

Maryland DNR
Summer Meeting of the Sport Fisheries
Advisory Commission

Tuesday,
July 19, 2016

Held at the
Maryland Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Summer Meeting of the Sport Fisheries Advisory Commission

July 19, 2016

SFAC Members Present:

Bill Goldsborough, Chair

Micah Dammeyer

Rachel Dean

Mark DeHoff

Beverly Fleming

Jim Gracie

Rob Hardy

Phil Langley

Ray P. Morgan, II, Ph.D.

John Neely

Ed O'Brien

David Sikorski

Roger Trageser

James Wommack

SFAC Members Absent :

Val Lynch

Tim Smith

Maryland DNR Fisheries Service

David Blazer

Paul Genovese

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KEYNOTE: "---" denotes inaudible in the transcript.
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A F T E R N O O N S E S S I O N

(2:00 p.m.)

Welcome and Announcements

by Bill Goldsborough, Chair, SFAC

and Dave Blazer, Director, MD DNR Fisheries Service

MR. GOLDSBOROUGH: All right, everybody, let's get going. Good afternoon. Welcome to the Sport Fisheries Advisory Commission summer meeting. I am Bill Goldsborough, your chairman.

We have a huge agenda, I think you all can see. I think this may be the first time it is a total of two full pages. We have had to parse out the time very conservatively to all the items we are trying to cover. So I am going to have to be strict about that. I am going to have to ask everybody -- commissioners, staff, public -- to pay attention to the timeline and make your remarks concise and to the point. And if you are doing presentations especially so we can try to cover everything.

I would appreciate the assistance. If I have to cut stuff off, I might have to do that. Apologies in advance. I think Val Lynch is the only member who said he wasn't going to make it. We haven't seen Tim yet, and Micah is running late. Otherwise I think we are set. So that is good. I am going to toss it to Dave for some updates.

MR. BLAZER: Just really quick, a couple of

1 | announcements.

2 | Commissioner Bobby Leonard, who was on the Sport
3 | Fisheries Advisory Commission, has resigned. He does
4 | aquaculture. He was the aquaculture rep to this committee.
5 | With his business, he is just too swamped and doesn't have
6 | time to dedicate to it. So we will be searching for an
7 | aquaculture replacement. So if you know some folks who might
8 | be interested, let us know.

9 | A couple of things that are going on that aren't on
10 | the agenda. We will let you know more about at later
11 | meetings. The five-year report for oysters is due out at the
12 | end of this month of July. The Oyster Advisory Committee has
13 | had its initial meeting last week and they have some more
14 | meetings scheduled coming up over the summer to look at oyster
15 | management.

16 | They basically have three tasks that the secretary
17 | has charged them with to begin with: to determine
18 | reactivation of the Tred Avon Sanctuary, to designate two
19 | additional sanctuaries per the Chesapeake Bay agreement,
20 | sanctuaries 4 and 5, and then the third task is to look at the
21 | sanctuaries in the public fishing areas to determine if those
22 | are meeting the objectives that were laid out five years ago.

23 | So this five-year report, as we talked about at the
24 | last meeting, is kind of a check-in so the OAC, the Oyster
25 | Advisory Committee, is diving into those specific details and

1 they will meet next week as they continue on with their
2 deliberations.

3 And also the oyster report will be out again at the
4 end of this month. We will send you copies of that as well.
5 Also related to that, you should have gotten an e-mail about
6 an hour ago. I know you all probably haven't checked it
7 obviously but the Corps of Engineers is going to have a public
8 hearing on August 9, I believe. They have put out a meeting
9 notice about Tred Avon, continuing on with the shallow water
10 work as part of that restoration project.

11 So even though there are still deliberations and
12 debate at the OAC about going forward with Tred Avon, in order
13 for them to meet their timelines for construction and permits
14 and all the other things that need to go on, they are
15 continuing on with the public meeting process. So you should
16 have gotten that about an hour ago.

17 You probably may have also heard that fisheries, the
18 unit, has reorganized. It is not official yet. We are moving
19 around some of the personnel within DNR and fisheries. We
20 were really phase one of an overall reorganization within the
21 department. Phase two and phase three are going to be
22 announced and coming up soon within DNR.

23 There is also a push from the governor's office to
24 look at reorganizing all of state government, and we were just
25 kind of the first ones out of the gate. We will meet and give

1 | you more detail about that reorganization, but again it is
2 | trying to find efficiencies and better funding mechanisms and
3 | better staffing mechanisms.

4 | So we will have more detail about the reorganization
5 | at a future meeting. It won't become really effective for
6 | another several weeks but some of the information has gotten
7 | out. We have talked to staff and are working through a lot of
8 | the budget and personnel and HR and other things that go along
9 | with a reorganization. We will come back and give you more
10 | detail about that in the near future.

11 | MR. GRACIE: When would an organizational chart be
12 | available to us, Dave?

13 | MR. BLAZER: Probably after August 31st or early
14 | September.

15 | MR. O'BRIEN: While you are going through this
16 | analysis, are you looking at the way the two commissions are
17 | organized and the heavy loads, particularly on this
18 | commission, that only meets every several months. And, you
19 | know, it is just not getting the job done.

20 | MR. BLAZER: That is a great segue into one of my
21 | other bullets. I have talked to Commissioner Goldsborough and
22 | also Commissioner Rice on the tidal fish side. Having these
23 | quarterly meetings -- as you can see today, you know, we have
24 | kind of stockpiled three months' worth of work, and we have
25 | dumped it here today.

1 All good, relevant things to discuss but we are
2 finding we may need to go to six meetings a year or other
3 mechanisms, conference calls or some other way to address some
4 of these specific things and get the input from the advisory
5 committees.

6 So we have looked at that. We have talked about
7 that, particularly -- you know, one of the situations that we
8 have come into with blue crabs, because we have gone to kind
9 of a July 1 year of managing blue crabs. A lot of the
10 regulations can change July 1. Tidal fish meets in April. We
11 meet with the workgroup in May and, you know, talk about any
12 tweaks or changes or modifications, then we need to go back to
13 tidal fish and get their concurrence.

14 And we have been doing that via e-mail. But a lot
15 of times, you know, a lot of the discussion really needs to
16 take place kind of face to face. I think it is more
17 effective.

18 So, you know, that has prompted us to kind of look
19 at that. You know, should sport fish meet more often, the
20 system that we have got now works really well because it lines
21 up, you know, right before the ASMFC meetings, which are
22 important and critical and issues that we will talk about at
23 ASMFC.

24 But, you know, there are other timelines and other
25 things we have to address. So we have kicked that idea

1 around, and any comments from you all would be appreciated.

2 MR. GRACIE: You may be aware of this, Dave, but the
3 Sports Fisheries Advisory Commission, until about six years
4 ago, met every two months. We had a long history of that.

5 MR. BLAZER: I remember when we used to meet
6 monthly.

7 MR. GRACIE: Yes, that is going back further.

8 MR. GOLDSBOROUGH: So, Dave, it sounds like you have
9 a new approach in mind. We don't have time to have a big
10 discussion about it today, and probably three months from now
11 at our next meeting might be too late for the way you are
12 deliberating on this.

13 Would you entertain ideas or input from any
14 commissioners individually in the interim who might care to --

15 MR. BLAZER: Yes, that would be great. I just
16 really wanted to introduce the concept today. You know, yes,
17 if people want to contact me and give me some ideas, that
18 would be appreciated. And then we will figure out how to go
19 forward.

20 We are just finding, you know, as Ed, as you have
21 kind of pointed out, that things are piling up with the three
22 month time period and maybe we need to meet more often.

23 MR. GOLDSBOROUGH: All right. Any other
24 announcements?

25 MR. BLAZER: No, that will do it for right now,

1 | thanks.

2 | MR. GOLDSBOROUGH: Great, okay. So let's move on to
3 | the NRP activity report.

4 | ***NRP Activity Report***

5 | ***Lt. Art Windemuth, MD DNR NRP***

6 | LT. WINDEMUTH: Aaron is off on vacation. As you
7 | can see, our report is abbreviated this time due to vacancies
8 | in our records department. They are running about two months
9 | behind. So that is why this is probably only a third of what
10 | actually took place during the reporting period.

11 | What I can say is they are filling those positions
12 | so hopefully this is only a temporary glitch. But we are also
13 | moving forward with technology through something called E-
14 | tickets.

15 | State police is doing it now, where these tickets
16 | are entered electronically and they are sent automatically,
17 | once they are issued, whether it is a citation or a warning,
18 | into a records management system that parcels it out to the
19 | courts, to the records, to us. So we will have
20 | up-to-the-minute stats and we will be able to break them down
21 | by violation types, whereas now we can't do that.

22 | So let's say if a particular commissioner had a
23 | question about how many rockfish ticket were given or how many
24 | white perch tickets were given, we should be able to break it
25 | down species-specific. That is our intent.

1 The equipment is being purchased at this time, so I
2 am hoping by the end of the year it will be online. I know
3 that is six months out but that is sort of our timeframe.
4 Also I would like to introduce Lt. Brian Albert. He will be
5 taking over for Aaron Parker. Brian will be coming for me.
6 We will get his contact information out to the commissioners.
7 Are there any questions?

8 I do have one other note. I know we have a full
9 agenda so I don't know if this is appropriate to discuss now.
10 I know I have been contacted by some individuals, Val, about
11 the lack of communication between NRP and some of the user
12 groups. Our communication center number is out there but I
13 would be interested to hear any other suggestions so we can
14 have a more fluid interaction with our user groups.

15 I don't want to wait until these quarterly meetings
16 to find out information because by that time the information
17 is stale. So if anybody has any suggestions on how to improve
18 communication -- text messages, e-mail. I am open to
19 suggestions.

20 We have an 800 number but I think there is a
21 reluctance there for people to utilize it. So I would just
22 like to bring that out as food for thought for future
23 discussion. We are open to any new ideas to increase the
24 interaction and communication between NRP and our
25 constituents, our user groups. Thank you.

1 MR. GOLDSBOROUGH: Any questions about the violation
2 summary they sent us or anything that was just shared? No?
3 Okay. We do appreciate that last point, very much so, and
4 look forward to any improved avenues of communication that can
5 be set up. I am sure folks would love to take advantage of
6 that.

7 LT. WINDEMUTH: Right. So I am open to suggestions.
8 Please give me a call or e-mail me.

9 MR. GRACIE: Where would we find that contact
10 information?

11 LT. WINDEMUTH: What I will do is I will send that
12 out. Can I get it to Paul and then we will send it out to
13 everybody in an e-mail.

14 MR. GRACIE: Great, thank you.

15 MR. GOLDSBOROUGH: Very good. Okay, let's move on.
16 Dave, I guess I will toss it to you for the next item.

17 ***Vote in SFAC Commissioner to sit on TFAC***

18 ***by Dave Blazer, Director, MD DNR Fisheries Service***

19 MR. BLAZER: At the last meeting we voted on a chair
20 and vice chair. And one of the other responsibilities of the
21 commission is to have a liaison with the Tidal Fish Advisory
22 Commission. They have a person who sits here. So we wanted
23 to bring that issue up today.

24 Bill Goldsborough has been serving in that capacity
25 for a while. And Rachel is actually here as the tidal fish

1 representative liaison on sport fish.

2 We wanted to see if we could move on with that
3 liaison --

4 MR. GRACIE: In the past that has been an important
5 part of chairing the commission. You are aware of that?
6 Okay.

7 MR. BLAZER: We can continue that. I just want to
8 give the opportunity to --

9 MR. GRACIE: If someone is interested, you mean.

10 MR. BLAZER: Yes.

11 MR. GOLDSBOROUGH: And I want to say, a couple years
12 ago this commission agreed with the concept of having our
13 chair be that liaison, at least as long as I was in it. I
14 think during these last couple years that has been the
15 practice.

16 MR. GRACIE: I didn't do that when I was chair.

17 MR. GOLDSBOROUGH: Yes, well, like Dave said, I have
18 done it for a few years. I am open to any option people want
19 to toss out or propose. I do think the liaison between the
20 commissions is a really important function. I appreciate, I
21 certainly appreciate Rachel's coming over from tidal fish.

22 I found it very worthwhile being at tidal fish
23 myself but somebody else might be interested in filling that
24 function as well.

25 MR. BLAZER: Anybody have any recommendations or are

1 | you comfortable with Bill continuing on as the chair? Any
2 | thoughts or ideas?

3 | MR. TRAGESER: No reason why you can't, you wouldn't
4 | continue on?

5 | MR. GOLDSBOROUGH: No. Not for now anyway.

6 | MR. BLAZER: Is everybody is okay with that -- I see
7 | a lot of heads nodding -- Bill will remain the liaison with
8 | tidal fish? So done.

9 | MR. GOLDSBOROUGH: All right. Another agenda item
10 | bites the dust. Mike, we are to you now. Estuarine and
11 | marine report.

12 | *Estuarine and Marine*

13 | *by Michael Luisi, MD DNR Fisheries Service*

14 | MR. LUISI: So my name is Mike Luisi. Today I am
15 | the director of estuarine and marine fisheries. And so we
16 | will see how that goes in the next few months. But I have a
17 | division report for you.

18 | I was also asked by Commissioner O'Brien to address
19 | or to have a discussion regarding an issue that has recently
20 | come to my attention. It is not listed here as one of the
21 | agenda items so I want to leave a little extra time at the end
22 | of my report to have that conversation.

23 | So with all of that said, we have a meeting of the
24 | Atlantic States Marine Fisheries Commission coming up. The
25 | summer meeting is going to be held August 2-4 in Alexandria,

1 Virginia.

2 I went through the agenda items and picked out a few
3 things that I thought would be of interest to folks on the
4 recreational fishery. The first board will be -- the South
5 Atlantic Board will be meeting on the second, and at that
6 board we are going to have a conversation regarding what is
7 the direction we might take with Cobia management.

8 Cobia has become a very big fishery this year
9 regarding the status of the stock and a federal waters fishery
10 closure that is currently in place. The states along the
11 Atlantic coast from Florida through New York, many of the
12 states have matching rules with federal waters; however,
13 Maryland at this time, Maryland and Delaware I think, are the
14 two states that have no management authority over cobia.

15 So while the federal waters are currently closed, in
16 state waters in the state of Maryland and Delaware, fishermen
17 can continue to fish for cobia, and you guys all just saw the
18 recent, the amazing people, the 97-pound fish caught by the
19 little girl.

20 So we do have a fishery. However, we are kind of
21 holding off at this point in engaging and taking regulatory
22 action to manage cobia until the board has this discussion
23 because the Atlantic States Marine Fisheries Commission could
24 certainly add cobia as a species that they manage through the
25 commission, and then through the process that we go through,

1 we will certainly be more in line with implementing rules.

2 But I just wanted to make everyone aware that, that
3 conversation will be in a couple weeks.

4 Many of you I know are concerned over the spot and
5 croaker population strength. The benchmark assessments, there
6 are going to be updates on their benchmark assessments in a
7 couple weeks. I don't have the information, any of the
8 information, to give you at this time right now. I just have
9 been missing some of my staff. We just have been missing each
10 other as far as getting some of those updates for you.

11 But again in a few weeks we will have that
12 information. There is also going to be a report on red drum
13 and tests that were related to the current assessment and
14 ASMFC's actions in improving that assessment.

15 As far as menhaden, menhaden the next day, there are
16 a couple actions that are going to be discussed. One of them
17 is going to be finalizing a draft addendum, which looks at an
18 allowance of a 12,000-pound bycatch limit for the commercial
19 fishery after the state quota is caught and landed.

20 That 12,000 pounds has bounced back and forth
21 between 12,000 and 6,000 over the last few years. 6,000 -- a
22 6,000-pound allowance after the quota was very restrictive to
23 the fishermen and so we are taking into consideration that we
24 are managing a quota. These fish are going to be caught in
25 stationary, fixed pound-net gear.

1 We have asked the board to consider going back to
2 the 12,000-pound allowance. And that decision will be made in
3 August. We are also going to be looking to set the quota for
4 2017 at that meeting. There has been some discussion about
5 possibly increasing the --- . We will see where that
6 conversation goes.

7 And we are going to get feedback on the amendment,
8 which is going to take into consideration the significance to
9 the ecology of menhaden. So this amendment is looking at the
10 allocation of the resource between all the different sectors,
11 and that is a longer process. The amendment process has been
12 ongoing, and they are just continuing to get more information
13 for this study.

14 Striped bass, I know many of you are interested in
15 striped bass management so I thought I would spend an extra
16 minute here giving you a little bit of a kind of what is to
17 come. At this upcoming meeting, we are going to get a report
18 from ASMFC staff on the performance of our fishery by each
19 state as it related to the actions that we took in 2015 to
20 reduce the harvest.

21 You guys all remember that. We had to take a 20
22 percent cut in harvest. So we are going to be looking at how
23 states did in relation to that, to what we were trying to
24 achieve. Next slide, Paul.

25 (Slide)

1 So in order to kind of set the stage for you guys
2 and to try to manage some expectation as to what we are going
3 to hear, I put together this graph. And so what we were
4 expected to do -- so the whole amendment was focused on the
5 terminal year. The last year of the assessment was 2012.

6 And so the efforts that we were to take were to
7 reduce the harvest from the 2012 catch. In reality, what we
8 were doing is taking that cut from the 2014 fishery. I mean
9 everybody felt the difference between the 2014 and the 2015
10 fishery. However, if you look at our landings, which is the
11 green line here, the total removals, when you compare it to
12 2012, we actually increased our catch by 48 percent from the
13 2012 catch.

14 So what we might end up hearing at the board isn't
15 going to sound very good. Maryland didn't achieve what it was
16 trying to do. And that is not going to be the case. We are
17 going to make sure to get the message across that -- Paul, can
18 you hit the slide one more time?

19 (Slide)

20 What we were trying to do, and an important part of
21 this, is to manage fishing mortality. It is not about how
22 much harvest there is. It is about fishing mortality. And as
23 the population expands, you can harvest at higher rates but
24 still achieve the fishing mortality target that you are
25 shooting for.

1 So the 2011 year class is that huge year class that
2 we are all now fishing on. So as that 2011 year class grew
3 into these years, the population is getting larger, and we are
4 catching more but it doesn't mean that we haven't reduced
5 overall fishing mortality given the management changes that we
6 made.

7 So you want to think about it like this. Had we not
8 done the rule changes that we did in 2015, it is very likely
9 our catch would have been way up here. So I want to make sure
10 to get across to the board that important information so we
11 don't appear as if we didn't follow what it was that the board
12 was dictating to us when we took the cuts that we did.

13 You can also see here the increase in discards,
14 which I know was a major concern for many of you fishing last
15 year. There were just so many fish right there at, right
16 below 20 inches that we were throwing back. And this
17 information that is driven from MRIP is showing us that.

18 So just understand that is what we are going to
19 hear, and we are going to continue having this conversation
20 with the board. Paul, can you go to the next slide?

21 (Slide)

22 Looking beyond this next board meeting, we are going
23 to be looking, you know -- so you guys remember last year I
24 reported to you that we were able to achieve a new assessment
25 update through ASMFC for striped bass.

1 So this new assessment update is going to be looking
2 at information through 2015, and it is going to be an
3 indicator of what the fishing mortality along the coast looked
4 like regarding the cutbacks that we all took, the reductions
5 that we took.

6 And that information is going to -- obviously it
7 hasn't been conducted yet. An assessment update is being
8 working on now with state data. And we will not likely get an
9 assessment report at the August meeting. It is more likely
10 going to be in October when we get the report from ASMFC as to
11 what the stock looks like.

12 So that will be an opportunity for us to continue
13 the argument that we started last year regarding the effect of
14 the rules that we implemented and how difficult it was, and
15 how much we may have overachieved those reductions that were
16 part of -- that we went forward with in 2015.

17 There is also the possibility that this assessment
18 update may fall into the category of setting off one of the
19 triggers that caused the actions that we put in place for
20 2015. So it is a little sensitive at this point. I am
21 waiting for Alexi to come into my office one day with a very
22 large smile on his face or a very large frown. I am hoping it
23 is going to be a smile.

24 So we will know a little bit more in a few months
25 but I guess -- the point I am trying to make here is that I

1 know that there might be some thought or expectation that we
2 might be able to get back what we were reduced from in 2017 or
3 2018. And a lot of it is going to be based on that assessment
4 report, and whether or not the board would consider taking
5 reductions back from 20 percent.

6 Maybe, you know, possibly allowing for some
7 liberalization in our fishing. It is yet to be known whether
8 or not that is going to be the case. But that is something
9 that we all have on our minds, and we will be working on that
10 for the next few months.

11 If in the end the board, through any action that we
12 try to take, decides not to do anything with striped bass, no
13 changes, it is likely that we won't have any changes probably
14 until 2019. So things will maintain, things will stay at the
15 status quo for a few years until the new benchmark assessment
16 is completed.

17 And that is where we are going to try to fold in the
18 male/female ratio information and the Chesapeake Bay
19 biological reference points information. That is all part of
20 this longer-term planning for managing --- on the coast.

21 Okay, next slide.

22 (Slide)

23 Moving to the council update, I have mentioned --
24 over this past six months or so I have given you some updates
25 regarding the seat on the council that was held by, or is

1 still held by Steve Lindhart*. It is an at-large seat. So no
2 one made decisions on some of the other councils on those
3 seats but they are holding a decision right now on Maryland's
4 seat. They are still in the process of considering who they
5 are going to put in that seat.

6 So that is where we are at this point. I have been
7 told -- NOAA has kind of said they are looking to make that
8 decision before the October meeting. So sometime at the end
9 of August -- they need 45 days or so to make the announcement
10 before the October meeting so stay tuned for that.

11 So at the upcoming meeting, the council is meeting
12 in Virginia Beach on August 8-11, and it is a huge meeting.
13 The first two days of the meeting is a joint meeting with the
14 board of summer flounder, scup and black sea bass. We are
15 going to be talking about quotas, setting new quotas for 2017
16 and 2018.

17 There is the expectation at this point right now
18 that there will be some reductions for summer flounder. The
19 stock is just not looking as strong as it had been, and last
20 year I think you probably even remember me reporting to you
21 that there was a possibility to have almost a 40 percent, 45
22 percent reduction in flounder.

23 So what we did with that reduction was we balanced
24 it over three years' time. But what you have to do is you
25 have to achieve that. So over three years' time, we are going

1 to have to continually take a little more of a cut.

2 And so that is the expectation for flounder. For
3 sea bass, the expectation is that we would just have a status
4 quo fishery. And black sea bass are being assessed right now.
5 There is an assessment ongoing. I just hope we are going to
6 help inform the council and the management board on future
7 decisions.

8 Sea bass is one of those species, the last stock
9 assessment wasn't -- it wasn't approved for the peer-review
10 process. So we have been managing kind of at a status quo
11 level for sea bass for many years. However, what we hear from
12 fishermen and what we see is an expanding, growing population
13 of sea bass along the coast.

14 And it has been very challenging to manage that
15 fishery to the target levels because it is growing so greatly
16 that it is very hard to manage the harvest. And so another
17 thing for you guys to know about, and it is an upcoming
18 decision that NOAA is planning to make, we recently were told
19 and informed that the 2015 catch of black sea bass greatly
20 exceeded what the projected catch was thought to have been.

21 So we do all of our black sea bass rules based on
22 projected catch through the end of the year. We usually get
23 that information around in April. And so in April the final
24 catch estimates from MRIP, they are not available to the
25 management board. So at that time, the management board

1 engaged and made reductions in their regulations to address
2 the need to cut back I think it was 22 percent.

3 Well, just a few weeks ago, we were informed by NOAA
4 that the projection number that we used to make those
5 management decisions, the final number was a great deal larger
6 than the projected catch.

7 So we had an emergency board meeting just a few
8 weeks ago to talk about whether or not the states were going
9 to engage and cut back even more than they already did. And
10 they said no. The board said, we are done. It is the middle
11 of the summer. We already have our rules in place.

12 And what that creates is a problem between the
13 federal government and the state -- the federal waters and the
14 state waters. And NOAA is kind of considering a complete
15 shutdown for black seabass in federal waters starting on
16 September 15.

17 They are using the information that the board
18 discussed to make that decision. I have been asking almost
19 every day, sending texts and e-mails to folks that I know, and
20 I am just not getting any feedback as far as what that
21 decision will be.

22 It will affect Maryland pretty severely if, in the
23 event that we have no black sea bass fishery for the entire
24 fall. It is going to be a big hit on us. So stay tuned for
25 any more information on that. As soon as we get word from

1 NOAA, I will certainly send it out to all of you so you can be
2 aware of what is happening out there on the coast.

3 Another council action that will be taken at the
4 meeting in a couple of weeks is the finalization of an
5 amendment that is looking to protect forage species on the
6 coast.

7 And the protection of those forage species -- the
8 intention there is to limit the expansion or the start-up of
9 any new fishery until we know more information about the
10 status of those populations that someone would be harvesting.
11 And so this amendment is looking at a little over 50 different
12 species, mostly small forage species -- Atlantic silversides,
13 chud mackerel is one of them that is a big deal for the highly
14 migratory species.

15 They provide the forage base that, you know, the
16 guys fishing for marlin and tuna, sharks and everything in the
17 summer. So it is a pretty big action. There is only one
18 other council that has gone down this path and so I find that
19 the Mid-Atlantic council is really taking seriously the
20 concept of ecosystems-based management.

21 And they are using -- they are starting to put forth
22 in their management plans these ideas that it is not just
23 about a single-species model. We need to take into
24 consideration the things that are eaten by other fish that are
25 important for both commercial and recreational fisheries.

1 This effort has been ongoing for about a year, and
2 we have supported it. I think we are at a good place, and the
3 hope is that at the end of the day there is no real impact to
4 the industry, the commercial industry.

5 There has been some concern that the actions that
6 are going to be taken here are going to be very impactful to
7 their current businesses, but that is not the intent. The
8 intent, like I said, is to protect those species that
9 currently have no -- there is no directed harvest on those
10 species. It is an effort to protect them and to keep any type
11 of fishery from expanding without more information.

12 And so if more information becomes available on a
13 particular species, the idea would be that we could expand.

14 So we will be finalizing that. I already talked
15 about the sea bass thing at the bottom. Sorry. I kind of
16 skipped through that. I think that is it. So do you have any
17 questions regarding those agenda topics? And then -- I can
18 certainly handle those but then I know that Ed had an issue
19 that he wanted to bring up.

20 MR. GOLDSBOROUGH: Questions for Mike on those
21 topics? Phil?

22 *Questions and Answers*

23 MR. LANGLEY: Quick question, Mike. Back to
24 menhaden. On the 2017, has the department taken a stance on
25 that yet?

1 MR. LUISI: What was it?

2 MR. LANGLEY: For the increase in harvest for 2017
3 on menhaden, has the department taken a stance on that, which
4 direction they are leaning on that? Are you going to
5 wait -- we will wait until we get to the ASMFC and see what
6 the options are?

7 MR. LUISI: Well, yes, I think we are going to have
8 to talk. I don't know, I don't think we have taken any type
9 of formal position. I think the information that will be
10 presented at ASMFC will --- that discussion.

11 I know that there has been, you know -- we have, in
12 the past, when it was available, when the stock showed that we
13 could increase, we have supported small increases. You know,
14 nothing too dramatic. But I can't say one way or another if
15 we -- we certainly don't have our minds made up at this point
16 as to what we would do.

17 MR. GOLDSBOROUGH: Mack?

18 MR. WOMMACK: Yes, when you said take an assessment
19 on the rockfish, what are you taking an assessment on, the
20 spring season? Because I don't understand how you get a good
21 number when our fall season for the last three years, the rock
22 haven't even begun to move. So they are not here, and our
23 timeline is cut down, so we are out of the whole game picture
24 by the time they really start to show up.

25 So I am trying to figure out what are you taking the

1 numbers from, the fall season?

2 MR. LUISI: So the assessment, the assessment
3 absorbs information from all along the entire coast. So all
4 the states that have survey programs like we do here at DNR
5 contribute to that information as to what that stock looks
6 like through the stock assessment process.

7 So we are not just cherrypicking any one particular
8 time for the -- we have staff who work all throughout the year
9 to get that information on striped bass so that is all -- that
10 all goes into the modeling through the assessment process.

11 And when the assessment is conducted, it is not
12 looking at any one particular area or state. It is a
13 coastwide evaluation of how healthy that population is and
14 what the fishing mortality associated with that population is.
15 And those are the two main pieces.

16 MR. GOLDSBOROUGH: Ed?

17 MR. O'BRIEN: Is this my opening now? I realize I
18 am late trying to get something on the agenda. Sometimes real
19 time, what is going on right now, becomes a very, very
20 important subject. And what I am talking about now is the
21 concentration of rockfish way up the bay where many fishermen
22 can't get to.

23 Now a popular way of fishing for the rockfish is
24 hook-and-line fishing, commercial hook and line, recreational
25 hook and line. And that needs bait. That needs live fish.

1 | What is being sought now to use for the bait of course is
2 | spot. And there are not many of them there. They have chosen
3 | not to show up very well this year.

4 | They may come on later. There are some little ones
5 | out there. But there are not many. Croaker seems to be right
6 | now one of the choice bait fishes. Now croaker have to be
7 | nine inches. I am getting complaints from customers who are
8 | on boats who say, hey, that fish is not any nine inches.

9 | And also with perch this has come up. And a lot of
10 | the captains are very worried about it. Those who are not in
11 | the position to go buy a second slip up the bay to move their
12 | fish up there, you know, they are going through an economic
13 | problem. So a lot of them can't afford to go up there. So
14 | the rest of the fish, the rest of the fishing for striped
15 | bass, and well north of the bay bridge on down, has got a very
16 | sparse fishery of rockfish. Extremely so.

17 | Now what are they doing? They are trying to get,
18 | first of all, the ones who are up there, are paying a pretty
19 | price for croaker, perch, and not many spot because they are
20 | not there. Now this puts a real hurt on those small fish that
21 | we are using for bait.

22 | To make a long story short, I would like to see the
23 | department appoint a senior person -- I guess you are going to
24 | be it -- who sets up a real analysis of what is going on with
25 | spot, croaker and perch. Now I don't want this to turn into a

1 | situation where it is all the netters' fault. Hey, there is a
2 | lot of recreational pressure to get the bait to be able to
3 | live line.

4 | Now the chummers are there, and that is -- some
5 | people turn to that. That is an escape. But there is a real
6 | demand, and sometimes what these captains say they are paying
7 | for these fish, these small fish, per ounce, it just dwarfs
8 | about any fish that we ever fight about, like rockfish. They
9 | are really at a premium now because it is a hard time finding
10 | them.

11 | I know Phil is going to follow up on this. And I
12 | know Mack has been one who has been involved with it. Eddie
13 | Green is here, Captain Eddie Green. I would like them to say
14 | a few things. Phil, you want to pick it up from there?

15 | MR. LANGLEY: Yes, I will pick it up from there,
16 | Captain Ed, but actually and probably expand upon it to where
17 | I have got concerns.

18 | You know, Captain Ed is absolutely right. The large
19 | concentration of rockfish have moved up into the upper bay
20 | again this year, even further north, I think, and earlier than
21 | what they have in years past. There is a little patch of fish
22 | up in the Potomac River that is doing the same thing.

23 | You know, falling into ASMFC compliance has kind of
24 | created some of the problem with all these boats concentrating
25 | in these areas. There are some scattered 18- or 19-inch fish

1 throughout both of these fisheries. Not in heavy
2 concentrations but they are sublegal size, which forces the
3 boat people targeting striped bass to go where the heavier
4 concentration of legal fish are.

5 What concerns me is the lack of abundance of
6 anything else to fish for. I am getting phone calls from the
7 guys over in Tangier Sound and Crisfield, Deal Island and that
8 area who -- traditionally, this time of year, bottom fishing
9 is these guys' livelihoods, okay? That is what they depend
10 on.

11 And including myself, not necessarily all bottom
12 fishing but I have learned -- I haven't had striped bass down
13 in that area to speak of to target within my range in several
14 years. So I have learned not to promise that to my customers.
15 But we have had croaker, spot, bluefish, other species to fall
16 back on. These guys, this year, they don't have spot, they
17 don't have croaker, they don't have the striped bass, and
18 these guys are really, really struggling.

19 You have got boats where fleets of boats are maybe
20 two or three boats out of a week that actually go out because
21 word gets out, hey, don't drive down there. There are no
22 fish.

23 And I am not being facetious. I was told by -- even
24 some of the churches down in that area are having mass on
25 Sunday mornings with prayer for the charter boat fleet down

1 | there because the fishing is so pitiful down in that area.

2 | And what my concern is, from a kid who grew up on
3 | the Chesapeake Bay and its tributaries in this area, I don't
4 | ever remember it being that bad, that poor, to where you
5 | couldn't take a kid out, okay? Because that is our future, to
6 | take little kids out and put them on spot, croaker and family
7 | trips and these sorts of things.

8 | In the lower part of the bay, those numbers of fish
9 | that we are struggling -- now it relates to what Captain Ed
10 | said. Now, you know, there is more of a demand for these
11 | types of fish for other things -- whether it is live lining or
12 | what not. What concerns me is the fact that we are not seeing
13 | these fish, okay, in any numbers at all, you know, whether it
14 | is used for live lining, whether it is netting or whatnot.

15 | But the number of fish is what concerns me, that we
16 | are not seeing. And is it something -- we all know that the
17 | fishery has peaks and valleys and whatnot. But what concerns
18 | me is no flounder, okay? No weakfish, no spot. Okay, no
19 | croaker, you know? There is something going on that we are
20 | not seeing these species in decent numbers to have a
21 | sustainable fishery.

22 | The Chesapeake Bay is a very large body of water,
23 | and especially when you go from Baltimore south and you cover
24 | a lot of these areas. And we are not seeing the numbers of
25 | fish that we should be seeing. So is it something happening

1 | within the reproduction cycle or is it something happening
2 | down below us or in the ocean or in the coast that are heading
3 | these fish off before they are getting to us?

4 | But as Captain Ed, that is a major concern that we
5 | would like to see addressed by the department and focused on
6 | it. Thank you. I am sorry. James, go ahead.

7 | MR. WOMMACK: I just want to make a comment, a
8 | couple comments, and I am not going to sugarcoat it any kind
9 | of way. The charter boat captain's associations from
10 | Solomons, Somerset County, are burning up my phone. And I
11 | understand what they are talking about because this has been
12 | slowly building up.

13 | Okay, and this is what they want or brought to my
14 | attention. Spot fish, which has no size limit on it, and I
15 | guess your perch. So they didn't say too much about the perch
16 | but they did say they were interested in seeing if we could
17 | put a committee together first of all to do some research on
18 | these little fish. What is going on with them?

19 | One thing they did say about the spot fish is that
20 | they would like to see a 5 1/2 size limit on it and maybe a
21 | creel limit on it. The other problem that they have is that
22 | these netters are coming into these rivers of the Manokin,
23 | Nanticoke, Wicomico and stretching these nets across the
24 | mouths of these rivers where these fish, little fish, stay at.

25 | A lot of them, whatever they are getting out of

1 | there and by-catch, the rest of them are getting killed and
2 | thrown back overboard. So we really to address or take a look
3 | at the netting situation in the Tangier Sound. And the reason
4 | I say the Tangier Sound is because the Tangier Sound is a very
5 | strong body of water that comes up off that bay and pushes
6 | fish right on around in that sound, right on out through
7 | Cager's Strait and Hooper's Strait.

8 | So you have got a lot of fish that migrate with that
9 | tide coming in there, and when they begin to stretch these
10 | nets out across that sound like that, it isn't any good for
11 | anybody, especially the guys who are working there because a
12 | lot of these guys are complaining now, saying, we are not
13 | going to be able to keep these boats and stay in business.

14 | And that is not just on the eastern shore. That is
15 | on the western shore as well as I am getting these complaints
16 | in. So if there is any way that we can try to put a committee
17 | together to take a look at this and see what is going on as
18 | soon as possible, I would appreciate it.

19 | MR. GOLDSBOROUGH: So we have two and a half minutes
20 | left on this agenda item. I want to recognize Rachel and come
21 | back to you, Ed. And I want to see if we can -- if there is
22 | an action that we can agree that we want to take on it.

23 | MS. DEAN: I am not going to sugarcoat this. Eddie,
24 | I want to help you guys, and I want to help you, Phil, and I
25 | appreciate that you started that, Eddie, by saying that this

1 | isn't going to be an us versus them, another net issue.

2 | We have an issue but I want to support, if there is
3 | a workgroup, a workgroup that isn't one that is restricting
4 | the commercial fisheries specifically by automatically having
5 | the charge of setting size limits on spot, which we all know
6 | we depend on.

7 | But I would much rather have it be something that is
8 | not quite as charged.

9 | MR. O'BRIEN: Again, in your conversation, one thing
10 | that I want in the conversation is perch. We had perch very
11 | good the last couple of years but with nothing else, we are
12 | really blasting the perch to use for bait. So I want perch to
13 | be a part of this. And again I will reiterate: If this gets
14 | into the different stakeholders shooting against each other if
15 | we form this work, we are not going to win. We are not going
16 | to win.

17 | MR. GOLDSBOROUGH: So we have got a minute or so
18 | left. The proposal was to form a workgroup to look at the
19 | current status of spot and croaker and white perch. Does that
20 | describe what we are saying? And how they are managed and
21 | whether there are things that we can do better.

22 | We don't want it to be a polarized situation. Does
23 | that mean we want to open it up and have it be a joint
24 | workgroup for the two commissions? Does that capture it? Are
25 | there any amendments to what I just said?

1 MR. O'BRIEN: To a degree. But what I want is the
2 DNR, the DNR itself, to come up with a concentration on this
3 problem and put a priority on it. And to set up a group just
4 like we have on the striped bass, looking at these bottom
5 fish, these small fish.

6 This huge group of -- and first of all, every
7 charter boat now let's consider a head boat when the
8 terminology comes up. Every charter boat is looking for these
9 species because they don't have anything else in most of the
10 bay. So I want the focus from DNR that this is a huge problem
11 that has got to be addressed.

12 We have got a huge African-American community that
13 works out of the eastern bay, in that area, and every day now,
14 you will see all these boats in a line going over to the
15 Magothy River to where they are fishing in three feet of water
16 just trying to catch a perch, something, because there is no
17 spot.

18 And then we thought the croaker were making a big
19 comeback, and that seems to be dissipating because a lot of
20 these people who need bait, they don't just need a few. They
21 need to have a lot so they can have some the next day and the
22 next day and the next day. So I think that is just as much a
23 factor recreationally as it is any commercial fishing method.

24 MR. GOLDSBOROUGH: Okay, so the proposal -- thank
25 you, Ed -- is to set up a workgroup joint with tidal fish that

1 | would look into the status of spot, croaker, white
2 | perch -- how are we using them and how we are managing them?
3 | Sound good? Any objection to that? Mark?

4 | MR. DeHOFF: Just one quick thing. Mike, that in
5 | the Atlantic states that is coming up next week, aren't they
6 | having a spot/croaker discussion? Is that going to bring any
7 | light possibly to any of this?

8 | MR. LUISI: Sure. The assessment survey as far as
9 | the health of the stock, we will have better information in a
10 | few weeks as to what spot and croaker look like.

11 | That information will only be as good as, in 2015,
12 | so it is not real time as to what we are looking at but it
13 | will help inform that whole discussion, and if things either
14 | look plentiful or challenged, it will give us some guidance as
15 | to what we might do.

16 | And to be honest, after the assessment is reported
17 | out and completed, there is a possibility that ASMFC could
18 | certainly step in and initiate some type of management action
19 | given the nature of those assessments.

20 | MR. GOLDSBOROUGH: Last comment. Phil.

21 | MR. LANGLEY: Okay. Mike, if the ASMFC comes out
22 | with this information and they say that the stock appears to
23 | be healthy and overfishing -- the stock is not overfished and
24 | overfishing is not occurring, is there anything that the state
25 | can do on its own within there to address the management of

1 | that species within the state even though the ASMFC isn't
2 | requiring --

3 | MR. LUISI: The state can always take action --

4 | MR. LANGLEY: Above and beyond.

5 | MR. LUISI: -- more than ASMFC mandates. Again,
6 | depending on this report-out, depending on what it looks like,
7 | it sounds like you guys are going to have to put a little
8 | group together and we can have that discussion because really
9 | what it boils down to is a finite resource that has multiple
10 | users.

11 | So it is a user-conflict type of issue when you are
12 | talking about netters and fishermen and how that all works.
13 | We have had that discussion before but we can certainly move
14 | further along with that conversation.

15 | MR. BLAZER: We will put a lot of this information
16 | together. We will get what we can from ASMFC. We will look
17 | at our data and bring that together the workgroup. But I also
18 | want to make sure we are including NRP on some of the issues
19 | that were brought up with the undersized croaker and white
20 | perch.

21 | So I think there is an enforcement component to this
22 | as well. So, you know, we will get together and look at all
23 | the different facets of all the different issues you brought
24 | up and see what we can do.

25 | MR. GOLDSBOROUGH: Can I see a show of hands of the

1 commissioners who would like to participate in this workgroup?

2 (Show of hands)

3 MR. GOLDSBOROUGH: I have got Mack and Phil.

4 MR. BLAZER: We will take it to tidal fish on
5 Thursday.

6 MR. GOLDSBOROUGH: We are good. Thank you. Mike,
7 yellow perch.

8 ***Summary of Yellow Perch FMP Amendment and Briefing on Allocation Policy***
9 ***by Michael Luisi, MD DNR Fisheries Service***

10 MR. LUISI: Moving on, I have got a couple slides
11 here regarding yellow perch.

12 (Slide)

13 So you all have in your packets a recent draft
14 amendment to the yellow perch. That resulted -- that draft
15 amendment is here to be considered due to the FMP review back
16 in 2013. Keeping this discussion kind of pretty general, the
17 last amendment was 2002 -- the last update was in 2002.

18 So what this amendment is doing is it is
19 bringing -- management is bringing information, it is bringing
20 goals and objectives and that entire conversation to current.

21 The fisheries have changed. Both the recreational
22 and commercial fisheries are managed differently now than they
23 were back in 2002. So those actions that we took to
24 establishing the rules for recreational and commercial fishing
25 back in '08 and '09 changed some of the actions in the FMP.

1 This is really -- this FMP, this amendment, is just
2 getting us to the current time period, and the findings and
3 the recommendations obviously are being shared with you.

4 (Slide)

5 So the amendment is ready for review. You all have
6 a copy of it in your packets, and Paul has it available
7 online. And so what we want -- the plans moving forward on
8 this review, we want to incorporate feedback from the
9 commission, from the sport fish and tidal fish commissions.
10 That feedback, we are asking for that feedback by August 19.

11 So after you have an opportunity to look this over,
12 and you have anything you want to suggest or discuss with us,
13 you can either give me a call or e-mail any type of written
14 discussion to Nancy Butowski, who is our FMP coordinator.

15 We were hoping, and our plan on finalizing this,
16 this amendment, was to have the commissions vote on their
17 approval of this amendment at the October sport fish/tidal
18 fish commission meetings. But throughout the later part of
19 this spring, and I have mentioned this to you before, we
20 received an official request, and there was a request made to
21 take a look and to review the allocation for yellow perch
22 between the commercial and recreational fisheries.

23 So that kind of factors into what our plans were for
24 this amendment because there are some discussions within the
25 amendment related to allocation, and it is stated in the

1 amendment that the previous review team decided that based on
2 the information made available through 2012, there was no
3 reason that they had, and there was no thought on their minds
4 as to why we would change the allocation.

5 There wasn't any new information through 2012 to
6 suggest an allocation change. Well, we are now in 2016, and
7 there is -- we need to take another look at that. We need to
8 determine and make a decision based on that request. One more
9 slide, Paul?

10 (Slide)

11 So this request came in on May 3 from the
12 Cecil-Harford and Baltimore Watermen's Associations. And the
13 request -- they were asking us to consider the underutilized
14 portion of the yellow perch quota that is assumed to be -- the
15 catch on the recreational side that is not happening.

16 So as you guys know, the quota is divided 50-50
17 between the commercial and recreational fishery. It is
18 thought -- part of the discussion in this request was that the
19 recreational fishery isn't catching their allotment. They are
20 not catching their allocation that is kind of in theory given
21 to them through this 50-50 split.

22 And the commercial industry is looking to have some
23 of that unused portion of the overall quota for the year to be
24 moved over to the commercial side. So we have an allocation
25 policy, which you all have. You all have been given. You

1 | also have, I believe, received the actual requested --- in
2 | your packets.

3 | And so we are in this process now based on the
4 | allocation policy that we have, where -- we have 180 days to
5 | make a decision on how we are going to proceed.

6 | And that decision would need to be made by October
7 | 30th given the 180 days, and I don't expect us to wait the
8 | full amount of time. I think -- we have not put the resources
9 | to really digging into this and formally considering the
10 | request.

11 | We have received the request but we just haven't had
12 | the resources and the time to dedicate some significant time
13 | to this so our plan moving forward is to have that discussion
14 | internally with staff and make a decision as to how we are
15 | going to proceed.

16 | Are we going to move forward and go through the
17 | process to establish a timeline for an allocation change? We
18 | could potentially defer the action to the FMP process. So one
19 | thought in my mind that I have mentioned to you before, this
20 | amendment that we have only considers for allocation
21 | purposes -- the recommendations coming from the amendment only
22 | consider information through 2012.

23 | But we might want to use the FMP process and this
24 | current draft amendment to rethink that recommendation. And
25 | if that ends up being the case, there could be a delay on the

1 finalization of this amendment just depending on how thorough
2 and how deep we get into a discussion.

3 We also could reject the request just based on the
4 lack of merit for the information. So those are the decisions
5 we need to make in the next probably I would say next couple
6 weeks to a few months. And we will certainly -- my plan is to
7 have that information for you guys before your October
8 meetings so that we can kind of have a timeline and a game
9 plan for how we will proceed after October.

10 I think that might be it. Any questions?

11 MR. GOLDSBOROUGH: Questions for Mike?

12 ***Questions and Answers***

13 MR. SIKORSKI: So you are going to provide us more
14 information on the allocation. Is that just simply an
15 internal decision that you will be making? Is there a
16 deadline to provide comment on that allocation and the request
17 from the upper bay?

18 MR. LUISI: Our plan right now is to have that
19 discussion about which of those three actions we are going to
20 take. And we are going to have that as an internal decision.

21 Depending on that decision, we either have to
22 justify our reasoning for whichever decision we make but if in
23 the event we are to consider the allocation and we are going
24 to have a more thorough discussion about that, I think that is
25 when stakeholders would become involved. I think that is the

1 plan that Dave and I have discussed.

2 So it is not that we are going to be giving you guys
3 a great deal of new information. We have to have that
4 conversation internally, make a decision, and based on that
5 decision you will either become more integrated into it or we
6 are going to move on.

7 MR. SIKORSKI: Can you provide us that presentation?

8 MR. LUISI: Absolutely. It will be made available.
9 Paul is going to put it up on the site. I am sorry I couldn't
10 get it out to you guys beforehand.

11 MR. TRAGESER: So the 50-50 allocation, when was
12 that established?

13 MR. LUISI: Back in 2008, 2009, when we kind
14 of -- when we reopened the commercial fishery and made those
15 decisions.

16 MR. TRAGESER: I am just trying to get some idea on
17 the history. As far as the recreational side, has their
18 allocation, their catch, always been, from that point moving
19 forward, under what their allowance was or is it something
20 that kind of started out as their allowance and has dropped
21 down over a period of years?

22 MR. LUISI: That is an excellent question and it is
23 challenging to answer because --

24 MR. TRAGESER: The concern would be is the fact that
25 they are not catching their allocation just something that has

1 appeared recently and it could go back up, and you are going
2 to take that allocation away and reappropriate it. Now all of
3 a sudden the rec end is going to want to go back up again. I
4 am just trying to get an idea as to what the curve is on that
5 recreational side.

6 MR. LUISI: I wish we had any information on the
7 curve. It is -- part of the challenge of a consideration of
8 reallocation is that we don't know what the catch is. It is
9 only assumed to be small relative to the total target that is
10 allowed for the recreational side. It is assumed to be small.

11 The MRIP program, which would be, what would helpful
12 to provide information to us does not operate in January and
13 February.

14 So during the time they are getting caught, we are
15 not obtaining any information, and so we would have to -- in
16 order to understand what the recreational catch is and provide
17 some history of the time, we would have to devote a tremendous
18 amount of effort in our state with resources that we just
19 don't have right now to doing survey type of work that could
20 inform that, to give us some idea of what the catch is.

21 It is just not anything we know right now, which
22 makes it the whole part of it, the whole discussion, pretty
23 tough.

24 MR. LANGLEY: And I apologize if I missed it because
25 I was doing some reading here. When was the latest stock

1 assessment of the yellow perch? Is it -- if there is a 50-50
2 split in quota, and if recreational is not catching their
3 quota, is the stock showing --- because there is excess fish
4 out there that aren't being caught?

5 MR. LUISI: We do an assessment each year before we
6 decide on what the quota is going to be. We do that
7 assessment internally. Yellow perch are not managed by the
8 Atlantic states so we do that ourselves.

9 And it has shown in the past few years growth. So
10 the population is growing based on -- the 2011 year class
11 right now for yellow perch and striped bass was huge. We are
12 seeing this expansion of the population. But I don't
13 necessarily think that expansion is the result of the fish
14 that are saved, that are not caught from the recreational
15 side.

16 I think the expansion is just -- it is a matter of
17 populations having fluctuations --

18 MR. LANGLEY: And other conditions.

19 MR. LUISI: Yes.

20 MR. GRACIE: What do you base that conclusion on? I
21 mean, it sounds like you don't have any information for either
22 answer.

23 MR. LUISI: So the fish that are saved, what it does
24 in my mind is that it increases the probability of success.

25 So with more fish out there, you have a better

1 chance to have more spawning opportunity and potential. The
2 lower the stock size gets, the less your probability of
3 success.

4 Some of those fish that are not caught by the
5 recreational fishermen that fall on that side of the equation,
6 they continue to contribute to the healthy stock. I just
7 don't know, given the quota values and the numbers, whether or
8 not 10,000 fish is going to make all that much difference when
9 you take a look at the entire population in the bay.

10 MR. GRACIE: It would be interesting to see whether
11 information correlates with recreational catch because yellow
12 perch fishing in the early spring is an opportunistic fishery.
13 And the time when they are in concentration can vary, and
14 conditions can vary such that the water is not fishable
15 sometimes.

16 So I would expect that to be a major factor in the
17 yellow perch fishery.

18 MR. LUISI: We just don't have that information.

19 MR. HARDY: It is just assumed that the recreational
20 sector is not getting its quota then. This request is based
21 on what information? Where are they getting their
22 information?

23 MR. LUISI: It is just an assumption that if you
24 have a 40,000-pound quota -- it is just an assumed perception
25 by this group that submitted this that there is no way the

1 recreational anglers can catch 40,000 pounds of yellow perch.

2 So that is part of what we have to think about and
3 look into as we go forward.

4 MR. GOLDSBOROUGH: All right, I have got two more
5 questions and then I am going to cut it off. But first I
6 wanted you to make something clear, Mike. Are you guys going
7 to make a decision on this allocation request before our next
8 meeting such that you need some definitive input from us right
9 now or not?

10 MR. BLAZER: I think we are going to look at the
11 three options that we have got and make a recommendation based
12 on which one we think is going to be the best path forward.
13 We will come back and ask for input from you guys and try to
14 justify that. When do we meet again, October?

15 MR. GRACIE: So we won't have an announcement on an
16 allocation change before our meeting.

17 MR. BLAZER: Correct.

18 MR. GOLDSBOROUGH: Because I am sure there would be
19 some comments people would want to make. Rachel?

20 MS. DEAN: I just had a question. There is an FMP
21 for yellow perch, right?

22 MR. BLAZER: Yes.

23 MS. DEAN: And in that, there is no data about
24 recreational harvest?

25 MR. LUISI: We have very little information on the

1 recreational harvest.

2 MR. SIKORSKI: I would like to throw some numbers
3 out there for folks and kind of -- I think what may have
4 initiated this request. We have a 50-50 allocation. So rec
5 and commercial both have equal size buckets to fill. In 2016
6 the upper bay catch went over their quota by 14,392 pounds.
7 So they overfilled their bucket by 14,000 pounds, which equals
8 30 percent, let's say.

9 There are 23 commercial yellow perch fishermen if my
10 numbers are correct. And I always use the number about
11 175,000 tidal/recreational anglers. So that gives you an idea
12 doing 50-50 allocation. 23 guys get half of it. 175,000
13 people have access to the other half.

14 And that leads to some of the complexities in these
15 allocation discussions because recreational fishermen need an
16 abundance of the species out there to go out and catch it.

17 I may yellow perch fish six times in one year. I
18 may not do it the following year. That leads to the
19 complexity in counting.

20 I know the department has done volunteer angler
21 surveys, and I hope that they can kind of help and glean the
22 effort. I know not a lot of folks volunteer that information,
23 and it is only as good as what it is.

24 But we are talking about managing for an abundance
25 versus managing to a quota. And a 50-50 split for 23 people

1 versus 175,000. And anecdotally, the fisherman I have talked
2 to -- I think a lot of what affects the yellow perch in their
3 populations is land use and the state of our rivers.

4 They spawn in areas that are under a lot of nutrient
5 loading and other issues, sediment and other problems. I
6 spent a lot of time yellow perch fishing this spring and
7 talked to a lot of folks. One is a good friend who is a
8 chicken farmer. He said, you know, I remember when these
9 farms -- here we are working as farmers trying to lessen what
10 we put into the bay and I think we are doing a pretty good job
11 of it because some rivers are coming back.

12 But he said, man, I remember when I was a kid, I
13 could catch yellow perch here like crazy. What happened to
14 them? And there was a large debate over yellow perch
15 management, which got us to where we are with the FMP.

16 Over time, when you can set nets, where you can set
17 them, and a lot of the different things that made our current
18 yellow perch management process back in the late 2000s.

19 It also led to a -- in the recreational angler's
20 mind a great opportunity to catch a lot more fish and better
21 fishing. If you look at page 18 in our packet, you will see
22 that the biomass did increase in those years.

23 Is it because of management? We don't know but we
24 did see an increase in biomass, so in the recreational
25 angler's mind, management changes benefited their fishery and

1 their access to the fishery and it greatly benefited
2 economically to a lot of folks in the upper bay.

3 We used to run a thing called Yellow Perch
4 Appreciation Day because after a lot of those arguments of how
5 do you properly manage this fishery, it came back. And there
6 were lot of people fishing from docks and boats and
7 everything, fishing through the ice up in the northern part of
8 the bay. And it led to a lot of great economic opportunity.

9 So I think that is something that should weigh
10 extremely heavily on your minds as you make these decisions.
11 Only 23 people versus 175,000 in fairness in allocation.

12 MR. GOLDSBOROUGH: Thank you, Dave. Okay, so the
13 commission has provided some feedback. I think we know where
14 the department is. And our understanding is there will be no
15 decision made on reallocation without us having another
16 opportunity to have input. Okay, great.

17 All right, let's move on to Bay Catfish Advocates.
18 Brad Hierstetter is here.

19 ***Bay Catfish Advocates***

20 ***by Brad Hierstetter***

21 MR. HIERSTETTER: I trust that you all have seen the
22 presentation by now. So do we have it up on the screen or can
23 we put it up on the screen? I will just kind of go over the
24 highlights in the interest of keeping to the schedule here.

25 (Slide)

1 My name is Brad Hierstetter. I am representing a
2 group called Bay Catfish Advocates. Thank you for allowing me
3 a few minutes to speak today. I appreciate it very much.

4 Next slide.

5 (Slide)

6 All right, so I am not going to read everything. I
7 am going to focus primarily on the red font, bolded and
8 underlined, in the interest of time.

9 A little bit about us: We have 1,600 supporters,
10 steadily growing since our inception in February of 2015.
11 Interestingly, not all of us are from the states that you
12 would think they might be, which is probably Maryland,
13 Virginia and Pennsylvania but we have lots of other states as
14 well, which shows there is a great deal of interest from
15 outside of the general region. Next slide.

16 (Slide)

17 So what I wanted to speak about today was the fact
18 that there are currently no regulations in place to protect
19 trophy blue catfish, and because of that we feel that the
20 interest of our group, recreational catfish anglers who enjoy
21 catching large, trophy blue catfish, is inadvertently in
22 jeopardy, and we would like to ask that you consider
23 regulations to remedy that. Next slide.

24 (Slide)

25 We talked a little bit about the group. One thing

1 that I want you to keep in mind is that, you know, trophy blue
2 catfishing is not an easy hobby, if you will. There are
3 considerable resources involved both in terms of time and
4 money.

5 I am hesitant to throw out a number but I can tell
6 you many of the boats are very, very expensive, not to mention
7 the time that it takes to learn how to catch trophy blue
8 catfish consistently. So please keep that in mind as we
9 proceed down the slides here. Next slide.

10 (Slide)

11 All right, paylakes. So in the absence of
12 regulations that protect large blue catfish, we are seeing
13 increasingly that many of them are ending up in what I will
14 call for-profit, private paylakes out of the state of
15 Maryland.

16 Of course, when you take any kind of a fish,
17 especially a large fish that is used to a big river
18 environment, and put it in essentially a small pond that is
19 not well-managed, the unfortunate result is a very quick and
20 early death. And you will see some pictures of that later.
21 So that is of particular concern to us. Next slide.

22 (Slide)

23 All right, so we are asking you guys to consider
24 protecting the trophy blue catfish. We know from our friends
25 in Virginia, particularly Bob Greenlee over at the DGIF, that

1 large blue catfish are relatively rare. He talks to fish over
2 32 inches as being 1 to 2 percent of the population.

3 We are talking about a fish much bigger than 32
4 inches. So that tells me that, you know, that already small
5 population is even smaller. So we are asking you to consider
6 helping us with just a small fraction of the population of the
7 blue catfish in our waters. Next slide.

8 (Slide)

9 All right, so I believe personally -- this is me
10 speaking personally and on behalf of the group -- that for
11 something drastic like no rules to protect our trophy blue
12 catfish, there should be something other than circumstantial
13 evidence. And everything we see from Virginia, Pennsylvania
14 and nearby states tells us that there is no direct or hard
15 evidence that shows conclusively that blue catfish are causing
16 any kind of ecological harm.

17 And there are plenty of examples there supporting
18 that but I won't go into that right now in the interest of
19 time. Next slide.

20 (Slide)

21 We often hear negative things about the blue
22 catfish, primarily in the media. Things like they are eating
23 all the crabs, they are eating all the American shad, river
24 herring, et cetera.

25 This gentleman, Joe Schmitt, a Virginia sea grant

1 fellow, his studies show to the contrary. Those are direct
2 quotes from him saying his research concludes that especially
3 the bigger blue catfish primarily consume gizzard shad.
4 Certainly we see that on the Potomac as recreational fishermen
5 and on the Patuxent for that matter, primarily gizzard shad.
6 I spend a lot of time on the Patuxent.

7 And he also has concluded that American shad and
8 river herring are certainly not a common predator. In fact,
9 he says a recovery of those two species looks very capable of
10 happening even in the presence of big blue catfish. Next
11 slide.

12 (Slide)

13 Crabs: We hear a lot of things in the media about
14 blue catfish hurting the crab population. Well, we know from
15 winter crab dredge surveys that when you look at the average
16 total number of crabs, that average has been exceeded 10 times
17 since 1990 and 3 times since 2010 alone, including this year.
18 This year, by all counts, has been a good year in terms of
19 total numbers of blue crabs.

20 So I don't think there is a real direct correlation
21 honestly between blue catfish and declining blue crab
22 populations. Next slide.

23 (Slide)

24 A little more on the topic of blue crabs. You know,
25 there are a lot of factors that impact the blue crabs and how

1 they do in any given year. The point of this slide is those
2 factors are really complex. It is a lot of factors and it
3 certainly goes well beyond just blue catfish. Next.

4 (Slide)

5 Snakehead: I am going to direct you to the last
6 bullet there. Are blue catfish being quote, unquote set up
7 the way that snakeheads were? Those are not my words. Those
8 are the words of a fisheries biologist for Virginia, Joe
9 Odenkirk. You know, we heard a lot about snakeheads, really
10 oversensationalized headlines 10 or 15 years ago.

11 And quite frankly I have read lately that in many
12 bodies of water in Maryland, certainly no ecological harm, and
13 in fact on the decline. Can't help but wonder if some of the
14 crazy headlines that I read about blue catfish fit that
15 category as well. Next slide.

16 (Slide)

17 All right, so former fisheries director Tom
18 O'Connell was quoted back in November of '14 as saying he
19 really didn't want to manage the blue catfishery. I would say
20 that is not a prudent or practical approach.

21 We will get into what I think is a prudent and
22 practical approach here in a moment but you have a couple of
23 quotes there from some noted experts who basically say, look,
24 guys. They are here in large numbers. People like to fish
25 for them. You have got to manage them and accept reality.

1 They are here. Next slide.

2 (Slide)

3 All right. What do I think is a practical
4 management approach? Since day one on my Bay Catfish Advocate
5 site, we have promoted a realistic and balanced approach. So
6 what is realistic and balanced?

7 Certainly we have got to keep learning more about
8 blue catfish and the impact they are having, and base that on
9 data not perception. We support commercial fishing of the
10 smaller blue cats. We always have. We think any body of
11 water where you have too many of any particular species is not
12 a good thing.

13 I liken it to a small farm pond that has many blue
14 gill but no bass in it. Sooner or later you are going to have
15 a farm pond full of tiny blue gills. Not a good thing. And
16 of course toward that end, with the commercial fishing, we
17 support the establishment of markets to align with the
18 commercial fishing.

19 You know, you take the fish out commercially, you
20 need to do something with them besides waste them. I am
21 talking restaurants, groceries, homeless shelters, et cetera.
22 Bottom line, effective stakeholder management based on
23 conclusive direct evidence. Next slide.

24 (Slide)

25 In many ways, by not having any protection for

1 trophy blue catfish, the large number of recreational anglers
2 who like to pursue them feel like we are being inadvertently
3 penalized. And we don't think that is realistic or balanced.
4 We think we are a major stakeholder in this situation and we
5 would like to be recognized as such.

6 Another somewhat related but unrelated point, if
7 that makes sense, is we would like to see a little more
8 consistency across jurisdictions. Somebody who fishes the
9 Potomac regularly, it is vastly confusing how, for
10 example -- gill nets is a perfect example.

11 I can launch out at Marshall Hall. Can't use my
12 gill net but I can mosey right across the river to Doe Creek
13 or Gunston Cove, which is a two-minute boat ride, and I can
14 use my gill net to catch shad.

15 That kind of inconsistency is really hard for the
16 average guy or gal to understand. Next slide.

17 (Slide)

18 All right. So these are some pictures of what
19 happens to these fish, these large fish, which people have
20 invested considerable time and money to catch. Many of them
21 are being hauled off to out-of-state paylakes, where they die
22 quick often unhealthy deaths.

23 Those skin lesions you see are the result of copper
24 sulfate, which is a chemical that many of these paylake owners
25 put in the water to stimulate these transplanted fish into

1 feeding. It hurts us and I am sure it hurts a lot of people
2 who care about fisheries to see that kind of thing happening.
3 Next slide.

4 (Slide)

5 There is also a risk with these folks from out-of-
6 state coming to take fish of undesirable species being
7 introduced into our waters. These guys come with big trucks.
8 Water could contain zebra mussels, et cetera, et cetera.
9 Asian carp would be even worse. We would hate to see that
10 happening. Next slide.

11 (Slide)

12 We have lots of written comments available for you
13 to read at your request or on our Website supporting what we
14 are asking for.

15 (Slide)

16 And then the final slide is just my contact
17 information should anybody have any questions.

18 MR. GOLDSBOROUGH: Very good. Thank you, Brad. So
19 we are a couple minutes over on that agenda item but I am
20 going to carve out an extra minute in case there are any
21 questions from commissioners for Mr. Hierstetter.

22 MR. HIERSTETTER: Thank you.

23 ***Questions and Answers***

24 MR. NEELY: To your credit, you included this
25 comment from Dr. Garman at VCU. This is the third time I have

1 read this. And to me, I am not seeing any consensus at all
2 from any of the fisheries scientists who are studying these
3 blue catfish.

4 And I -- for me personally, I really question
5 whether there is a substantial stakeholder group. 150 people
6 who have responded on this. I sure would like to see --

7 MR. HIERSTETTER: I would be happy to provide that
8 to you, sir. Consensus in what respect?

9 MR. NEELY: Well, I would like to see a lot more
10 scientific data about what effect, what ecological effect,
11 these blue catfish are having down on the Potomac River.

12 MR. HIERSTETTER: We would agree with that but we
13 also feel like we need protection for the small number of
14 trophy blue catfish while that data is being gathered.
15 Remember, these fish were introduced 40 years ago by state
16 biologists from Virginia. And unlike snakeheads where
17 relatively quickly, once they discovered them on the Potomac,
18 they started studying them, you had this huge gap in time.

19 It wasn't until 2012 until somebody said, hey, we
20 need to look at blue catfish. We feel like because of that
21 delay, we are unfairly being penalized.

22 MR. NEELY: Also -- forgive me. One other thing. I
23 would like, at a future meeting, if we are going to study it,
24 I would sure like to hear what the District of Columbia and
25 the state of Virginia are doing in managing this fishery also.

1 MR. HIERSTETTER: Yes, sir.

2 MR. GOLDSBOROUGH: One thing I can refer
3 commissioners to is the sustainable fisheries goal
4 implementation team of the bay program that has been looking
5 at blue catfish for three or four years now. You will find
6 information on the bay program Website to support -- and that
7 is a cross-jurisdictional body. So there is some more
8 information. Mark?

9 MR. DeHOFF: A couple things that I had from your
10 presentation is one of them, the things where they are
11 transporting these fish out of the states, I mean -- it is
12 already classified as an invasive. I am sure that is illegal
13 activity that is covered somewhere. You are not allowed to
14 transport invasive species. Am I correct in assuming that?

15 MR. HIERSTETTER: No, sir. We check with your
16 attorney, sir.

17 MR. BLAZER: I don't know the specifics but I would
18 assume that is somewhere.

19 MR. DeHOFF: The other thing is, like the previous
20 comment, it appears to be a relatively small constituency that
21 is looking for this. In your comments you mention that there
22 are already too many of these fish in the fishery. You used
23 those exact words.

24 MR. HIERSTETTER: Yes, sir.

25 MR. DeHOFF: And you are looking to protect 1

1 percent of that population that is already too large.

2 MR. HIERSTETTER: Too large, yes, sir.

3 MR. DeHOFF: And so the management techniques that
4 you are putting in, there is really -- it is a very limited
5 fishery in this. There is not a big commercial fishery in
6 this yet. You know, I don't see where the management is going
7 to protect that 1 percent from such a small group of people
8 who are actually fishing for them when there is already too
9 many out there.

10 MR. HIERSTETTER: Okay, let me address those
11 questions. Thank you. To your first point, we checked with
12 the DNR attorney, a young lady -- I don't recall her name off
13 the top of my head. She clarified very clearly that there is
14 no rule that prohibits anybody from taking catfish outside of
15 the state of Maryland. The rule is actually written such that
16 it is within state.

17 You can't take a blue cat from the Potomac and put
18 it in the Patuxent. It is in the fine print, if you will, in
19 the COMAR.

20 To your point, yes, there are too many fish. And it
21 is just like any other body of water with a population of
22 fish. You manage to your stakeholders. Yes, there are too
23 many small ones in there. I have seen it myself. Nanjemoy
24 Creek used to be a wonderful catfishery. You are lucky if you
25 catch a catfish over one pound now.

1 But if there were management actions taken to remove
2 some of that massive small catfish, the whole fishery would
3 improve, and that is my point. That is why we support
4 commercial fishing. We support the markets to align with the
5 commercial fishing.

6 What we have a problem with is a guy who gill nets,
7 who leaves their gill net out for a week before checking them,
8 and kill 50-, 60-pound catfish not to mention countless
9 rockfish, carp, et cetera in the process.

10 MR. GOLDSBOROUGH: I have another question or two.
11 I saw the hands but before I go to them, we don't have an
12 action item on our agenda so we don't need to provide DNR with
13 any particular input at this point. But your input has been
14 very helpful nevertheless in expanding our viewpoint on blue
15 catfish. Dave, your hand was up. And Ed, is yours up? Was
16 there anybody else?

17 MR. SIKORKSI: I just wanted clarification from
18 either NRP or the department on the legality of transporting
19 invasive species.

20 I am almost 100 percent certain you cannot possess a
21 live snakehead. And if the law does not say that -- I would
22 hope that the law would be amended to include blue catfish
23 because I don't think you should possess live blue catfish
24 either because they are designated an invasive species.

25 And I think in doing that, you would take care of

1 the paylakes issue that you have.

2 MR. HIERSTETTER: I was going to say we checked with
3 the wildlife people, the U.S. Fish and Wildlife, and they said
4 basically blue catfish is not on the official list; therefore,
5 they have no involvement. And it certainly isn't on
6 Maryland's, but yes, I agree.

7 MR. O'BRIEN: I want to compliment your enthusiasm
8 in presenting your product.

9 MR. HIERSTETTER: Thank you, sir.

10 MR. O'BRIEN: But I happen to be vice chairman of
11 the National Charter Boat Association --

12 MR. HIERSTETTER: Yes, sir.

13 MR. O'BRIEN: -- and our guys in the Great Lakes,
14 those guys are just death on these big catfish coming in
15 there, and these states are coming up with all kinds of big
16 money trying to keep them out. It is a major issue, blue
17 catfish in the Great Lakes or trying to get into the Great
18 Lakes.

19 And I understand where Tom O'Connell was coming from
20 because he was listening to a lot of communications in here.
21 I attended that -- about six or seven years ago, Catfish
22 Nation made a presentation to us here. And the whole emphasis
23 obviously was on commercial catfish.

24 And all of a sudden, we had catfish showing up
25 everywhere. And then they got to be -- the questioning of

1 | were these being stocked. But I just want to mention that.
2 | You are talking about a species that is really defined as
3 | being invasive. And this worries the heck out of me.

4 | And you are doing an excellent idea with your charts
5 | and your presentation but I think it is going down the wrong
6 | path, and I think you admit that the real goal here is a
7 | commercial blue catfish fishery.

8 | MR. HIERSTETTER: Certainly, sir, the commercial
9 | blue catfishery would be a management approach that we think
10 | would help us as recreational anglers. We support that. As
11 | for, you know, the other states, I can't speak to the Great
12 | Lakes but I don't deny what you are saying, sir.

13 | MR. O'BRIEN: It is just about everywhere.

14 | MR. HIERSTETTER: We just think that for there to be
15 | no protection should be based on data first, and we think the
16 | other states are doing that. PA is certainly doing that. And
17 | VA is doing that. VA has a no -- not more than one over
18 | 32-inch rule. No commercial transport across state lines.
19 | Why is Maryland sort of putting the cart before the horse?

20 | MR. GOLDSBOROUGH: Dave, I cut you off before.

21 | MR. SIKORSKI: That is okay. I am going to pass.

22 | MR. GOLDSBOROUGH: Any other comments on this?

23 | (No response)

24 | MR. GOLDSBOROUGH: Okay. This issue is still a live
25 | issue of course. And it may come back to us at some point so

1 | we will take this input under advisement. I appreciate it.

2 | I have one quick question for you. Bay Catfish
3 | Advocates, where are you all located?

4 | MR. HIERSTETTER: In my house, sir.

5 | MR. GOLDSBOROUGH: And where is that?

6 | MR. HIERSTETTER: I live in Great Mills, Maryland,
7 | sir, St. Mary's County. I started the organization, and the
8 | membership is pretty much, you know, it is all over the place.
9 | Like I said, we have lots of people in the area. Lots of
10 | people out of the area. And I would be happy to provide that
11 | gentleman down at the end with any formal comments that I
12 | have.

13 | MR. GOLDSBOROUGH: Well, why don't you provide them
14 | to this gentleman on this end and he will make them available
15 | to all of us.

16 | MR. HIERSTETTER: Yes, sir.

17 | MR. GRACIE: Can we also get a copy of the
18 | presentation?

19 | MR. GENOVESE: Yes.

20 | MR. GOLDSBOROUGH: His presentation will be on the
21 | Web.

22 | MR. HIERSTETTER: Thank you, everybody, for letting
23 | me speak. I appreciate it very much.

24 | MR. GOLDSBOROUGH: Let's move on now. We are going
25 | from blue cats to blue crabs. And this is a follow-up to a

1 discussion we had at our last meeting about recreational blue
2 crab harvesting and how it juxtaposes with other users.

3 Staff did some additional work to pull together some
4 of the history and some of the regulations to help us
5 understand this issue a little bit more. And Mr. Alcarese is
6 here again to help us understand the conflicts that he has
7 observed and would like us to think about possible ways for
8 resolving.

9 ***Recreational Blue Crab Regulations/Rules***

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

11 MS. WIDMAN: So at the last meeting, just to debrief
12 for a second, there was a presentation, and we were asked to
13 bring some more information back this time. So Jacob put
14 together sort of a timeline explaining current rules, where we
15 have gotten, basically in -- specific to the crab,
16 recreational crab trotlines.

17 (Slide)

18 So these are the current ones that are in place. We
19 have the split start times with -- right now the height of the
20 season being a half hour before sunrise to 5:00 p.m. At the
21 beginning and end of the season, it is a half hour after
22 sunrise to 5:00 p.m.

23 The length in the bay, 1,200 feet. We have the
24 distance requirement of the 100 foot offset from another
25 individual's trotlines, crab traps and net rings. And of

1 course a license is required to recreationally trotline. Next
2 slide.

3 (Slide)

4 So just a little bit on the history of how we got to
5 those rules. And it is kind of mirrored in both -- I have a
6 slide on the commercial as well -- the commercial and
7 recreational start times looks like they went in or were
8 altered around '94, which is when the commercial license
9 system went into place.

10 So there is not a ton of background on it but what I
11 can surmise from that is that probably had to do with the
12 commercial license transition during that year.

13 And then in 2002 we had a little bit of change going
14 on, and again that was that kind of 2000/2001 where we had a
15 lot of changes to the fishery in general.

16 So a lot of that was just playing with the times and
17 likely dealing with user conflicts because of the those new
18 crab licenses that came on board. Next slide.

19 (Slide)

20 So just really -- if you want a ton of history on
21 it, we pulled that for you guys. '75 is when the Code of
22 Maryland Regulations began so that is kind of our starting off
23 point with what we had regulated pertaining specifically to
24 that trotline fishery.

25 '80s is when we have management plans coming in

1 place so that is likely why you see some changes there. And
2 again in the '90s with the commercial license system coming in
3 place might have played some role. And some changes we did at
4 that point.

5 And then early 2000s again, we had that overhaul
6 with the crab fishery and some massive reg. changes, and then
7 we kind of had some -- most of the ones we have had since then
8 are more pertaining to user conflict issues and then the
9 overhaul after '08 when we had to manage a little differently
10 to make sure the population stayed where it needed to. Next
11 slide.

12 (Slide)

13 And then on the commercial side, again we see that
14 kind of '94 with the commercial license system that we have
15 now coming into place, setting prohibit time for trotline,
16 taking them, crabs, from the trotlines for commercial folks.

17 Some adjusting, which I am guessing had to do with
18 kind of hashing out user conflicts during that time period.
19 Again some changes in the early 2000s, which I think was more
20 related to the overhaul to the crab regulations at that time.
21 And then, again, since then it has just been the minor stuff
22 largely based on user conflict until we had the '08 overhaul
23 dealing with the population issues at that point.

24 So that is the quick background. You guys should
25 have a slide, and then also a memo that is a little more

1 detailed. Brenda, who manages the crab fishery for us, had
2 put in some just general stuff about the recreational harvest.
3 We estimate about 8 percent of commercial crabs, based on
4 surveys of recreational crab harvesters from an Old Dominion
5 University study -- you should have it in there.

6 I don't know if you guys have any specific
7 questions. I don't want to waste too much of the time going
8 through it unless you guys want to ask something specific.

9 There is a list of how many people have the
10 different types of crab licenses. Again, it doesn't
11 necessarily mean they are using trotline. They could be using
12 net rings or collapsible traps but that is what we have.

13 MR. GOLDSBOROUGH: That is great, Sarah. Thank you.
14 That helps us a lot, I think. Any questions for Sarah?

15 (No response)

16 MR. GOLDSBOROUGH: All right, Bill, would you mind
17 coming up to a microphone over there?

18 ***Presentation on Recreational Crabbing Issues***

19 ***by Citizen Bill Alcarese***

20 MR. ALCARESE: Thanks for having me back. The
21 points I brought forth back in April were three points:
22 setting gear at a common time, setting gear in straight line,
23 and having people who use traps mark the beginning and the
24 ends of their runs with a discernable -- something that can be
25 seen.

1 And those people, for a recreational situation or
2 whatever, would be given obviously enough space, at least
3 2,000 feet if not more, because when you are running traps you
4 have to keep moving.

5 I have got a couple of photographs here.

6 (Slide)

7 I would be happy to send some white perch and
8 rockfish down the bay if you send the crabs up the bay. So
9 the point being made is that we are not really doing much up
10 there right now. But I was out waterskiing this past weekend,
11 and I snapped a few cell phone, with a cell phone, and if you
12 look there, that is a trap. That thing sitting there?

13 There are several photos. My son was snapping
14 these. There are like seven. And this guy who was in the
15 boat crabbing he started giving me dirty looks so I took what
16 I could and ran.

17 (Slide)

18 But you can go through these photos, and that
19 is -- you cannot see the float. So if you marked the
20 beginning and the end, someone else is going out there, he is
21 then going to have a better shot at putting his line and not
22 in conflict with whoever set first.

23 (Slide)

24 So there are several photos there. It doesn't
25 really show much. You are not going to see much because the

1 float is bobbing between the waves and it is only the size
2 of -- there it is right there. I don't know if you can zoom
3 in on that or not.

4 But that being said, a picture is worth a thousand
5 words, and that is the point being made about marking the
6 beginning and the end of trap runs with a large, a larger
7 float.

8 (Slide)

9 If you go down further, there is a -- you will have
10 to take my word on this. I took a map, a chart, rather, and I
11 drew -- this was a situation that was happening last summer on
12 the Gunpowder River. And this commercial guy set lines in
13 this fashion.

14 So I mean, he or she is out there way before the
15 light of day, and then trying to run in between this is, was
16 virtually impossible.

17 So I don't have a photograph of this. You are going
18 to have to take my -- I have 12 years of Catholic education if
19 that means anything to you that I am honest.

20 (Laughter)

21 MR. ALCARESE: But that being said, I am not making
22 this up, okay? And then you are going out there trying to set
23 a line or even set some traps, and then the guy or gal setting
24 the trap is running his or hers in circles. It is just turns
25 into utter chaos.

1 So that is the best I can provide at this time,
2 subject to any questions, I guess.

3 MR. GOLDSBOROUGH: Yes, thank you. I am going to
4 ask the commissioners to offer any questions. First, I just
5 want to explain, I asked Bill to come back after the last
6 meeting. I felt -- I didn't think we did a thorough enough
7 job of coming to grips with issues he was bringing before us

8 And I asked him to do the diagram to help us
9 understand a little bit more about the conflicts he was
10 observing. And as I recall from last time, one thing he did
11 say was that, really, this ought to be about fun for
12 recreational crabbing and in a lot of these situations it is
13 not because of some the attitudes, some of the techniques that
14 are being employed.

15 So I wanted us to try and understand this a little
16 more and see if there was anything we could suggest to the
17 department to consider about the issues he is bringing before
18 us. One I think pretty obvious one is the marking of the crab
19 traps. That one seems reasonable to consider. And then the
20 other was about understanding where the lines are. From one
21 end to another? Does that say it right, Bill?

22 MR. ALCARESE: Yes, sir. It would be -- for the
23 folks using crab traps, it is merely setting a remarkable
24 trap, a float, at the beginning and then at the end of their
25 run.

1 with it too.

2 MS. DEAN: I would just say that, that would be a
3 pretty powerful image but my question would be, is that to
4 scale?

5 MR. ALCARESE: That is out of a chart. I copied it.
6 And I did the best I could from memory but those lines were
7 run from almost one side of the river to the other side of the
8 river. That river is about two miles wide there from the
9 furthest point. If you look at that, where that point is, it
10 looks like it says Maxwell Point. You look across there, it
11 is a two-mile stretch.

12 MR. LANGLEY: That was kind of along the lines of my
13 question. You know, what the distance was between the length
14 of lines. Was there an opportunity to set recreational lines
15 between the lines?

16 MR. ALCARESE: Barely. It became very challenging
17 because it just was a challenge trying to figure out where he
18 is starting and stopping.

19 MR. GOLDSBOROUGH: So I guess I would hesitate to
20 try to solve the problem in this picture alone but really
21 think about the concept he is trying to get across. I think
22 that is the point, not just this location.

23 MR. ALCARESE: I understand, I drew this. I don't
24 have a plane-view photograph of it. I would have to have a
25 helicopter to get the total photograph of it really, and that

1 is in a restricted flight zone because of the army.

2 But that being said, and I am not going to go out
3 and rent a helicopter to take a photographs for this purpose.
4 It is the best I could do to depict it in a realistic form.

5 MR. HARDY: So if I am looking from Maxwell Point
6 across to -- and I can't really see on here -- across that
7 cove, that is about two miles?

8 MR. ALCARESE: No, it would be the inside. Inside
9 the cove is about two miles. Maxwell Point juts out probably
10 over a mile.

11 MR. HARDY: Okay. So if I go from Maxwell Point
12 straight up, that is two miles?

13 MR. ALCARESE: No, if you go from --

14 MR. HARDY: My big question is, so that long one, is
15 that one single long trotline two miles long?

16 MR. ALCARESE: That one single trotline is probably
17 over two miles long. And then there is another line. It is
18 about seven miles from that point down to the mouth. Battery
19 Point is down there at that -- all the way down where that
20 bottom line is to the left. There is another couple miles
21 to --- Island. There are several miles of trotline run there.

22 MR. HARDY: So he is -- right there he has got close
23 to 10 miles of trotline.

24 MR. ALCARESE: I am telling you that is what he had
25 out. I don't think it is 10 miles, but --

1 MR. HARDY: The only two comments I have, and it is
2 not a -- I am not questioning you or anything. The first
3 thing is, having trotlined a couple times, I would think he
4 would need a dumpster in the boat to carry all that line.

5 But with the current regs -- and since this is your
6 area, I mean I am not questioning anything -- was there
7 anything prohibiting you, since you can fish within, what is
8 it, 100 feet now? Was there anything that would have
9 prohibited you from running alongside him in either one of
10 those or getting in between either one of those?

11 MR. ALCARESE: On this particular day, I personally
12 ran my line on the shore side of that big, long line.

13 MR. LANGLEY: And I guess my comment regarding the
14 floats, and we have enforcement here, but for commercial
15 trotlines, there are specifications on what size buoys that
16 they have to be and whatnot. So it could have been -- maybe
17 it is an enforcement issue, that maybe that particular person
18 was outside the boundaries with the way he had his set or how
19 he had set or how they were marked.

20 But I do know that there are regulations in place,
21 that you have to follow the guidelines with marking your buoys
22 and certain size buoys on a commercial trotline.

23 MR. GOLDSBOROUGH: Mack and then --

24 MR. WOMMACK: I know Rachel and I are going to butt
25 heads on this but it kind of goes back to what I was saying.

1 | Maybe we need to just do a little survey or look into what is
2 | going on with the commercial up in the rivers so much, even if
3 | it is trotlines, nets or --- . Somehow or another, I think
4 | the rivers shouldn't be -- they shouldn't be up in the rivers
5 | like that, especially if you are running them like he is
6 | saying, all the way across the river.

7 | We are just estimating on this but maybe we need to
8 | kind of look into -- see what these guys are complaining about
9 | so much, what is going on with these rivers and the
10 | commercial guys.

11 | MR. DeHOFF: From the folks that I spoke with at
12 | your request, Bill, they said they do see where at times there
13 | are issues with being able to set gear in and around
14 | commercial gear that is already there. But they understand
15 | that these guys are out there. They are making a living.
16 | They are out there early. They pull out early. And what they
17 | do is for fun, the weekend crabs and things like that, and
18 | they have all day to do it.

19 | And they understand that it is kind of one of the
20 | things they deal with. In this particular photo, the picture
21 | that you have right here, the distance between Maxwell Point
22 | and the top of that cove is just about two miles.

23 | The current regulations state that you can't be
24 | within 100 feet of that line. Certainly looks to be plenty of
25 | room to set other lines in that space going off of that quick

1 calculation there.

2 I mean, that is a big area. And I can certainly
3 understand where the commercial guys may end up getting, you
4 know, first shot at the spot that they like to crab but it
5 looks, it appears to be a lot of room there in that area to
6 set additional trot lines in there.

7 I do agree that there is probably a need to get back
8 to the gear workgroup and maybe look at how these things are
9 marked and how we can distinguish what is a potline, what is a
10 trotline and things like that so that people, when they come
11 into an area, when there is existing equipment, know what to
12 expect in those areas.

13 And it helps them identify it so that it can help
14 them reduce their chances of getting into conflict with these
15 folks. You know, and then the other thing, I believe that is
16 just a representation because one of your requests was you
17 wanted them to run them in straight lines but you are showing
18 them in straight lines as existing but that is not the case?

19 MR. ALCARESE: Well, they are running lines
20 perpendicular.

21 MR. DeHOFF: My point is, one of the things you said
22 you would like to see is to have the commercial guys run their
23 lines in straight lines so it is easy to tell from one buoy to
24 the next where their equipment is.

25 MR. ALCARESE: One straight line.

1 MR. DeHOFF: This depiction that you have here, each
2 individual line is set in a straight line.

3 MR. ALCARESE: With one crabber. That is not
4 multiple crabbers.

5 MR. DeHOFF: No, I understand. But if another guy
6 came in and decided to run horizontally between those three
7 existing lines and he goes in a straight line --

8 MR. ALCARESE: I don't think another commercial guy
9 would even think about trying to get in there. But that is
10 just what I am saying.

11 MR. : I think he was talking about traps,
12 running traps in a straight line. You have got to run
13 trotlines in a straight line or it won't work.

14 MR. DeHOFF: Okay.

15 MR. ALCARESE: The traps is what I was talking
16 about, running it in circles and what have you. And that is
17 what happens when you have multiple lines like that. The trap
18 guy or gal gets out there and they are challenged to try to
19 get their traps in the water.

20 And they are running into each other, and then they
21 are on top of each other and then tempers start flying.
22 People start saying things. You know what it is like. You
23 get down to the working level of this and what is really going
24 on. You know, you are trying to hopefully -- your laws
25 maintain civility.

1 MR. DeHOFF: So what is your suggestion for trying
2 to avoid this -- these possible conflicts?

3 MR. ALCARESE: The three suggestions I had were
4 setting gear at a common time, setting gear in a straight
5 line, one straight line, and marking the beginning and the end
6 of the trap runs.

7 MR. DeHOFF: You don't think that having the
8 commercial guys and the rec guys trying to put their traps or
9 their lines and their gear out in the same place at the exact
10 same time wouldn't increase conflict?

11 MR. ALCARESE: I don't know if it would increase it.
12 I don't know if it would decrease it but it clearly would give
13 everybody a fair chance. I realize the commercial person is
14 out there making a living. I realize that, okay?

15 MR. GOLDSBOROUGH: All right, so, I don't see any
16 other hands right now. I did see a hand in the audience. I
17 am going to take that question/comment and then I want to try
18 to come to some conclusion about any action the commission
19 might want to take. Yes, sir. Would you please introduce
20 yourself, sir?

21 ***Public Comment***

22 MR. CASSIDY: Mike Cassidy. Actually I am here for
23 Billy Scerbo, a proxy for Billy. I happen to be a trotliner.

24 MR. GOLDSBOROUGH: And that would be Anne Arundel
25 County Watermen's Association.

1 MR. CASSIDY: Right. I am a trotliner. Now your
2 solution is predicated on a person out there with crab traps
3 would set the traps in a straight line.

4 So just to give you a view of the other side of the
5 argument, there are a couple of creeks on my river that are
6 sort of like that. And there is a gut that goes from one to
7 the other. Now it is a lot smaller than the one on this chart
8 but typically on a Saturday or a holiday, a recreational
9 trapper who would be out there would set his traps in a
10 cluster right in that gut, which prevents me from being able
11 to make a straight run on a trotline.

12 So I am just saying, there are two sides to this
13 story. Typically what I see on West River is clusters of crab
14 traps.

15 MR. GOLDSBOROUGH: I think you are speaking to one
16 of the issues he was bringing up.

17 MR. CASSIDY: Yes, I don't see them in a straight
18 line. I see like clusters. And what that allows the
19 recreational trapper to do is cut off a whole creek or cut off
20 a whole area because he is sort of running in a zigzag, you
21 know, area all around this --

22 So, I mean, that is the other side of the story, you
23 know, so I don't know what the solution is. I am not
24 suggesting anything. But I just want you to know that right
25 now this idea of let's put a marker on each end of it assumes

1 | it is a straight line.

2 | MR. ALCARESE: That is correct.

3 | MR. CASSIDY: Which I have never seen yet with
4 | somebody with crab traps.

5 | MR. ALCARESE: That is the suggestion being
6 | proposed, that the guy or gal running the traps would also
7 | have to run it in a straight line, and a beginning and an
8 | end --

9 | MR. CASSIDY: And have a buoy on every one of them.

10 | MR. ALCARESE: Well, he could have a little teeny
11 | buoy but at least a beginning and an end that you could see.

12 | MS. WIDMAN: As far as how the regs are written
13 | right now, nothing about the straight line issue is resolved
14 | but every single trap that is put in the water should have its
15 | own buoy.

16 | So if you put out a line of them, every single one
17 | should have a buoy above it. If they are not doing that, that
18 | is an enforcement issue, just to clarify.

19 | MR. ALCARESE: But you can't -- what I was trying to
20 | depict in those photos is little, you can't see those little
21 | rings. That is what I was pointing out. You can maintain
22 | those small rings but just that the beginning and the end is
23 | so marked that you can see it.

24 | MR. GOLDSBOROUGH: So I see another hand in the
25 | audience. Since I took one, I will take the other one. Make

1 | it quick, Larry.

2 | MR. JENNINGS (away from microphone) He comes out
3 | to --- , he sees 10 buoys. You can get lots of different
4 | straight lines on those 10 buoys than to know where those red
5 | lines are now.

6 | You can say that, but you can make lots of straight
7 | lines between two sets of buoys there and never know what you
8 | are going over.

9 | MR. GOLDSBOROUGH: Any thoughts from commissioners
10 | on next steps? Phil?

11 | MR. LANGLEY: Well, as far as a next step, this is
12 | kind of for Sarah. Do we have anything -- I know we have
13 | stuff to regulate the buoy sizes for the commercial industry
14 | on trotlines. Do we have anything that is regulating the buoy
15 | sizes as far as visibility for crab traps to eliminate your
16 | problem as far as visibility?

17 | MS. WIDMAN: For the traps, there is not a size on
18 | the floats. Maybe that is some of the issue? For trotlines,
19 | they are spelled out. Sorry, I am trying to get to the reg so
20 | I can read it to you guys.

21 | On the trotlines, it has to be 12 inches in diameter
22 | in addition to some working requirements. Same color, same
23 | size on each end.

24 | MR. LANGLEY: I would say maybe a first step is even
25 | on recreational traps, creating a minimum size for visibility

1 for safety, nothing else.

2 MS. DEAN: Just really quickly. Logistically, I
3 don't know if that would work because of the nature of the way
4 the crab float works. If you use one of those full bullets,
5 it is going to be dragged around.

6 So traditionally we slice those bullets for fear of
7 being labeled a chicken necker. But -- so that is just one of
8 the things. If we regulate to a point where it has to have a
9 certain size bullet or marking on it, then it might get
10 dragged around.

11 MR. ALCARESE: But the only point I am making is --
12 I am not suggesting in any way. I will let you guys figure it
13 out yourselves. I am not suggesting that every trap has a
14 big, 12-inch buoy. I am just saying the beginning and the end
15 of the run has a 12-inch buoy.

16 MR. GOLDSBOROUGH: And maybe they could be weighted
17 to compensate. That was a good point, Rachel.

18 MR. ALCARESE: They could throw it out there with a
19 cinder block, just in the beginning and the end.

20 MS. DEAN: If we make it a straight line
21 requirement.

22 MR. ALCARESE: And then a straight line, yes.

23 MR. GOLDSBOROUGH: I heard one suggestion that we
24 ask the gear workgroup to mull this over. That might be the
25 way to go. We do have a report from the gear workgroup next.

1 commercial finfish trotlines there.

2 So really quick, their length requirement was 1,200
3 foot max for them. They don't limit the number of trotlines
4 because distance requirements kind of take care of that issue.
5 They don't limit the number of hooks because the length
6 essentially limits how many hooks you are going to have
7 anyway.

8 They have a depth of no less than six feet. And
9 they have a minimum hook size of five. So the recommendations
10 that came out basically liked what Potomac River had done with
11 their regulations with some minor tweaks. They suggested the
12 type of hooks should be circle hooks and not at this time
13 require corrodible hooks because of enforcement concerns on
14 that.

15 No soak times at this point. And then bait
16 limitations for only live bait because they do use chunked up
17 eel on them.

18 For the closed-season area that was suggested by our
19 staff because the striped bass intercept between March 1 and
20 June 15, they are going to suggest that instead of a ---
21 closure to require the bait hooks touching the bottom of the
22 river during that time period where the catfish are feeding so
23 they don't intercept with the striped bass. And our biologist
24 seemed all right with that suggestion.

25 So I believe that is actually in your scoping

1 document as well. The bowfishing, there is a snakehead
2 bowfishing commercial license right now, and the suggestion
3 was to mirror the current recreational rules for bowfishing.
4 The workgroup agreed that would work.

5 And other bill, recreational gigging, which had been
6 previously prohibited, that was removed so we could address
7 that in regulation. We suggested that it should just go in
8 place with other similar projectile gears, which bowfishing is
9 one of those. Spear fishing is another. And the two caveats
10 with gigging, because you are actually hand-holding it, is
11 that there wouldn't be a requirement for retrieval lines since
12 it is in your hand.

13 The safety zone, since you are holding it instead of
14 throwing it, isn't really a requirement that would be needed
15 either. Additionally in that bill, slat baskets, bush bobs,
16 bank poles and dip nets in nontidal -- these are all nontidal
17 gears -- were removed. The provisions in law were removed for
18 that.

19 The workgroup ultimately suggested that we maintain
20 the prohibition on eel pots/ slat baskets in nontidal waters.
21 Also they decided to just all out prohibit the use of the bush
22 bobs and bank poles in nontidal. And then on dip nets, to
23 allow them but in a more focused river area.

24 So that is what came out of the Gear Workgroup meeting, and
25 those are the items we have when I get to the scoping stuff on

1 | your scoping handout you should have seen. Any questions on
2 | Gear Workgroup?

3 | *Questions and Answers*

4 | MR. GRACIE: Am I clear on the bush bobs and bank
5 | poles are now prohibited in nontidal completely? At first you
6 | said the regulations were removed and then it sounded like you
7 | could do anything you wanted.

8 | MS. WIDMAN: Right, the statutes were removed. So
9 | we now we are moving those gears into the regulatory format,
10 | and what did we want to do with them now that we could do
11 | anything with them because of our authority for --

12 | MR. GRACIE: And on the dip nets, you said in more
13 | focused river areas. What does that mean?

14 | MS. WIDMAN: So staff suggested -- it used to be it
15 | just said in counties, so in Potomac, Monocacy, Carroll,
16 | Frederick. They suggested we actually say in the Potomac,
17 | Monocacy rivers, and I am going to totally butcher it.
18 | Conococheague in Allegany, Carroll, Frederick and Washington
19 | counties. So specific to those rivers/creeks in the four
20 | counties.

21 | MR. GRACIE: That used to be a huge activity in the
22 | Susquehanna for shad and herring. Of course, it is not
23 | possible anymore.

24 | MS. WIDMAN: And I know some of the guys still use
25 | the landing nets to pull them in there but this is dip nets

1 specific to these nontidal areas.

2 MR. GOLDSBOROUGH: Any other questions for Sarah?

3 MR. SIKORSKI: Where are we timeline-wise on this,
4 when they have to scope it?

5 MS. WIDMAN: It is on the scoping list for you guys
6 this time, which would mean it would be scoped over the next
7 couple of weeks depending on -- there is a lot on the scoping
8 so just depending on when staff gets to writing it. We are
9 looking at submission before the end of the year. So it would
10 be effective for --

11 MR. GRACIE: Submission as meaning regulatory
12 promulgation notices.

13 MS. WIDMAN: Right. Ideally we want to have it
14 submitted in September so it is effective January one so it is
15 all aligned with the fishing guide. That would be the ideal
16 of what we will shoot for.

17 MR. SIKORSKI: I was on the Gear Workgroup. It was
18 great. We had a conference call, which was great. We were
19 all spread out throughout the state. Jacob did a great job.
20 You did too, so thank you. After going through and talking
21 with -- actually I learned a lot about the blue cat trotline
22 process.

23 The one interesting thing, I am not sure if it is in
24 here, it was very interesting to hear that because of bait
25 selection and the way of setting the trotlines, there was 100

1 percent catch of blue cats, no striped bass, no other species
2 in the Potomac River.

3 MR. JENNINGS: What was the bait?

4 MR. SIKORSKI: Eel. Dead eel. So that was really
5 eye-opening because some folks were concerned. How does this
6 impact striped bass, spawning reaches, that kind of stuff? So
7 it was great to hear that. Hopefully those guys can catch a
8 lot of blue cats.

9 MR. GOLDSBOROUGH: Any other questions for Sarah?

10 (No response)

11 MR. GOLDSBOROUGH: Before we move on, I want to
12 bring this back to where we were on the last agenda item. I
13 didn't handle that very well, I guess. The question is, could
14 the Gear Workgroup look into the issues that Mr. Alcarese
15 brought up?

16 MR. WIDMAN: Yes, I think we could definitely have a
17 meeting. I want to reach out to Brenda to make sure we get
18 any recreational and commercial crabbers who could either call
19 in if we do another call in, which is great, or come here.

20 MR. GOLDSBOROUGH: Okay. That would be good.

21 MS. WIDMAN: Yes. I can have Jacob set that up.

22 MR. SIKORSKI: I have a question for that. I think
23 Roger and I are on it. Who else? Anybody else? I think we
24 need somebody who has a better understanding of crabbing on
25 there to at least guide some of that conversation.

1 Ideally -- I have crabbed a couple times, Rob, and
2 you crab, right? We don't have a great representation or
3 body --

4 MR. GRACIE: Can we go outside the commission for
5 that?

6 MR. SIKORSKI: Yes, what can we do? I don't want to
7 add another workgroup or add another commission or add another
8 whatever but it seems like it would be great to get buy-in
9 from folks who are actively crabbing when both commercial and
10 recreational are at issue.

11 MR. BLAZER: I don't think there is any restriction
12 on having you all designate somebody from outside the
13 commission who has that expertise that you are looking for.

14 MS. WIDMAN: We do that a lot with the workgroups.
15 If there is a specific issue that you guys want someone else
16 to come in, we can certainly invite them to this meeting.
17 Just let Paul or me know.

18 MR. GOLDSBOROUGH: Any other commission members
19 interested in serving on the Gear Workgroup, particularly with
20 respect to crabs?

21 MR. GRACIE: I have a recommendation but I want to
22 check with him before I pass it on. Somebody outside the
23 commission who is pretty knowledgeable about this.

24 MR. GOLDSBOROUGH: Okay. Very good. Do you
25 maintain an interested parties list on the meetings of the

1 | workgroup?

2 | MS. WIDMAN: Yes. So anyone who is interested, they
3 | will just get added to the workgroup e-mail, essentially the
4 | listserv.

5 | MR. GOLDSBOROUGH: I assume you would be interested
6 | in knowing how it goes, Bill?

7 | MR. ALCARESE: I would be flattered, certainly.

8 | MR. GOLDSBOROUGH: Could you add Bill to that?

9 | MS. WIDMAN: Yes, I will make sure he gets on there.

10 | MR. GOLDSBOROUGH: All right, let's move on. We are
11 | a little bit behind but we are not doing too bad. Sarah, you
12 | are still going?

13 | MS. WIDMAN: Yes, I am still going. So I will just
14 | sum up the next two workgroups. Last week we had a really
15 | good workgroup meeting, another joint workgroup, looking at
16 | the issue of recreational oysters. We started out talking
17 | about licenses but essentially looking at the fact that right
18 | now in our recreational oyster fishery there is not a license
19 | required. There is not really any accountability.

20 | If you are a resident, you can take a bushel during
21 | the season time with certain gear. You have to stay within
22 | the three-inch size limit. So that is really all the rules we
23 | have.

24 | So it was brought up both from -- the commercial and
25 | NRP were concerned that there has been a lot of recreational

1 harvest specifically on commercially planted areas and there
2 is not any real way to either control that effort or have
3 accountability for what is actually going on.

4 The workgroup ended up with seven or eight ideas,
5 looking at everything from free license set-ups and
6 registrations to different ways to curb the fishery with
7 season and size limits and bushel limits and everything you
8 can think of. Ultimately the workgroup came to the conclusion
9 that probably the best way to go forward would be to scope an
10 idea of limiting the days of the week that recreational
11 harvesters go out to Friday and Saturday.

12 Right now, Monday through Friday for a certain time
13 period is allowed, and then Saturday for a part of the day is
14 allowed. So this was a suggestion from them to reduce the
15 harvesting effort but also Saturdays is a commercial day off
16 so there is a little bit easier enforcement on the Saturday
17 component of that to confirm that it is actually recreational.

18 So that is again on your scoping list as well, but
19 that is what came out of the workgroup discussion, which I
20 thought was a pretty good discussion from both sides,
21 commercial and rec.

22 MR. GOLDSBOROUGH: And who was on there for sport
23 fish?

24 MS. WIDMAN: Mack attended that. I don't think
25 there was another recreational person there.

1 MR. SIKORSKI: I am on it but I never received an
2 invite.

3 MR. GOLDSBOROUGH: That is true. I went back and
4 looked at the e-mails. And I was copied on the e-mail and
5 somehow Dave got left off.

6 MS. WIDMAN: Okay, yes, because I remember you being
7 on there. Well, okay, that is my bad then.

8 MR. GRACIE: Do we have a handle on the magnitude of
9 the problem of recreational harvest?

10 MS. WIDMAN: Well, the problem is that we have
11 gotten a lot of NRP officers and commercial folks calling in
12 that they are seeing a lot of people going out. And sometimes
13 there are literally boats filled with, you know, 2 people and
14 their 10 kids, who are some under the age of 2, but they count
15 as a person so they get their bushel.

16 And there is some concern -- so there are two
17 elements.

18 MR. GRACIE: Do you have any verification of any of
19 that?

20 MS. WIDMAN: There is NRP -- I mean police reports
21 when they get called out. I have heard it from officers who
22 have actually called me asking, do you know what is going on
23 here?

24 So there is kind of two elements. One is an
25 enforcement concern, that there are commercial folks on their

1 day off who are recreationally harvesting extra bushels and
2 then selling them illegally during the commercial week.

3 And that is an enforcement issue, and we have heard
4 it from the commercial sector itself and NRP. And then kind
5 of the issue that we are trying to address here is that some
6 of it is just pure recreational. And we don't have handle.
7 Even if we had a free registration, people might just go and
8 register and they may never go out. So it is hard to assess
9 how much of that is actually going on even if we had a free
10 registration.

11 MR. WOMMACK: The recreational guys are taking them
12 back to their houses and selling them so the people in town
13 won't go to the regular oyster places. They go directly to
14 the recreational man because he can cut the price down.

15 MS. WIDMAN: So two things that, just to highlight,
16 that came out of the meeting as well is we need to do a better
17 job of educating a, the recreational sector as to why it is
18 important that they don't sell these and how someone could end
19 up dead because they caught them in a way or cut them in a way
20 that wasn't safe for human consumption.

21 Why we have the rules in place to begin with, and
22 then also with the charter industry, some concern that charter
23 boats may not know that nonresidents cannot actually
24 participate in that fishery.

25 MR. WOMMACK: We had a lot of issues with out-of-

1 state charter boat captains taking them out.

2 MS. WIDMAN: It has brought up out-of-state diving
3 operations coming in, yes.

4 MR. SIKORSKI: Like I said, I wasn't on the
5 workgroup call but I have an issue with limiting days. It is
6 important to know what is being harvested, and that is
7 something I didn't say during my yellow perch comments but
8 that should also be very clear, that recreational
9 accountability should be strong. I have presented ideas on
10 that to this commission in the past. It is something I
11 strongly believe in.

12 I would support a free registration. A checkbox on
13 your license. You will have a database of people who intend
14 to oyster. The wildlife department, the wildlife side of the
15 department, tracks big game harvest through a required
16 check-in process. You have an electronic gap. You have a
17 data collection system on that side of the house. I would
18 hope there would be some ability to use that on the fisheries
19 side.

20 So when -- relate it to deer. If I am a hunter, I
21 am licensed, you know I am licensed. I go out and I harvest a
22 deer. I then within 24 hours have to check the deer in and I
23 receive a confirmation code.

24 Not knowing the coding and all the stuff behind it,
25 I would think that if I was an oyster -- if I wanted to

1 harvest oysters recreationally, I could do so. I could
2 harvest my bushel. I could tag my bushel with a tag just like
3 I do my deer. I can put my confirmation code on my bushel.

4 Now with regard to the other illegal activity -- it
5 is illegal activity, and the solution to that is to provide
6 more funding to NRP so they can have more boots on the ground.
7 We have been talking about that for 20 years and we can't get
8 it done.

9 So I think that may be a solution to some of the
10 unaccountable issue -- the issue with the unaccountability
11 that we have, and it doesn't provide a burden to recreational
12 fishermen. It might be some more data collection burden to
13 your shellfish division, and I know you guys are stretched
14 thin. But I think it solves some of the problems and at least
15 it gives us more data.

16 Let's say we readdress this in a couple years. We
17 can then say, all right, over the last many years we had this
18 many recreational oyster people harvest X amount of bushels,
19 and kind of decide how to move forward with it.

20 I looking into a state that I compare to Maryland
21 somewhat oyster-wise, and that is Texas because they have a
22 large commercial fishery and they do have a recreational
23 fishery. Their regs are very similar to ours. They require
24 you to have a saltwater tidal license. I believe they do not
25 have an oyster allocation, or I mean oyster checkbox or

1 | whatever but I think that would be a good step forward for
2 | Maryland.

3 | MR. WOMMACK: Dave, the only problem I see with that
4 | is, and I don't disagree with you with the regular guy who is
5 | a family going out in the middle of the winter or whatever
6 | diving for oysters. I don't think you will have a lot of
7 | problems out of him. I think where the problem comes in is
8 | the guy who knows that he can go out and oyster like that and
9 | come back and sell them, and he isn't going to fill out a tag
10 | to let you know what he is doing.

11 | He is in the business of making money under the
12 | table, and I think that is where your major issue is, trying
13 | to figure out how many of these guys are out here using the
14 | recreational for really a commercial use for themselves.

15 | I just can't see somebody who is in the business
16 | under the table going in and turning in data and doing that
17 | kind of stuff because sooner or later he knows that is going
18 | to affect him where he would have to have a license. That is
19 | the only issue I see about that.

20 | MR. SIKORSKI: You are right, and what you are
21 | describing is a poacher. The only way to catch them is to
22 | catch them and throw the book at them. It is akin to a speed
23 | limit on a highway. Because we have a speed limit, there is a
24 | rule.

25 | When you have a tagging system or something that can

1 provide some accountability, it deals with health and safety,
2 it deals with protecting the resource for those who benefit
3 from it, and I think it makes it more enforceable.

4 It is really simple. If an officer boards a vessel
5 and sees a recreational bushel that doesn't have a tag on it
6 or catches them within that 24-hour time period like with
7 deer, it is a big offense. It is a big offense on the
8 wildlife side to not tag your deer. It is a big fine.

9 MS. WIDMAN: We did talk about tagging so that was
10 one of the options we discussed.

11 MR. GRACIE: I second what Dave Sikorski said. I
12 just think it is outrageous to be putting something to reduce
13 harvest when you don't know if you are harvesting too much.
14 We are putting restrictions on everybody without getting any
15 data to manage this.

16 What Mack is talking about is somebody breaking the
17 law who could break the law the same way if you had this
18 set-up. All you are doing is reducing the number of days they
19 can go out and steal. They are still selling oysters
20 illegally. You haven't solved that problem if that is the big
21 problem.

22 To me it is just -- to sit here and say, well, we
23 heard this, we heard that, so maybe we need to reduce harvest.
24 I think that is inexcusable. I really disagree strongly with
25 that.

1 MR. HARDY: To that end, when you talk about the
2 families going out, I don't see a reason why a 2-year-old
3 needs a bushel of oysters. It would be like recreational crab
4 harvest where we limit the number of bushels on a recreational
5 vessel.

6 MS. WIDMAN: That one is in statute, so we would
7 need a bill to change that.

8 MR. HARDY: It seems logical. I mean, they are not
9 going to go out and do it -- what are they, tonging?

10 MS. WIDMAN: Yes.

11 MR. SIKORSKI: And diving.

12 MS. WIDMAN: Some diving, yes.

13 MR. HARDY: I don't see why there wouldn't be a per
14 boat bushel limit.

15 MR. GRACIE: I have mixed feelings about the fact
16 that they are taking them off commercially planted beds when
17 the whole public is paying for them to be planted anyway.

18 MR. GOLDSBOROUGH: Well, let's come back to that
19 issue because that was part of an earlier comment I wanted to
20 revisit. Rachel?

21 MS. DEAN: I want to clarify a couple things because
22 I am not sure if it was perception or what evolved during the
23 workgroup, and I had to be at the workgroup but it didn't
24 happen.

25 And I was one of the ones, along with Commissioner

1 Gilmer and Chairman Rice over at tidal fish who brought up
2 some concerns so I kind of want to give some background on
3 where this started because I think it would be helpful in the
4 discussion as we move forward.

5 I know that NRP probably brought up the issue of it
6 being commercial guys who were selling catch that they might
7 have been going out on the weekend but where this started with
8 tidal fish was there were some concerns that there were shaft
9 tongers that we see out there every day.

10 So the question, you know, is there data -- we don't
11 have data but we have seen it. We have also seen the divers
12 too. And obviously when you put six guys on a boat and you
13 catch six bushels a day every day, something is not getting
14 eaten by the man who is harvesting the oysters.

15 And of course that was brought up because there was
16 a discussion about the money that is going back onto these
17 bars. We are seeding these bars, and we would, one, like to
18 have accountability, and two, if there is enough effort to
19 warrant it, then possibly the bushel tax like we are also
20 paying.

21 So that is kind of where this came from. And I for
22 one, I will go on record as saying I am little disappointed
23 that it has taken the direction that it did.

24 Our first request was that there be a license with a
25 fee associated with it. And we were -- you can go back and

1 | look at the record -- we were immediately said no.

2 | MR. GRACIE: That makes sense to me.

3 | MS. DEAN: So I don't want it to sound like our
4 | number one objective was to be greedy and to cut out the
5 | recreational man. I don't think that was the objective. Now,
6 | because it is an enforcement issue, and we were told that
7 | probably isn't going to happen on that end, we -- I guess the
8 | direction that the conversation turned, and then it was the
9 | reduction of the number of days, the reduction of the bushel,
10 | why does a 2-year-old --

11 | So I think that is the way. I don't believe that
12 | the tidal fish is in the habit of trying to restrict the
13 | commercial sector, the recreational sector. That is not what
14 | we were really trying to do. So I agree with Dave here that
15 | this is possibly an enforcement issue, and I will always say
16 | that I have a very difficult time restricting a sector or an
17 | industry because of an enforcement issue.

18 | So I would agree on that. Now, I don't know where
19 | that discussion will go on Thursday when talk to the tidal
20 | fish and we bring up what happened at the workgroup. But I
21 | just kind of wanted to clarify where this came from on the
22 | commercial side so you guys didn't feel like, hey, they are
23 | being greedy. This was a logistical kind of issue.

24 | MS. WIDMAN: And some of the discussion, just to
25 | add, each idea was kind of categorized as to whether this

1 | would require statutory changes versus regulatory changes, and
2 | I think some of the workgroup members felt like if we could
3 | fix something or do something reg, that would be advantageous
4 | over trying to go to the legislature.

5 | MS. DEAN: And I just wanted to add too, I reached
6 | out to guys who are recreational oyster diving. They are
7 | charter boat captains. And they did say that these are a
8 | small number of trips. This isn't a huge effort. But, you
9 | know, at a time where there are issues with the rockfish, with
10 | the bottom fish, if this is a model that they, you know, are
11 | using as a secondary fishery, then I really couldn't support
12 | limiting that.

13 | MR. LANGLEY: I am kind of opposed to restricting
14 | the days to Friday and Saturday. In a perfect world everybody
15 | works Monday through Friday, but there are lot of citizens who
16 | may work through the weekend and they have off Monday and
17 | Tuesday. And to discriminate against individuals who don't
18 | have a perfect workweek, I wouldn't support.

19 | I liked your idea of -- I would rather see bushel
20 | limits on a boat. That way, you know, if they put 10 guys on
21 | a boat, that is fine.

22 | But if you have a two-bushel cap, that will
23 | eliminates the economics of it, of taking away. You are not
24 | going to commercially go out there and go through all the
25 | effort for two bushels of oysters, and most of the time, two

1 bushes of oysters will feed the average oyster scald or family
2 gathering. If you needed more than that, you could always
3 purchase them from a commercial individual.

4 Personally I would rather see it, and I wasn't part
5 of it, but I would rather see it go down that road than
6 restrict days --

7 MS. WIDMAN: The workgroup liked that one too. The
8 concern was because the bushel per resident is in statute, we
9 go back to the statutory thing to change it so that we could
10 put the boat limit in. But we did talk about that quite in
11 depth.

12 MR. GRACIE: We could do boat-limit regulations even
13 if it is conflict with the statutory limits?

14 MS. WIDMAN: No, I am saying we would have to go to
15 change the statute.

16 MR. GOLDSBOROUGH: So what I am hearing agreement
17 on, tell me if I am wrong, is the idea of a recreational
18 license, at least to get good accountability. I hear
19 different views on whether you charge for that license or not.

20 I don't know if we can reach some consensus on that
21 point or not. But then with respect to the bushel limit,
22 right now it is one per person, and that can be a 2-year-old,
23 and that point of some disagreement here about that. Not
24 amongst us but about that, but that would require legislation.
25 So maybe there are other ways of dealing with it to keep from

1 the use of that one bushel per anybody getting out of hand.

2 Any further massaging of that summary that we can do
3 to provide input back to Sarah?

4 MS. DEAN: Maybe Phil could find this out for us if
5 the Potomac River has a recreational bushel limit number.
6 That way we could just be similar.

7 MR. LANGLEY: Off the top of my head, I don't know
8 what that is but I can look and see.

9 MR. SIKORSKI: I know the shellfish closures and
10 bars and all that stuff is on the Website but I can't imagine
11 many people, recreational people, would even know to look at
12 it.

13 And so through this whole process I think it is
14 something to add to the list of considerations as, if we do
15 establish this requirement where we are tracking recreational
16 oyster fishermen, we also provide the necessary information so
17 health and safety are part of the conversation.

18 We don't need somebody getting sick because they
19 harvested oysters because they found an oyster and ate it.

20 MR. : Which would go in hand with the
21 licensing, the information packets that you would get with
22 your license.

23 MS. WIDMAN: Bill, can I make a suggestion that
24 maybe we see what tidal fish has to say at Thursday's meeting,
25 and then if there is general consensus that everyone wants

1 more discussion, I can reconvene and make sure Dave is on the
2 e-mail. And we can talk a little more because at this point
3 we are too late to do it for the start of this season anyway
4 so it would be something we would be looking for 2017.

5 MR. GOLDSBOROUGH: That would be good. I don't
6 think it rises to the category of crisis anyway. It is
7 something we want to fix but it is more local in nature.

8 I do want to ask Rachel, you had said that you
9 thought there should be a fee for the license. Was that, just
10 so I understand, was that so that there was contribution to
11 depletion funds for a given bar?

12 MS. DEAN: I think the discussion was two-fold:
13 one, that it would be because the commercial -- different
14 counties are putting money back onto some of these bars. But
15 I think it was also part of the reason of, you know, there
16 would be maybe a little bit more accountability. If somebody
17 had to pay for this license, they would be more willing to
18 report if there was an issue there.

19 MR. SIKORSKI: Just one point along those lines.
20 There is a large public contribution, public tax dollars, to
21 oyster management so it would lead you down the road of
22 saying, you know, we all kind of pay. Since we are not
23 selling them, we are not making a profit off of them, if we
24 are following the law, then --

25 MR. HARDY: We have got to buy every license anyway.

1 | If it is increasing a burden on the DNR to go through this
2 | process, I don't find it unrealistic that somebody who would
3 | need to buy a license for whatever I would have no complaints
4 | about having to pay for that license. I pay for every other
5 | license I get.

6 | MS. DEAN: But I don't think we wanted that to be
7 | the number one hang-up at all.

8 | MR. GOLDSBOROUGH: Accountability is the main thing,
9 | and it sounds like there are enforcement issues too, and our
10 | friends from NRP are back there taking it all in too. Do you
11 | have clear enough signal from us, Sarah?

12 | MS. WIDMAN: Yes, we are good. Penalty Workgroup
13 | had its annual meeting. As NRP pointed out, they are moving
14 | to this e-ticket scenario so we are going to see some vast
15 | changes on how the fine schedule is done because now it is
16 | going to have to go to the sub-, sub-, sub-, subsection of
17 | every little thing that we do.

18 | So because of that, we didn't do a lot of fine
19 | schedule discussion this year because we wanted to kind of see
20 | how that plays out over the course of this year. So we have
21 | some minor suggestions.

22 | The interstate wildlife violator's compact is
23 | something that you guys may have heard about before. We are a
24 | member of it. If you get suspended in our state, you should
25 | be suspended for a similar activity, either hunting or

1 fishing, in 45 other states, soon to be 49 others states.

2 And we are now working on being able to implement
3 that where our system will be able to check against -- every
4 time you go in and log in to --- your encounter we do, it will
5 run an automatic check against that compact to make sure that
6 there shouldn't be a restriction on your account.

7 So we are moving toward that implementation in the
8 next couple of weeks. It has always been something we could
9 do. It was just actually being able to fully implement it was
10 an issue so we have gotten to that point and we are working on
11 that. Just so you guys are aware if you hear things. We are
12 trying to do some outreach to remind people that this does
13 exist and we do participate in it. But now we are going to be
14 implementing it kind of full scale.

15 And then we just talked about some penalty changes,
16 the norm. You guys should have the summary of this meeting
17 but just things that happened throughout the year. Most of it
18 boils down to, because we broke out all the fines into the
19 sub-, sub-, subsections, we need to make sure that the fine
20 schedule and the penalty schedule match up.

21 In many cases we are actually going to adjust the
22 fine tiering to match up with what we already have in the
23 penalty schedule since there seems to be a lot of agreement on
24 what is in the penalty schedule. That is work for our staff
25 to flesh out and get over to the district court judge to sign

1 off coming up here in a few more weeks.

2 So that was the penalty meeting. And then you guys
3 have a handout for reg stuff. We didn't do a lot of
4 regulations, so if anyone has questions on that or the
5 scoping -- we went through a number of the scoping items in
6 the presentations I just did.

7 Certainly noting the recreational oystering one, but
8 certainly if you have other suggestions on anything we are
9 scoping, you can let me know tonight or shoot me an e-mail and
10 we can work on that.

11 MR. GOLDSBOROUGH: Any other feedback for Sarah?

12 MS. WIDMAN: For scoping items, if we could hear
13 back from you guys by a week from now that would be great if
14 you want to talk about any of it just so we can get those --
15 there is a lot on here. My staff is going to be pretty busy
16 so I just want to make sure they can get the ball rolling.

17 MR. GOLDSBOROUGH: Thank you, Sarah. All right,
18 Roger.

19 ***Black Bass Advisory Subcommittee***

20 ***by Commissioner Roger Trageser***

21 MR. TRAGESER: The subcommittee had its first
22 meeting the beginning of this month, July 6. It was our first
23 meeting. We have 13 members on that subcommittee. We haven't
24 picked a chair or a vice chair yet. We figured we would get
25 one meeting under our belt, see what individuals may have

1 surfaced that create better candidates because we don't know
2 each other all that well.

3 Some of us know some of the other guys from our
4 Black Bass Roundtable Conference but this committee is going
5 to be a little bit more formal than that one was and take on a
6 lot more responsibility.

7 We have got another meeting coming up shortly. Oh,
8 it is August 9. So we are on a little bit of a fast track
9 because that committee is working with this committee, and we
10 have a handful of items that we have to pore through that will
11 impact probably regulations that want to be set up in 2017
12 that obviously are going to have to come before this
13 commission for discussion as well.

14 So our Black Bass Advisory Subcommittee is going to
15 put a little bit more work on the table for this commission,
16 and that might even be more reason for this commission to
17 consider additional meetings because there is going to be more
18 work that we have to do.

19 Right now, I think our meetings were -- once we get
20 sort of over the hump and we get into something a little bit
21 more regular, they were going to sort of mirror the dates that
22 the commission meetings have. So we would have a meeting just
23 prior to the commission meeting so there would be somebody who
24 can come back and report from that Black Bass.

25 Now whether the number of meetings change for this

1 One of our initiatives of 2016 was to conduct an
2 angler preference survey. And our original focus or goal was
3 to hire a research economist and conduct an angler preference
4 survey. And we were going to have meetings in the fall, which
5 we did. And we all got together, about 10 of us got together
6 with Scott Knoche, Dr. Scott Knoche with Morgan State
7 University, and talked to him about the kinds of information
8 we would like to see come out of this survey.

9 And he was going to work on the design, make sure it
10 was scientifically valid, develop the survey, implement the
11 survey and, you know, present the results. And through our
12 discussions, you know, we had some issues or desire to find
13 out information specific to brook trout in the upper Savage
14 River. The regulations that are in place -- no bait, zero
15 creel -- and how anglers feel about the fishery now after the
16 regulations have been put in place.

17 So we really wanted to drill down and what we
18 realized through our discussions was we couldn't have just one
19 survey to answer the suite of questions that we had in front
20 of us.

21 And so what we decided to do was implement two
22 surveys under the direction of Scott Knoche, the research
23 economist with Morgan State University. So we are going to
24 give two presentations today. So Scott is going to cover the
25 general angler preference survey -- the design of it, what

1 benefits do you yield from a survey, the design of the survey
2 and some other details.

3 And Al Heft, who is our cold water specialist for
4 inland fisheries -- works out of the Appalachian Lab in
5 western Maryland -- is going to present the wild trout angler
6 preference survey, the impetus for the survey and some of the
7 results, preliminary results. So with that I guess I will
8 turn it over to Scott. Go ahead, Jim.

9 MR. GRACIE: Just one comment to add. The
10 commissioners may not be aware but the Brook Trout Management
11 Plan has been extremely controversial as a result of some
12 local opposition to it all this time. So this survey was
13 important because it looks like there is an awful lot of
14 widespread support for it with local opposition in a small
15 group.

16 ***Overview/Results of General Angler Preference Survey***

17 ***Scott Knoche, Morgan State University***

18 ***Patuxent Environmental and Aquatic Research Laboratory (PEARL)***

19 MR. KNOCHE: Hi, everybody. As Tony said, I am a
20 research economist at Morgan State University. I actually did
21 a post-doc appointment as part of the Department of Natural
22 Resources Fisheries Division as well from the beginning of
23 2014 through the middle of 2015. I have since moved on to
24 Morgan.

25 Tony did a great job summarizing it and so I will

1 just jump right to it here.

2 (Slide)

3 Why do a survey? Well, I think a lot of us are
4 seeing little survey things all over the place. You can get a
5 free cookie from Subway. Fill out the survey and keep your
6 receipt. Dunkin Donuts. If you call Comcast or Verizon, you
7 are getting, you know, hang on at the end of the call and we
8 will ask you some questions about your experience.

9 So private corporations are spending hundreds of
10 millions of dollars doing this. They are hoping to improve
11 their product offerings and improve services.

12 Nontidal anglers are an important customer of the
13 Maryland DNR Fisheries Service, and we need to know more about
14 them in order to serve that customer well.

15 (Slide)

16 So thinking about the Maryland angler as a customer,
17 what we do know, which is admittedly not a whole lot, is we
18 what licenses people buy. 133,000 people bought either a
19 nonresident or resident nontidal license in 2015. They are
20 short term, so they are 3-days and 7-days at 16,000. Then you
21 have got the seniors at 27,000 so 176,000 people bought a
22 license that allowed them to fish in Maryland.

23 We don't really know, we don't know a whole lot
24 about what they are doing. For seniors, we don't even know if
25 they are fishing in nontidal waterways. Maybe they are. Many

1 of them are not. We do know which anglers are fishing for
2 trout via the trout stamp. That is not really enough to
3 create, maintain and enhance exceptional nontidal fishing
4 experiences. We need more information about our customers.

5 Information on participation, which is the number of
6 trips. What species are people fishing for? What are their
7 favorite fishing locations? What are their preferences for
8 regulations? Are they satisfied with their fishing
9 experiences? How much money are they spending on their trips,
10 which can feed into an economic impact analysis for popular
11 fishing areas like the Gunpowder, like Deep Creek Lake and so
12 forth.

13 (Slide)

14 Now I am moving a little bit into survey rationale,
15 survey development. Talk about data collection here. So our
16 objective is to cost effectively collect management-relevant
17 information on these anglers. What we want to do is draw
18 scientifically defensible conclusions, which can characterize
19 the population of anglers.

20 It is just not enough to put a survey on the
21 angler's log or the Website. There are a host of biases with
22 approaches such as that, that I am going to get into in a
23 moment. So we are trying to do this in a way to characterize
24 how the nontidal angler population views -- is interacting
25 with the resource and views its fishing experience.

1 So what are some impediments to achieving this
2 objective of characterizing the population in a fair,
3 objective, valid way? Sampling error is one. I think many of
4 you who peek at the national election polls may see that
5 margin of error. That is what you are seeing right there.
6 You are seeing the sampling error.

7 That is an error that comes from not asking every
8 single person what they like to do, where they like to fish,
9 and so forth. You have a coverage error, when you don't
10 include all elements of the population.

11 So if you are missing people. Maybe the compass,
12 there is an issue and some people are not in there. Some
13 people are in there twice. So there is a lot of cleaning to
14 make sure everybody who is in there, and in there once, bought
15 a license.

16 Measurement error, when people don't understand the
17 question or misinterpret it. And then you got nonresponse
18 error, and that is when people who respond are fundamentally
19 different in a way that matters to the survey than people who
20 don't respond.

21 So for example, if Garrett County people respond at
22 twice the rate, and they have a different way of interacting
23 with the resource, then that is an error in the survey. We
24 are trying to characterize a whole population.

25 So there are weighting measures you can use to

1 counteract that error when describing the population.

2 (Slide)

3 So as far as survey development, this is a
4 mixed-mode survey. That means it is Internet and mail. It is
5 a combination. I will get into that more in a bit. We worked
6 closely with fisheries service personnel to develop and refine
7 the survey structure.

8 Some people here may have been part of some of the
9 pretesting I did. I am not sure but I did 18 hour-long
10 interviews, in which a person took control of my computer,
11 took the survey, the online survey on my computer. I watched
12 them. We stayed on the phone during the whole process. And
13 afterward we had an in-depth discussion on survey
14 comprehension.

15 That is to minimize measurement error. Are people
16 understanding these questions and answering them the way --
17 interpreting them in the way that is desired? So there were
18 no major issues identified there. Just some minor changes.

19 (Slide)

20 Now sampling and mailing: This is a random sample
21 of individuals permitted to fish during 2015 in nontidal
22 waterways. Due to the uniqueness of having two concurrent
23 surveys -- this brook trout survey, an independent survey,
24 went out at the same time -- we split the sample and did a
25 random selection to split the sample so that we wouldn't

1 | overlap.

2 | That could potentially confuse anglers when they are
3 | getting multiples notices for different surveys. We were
4 | concerned about that and we addressed that. There were four
5 | contacts, and that is to minimize response bias. It has been
6 | shown that people who respond first are probably more avid
7 | anglers so we hit them with four different contacts.

8 | A letter with the survey with a Web address they
9 | could type in to access the survey. Two reminder postcards,
10 | and as folks responded they were eliminated from the mailing
11 | of course.

12 | And then a fourth mailing for people who maybe are
13 | not Internet savvy, we mailed them a survey booklet with a
14 | business reply mail envelope. They could take the survey, the
15 | hard copy, fill it out, put it in the envelope and shoot it
16 | back to me.

17 | The response rate was 24.5 percent. We got 936
18 | responses so far. That is okay. I was hoping for better.
19 | Everybody always hopes for better. It is in the range of what
20 | surveys are right now. There is a lot of survey overload, as
21 | I talked about earlier. Everybody has a survey they want you
22 | to take so that has been challenging.

23 | And I think I have gone seven or eight minutes, my
24 | guess, by now. If I start going too long, shout at me or
25 | something. So I am going to take you through five or six

1 | slides, just snippets of the survey.

2 | (Slide)

3 | Emphasize nontidal. We surveyed nontidal anglers
4 | and the seniors, people who bought that nontidal license. We
5 | weren't interested in the tidal results just because there
6 | was no way to characterize the total population unless you
7 | include the bay/coast license purchasers.

8 | So we really drilled home early in the survey, this
9 | is the difference between tidal and nontidal waterways. Most
10 | people know that. Some might not so we dealt with that the
11 | best we could.

12 | (Slide)

13 | People still told me about their trip fishing for
14 | rockfish on the Chesapeake Bay, that is for sure. Not that
15 | many, thankfully.

16 | Page two, I prompted people to think about a recent
17 | fishing trip during a particular season, just to get them
18 | thinking about, you know, the particulars, the nature of the
19 | trip. Where they went, how many fish they caught, what
20 | species they targeted, some other factors. I included a
21 | couple on this slide here about satisfaction.

22 | Were you happy with your catch? Did it meet or
23 | exceed your expectations? How about environmental quality?
24 | Did that meet or exceed expectations? Was fishing the primary
25 | reason for taking a trip to this area? Then you can see the

1 expenditure categories down there below as well, which, as I
2 mentioned, can feed into an economic impact analysis.

3 One interesting preliminary finding there is that
4 Deep Creek Lake, it is a popular fishing destination, and
5 while most anglers, the vast majority, don't take overnight
6 trips, many anglers who fish at Deep Creek Lake do, so -- and
7 many of those anglers who took an overnight trip, they
8 strongly agreed or agreed that fishing was a primary reason
9 for these weeklong vacations.

10 So how does that affect the management of the
11 resource? We have to be aware that the fishery, falling off,
12 could affect the economy in a big way out in Deep Creek.

13 (Slide)

14 So this page had some generic questions on the trips
15 throughout the season and the specific location for these
16 rivers and streams, the county fish, if multiple trips, and
17 the species targeted.

18 Below this on the same page asked about your trips
19 to lakes, ponds and reservoirs, so getting the whole gamut
20 there.

21 (Slide)

22 Here is a snippet of the methods and species page.
23 Which species did you fish for in 2015 and which methods did
24 you use? You can see the types of fishing: bait, lures,
25 flyfishing and then from the shore. With a watercraft with or

1 without motor or ice fishing.

2 So you can kind of see we are trying to understand
3 this population of anglers. We literally, we just do not know
4 very much about them. And serving your customer better means
5 understanding what your customer is doing and how they are
6 consuming the product, which is the fishing experience that we
7 are managing, providing.

8 (Slide)

9 Trout management is obviously important to the
10 nontidal folks here at the DNR so that was a big part of the
11 survey. We asked participation both in the past 10 years and
12 more recently.

13 About half of folks, for what it is worth, fished
14 for trout in the past 10 years who bought a nontidal license.

15 (Slide)

16 We had something -- I put something in the survey
17 called a choice experiment, which is a lot of work and is
18 pretty fancy but it -- I think it provides some very important
19 and very management-relevant insights into what people are
20 looking for when they go fishing.

21 So a choice experiment is a survey approach in which
22 people choose between two or more hypothetical products. You
23 have got product A and product B. Each product is described
24 by its attributes. Corporations use this all the time to
25 understand how demand would be for a new product, how it might

1 change if you modify different attributes.

2 (Slide)

3 So I ask you all really quickly to think about where
4 you would go trout fishing. So site A is one trout per hour.
5 Site B is two trout, and it is pretty obvious, you would
6 probably go to site B. What if site A is closer? Site A is
7 30 miles versus 60? And then finally you have got regs on
8 site A, it is lures and flies only, and B is bait is all
9 right. You are allowed to use bait.

10 Where would you go fishing? So by asking these
11 questions, varying these attribute levels throughout -- both
12 throughout the survey there were four of these questions, as I
13 will show you in the next slide. And then across different
14 surveys, with 84 survey versions, we had 336 different choice
15 scenarios that have different levels of attributes. And our
16 goal is to tease out which attributes are important and the
17 tradeoffs people are making.

18 (Slide)

19 So this is what people who took the survey saw.
20 There is a lot there. This was something that I worked hard
21 on the pretesting to address issues and made some changes to
22 make it a little, what I thought was an improvement and more
23 easily interpreted.

24 So there are different characteristics. There was
25 lake or pond versus river or stream. Type of trout, catch

1 rates, trophy possibilities. Different regulations and
2 driving distance. Where would you go fishing?

3 There was also a follow-up question whether you
4 prefer the fishing site above to your own regular spot or
5 whether you would just prefer to do something else.

6 This is what one person saw. This is a survey
7 version 1 out of 84. You can see how these things are
8 changing. 15 minutes in 4 hours. 1 trout per hour in 4
9 hours. 45 minutes for a trout and 1 hour for a trout and all
10 these other regulations are changing at the same time.

11 The key thing that we are getting at here is
12 relative preferences. We could ask somebody whether or not
13 they like to catch big fish, and they could say yes. You
14 could ask somebody whether they would like to catch a lot of
15 fish, and they would say yes. But what is the tradeoff? At
16 what rate do you prefer to catch more fish versus catch bigger
17 fish?

18 Those relative preferences are achieved in an
19 experiment like this that really can't be addressed in
20 other -- using other methods.

21 (Slide)

22 I know there is a lot there. And I am sure you guys
23 are just kind of, well, that is a little bit crazy or
24 whatever. But -- and if anybody has more questions, feel free
25 to talk to me afterward so I can run through it with a lot

1 more detail on that. But just to keep things moving, we
2 followed up. Participation is an issue obviously. We want
3 people to go fishing, buy licenses.

4 So what are the constraints? What would make you go
5 fishing more often in Maryland? If you could catch more fish?
6 If access were better? If you had more leisure time? And a
7 variety of other types of questions.

8 (Slide)

9 So here is the progress and next steps. Data entry
10 is complete. Data cleaning is near completion. As I was
11 telling Tony the other day, you wouldn't believe how many ways
12 we can spell the river Youghiogheny. Youghiogheny is spelled
13 20 different ways probably and not always with a Y at the
14 beginning.

15 So the point is data cleaning is challenging. I
16 have an intern on that right now working on a lot of those
17 issues. She is almost done. The report is under development
18 to finalize that this fall/winter.

19 And then finalize this trout angler site choice
20 model as well. So that is the survey. Some rationale and
21 content and just a little bit of results but we are still
22 working to finalize everything there.

23 MR. GOLDSBOROUGH: Great. Thank you. Questions for
24 Scott?

25

Questions and Answers

1
2 MR. GRACIE: Just one. The implication of the way
3 you split this indicated that you weren't differentiating
4 between people who bought trout stamps and people who didn't.
5 Were you?

6 MR. KNOCHE: In what terms? For like with respect
7 to the other survey?

8 MR. GRACIE: You are using the compass information,
9 which tells you whether or not somebody bought a trout stamp
10 as well as a license.

11 MR. KNOCHE: Right, I know that. I know that. But
12 for this survey, we are not interested in the trout stamp. We
13 are interested in nontidal license purchasers. So what is --

14 MR. GRACIE: So you did not differentiate between
15 whether or not they bought a trout stamp.

16 MR. KNOCHE: Not in this survey, no. This survey is
17 nontidal.

18 MR. GRACIE: That was my question. Thank you.

19 MR. GOLDSBOROUGH: Anything else?

20 (No response)

21 MR. GOLDSBOROUGH: I appreciate your going through
22 that so concisely. You covered a lot of ground.

23 MR. KNOCHE: I had a lot to go through, and I could
24 have spent a half hour on that, and I know that nobody wanted
25 that.

1 MR. GOLDSBOROUGH: That was good information. Thank
2 you.

3 MR. DAMMEYER: If a corporation were to send out a
4 survey, a Dunkin Donuts survey, what is kind of the rate of
5 response?

6 MR. KNOCHE: It varies. If they generic like blast,
7 spam-mail somebody, it is probably less than one percent. But
8 if it is targeted -- you know, we appealed to people's
9 interest in the resource in all the contexts.

10 Your opinions are important to us. You are part of
11 a small, scientifically selected population in order to
12 understand how all Maryland anglers feel about fishing,
13 nontidal fishing. So you appeal to their heartstrings a
14 little bit and protection of the resource and so forth.

15 MR. GOLDSBOROUGH: Thank you.

16 MR. LANGLEY: I thought 25 percent was pretty good,
17 really.

18 MR. KNOCHE: Yes, nowadays it is. 4 years ago I got
19 45 percent in Michigan on a similar survey. In that survey we
20 put a \$1 bill in each envelope, which Tony wouldn't let me do
21 for this survey.

22 MR. GOLDSBOROUGH: Thank you, Scott. We may have
23 more questions for you but let's hear from Al Heft. We have
24 another survey.

25

1 ***Overview/Results of Wild Trout Angler Preference Survey***

2 ***Al Heft, MD DNR Fisheries Service***

3 MR. HEFT: So Tony introduced a little bit of the
4 issue that kind of generated this survey. Jim talked on it a
5 little bit.

6 This -- driving down here, I was thinking about this
7 is the fifth time I have come and talked to sport fish
8 commission related to Savage River brook trout issues.

9 (Slide)

10 As you can see from the slide here, the survey was
11 officially called a wild trout angler but it was initiated by
12 trying to respond to a need that we had for answering
13 questions with the Savage River watershed that we are managing
14 with a special regulation.

15 (Slide)

16 So it started out brook trout focused. We had our
17 first meetings with staff trying to figure out what questions
18 we wanted to ask. Pretty simple, really, the kind of stuff we
19 wanted to ask. Do you like the reg? Do you fish in that reg
20 area? Pretty simple stuff.

21 Then we realized we have got about five questions.
22 If we are going to make people answer a survey, we might as
23 well get some additional information. So we added a few
24 questions, wild trout in general, but basically it is a brook
25 trout survey, trying to focus on getting the answers for the

1 Savage River watershed.

2 (Slide)

3 Really quick, we put an entire watershed under a
4 no-kill regulation. A lot of reasons we did that. First off
5 was conservation. Brook trout are a declining resource in
6 Maryland. We are way less than half now of brook trout
7 streams that used to support brook trout that still support
8 them. It is a declining resource. Our brook trout are in big
9 trouble.

10 Those of you who have been here for a while, you
11 have heard me say this several times, beating the drum on
12 that. Not just in Maryland. Range-wide from Maine to
13 Georgia, brook trout are in trouble. A lot of effort being
14 done to try to conserve them.

15 So three things we really need to focus on for
16 managing brook trout in Maryland. Conservation, the value of
17 it. Things that will help conserve these fish for the long
18 term. The biology -- we have got to understand what we are
19 doing with the biology. We have got to understand how many
20 fish we have out there, what our population levels are, what
21 our frequency distributions are, things such as that related
22 to biology.

23 And the third thing is the social aspect of it.
24 This is a recreational resource. We are not just conserving
25 brook trout so we can look at them. There is a desire and a

1 | tradition to fish these things and get enjoyment from them.
2 | So we have the conservation covered well. We have got the
3 | biology of these fishes covered well.

4 | We have spent a lot of time and money over the last
5 | 10 years studying these fish statewide, and we are still doing
6 | that. But where we were lacking particularly was the social
7 | aspects of it. Jim mentioned there were some controversy with
8 | this regulation. When this regulation went into effect, this
9 | resource is in Garrett County, one of our more enlightened
10 | counties. There is probably nobody here other than me from
11 | Garrett County. It is tongue in cheek.

12 | That is hard-core fishing and hunting tradition up
13 | there. They don't like change. Not many of us do. So we put
14 | in a regulation that pretty much flew against a lot of what
15 | they had grown up thinking and hearing out in that area. And
16 | it caused some backlash.

17 | It was well-received for the most part but there was
18 | strong backlash. We got a lot of feedback. People weren't
19 | happy about it.

20 | (Slide)

21 | Don't even need to get into this really. We had
22 | some social support numbers from our public meetings. We had
23 | a lot of reports from anglers once we put this regulation in.
24 | It went into effect January 1, 2007, so it is almost 10 years
25 | now.

1 Lots of reports and calls, people saying they loved
2 it. But we were still getting feedback that people weren't
3 really sure of it, and what we didn't have was a statewide
4 survey trying to characterize who was fishing the Savage, how
5 they feel about the Savage. Did they like the regulation or
6 not?

7 You know, it is one thing for us to put a slide up
8 there showing all the positive comments. Well, we don't have
9 anything to show that there is any kind of statistical support
10 for that. It was just what we were hearing from the public.
11 So we realized we needed to do something. We needed to fill
12 in this third leg of this three-legged stool so we know
13 exactly what people feel and what is going on with it.

14 (Slide)

15 So like I said, we started with a -- it was going to
16 be just brook trout, and we expanded it a little bit to
17 statewide. We only had 11 questions, and then the one
18 question that was probably the worst of all was please provide
19 us your comments. And I will probably regret that to my dying
20 day because they sure did provide comments. Holy cow.

21 I don't know how we are going to figure that out.
22 Scott is going to get paid extra for that one. We are either
23 the best biologists and the greatest agency in the world or we
24 are just the biggest bunch of idiots. We got all of it. It
25 was interesting. But a much simpler survey than Scott had to

1 deal with.

2 We had more specific questions we were trying to
3 answer so it was a little bit easier for us.

4 (Slide)

5 The goals were very simple. We wanted to know, what
6 did the anglers think about the upper Savage regulation? What
7 did they think about the fishing and the resource? Is it
8 better? Has it improved?

9 Then we thought some more and said, we could expand
10 this to our statewide regs. If they like the Savage, would
11 they support this kind of reg statewide? Trying to get a feel
12 for what trout anglers might think for our brook trout
13 resource statewide. Again, this is really focused on brook
14 trout, not your put-and-take fisheries, not things like that.

15 (Slide)

16 Really quick, some design, because I have got some
17 actual data that we can look at. We still have got a lot of
18 cleaning up like Scott was saying but I at least have some
19 numbers because our survey was so much simpler. It was much
20 easier to get some numbers. And I think that is what is
21 really going to interest you all, to see some of the results.

22 But we wanted to make sure we were scientifically
23 defensible. We always want to make sure that what we are
24 doing, we can stand up with a straight face and say this was
25 done the right way. That is why we had somebody else do it

1 from the university.

2 Similar to Scott, we sent mailings out to 4,000
3 anglers. The initial cutoff for those anglers was they were
4 either a senior angler or they had purchased a trout stamp so
5 we knew we were getting a whole pool of potential trout
6 fishermen.

7 Scott did magic on some kind of computer thing and
8 said we needed 380 responses. We met that. We ended up with
9 1,100, a little over 1,100 we got back, similar to what Scott
10 found. Almost exactly the same, I guess.

11 Same thing, we did it online initially. Then we
12 sent mailings out -- hey, we haven't heard from you. Here is
13 the Web address. Please respond. If they didn't do that,
14 then they got a hard copy and they were able to mail that
15 back.

16 And we got, as Tony can attest to, we got a
17 tremendous response with the hard copy coming back to us.
18 Lots and lots of data came back, written data. Again,
19 statewide, and as Scott says, still a lot of data analysis to
20 do, a lot of cleaning up.

21 We hope to have the final report late this
22 fall/early winter, and have this out to everybody.
23 Something like this I am sure will go up on a Website for both
24 inland and our brook trout Website will have the final report
25 or at least the summary up on the Website.

1 (Slide)

2 Survey question design: We started out in-house, a
3 bunch of biologists sitting around. That was highly
4 entertaining. Many times we went in circles trying to see
5 what we were actually saying, and then fortunately we had Matt
6 there. Many of you know Matt. He was able to shoot down
7 almost every question we asked, so that was great. But we got
8 there finally.

9 It was done inland, staff did it. We sent it to
10 Scott. He gave us comments. We sent it around, then we did a
11 couple tests with focus groups. A little bit different than
12 Scott and not nearly as intensive as Scott. We were doing
13 this ourselves within ourselves but we did get together with a
14 group of charter limited guys and more interested anglers,
15 kind of specialists.

16 They looked at it, and then we took it out to
17 another part of the state and had just regular anglers and
18 regular folks and some students look at to get different
19 feedback from a lot of different anglers, trying to see if
20 they understood what we were trying to say.

21 It actually came out pretty well. Most people
22 seemed to get it. We edited it and got all that done and off
23 went the survey.

24 (Slide)

25 So really quick, here is the meat of it. And these

1 are paraphrasing the questions. The questions are actually
2 written much longer. This is just trying to get you to the
3 meat of what we are trying to think.

4 So the first thing we wanted to do, we had it dialed
5 down, wild trout angler versus a stock trout angler. Stock
6 trout anglers, if they are specifically only fishing for stock
7 trout, they still have to buy -- they have to buy a trout
8 stamp but we are not looking for their opinion per se on wild
9 trout because they don't fish for them.

10 So we wanted to weed out who is our wild trout
11 fisherman? Who is our stock trout fisherman? And then from
12 that point we would take the wild trout fisherman on to the
13 brook trout questions and the wild trout questions, and stock
14 trout fishermen went to a different section, on to the last
15 question where they typically wrote three or four paragraphs.

16 So it ends up being -- you are going to see numbers
17 here. And these are actual raw data. They haven't been
18 weighted. They haven't been cleaned up. We will work the
19 magic on them here this fall hopefully. But you are seeing
20 actual responses.

21 And each slide I show you, the responses will be
22 different because people didn't have to answer a question. If
23 they didn't feel like answering it, they could skip it and go
24 on to the next question. So there are never the same, exact
25 same numbers for each question. And you will see that as we

1 go through.

2 So the first thing, to weed out the stock trout from
3 the wild trout fishermen, ends up being that 67 percent of the
4 people who responded, raw data, reported that they fish for
5 stock trout and wild trout. So that is our biggest chunk of
6 fishermen.

7 We got a bunch of guys who like to fish for a little
8 bit of everything, which is not a shock. The number of people
9 who are only wild trout only, the purists. They don't fish
10 for stock trout, just wild trout, was 8 percent. 80 anglers
11 responded. That was pretty low. I was maybe a little bit
12 surprised at that.

13 25 percent of our anglers said they only fish for
14 stock trout. They don't fool with anything else. So that
15 gives us an idea of our angling population but more
16 importantly it enables us to take our wild trout fishermen to
17 the next set of questions where we really want to get some
18 information from them.

19 (Slide)

20 So getting into the Savage stuff, one of the
21 questions we asked, you know, have you fished the Savage River
22 watershed since this regulation went into effect? And 85
23 percent who responded, 641 anglers we got a response from,
24 said, no, they haven't fished the Savage.

25 That is not a shock either. This is way out in

1 western Maryland, far away from population centers. I
2 actually thought it would be lower than this. This is pretty
3 good. So 15 percent of the people who say they fish for stock
4 and wild trout or wild trout only actually have fished the
5 Savage. I think that is a pretty substantial number.

6 Again, we will fool with this a little bit but that
7 gives us an idea of, out of our statewide trout fishermen
8 pool, this is how many are out there fishing that Savage River
9 watershed. And for the vast majority of Marylanders, this is
10 several hours or more away. So people are traveling.

11 (Slide)

12 So the next question is, has fishing improved in the
13 upper Savage since 2007? This is an opinion question. Of
14 course, there is no way to quantify this but this is the
15 angler's opinion of the question. So we had 143 responses in
16 this because this is much lower because a lot of the anglers
17 have never fished, from the previous slide, have never even
18 fished in the Savage so they didn't even answer this question,
19 which is what they are supposed to do.

20 But of the people who have fished in the Savage and
21 answered the question, 76 percent of them felt that fishing
22 had improved since we put this regulation in. So that is a
23 pretty good number. That says, as a fisheries manager, yes,
24 you know, the impression from the people who are fishing it is
25 pretty good.

1 So again that will get cleaned up a little bit but
2 that gives you an idea of what the people thought of the
3 fishing in the Savage.

4 (Slide)

5 Now here is another question. This is, again, an
6 opinion question. We asked the anglers, do you think that or
7 do you agree with the fact that we put this regulation on? Is
8 this a good thing? Agree with it or disagree with it. Even
9 though 76 percent said they felt that fishing was better, 92
10 percent felt that this was the right regulation.

11 So I think that is very strong support statewide.
12 This is a statewide question or statewide pool, of course, and
13 92 percent, 373 anglers, responded that they agreed with this
14 regulation. So that is -- you don't get much stronger support
15 than that in fisheries management for that type of regulation.

16 (Slide)

17 This is one of the more wild trout in general
18 questions, although it really focuses on brook trout because
19 most of our wild trout are brook trout out there. But do
20 anglers agree with the current statewide regulation?

21 Our current statewide regulation outside any kind of
22 special management is two fish per day, no closed season. No
23 minimum size. You know, you can have at them year round, two
24 fish per day.

25 About split half and half. About 55 percent said,

1 | yes, they are fine with the regulation as it is currently. 37
2 | percent felt that they wanted a stricter regulation. They
3 | thought it wasn't restrictive enough. And 8 percent, the
4 | least percentage, felt that it was too restrictive. And that
5 | regulation has been in effect for a long, long time.

6 | So again I think it shows strong support for
7 | protecting wild trout, brook trout in general.

8 | (Slide)

9 | So another question we wanted to get a feel for, one
10 | of the things with conservation in a declining resource such
11 | as brook trout is, you know, what do we do to protect these
12 | things to the maximum amount and still allow for recreation?

13 | So one of the questions we asked of anglers: Would
14 | you support special regulations for brook trout statewide? If
15 | we came out and said, hey, guys, we are really concerned about
16 | brook trout. We want to do something to try to protect them
17 | as much as we can, even if the biology in certain areas is
18 | still good and they can probably still support harvest. You
19 | know, would you support something like this?

20 | And it ends up being that 85 percent of the people,
21 | 491 anglers, agreed that we should probably go with more
22 | restrictive regulations statewide. So I think it has given us
23 | some insight into how our wild trout anglers feel about these
24 | resources and, you know, how special I think these wild trout,
25 | especially brook trout, are to these fishermen.

1 (Slide)

2 Then we asked, of the people who responded that they
3 thought we should implement, you know, brook trout regulations
4 statewide, and more restrictive, we said, well, how would you
5 like to do that? What would you be looking for? The number
6 one response for that was catch and release only, very popular
7 regulation in the fishery management world, inland especially.
8 You just catch and release only.

9 There was some support for tackle restrictions, some
10 closed season support and then just decreasing the creel
11 limit, which would go from two to one or otherwise it is the
12 fact of catch and release.

13 So catch and release, again, which is the same
14 regulation that we implemented in the Savage River, is what
15 came out as the strongest supported regulation idea.

16 (Slide)

17 So then we wanted to know from our anglers, why do
18 they even care about brook trout? What is valuable about
19 going into a tiny stream, crawling underneath rhododendron and
20 catching five-inch fish? What is so neat about that? Why do
21 people want to do that and spend all that money?

22 There is a lot of value from a recreational
23 standpoint. And what this shows is just being out there where
24 these fish can live, and be and grow and survive has value to
25 it in and of itself. It is not so much, I think, that they

1 are catching brook trout. That is nice extra especially now
2 that you can go to the Savage River and catch 14-inch brook
3 trout, which is as good as anywhere in the country.

4 It is spectacular fishing, to be honest. But it
5 just shows, you know, the value of -- what these anglers who
6 care about this resource, why it is so important to them.
7 Natural surroundings, less crowded, it is unique. They like
8 the conservation, and there is some challenge to it. We laugh
9 but it is hard to crawl up in a brook trout hole and not spook
10 every fish in the hole and still catch some.

11 What is interesting here, you know, one of the
12 conflicts we had with the locals was not only did we make it
13 catch and release, we took away the ability to use bait to
14 catch these fish because the literature and the research had
15 shown you are going to have higher mortality of release fish
16 if you use bait.

17 And so we had taken that away, and that was a big
18 trigger for them. But the survey also kind of indicated that
19 harvest is the least important. Of all the different value
20 that people put on brook trout, harvest was by far the least
21 important value.

22 So there is a lot more to some resources than taking
23 them home and cooking and eating them. Not that, that is a
24 bad thing, but our anglers, they reported that was the least
25 important to them.

1 (Slide)

2 So one last question we went to. One of the things
3 we do, we still in Maryland, we stock hatchery trout on top of
4 wild trout populations in some instances. It is not a policy
5 that we promote but it is something that has occurred over
6 time for many, many years. And way back before we even
7 thought about wild trout. Back in Ray's day, back in the
8 1910s and 1920s.

9 But we have been doing this for a long time in a lot
10 of places. I think about Bear Creek in Garrett County. That
11 has been stocked ever since we were stocking trout in Maryland
12 and it has wild trout in it.

13 So we wanted to know, what do people think? In
14 general, that is not a good practice for the wild trout. It
15 doesn't -- it certainly doesn't help the wild trout fishery
16 and in many cases it can harm the wild trout fishery. So we
17 wanted to ask and see what our anglers thought about, you
18 know, should we be considering changing or modifying how we
19 stock fish to make sure that we shouldn't be stocking over
20 wild trout, or at least consider that.

21 So that was pretty much evenly split. It is kind of
22 interesting. About half of them thought we should stop
23 stocking if there were wild trout, and the other half said,
24 no, keep stocking it.

25 It doesn't mean we can't consider other options

1 | where we modify it, and that is why the question was modify.
2 | But of those people who wanted to stop us, who wanted to stop
3 | stocking where wild trout existed, 98 percent of them
4 | supported it, especially if it was brook trout.

5 | So I think it shows again that there is tremendous,
6 | tremendous support for the protection and conservation of our
7 | brook trout resource, and I think once we get this data
8 | cleaned up, I don't there is going to be big changes in any of
9 | these numbers. You know, a percentage point up or down, I
10 | hope, I think that is what it will be.

11 | But I think the survey really showed that there is a
12 | ton of support for trying to have more conservative
13 | regulations for brook trout. I think it clearly showed that
14 | there is strong support for the regulation that occurs in the
15 | Savage River watershed. And I think that is kind of the third
16 | leg that we have been looking for to our biology,
17 | conservation, social aspect stool.

18 | I think it pretty solidly puts us in -- we did the
19 | right thing and we are going to continue doing the right
20 | thing, especially in the Savage. And we may end up expanding
21 | it to other waters statewide as time goes.

22 | (Slide)

23 | Just some nice pictures here. I was joking about
24 | crawling around the stream and catching 5-inch brook trout.
25 | These aren't 5-inch brook trout. These are 12- and 13- and

1 14-inch brook trout from the Savage River watershed. And
2 there is really not much finer fishing in the eastern United
3 States than in the Savage River watershed. It is an amazing
4 resource we are blessed to have.

5 And so with that, I will wrap up with questions.

6 MR. GOLDSBOROUGH: Very good. It was so
7 captivating, I gave you extra time. John and then Jim.

8 *Questions and Answers*

9 MR. NEELY: Two comments, Chairman Bill. One, we
10 have incredible talent out in western Maryland. I have been
11 out to the Appalachian Lab twice since early May. Dr. Bob
12 Hildebrand, Alan, Matt Sell, and our own Ray Morgan are just
13 amazing with what they are doing.

14 And I am going to embarrass Ray but I have come to
15 find out that he is not only respected here in the state. He
16 is nationally recognized for his work in genetics with fish.
17 We are very fortunate to have him on this commission.

18 Secondly, the upper Savage watershed continues to
19 deserve our respect and protection. It is the largest intact
20 wild trout habitat and brook trout habitat south of Maine. It
21 deserves our continued protection. These guys are doing
22 amazing things out there. Thank you.

23 MR. GOLDSBOROUGH: Well said. Thank you, John.
24 Jim?

25 MR. GRACIE: How many trout stamps did we sell last

1 year? 60,000? If 15 percent of our trout stamp purchasers
2 visit the Savage, that number comes out to 9,000. That is
3 probably inflated. If you said plus or minus 5 percent
4 confidence intervals.

5 MR. HEFT: That is what I was saying. That is
6 higher than I thought it was going to be.

7 MR. GRACIE: Well, not all of those people fish for
8 wild fish so you cut the number down by that but you still
9 got --

10 MR. HEFT: It is still more than we thought. Now
11 Jim brings up a good point. We have 10 years of intensive
12 monitoring data. Again, nobody else in the country has this
13 kind of intensive data on a whole watershed like we have.

14 And one of the things we found when we first
15 implemented regulation was in areas where there was high
16 access, where a guy could park his car and get out and start
17 fishing a stream versus what we call low access, where you
18 actually -- in the Savage you might have to walk a mile and a
19 half to get into a low-access area. It is that far from a
20 road.

21 In those areas where it was high access, and this
22 was one of the triggers for us going down this road of
23 implementing this regulation, the high-access areas across the
24 board had lower numbers of fish and smaller fish. Over 10
25 years, that is starting to come back up. Since the

1 regulations have been in effect, our high-access areas are
2 improving biologically. They are rivaling the medium-access
3 areas. And then we have our low-access areas.

4 But the regulations are working both biologically
5 and now I think socially too. So I think we have done
6 something pretty neat here that we now actually have pretty
7 good scientific data to support, and now we have some social
8 data that should be scientifically defensible.

9 MR. KNOCHE: Yes, you try to minimize error wherever
10 you can. There are a lot of sources of potential error and we
11 try to minimize it wherever it might exist.

12 MR. GRACIE: Just to put some numbers on that, Ray
13 Morgan and the Appalachian Environmental Lab more than 20
14 years ago did some surveys on a number of brook trout streams
15 in the state. And the numbers of Big Run, which has -- got
16 really the whole length of it -- had numbers of less than 800
17 trout per mile. And Middlefork in the Upper Savage had
18 numbers of over 2,600 fish per mile.

19 So those are the inaccessible places. So that was
20 kind of the range. I don't know if you remember those
21 numbers. I have never forgotten them. They were amazing.

22 MR. GOLDSBOROUGH: Very good. Any other questions
23 for Alan or Scott?

24 (No response)

25 MR. GOLDSBOROUGH: Great information. And we are

1 not done with trout yet. Jim?

2 ***Wild Trout Subcommittee***

3 ***by Commissioner Jim Gracie***

4 MR. GRACIE: I don't know where we stand. Let me
5 just give you a little bit of background. Trout Unlimited has
6 come to me -- as you know, I have been a member for a long
7 time, so they naturally come to me knowing that I am on the
8 commission. They are having some discussions, some alarming
9 discussions, with the Department of the Environment on
10 reclassification of streams that are not classified as natural
11 trout streams currently.

12 The data has been submitted to MDE. They seem to be
13 holding back on making a decision. We had a big meeting with
14 them, and I was in that meeting. And they actually have
15 stated that they are going to change the policy. They have
16 got a permit decision coming up and it is a stream that is use
17 1, which means general uses, no special protection, called
18 Deep Run, which is a tributary, well, I guess it is in the
19 Patapsco Watershed.

20 And it has multiple year classes of trout. In other
21 words, it is a self-sustaining population. They are going to
22 issue a permit for that for a sewage treatment plant
23 discharge, and the problem is that sewage treatment plants
24 generally discharge water that is too warm for trout. And in
25 fact violates the temperature standard for trout streams.

1 We don't know if they are holding off on the
2 reclassification until after they issue this permit but in the
3 meeting they said they were going to issue the permit sometime
4 in August, and they don't think they are going to have the
5 classification change yet.

6 They had a policy that we were satisfied with on the
7 Web. They withdrew it about three or four weeks ago, maybe a
8 month ago. And it is back on the Web now but they told us
9 they weren't going to use that in this meeting.

10 What I have done is I have drafted a letter for
11 Bill's signature and what I would like is the commission's
12 support of a request to a decision maker at MDE to make a
13 presentation and have a discussion to clarify what they are
14 doing on reclassification before the Wild Trout Subcommittee.

15 So I would like the weight of the commission behind
16 that request so that they will take it seriously. Do you need
17 any more data on that, Bill, or more information?

18 MR. GOLDSBOROUGH: I think Paul is going to put it
19 up so we can see it. We got it just last night and you all
20 haven't seen it yet.

21 MR. GRACIE: Okay. I didn't realize that you were
22 able to do that. I saw that you hadn't given out copies.

23 (Slide)

24 (Pause)

25 MS. DEAN: I can read that. I have no problem. Do

1 | you mind?

2 | The Sport Fisheries Advisory Commission is concerned
3 | about the protection of trout streams in Maryland. Deep Run,
4 | the north branch, Patapsco, and tributaries of the west
5 | branch, Patapsco, are classified under Maryland's regulations
6 | as use 1P. They all have reproducing populations of trout,
7 | and we believe they should be reclassified as use 3P and
8 | afforded the protection necessary to protect the trout
9 | populations.

10 | Recent discussions between representatives of Trout
11 | Unlimited and the Maryland Department of Environment have
12 | resulted in statements from representatives of MDE to the
13 | effect that they do not necessarily agree with the requested
14 | reclassification to use 3.

15 | Apparently MDE is taking the position that if the
16 | temperature standards for use 3 are not being met, then they
17 | don't believe that they should be designated as use 3. The
18 | commission would like official clarification of the current
19 | MDE policy for such reclassification requests.

20 | A policy for considering reclassification to use 3,
21 | which was worked out with DNR in 2012, is attached. We are
22 | told it has been withdrawn. DNR has not been asked to
23 | participate in the discussion, either of the policy withdrawal
24 | or a new policy.

25 | In addition as far as we can tell, the policy in

1 effect, until its recent withdrawal, had no public hearing or
2 opportunity for public input.

3 I have attached a fact sheet that summarizes the
4 issues over which we are concerned. The commission would like
5 the opportunity to have a representative who can speak for MDE
6 on these matters, brief the commission subcommittee of wild
7 trout on MDE's position and procedures that it intends to use
8 when considering the reclassification of waters that have been
9 reproducing populations of wild trout.

10 MR. GOLDSBOROUGH: So this is a proposed letter from
11 this commission to MDE. Questions, comments from
12 commissioners?

13 *Questions and Answers*

14 MR. BLAZER: I am just trying to think of protocol
15 and procedure because this is an advisory committee to the
16 secretary of DNR. Should we send the letter to the secretary
17 of DNR asking him to engage MDE in this issue? I am just not
18 sure because --

19 MR. GRACIE: We are doing information gathering. I
20 don't think that -- we are not telling anybody to do anything
21 or advising anybody. We are asking for classification. So I
22 think it is okay.

23 MR. BLAZER: We will cc --

24 MR. GRACIE: We probably should cc Secretary Belton
25 certainly.

1 MR. BLAZER: We will let him know what you guys are
2 doing.

3 MR. GRACIE: Maybe we should cc Hogan. He is the
4 one who appoints us.

5 MR. GOLDSBOROUGH: All right.

6 DR. MORGAN: I think it would be very important to
7 have someone from MDE brief us on this because the thermal
8 question is a question in itself, but there are other
9 ramifications of discharging secondary treated effluent into a
10 trout stream that I don't think MDE is aware of, and they need
11 to start focusing on a little bit in some of the other systems
12 in the state of Maryland, especially Monocacy and Antietam
13 Creek.

14 MR. GOLDSBOROUGH: Jim, do you want to amend the
15 letter to ask MDE to come to our next meeting?

16 MR. GRACIE: I was thinking that, given our agenda,
17 we wouldn't get through this to anybody's satisfaction in this
18 setting. And that is kind of late anyway because they are
19 going to issue this permit sometime in August. Today is July
20 19 so our next meeting is not going to be before August is
21 over.

22 So I thought the subcommittee was small enough that
23 we could spend an hour and get the interest we need. If they
24 try to do it in this setting, you would give them 15 minutes
25 and we wouldn't finish.

1 MR. GOLDSBOROUGH: Okay, so maybe that will be
2 chapter two. I mean, I am sure the issue won't be over.

3 MR. GRACIE: And our Wild Trout Subcommittee will
4 certainly give you a report and a recommendation for further
5 action after we meet with them, I promise you.

6 MR. GOLDSBOROUGH: Point well taken, Ray. Any other
7 thoughts on this? Anybody have an objection to sending this
8 letter?

9 (No response)

10 MR. GOLDSBOROUGH: It shall be done then.

11 MR. GRACIE: Thank you. Do you want to vote on that
12 just so it is a matter of record?

13 MR. GOLDSBOROUGH: Well, I was taking it as a matter
14 of consensus. Seeing no objection?

15 MR. GRACIE: Okay.

16 MR. GOLDSBOROUGH: All right. We are not doing so
17 bad. I thought we would take much longer than that to get
18 through the agenda. It was a very ambitious agenda, and I
19 appreciate everybody's attention to keeping to our time as
20 best we could. I think we covered a lot of stuff.

21 I am going to open it up for any matters of other
22 business that is not set explicitly on here. Does anybody
23 have anything else to bring before the commission? Phil?

24 MR. LANGLEY: The only other matter that I would
25 like to address, for this board to start looking into, is the

1 water quality in the Chesapeake Bay, in the lower bay, the
2 migration patterns of these fish, and the lack of fish that we
3 are seeing in the lower bay.

4 Over the years it has been like an 8- to 10-year
5 pattern. I know --- has done quite a bit of work, and the
6 depleted oxygen levels that basically I am getting from their
7 research, you are saying that in the summer time, with algae
8 blooms, you know, it is hard to sustain life between, you
9 know, once you get deeper than 16 feet of water.

10 So these are some things that I think we drastically
11 need to look at in combination with -- PRFC is experiencing
12 it. With Maryland and even Virginia on the lower end.

13 MR. GOLDSBOROUGH: So you heard Phil's point. I am
14 not sure where to go with that because it involves several
15 different disciplines. I think it is a really important point
16 though. We do see odd distributions of rockfish in the
17 summer, and it certainly is one of the leading hypotheses that
18 water quality conditions may be one of the main factors
19 causing that.

20 I am not sure where we go next to try and sort that
21 out. You have any suggestions?

22 MR. BLAZER: Yes, let us talk to some folks. Dave
23 Goshorn is not here, Bruce Michael, some of the folks over in
24 RAS and some other units within DNR might be able to help us
25 out with some of that. We will research it and see if we can

1 figure out something to bring back.

2 MR. GOLDSBOROUGH: All the related topics in there
3 have been high-priority topics so I know there has been some
4 work looking at them. Maybe we can try to pull something
5 together for the next meeting.

6 DR. MORGAN: Our group at Cambridge, at the Horn
7 Point Labs, could possibly help.

8 MR. WOMMACK: Hey, Bill, I just want to piggyback
9 off of that. He said the lower bay but we need to look at the
10 whole bay.

11 MR. GOLDSBOROUGH: Oh, yes, it would be the whole
12 bay. All right, anything else? We are adjourned. Thank you
13 all.

14 (Whereupon, the meeting adjourned at 5:26 p.m.)
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