossible to  
6 do?

7 MR. LUISI: Not impossible. It is going to get  
8 done. It just might not get done by August. The next board  
9 meeting is going to be the first week of August. And I am  
10 being told that with all the other assessment work that the  
11 same scientists are doing and the fact that this was add-on  
12 that we requested last year, as you remember, it is very  
13 unlikely. They are just saying that it is unlikely. We  
14 shouldn't expect an assessment update at the August meeting.  
15 It most likely will be in October next year, or this year.

16 MR. O'BRIEN: Well, you did a great job. Your team  
17 did a great job getting that on top of the table for  
18 consideration. And the whole worry was relative to  
19 regulations drifting into 2017.

20 MR. LUISI: So what will happen as a result of that  
21 timeline is that we will be faced with trying to initiate --  
22 and it all depends on what the assessment update tells us.  
23 But we may be in a position where we are asking for an  
24 addendum to be initiated in October, which could be finalized  
25 by February. It is kind of -- it is a quick --

1 MR. GRACIE: That's a tight schedule.

2 MR. LUISI: It is a quick schedule, because it is a  
3 fast track. It may end up pushing things through, you know,  
4 into next year. At the --

5 MR. GRACIE: Year after next.

6 MR. LUISI: No. It will -- an addendum can be done  
7 over a meeting and a half or two meetings. It can -- you can  
8 get one done in between two meetings, if you really press it.

9 MR. GRACIE: But not in time for the 2017 season.

10 MR. LUISI: The season recreationally won't begin  
11 until April next year.

12 MR. GRACIE: Oh, okay.

13 MR. LUISI: So there will be time. There will be  
14 time to work that out. But commercially the '17 season would  
15 start before any new changes would happen. And then we could  
16 make modifications to the commercial fishery as a result of  
17 actions --

18 MR. GRACIE: I think that's what I was trying to  
19 say.

20 MR. LUISI: Yes.

21 MR. O'BRIEN: Well, it was great that you all got  
22 it through the policy committee and got that vote there. And  
23 that was great. And then in the final day they made a great  
24 speech, you know, as to how this is good for Maryland. And,  
25 you know, we appreciated what they did there, the policy

1 committee.

2           So I think the image of Maryland was really  
3 enhanced by that whole thing we went through on that 2015  
4 data. And I accept the fact that from an ASMFC standpoint it  
5 is a real challenge getting all that done. But you all tried  
6 hard, and we appreciate that.

7           MR. LUISI: Any other striped bass questions?

8           MR. GOLDSBOROUGH: I just have one comment about  
9 you mentioned Maryland's reputation being enhanced. There is  
10 an issue further north where they tend to look down at  
11 Chesapeake Bay literally, as well as figuratively. And on  
12 this issue there has been some online kibitzing about early  
13 MRIP estimates from last year showing that we have had  
14 increased catches, have increased catches recreationally in  
15 the bay last year. And whether or not that data is accurate  
16 or how accurate it is is one question. But I think the  
17 bigger question is, that's all well and good, but we had a  
18 much bigger fishable stock last year with the 2011 year class  
19 coming through. So the real question is, what happened with  
20 respect to our fishing radar, F. And we won't get that until  
21 we have this update assessment. That's what it does for you.  
22 You take last year's data, run it through the model.

23           So we really need that to have a clear picture of  
24 what happened under our regulatory burden last year, which is  
25 your concern, Ed. The MRIP data we know can be very

1 unreliable. But even by itself it won't paint the whole  
2 picture, notwithstanding what some people up north are saying  
3 about us.

4 Jim?

5 MR. GRACIE: Bill, a question for you. Are you  
6 seeing these comments as support for posturing against us,  
7 the comments about MRIP data? Is that -- are they sort of  
8 posturing for --

9 MR. GOLDSBOROUGH: Yes.

10 MR. GRACIE: That's what I -- I wasn't clear on  
11 that.

12 MR. GOLDSBOROUGH: Yes. I think so. You know,  
13 people in those states are responsive to their constituents.  
14 So they will at least --

15 MR. GRACIE: And they have known for years who  
16 takes all the fish. So --

17 MR. GOLDSBOROUGH: -- want to clear it up. Yes.

18 MR. LUISI: Thanks, Bill.

19 Okay. Moving on to another species of interest, on  
20 May 4 the policy board -- so May 4 is a Tuesday?

21 MR. GOLDSBOROUGH: Wednesday.

22 MR. LUISI: Wednesday, May 5, the policy board is  
23 meeting. One of the special pieces to this meeting has to do  
24 with cobia. Some of you may have seen some things flying  
25 around recently about cobia management. And so the policy

1 board is going to be discussing a letter that was sent to  
2 ASMFC regarding cobia management. And this letter was sent  
3 by the South Atlantic Fisheries Management Council, so the  
4 southern part to our Mid-Atlantic Council managing waters up  
5 through North Carolina from Florida where cobia mostly reside  
6 and are caught.

7           They also have the same problems we do. When the  
8 estimation that came in from the 2015 recreational cobia  
9 landings was 1.5 million pounds with a 630 pound quota, they  
10 were forced into some action, as well, similar actions that  
11 we need to take when recreational limits are exceeded based  
12 on estimates. So the council recommended to NOAA to close  
13 federal waters between Georgia and New York for cobia fishing  
14 as of June 20, 2016, this year. So that's all in the works.  
15 That's all happening as we speak. But the South Atlantic  
16 Council, understanding that 82 percent of cobia landings  
17 happen in state waters, they are concerned that the states  
18 are not engaged in that discussion.

19           So they have asked the Atlantic States Marine  
20 Fisheries Commission to consider coming on board on a plan  
21 with them to jointly manage, like we do, with summer flounder  
22 and black sea bass and other species, where there is a joint  
23 effort between the states and the Federal Government to get a  
24 handle on the fisheries.

25           Now, how this relates to Maryland, I was asked or

1 we have been asked the question a lot lately about whether or  
2 not we in Maryland are going to go forward with the closure  
3 to complement the federal closure. And upon review, we do  
4 not have cobia regulations. We don't have anything on the  
5 book that regulates cobia at all in our state waters.

6 And in reviewing all this and determining what was  
7 going to be asked of us, we kind of concluded that most of  
8 the fish that are caught are caught between Georgia and  
9 Virginia. And the mouth of Virginia is a hotspot. Once you  
10 get north of the Chesapeake Bay, our coastal waters are very  
11 few and far between as far as catch. I think it was  
12 estimated in the last eight years we might have had -- we had  
13 48 pounds of cobia in one year caught. MRIP estimates again,  
14 but that's what the estimates are.

15 Moving north through Delaware and New Jersey and  
16 New York, Delaware, I'm sorry, New York and New Jersey have  
17 regulations. They have creel limits and minimum sizes. But  
18 Delaware, like us, has no regulation on cobia. So we have  
19 all talked, my counterparts, and we worked internally here to  
20 determine that at this time we are just going to leave things  
21 alone in state waters until we get some further direction by  
22 the ASMFC. if ASMFC joins the South Atlantic on this, we  
23 might be looking at a management plan, which will dictate to  
24 us some measures that we might need to implement at some  
25 time. But for now it is our expectation that we will -- we

1 will have state waters that will be open at a time when the  
2 federal waters are closed. And so you might see pictures of  
3 cobia, somebody holding a picture of a cobia from caught in  
4 the Chesapeake Bay or off the coast within three miles of  
5 state waters. But we don't feel that that's going to be  
6 detrimental to the population.

7 MR. GOLDSBOROUGH: Jim?

8 MR. GRACIE: Well, you can't put regulations unless  
9 you have an FMP. Do you have the wherewithal to develop  
10 a fishery management plan for cobia? How would you do it?

11 MR. LUISI: Well, we could develop a fishery  
12 management plan. We could put -- we could go forward with in  
13 need of conservation means to --

14 MR. GRACIE: Oh, based on federal data?

15 MR. LUISI: -- establishing, right, establishing --

16 MR. GRACIE: Yes. Because I was going to say you  
17 wouldn't have enough data in Maryland to do an MFP.

18 MR. LUISI: No. We would tie in with ASMFC, if  
19 they decide to jointly manage.

20 MR. GRACIE: I got it.

21 MR. LUISI: That's going to be the debate at the  
22 policy board. And if any of you are interested, you could  
23 listen in on that to find out what's happening with that.

24 MR. GOLDSBOROUGH: Ed, do you have a question?

25 MR. O'BRIEN: Well, cobia has become very

1 important, particularly to our southern charter boat  
2 captains, who are not able to participate all the time in the  
3 striper migration. It has become very important. So we  
4 appreciate the way you are handling this, not supporting the  
5 federal situation.

6           You all know how long I have been trying to be able  
7 to keep one red drum, even tagged for one red drum, because  
8 the ones we catch typically are big. And, of course, the  
9 South Atlantic people have come down on us on that and  
10 stopped us on that, or at least consideration of it. So  
11 please keep up the fight to keep us away from these federal  
12 regulations on cobia. It is important.

13           MR. GOLDSBOROUGH: Dave? Go ahead, Dave.

14           MR. SIKORSKI: Is it sounding like Virginia is  
15 going to go ahead and follow suit with the feds and shut it  
16 down in the state waters in June?

17           MR. LUISI: I don't know. Anything could have  
18 happened between the last time I spoke with Virginia and  
19 today. They were working on trying to figure out a way that  
20 they could shut down or at least manage their state waters to  
21 allow for an extended period of time for state waters. They  
22 are working with the feds on this. And it is outside of what  
23 my day-to-day ends up becoming.

24           MR. SIKORSKI: Sure.

25           MR. LUISI: But I know that the States of Virginia

1 through Georgia are all putting -- they are all moving toward  
2 this closure in those state waters, because so many of the  
3 cobia are caught in that area. If they maintain their waters  
4 open, if they leave them open, any additional catch is going  
5 to go against next year. And it is only going to be a  
6 snowball that will just -- it will roll right down the hill.

7 MR. HARDY: I could see why the more southern  
8 states don't mind it as much because they will probably --  
9 they will get the bulk of their season in anyway.

10 MR. LUISI: It will be over before it happens.

11 MR. HARDY: Yes. So it sounds like Virginia --

12 MR. LUISI: It's an argument.

13 MR. HARDY: -- is the state that is going to get  
14 the hardest hit by it.

15 MR. LUISI: Virginia, from my understanding, they  
16 will be hit pretty hard by it.

17 MR. HARDY: Real hard, yes.

18 MR. LUISI: Because by the time the closures come  
19 in, that's just when the fishery is going to start for them.  
20 And they are talking about with the other states maybe for a  
21 future year having more of a roll-in closure in certain  
22 areas, so that it becomes more seasonal in nature. So each  
23 of the regions is impacted in some way equally.

24 MR. HARDY: Were you privy to an of the information  
25 in terms of why they decided to go with a late date closure

1 rather than stricter bag limits or anything like that, so it  
2 would affect each state? Because, you know, if the Carolinas  
3 are still pounding them, it is not helping the species at  
4 all.

5 MR. LUISI: It states in this notice that went to  
6 ASMFC that the accountability measures for this species  
7 require the National Marine Fisheries Service to shorten the  
8 following year's recreational season when both the  
9 recreational ACL and the total commercial -- so when the  
10 quotas are caught, they are required to shorten season. And,  
11 you know, in some cases season closures are the way to go. I  
12 don't know enough about it, because we just don't talk about  
13 cobia all that much here. But that's what the requirement  
14 is. So that's why they are faced with just that, they don't  
15 have a lot of tools to work with.

16 MR. GOLDSBOROUGH: Dave, you had your hand up  
17 before. Right?

18 MR. SIKORSKI: Yes. The last I heard, I know that  
19 Virginia and North Carolina do not have the same system that  
20 we have with advisory committees and the regulations varying  
21 and such, but the last I heard, if I'm not mistaken, both  
22 North Carolina and Virginia opposed the advisory bodies.  
23 First North Carolina did it and then Virginia followed, I  
24 think unanimously, to not follow the federal rule for their  
25 state waters and to find another solution. So I think that's

1 where we are.

2           Would it be possible that when you do hear from  
3 North Carolina and Virginia you would let us know as a  
4 Commission?

5           MR. LUISI: Sure. We can --

6           MR. SIKORSKI: I mean, it is not too much more  
7 work. I mean, we will hear somehow, probably through the  
8 airwaves, but --

9           MR. LUISI: Well, we will be with them next week at  
10 ASMFC, so we can ask and find out.

11           MR. SIKORSKI: Sure. Just to get back to us. And,  
12 you know, I think you are doing the right thing from a  
13 Maryland perspective. I know a lot of fishermen are very  
14 concerned about this. And it is one of those things that you  
15 can't use bad data to hurt fishermen. We all want to do  
16 what's right for the fish, but this is just a tough  
17 situation. I think it would be important for all of us as  
18 Maryland anglers to consider the enforcement issue we may  
19 have with the state line and the bay and just be careful and  
20 kind of share the word that our anglers should be careful.  
21 You know, if you are possessing a cobia you caught legally in  
22 Maryland, in the bay, if you slip into Virginia waters, you  
23 might be in trouble, if there is a closure. Just keep that  
24 in mind.

25           MR. GOLDSBOROUGH: Ed?

1 MR. O'BRIEN: Just quickly. A high percentage of  
2 the cobia that we catch recreationally charter boat is across  
3 the line into Virginia.

4 MR. GOLDSBOROUGH: Mack?

5 MR. WOMMACK: Yes. I was going to say I think they  
6 are right in targeting Virginia, because most of them cobia  
7 that are caught are caught in Virginia Beach. And they  
8 actually -- they ride, can see them on top there are so many  
9 of them. But very, very few cobia are caught across that  
10 Tangier and Crisfield line in Maryland. Now, most of them  
11 that are caught in the bay, and there is very few of them,  
12 and, you know, live line is in Tangier around the wrecks and  
13 all, but that's still in Virginia waters. So I really don't  
14 see where Maryland is a big threat to the cobia population at  
15 all, especially in this Chesapeake Bay on the Maryland side.  
16 That's almost -- you probably could tell me ten people that  
17 caught, I would be surprised, on the Maryland side.

18 MR. SIKORSKI: Mike, what were the day of the  
19 closures again, the federal closure?

20 MR. LUISI: June 20.

21 MR. SIKORSKI: Thank you.

22 MR. GOLDSBOROUGH: Go ahead, Mike.

23 MR. LUISI: All right. Moving on, another report  
24 at ASMFC is going to be on the weakfish stock assessment.  
25 And you are going to get a report in just a minute by Angela,

1 who is with our assessment team. So I am not going to spend  
2 any time talking about that. But it might be another point  
3 of interest. The report on the stock assessment will need to  
4 be approved by the board in order for management use. So  
5 just another thing out there. I know we have talked about  
6 weakfish recently here, and I wanted to bring that to your  
7 attention.

8 MR. : Yes. Let's talk about weakfish.

9 MR. LUISI: Other issues of interest that I thought  
10 you would want to hear about, we had a discussion quite  
11 awhile back. I can't remember exactly when it was. But  
12 there was a discussion regarding hook and line charter trips  
13 being taken by commercial permittees and the conflict that a  
14 charter boat would be taking paid passengers for striped bass  
15 and catching a commercial limit. And there was just -- we  
16 had that debate not too long ago. And it was suggested that  
17 instead of engaging in regulation of some kind, that we would  
18 inform and send outreach, send messaging out to all of our  
19 striped bass permit holders and letting them know that this  
20 practice is illegal. The practice of taking a paid party out  
21 and fishing as a commercial fisherman under the commercial  
22 fishing guidelines and rules and catch limits is illegal.  
23 And we did just that. The letter was put -- it is in your  
24 packets. It's a short letter, but it was to the point that  
25 this practice is illegal. And there is a \$450 fine if you

1 are found guilty of that.

2 So that was a follow-up from a previous meeting,  
3 just to let you know that we have moved on that. And we have  
4 just another month or so before the commercial hook and line  
5 season starts. We kind of held off a little bit to get a  
6 little closer to the season before we started with that  
7 announcement.

8 On your --

9 MR. : We have a question.

10 MR. GOLDSBOROUGH: I'm sorry. Ed?

11 MR. O'BRIEN: Yes. This letter, this came out  
12 today. I haven't seen my copy yet, but several got them.  
13 And it is signed by Chris Jones, permits coordinator. In  
14 conversation, I assume that the Department totally stands  
15 behind this. And my question is, Dave, do you need to sign  
16 it? Maybe not, but --

17 MR. BLAZER: It is on our letterhead, so it's a  
18 Department policy and our statement on the issue. So --

19 MR. O'BRIEN: Okay. For the record.

20 MR. BLAZER: Yes.

21 MR. O'BRIEN: Okay.

22 MR. GRACIE: I have a question, too.

23 MR. GOLDSBOROUGH: I'm sorry, Jim. Go ahead.

24 MR. GRACIE: My question has to do with  
25 enforceability. Have you gotten feedback from DNR police

1 on --

2 MR. BLAZER: No. We have talked to them about the  
3 issue. And because the season has just started, we haven't  
4 been able to follow up, you know. And again, with the hook  
5 and line season coming up later --

6 MR. GRACIE: And then my question about the fine  
7 is, is that for the boat, for the trip, for illegal fish,  
8 or -- the thing we have isn't clear.

9 MR. BLAZER: Yes. I am not sure what the \$450  
10 fine, what that is. Sarah, do you remember what the -- I  
11 don't know that. We will look that up, and we will get back  
12 to you, Jim. I don't know what it is right off the bat.

13 MR. GRACIE: Okay.

14 (Simultaneous conversation.)

15 MR. GRACIE: Yes. If it's just for the boat, it  
16 might be cheap enough that they just --

17 MR. BLAZER: Fishing without a license.

18 MS. WIDMAN: Yes. So if they don't have the proper  
19 licensing for charter --

20 MR. GRACIE: Well, I would like to know more about  
21 that --

22 MR. BLAZER: Okay.

23 MR. GRACIE: -- you know, how the fine applies  
24 and --

25 MR. LUISI: Any other questions?

1 (No response.)

2 MR. LUISI: Okay. A couple more things, guys.

3 On the draft agenda for the Tidal Fish Commission,  
4 there was a yellow perch allocation discussion agenda item.  
5 And so what I wanted to do was just let you know that that  
6 request came in to get some time on the agenda so that one of  
7 the commissioners on the Tidal Fish Commission could address  
8 yellow perch allocation.

9 We have not had that meeting yet, so I can't give  
10 you the -- I don't have the details. But what I understand  
11 is that some of the commercial interests in a certain area of  
12 the state, they are interested in the Department's review of  
13 yellow perch allocation between the commercial and  
14 recreational fisheries.

15 And I believe in all of your packets you have  
16 received our allocation policy. The allocation policy is  
17 something that we would plan to discuss on Thursday at the  
18 Tidal Fish Commission. So the public can request an  
19 allocation review in writing for which we need to take into  
20 consideration the merit of that request. And within 180 days  
21 we need to respond to that request with one of the following  
22 actions. We can begin a pre-assessment and establish a  
23 timeline for completion, we can defer the action to the FMP  
24 process, or we can reject the request for lack of merit.

25 And so it is my intention, when this brought up on

1 Thursday, to explain the process. We have not yet received  
2 anything in writing. I would expect that this is the first  
3 point of contact from the Commission to the Department that  
4 this may be something that certain commercial associations  
5 may be interested in us pursuing. So we are just -- so we  
6 are going to be in a holding pattern until we hear more, but  
7 I wanted to let you know, if you looked at their agenda, why  
8 it was a little different under the division report on that  
9 topic.

10 MR. GOLDSBOROUGH: Just a reminder, I am the  
11 liaison for sport fish on tidal fish. So if there is  
12 anything, any thoughts any of you have right now on the  
13 issue, given that we have limited information, please share.  
14 Because I will be going there, and I will be able to share  
15 them with tidal fish. Of course, Rachel is the liaison the  
16 other way, so she will be another bridge for us. But in any  
17 case -- yes, Mark?

18 MR. DeHOFF: What is the existing current  
19 allocation split?

20 MR. LUISI: Fifty-fifty.

21 MR. GOLDSBOROUGH: Jim?

22 MR. GRACIE: Do we have any sense of how that has  
23 been working, what the results have been?

24 MR. LUISI: All we know is that the commercial  
25 landings over the past few years have been pretty well on

1 target. This year we went over a bit. We had one extra day  
2 of fishing that just took us over the quota. It's a low  
3 quota, but we have no real way of determining what the  
4 recreational catch is. It is very, very difficult. We don't  
5 have any information on what the recreational catch is.

6 MR. GRACIE: Right.

7 MR. LUISI: Yet it's assumed that it's low compared  
8 with the quotas for the commercial fishery. But again, we  
9 have nothing. There is nothing to base that on. There is no  
10 survey work being done to determine that.

11 MR. GRACIE: So in order to respond to a request  
12 for an allocation review, you would have to collect some data  
13 you don't have, wouldn't you?

14 MR. LUISI: Well, that's all going to be part of  
15 our analysis of what their justification on this asking the  
16 Department for that request. We are going to have to sit  
17 down and figure out what it is that we would need, whether or  
18 not there is enough justification. And I haven't had to go  
19 through that process, so I can't speak to the details of  
20 what --

21 MR. GRACIE: And you know what they really want --

22 MR. BLAZER: We don't even know what they are  
23 asking for yet.

24 MR. LUISI: We are not even sure -- we haven't  
25 received any information yet.

1 MR. GRACIE: Well, I am sure there are season  
2 disadvantages to what they would like to get ---

3 MR. LUISI: Again, I don't know what to tell you.  
4 But we could --

5 MR. BLAZER: There will be a process that we will  
6 go through. So --

7 MR. GRACIE: Yes. I understand that. I'm just  
8 wondering how to get there.

9 MR. BLAZER: Yes. And I am sure there are data  
10 gaps that we will need to figure some information out. So --

11 MR. LUISI: Okay. A couple more quick things.

12 MR. GRACIE: What time is that tidal fish meeting?

13 MR. BLAZER: 2:00 to 5:00, Thursday.

14 MR. LUISI: We have been meeting with our coastal,  
15 we call it a coastal recreational forum. We had a coastal  
16 advisory body for many, many years, which was a group of all  
17 different interests from the coastal bays and ocean side  
18 area. But Dave and --

19 MR. GRACIE: It's Dave's fault that we don't have  
20 it.

21 MR. LUISI: Dave, and Lynn and I, we have been  
22 meeting with our coastal --

23 MR. : It's my fault you had it.

24 MR. LUISI: -- recreational group regularly, as  
25 well as the commercial folks down there. And we had a great

1 meeting the other day, talking about a lot of the same things  
2 we have talked about here, things to look up and coming  
3 events.

4 MR. GRACIE: How many people were there?

5 MR. LUISI: There were probably 20 people there.

6 MR. GRACIE: Oh, nice.

7 MR. LUISI: Yes. We had a good turnout. And we  
8 had the commercial meeting in the morning and the  
9 recreational meeting in the afternoon. And we had other  
10 staff. George was there with us. And our coastal fisheries  
11 program had -- Angel was not able to be there, but she  
12 normally attends.

13 Lastly, as a follow-up, our coastal striped bass  
14 recreational regulations was a topic of discussion out of one  
15 of our last meetings. I was looking for feedback on whether  
16 or not we would make adjustments to that coastal striped bass  
17 recreational regulation to mimic that of Delaware. We are  
18 having a little trouble with Delaware determining what -- we  
19 want to make sure we get the rules right when we go forward  
20 with the rules. And Delaware is throwing -- we need to talk  
21 with them a little more to make sure what it is they have on  
22 their books is what we have proposed to ASMFC, because we  
23 don't want to go out with any discrepancy between the two  
24 groups since that was our justification for asking ASMFC for  
25 what it was we asked for.

1           So we are working on that as we speak, as I speak.  
2 And we hopefully will have something done. We have decided  
3 to go forward. We just want to get -- we want to get the  
4 numbers right in the no-take slot. And it is more detail  
5 than I need to go into right now, because we are running out  
6 of time. And I have one other important thing that I want to  
7 mention to you before we move on.

8           So a few weeks ago, back in April, you guys all --  
9 everyone received a letter from Kerry Kennedy, who is here  
10 with us. Kerry oversees our data programming and permitting  
11 program within the division. So she sent you all a  
12 solicitation for interest in the formation of an incentives  
13 workgroup. We are looking to get members of both  
14 commissions, the Tidal Fish/Sport Fish Commissions, to be a  
15 part of a working group to help us figure out ways that we  
16 can incentivize the use of kind of the state-of-the-art  
17 system that we have for commercial harvest reporting. It is  
18 currently directed at commercial harvest reporting. It  
19 requires a haling component to it. You tell the state you  
20 are going out fishing for the day. As you are coming back,  
21 you are estimating what it is you have on the boat. It is a  
22 mobile-based system, computer-based system.

23           The accountability that goes along with it we feel  
24 is something that could allow for some flexibility in the  
25 regulations that fishermen find themselves under. And while

1 right now it is focused commercially, we think it is  
2 important to have folks on all stakeholder groups involved in  
3 the debate about what we could consider as incentives. And  
4 we have been able to incentivize some of the fisheries  
5 involved right now. Our striped bass fishery is operating  
6 under -- some fishermen are using the system. They are  
7 afforded slight changes in our rules to allow their business  
8 to be more flexible.

9           The yellow perch fishery last year worked in a way  
10 where individuals didn't have to tag individually each fish  
11 that they caught. And I know we have mentioned it to you  
12 before, but the box tagging system was very -- went very  
13 well. So we got -- we have more and more people jumping  
14 onboard with this program called the fact system. And we are  
15 just looking for interest.

16           So we don't have -- you guys can -- anyone can  
17 volunteer today or, if you would like, contact Dave or I or  
18 Kerry and let us know of your interest. And we are going to  
19 form this group and try to meet sometime this summer to start  
20 talking about the future of how we are going to get more and  
21 more people involved in the group.

22           MR. GOLDSBOROUGH: Dave?

23           MR. SIKORSKI: You halfway answered my question.  
24 You said this summer. When would you like people to be in  
25 by?

1 MR. LUISI: The sooner we can get a group together,  
2 the better.

3 MR. SIKORSKI: Okay.

4 MR. LUISI: If we don't hear from anyone, we are  
5 going to have reach out again and really -- we need to get a  
6 few people from the commissions to work on this with us. You  
7 know, it is a busy time right now, but the sooner, the  
8 better.

9 MR. SIKORSKI: Put me on the list. And if not me,  
10 I will find a proxy.

11 MR. LUISI: Okay. Great.

12 MR. GOLDSBOROUGH: Very good. Anybody else? If  
13 you can't say now -- Ed?

14 MR. O'BRIEN: Well, there is one thing that has  
15 been drifting from one of our meetings to the next, and it is  
16 summertime gill netting. Now, it is a very difficult  
17 subject. It is a very emotional subject on both ends, for  
18 charter boat, recreational charter boats, and summertime gill  
19 netters that make a living this way.

20 What we have been trying to do, Maryland Charter  
21 Boat Association officers, is get our people to communicate  
22 more and to get to know the gill netters and see if, doing  
23 that, maybe we can get to some kind of communion to how we  
24 can exist together on this thing. I think progress is being  
25 made on this down in the sound. And I know the director has

1 been involved with this, Director Bolton\*.

2           So it is still out there hanging. And it sort of  
3 dropped out of our dialogue. But it is still a problem. And  
4 where we are coming from is this ought to be one where we  
5 could go to lengths to work it out with all the people  
6 involved rather than making it a big emotional issue, which  
7 it is. So just be aware that's still hanging out there. And  
8 it could pop up at any time. Strong feelings on both ends of  
9 it. We have to work together on it.

10           MR. GOLDSBOROUGH: Thanks for reminding us of that,  
11 Ed.

12           Did you have a comment on that, Mack?

13           MR. WOMMACK: Yes, because I was just down Solomons  
14 last week. And he is right about the gill nets and these  
15 nets in the Lower Bay, because charter boat captains and  
16 people that's running the fishing parties and all, they  
17 really complain about these nets. Because what's happening  
18 is they are killing -- and these spot traps -- they are  
19 killing the bottom fishermen for the charter boat captains to  
20 make their money. Because as soon as these nets go up, I get  
21 phone calls all over the place about, you know, the fish  
22 can't get through, we can't, the parties can't catch to  
23 bottom fish, the croakers, the spots.

24           But I don't see them coming together in any kind of  
25 way with that, because it's like a war there. So somewhere

1 down the line some kind of regulation is going to have to  
2 come in, whatever can be done. I don't know if you can just  
3 put a limit on how many can be across that sound and so many  
4 distance, where some of the fish can get through to the  
5 charter boat captains, because they are putting them right  
6 across the oyster bars where they can't get any fish. And  
7 they are raising hell. And it is going on on both sides, the  
8 Western and the Eastern Shore. So that's -- we are really  
9 going to have to work on this summer.

10 MR. BLAZER: Yes. We are going to keep an eye on  
11 that. You know, we had the meeting, for those of you that  
12 don't know, we had a meeting last, when I first got here, I  
13 guess, back in October. And we brought a group of charter  
14 boats in with gill netters and had, I thought, a pretty  
15 productive discussion. So I think the way we left that  
16 meeting was basically let's try and have better communication  
17 among the groups so that, you know, if there is a gear  
18 conflict in a certain area, that at least the two sides are  
19 talking and can maybe work out their differences instead of  
20 coming up with a regulatory or even a legislative fix.

21 MR. WOMMACK: Right.

22 MR. BLAZER: So we are going to see how that goes  
23 this summer. We will keep an eye on it. If there are issues  
24 that come up, let us know. But we -- as Ed mentioned, I  
25 think we want to let this communication aspect play out. And

1 hopefully that will dissipate some of the conflicts.

2 MR. WOMMACK: And here is what I get from the  
3 charter boat captains. They say to me, "Mack, here's the  
4 problem. You know, if I complain about him, you live in  
5 these rural towns, my house would be burnt down," blah, blah,  
6 blah. And this goes on in these little rural towns. So it  
7 is kind of hard for a charter boat captain to really go after  
8 a netter, because I've got to see him in town or, you know,  
9 with family, you know. So it's going to have to come from in  
10 here or some kind of way that we regulate how these nets are  
11 being done in these sounds and bays. Because one don't want  
12 to go after the other one because it becomes a war.

13 MR. BLAZER: You handle it like you handle those  
14 Uber people.

15 (Laughter)

16 MR. WOMMACK: We are all on the same team with  
17 that.

18 MR. GOLDSBOROUGH: All right. So we have more  
19 here, but before -- we jumped away from the facts thing that  
20 Dave volunteered for. I don't want everyone to not get the  
21 point here. Please, another piece of homework, if you  
22 haven't done so already, check out the information we were  
23 provided on those under tab seven. And if you think you  
24 would be interested in that, it is kind of an innovative way  
25 to gather better data. And everything is based on data. If

1 you think you might be interested, just let us know, Paul  
2 know or me know, if you are interested in joining Dave as a  
3 Commission representative on that working group.

4 Yes, Dave?

5 MR. SIKORSKI: Yes. And it is not limited to  
6 Commission members, so if you know other people, recommend  
7 them as well. That's what I might be doing.

8 MR. LUISI: Yes, that's a good point. We wanted to  
9 work it through the Commission, but certainly if you have  
10 someone interested --

11 And I got a note passed to me by my boss, so I need  
12 to make sure I mention this. There is a menhaden meeting, a  
13 board meeting, on May 4 at 8:00. And one of the things  
14 that's going to come out of that meeting is a consideration  
15 for a draft addendum one for public comment. The draft, this  
16 addendum would address commercial trip limits after the quota  
17 is attained, which we have had -- we have gone back and forth  
18 between the allowance of a 12,000 pound trip limit to a 6,000  
19 trip limit. We are now asking to perhaps go back to that  
20 12,000 trip limit under the by-catch provisions.

21 The board unanimously approved the initiation of  
22 this amendment. We are now going to get a chance to look and  
23 see what it says and approve it for the public. But it is  
24 just another thing that I know that all of you are interested  
25 in. And you may want to listen in on that or we will at

1 least follow up after we get the feedback from the board on  
2 that action.

3 And with that, I am going to pass it over to  
4 Brenda, who is going to do the report on crabs. Thanks,  
5 everybody.

6 MR. GOLDSBOROUGH: Thank you, Mike.

7 Hello again, Brenda.

8 ***Blue Crab Winter Dredge Survey Results***

9 ***by Brenda Davis, MD DNR***

10 MS. DAVIS: Hello. And I think we can keep this  
11 fairly short. Everybody should have received the packet of  
12 winter dredge results information. It was mailed out to all  
13 the commissioners when released. And we have good news. I  
14 like sharing good news.

15 (Slide)

16 All right. Our total abundance was up about 35  
17 percent from last year. We estimated about 553 million  
18 crabs. Our age zero, which is the small crabs, less than 2.4  
19 inches in the carapace width, were about the same as last  
20 year.

21 (Slide)

22 Our female abundance was up about 92 percent from  
23 last year. So we have made great gains from year before last  
24 when we were just below that low abundance threshold at 69  
25 million pounds. And this year we are up at almost 194

1 million pounds, just short of that 215 million pound target  
2 threshold, target abundance. And just because it is not to  
3 that green line yet doesn't mean that we don't have a healthy  
4 population. We do. We are doing good. We are just not  
5 quite to that goal number.

6 (Slide)

7 Age one-plus males, so that is male crabs 2.4  
8 inches in carapace width and bigger, we almost or we more  
9 than doubled. We were up 107 percent. But our abundance has  
10 been really, really low. So we still don't -- it is still  
11 not great. It's good, but not great.

12 (Slide)

13 This is a graph that shows the differences that we  
14 have had in abundance since we started the female-specific  
15 management strategy in 2008, where we limit the amount of  
16 females that are harvested based on bushel limits. And the  
17 males are still regulated by sort of input controls, which is  
18 gear limits, time limits, that we have had for many, many  
19 years.

20 MR. BLAZER: Brenda, are those dotted lines like  
21 average? Is that what that is?

22 MS. DAVIS: Right. So this top line is -- I can't  
23 see the colors from here. So there it is going to be average  
24 female abundance for the time series. And the blue, the  
25 lower dotted line is average male abundance for the time

1 series.

2 (Slide)

3 This is bay-wide harvest for Maryland, Virginia,  
4 and the Potomac River fisheries. This is all harvest  
5 combined with just below 50 million pounds, 49.7 million  
6 pounds. And that's for 2015.

7 (Slide)

8 It is kind of interesting when you break down  
9 harvest for each of the jurisdictions based on males and  
10 females. This one is female harvest. Virginia, because of  
11 the life history, the female typically harvests considerably  
12 more females than Maryland does. And Maryland harvests  
13 considerably more males than Virginia does.

14 (Slide)

15 This is our female harvest target relative to our  
16 abundance. Our target is that we can harvest bay-wide  
17 somewhere around 25.5 percent of the female spawning stock.  
18 It can go over that target, as long as it doesn't go over the  
19 34 percent threshold. And we have been -- we are under the  
20 target for the eighth consecutive year. So we have been  
21 under the target since we started this management strategy in  
22 2008.

23 (Slide)

24 This is our male harvest. We don't have as good a  
25 data for the males to be able to do targets and thresholds.

1 So our threshold for male harvest is based on we don't want  
2 it to be, our male abundance to be, anywhere than we have  
3 seen it in the past. And so that red line is a harvest level  
4 that could likely get us there. We were about 15 percent  
5 below our harvest target, the harvest threshold for males.

6 (Slide)

7 And that is the summary of the graphs. And one of  
8 the things that we can attribute the increases to, in  
9 addition to the harvest limits, is we had a very mild winter  
10 compared to the last couple of winters and very low over-  
11 wintering mortality. Had we had the same temperatures as we  
12 had last year, it is likely we would have had increases, but  
13 it would have been about half. The increases would have been  
14 about half of what they were this year.

15 Are there any questions about --

16 MR. GRACIE: I need to back up. I am not sure I  
17 understand your explanation of the 33 percent trigger on the  
18 male harvest.

19 MS. DAVIS: The male harvest?

20 MR. GRACIE: Yes.

21 MS. DAVIS: Yes. I can understand you not -- can I  
22 get back to --

23 MR. GOLDSBOROUGH: This one?

24 MS. DAVIS: One more maybe. That one right there.

25 (Slide)

1 MR. GRACIE: There you go. That's the one. Yes.  
2 I don't get that.

3 MS. DAVIS: Lynn, do you want to try and make this  
4 reasonable?

5 MS. FEGLEY: Yes. So the male -- this is what we  
6 refer to as a male conservation trigger, which is arguably a  
7 little bit weird. But one of the things that happened, we  
8 moved to a female management framework in 2008. In 2011  
9 there was a benchmark staff assessment that produced  
10 reference points. So fishing targets and thresholds for  
11 female crabs only. It did nothing to identify safe harvest  
12 rates for male crabs relative to female crabs. So if you  
13 were to follow that logic through, it would say you can  
14 harvest all the male crabs, and it wouldn't matter. And we  
15 all know that's not true.

16 And the Chesapeake Bay Stock Assessment Committee  
17 started to have concerns when they saw the ratio of males to  
18 females splitting like that. And where we didn't want to get  
19 ourselves into a situation was where we would have, you know,  
20 not enough males to do what males need to do. I think the  
21 odds of that are low, but there is some research coming out  
22 of the Smithsonian and out Virginia that indicates that there  
23 could be some potential issue there.

24 So this conservation trigger was developed based on  
25 the old management framework that we had that said that as a

1 population combined, you had a harvest target and a harvest  
2 threshold. And I am about to blend --

3 MR. GRACIE: So you are applying the same ratio  
4 to ---

5 MS. FEGLEY: Yes. Exactly. So really the point is  
6 that the whole -- yes. That's a long-winded explanation to  
7 say that this is just really a level --

8 MR. GRACIE: Using an old ratio of females to males  
9 caught.

10 MS. FEGLEY: It's an old ratio, and it's a historic  
11 level that we just don't want to exceed. It doesn't have  
12 much in the way of biological meaning, frankly, but it is a  
13 guardrail. So --

14 MR. GRACIE: We don't really have an understanding  
15 of the number of males that we need for a number of females,  
16 do we?

17 MS. FEGLEY: We don't. And, you know, some would  
18 argue that the crustacean fisheries on the West Coast are  
19 strictly male fisheries. They don't harvest any females at  
20 all. But, you know, it is a subject of ongoing debate among  
21 the scientific community. It probably depends in part where  
22 you are.

23 MR. GRACIE: Yes. Location probably has a lot to  
24 do with that.

25 MS. FEGLEY: Location, location. Yes.

1 MR. GRACIE: Especially here. Thank you. That  
2 helps. It makes more sense.

3 MR. GOLDSBOROUGH: Rob?

4 MR. HARDY: Where it says removed from the  
5 population by fishing, how is that number arrived at? Is  
6 that just through commercial catch numbers?

7 MS. FEGLEY: Yes, it is. And it's bay-wide  
8 commercial catch numbers. And it's really just a division  
9 problem. So it's what is caught. It's what is reported by  
10 commercial harvesters. Although in Maryland we do some  
11 adjustments because we have an observer program where  
12 watermen report catch per unit effort to us. We also have  
13 people who ride along with them to record catch per unit  
14 effort. So it is a cross-check.

15 MR. HARDY: So there is no --

16 MS. FEGLEY: Yes. Did you ask about recreational?

17 MR. HARDY: Yes. Well, that was my next question.

18 MS. FEGLEY: It does. Yes, it does.

19 MR. HARDY: How is that factored in? Is that just  
20 algorithms and --

21 MS. FEGLEY: Well, there -- that is a good  
22 question. There were a few surveys done in the early  
23 thousands. I think the last one was -- when was the last one  
24 done?

25 MS. DAVIS: 2010?

1 MS. FEGLEY: 2010 maybe? By Old Dominion  
2 University that estimated recreational crab harvests. One  
3 year they did it for the bay as a whole. And the other years  
4 it was just for Maryland. And the estimate was about that the  
5 recreational harvest was eight percent of the total. That's  
6 what we used to be. That's the best we got.

7 MR. : From about 15 years ago.

8 MS. FEGLEY: Well, I think the most recent estimate  
9 was six to seven years ago. It's old. It's not new.

10 MR. GOLDSBOROUGH: Rachel, did you have your hand  
11 up?

12 MS. DEAN: Yes. That was my question.

13 MR. GOLDSBOROUGH: Oh, okay. Well, then Mack, you  
14 are next.

15 MS. DAVIS: All three surveys came back with  
16 exactly, over a ten-year period, the three surveys came back  
17 with essentially the same estimate of eight percent.

18 MS. FEGLEY: And we had the surveys done when  
19 catches as a whole, when abundance and catches, were really  
20 low. And then when abundance and catches increased, because  
21 we wanted to see if there was an impact of more crabs, you  
22 know, like word gets around and more people go crabbing, we  
23 wanted to know if that shifted the ratio of harvest. And it  
24 didn't appear to. So --

25 MR. GOLDSBOROUGH: Did you have something, Mack?

1           MR. WOMMACK: What I wanted to know -- and this is  
2 like a dog chasing his tail. In Virginia have they raised  
3 the fines for what they call bait and -- I mean, bait in a  
4 pot. Because what they do is, because I sat in on this for  
5 two-and-a-half hours, and what they do is they take the male  
6 Jimmy crab and break his arms off and puts them in a pot to  
7 draw the females in.

8           MS. FEGLEY: --- all the fish.

9           MR. WOMMACK: And they catch all the female crabs.  
10 And the fine was \$20. And nobody shows up for it in  
11 Virginia, because they can make more than that selling all  
12 the female crabs to the Maryland trucks that line up there  
13 for the picking house, picking the female crabs up. So when  
14 you talk about the balance being off, I need to know is the  
15 fines going up in Virginia to stop this or what's going on?  
16 Because you are not going to get anywhere with this, because,  
17 you know, you are just -- they are sucking all the female  
18 crabs out of the bay, the sponge crabs, as well. And all the  
19 Maryland picking houses got their trucks there, loading up  
20 all these female crabs to go to picking house. And the guys  
21 in Virginia, they are getting \$20 fines. So there is no use  
22 for them coming to court, and they just pay the fine. But  
23 they might walk away with five, six, seven, eight, ten  
24 bushels of female crabs per day.

25           So, I mean, you know, it's not balancing out is

1 what I am -- so that's what I am trying to find out. Does  
2 anybody know if the laws have increased the fines in Virginia  
3 to slow this up?

4 MS. FEGLEY: I have no idea. And it is legal to  
5 bait peeler pots in Maryland with Jimmy crabs. You can't  
6 break the claws off of them, but you can use them for bait  
7 for peeler pots.

8 MR. BLAZER: But it is peelers.

9 MS. FEGLEY: Yes.

10 MR. BLAZER: And Brenda, maybe you can go back and  
11 say in 2008, in the last couple years, Virginia has made some  
12 modifications in their regulations on the female crab  
13 fishery.

14 MS. DAVIS: Yes.

15 MR. BLAZER: They have instituted some pot limits  
16 and a sanctuary area and --

17 MR. : Shut down the winter --

18 MR. BLAZER: --- dredge fishery.

19 MS. DAVIS: Yes, gone to special limits.

20 MR. BLAZER: So it wasn't just Maryland just  
21 targeting female harvest. Virginia, you know, did their  
22 corresponding. But again, because the fisheries are so  
23 different, they took different approaches than we did.

24 MR. WOMMACK: Right. Because I sit in Accomack for  
25 two-and-a-half hours and they don't call nothing but bait and

1 peel pots all day long, and nobody shows up for a \$20 fine,  
2 you know, sooner or later, you know, you want to know why the  
3 crabs are getting like they are. And most of the people in  
4 Maryland, what they are going to do is take them Jimmy crabs,  
5 they are not even going to sell them. They are going to put  
6 them and make them into whales and ship them up north as soft  
7 crabs.

8 MR. : Of course, that practice is only  
9 during the peel and run anyway. So it is not like it is  
10 going on for a long period during the year, but --

11 MS. FEGLEY: And I would --

12 MR. WOMMACK: But the damage is going on.

13 MR. : It is an effective technique,  
14 though.

15 MS. DAVIS: Well, and I would just say that it is  
16 important to remember, too, that Virginia's commercial  
17 fishery has special limits that are holistic. So it is four  
18 males and females together. They can't bring in more than a  
19 certain bushel of crabs on board. Maryland has no bushel  
20 limits on males at all. Like Brenda said, we regulate with  
21 season size limits and time limits and gear limits. And we  
22 allow 900 pot rigs, which is substantially more than Virginia  
23 would allow.

24 So, you know, you can argue back and forth all day  
25 about who is doing what. So it is something to keep in mind

1 as we -- better to try to go there together.

2 MS. FEGLEY: Yes, definitely.

3 MR. GOLDSBOROUGH: How are you doing? Are you --

4 MS. DAVIS: That's the end of the --

5 MR. GOLDSBOROUGH: Are you doing the Watershed  
6 Agreement, too?

7 MS. DAVIS: Yes. Can we --

8 MR. GOLDSBOROUGH: Any other questions for Brenda  
9 on the winter dredge survey, blue crabs?

10 (No response.)

11 MR. : What do you want next, Brenda?

12 MS. DAVIS: The dredge survey. Oh, yes, that's it.

13 ***Watershed Agreement***

14 ***by Brenda Davis, MD DNR***

15 MS. DAVIS: So a little heads up about something  
16 that's coming down the pike. I don't know how familiar you  
17 are with the Chesapeake Bay Watershed Agreement that was  
18 signed in 2014. There are management strategies that go  
19 along with that. There are two management strategies for  
20 blue crabs and the work plan associated with meeting those  
21 strategies.

22 (Slide)

23 So what is coming up with the management strategy  
24 to decide if we should have a total allowable catch of female  
25 blue crabs in the bay, and if that total allowable catch

1 should be divided up with jurisdictional allocations. What  
2 is circled in there -- and I don't think anybody can read it  
3 because it is so small -- is that the work plan says that we  
4 need to get input from all our stakeholders as to whether  
5 this is something that we want to consider, you know, ideas  
6 about how to consider, whether it is a worthwhile endeavor or  
7 not.

8           So we need to have this information available by  
9 mid 2016, so sometime this summer.

10           (Slide)

11           So total allowable catch, or you will see it  
12 referred to in the management plan as the TAC and  
13 jurisdictional allocations, you probably have questions about  
14 what it is, but I am going to go to what it is not first  
15 because that's pretty easy. This is not the same thing as  
16 individual transferrable quotas, like the striped bass  
17 fishery our commercial striped bass fishery operates under  
18 now.

19           We currently have a bay-wide harvest target that we  
20 manage to in our female-specific management strategy. What  
21 the jurisdictional allocations would be was to specify the  
22 proportions of that allowable catch that each of the  
23 jurisdiction could have. One of the bonuses to this is that  
24 each of the jurisdictions would be responsible for, you know,  
25 how they meet, how they harvest their allocation. And they

1 would be accountable for that.

2 Right now we are -- it is a bay-wide that we don't  
3 want to go over that 34-percent threshold, but if we do go  
4 over it, there is no -- you know, it is not because Maryland  
5 did it or because Virginia did it. It is just we go there  
6 together.

7 So some of the cons -- so each jurisdiction isn't  
8 accountable for their portion of the harvest currently. But  
9 some of the cons for that is this talk about jurisdictional  
10 allocation was originally started in the older framework that  
11 Lynn mentioned. When we had a total harvest, we took into  
12 account harvest of males and females together. Since we had  
13 that stock assessment update in 2011 and we have developed  
14 specific benchmarks, this jurisdictional allocation might not  
15 be as useable a tool as it would have been previously. So it  
16 may not be as good a way to go as we would have thought a few  
17 years ago.

18 How would we divide up equitably between the  
19 jurisdictions who gets how much catch? You know, if we went,  
20 say, by historic, you know, prior to the new management  
21 strategy, Maryland was responsible for about 40 percent, 38  
22 percent, of the total harvest. Virginia was somewhere 58, 57  
23 percent, and Potomac River was about 5 percent. That might  
24 not -- you know, that's the way it was. It might not be how  
25 it is now. It might not be the best way to go. So, you

1 know, how to divide that up is a really tricky situation.

2           And equally tricky and maybe even more so is our  
3 current harvest accountability, how exactly are we going to  
4 be able to determine what it is that each jurisdiction  
5 harvested, and is our harvest accountability measures the  
6 same? Virginia has a buy ticket system, and they feel that  
7 they sort of double check, being able to double check with  
8 their buyers over what their harvesters report is very solid.  
9 A buy ticket in Maryland wouldn't be quite so effective,  
10 because we have a lot of guys that sell their own. So there  
11 would be some pretty big loopholes.

12           But we feel like particularly our daily electronic  
13 reporting system that is coming along very nicely is going to  
14 provide us a lot of accuracy and a lot of accountability and  
15 improvements. And our harvesting would in fact be better  
16 than, you know, what Virginia's buyer verification is. So  
17 are the harvest numbers actually saying the same thing?

18           So there are lots of questions, lots of pros and  
19 cons. And we are going to be looking for input from you guys  
20 as to whether we should proceed with this. And if we do, how  
21 we want to go about it.

22           MR. GOLDSBOROUGH: Any questions for Brenda? Jim?

23           MR. GRACIE: What problem are we trying to solve?

24           MS. DAVIS: Harvest --

25           MR. GRACIE: Is there a conflict?

1 MS. DAVIS: What?

2 MR. GRACIE: Is one of the states raising the issue  
3 and creating conflict? I mean, what is the problem we are  
4 trying to solve?

5 MS. DAVIS: I think --

6 MS. FEGLEY: I will help you with that.

7 MS. DAVIS: All right.

8 MS. FEGLEY: So this is part of the Chesapeake Bay  
9 agreement. So this is an outcome of the bay agreement, that  
10 the jurisdiction will examine the feasibility of this  
11 allocation-based management framework. So this came down --

12 MR. GRACIE: And what came out of the GIT group  
13 that said there is a problem we are trying to solve.

14 MS. FEGLEY: This was not the GIT group --

15 MR. GRACIE: Oh.

16 MS. FEGLEY: -- that put this together. The bay  
17 agreement was a series of stakeholders that ranged the gamut.  
18 We jumped in there. We provided some input. But what is in  
19 the bay agreement is this is what it is. So this is in the  
20 Chesapeake Bay Watershed Agreement.

21 MR. GRACIE: Lynn, I think if I heard you right,  
22 they said we should look at this.

23 MS. FEGLEY: Yes.

24 MR. GRACIE: With --

25 MS. FEGLEY: So the states have the option to say

1 we don't want it.

2 MR. GRACIE: What problem did they have in mind  
3 that we need to solve? That's the -- can we get some  
4 background for this?

5 MS. FEGLEY: The way that it is worded specifically  
6 is that it will -- and I don't know that I have the words  
7 exactly in my head, but it will allow for a more efficient  
8 management of the fishery. It is actually fairly vague in  
9 terms of the problem that --

10 MR. GRACIE: That's what I am hearing.

11 MS. FEGLEY: -- it will solve. And that is frankly  
12 the conversation that we have, you know, with our partners,  
13 is what is the problem we are trying to solve? What is it?

14 MR. GOLDSBOROUGH: I can speak to that. There  
15 actually were so me discussions of the GIT Executive  
16 Committee, those monthly conference calls they have. And  
17 this would have been going back a couple of years now leading  
18 up to the Watershed Agreement. And the idea of allocation-  
19 based management framework could take a lot of different  
20 forms, and not just a TAC. That's maybe your simplest form  
21 of it. Right? But it could include an ITQ system. That's  
22 allocation based, as well, to the individual. Right?

23 MR. GRACIE: With no time for recreation?

24 MR. GOLDSBOROUGH: But -- well, the recreation is  
25 one piece. I think this refers mainly to commercial. As I

1 said, that's 80 percent. But I could tell you in those  
2 discussions that the issue that was of concern was total  
3 effort. So in 2008 we put in place these science-based  
4 guidelines for the fishery, but we did not put in place  
5 anything to manage total effort.

6 And there was a lot of belief in the years leading  
7 up to that, the Bi-state Blue Crab Committee before that and  
8 other deliberations, that that was a fundamental problem, too  
9 much total effort. Populations truncated right at the  
10 minimum size because there was so much effort, so much  
11 fishing power, that we are able to catch crabs essentially  
12 when they meet that size.

13 So I don't know if that circumstance has shifted  
14 since then, as you all alluded to down at the bottom there,  
15 but I can tell you that that was the issue that I think drove  
16 this in those earlier discussions, to answer your question,  
17 Jim, the idea being that if you have an allocation-based  
18 framework that people know what they can catch, they are more  
19 inclined to only fish the amount of effort that they could  
20 efficiently catch that catch with, and that that would bring  
21 total effort down. It would bring catch-per-unit effort up.  
22 It would relief the truncation of population, increase the  
23 average size of the crabs caught, and so forth, over time.

24 Rachel?

25 MS. DEAN: If the question is whether or not we

1 would support the TAC, I would like to say that I believe  
2 Maryland is doing a great job with the way that we manage  
3 blue crab. We have implemented our own management plans, and  
4 we are doing that. My concern with the total allowable  
5 catch, like Brenda said, would be how do we divide it. I  
6 have seen how they have done the striped bass division based  
7 on history, and I wasn't comfortable with that. So I am sure  
8 that I wouldn't be comfortable with the crab fishery either.

9           But from the commercial standpoint, I don't see  
10 anybody running to get onboard. The data that we have is  
11 strictly commercial. So I would assume that would be the  
12 first to be limited. I agree that I don't see it move it  
13 down in such a way that an ITQ wouldn't be part of the  
14 program. There is one of two ways that that runs. Either we  
15 go into an ITQ program or we are into a derby-style fishery.  
16 We see that now sort of with the menhaden. We have been  
17 there with the striped bass. So we always want to stay away  
18 from the ITQ. We are not too excited in supporting that.

19           As far as recreational goes, I guess that would  
20 mean that we would be looking at a season closure, if we ever  
21 got the data to support it. So I like what Maryland is  
22 doing, and I would like to stay where we are.

23           MR. GOLDSBOROUGH: Other comments?

24           MR. GRACIE: I don't hear any compelling reason to  
25 support this. That's why I was asking the questions I asked.

1 I would like to have a good reason.

2 MS. FEGLEY: Well, you have some time to think  
3 about it.

4 MR. GRACIE: I mean, it's a lot of turmoil in a lot  
5 of ways. And I am not sure, again, I don't know what problem  
6 we are solving.

7 MR. BLAZER: And again, I think we just wanted to  
8 introduce the idea to you. It is part of the bay agreement,  
9 so we will have to put some response back to the fisheries  
10 GIT. So there will be time. We will come back for more  
11 comment on this.

12 MR. GOLDSBOROUGH: All right. We are good with  
13 that. Thank you, Brenda.

14 Dave, you are doing the five-year review?

15 MR. BLAZER: Yes.

16 MR. GOLDSBOROUGH: And sorry, folks, we are over  
17 time. But we will try and be quick with what is left, with  
18 Angela bringing up the rear.

19 ***Oyster Five-Year Report***

20 ***by Dave Blazer, MD DNR***

21 MR. BLAZER: I will try to be very quick with this.  
22 I really just wanted to introduce, because it is on a lot of  
23 people's minds, the Five-Year Oyster Report that's going to  
24 be coming out in July. We have heard a lot of comments, a  
25 lot of questions, about it. So today and Thursday I wanted

1 to start with these groups just give an overview of what the  
2 report is and what it will be doing so you know what to  
3 expect in July, when the report is released.

4 (Slide)

5 The Department committed to this five years ago, to  
6 come back and do a review of the effectiveness of  
7 sanctuaries, the public fishing areas, and aquaculture, and  
8 take a look at those. We are trying to take a snapshot at  
9 that. We have been at this for five years, a little over  
10 five years. And this was actually put into regulation, and  
11 this is our commitment to move forward.

12 (Slide)

13 We will look at the three different oyster  
14 management areas, sanctuaries, which are closed to oyster  
15 harvest. You know, some of them right now have been  
16 extensive restoration projects. Some of them were created  
17 many years ago. We have gone back to survey all of those  
18 things to look at how they are doing.

19 We are also taking a good hard look at the public  
20 shellfish fishing areas where harvest for commercial fishing  
21 goes on, no aquaculture, and to look and see if these areas  
22 are still functioning or not functioning and so forth. And  
23 then aquaculture areas, we have made some significant changes  
24 with aquaculture with the processes and the allowances there.  
25 So we wanted to also include that as part of the oyster

1 management review.

2 (Slide)

3 Defining effectiveness. This is one of the issues  
4 that we kind of described back in 2010. How do we know if we  
5 are effective? How do we know if we have been successful?  
6 So these things are based on some of the objectives that were  
7 put out back in 2010 to look not only at the ecological  
8 functions, but also to enhance the commercial fishery for  
9 economic and cultural benefits. And what you have listed  
10 there -- and I know there is a lot of text here, and I am  
11 kind of going fast -- but some of the key objectives, those  
12 four there that are there for sanctuaries, those were the  
13 objectives. We are going to look to see how we are doing  
14 with sanctuaries related to those four objectives. For the  
15 public fishing areas, trying to maintain 75 percent of those  
16 acreage to make sure that they are productive. And we will  
17 measure our effectiveness to that. And then for aquaculture,  
18 again, streamline the regulatory process so that we are  
19 advancing and helping aquaculture have a good economic  
20 opportunity.

21 There is going to be seven chapters in the report.  
22 Obviously, the executive summary. Chapter 2 we are almost  
23 done with, which is really the purpose of the report and  
24 background. That is what this presentation is based on.  
25 Chapters 3, 4, 5, 6, and 7 are going to be written. Some of

1 them have started. Some of them are going to be finished up  
2 until July. So again, Chapter 3, we are looking at the  
3 overview of the three management areas, what data do we have,  
4 what are we seeing, sanctuary information, again look at the  
5 data, what's going on there, the same with the public fishery  
6 and same with aquaculture, how we changed over the five years  
7 in those three areas.

8           And then Chapter 7 will be going back to look at  
9 those objectives and assess that effectiveness for each one  
10 of those three management components that we are looking at.

11           (Slide)

12           Here again, a little more detail on the report  
13 outline with Chapter 2 and 3. You know, and again, these are  
14 the things that are kind of done, what we are doing. And this  
15 is going to be some of the information that's there. Chapter  
16 3, general descriptions, acreage of each of those three  
17 management areas and the numbers that we know.

18           I'm sorry. I am going through this pretty quick,  
19 but --

20           (Slide)

21           Chapter 4, again, some of the sanctuary  
22 information, kind of what's been happening, discuss each one  
23 of the sanctuaries that are there, present the information  
24 based on those four objectives that I mentioned before, and  
25 then a general characterization of what we have seen over

1 time. You know, we have some sanctuaries that have just been  
2 created within the last two or three years. We have others  
3 that were created, you know, even back when I was here the  
4 first time. And again, looking at disease, water quality,  
5 population, you know, all those things that will help us make  
6 decisions.

7 (Slide)

8 Again, looking again at the public shellfish area,  
9 each of the 177 locations that are classified as PSFAs, and  
10 then just some general characterization of those locations,  
11 and again assessing them back to those key objectives that we  
12 had. And aquaculture, kind of the same thing, how the number  
13 of leases changed, the general location of those areas, how  
14 has the harvest been, how has the industry been doing over  
15 the last couple years.

16 (Slide)

17 Chapter 7, this will be the last one that will be  
18 written, assessing the effectiveness. We are going to do an  
19 assessment of each one of those management areas. If the  
20 objectives are being met, look at future recommendations or  
21 tweaks to see if there is something we can to help meet those  
22 objectives, and then discuss future management of those three  
23 management areas as we go through.

24 (Slide)

25 It will be independent peer reviewed. We have

1 signed on three consultants that are listed there on the  
2 bottom from, I believe, Rutgers, UNC Chapel Hill, and  
3 somebody from Versar. And they are going to take a look at  
4 the report for some of those bullet points that are going to  
5 assist us with the report, looking at it, look at some of the  
6 review of the analysis, are we making, you know -- are we  
7 doing this appropriately, you know, are there other ways to  
8 look at this, help us out with some of these sections, help  
9 us with a little bit of editing. If I am writing a section,  
10 my grammar is not so good. So they will fix that, I hope.  
11 And then just some general guidance. And then, again, after  
12 the report is released, we are going to have a public comment  
13 period as we go through.

14 (Slide)

15 The timeline, we are drafting the report. We are  
16 also starting a little bit of outreach now. We are trying to  
17 get out to tell people what the report is going to have and  
18 what it is going to contain. The final report will be  
19 released, we hope, by July 31. We are on schedule to make  
20 that timeline. And then we will go through a process of  
21 public outreach and comments, come back, absorb all those.  
22 We will have public information meetings. We may set up a  
23 special meeting for you all and the Tidal Fish Advisory  
24 Committee or something. But we are going to do pretty  
25 extensive. I mean, we are looking at an Oyster Advisory

1 Committee and some other ways of getting out to the public,  
2 as well as just kind of having a public information meeting  
3 and inviting people in to comment.

4           And then we will go back and address all those.  
5 And then if there are any management adjustments, tweaks, or  
6 any regulatory ideas that would come up, we will come back  
7 out with those in October and kind of have to go through  
8 scoping and all the other things that come associated with  
9 that.

10           This is kind of a generalized timeline that we are  
11 going to go through. You know, we will fill in the blanks.  
12 But we have already told Lynn and Jody and Chris and the  
13 shellfish team that we are locking them in their offices  
14 until July 31.

15           MR.                   : Good move.

16           MR. BLAZER: And then they can come out, and then  
17 they can do all the public outreach for us, and then maybe  
18 take vacation in October of 2017 after we get through all the  
19 other stuff that goes through. It is a pretty extensive  
20 process.

21           So that's basically it on the timeline. Again, it  
22 is a pretty extensive process. There is a lot of work to be  
23 done. We will be having, you know, everything come out in  
24 July. But we wanted to let people know this is what the  
25 report is. This is what is going on, because we have heard

1 it is just strictly sanctuaries or you are not looking at  
2 aquaculture, and what data do you have. If there is data on  
3 oysters in Maryland's portion of the Chesapeake Bay, it is  
4 going to be in this report.

5 Jim?

6 MR. GRACIE: I hate to add more time to our  
7 meeting, but probably the second slide, the goals or  
8 something, I am thoroughly confused about what seemed to me  
9 to be two contradictory numbers. It was 50 -- was there 50  
10 percent --

11 MR. : Is that it?

12 MR. GRACIE: No. I can't read -- no, it was one I  
13 could read. Go back.

14 MR. BLAZER: Defining effectiveness. Make that  
15 bigger.

16 MR. GRACIE: There it is. Protect half of the  
17 bay's production, I thought the sanctuary program set aside  
18 25 percent of productive bottom. That's what I recall public  
19 hearings on. That's what I recall the implementation on.

20 MR. BLAZER: It does. And Lynn, correct me if I am  
21 wrong, but we didn't take all the best bars. We only took 50  
22 percent. So there were 50 -- there were 100 percent what we  
23 classified as productive bars.

24 MR. GRACIE: Right.

25 MR. BLAZER: Fifty percent of them stayed in the

1 public fishery, 50 percent of them went to the sanctuaries.

2 Is that right?

3 MS. FEGLEY: Yes. It is actually a little more  
4 complicated. And I think that we are going to have to work  
5 to clear that up. So essentially -- so there are two sort of  
6 confusing phrases. One is that that's bars. And these are  
7 17 named oyster bars that were identified in the analysis.

8 MR. GRACIE: That was 25 percent of that was  
9 what --

10 MS. FEGLEY: No, no. So just hold that in your  
11 head. There are these named oyster bars that are the most  
12 productive. Okay?

13 MR. GRACIE: Okay.

14 MS. FEGLEY: So then, holistically, looking at our  
15 oyster bottom, there is an estimated something like 36,000  
16 acres of remaining viable bottom. Included in that are those  
17 best bars. Okay?

18 MR. GRACIE: Okay.

19 MS. FEGLEY: So that 36,000 acres kind of takes  
20 into account the habitat laws. It is brilliantly described  
21 in the EIS how they arrived at that 36,000 acres. That's  
22 what we call -- that's like our starting point. That's the  
23 remaining viable bottom. Some of it is great, like a best  
24 bar, and some of it is really not very good at all. But it's  
25 hard bottom, you know, blah, blah. That 36,000 acres is

1 essentially what we divided 76 to public fishery and 24  
2 percent.

3 MR. GRACIE: Okay.

4 MS. FEGLEY: So the 50 percent --

5 MR. GRACIE: So the definition of productive bars  
6 included that bigger number, that 36,000 acres.

7 MS. FEGLEY: Yes. But the language is confusing.  
8 So we will fix that.

9 MR. GRACIE: Yes. It was just those two statements  
10 that seemed to contradict each other.

11 MS. FEGLEY: Yes, yes.

12 MR. GRACIE: Thank you.

13 MR. GOLDSBOROUGH: Any other questions for Dave?

14 (No response.)

15 MR. GOLDSBOROUGH: So I guess we have a meeting in  
16 July. Right? So right about when this is coming out, is  
17 that right?

18 MR. BLAZER: I am not making any guarantees. I  
19 think yes, but --

20 MR. GOLDSBOROUGH: So I guess we will be hearing  
21 more about it.

22 MR. BLAZER: That's why I said the special meeting  
23 thing, you know. We may put you off.

24 MR. : It was the 31st. Okay? Your  
25 meeting is before the 31st of July.

1 MR. GOLDSBOROUGH: Okay. We have one other agenda  
2 item we have to get to. Angela has been very patient. And I  
3 know you all have been, too. So hang in there. This is  
4 something we asked for, about the stock status of weakfish or  
5 gray trout.

6 ***Gray Trout (Weakfish) Stock Assessment***

7 ***by Angela Giuliano, MD DNR***

8 MS. GIULIANO: Okay. So as Mike said earlier, my  
9 name is Angela Giuliano, and I work with the Analysis and  
10 Assessment Program. And I serve as Maryland's representative  
11 to the Weakfish Stock Assessment Subcommittee at ASMFC.

12 (Slide)

13 So just to go over where we currently are with the  
14 stock assessment, we started collecting data for the stock  
15 assessment back in October of 2014. And the subcommittee has  
16 worked really hard throughout 2015 putting together the  
17 benchmark assessment. It was finished earlier this year.  
18 And it went out for peer review at the end of March.

19 (Slide)

20 And as Mike mentioned earlier, it will be presented  
21 to the Weakfish management Board next week at their May  
22 meeting. It is on Thursday morning. And so you really  
23 getting this hot off the presses. They just put up on their  
24 website last week the peer review document, as well as the  
25 stock assessment results. As Mike mentioned, it still needs

1 approval by the Management Board for management use. So this  
2 is still preliminary.

3           However, the peer review was positive. And they  
4 recommended it for management use. So I don't perceive  
5 anything happening there, but it still could. So I will put  
6 all the caveats out there now.

7           (Slide)

8           So the previous benchmark assessment was done in  
9 2009. And with that assessment, they found that the stock  
10 size was at an all-time low, but they didn't believe that  
11 fishing mortality was really the driver here, but the driver  
12 was an increase in natural mortality. So those could be  
13 things such as competition with other species and starving,  
14 predation, disease. There is not really evidence for  
15 disease, but --

16           MR. GRACIE: Water temperature?

17           MS. GIULIANO: It could be.

18           MR. GRACIE: That has been a factor in fishing.

19           MS. GIULIANO: So, you know, all those  
20 environmental factors and things that might affect natural  
21 mortality. And so even at that time when they did  
22 projections with M so high, it showed that even doing a full  
23 moratorium would not drastically or rapidly recover the  
24 stock, which is why at that time the Management Board put in  
25 the one fish bag limit. So that's when we dropped down the

1 bag limits on the recreational side. And on the commercial  
2 side they put in a 100-pound trip limit. So it is basically  
3 a by-catch fishery now for the commercial guys.

4           So this new assessment, we went forward with a new  
5 model that was developed by Dr. Yan Jiao, who is a professor  
6 down at Virginia Tech. And it is similar to other  
7 statistical catch models you may have seen, except at the ---  
8 version. The highlights of the preferred model is that it  
9 allows for changing natural mortality through time. Most of  
10 the assessments is when it is fixed, based at some  
11 equilibrium level. And it accounts for spatial heterogeneity  
12 of the stock. So the fact that the population might be  
13 smaller over here and bigger, the modeling takes that into  
14 account. So it is a pretty complicated sort of model  
15 compared to some of the other ones.

16           (Slide)

17           So this is a figure of weakfish removals in  
18 millions of fish. This larger portion here is commercial  
19 landings. This lighter bar here is commercial discards.  
20 There is a recreational fishery. Then this sliver up top  
21 that you start seeing in '95 is recreational discards. So  
22 1995 is when the first time minimum sized limits were put in  
23 for weakfish at 12 inches. So you can see there was really  
24 nothing for discarding on the recreational side until those  
25 size limits went into account.

1           So basically the story is that while commercial  
2 landings were really high in the eighties, they have dropped  
3 considerably, and particularly in recent years.

4           (Slide)

5           So part of the story here has to do with the  
6 natural mortality. And this comes through our catch at age  
7 data. So this is the commercial catch at age from the  
8 report. And this shows up again in the recreational one, all  
9 of the fishery independent indices that show the same trend.  
10 So you had a lot of fish here. The bigger bubbles are more  
11 fish numbers, greater fish numbers. So in the eighties we  
12 were catching a lot more fish.

13           I can't see the numbers so well from here. But '95  
14 is here. Again, that's when we put in the minimum size  
15 regulations. And you can see the age structure here respond  
16 to that. So we start seeing more age five fish. And this  
17 assessment is the six-plus group. So it is all being group  
18 into here.

19           But then since about shortly after 2000, this age  
20 structure is coming back down, which is what we see through  
21 our sampling in Maryland and the other states, as well. Most  
22 of the stock now are these ages one through three fish,  
23 indicating that they are not making it to these older ages.

24           I don't have a slide in here, but for comparison  
25 with all of the juvenile indices, it kind of varies without

1 trend. So it seems like the recruitment is doing okay, all  
2 things considered. They are just not making it to these  
3 older ages.

4 (Slide)

5 And so on this figure, I guess first what the Stock  
6 Assessment Subcommittee and the Technical Committee are  
7 recommending is managing based on total mortality, which is  
8 this graph here. And as I said before, the model is picking  
9 up an increase in natural mortality. So through the eighties  
10 and nineties it is low, about .19, .18. And then all of a  
11 sudden in like '98, '99 it ramps up. And it is now  
12 approaching one. It has come down a little bit in recent  
13 years, but it still very high, especially compared to the  
14 early period.

15 (Slide)

16 So basically what is going on with this total  
17 mortality, we were concerned about over fishing in the early  
18 eighties. And natural mortality would have contributed a  
19 very small amount to the overall total mortality. Most of it  
20 was coming out of the fishing pressure. When regs went into  
21 place, you can see total mortality drop. But despite various  
22 regulation changes throughout this period, total mortality  
23 kept increasing. And part of that is because of this  
24 increase in M. So later in the time frame it is about one.  
25 So it is somewhere around here.

1           And so when managers look at total mortality -- we  
2 can't control the natural mortality, and we don't have a  
3 great idea of what is causing it. There are a few hypotheses  
4 regarding competition with other species, such as striped  
5 bass, flounder, bluefish, anything that's going to be in the  
6 same area and feeding on the same forage. It could also be  
7 predation.

8           So especially in the 2009 assessment they were  
9 looking a lot at competition models and predator prey models.  
10 And the two species at that time that they focused on because  
11 of their increase around this time frame was striped bass and  
12 dogfish. And it is probably a combination of all of those  
13 factors. This also correlates with the Atlantic multidecadal  
14 oscillation, which is a larger ocean surface temperature  
15 pattern.

16           The commercial catches going back correlate well,  
17 but as with all things correlation doesn't equal causation.  
18 So while it could be a factor in some sort of larger food  
19 chain or timing, there is not a clear predictor for why M  
20 have increased.

21           As part of this assessment, we continued looking at  
22 data from NOAA and MMAP, looking at the proportion of empty  
23 stomachs, trying to get an idea of what is causing this. And  
24 it was pretty inconclusive, though we do feel confident that  
25 M has likely increased. We just don't know why.

1           And the other point that I wanted to make here is  
2 with M so high managers don't have a lot of room to work  
3 with. They can control fishing mortality through size limits  
4 and bag limits, but in this case, like 75 percent of the  
5 total mortality is due to fishing --

6           MR. NEELY: Are states further south expressing --  
7 are they experiencing similar mortality?

8           MS. GIULIANO: It is pretty -- this is a coast-wide  
9 assessment, so it is the entire stock from Florida to  
10 Massachusetts.

11          MR. NEELY: Got it.

12          MS. GIULIANO: So the bulk of the fishery operates  
13 between North Carolina and New York. So -- they don't catch  
14 a ton of weakfish in Georgia and South Carolina.

15          Do I see another hand?

16          MR. GOLDSBOROUGH: Mack, do you have a question?

17          MR. WOMMACK: Yes. Well, what I see October to  
18 late December, the Lower Bay is flooded with these spike free  
19 fish. And what I see going on is you had a menhaden problem.  
20 And a lot of these rock feed off these little ones. But you  
21 are starting to get bigger one sizes as the temperature  
22 starts to drop in the fall. And one of the problems you have  
23 is these head boats and things like that. These guys are  
24 catching them and gutting them and throwing them back and  
25 they are dying. And a lot of these captains are letting them

1 people just keep the fish, because they are trying to make --  
2 you know, keep business going.

3           So you've got two things. So I am just wondering  
4 why don't they open it up a little bit, give a little slack  
5 in October to allow more than one fish be caught. Because  
6 you ain't got that long a run before the temperature and they  
7 would be out of here anyhow. But you have an abundance of  
8 them starting in October all over the Lower Bay.

9           MS. GIULIANO: I wasn't involved, I guess, when  
10 they set the one fish bag limit. I think they changed it  
11 through time. Right? It was like three fish at one point.

12           MR.                 : It was ten.

13           MS. GIULIANO: It was ten originally? And they  
14 kept cutting it back.

15           MR. WOMMACK: Because most everybody, if they are  
16 catching 13 over, they are going to become outlaws anyhow.  
17 And the captains are going right along with them because they  
18 are trying to keep the people coming back and keep them  
19 happy. And the rest is getting gutted and pulled, because  
20 they have a tendency to swallow straight down. And people  
21 just pull the hook out, kill them, and throw them overboard.  
22 So, you know, I think that late in the season you ain't got  
23 that much longer before they are going to be gone anyhow.  
24 But there is an abundance of them around October on out.

25           MS. GIULIANO: Yes, and that's the time that you

1 said they are moving back out. I mean, I think part of what  
2 you are seeing here is management responding in the  
3 traditional way that we would respond to cutting back harvest  
4 as -- you know, the 2006 assessment was the first one where  
5 this is happening. And so managers were like, oh, we will  
6 cut back to fishing pressure and it will respond. But M  
7 continued to increase. And so each time they kept cutting it  
8 back a little more, hoping to see the response. And then  
9 this is where we are.

10 MR. WOMMACK: Well, remember you had the level  
11 going down, you had a lot of what they call peanut alewives  
12 going out of here for this mega hole and stuff in Reedsville\*  
13 and these big factories. So they were taking a lot of food  
14 out of these rockfish mouth, and they were going to feed on  
15 anything that they could find. And they show up around the  
16 time, you know, late fall. And they were just hit very hard.

17 Now, I think they come down from Wrightville\* on  
18 some of the levels of menhaden that they can take now. And  
19 you will probably see the numbers begin to climb again in the  
20 weakfish.

21 MR. GOLDSBOROUGH: They do have a quota now.

22 MR. WOMMACK: They have a quota, but that was the  
23 rockfish source of food.

24 MS. GIULIANO: Yes.

25 MR. GOLDSBOROUGH: That is one of the leading

1 theories, as Angela was saying. Yes.

2 MS. GIULIANO: So assuming there are no more  
3 questions -- I want make sure I don't skip anyone.

4 (Slide)

5 So based on this new assessment, the Technical  
6 Committee and Stock Assessment Subcommittee have proposed new  
7 reference points and, as I said, basing it more on total  
8 mortality of the stock. So we can't predict what M is going  
9 to do in the future. We know what it has been. And we are  
10 suggesting a threshold and target total mortality level based  
11 on an average natural mortality, so it would be the average  
12 curve that you saw previously.

13 And the peer review recommended using the spawning  
14 stock biomass as an additional indicator of when to be more  
15 precautionous. So it is set -- the 2014 value -- I will show  
16 this on a graph because it is a little bit easier to digest.  
17 But the 2014 value for total mortality is our threshold but  
18 above the target. And the spawning stock biomass is well  
19 below where we would like it to be for the threshold.

20 (Slide)

21 So this is a spawning stock biomass on a graph in  
22 metric tons. So you can see this 30 percent SSB that we are  
23 proposing relative to where it has been in the past seems  
24 fairly reasonable. And we are definitely still in the  
25 deplete state, which is the same conclusion that they had in

1 the 2009 assessment.

2 (Slide)

3 This is the total mortality benchmarks. So you can  
4 see when we put -- this is somewhat the same graph as before.  
5 So when we previously put in regulations, total mortality  
6 dropped. And it increased -- as I said, we are between the  
7 target and the threshold. But we are only below the  
8 threshold for one year. From 2002 to 2013 we were above it.

9 (Slide)

10 And so basically what the Technical Committee and  
11 Stock Assessment Subcommittee are recommending is that  
12 management doesn't change until it is at least below the  
13 threshold for over one year. But considering where the  
14 spawning stock biomass is, probably not increasing fishing  
15 pressure at this time. But again, these reference points  
16 still need to be approved by the Management Board. And if  
17 they decide to accept the assessment and adopt these  
18 reference points, they would need an addendum. So that would  
19 probably be the next step.

20 And that's it.

21 MR. GRACIE: Quick question. The graph before that  
22 shows the spawning stock biomass. Is that a threshold line?

23 MS. GIULIANO: That is.

24 MR. GRACIE: Okay. So we have been below the  
25 threshold for 12 years.

1 MS. GIULIANO: Yes. I mean, there is some  
2 indication of maybe things picking up a little bit. This  
3 assessment only uses data through 2014. So unfortunately  
4 that is the last year.

5 MR. GRACIE: Okay. Thank you.

6 MR. GOLDSBOROUGH: Any other questions for Angela?  
7 Ed?

8 MR. O'BRIEN: Just one observation to those peaks  
9 and valleys. We have had great trout fishing here. And it  
10 doesn't last long.

11 MS. GIULIANO: Yes.

12 MR. O'BRIEN: Maryland fishermen, commercial,  
13 recreational, charter boat, it's been great. But then we  
14 read in the papers these huge commercial catches that come  
15 out to the bay down into North Carolina at three cents a  
16 pound. Now all these graphs and everything, what can we do  
17 about that?

18 MS. GIULIANO: I mean, I think with weakfish at  
19 least part of it is a boom and bust sort of cycle. In the  
20 stock assessment report a commercial figure going back  
21 further to about, I think, the fifties, but, you know, low  
22 catches in the fifties, exploding in the seventies and  
23 eighties, coming back down. And even the historical further  
24 back it does the same thing into the late 1800s from what  
25 little data they have. So --

1 MR. O'BRIEN: Note how fast it drops and why.

2 MS. GIULIANO: Yes.

3 MR. GRACIE: Well, this ought to keep the price up  
4 for a little while.

5 MR. : Probably get a nickel now.

6 MR. : Yes, maybe double that.

7 MR. GOLDSBOROUGH: All right. If there are no more  
8 questions for Angela, then -- Jim, you had a question?

9 MR. GRACIE: No. I had a comment. I thought it  
10 was going to get on the agenda, but --

11 MR. GOLDSBOROUGH: Okay.

12 MR. GRACIE: Just to let everybody know that our  
13 Cold Water Fishery Subcommittee had one meeting. We decided  
14 to focus on a couple of water quality issues right away. We  
15 had a request for a reclassification of a natural trout  
16 stream deep run in Carroll County. And there is an issue on  
17 a couple of permit applications switching some sewage around  
18 from the Hampstead Sewer Treatment Plan over into Deep Run.  
19 And we are going to be involved with that. We are doing some  
20 outreach with some of the organizations that are interested  
21 in the issue, too. So that's our first tackle.

22 We are waiting for a larger group meeting to go  
23 through some other strategic discussions.

24 MR. GOLDSBOROUGH: Very good. Thank you.

25 Anything else? I don't believe we have any other

1 business. Yes?

2 MR. : Can the public --

3 MR. GOLDSBOROUGH: Sure.

4 MR. : Just a question. Looking at the  
5 oyster aquaculture in Maryland, it is clearly a developing  
6 effort. And it looks like we are trying to figure out what's  
7 working and what's not. Looking further south, Virginia  
8 seems to have a much more robust oyster/aquaculture industry  
9 compared to a significant portion of their commercial  
10 harvest. Is there any strategy to look at what lessons they  
11 have learned in their oyster/aquaculture and apply that to  
12 the Maryland strategies going forward?

13 MR. BLAZER: Yes. In fact, there has been quite a  
14 few meetings with Virginia and the Corps of Engineers. The  
15 Corps of Engineers permitting process differs, because they  
16 have the Norfolk District and we have the Baltimore District.  
17 And they need these permits for aquaculture operations. So  
18 we have been working with the Virginia and the Norfolk  
19 District of the Corps to see where we can make some  
20 streamlines within that permitting process to address the  
21 issues in a little more expedited fashion. So there is a lot  
22 of those discussions going on.

23 MR. GOLDSBOROUGH: And a lot of progress was made,  
24 was it, five, six years ago --

25 MR. BLAZER: Yes.

1           MR. GOLDSBOROUGH: -- in Maryland. So we have only  
2 had that long for the industry to get up and grow. It has  
3 made a lot of progress in that time period, because we came  
4 from basically nothing, I mean, very, very small. Virginia  
5 has a long tradition of farming oysters. So they had that to  
6 build on. Maryland is kind of starting from square one.

7           MR.                 : But we did have a 48-percent growth  
8 this year.

9           MR. GOLDSBOROUGH: There you go.

10           All right. If there is nothing else, I will  
11 declare us adjourned. Thank you, everybody.

12           (Whereupon, the meeting adjourned at 5:42 p.m.)

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