

Maryland DNR
Fall Meeting of the Sport Fisheries
Advisory Commission

Tuesday,
October 18, 2016

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Summer Meeting of the Sport Fisheries Advisory Commission

October 18, 2016

SFAC Members Present:

Bill Goldsborough, Chair

Micah Dammeyer

Rachel Dean

Mark DeHoff

Jim Gracie

Rob Hardy

Phil Langley

Val Lynch

Dr. Ray P. Morgan II

John Neely

Ed O'Brien

Chris Pittas (*proxy for Beverly Fleming*)

David Sikorski

Dave Smith (*proxy for James Wommack*)

Tim Smith

Roger Trageser

James Wommack

SFAC Member Absent:

Beverly Fleming

James Wommack

Maryland DNR Fisheries Service

David Blazer

Paul Genovese

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KEYNOTE: "---" denotes inaudible in the transcript.
 " * " indicates word is phonetically spelled.

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, let's bring it to order, everybody. All right, welcome to the Sport Fisheries Advisory Commission fall meeting. I am Bill Goldsborough, your chairman.

We have got a big agenda, a lot of stuff on it. But before I get to that, let's see. Dave, you have some announcements or updates?

MR. BLAZER: Yes, a couple quick things. Underneath tab one behind your agenda is a copy of our reorganization chart, if you will. At the last meeting we had mentioned that we were undergoing some reorganization here at DNR fisheries. There were basically three phases that were being considered. As part of that, fisheries and the aquatic program were the first phase, and this is kind of how fishing, fisheries, morphed into fishing and boating services.

So if you look at the org chart, it gives you the divisions within our unit: shellfish, fisheries monitoring and assessment, stock health, data management and analysis, legislative and regulatory review, stakeholder outreach and service, aquaculture and industry enhancement, boating

1 services and fiscal and management services.

2 So this is the organization that we are going to be
3 operating under now. We have been since -- September 1st, I
4 think, was our implementation date.

5 It gives us I guess a little bit more of a
6 horizontal structure than we have had in the past but we are
7 also trying to focus on some of the key initiatives of
8 stakeholder outreach and also some of the business
9 enhancement, looking at small businesses and how can we help.
10 Aquaculture, charter boats, tackle shops, tackle fishing, all
11 of those types of opportunities.

12 And also at the same time provide some efficiency
13 with combining our fiscal services with ours and boating
14 administration. So I wanted to give you just kind of our new
15 org chart. A lot of the functions have not changed. We have
16 just kind of moved the pieces around. It shows you kind of
17 where they are.

18 Most of the groups or teams that we have had are
19 still intact. We did not release anybody. No --- were
20 eliminated so we found places for everybody under this new
21 structure. And this is the way we will be operating from this
22 point on.

23 A couple other announcements. Our aquaculture seat
24 for sport fish is still vacant. If you know somebody who
25 might be interested in taking that seat, tell them that they

1 need to apply to the appointments office. If you have any
2 questions about how to do that, give us a call.

3 Also under tab one after the org chart is the fiscal
4 '16 budget report hot of the presses, the draft of it. We
5 wanted to get that to you all today. Or just recently we have
6 kind of been working on it up until I think yesterday. So
7 please read that and we will talk in more detail at the next
8 meeting but we wanted to get you kind of the draft of where we
9 are on that report and we can again talk about that at a
10 future meeting. I think that is it for now.

11 MR. GOLDSBOROUGH: I think we are all here or all
12 going to be here today. I know Jim Gracie is on his way.
13 That is the only empty seat I see. I want to thank a couple
14 of people who are here as proxies. Dave Smith is here for
15 Mack, and Chris Pittas is here for Beverly, okay? All right.

16 So I want to give the same admonition that I did
17 last time, and that it as usual we have got a really full
18 agenda, so I have to ask everybody to try and stay on point
19 and have concise remarks and questions and answers or what
20 have you, consistent with where we are in the agenda, to help
21 us get through it in a timely way.

22 All right. Dave, you want to come back on with the
23 meeting schedule?

24 MR. BLAZER: Sure.

25

1 *SFAC 2017 Meeting Schedule*

2 *by Dave Blazer, Director, MDNR Fisheries Service*

3 MR. BLAZER: Since I have come on board, we have had
4 some pretty packed agendas. And again today we have that. So
5 one of the things I have talked to Bill about and maybe some
6 of the other members is kind of going to a six-times-a-year
7 meeting schedule.

8 So we put together just kind of this draft idea.
9 You know, I think it is important that we maintain kind of the
10 quarterly schedule that we have now with meeting like the week
11 before ASMFC because we give you a lot of the information that
12 will be talked about prior to ASMFC.

13 So I think the timing of those meetings is
14 important. But we are talking about inserting two other
15 meetings.

16 (Slide)

17 So up on the screen is just some proposed dates.
18 You know, again the January, April, July, October -- those are
19 the times the week before ASMFC. But insert two additional
20 meetings, late May/early June timeframe, because that is when
21 we have the winter dredge survey results for crabbing. If we
22 are going to make some modifications to crabbing, that is when
23 we try to implement those.

24 Try to come back to the sport fish and tidal fish
25 and get approval, and we can make that kind of a blue-crab

1 centric meeting. Throw in other things as well.

2 And then in September, you know, again we are kind
3 of thinking oysters are just beginning. Would that be a good
4 time to talk about some of those things. Again just trying to
5 pace out a little bit more of the meetings and get more timely
6 information to you and also from you because we are finding a
7 lot of times, you know, if it is not this week, you know, say
8 six or eight weeks ago, geez, it would have been good to get
9 some feedback from sport fish or tidal fish about that.

10 So just wanted to throw that out to you all as an
11 idea, get some feedback. If you are okay with that, we can go
12 with it. If not, you know, maybe change. Just some feedback.

13 MR. GOLDSBOROUGH: Sounds good. Thank you. Any
14 questions or comments from the commission?

15 (No response)

16 MR. GOLDSBOROUGH: Very good.

17 MR. BLAZER: So are you okay with that?

18 MR. GOLDSBOROUGH: Yes, that is what we need.

19 Desired outcome, commission agreement. Is there any
20 disagreement?

21 *Questions and Answers*

22 MR. LANGLEY: No, there is no disagreement but I was
23 just going to make a comment. I know we have got 2:00 p.m. to
24 5:00 p.m. on the schedule. Is there any possibility of having
25 a later meeting at any time? I mean, particularly what raises

1 a red flag, what kind of hit us in the spring, is a lot of
2 guys, that is like in the spring season, most of them that are
3 the busiest, that you want the input from, a lot of times they
4 are on the water, and it is difficult to, you know, make that
5 2:00 p.m. timeframe.

6 Is there any possibility of possibly maybe one
7 meeting during the course of the year or two, you know,
8 putting back a little bit later start date? If not, I
9 understand. I am just throwing it out there.

10 MR. BLAZER: Whatever the commission desires. If
11 you guys --

12 MR. GOLDSBOROUGH: So we do that in tidal fish,
13 right? In the summertime --

14 MR. BLAZER: Tidal fish, their July meeting, they
15 start at 3:00 p.m. so they have some time on the water in the
16 morning. If you guys would like to do that --

17 MR. GOLDSBOROUGH: So if you want to propose
18 something specific within the schedule to that effect, Phil.

19 MR. LANGLEY: Yes, I would. Actually the April
20 25th, if it moves with a possibility of pushing that back
21 either to a 3:00 p.m. or 4:00 p.m. 4:00 p.m. would be better
22 but 3:00 p.m. would be better than 2:00 p.m.

23 MR. BLAZER: And I assume the same thing with the
24 May 23rd because you are still -- again, we are looking late
25 May/early June.

1 MR. LANGLEY: Right.

2 MR. GOLDSBOROUGH: Both of those meetings?

3 MR. LANGLEY: And I don't want everybody to change
4 their schedule because of the conflicts I may have.

5 MR. GOLDSBOROUGH: That is okay. That is why we are
6 here. Any comments on that? Thoughts?

7 MR. BLAZER: Is 3:00 p.m. better or is 4:00 p.m.
8 better?

9 MR. GOLDSBOROUGH: I think Phil said 4:00 p.m.

10 MR. PITTAS: 3:00 p.m. would probably be better for
11 some of them.

12 MR. GOLDSBOROUGH: Say that, Chris? 3:00 p.m. is
13 better?

14 MR. LYNCH: If we are going to six meetings, maybe
15 we can shorten the timeframe of the meeting. So have a 2-hour
16 meeting, let's say, 4:00 p.m. to 6:00 p.m.? And maybe even
17 make all the meetings 2 hours rather than 3.

18 MR. BLAZER: Well, I think that is kind of the idea.
19 Even though we put 5:00 p.m., if we have less agenda items,
20 maybe we will be done at 4:00 p.m. or 4:30 p.m. on those days.

21 MR. LYNCH: Well, if you put the time out there,
22 talk tends to fill it. So if we were to have a 2-hour agenda
23 with 6 meetings, I think that might make sense.

24 MR. LANGLEY: A very wise man whispered something in
25 my ear too. Have you ever thought about possibly moving that

1 April 25th up to maybe prior to the spring trophy season?

2 Maybe moving it up a week or two?

3 MR. BLAZER: We could probably do that, move it up a
4 week or two. You know, again, we are trying to keep the
5 timeline with ASMFC but if we just move it up a week, I think
6 that is --

7 MR. LANGLEY: Prior to opening day.

8 MR. SIKORSKI: You are missing the ASMFC October
9 meeting. And I think it is going to be that week if history
10 serves. And our commission meeting has always been prior to
11 that. Between the 10th and I would say the 18th.

12 MR. GENOVESE: I will look it up and move it back if
13 I have to.

14 MR. SIKORSKI: You may want to move it back a week,
15 the October meeting, earlier, a week earlier.

16 MR. NEELY: I was just going to say on our regular
17 quarterly meetings, we really need three hours but on the
18 centric meetings let's go with the two hours. That is my
19 personal choice.

20 MR. GOLDSBOROUGH: Is everybody good with that,
21 where we are?

22 MR. TRAGESER: Well, I just have a question about
23 the item at the bottom here. Alternate proposal? Was that
24 something in lieu of?

25 MR. GOLDSBOROUGH: I will speak to that. So the

1 department mentioned to us at the last meeting this idea of
2 doing six with the crab- and oyster-centric meetings. And
3 expressed a willingness to entertain other ideas if we had
4 any. Here comes Jim. Perfect.

5 I proposed this idea to Dave just for consideration,
6 for discussion, to put it out there. I have since talked to
7 Jim, and Jim, of course, has the longest experience with this
8 commission in a lot of different formulations over the years.
9 And he has the memory of an elephant. So -- and he has walked
10 in just at the right time. And if he catches his breath,
11 maybe he can speak to this --

12 MR. GRACIE: And if I know what I am talking about
13 it would help too.

14 MR. GOLDSBOROUGH: It is the issue of fresh and
15 tidal, a breakdown for sport fish. So Jim had a lot of good
16 thoughts about that based on his experience so I want to give
17 him a chance to share those.

18 MR. GRACIE: Hard to believe Jim had a lot to say,
19 isn't it? Well, I actually don't have the longest tenure
20 here. Ed O'Brien does. But at any rate I was around when the
21 commission form of government ended and we started the cabinet
22 level secretary under Tawes. And the enabling legislation for
23 this commission was changing to a commission that had hiring
24 and firing authority. It ran fisheries and wildlife, separate
25 commission, to advisory.

1 And the wording in the original bill, and it stayed
2 that way until the last change, was that this commission will
3 represent the interest of sport fishermen, not the interest of
4 constituent groups, not the interest of freshwater fishermen,
5 bass fishermen, trout fishermen. Separately others.

6 I came in, and I actually heard three different
7 secretaries each time I got seated on this commission come in
8 with an introductory discussion that said, we know that you
9 represent constituent groups. We know that you have a lot of
10 knowledge in these areas but you are supposed to represent all
11 sport fishermen.

12 So I endeavored in the beginning -- everybody knows
13 me as a trout fisherman, I think. That is what I spent my
14 life doing. I worked pretty hard -- I got lessons from
15 Chairman Baynard and a bunch of other people. Diane Baynard
16 and all so that I would have a better understanding of tidal
17 fish.

18 And I think I have become at least a reasonable
19 contributor to those discussions even though I am not
20 primarily a saltwater fisherman. So I think that it is our
21 responsibility to look after sport fishermen as a whole.

22 One of the other advantages, I think, of having
23 different perspectives on here is that some of us, if our own
24 interest is in one or the other, aren't necessarily as biased
25 or as passionate in discussions as people who have their own

1 | ox being gored.

2 | So I think it gives us a more balanced discussion.
3 | We have more rational input. For those of you who aren't
4 | interested in any other kind of fishing, so be it. Nobody can
5 | make you be interested or participate. But actually I like
6 | participating in all the discussions. I have learned a lot in
7 | I don't know how many years I have been on the commission in
8 | three different stints.

9 | But I think that is one of the values of this
10 | commission. Furthermore, I understand that we are having
11 | problems covering our agenda. And I really think that problem
12 | got out of hand when we went from six meetings to four
13 | meetings. And I thought I saw a schedule that scheduled six
14 | meetings for the next year in the agenda. I guess it was
15 | online, wherever I saw it.

16 | So I think that before we do something that rash,
17 | maybe we ought to see if we can't do a better job with six
18 | meetings like we did before. I just think that would be a
19 | drastic change for this commission. It would change the way
20 | we operate. It would make it harder I think for fisheries to
21 | get unified input on issues where they want a commission to
22 | speak to things because you would have more disparate groups
23 | and maybe even more polarization than we have sometimes now.
24 | So that is all I have to say.

25 | MR. GOLDSBOROUGH: Thank you, Jim. Rachel?

1 MS. DEAN: Speaking of oxen being gored, Jim, Phil
2 made the request to change the time of that meeting due to the
3 opening of the trophy season. Is it possible that I could
4 also make the request that we push back the times to the two
5 additional meetings to 4:00 p.m.? I know that you guys
6 already know this but I have tidal fish and sport fish so I am
7 now looking at 12 meetings a year, and I know that is
8 something I threw myself on.

9 But pushing it back would kind of help so if you
10 guys would kind of entertain that or discuss whether or not
11 you think that you could do that for those two additional
12 meetings. The crab and oyster meeting because they are
13 particularly of interest to me.

14 MR. GOLDSBOROUGH: Any thoughts on that? Any
15 objections? Okay, good. Yes, Jim, thank you for that
16 explanation previously. And since I am the one who brought
17 this out as an idea for consideration, I am satisfied with
18 your feedback on that.

19 I think you proposed the right move to let's see how
20 the six-meeting framework works and go from there.

21 MR. GRACIE: You know me. I would like to know if
22 anybody objects to that, and maybe we need to have a little
23 discussion. Just because you and I agree doesn't mean that
24 the rest of the commission doesn't feel differently so if
25 somebody wants to speak up you ought to allow that to happen,

1 I think.

2 MR. GOLDSBOROUGH: Well, I did open it for
3 discussion. I didn't see any hands. All good?

4 MR. TRAGESER: I would like to say at least give the
5 six-meeting schedule an opportunity to hopefully produce a
6 little bit more time for dialogue and content. That could
7 always be revisited if we think, if we still think, we have
8 some areas that are missing.

9 MR. GOLDSBOROUGH: Sounds good. Thank you, Roger.
10 All right, let's move on. So we have got Sergeant Mackall
11 with the NRP report.

12 ***NRP Activity Report***

13 ***by Sgt. Donald Mackall, MD DNR NRP***

14 SGT. MACKALL: For the most part, the handout we
15 have here with all the new additions -- you will have to
16 excuse me. This is my first meeting. I am a little off. It
17 was kind of thrust on me at the last minute.

18 You have a handout already. If you have any
19 questions about any of the cases or anything like that or any
20 of the enforcement, I will be glad to answer it if I can. If
21 not, I will get the information and forward that to Paul and
22 he can disseminate it to everybody else.

23 MR. GOLDSBOROUGH: Any questions for Sergeant
24 Mackall?

25 (No response)

1 MR. GOLDSBOROUGH: I would like to reserve the
2 option for members to get back in touch if they have any so I
3 appreciate that offer. All right. Thank you, sir. Great,
4 okay, so looking at the first page, let's move on to the
5 oyster advisory update. That would be Dave.

6 ***Oyster Advisory Update***

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

8 MR. BLAZER: Just really quick, we have an Oyster
9 Advisory Commission that has been meeting -- well, it was
10 weekly there in the beginning. And now we are at monthly
11 meetings. I think we have had six meetings all told, to date.

12 We met last night, talk about going late, until
13 about 9:30 p.m. I believe.

14 The goals of the Oyster Advisory Commission were
15 basically set out as threefold: to address the Tred Avon issue
16 about restarting the Tred Avon project, oyster restoration
17 projection. That was taken care of in the first two or three
18 meetings. That project is now going forward again after a
19 delay or a hold until the five-year report was released.

20 The five-year report is out. I think we have sent
21 that to everybody, and if you have had a chance to kind of
22 look at it. Having been involved in a lot of these things, I
23 think that is a great resource to go through and look at all
24 those appendices because it lays out all 51 sanctuaries, all
25 the public fishing areas, what has been happening, all the

1 data, all the information that we have recorded on each one of
2 those sections.

3 So again it is a very good resource I think for
4 people to use. The other two tasks that the Oyster Advisory
5 Commission was charged with: task two was to recommend to the
6 department sanctuaries four and five that are called for in
7 the Chesapeake Bay Agreement.

8 As you know, we have designated three sanctuaries
9 that are being emphasized restoration tributaries of Harris
10 Creek, Tred Avon and Little Choptank. So those restoration
11 tributaries, --- identified what is going on and has gone on
12 in those. The Secretary tasked OAC to find out restoration
13 tributaries four and five.

14 So the process the OAC has been going through to
15 look at the five-year report, look at the data of those
16 sanctuaries and then declare which one of those could receive
17 restoration tributary status as we go forward.

18 And then the third task that the OAC has been
19 charged with is to look at recommendations for changes to
20 oyster sanctuaries in public fishing areas based on data in
21 the five-year report. Are the sanctuaries in the public
22 fishing areas working? Do they need investment? What is
23 happening there? Are there tweaks or modifications that we
24 can make to make them better, whatever the better definition
25 means.

1 So the Oyster Advisory Committee is looking at like
2 oyster rotational harvest areas, co-ops, all kinds of other
3 management type of ideas that may come up through the process.
4 So OAC has been kind of going through these deliberations and
5 information sharing and some spirited debates, and we hope
6 to -- since we have already accomplished task one, we are
7 hoping task two and three will be accomplished by we are
8 hoping May, in the spring.

9 But we have still got a lot of work to do, lot of
10 discussion as we go through. And I think some of the members
11 of the OAC are here if they want to comment but that is kind
12 of a summary of the oyster activity or Oyster Advisory
13 Commission.

14 MR. GOLDSBOROUGH: Thank you, Dave. I had asked for
15 this update. I am a member of that commission. Also Ken
16 Lewis is a member. I don't know if we have any other members
17 here or not actually. Both of us, I think it is fair to say,
18 are involved because of our appreciation for the oyster's
19 ecological role in the bay ecosystem, the fact that they
20 provide habitat for a wide variety of organisms.

21 But relevant to this commission and in particular
22 for sport fish in tidal waters. So I thought it would be of
23 interest to you all to stay in touch with that process and
24 maybe even consider having some input to it if that is of
25 interest. On the timeline that Dave laid out, it will still

1 | be going on when we have our next meeting. Maybe even our
2 | next two so at the very least maybe we can request another
3 | update then. But I open it up for any thoughts on that. Jim?

4 | *Questions and Answers*

5 | MR. GRACIE: I just have a question. I am trying to
6 | understand what Dave just said. And I was here when we went
7 | through the whole battle of 25 percent of productive bottom
8 | being put in the sanctuaries.

9 | Would it be -- I want to paraphrase what I heard to
10 | make sure I got it right. Would it be inaccurate to say that
11 | what we are doing on some of these other places is
12 | experimental management with controls?

13 | Would you characterize the overall thing since we
14 | have three sanctuaries that are just that and we are doing
15 | some other thing with rotational harvest and all, would that
16 | be -- because we have had debates about what is good for
17 | oysters and all kinds of different things and we have never
18 | had, in my mind we have never had controlled studies where you
19 | actually have hypothesis testing with controls.

20 | Is that close to what we are getting at? Is that
21 | what you are describing?

22 | MR. BLAZER: I am not sure I fully understand the
23 | definition of experimental controls but I think what the
24 | concept is, is to use a five-year report, all the data and the
25 | information that we have to help inform the decision and then

1 track and monitor.

2 You know, I think with the sanctuaries, with the
3 research that has been going on in especially Harris Creek,
4 you know, it is showing how that area is reacting to all the
5 restoration efforts and no harvest and everything else that is
6 going on within that tributary.

7 MR. GRACIE: And that is a control.

8 MR. BLAZER: And that is a control.

9 MR. GRACIE: That is what I call a control.

10 MR. BLAZER: So we are kind of following Little
11 Choptank and Tred Avon kind of the same way. We hope to do
12 the same thing with sanctuaries four and five. So in that
13 case, I think there is some research, some effort looking at
14 it.

15 Now on the other side, we are also looking at the 51
16 sanctuaries that we have declared in the state, and some of
17 them, you know, we have gone out and surveyed are they
18 working? Are there any oysters there? Is there any shell
19 there? You know, what is happening? Is there good, hard
20 bottom? Is it still good habitat?

21 And trying to come up -- I think one of the terms
22 that floated last night was kind of more of a management plan
23 for some of those locations. And do you want to continue
24 those as sanctuaries? But the other areas, if they are not
25 going to produce or meet the objectives of a sanctuary would

1 | you think about opening them up to the public fishery or to
2 | aquaculture?

3 | If you open it up to the public fishery, then do you
4 | have -- allow rotational harvest, special management regimes
5 | to see if you can make those areas productive?

6 | MR. GRACIE: In my crazy words, that is the same
7 | thing. I think I understand. Thank you.

8 | MR. GOLDSBOROUGH: So just to step back and look at
9 | the big picture so everybody gets it, this is the five-year
10 | review of the oyster restoration and aquaculture plan that was
11 | put in place by the state of Maryland in 2010. And it
12 | was -- the review was a check-in to see how we are doing,
13 | looking at the locations of sanctuaries, harvest areas and
14 | aquaculture. That is the way that was written in the plan.

15 | So from my standpoint, anything is possible within
16 | that, recognizing the limitations of five years. This is a
17 | long-term plan, and to try to rebuild this resource over
18 | decades, really. Any other thoughts from the commission on
19 | this?

20 | MR. LANGLEY: What is the monitoring frequency of
21 | these sites as far as the sanctuaries and whatnot? I mean, is
22 | it quarterly? Is it annually?

23 | MR. BLAZER: I know we do several annual surveys of
24 | all the oyster bars in the state. In fact, they are out there
25 | right now as we speak. So I don't -- that is the major one

1 that I can think of. I am sure there are a couple others that
2 they do. They are looking for spat sets. They are looking
3 for disease. They are looking at mortality. You know, how
4 many boxes did they count when they go through.

5 They are looking for market-size oysters so they
6 collect data. And that is all really in the five-year report
7 as they go through. Now the sanctuaries are getting a little
8 more monitoring, you know, like Harris Creek. But we
9 generally survey most of the other oyster bars throughout the
10 state at least annually to make the others -- and I don't see
11 any of my shellfish staff here that could help me with that.

12 I know they are out in the field today. They
13 invited me and I almost went. Maybe I should have.

14 MR. GOLDSBOROUGH: So I would encourage anybody who
15 is interested to take a look at that five-year report. It is
16 900 pages so the department compiled all the information it
17 could about those 51 sanctuaries, all the harvest areas and
18 what the surveys have been showing. It is interesting
19 reading, wouldn't you say, Rachel?

20 MS. DEAN: Is it a draft, still?

21 MR. BLAZER: It is still technically a draft. We
22 put it out for discussion purposes in draft. We did the peer
23 review and we have looked at it internally. But as we have
24 talked to some of the people who have read it, there are still
25 a couple typos and questions marks in there.

1 So if anybody has got any comments, get them back to
2 us. So we are making notes of those and eventually we will
3 finalize it but again it is still a working document.

4 MR. GOLDSBOROUGH: Let's move one. Thank you, Dave,
5 everybody. Gear Workgroup Update. Dave, you had a question?

6 MR. SIKORSKI: Before we leave oysters, I have
7 already gotten an answer but I want to make the commission
8 aware of this. Just like last October's meeting, we received
9 an update of the Maryland Department of Transportation
10 funding, of oyster management, and I made that request to
11 Dave.

12 And because of staff and a lot of things going on,
13 it is not ready yet. But I would like to request that the --
14 the specific request was that the 2016 fiscal year update on
15 the plan between the Department of Natural Resources and the
16 Department of Transportation, with regard to the funding, be
17 provided to the commission as it was last year, and also
18 provide us with the 2017 work plan moving forward when it is
19 ready.

20 MR. BLAZER: I apologize. I meant to make a comment
21 about that. We are working on that, pulling together a lot of
22 the fiscal information based on what we did last year, where
23 the money was spent, and then also the work plan. We are
24 almost done but we have been a little busy with some other
25 things.

1 MR. SIKORSKI: I understand and I appreciate it.
2 Thank you.

3 ***Gear Workgroup Update***

4 ***Jacob Holtz, MD DNR***

5 MR. HOLTZ: My name is Jacob Holtz. I work with our
6 regs and our legislations and penalties and all that fun
7 stuff. I am also going to be Sarah today because she is
8 testifying in a trial. So when I am done with the Gear
9 Workgroup I will just segue right into that regs update.

10 So first the Gear Workgroup update. The workgroup
11 met September 22. The two major items that we were asked to
12 discuss by the commissions were -- if you remember the last
13 commission meeting that we had, there was a discussion on
14 crabbing gear and how it was set.

15 It was really related to trotlines and collapsible
16 traps. The request had been, did the workgroup think there
17 was any way to implement some sort of rule that would either
18 result in the better marking of collapsible traps or somehow
19 regulate how these traps are set that would decrease potential
20 user conflicts.

21 The fellow who had presented had talked about issues
22 with trotliners not being able to see the collapsible traps or
23 folks set them in all kinds of zigzag ways that were almost
24 looking like people were trying to block others from using the
25 water to crab.

1 We had a pretty healthy discussion about it. Roger
2 and Rachel were both involved in that conversation along with
3 Billy Rice and Robert T. from the TFAC. We had a
4 representative from Natural Resources Police and a couple of
5 folks from the public all involved in the conversation.

6 Ultimately with the crabbing gear issue, it came
7 down to NRP just not believing that any of the ideas that were
8 come up with were going to be enforceable in court.

9 One of the main discussion points was requiring
10 traps to be set in a straight line and to be marked at the
11 beginning and end of the run. And NRP just thought that
12 trying to prove that traps were not set in a straight line in
13 court was going to be impossible.

14 And while I think we all appreciated the desire to
15 see, to better be able to see what is out on the water, the
16 workgroup just couldn't come up with a way to make it both
17 enforceable and practicable from a crabbing standpoint to mark
18 these gears any differently than we already have.

19 So as far as a recommendation from the workgroup,
20 there was no recommendation to take any further action. The
21 consensus was people just have to respect each other out on
22 the water. And that was the only real solution that we could
23 come up with.

24 The other item on the agenda was the discussion of
25 finfish trotlines. We had discussed this item at our

1 | workgroup meeting previously, and from that workgroup meeting
2 | we had then talked to the commission about it and then went
3 | out to the public with scoping with the general rules that we
4 | had come up with, looking for public feedback on that issue.

5 | Based on the public feedback and based on continued
6 | conversations internally. There was still some concern about
7 | the introduction of this gear. One thing that -- I don't know
8 | if I personally or we as a department did a very good job
9 | emphasizing the temporary nature of our current authority to
10 | manage finfish trotlines. The legislature only gave the
11 | department this authority for three years. It has a sunset
12 | clause in that statute.

13 | So in three years, regardless of what we are doing
14 | and how it is going, it is going to have to go back to the
15 | legislature and either get reauthorized or we will lose that
16 | authority and the gear is going to disappear.

17 | So recognizing that in three years we are going to
18 | be in front of the legislature discussing this, both the
19 | department and the workgroup thought that it would be wise to
20 | have better data to discuss the concerns. The main concerns
21 | from the public and internally were going to be bycatch.

22 | In discussions with PRFC, which already allows this
23 | gear type in the Potomac, PRFC doesn't see bycatch. Or if
24 | they do, it is almost zero of nontarget species, the target
25 | species being blue catfish.

1 But if we don't have that data in our waters, it is
2 hard to say, well, it is not a problem, so recognizing that we
3 need to have this data, the idea that we are going to put
4 forward was to add a free permit for all those commercial
5 harvesters who would be eligible to use this gear. So that
6 would be anybody with an unlimited tidal fish license or
7 anybody with an unlimited finfish harvester license.

8 With a more specific report for that gear type that
9 would include bycatch but include more effort data to have a
10 better understanding of how is this gear being used in our
11 water and what is the potential for the bycatch.

12 Given the rules that we in have in place as far as
13 what we are proposing, based on the size of the hooks, the
14 depth requirements, the length of the trotlines, et cetera, we
15 don't anticipate that these concerns are going to come to
16 fruition but we are going to at least have it in place, the
17 additional reporting. If these concerns do start to manifest
18 themselves, we will be able to react to them.

19 MR. GOLDSBOROUGH: Questions?

20 ***Questions and Answers***

21 MR. DAMMEYER: You mentioned, you said that you were
22 going to or you did put it out for like public comment?

23 MR. HOLTZ: The finfish trotlines?

24 MR. DAMMEYER: Yes.

25 MR. HOLTZ: It had been scoped in August after the

1 last commission meeting.

2 MR. DAMMEYER: Did you get any response on that? I
3 am curious.

4 MR. HOLTZ: We had two responses within the comment
5 period along with -- there were internal staff discussions
6 that went along with that, that were kind of expansive of what
7 had been discussed before.

8 MR. GRACIE: I guess my question actually relates to
9 both of the issues. The first one, you said the answer was
10 people were going to have to be more courteous.

11 MR. HOLTZ: Yes.

12 MR. GRACIE: And then the second one, you may put
13 some restrictions in and you went through scoping. I guess my
14 question is how do we educate the public, how do we get to
15 them? If we are going to expect people to be more courteous,
16 shouldn't there be some campaign to encourage that, to let
17 people know that there is a problem out there?

18 And then we do a scoping, and we do something, I
19 don't know what the full list is, but it gets on the Website,
20 and we get two responses, I don't believe that means only two
21 people are interested. That means there are hundreds who
22 didn't get the word. So my question has to do with how we
23 outreach to the public.

24 In terms of recreational fishing in particular, I
25 mean, fishing in Maryland is a billion dollar a year business

1 total. This is pretty important stuff. We don't have
2 any -- most of what happens in recreational fishing depends on
3 individuals being courteous, obeying the law and following
4 what sportsmen call ethical rules.

5 And we don't have any campaign to reach out to
6 people and tell them en masse that this is what you should be
7 doing. We had a discussion about three years ago about how
8 Hispanic people were coming in and throwing cast nets in pools
9 where they just stocked 100 trout.

10 And they don't even know they need a license because
11 we don't have any signs in Spanish. And they don't even know
12 they are violating the law. Don Cosden, bless his heart, said
13 the good news is they all love to fish. So, I mean, what
14 business are we in if we can't communicate with the public?

15 I don't know what the numbers are anymore but there
16 are more than half a million fishermen I think in terms of
17 fresh and tidal water, trout stamps and everything else. And
18 we think that we send out an e-mail to a list of 300 and put
19 something on a Website and we have communicated.

20 So I think that is something that we ought to be
21 thinking about as a commission and that we ought to be giving
22 some thought to that. And making some recommendations to
23 fisheries. It is probably the last thing that anybody wants
24 to spend money on when money is tight. I understand that too.
25 But we need to recognize and start talking about how important

1 | it is to communicate with these people.

2 | MR. BLAZER: Jim, great points. And in fact, I am
3 | not sure you were here for the reorganization chart that I
4 | handed out --

5 | MR. GRACIE: Oh, no, I was going to ask where the
6 | August reorganization chart was in October.

7 | MR. BLAZER: We talked about that first but that is
8 | one of the things that we have been trying to emphasize in
9 | fisheries is stakeholder outreach. We want to try to do a
10 | better job of getting feedback. That is kind of why we wanted
11 | to go to six meetings a year with you all, is more timely
12 | feedback as we go through.

13 | We would love to have recommendations on how we can
14 | do a better job with it. We do a lot but again in today's
15 | society, are you really reaching the audience --

16 | MR. GRACIE: And it is hard to get people's
17 | attention nowadays too. So it is a harder job and we probably
18 | can less afford to do it with dollars than we could before. I
19 | understand the problems but if some people on this commission
20 | would sit down and start talking about it, we might come up
21 | with some ideas.

22 | MR. BLAZER: And I would appreciate any ideas
23 | because we realize we need to do a better job of that.

24 | MR. GRACIE: And it is not so much getting feedback.
25 | It is giving output too.

1 MR. BLAZER: Right.

2 MR. GRACIE: That is where I think we fail the most.

3 MR. LANGLEY: Jacob, I missed that Gear Workgroup
4 meeting but I know there is some concern over bycatch. Was
5 there any discussion over types of bait that are allowed,
6 which could possibly affect the bycatch? And areas and times
7 of year to bet set?

8 I understand that the main target of this is blue
9 catfish, which appear to be -- it is an invasive species and
10 it is a problem. But we certainly, a lot of the times, I know
11 PRFC has certain times a year where you can't set trotlines
12 just to protect striped bass, spawning species and whatnot in
13 geographic areas. Were those topics discussed and covered?

14 MR. HOLTZ: Yes, so we discussed both baits and the
15 areas. As far as bait goes, there is in going to be any live
16 bait allowed. As far as -- I know people sometimes worry
17 about eels. Dead eels are apparently one of the baits that is
18 currently used in PRFC. And again they don't experience
19 almost any bycatch in that fishery.

20 So as far as dead bait, we weren't going to have any
21 restrictions. There wouldn't be any live bait allowed though.
22 As far as area restrictions go, the gear was going to be
23 prohibited in the main stem of the bay below the bay bridge,
24 and that would include both the Tangier and Pocomoke sounds.

25 We had discussed restricting that further but then

1 on further review after discussing the permitting requirement,
2 we didn't think it would be necessary to restrict any of the
3 tributaries.

4 At first we had asked the workgroup to consider
5 cutting it back pretty significantly as far as areas go
6 because of these concerns but after internal discussions, the
7 concerns are a lot less just giving the reporting requirements
8 that hadn't been in place when we first scoped this issue. We
9 didn't have a permit or a report that would have been specific
10 to finfish trotlines.

11 So being able to monitor the gear, I think is a way
12 for us to keep an eye on the concerns. I don't know if that
13 fully answers your question or not.

14 MR. LANGLEY: Yes and no.

15 MS. DEAN: I sat in on the phone on this
16 conversation, and for what it is worth, I know that Billy Rice
17 is working over on the Potomac and he uses this gear type. AN
18 the question was posed by the department, how much bycatch are
19 you seeing, and he said, I have seen one, one rockfish.

20 So I understand certainly this commission's interest
21 in protecting those fish but I think we have a really good
22 model going over on the Potomac River, and I think this is
23 productive and I don't think that we are going to see the
24 bycatch, but as we had those discussions and really talked
25 about how we wanted to limit them as such so that we could

1 protect them. And I think another one of the things that was
2 discussed was the suspension of the line.

3 MR. HOLTZ: Yes, so I was going to get to that. So
4 the other requirement would be that in the spawning period, so
5 March 1 to June 15, this gear is going to be required to be
6 set on the bottom.

7 The remainder of the year they will be suspended.
8 There is going to be a minimum depth of -- we discussed both
9 six feet and ten feet. And I am not sure there is a decision
10 made there. I think there is probably still some discussion
11 to have there possibly but to keep it basically out of in
12 front of the striped bass.

13 MR. GOLDSBOROUGH: Further questions on that? Phil?

14 MR. LANGLEY: Yes, I don't want to tie up a lot of
15 time on this but I do have -- I certainly want to follow up on
16 this.

17 MR. SIKORSKI: I missed the second phone call when
18 they discussed this but it wasn't the first. And Rachel is
19 absolutely in her recollection. And I do trust in the input
20 that Billy Rice has provided as far bycatch is concerned.

21 So I absolutely understand where this is a concern
22 to especially the recreational community that hasn't been
23 involved in this stuff. I think, Jim, your comments with
24 regard to outreach are spot on. One thought I would have with
25 regard to outreach is we have the contact information of every

1 licensed angler in Maryland. And I know there is
2 sensitivities with using information but there has got to be a
3 better way to at least provide that information.

4 I would like to think I am pretty engaged in this
5 process, and even I miss the e-mails. In fact, that is why I
6 missed the phone call, the most recent phone call, talking
7 about the blue crabs at least. So I think if we can figure
8 out a better way to use that information.

9 The department does a good job on their social media
10 presence as well, and issues like this, you know, it is one of
11 those things where you want to provide as much transparency
12 and outreach as possible knowing full well that transparency
13 and outreach does bring in more workload and more things to
14 deal with.

15 And ultimately you still have to make a decision,
16 and it is difficult, I know, at times. At it is part of why
17 we are here, to work through these issues and be on these
18 workgroups. And so I have confidence, especially knowing now
19 because I was not aware of the three year sunset. I think
20 that is a fantastic tool in these cases.

21 Regulations and laws are never permanent, even
22 without sunsets so I think we have -- this issue has been
23 raised well, and I think we should all raise it throughout our
24 communities and talk to folks about it. The real goal here is
25 to try and allow legal harvest of legal species like blue

1 | catfish and fisheries that have minimal bycatch.

2 | But also keep an eye out for where the regulations
3 | as they are being proposed or have been drafted might not get
4 | it right. So we have an opportunity to always come back and
5 | say, oops, we got it wrong, and this happened.

6 | And I don't think that the gear over this three-year
7 | period is going to have an opportunity to make major damage in
8 | any way but I understand the concern that folks have and I
9 | think it is a valid concern.

10 | So if we all keep an eye out on things and continue
11 | to bring this issue up as we find issues occurring out
12 | there -- talk with enforcement and talk with managers, we can
13 | find a good way to allow this gear to be used where it can be
14 | used. And limit all the conflicts and any kind of biological
15 | harm that may exist.

16 | MR. O'BRIEN: I am surprised at the way -- I am vice
17 | president of the national Charter Boat Association as well as
18 | my Maryland --- . And this whole catfish issue is a major
19 | discussion among our directors during the last meeting.

20 | We have a lot of members in the Great Lakes and they
21 | see a real threat to the marketing thrust of Catfish Nation or
22 | whatever you want to call it. So it is getting to be an
23 | issue. Of course, these blue catfish get to be very, very
24 | large, and they certainly can affect the fishing of people who
25 | are in the guide business and recreational fishing.

1 I see we, just looking at who was on the conference
2 calls, I think what Jim brought up, you know, we do need to
3 get more information out on this. It seems it is in the
4 commercial area that Catfish Nation -- at first they were
5 talking about fishing tournaments when they came in here to
6 talk to us.

7 But the commercial emphasis on it now is what is
8 really come forth. And that was probably one of the
9 motivations when we first had these discussions. So I am
10 learning a lot just from the information that has come out
11 here. And sorry that our charter boat guides didn't
12 participate in this more.

13 And maybe there isn't that much to worry about but
14 this is something new, and a lot of people are looking at
15 these catfish as a threat on a lot of species, not just
16 rockfish. Black bass, sea trout, whatever. I mean, these
17 things get big. They are certainly susceptible to expansion
18 in brackish water, and amazingly how suddenly people are
19 talking about it and seeing it.

20 So, you know, it is the commercial part of it that
21 is most interesting, and just how we manage that. And
22 interested to hear more about that.

23 MR. SMITH: This is already a commercial fishery,
24 right? They could already go out and catch these and harvest
25 them. Is there a time, a specific time that is better than

1 others?

2 MR. HOLTZ: So in talking to Billy, they typically
3 target them in the springtime, the March to June timeframe.
4 To me -- I don't think Billy said this exactly. To me it
5 seems almost like a bridge between oysters and crabs.

6 Striped bass closes down end of February. Oysters
7 tails off at the end of the season. Crabs start slow. It is
8 a fishery that is really active in that springtime, and they
9 can do a whole ton of them.

10 MR. SMITH: Right now they are doing a whole ton of
11 them.

12 MR. HOLTZ: Right now, I am honestly not sure in the
13 fall.

14 MR. SMITH: I am sorry. Not right now this instant.
15 But in the springtime between March and June, are they
16 harvesting a lot right now the way -- the gear type they can
17 use?

18 MR. HOLTZ: I don't have actual harvest numbers in
19 front of me. I would guess so based on what Billy told me
20 though, yes.

21 MR. SMITH: Not down in the Potomac but what about
22 up here in our river systems? Are they harvesting?

23 MR. HOLTZ: As far as harvestable numbers, I know
24 southern Maryland has the largest populations obviously. So
25 our trib on the Potomac plus the Patuxent. But based on my

1 | discussions with our biologist, they are present in just about
2 | every river in the Chesapeake Bay right now. So it is almost
3 | just a matter of time.

4 | So part of the idea is also, if we allow these gears
5 | that are able to target this species, possibly keeping the
6 | populations lower, I don't know if it will work. But as far
7 | as just slowing the expansion rather than what we have seen so
8 | far in southern Maryland.

9 | MR. SMITH: And as far as I guess -- I don't want to
10 | say the pile-on but the marketing, the outreach, I guess as a
11 | business, I know when you are having trouble with outreach or
12 | you having trouble recruiting new anglers, the last thing we
13 | want to cut is the marketing and outreach budget so -- it has
14 | been done, yes, but it is counterintuitive to do that.
15 | Hopefully one day we can get that back.

16 | MR. GRACIE: Or come up with some things that will
17 | help offset it anyway. That is what I was talking about. I
18 | don't think anybody is going to write a big check for
19 | recreational fisheries this year.

20 | MR. GOLDSBOROUGH: Thank you, Dave. And I did want
21 | to come back to your remarks, Jim. The way we communicate
22 | with the angling public should be of fundamental importance to
23 | this commission so I didn't -- I wanted to leave that in a way
24 | that was clear to all of where were and where we might be
25 | headed.

1 I wasn't sure we were at that point or if you wanted
2 to ask for some specific action or Dave for the department
3 wanted to commit to a specific action or anything like that.
4 I didn't want to leave it without --

5 MR. GRACIE: I am afraid to say anything else. I am
6 in such overload now. I know what happens when you talk about
7 new ideas.

8 MR. HARDY: On the finfish trotline discussion, I
9 wasn't able to get involved with the Gear Workgroup but I feel
10 like I would be remiss with the concerns that I was getting
11 from folks that I had talked to is that the wide open -- it
12 seems like some steps are being explored to restrict it some.

13 But I seems like it is a gear type that could be
14 very easily adapted to other species, and with it being so
15 wide open as far as unlimited trotlines, very wide depth
16 capabilities, the concern is that some of the smaller rivers
17 could get covered up by these trotlines pretty quickly, which
18 would also have user group impacts. And that is the big
19 concern.

20 I don't know how much these are going to change
21 that, and again with it -- hopefully we can move real-time but
22 I felt like I would be a little bit remiss if I didn't express
23 that concern, which for me still stands. It seems like a
24 really dangerous Gear Workgroup to just let go and the way it
25 read, it was just that. It would be easy to adapt to other

1 species and could cause a lot of problems.

2 As long as we can make changes quickly, I guess that
3 is not an issue but time will tell.

4 MR. HOLTZ: I can address a little bit of that. As
5 far as the number of trotlines, the reason why we didn't have
6 a restriction on the number of trotlines was because NRP just
7 said it wouldn't be enforceable.

8 You can have a guy set it in every different river
9 in the bay in theory, and NRP is just not going to be able to
10 tell how many trotlines he has. On the other hand, we don't
11 believe people are going to be setting so much gear that they
12 are not going to be able to fish it because then you are
13 wasting money on bait and you are wasting money on gear that
14 you are going to lose.

15 So as far as that -- that was the reasoning why we
16 didn't have a specific number there. NRP didn't think it
17 would be enforceable. If it does become that these things are
18 everywhere and you can't fish anywhere because you are going
19 to run into them every which way, yes, we are going to have to
20 come back to figure something else out.

21 And then as far as targeting other species, we think
22 that the other rules -- so they have to have a five-aught hook
23 on them, they have to all be circle hooks. Plus the other
24 restrictions that we talked about. We think it is going to
25 keep it to a minimum but obviously with that -- with the

1 permit and the additional reporting, we are going to try to do
2 our best to stay right on top of it and make any changes if
3 there needs to be changes.

4 MR. GRACIE: I just want to say a couple things.
5 First of all, I appreciate the concern and I think we ought to
6 keep an eye on it. But I don't want to fix a problem that is
7 not a problem and restrict people otherwise.

8 The other thing is I thought that we started this
9 through the Chesapeake Bay Fisheries GIT. We wanted people to
10 harvest these things and sell them and get rid of them. I
11 don't know where that goes but the next exotic invasive
12 species that we actually manage will be the first one we were
13 ever successful with. So I don't know what our goal is.

14 We think we are going to get rid of this and we are
15 going to get rid of that. If we think that harvesting is
16 going to control these fish the way they reproduce and grow,
17 we are kidding ourselves. So we are going to have to learn to
18 live with them just like we did with everything else that came
19 in here. The only ones I like are brown trout.

20 MR. DeHOFF: I may have missed it but was there
21 anything in there listing the length and marking of the
22 trotlines?

23 MR. HOLTZ: They are going to be limited to 1,200
24 feet long and they are going to be marked just the same way as
25 a crab trotline.

1 MS. DEAN: Jim, I was only going to say that you are
2 correct. I don't think that we are ever going to completely
3 annihilate an invasive species but I see two things at work
4 here.

5 One is that it is an economic opportunity for our
6 commercial fishermen and I see rainbows and lollypops and you
7 guys supporting us in legislature when it looks like we don't
8 have bycatch, and it could possibly just keep that number
9 down. So maybe, possibly.

10 MR. GRACIE: I didn't mean to object to doing it. I
11 think it is great. We could use more low-cost fish food in
12 the markets too.

13 MS. DEAN: Yes, and there was -- agreement was my
14 response.

15 MR. GRACIE: Anything we can do to help the watermen
16 is good for me too.

17 MR. SIKORSKI: With regard to the permit and the
18 reporting, what kind of timeline would that be on? I am not
19 up to speed on the any of the reporting and timelines for --

20 MR. HOLTZ: Generally that is done monthly.

21 MR. SIKORSKI: It would probably be good to report
22 to us in some manageable interval. I am not sure what that is
23 but give that some thought.

24 MR. HOLTZ: Okay.

25 MR. GOLDSBOROUGH: That is two things that we want

1 to be sure to come back to this commission periodically.
2 There was an oyster thing and now there is the fish trotline.
3 And actually the third, of fundamental importance, is the
4 issue of communicating with the angling public. So I want to
5 make sure we are where we want to be on that.

6 MR. BLAZER: If the commission is interested, maybe
7 we could put a subcommittee together and talk about outreach
8 and promotion and marketing and help us with some of that. At
9 least get some brainstorming with some of the staff and we can
10 think through some of the improvements that we might be able
11 to make and some ideas.

12 I didn't want to leave it where it was. If we want
13 to do something with a smaller group, maybe we could have a
14 couple conference calls or meetings and come up with some
15 ideas beyond that.

16 MR. GRACIE: I am ready to make a motion.

17 **MOTION**

18 MR. GRACIE: I move that we form a subcommittee
19 under Dave Sikorski to look at options.

20 (Laughter)

21 MR. SIKORSKI: Wait, I was ready to second the
22 motion.

23 MR. GRACIE: If he seconds it --

24 MR. SIKORSKI: I second the motion.

25 MR. GOLDSBOROUGH: Any discussion on the motion?

1 (No response)

2 MR. GOLDSBOROUGH: Do I see any objection?

3 MR. GRACIE: Can we name people here so we get it on
4 the record so we don't forget who is on it.

5 MR. GOLDSBOROUGH: Yes, let's do that. But seeing
6 no objection, the motion passes by consensus. Do I have hands
7 from any volunteers.

8 (Show of hands)

9 MR. GOLDSBOROUGH: I have got Jim Gracie, Micah
10 Dammeyer, and Chairman Dave Sikorski. Anybody else? I got
11 John Neely and Rob Hardy. Very good.

12 MR. O'BRIEN: I think there should be a member of
13 the Maryland Charter Boat Association on it but I am not
14 volunteering.

15 (Laughter)

16 MR. O'BRIEN: I think that Phil --

17 MR. LANGLEY: Can I have a proxy on that just
18 because. I mean, I would like a member of the Charter Boat
19 Association as long as I am allowed a proxy.

20 MR. GOLDSBOROUGH: So let's move on to Sarah.

21 MR. HOLTZ: Yes, now I am Sarah.

22 ***Policy Program***

23 ***by Jacob Holtz, MD DNR Fisheries Service***

24 MR. HOLTZ: First the regulatory and penalty update.
25 We have updated some of our suspensions and revocation lists.

1 We are going through the process of another round of
2 recreational suspensions. So that will be updated I would say
3 probably within the next month or so.

4 The -- as far as regulations go, there wasn't a
5 whole lot that became effective this past quarter. And
6 nothing that would affect most of the sport fishing interests.

7 The one, as far as charter boats go, the blue crab
8 charter decal, the effective date has changed. It used to be
9 on a January 1 to December 31 and it just switched to a
10 license year thing. It is September 1 to October 31. It is
11 just easier for folks to renew it in one go rather than have
12 to go back in the middle of the winter.

13 As far as regulations that have been proposed, there
14 is, let's see here. The bottom three. So the license
15 targets, which is just an update based on unlimited tidal fish
16 licenses that got broken down. And horseshoe crabs, which is
17 again a commercial thing. And the scup again is a commercial
18 thing but all those are going to have comment periods from
19 mid-November to mid-December if anybody wanted to take a look
20 at those, and those go up.

21 This will also be the time that I will mention we
22 are redoing our scoping and proposed regulations Web pages.
23 We are combining them and we are trying to make them a little
24 more user friendly for folks to be able to follow what is
25 going on.

1 It will have a little progress bar showing folks
2 where it is in the process rather than -- it is on the scoping
3 page for a while and then it disappears for a while and then
4 it comes back on the proposed page. It is going to be on the
5 one page the whole time. You will be able to see where we are
6 in the process if we are taking public comment.

7 We are really hoping it will be more user friendly.
8 I think the plan is to have that effective either the end of
9 this week or early next week. We will send out an e-mail to
10 the contact list obviously and when we do, if you want to
11 jump on there and just give us any feedback, we would love
12 to -- it is a Website. It is tweakable. If something doesn't
13 make sense, let us know.

14 But personally I am really happy with it and I hope
15 everybody else will be too.

16 MR. PITTAS: Some people who don't have computers,
17 what do they do? Some people who don't have computers and
18 can't get on it, how are they going to get it?

19 MR. HOLTZ: If you don't have a computer, it is
20 really hard to keep up with what we are doing. I will be
21 honest. I mean, we publish our stuff in the Maryland
22 Register, and that is available at the library. But that
23 is -- so it is really dense reading for most folks and you
24 would have to check it every other week to see if we did
25 anything. So if you don't have a computer, it is really

1 | difficult.

2 | MR. GOLDSBOROUGH: Well, certainly proposed regs are
3 | published --

4 | MR. HOLTZ: They are published in the Maryland
5 | register, yes.

6 | MR. GOLDSBOROUGH: Not in newspapers anymore? You
7 | don't do that anymore?

8 | MR. HOLTZ: In the newspaper we are required to
9 | publish a couple of notices for public hearing but that is all
10 | that ends up in the newspaper, and if we are not required to
11 | publish it in the newspaper, honestly we don't put it in there
12 | just because of the cost.

13 | MR. GOLDSBOROUGH: Chris, do you have a specific
14 | proposal on that or --

15 | MR. PITTAS: No, I mean for some of us who don't
16 | have computer. I know my mom doesn't and a few other people.
17 | But I mean for people who look it up and stay consistent on
18 | following the rules, the regs and everything that we are
19 | doing, it is an asset for some of them. How can they get it?
20 | Besides going to the library? I understand that part.

21 | But it is just that when we do it, you know, is
22 | there something paper-wise that we can get sent to us or
23 | anything? And I understand that is probably hard to do but it
24 | is for people who don't have computers.

25 | MR. HOLTZ: Yes, so we have our fishing guide that

1 | we publish every year, and that will have all the changes but
2 | as far actually being involved in the rulemaking process, I
3 | think Jim said it. We have 500,000 roughly anglers in the
4 | state. To send something to everybody in the mail every time
5 | would just be cost prohibitive.

6 | If you come up with anything, I would love to hear
7 | it, really honest. I am honestly at a loss for how we can
8 | reach people better. And so anybody who has any idea, I don't
9 | care how crazy it is. Please give us a heads-up and we will
10 | try something because we really do want people to be involved.

11 | MR. TRAGESER: It is hard for me to think that you
12 | are not reaching most people. Granted there are some
13 | individuals who don't have computers. I think that is
14 | probably more a minority now and has been. I know with our
15 | working with Bass and whatnot and the information they get
16 | out, it has been years now and they are basically saying, here
17 | is how we are doing business and it is electronic. And that
18 | is just the direction it all goes in.

19 | If you don't have a computer, probably the best
20 | thing to do is try to network yourself with some friends who
21 | do have computers who can give you that information and you
22 | can get information back to them and get them to post things
23 | like that.

24 | Just try to network yourself with somebody who does
25 | have a computer that you can access that way. You are going

1 to reach most people -- computers, smart phones, you are going
2 to reach most people.

3 MR. O'BRIEN: I have been reading through this to
4 see if it is covered but previously we raised the issue of
5 summertime gill netting. And that is a very controversial
6 subject. We have been talking to watermen, trying to figure
7 ways that maybe we can work together. And I think there is a
8 good start to that.

9 There was this meeting in Baltimore in which it was
10 on the agenda. That sort of took people by surprise and it
11 pulled off the agenda. Mike Luisi picked up on it and was to
12 schedule a meeting either late in this year or the beginning
13 of next year. I just wonder where we stand on that.

14 MR. GOLDSBOROUGH: Mike, you want to discuss that
15 now or you are going to get into that when you come up?

16 MR. LUISI: It is up to you.

17 MR. GOLDSBOROUGH: Why don't you respond to Ed now?

18 MR. LUISI: So that meeting -- so this issue is not
19 a new issue. And there was a meeting I did not attend but it
20 brought together some charter guys and a couple commercial
21 guys got together and talked about this.

22 And it was decided after that meeting for the 2016
23 we were just going to leave things alone and not try to
24 regulate a user conflict.

25 We then over this year heard news from the water

1 that the spot and croaker stocks seemed to have shown some
2 signs of decline. And this issue again resurfaces due to the
3 interest in declining stock, the user conflict issue and how
4 it all kind of gathered steam.

5 So we have been talking about formulating, getting
6 another group together. And we hoped to couple the croaker
7 and spot stock assessment information with this type of
8 meeting so we can do more than just discuss user conflict but
9 look at the big picture on the spot and croaker health.

10 I just heard today from staff that, that assessment
11 is looking like it is getting bumped a little bit farther into
12 2017 and it is not going to happen when we thought it may
13 have, earlier this year. So we have to decide if we are going
14 to get a group together again to just discuss user conflict
15 without spot and croaker stock information, and again I just
16 heard today. I am glad Ed brought it up because I wasn't
17 planning to discuss it in my report.

18 So we can wait another half a year but it won't
19 address the issue. If it is anything regulatory in nature
20 comes from it, it won't address it for next year.

21 MR. O'BRIEN: It was also white perch included in
22 this, which is a very viable commercial fishery. Complicating
23 this, and a lot of people have been commenting on it, is some
24 people, particularly when the spot didn't show up as early as
25 we like to see it, were using small croakers, live-lining.

1 I think that was not just specifically one or two
2 people. I think it was across a spectrum. And so that fits
3 right in there because there are charter boats -- you know, we
4 have got that one group of African American charter boats on
5 the Eastern Shore and some down south too in the sound, and
6 they really depend on those small fish.

7 So it is something to where it is has got to be
8 resolved. I don't know whether Mike has set a time period. I
9 think you had said later this year or the beginning of next
10 year to bring the watermen in. Again it is not something that
11 is not meant to be at the watermen but it is a user conflict.
12 Some places you can do this. You can gill net, summertime
13 gill net them. Other areas of the bay, you can't.

14 It is very confusing from a law/location standpoint
15 what is legal and what is not so it does need to be discussed
16 and resolved.

17 MR. LANGLEY: And one of the concerns too with the
18 summertime gill net is or has been the bycatch because of the
19 mesh size, targeting the smaller species -- you know, juvenile
20 fish, trout, striped bass or other species may or may not be
21 affected. I don't know how much the studies -- you know, if I
22 listen to my guys, they are affected. If you talk to the
23 commercial waterside, they are not affected as much.

24 You know the old saying: There are two sides to
25 every story and somewhere in the middle lies the truth. But

1 | it is a concern, especially when we are trying to re-establish
2 | some of the smaller fish, the stock.

3 | MR. GOLDSBOROUGH: So given what Mike said about the
4 | spot and croakers stock assessment being pushed back a little
5 | bit, is it appropriate to wait for that information then given
6 | the bycatch side of this before having a reconvening?

7 | MR. O'BRIEN: I think we just heard that is being
8 | delayed, isn't it?

9 | MR. GRACIE: What does that mean, it got pushed
10 | back? Does it mean you just don't have enough resources to do
11 | everything so you had --

12 | MR. LUISI: No, it is not us. It is not us. It is
13 | through the Atlantic States Marine Fisheries Commission. So
14 | we set the priorities for a year and there are other
15 | things -- they are just moving their priorities around a
16 | little bit. It is going to happen, just at a different time
17 | interval than what we thought.

18 | So my question would be, there was already a meeting
19 | to discuss the user conflict issue, and I thought there was
20 | some resolution there as an agreement to try to minimize that
21 | conflict. So if by getting back together without any new
22 | information on the actual health of the stock or the bycatch
23 | that is being discussed, what is the goal? What would we be
24 | striving for?

25 | We can have a meeting. I was thinking

1 November/December. Sometime when things calm down a little
2 bit. It has been a little busy the last few months. But find
3 some time to have the discussion. I just don't know what
4 would come from it. But I guess we won't know until we have
5 another round of the same conversation that happened before.
6 I fear that we will just -- we will find ourselves in the same
7 position again.

8 MR. GRACIE: So what did you decide? I didn't hear
9 a decision.

10 MR. LUISI: I don't think there was one yet.

11 MR. BLAZER: I think basically we would like to wait
12 until the ASMFC stock assessment is ready because then we
13 would have more data and more information to kind of go
14 through as opposed to just getting that group back together
15 over a user conflict.

16 MR. GRACIE: Especially when you don't know what is
17 going to happen to the management.

18 MR. LUISI: Right.

19 MS. DEAN: I just wanted to take a minute because I
20 was in the room for those discussions. And I just wanted to
21 kind of echo what Mike had said too. There is definitely a
22 user conflict, and without the stock assessments, it is kind
23 of hard to mitigate that user conflict.

24 And if the stock assessments come in and show that
25 the stocks are in need through the stoplight, then both sides

1 | would need to get something up. So I would like to sit back
2 | and let's hope for both sides that, that is not an issue.

3 | MR. O'BRIEN: Rachel, but this is all going on at
4 | the same time in the spring. Everybody -- it has got a lot of
5 | notoriety. There are roller nets out there. And it is
6 | something -- I think the area to where it should be done and
7 | areas where it shouldn't be. I think we need that discussion.
8 | And I think that precedes the stock assessment data. Talking
9 | about spot -- not just spot. Talking about croaker --

10 | MR. GRACIE: Spot, croaker and white perch even.

11 | MR. O'BRIEN: Talking about white perch.

12 | MR. GOLDSBOROUGH: Phil, do you have the answer to
13 | this?

14 | MR. LANGLEY: No, I don't. But I will tell you as
15 | far as sitting on the PRFC Commission, we don't have a
16 | summertime gill net fishery in the Potomac, and part of that
17 | reason is, in the summertime gill net fishery the water
18 | temperatures are warmer. The stress of the fish is higher as
19 | far as catch and release.

20 | And that is the only reason why I touch base on the
21 | bycatch mortality of the species, because the summertime gill
22 | net is just that. It is a summertime temperature where water
23 | temperatures are up and I think the bycatch has a lower
24 | survivability rate than it does in the cooler temperatures.

25 | MR. GOLDSBOROUGH: So Mike --

1 MR. LUISI: Did you have the answer?

2 MR. GOLDSBOROUGH: Yes. My answer is that Mike is
3 going to handle it.

4 MR. LUISI: It is on my radar. It is something that
5 we just haven't had, as staff -- we haven't had the time to
6 really sit down and really think about what it is we want to
7 accomplish. And given this information that we just heard
8 today, you know, I can speak with Dave and staff and we can
9 come up with a plan.

10 Right now there is nothing planned because there is
11 nothing on the schedule right now to have that conversation.
12 But we know it is of interest. I don't believe that there is
13 anything that we can do in time given that we haven't even
14 brought this idea up yet to get regulations done by early
15 spring in order to -- if we regulated the user conflict, I am
16 not sure we could get it done in time.

17 So knowing that, we may want to just focus on this
18 winter as being the time where we -- the department
19 communicates back with you on what we can see moving forward
20 with, and just stay tuned for information I guess is all I can
21 say.

22 MR. GOLDSBOROUGH: So we have made it clear that
23 this is of interest to this commission. You guys are going to
24 take it under advisement and try and see where we stand. See
25 if it would be helpful to pull together the group again. But

1 | in any case, be prepared to report back to this commission at
2 | our next meeting? Is that a fair summary?

3 | MR. LUISI: Sure.

4 | MR. GRACIE: It is not just a user conflict, is it?
5 | There are also some illegal, and bycatch, there is some
6 | illegal harvest because of some things that are going on if I
7 | understand that correctly. People were taking fish they
8 | shouldn't.

9 | MR. LUISI: So there was a --

10 | MR. GRACIE: Not just bycatch.

11 | MR. LUISI: It is not just bycatch but we do have
12 | regulations that people were breaking. So -- that is an
13 | enforcement issue that we don't necessarily have an ability to
14 | address immediately to get word out or to communicate the
15 | information.

16 | MR. GRACIE: Maybe I am not remembering it right,
17 | Mike , but I thought the way they caught the fish made it
18 | harder to enforce things and harder to get clarity on what
19 | they were doing that was wrong.

20 | MR. LUISI: What they were doing that was wrong was
21 | they were catching and keeping undersized croaker --

22 | MR. GRACIE: And how were they catching them?

23 | MR. LUISI: With nets. And they were being sold.
24 | And there is a minimum size limit with net fishing on croaker.

25 | MR. GRACIE: So we are sitting here saying it is a

1 gear conflict and bycatch and that is not a bycatch problem.

2 MR. LUISI: That was --

3 MR. BLAZER: When we heard about that, we did let
4 NRP know to look for enforcement action on that. So again
5 there is really no reason to talk about it. It is really just
6 getting NRP to look into it. That was the action that we took
7 previously. So I don't know if the issue is still --

8 MR. GRACIE: So you are done. We don't need any
9 public education or anything else, right?

10 MR. BLAZER: I am hoping.

11 MR. LUISI: I am remembering this and again this is
12 all -- there were also people catching with hook and line,
13 small croaker, and turning them around, putting hook in them
14 and throwing them out to live line them. And that is illegal
15 because with the use of a hook and line, there is a minimum
16 size on croaker.

17 The nets, I don't know if there is a minimum size.

18 MR. HOLTZ: There was always a minimum size for
19 white perch.

20 MR. GRACIE: White perch, yes, but not for croaker.
21 If they are catching them in traps, then we didn't have any
22 way to --

23 MR. LUISI: If you catch a small croaker, you can't
24 use it as bait.

25 MS. DEAN: I want to make sure that this commission

1 | isn't misinformed for lack of a better word. I kind of want
2 | to start at the beginning, and I apologize. We are running
3 | over time and I understand that but this is pretty important
4 | stuff especially when it comes to relationships between the
5 | Sport Fish Advisory and the Tidal Fish Advisory Commissions.

6 | I wasn't really clear on what Jim's question was
7 | about the illegal ongoing, and I didn't know if that was
8 | referring specifically to gill net issues. It seems like
9 | there are a couple of different issues here.

10 | So I wanted to kind of separate out those issues.
11 | The first one is the user conflict in the summer gill net
12 | fishery. We had some issues in the northern end of the bay as
13 | well as in the south where it just seemed like the charter
14 | captains and the commercial fishermen were at the same place
15 | at the same time. The discussion that we had brought them
16 | into the room. It was a pretty good discussion although I
17 | don't think anybody left happy.

18 | But in the user conflict, I am not sure that anybody
19 | is. But I asked each of those from both sides, and I followed
20 | up to please contact me if we had any issues again this
21 | summer. I have not heard of any specifically although I do
22 | hear the conversation being brought back up repeatedly. And I
23 | think that is unfortunate.

24 | The other issue is the perch and croaker being used
25 | for bait. Perch have no size limit if caught on hook and

1 line. So you can certainly, whether recreational or
2 commercial, catch them on hook and line and then use them for
3 bait. And they are not currently being overfished.

4 Croaker do have a size limit by hook and line and in
5 gill net, and in Maryland we do have a possession law. So
6 even if you do boat the Potomac River, where there is no size
7 limit, and my understanding is in Virginia as well, and you
8 transport them into the state, you are in possession of an
9 illegal fish.

10 So I just wanted to clarify because I feel like some
11 of the things that are being said, I can't sit -- I can only
12 sit back for long before I really want to address so that the
13 myth isn't out there.

14 MR. GRACIE: Thank you, Rachel. Somebody confused
15 me on the white perch.

16 MR. LANGLEY: And there is a size limit on croaker
17 in the Potomac now.

18 MS. DEAN: Oh, is that recent?

19 MR. LANGLEY: Yes. It was adjusted. There was no
20 size limit on perch and a size limit to be in line with
21 Maryland and their regulations.

22 MR. GOLDSBOROUGH: Okay, can we move on? Jacob?

23 MR. HOLTZ: Okay, I will be as quick as I can, I
24 promise. So scoping. So just a reminder as far as scoping
25 goes, these are regulatory ideas that we at the department are

1 | working on. We have a plan as far as getting public feedback
2 | on these ideas before we actually write a regulatory proposal,
3 | and what we ask of the commissions when we go through the
4 | scoping is any feedback on the idea.

5 | And basically your approval or suggestions for how
6 | else we could go about scoping the issue with the affected
7 | folks.

8 | So first up is the blue crab stuff. It is all
9 | housekeeping. There are some inconsistencies that we are just
10 | making consistent with how people are already doing things
11 | basically. So there is an inconsistency between what
12 | recreational license you have. You can kind of read one of
13 | the regs to say, you are only allowed to use trot lines or
14 | collapsible traps. The other one says you can use them both
15 | at the same time.

16 | Everybody's understanding has been you can use them
17 | both at the same time so we are just fixing the one to say
18 | that you can use them both at the same time just so that way
19 | there is no confusion from any individual or NRP. If they
20 | have a license, they can be out there doing both.

21 | The female closure periods: These were put in reg a
22 | while back, and we notwithstanding them every year for as long as
23 | I can remember at this point with a public notice that sets
24 | the mature female bushel limits for commercial folks. So it
25 | is not that we are increasing pressure on the mature female

1 crabs. It is just that we are getting rid of something that
2 we haven't used and has just been something that we have said
3 to ignore for the last I don't know how many years.

4 If we ever had to have another closure, we could do
5 the exact same thing by public notice, which is how we set the
6 bushel limits right now. So we are not hamstringing ourselves
7 in any way by getting rid of it.

8 And then lastly it is just a clarification on the
9 days off that they declare. We are going to scope this on the
10 Website and then the other electronic means -- through our e-
11 mail lists, the Constant Contact e-mail list, and on Facebook
12 and Twitter. Any questions on that?

13 (No response)

14 If not, moving on. Cobia: ASMFC is has approved
15 the initiation of an FMP for cobia, and the -- what we are
16 anticipating is that at some point in the near to mid-future,
17 they are going to have states write regulations on them.

18 We do not have the authority to do that right yet so
19 we are going to declare them as in need of conservation and
20 explain the biology of all that so that if and when ASMFC
21 tells us we have to have to rules in order to have a cobia
22 fishery, we will be able to write rules to have a cobia
23 fishery.

24 I know a lot of folks are catching them this year,
25 and everybody always seemed to be surprised when I told them,

1 | yes, there are no rules at all. So now potentially at some
2 | point in the future there will be but just listing them in the
3 | need of conservation is the first step to us writing rules.

4 | When we do write rules on cobia, there will still be
5 | another regulatory process with public comment, feedback and
6 | all that. Right now we are just declaring them as in need of
7 | conservation with an eye toward the future of needing to write
8 | those regs.

9 | Again we are going to send it out on the Website, on
10 | the e-mail list and the other electronic stuff. Any questions
11 | on that?

12 | (No response)

13 | Moving on, hard and soft clams: We are going to
14 | have to write regulations to get our state in line with the
15 | National Shellfish Sanitation Program model ordinance. One
16 | thing I will point out with this in the discussion paragraph
17 | of this, there is a line, this line here, saying we are going
18 | to have to follow a vibrio control plan.

19 | That is actually not accurate. We just heard from
20 | DHMH recently. We are going to have look at it every year to
21 | determine if we need to implement a vibrio control plan for
22 | hard clams. And when this goes out to the public, that line
23 | will be changed to reflect that.

24 | But just so you understand in your handout, what you
25 | see isn't going to be what goes out to the public because that

1 line needs to be fixed.

2 Our commercial hard clam fishery in the bay is
3 almost nonexistent so it really shouldn't affect hardly
4 anybody. The only addition to that as far as scoping would be
5 we are going to also talk to the Coastal Commercial Fisheries
6 Forum because some of their folks might be affected.

7 Cownose rays: We are going to list cownose rays as
8 in need of conservation. And we are going to create daily
9 catch limits. We don't have a set guideline on catch limits
10 yet. If you read through the discussion, there are also
11 potential actions that we discussed. We set daily catch
12 limits for both the commercial and the recreational fishermen.

13 If you want more background on cownose rays, we
14 also have a handout in your packets. It looks like this. It
15 is a memo that we drafted up. And it goes through all the
16 background of how we got here and why it is necessary to
17 declare them as in need of conservation. So that is in your
18 packets. I am not going to go over it since we are running so
19 far behind. But again if you have any questions, please get
20 in contact with us.

21 The department is also going to be requiring a
22 permit for cownose rays tournaments. So that way we can get a
23 better of A, how many tournaments there are, and the harvest
24 effort on the rays in these tournaments because a lot of where
25 the public feedback had been coming from was that public

1 | spectacle of those tournaments. They had been all over the
2 | news.

3 | But again this goes to trying to collect better data
4 | to manage these things. And again as far as where we are
5 | going to scope it, it would be -- we would send it out, put it
6 | up on our Website and send it out to the electronic contacts.

7 | Recreational shark rules: Requiring certain sharks
8 | to be released in a manner that maximizes survivability.
9 | Delaware actually put similar rules in place a couple of years
10 | ago. There are protected shark species that some folks catch
11 | both from shore and on charter boats and I imagine people go
12 | out recreationally sharking without a charter boat also in the
13 | ocean.

14 | This is just going to require proper handling of
15 | these prohibited sharks. And it would be complementary to
16 | what the feds require as well. This will also go out to the
17 | electronic contacts I discussed before and the Coastal
18 | Recreational Fisheries Forum.

19 | One thing I will also point out is that the town of
20 | Ocean City also passed some local ordinances this summer
21 | because there were a bunch of sharks being caught and put up
22 | on Facebook and there was a bit of -- I don't want to call it
23 | hysteria but a lot of concern as far as what that could look
24 | like.

25 | And a lot of the pictures that were being displayed

1 | also didn't ensure maximum survivability, and they are a
2 | protected species so Ocean City took some measures to prohibit
3 | certain methods of fishing from their beaches. This is kind
4 | of complementary as far as making sure that sharks that are
5 | caught are released with maximum survivability. Any questions
6 | on that?

7 | *Questions and Answers*

8 | MR. PITTAS: Assateague also has a lot of sharks
9 | that they catch down there, and I am not sure about the
10 | regulations that the bait launchers --

11 | MR. HOLTZ: I know Ocean City prohibited using --
12 | folks were using like kayaks to kayak their bait out. So
13 | Ocean City prohibited that if I understand correctly. But we
14 | don't have any state rules so that would still be allowed on
15 | Assateague under our current set of rules --

16 | MR. PITTAS: The bait launchers would?

17 | MR. HOLTZ: Bait launchers and kayaks both as far as
18 | the state goes. So down in Assateague it would still be
19 | allowed, and I think -- I mean obviously if you have any
20 | concerns about that, please get in contact with us and we can
21 | discuss if any further restrictions need to happen as far as
22 | the state goes. Any other questions on that shark piece?

23 | (No response)

24 | Moving forward, the smooth dogfish, it is a
25 | commercial thing. If you really want to look at it and get

1 back to us, that would be fine but it is about catch
2 composition. It is complementary to some of the ASMFC
3 changes. And then lastly, this yellow perch thing, while it
4 is commercial I will just bring it up because I know there has
5 been interest from this commission about yellow perch.

6 It would change the size limits for commercial hook
7 and line to be consistent with the other commercial harvest
8 methods. So it would now be an 8 1/2 inch minimum size and 11
9 inch maximum size. Right now it is just a 9 inch minimum size
10 with no max for commercial hook and line.

11 It really just gets a size limit consistent for the
12 commercial fishery, and I don't believe we really think it is
13 going to have much of a change other than just keeping things
14 consistent because most of the guys doing yellow perch
15 commercially are all using nets, I think mostly fykes.

16 Again so we will talk about it with you all in
17 Constant Contact, Twitter, Facebook and the Website. Are we
18 good with that?

19 (No response)

20 All right, so that is scoping.

21 MR. GENOVESE: If you all recall, an e-mail was sent
22 out on the FMP updates. You are to provide Nancy Butowski
23 with comments. And I don't recall the exact date but it was
24 in November sometime.

25 MR. GRACIE: I think we just got them the beginning

1 of this week. I haven't had a chance to look through them
2 yet.

3 ***Recreational Oyster License Workgroup Updates***

4 ***by Jacob Holtz, MD DNR Fisheries Service***

5 MR. HOLTZ: That last agenda item that Sarah was
6 going to be covering is the Recreational Oyster Workgroup. So
7 this workgroup met back in August -- it is the Recreational
8 Oyster Workgroup -- to discuss recreational oystering.

9 As far as outcomes that Sarah asked me to cover, NRP
10 is going to be doing intercept reports. They will be
11 providing those to fishing and boating just to give us an idea
12 of the number of recreational oyster folks they run into.

13 They will be doing targeted enforcements on the
14 first Saturdays of the month since Saturday is a recreational
15 only day. Commercial folks can't be out on Saturday. The
16 workgroup is going to follow up on a summary of the NRP
17 reports. And we are looking into adding a question. If you
18 currently get a recreational license, I believe you are asked,
19 are you planning to fish to largemouth and smallmouth bass?

20 Instead of looking forward and saying, are you
21 planning to recreational, we need to ask a question, looking
22 backward, saying did you recreationally oyster in the last
23 year? Because there is not currently a recreational oystering
24 license. So when we are interacting with folks in that
25 licensing setting, just to get an idea of how many people are

1 | recreationally oystering.

2 | We are looking at the feasibility of getting that as
3 | a checkoff or a question added to the Compass system. IT is
4 | still looking into if and when we will be able to get that
5 | done. Ideas that they are going to follow up on would be a
6 | free registration, perhaps adjusting the boat or a vessel
7 | limit for recreational harvest.

8 | Right now in statute it is one bushel of oysters per
9 | person recreationally per day. Potentially we could look at
10 | adding a boat limit if there is what we would perceive as
11 | abuses of that given some of the stories that have been told,
12 | which -- honestly I can't personally speak to them. And then
13 | Sarah is going to follow up on possibly adding a recreational
14 | oyster tagging requirement.

15 | She is still looking into that and we don't have an
16 | answer on it yet. She is going to get back to that oyster
17 | workgroup when she does have that answer. Any questions?

18 | MR. GOLDSBOROUGH: Questions for Jacob?

19 | (No response)

20 | MR. GOLDSBOROUGH: I think we are good.

21 | MR. HOLTZ: All right. And that should be it for
22 | me.

23 | MR. GOLDSBOROUGH: All right. So we are going to
24 | Tom Parham now.

25 |

1 *Chesapeake Bay Water Quality Patterns*

2 *by Tom Parham and Jim Uphoff, MD DNR Fisheries Service*

3 MR. PARHAM: I am Tom Parham. I am the director of
4 tidewater ecosystems assessment. I oversee Maryland's tidal
5 water quality monitoring.

6 I am going to be doing kind of a tag team with Jim
7 Uphoff here.

8 MR. BLAZER: If I can set this up a little bit. If
9 you recall at the last meeting, and I think it was part of the
10 conversation of croaker, spot, what is going on down in the
11 lower bay as far as water quality and some issues associated
12 with some of what we were seeing when we met back in July, so
13 we have asked Tom and Jim to kind of fulfill that action item
14 that you all requested. So they have got a brief
15 presentation.

16 MR. PARHAM: like Dave was saying, we kind of got
17 this discussion a while ago. We also heard through Mary Gary
18 down at Potomac River Fisheries Commission, he was talking
19 with some charter captains who have been having some questions
20 about what is going on in the lower Potomac.

21 And I will make this relatively brief because I know
22 you guys -- we are kind of behind schedule a little bit. So
23 this is the question. Beginning in 2006, why were the
24 rockfish moving out of the lower Potomac much sooner than
25 normal and heading up the bay to join the schools of fish up

1 | in that mid-bay area?

2 | And they reason why they were saying it, they were
3 | saying normally they can catch rockfish off of the mouth of
4 | the Potomac along that main bay area, 30 to 35 feet. But
5 | after 2007, that pattern disappeared.

6 | So we kind of break this down two different ways.
7 | Jim Uphoff is going to kind of talk about looking into the
8 | fisheries stuff. Then I will talk a little bit about looking
9 | into the habitat.

10 | MR. UPHOFF: When were we -- I mean, actually it has
11 | been, it must be long enough that I have forgot and did a lot
12 | of this. But we kind of got into this and we cast a pretty
13 | broad net, and just in general, in the fish information as
14 | best we could, trying to look for general shifts over time of
15 | legal fish. Maybe looking at commercial reports or charter
16 | boat reports or something, catch data, distribution of tagging
17 | returns.

18 | Found some information online from one of the
19 | Virginia Institute of Marine Science surveys. Could get a
20 | little bit of a handle on forage fish. We have tracked the
21 | condition and nutrition of rockfish over time. And just
22 | general fishing reports.

23 | And honestly not a whole lot from this leaped out.
24 | But this is just -- that was one of four slides I am going to
25 | cover.

1 (Slide)

2 Basically the movement of striped bass in the bay
3 were described in the 1950s and 60s from tagging data. This
4 is --- and Ed Hollis. And also there have been subsequent
5 studies. Basically right after spawning, the mature females
6 leave the bay. They head up to New England, spend the summer
7 up there.

8 Some males leave, not a whole lot, but there are
9 male fish in this coastal migration. But most of the males
10 and some of the immature females stay in the bay and we
11 consider them or label them as residents. This is what our
12 recreational and commercial fisheries are based on, other than
13 the trophy season.

14 And again the tagging in the 1950s to the 1960s
15 indicated that most of these resident fish leave the spawning
16 tributaries. Not all of them but a lot of them leave the
17 spawning tributaries and then will basically spend the summer
18 into the fall in this area between Poole's Island and Tilghman
19 Island.

20 And again that is something that has been something
21 that has been established for a long time. Basically the
22 heart of our fishery, summer fishery, is still there. But
23 some fish do remain in the tributaries throughout the summer
24 or other areas.

25 (Slide)

1 So the striped bass program had a couple of data
2 sets that at least provided some opportunity to try and get
3 some numbers behind this. And they tag every spring during
4 their spawning stock survey a bunch of fish, some of which
5 will be residents. A bunch of them will be males, which will
6 basically be resident fish. They can't spawn immature females
7 because they are not on the spawning grounds.

8 So that data set provided an opportunity to
9 look -- to get at least a gross look at where fish, from the
10 Potomac River, that spawn in the Potomac River, where do they
11 go within the bay after they spawn? Somebody -- I don't even
12 know who anymore, I found this in my file not that long
13 ago -- sent me the tagging records, the recaptures within the
14 Chesapeake Bay.

15 And then I looked at the May all through August
16 returns just figuring that would be an approximation for when
17 people were worried about this shift.

18 So I basically took the data that was in hand, made
19 an estimate of the percent of fish that were tagged in the
20 Potomac that were reported caught in the Potomac or lower
21 bay --- area. For those of you guys who maybe were filling
22 out fishing reports, that lower bay area is 029, which is
23 basically Coake* Point to the Maryland line. And then all the
24 Potomac River and its tributaries.

25 And in order to get an adequate sample size, I set

1 up two time periods. One was from 2000 to 2006. That gave me
2 about 65 returns to work with. And then from 2007 to 2013,
3 and that was 68 returns to work with.

4 And basically when you just estimate the percent of
5 fish that were tagged on the Potomac River spawning grounds
6 and recaptured within the Chesapeake Bay, 51 percent of them
7 were recaptured within the Potomac and lower bay during 2000
8 to 2006. For the next time period, it was 53 percent.

9 So we are basically -- with these data it is saying
10 51 versus 53 percent. It is not suggesting a migration
11 change.

12 (Slide)

13 And then just the spawning stock survey again, you
14 know, part of the spawning stock are the mature females but
15 they also sample males very effectively. And the male fish
16 are basically most likely to be our resident fish. Then the
17 fish who are four to six years old are most likely to make up
18 our fishery.

19 So looking at just sort of a relative abundance
20 index of that age group, between the Potomac River and then
21 they do another survey up in the upper bay that is just like
22 it, basically there may be a time period right about somewhere
23 in here where there may have possibly been less fish coming
24 out of the Potomac.

25 But there is no consistent pattern here of say the

1 Potomac River relative abundance diminishing. And so from
2 that end, that is kind of it from some of the fisheries data
3 end of it. Tom gets to talk about water quality some more.

4 MR. PARHAM: So we were looking at what else could
5 possibly be going on?

6 (Slide)

7 So what other changes? And so I am going to look at
8 water quality, habitat, what other things? So you all have
9 seen this picture of the bay. The arrows kind of cover where
10 the deep trough is. You can see the lower Potomac and the
11 main part of the bay. That is the deepest water. That is
12 where you have low dissolved oxygen. That is where we have
13 lots of problems.

14 That is just an average late summer, so that is the
15 general area right there that we are going to kind of talk
16 about. So with that low DO, obviously the fish aren't going
17 to stay around. This is something we have put on the fishing
18 report, and use water quality data throughout the year to
19 look at temperature and dissolved oxygen.

20 And you look at --- it kind of sets up nicely and
21 matches up with the fishing report. So that is where the fish
22 are. So I am sure you are all familiar with that. They all
23 move up in that August period. That is where the bulk of the
24 fish are.

25 And you have heard reports that there were a lot of

1 charter captains bringing their boats up to that area.

2 So what happens when you have lots of low dissolved
3 oxygen? It impacts what is living on the bottom. So if you
4 look at -- these are side views. And so this side has most
5 oxygen. It is kind of tan-colored. It has got lot of shells
6 and worms living in it. As you go toward less oxygen, it
7 becomes black --- essentially.

8 (Slide)

9 So this is what you are seeing in deep troughs and
10 areas that have very, very low oxygen. There is really
11 nothing living in it. So if you are any kind of fish looking
12 for worms on the bottom or clams, when you have areas of low
13 dissolved oxygen, there is really nothing there.

14 (Slide)

15 So for the rockfish that are coming down the bay in
16 the springtime, one source of food is certainly the clams and
17 worms, and the organisms living on the bottom of the bay.
18 These things, we are going to look at these. They call them
19 polycletes. Basically what is living on the bottoms. May
20 worms, yes actually that is the reproductive --

21 (Slide)

22 We looked at -- the state pays for a benthic survey
23 where they do lots of lots of --- randomly throughout the bay
24 in Maryland and Virginia and also some fixed site. At those
25 cores, they look at what sort of organisms are on the bottom.

1 | How many of them are there? What is the condition? Is it low
2 | dissolved oxygen? What is causing those problems?

3 | So what I did for this period is I highlighted the
4 | areas just to kind of focus on them because when I spoke with
5 | Marty Gary and other folks, they were saying this is the area
6 | where they can -- where it seems like the captains weren't
7 | catching the fish.

8 | So these areas. So you see lots of black dots. And
9 | those light colors, that basically mean there is nothing
10 | there, very small amounts of worms. You get that black
11 | mayonnaise, if you get decent or better conditions, the first
12 | thing to come back are the worms. You are not going to see
13 | lots of clams. So there will be worms.

14 | So when you have year after year after year of poor
15 | conditions, if something is going to come back, it would be
16 | those polychaetes. So this is just kind of 1995, 1997. And I
17 | will just quickly toggle through and I will show you what is
18 | going on. This area has been --

19 | (Slide)

20 | If you look at our long-term trends for quality
21 | conditions, this is considered severely degraded. So as I
22 | step through, you will see something here. You are still
23 | seeing some bigger circles that show there is more stuff going
24 | on.

25 | (Slide)

1 So we here go 1998 to 2000. And the thing that we
2 are looking at is that 2005, 2006, 2007, where we are seeing
3 stuff that is changing. So again we are seeing some dots.
4 Small dots mean there is really nothing there on the bottom
5 for those fish to eat.

6 (Slide)

7 So 2001/2003, still lots of black dots. But now we
8 start to move to 2004 and 2006.

9 (Slide)

10 A lot less that is going on in there. And then the
11 year 2007, when you look at our benthic sampling, this was the
12 worst clump of years for the lower Potomac, this area right
13 here in DC. It is just all black dots, basically nothing.
14 And the main stem river was also classified as severely
15 degraded. That was the worst scores that they had. So this
16 is kind of coinciding when we were getting those comments.

17 (Slide)

18 Again this is just one source of food but we were
19 trying to find out what is happening in the water that might
20 possibly include an explanation.

21 (Slide)

22 So 2010/2012, the Maryland main stem is still
23 classified as severely degraded. You can still see it. This
24 is still very, very bad. So if a rockfish is coming up here
25 looking for something on the bottom, there is nothing there.

1 Or as he moves up the western shore up the bay, there is
2 really nothing there.

3 One thing we are seeing, the Tangier Sound area does
4 have, the benthic --- there is not that bad. So I am not sure
5 for the captains that fish over in that area whether that
6 is -- how they were doing in that area.

7 MR. GRACIE: I missed that. What area was that you
8 were pointing to on your right there?

9 MR. PARHAM: This is the Tangier area.

10 MR. GRACIE: Oh, Tangier. Thank you.

11 MR. PARHAM: So as I was toggling through, these are
12 better conditions over here.

13 (Slide)

14 And here we are for the region '13 through '15.
15 Slightly better but still again severely degraded. And so you
16 say, hey, what the heck has been going on? Why is it so poor
17 there? Well, again, this area is suffering from hypoxia,
18 which is dissolved oxygen --- where it actually bottoms up to
19 zero.

20 So it is hard for anything to live in there. The
21 plus side is, the last two years, Maryland has experienced two
22 years of --- . So we didn't get down to zero.

23 ***Questions and Answers***

24 MR. GRACIE: In the trench.

25 MR. PARHAM: In these areas. Nowhere in Maryland's

1 part of the bay did we get down to zero. It was close to the
2 line but we go nowhere near it.

3 So this year, for low dissolved oxygen, was about an
4 average year. But if you look at it for the big picture --
5 you know, we have all heard about this bay restoration -- we
6 have a pretty good plan in place, and we have looked at what
7 is happening in all the rivers that are coming into the bay
8 and the bay itself.

9 The amount of nutrients that are coming in the bay
10 are definitely dropping off. While we are seeing improvements
11 in the upper rivers, we still haven't seen stuff in the lower
12 Potomac but it is making its way.

13 MR. GRACIE: You are talking about nutrients but the
14 immediate local problem is high BOD organic sediment, not the
15 nutrients. The nutrients are doing stuff upstream, which is
16 sending that stuff downstream.

17 MR. PARHAM: Sort of because remember the nutrients
18 are food for algae. So what happens is all that --- that is
19 coming through is food for algae.

20 MR. GRACIE: And the algae dies and gets caught up
21 in the fine silt, and that is the high BOD on the bottom.

22 MR. PARHAM: Exactly.

23 MR. GRACIE: So you are talking about benthic
24 anoxia.

25 MR. PARHAM: Yes, but what is happening is because

1 | you have high -- lots of algae in the water, it is causing ---
2 | to add on to that. So looking at all the sorts of things that
3 | Jim was saying, the fish data is not showing anything really
4 | clearly. The tagging data is not really supporting it,
5 | distributional shift.

6 | But the habitat conditions are bad. We went through
7 | a period of really bad conditions during that time period. So
8 | is this kind of jibing with what you guys are seeing in the
9 | water, Phil?

10 | MR. LANGLEY: Tom, you know, I guess my questions is
11 | it wasn't like a light switch, okay? But what transpired? We
12 | had a building boom, you know, where you could have had
13 | runoffs and nutrients or whatever in the water back then. But
14 | in the last several years, the building has been down,
15 | construction has been down. And what transpired in that area?
16 | I have fished that area all my life.

17 | MR. PARHAM: The lower Potomac?

18 | MR. LANGLEY: Yes, the lower Potomac/Point Lookout
19 | area. And it is just like kingfish, whiting. We have seen
20 | larger numbers, which are bottom dwellers, larger numbers of
21 | them here in the last three years than we ever had in the
22 | Chesapeake Bay. So if the oxygen can sustain those fish, what
23 | is it with striped bass that -- I guess this whole thing just
24 | confuses me.

25 | MR. PARHAM: Well, the last couple years, as bad as

1 they are, things are getting a little bit better. And so if
2 you look at the big picture, like I was saying earlier, all
3 the nutrients, which is algae food coming into the bay, those
4 levels are dropping.

5 MR. GRACIE: The only reason I tried to make the
6 point I did is there is a lag time. So if you kept the
7 chlorophyll A down, and algae blooms were down for three
8 years, you would see a gradual increase in the benthic DO
9 because it takes time for that BOD to work, and then you get
10 more oxygen.

11 So you go to -- it depends on how much movement
12 there is in the bay too. So it falls behind by years not
13 necessarily by weeks.

14 MR. UPHOFF: It is also not necessarily the hypoxia.
15 It may be part of the issue. Part of this is in the spring,
16 somewhere around or May or so, May/June when the males leave
17 the spawning ground, there is not a lot of -- resident fish --
18 there is not a lot of forage fish in their size range but they
19 will feed heavily on invertebrates when they are there.

20 Some years they can feed enough on polychaetes and
21 really little stuff to actually pick up a little body fat.
22 Other years they don't get it. So it not necessarily just the
23 linkage to the water quality directly because there is the
24 possibility that there is not enough food to hold them in
25 place and they just keep going rather than --

1 At some point with these fish, they come out of the
2 spawning grounds, they kind of make a move, keep moving, and
3 then they just stop for the summer more or less until about
4 this time of year or earlier a little bit, and then they start
5 moving back and feed on the forage fish.

6 So it is not necessarily that it is the hypoxia
7 itself but the hypoxia perhaps related to the benthic
8 community to this one food source. These fish have basically
9 spent all their energy reserves. They are exhausted. They
10 need to get something. And sometimes -- like the May worms
11 are going to be very energy rich because they have got eggs
12 and stuff like that. And if there is enough of them --

13 I mean, some years you can't catch a fish because
14 they are feeding on May worms.

15 MR. LANGLEY: The only thing is, and it does make
16 sense to a certain point of it, but I can tell you if things
17 are getting better, and the last three years, for years, the
18 summertime fish are pushing farther and farther north. And
19 Eddie Green, some guys, the guys out of the middle bay,
20 Chesapeake Beach Rod and Reel, those guys were relocating
21 boats and going farther north.

22 So it seems to be, you know, all the way above the
23 Bay Bridge now --

24 MR. UPHOFF: There is saying -- there is a really
25 famous stock assessment guy, a guy named John Poke. He is

1 still alive. But he had a wicked sense of humor. He said
2 counting fish is like counting trees except you can't see the
3 fish and they move.

4 MR. GRACIE: And the trees stay still.

5 MR. UPHOFF: We went through a lot of information
6 and I know we didn't answer the question but these were some
7 things that might have contributed to it. And I see it where
8 I go. I live where the Choptank, I fish there all the time.

9 We had a great like early part of the season and
10 then nothing. And some years we have made out much better
11 than other people. And some years we haven't. We don't have
12 the information to track something down in that detail but
13 these were the things that sort of -- we could bring to the
14 table. This is really hard and we tried it.

15 MR. PARHAM: So one thing about those fish up above
16 the Bay Bridge. During the summertime you have the hot water
17 and you add the low dissolved oxygen in those little wedges.
18 We are out in the bay sampling every two weeks. We do ---.
19 You put all of that together, it actually fit in really well
20 to where the fish were. So that matched in.

21 MR. O'BRIEN: I think we missed some basic things
22 here. The fish go where the food is, where the bait is. We
23 had a situation where they were going to the upper bay and
24 that steady migration patter that they have been taking for as
25 many years as I have been in this bay. But then people

1 started chumming around that nuclear power plant. Right in
2 under it people were getting in there and I mean the fish just
3 flocked to there because it was always chum going in the
4 water. And people were bringing some eels in there too. And
5 that was a big fishery.

6 And then when the Coast Guard kicked us out and made
7 us go X hundred yards out from that, the fish started going
8 north again. In other words, that bait wasn't holding them as
9 well. But that is a major thing. That was a real blockage of
10 the migration, that situation around the power plant.

11 And everybody was there. 1,000 boats on a weekend
12 day.

13 MR. UPHOFF: Without getting too deep into the weeds,
14 the other possibility for this is, and that would be just what
15 you are saying is, that the fish in the upper bay are more
16 accessible. Because of the chumming bait, chumming, chunking
17 and live lining basically -- I have got a bunch of diet data
18 on the Tilghman fleet, and come summertime there is a very
19 large fraction of the diet weight in those fish that is bait.

20 Now the trouble is, it could be a really biased
21 sample. But it does -- this is the kind of thing that is
22 really tough to talk to fishermen about because you are making
23 some insinuations about, well, they might be there and you
24 can't catch them. I don't want to hear it and neither does
25 anybody else.

1 So I hope, as delicately as I could, that is another
2 factor.

3 MR. GOLDSBOROUGH: All right, let's move it along,
4 folks. We are way behind. Jim and Mark.

5 MR. GRACIE: Really I think the message here is that
6 we are not dealing with migration. We are dealing with
7 movement for food and habitat. And it is all correlation at
8 this point. You don't have the direct data. I understand
9 that but it is pretty strong. And it is all makes sense.
10 That is fantastic data.

11 MR. DeHOFF: A couple quick things. One is in a
12 couple conversations I have had about this over the years, why
13 some of these fish might be congregating up near the Bay
14 Bridge is that it is a big mixing bowl up there. That Bay
15 Bridge, with all the pilings and everything --

16 MR. UPHOFF: It has always been --- even before the
17 bridge was there. And when I was a kid, the place was unreal
18 with -- it doesn't support anything near the fishermen it used
19 to.

20 (Simultaneous conversation)

21 MR. DeHOFF: And then another question is about how
22 long does it take for a benthic community to regenerate once
23 you get back -- a couple years before you start seeing --

24 MR. PARHAM: They can come back pretty quickly. I
25 can get back to you on that, whether if you have full health

1 or clams and all those other ones in it but those polycletes
2 come back pretty quickly.

3 MR. GRACIE: Well, each one lays about a million
4 eggs, so they have a quick rebound.

5 MR. PARHAM: When you look at the sediment, those
6 sediment cores, the ones that black mayonnaise, there is no
7 oxygen going through that surface.

8 MR. GOLDSBOROUGH: Any other questions for Tom or
9 Jim?

10 (No response)

11 MR. GOLDSBOROUGH: Thank you, guys. That was really
12 good. And we had asked for that. Very helpful Okay, now we
13 are to Mike.

14 *Estuarine and Marine*

15 *Michael Luisi, MD DNR Fisheries Service*

16 MR. LUISI: I will go quickly and I will focus on
17 the highlights knowing that there are certain points here that
18 you are going to be more interested in.

19 My name is Mike Luisi under the new division, under
20 the reorganization Division of Monitoring and Assessment
21 Reports. So you are going to start seeing that. It used to
22 be estuarine and marine. Now it is monitoring and assessment
23 so just get used to seeing those reports.

24 I am going to begin with a quick ASMFC update. The
25 annual meeting starts next week.

1 (Slide)

2 We are all leaving to go up to Bar Harbor, Maine.
3 There are a few items that I thought would be important or
4 would be of interest to you.

5 So for summer flounder, I know that the bay --
6 flounder isn't the big thing here in the bay. It is more of a
7 coastal issue. But I thought that at least you guys should be
8 aware that there is a possibility, very likely possibility,
9 that they are going to be taking some big cuts in flounder.

10 The quotas have already been reduced by about 30
11 percent on top of last year's reduction of about 23 percent.
12 So the quota is coming down pretty severely, and I have no
13 doubt that this year will be the year where recreational
14 measures are going to need to be changed.

15 We are currently managing in kind of a regional way.
16 So Delaware, Maryland and Virginia all have the same rules and
17 regulations, and the regulations apply to both inland and
18 off-shore waters. That is going to be at risk. I have a
19 feeling given the interest from some of our northern states in
20 changing that approach.

21 We won't know. There is a lot in the air but it is
22 important that you guys know that there are some changes
23 possibly coming as well as with black sea bass but that is
24 better news. The black sea bass assessment will hopefully
25 allow for more access to sea bass, which has been something

1 that has been pretty constrained over the last years.

2 Cobia was already mentioned earlier. So the cobia
3 regulations that will be -- well, ASMFC is working on an FMP
4 for cobia. We have no rules, as Jacob mentioned earlier.
5 However, it is likely that through the course of this FMP
6 action, we are going to be asked to put forth regulations.

7 And I have been contacted by a few people who have
8 concerns over those regulations because if they are to mirror
9 or mimic the off-shore fisheries, the regulation that the
10 federal government is likely to put in place, the minimum size
11 would be about 36 inches on a cobia in Maryland, in Maryland
12 state waters.

13 Now that may not be as big of a deal on the coast,
14 but in the bay, the access that we have here in the bay is for
15 smaller fish. So one of the things we are planning to do is
16 to make sure that the FMP, as it is being developed, includes
17 conservational equivalency in some way.

18 Now that would mean you would have to give up some
19 fish and a creel limit or maybe potentially modify the season
20 to get a smaller fish. That is just how conservational
21 equivalency works but we want to make sure that is in the
22 package going forward so that there are flexible options for
23 our fishermen in the bay.

24 The menhaden board is meeting. I know that a lot of
25 you are interested in how menhaden management is going. There

1 is a potential for an increase. I would say it would be small
2 if any increase in the quota given the conversations that have
3 been had along the coast.

4 We will be continuing to work on amendment three,
5 which is looking at ecological reference points and
6 allocations for the future. So 2017, nothing is going to
7 change other than the quota. And it might not even change.

8 But then 2018 and beyond are hopefully going to be
9 within a new management approach there with menhaden and with
10 striped bass. I know that is the thing that most people pay
11 attention to and are focused on.

12 So there is going to be an opportunity for us to
13 seek some action by the board, and it would be our intention
14 to seek that action in order to reduce or liberalize or
15 provide some relief to the rules that we currently have in
16 place. We currently have the spring trophy and the summer
17 fishery. It is mostly the summer fishery, I think, that
18 people are focused on as far the 20-inch minimum size limits
19 that we currently have.

20 There is new information -- let me get back to this.

21 (Slide)

22 There was an assessment update. So we suggested to
23 the board and to the policy board last year that they do an
24 assessment update so that we could have data to represent the
25 impacts of the rule changes that we made in 2015. You all

1 remember we went from 18- to 20-inch fish in 2015.

2 Well, we didn't have any way to quantify what
3 happened as a result of that. So the assessment update is
4 going to be presented to the board, and that is a line of
5 spawning stock biomass, and you can see the dotted line at the
6 bottom that we are just about approaching on the right side of
7 the graph. That is the threshold for overfishing -- or I am
8 sorry, overfished.

9 We do not want to go through that line, through that
10 threshold. And it is somewhat of a concern when board members
11 see that. However, the arrow that I placed up there -- I am
12 sorry. It is a little small. It is pointing to a point in
13 time when we thought the stock was going to go through the
14 threshold before. And so that point in time goes back in 2012
15 when the graph looked just like this. And everybody hit the
16 panic button, and we put forth the measures that we did for
17 protection and conservation.

18 However, a few years later that point in time from
19 2012 has changed, and it is called a retrospective bias to the
20 information. So what we see is that the spawning stock
21 biomass always comes up higher the farther you get away from
22 the last assessment. So if I were to look at that graph and
23 we were to use the retrospective bias, we would look and that
24 and think, well, the stock doesn't necessarily look like it is
25 in too bad a shape, back in 2012.

1 However, we did make changes and we are living
2 through those changes right now. The more important, I
3 believe, the more important piece of the assessment is fishing
4 mortality. So what you will see there is our current fishing
5 mortality.

6 Now the lines on the graphs flip-flop when you
7 do -- you want to be low. So the target level is the lowest
8 line. And that was the level that back in 2015 when we made
9 the changes that we did, the objective of the changes was to
10 reduce fishing mortality to the target or below, within two
11 years.

12 And so just as of 2015, you can see we are
13 considerably lower than the fishing mortality target, which
14 means -- we were arguing all along that the reductions that
15 were being called for were too severe and too restrictive and
16 it was too much of a step to take.

17 So this information now gives us some room to work
18 with the board to try to get other board members in other
19 states to see what those impacts were. We had conversations
20 all year last year in 2015 about the severity of those
21 reductions that we took. And this fishing mortality, which is
22 a coastwide fishing mortality, is a reflection of that.

23 So it reflects the suffering that you guys went
24 through, and it gives us something to work with as far as
25 taking this to the board and asking for some relief to our

1 rules.

2 So I can't -- I don't have a crystal ball. I have
3 no way to know what the outcome of that is going to be. But
4 know that Maryland, Virginia and the Potomac River met -- the
5 Potomac River Fisheries Commission -- we met last week, and we
6 have support of the bay jurisdictions on going forward with a
7 request to the board to potentially get some relief.

8 Maybe a 19-inch fish or even potentially suggest to
9 the board kind of the resetting and getting away from
10 Amendment Four and going right back to where we were prior to
11 that. And that was just something that we discussed.

12 We are not necessarily sure how that is going to
13 play out but those are things that we are going to be
14 discussing for the next few days. So that board meeting is
15 next week where this will be decided. Lastly, on that, there
16 isn't another assessment planned until the benchmark
17 assessment in 2018.

18 So the benchmark assessment is going to take into
19 consideration male/female relationships that we have talked
20 about before. You know, all the males in the bay and the
21 contribution of those males to female spawning stock biomass
22 is obviously nil.

23 The benchmark though is years from now, and there
24 will not be another assessment between now and the benchmark.
25 So this is our opportunity to address this issue with the

1 board. However, if it fails to go anywhere, if the board
2 decides ultimately to leave things alone until the benchmark,
3 we have got about three years ahead of us at the same
4 regulations that we are currently in.

5 We can modify those rules within the state but we
6 would have to give to get. If we drop the size limit, you
7 have got to give up the season or go from two fish to one
8 fish. Those are all things we can always do. But to get
9 relief from the ASMFC board will have to happen as a result of
10 this meeting that is coming up.

11 I can stop there unless you want me to --

12 MR. GOLDSBOROUGH: Let's see if there are any
13 questions.

14 *Questions and Answers*

15 MR. GRACIE: You talked about the bay. Have you
16 talked to any northern, northeastern states?

17 MR. LUISI: Yes.

18 MR. GRACIE: What is the feedback you feel?

19 MR. LUISI: There is not a lot of commitment at this
20 point. Nobody is saying one way or the other.

21 MR. GRACIE: But not strong resistance either?

22 MR. LUISI: There is probably going to be more
23 resistance from states north of New York.

24 MR. GRACIE: That is why I am asking the question.

25 MR. LUISI: So New York north is going to probably

1 | be more resistant. New Jersey south may not.

2 | MR. GRACIE: Have you talked to New Jersey?

3 | MR. LUISI: Not yet. I mean, not since this
4 | information became available so we, Dave and I, plan over the
5 | next few days --

6 | MR. GRACIE: So you are going to do all your
7 | lobbying when you get there then.

8 | MR. LUISI: Well, we are going to make phone calls
9 | this week. I got a couple more days left. I mean, the amount
10 | of time we have between now and the meeting is endless to talk
11 | about striped bass. That is all that we are going to be --
12 | Dave and I are going to be lobbying --

13 | MR. GRACIE: But you might get a chance to get their
14 | attention better now than when they are all there.

15 | MR. LUISI: Sure. It might be easier now. Over the
16 | next few days we are going to work on that but I wanted you
17 | guys to be aware of what -- you know, the department's plan
18 | was moving forward, and some of these thoughts.

19 | Quick update on the Mid-Atlantic Fisheries
20 | Management Council. We met a couple weeks ago. And one of
21 | the decisions that came out of the council was not to include
22 | shad and river herring as stocks in the fishery. This is
23 | something I have mentioned to you many times before.

24 | The council ultimately voted to leave the fishery
25 | managed as it currently is in federal waters, which is under a

1 harvest cap in the midwater trough fleet. And there is a
2 technical working group that is working very diligently to try
3 to fill in the data gaps so that additional management
4 measures could be used in the future. We are just not ready
5 at this point right now. The council wasn't ready to go
6 forward with that right now.

7 Just to put it on your radar, there is an obligatory
8 seat on the Mid-Atlantic Council that is going to be open next
9 year. Howard King, the former director here in fisheries,
10 will be -- he will be leaving the council next year so just
11 keep it in mind. Dave and I have continued to mention that
12 there is this opportunity to become involved, and this is the
13 federal waters measures.

14 The advice that we give to NOAA comes through the
15 council.

16 MR. GRACIE: Haven't you already accepted and closed
17 nominations for that?

18 MR. LUISI: We did it last year for a different
19 seat. That was an at-large seat. This is a Maryland
20 obligatory seat. This is one that we want to -- we have to
21 fill.

22 MR. GRACIE: Do you appoint that?

23 MR. LUISI: No, that is appointed by the Secretary
24 of commerce. But there is a process.

25 MR. GRACIE: Do you make a recommendation or do you

1 recommend three like you have done in the past?

2 MR. LUISI: We will ask for applications and we will
3 send information downtown, the governor's office. The
4 appointment's office is the one who makes --

5 MR. GRACIE: I was in the process once when Howard
6 King went on. I was just trying to remember.

7 MR. LUISI: Lastly on my report, an issue regarding
8 the striped bass tournament policy. So we have been asked --
9 there was a phone call, e-mail, communication with our office
10 about our policy.

11 And so what our policy is for tournaments is harvest
12 tournaments, if you are going to be harvesting striped bass
13 during a tournament, that is only permitted after May 1.

14 As you know, the striped bass season, the spring
15 trophy fishery opens the third week of April. So there is a
16 week to 10 days sometimes, maybe a little bit more, the way
17 that the numbers work, where harvest tournaments are off
18 limits.

19 Last year, we did approve one because May 1 was a
20 Sunday, and it was a straddling of a weekend, so we approved
21 the tournament to be conducted on April 30. This issue has
22 come up again and we have been asked to reconsider. And it
23 was just something that we wanted to bring to your attention
24 to get any feedback that you may have regarding the tournament
25 policy that we have.

1 And that is all I have for this portion of the
2 report, Mr. Chairman.

3 MR. GOLDSBOROUGH: Any questions for Mike from the
4 commission? Phil?

5 MR. LANGLEY: Quick question, Mike. What do you
6 think are the chances that the cobia fishery will be regulated
7 this coming season or do you think that it, depending on
8 measures that are taken, do you think it will be the 2018
9 season?

10 MR. LUISI: Probably more likely, the way that FMP
11 needs to development. We haven't made the decision I don't
12 think internally yet. We are asking for in need of
13 conservation so we can have the authority but I think it is
14 probably going to be best for us to wait until that FMP
15 develops, and there are options that we will be able to work
16 with ASMFC on.

17 I don't -- I think it is more likely 2018. Just my
18 opinion. But if ASMFC -- so when they finalize the FMP, and
19 there are measures in there, they will have an effective date.
20 That is something that we need to kind of shoot for to say, so
21 we need to get our ducks in a row, we need a little extra
22 time. We can ask for that.

23 MR. GOLDSBOROUGH: Other questions for Mike? Ed?

24 MR. O'BRIEN: I have just got a comment. When we
25 had this meeting down in Orlando, is when we made the

1 progress. We get the 2015 data into the hopper, which is
2 showing some flexibility we didn't have before that.

3 At that meeting we were well-represented the
4 commercial watermen, charter boats and recreational fishermen.
5 It just showed me how when people work together and back up
6 our department, we can get things done.

7 Whereas the striped bass board wasn't going along
8 with this, we got it to where the policy committee took it up
9 and gave us the opening to continue on this 2015 search of the
10 data because we knew it was going to show we had a much
11 lighter catch than had been protected. Any comments on that,
12 Dave, because you all did a hell of a good job.

13 MR. BLAZER: We are kind right where we thought we
14 would be with the data and everything so I think the plan is
15 falling into place so far. There is still a lot to go.

16 MR. GRACIE: Go get 'em.

17 MR. SIKORSKI: Can you clarify what you are talking
18 about with regard to tournaments. You said there is another
19 request in?

20 MR. LUISI: Right. So we have a policy that if
21 somebody sends a request and says can I have a harvest
22 tournament on the first opening day, we would say no based on
23 our policy because it would be after -- before May 1.

24 So we are looking for feedback as to whether or
25 not -- when new requests come in it was recently, we have

1 received a request for a tournament prior to May 1, it has
2 been our policy to say no. But we wanted to just bring this
3 to your attention again. The May 1 was the cutoff we had
4 there based on spawning behavior.

5 MR. SIKORSKI: So what is the request for this year
6 date-wise?

7 MR. LUISI: I don't know the date.

8 MR. O'BRIEN: You have been flexible on the May 1
9 for about the last 8 or 9 years, you know, based upon the
10 proposals that came in to you.

11 MR. LUISI: I know that last year we allowed a
12 tournament to start on April 30 because it was a weekend and
13 we just said -- but this would be if somebody wanted to fish
14 April 15 or April 17. You know, on opening day. I don't know
15 how flexible we have been with the policy to allow harvest
16 tournaments --

17 MR. GRACIE: The policy is not that old either.

18 MR. SIKORSKI: My belief is it is a good policy and
19 it should stay in place, the May 1 deadline. The reason for
20 it, if I am not mistaken, is it more directly relates to the
21 biology of the fish and the hope that more pre-spawn because
22 tournaments generally -- there is a lot of effort out there
23 period. Tournaments can concentrate some effort, and that is
24 probably why that date was chosen.

25 I know there is a long history of dates moving based

1 on us coming out of the moratorium and all that kind of stuff.
2 These are things we have discussed multiple times over the
3 years.

4 I can understand my you made an exemption last year
5 where it was on a weekend. May 1 is a Monday next year. And
6 I would not support any relaxing of the policy for next year.
7 When it is a Saturday/Sunday situation I understand it but,
8 you know, with the information I have been given, I think the
9 policy is the policy and it should stay in place.

10 MR. SMITH: Yes, I would agree with Sikorski on that
11 but sometimes May 1 kind of straddles with April and so it
12 would be nice to continue that policy. It happens every five
13 years, whatever it is. I don't think that is too much to ask.
14 But as far as, yes, having tournaments before that, I think
15 that is a good policy. We supported it when it first started
16 as far as I know.

17 MR. GOLDSBOROUGH: Any other questions, comments?
18 Dave, you again.

19 MR. SIKORSKI: I would be remiss if I didn't mention
20 menhaden. I think you gave a good review. I know we are
21 behind time so I will keep it short but you will see some
22 communications from CCA later this week with regard to a
23 potential increase. We oppose the increase.

24 At the last meeting, there was a lot of back and
25 forth. We continue to oppose the increase. And I would like

1 to throw just a few numbers behind it really quick just so
2 guys can understand it.

3 I think everybody is probably aware that Virginia
4 and New Jersey have the vast majority of the allocation
5 percentage. And so what they are talking about doing is
6 increasing the total allowable catch. They were unable to do
7 it in the August meeting. When I say they, I mean the board,
8 the Menhaden Management Board.

9 The first business for the Menhaden Management Board
10 moving forward will be to consider an increase but ultimately
11 to set the total allowable catch for 2017. If they don't set
12 it at this meeting there will be none, meaning there is no cap
13 or no quota. So it is important that it is set.

14 So like I said, we still support keeping it at the
15 level it is at now, which is a 10-percent increase from the
16 reductions that occurred in 2012. There has been a
17 conversation among some states to increase about 6 1/2
18 percent, which gets us up from about 187,000 metric tons
19 to -- just shy of 188,000 metric tons to 200,000 metric tons.

20 That is a position that is not guided by science but
21 simply just says, look, the stock is in a decent shape so we
22 can increase quota.

23 It has been our position that unfortunately we don't
24 have ecosystem based management. We don't really have a
25 management scheme that takes into account that a large

1 percentage of the harvest just south of us in Virginia waters.

2 So to wrap some numbers around that, 85.322 percent
3 of the Menhaden, so 188,000 metric tons, potentially 200,000
4 metric tons, is harvested by Virginia.

5 11.192 percent is harvested by New Jersey. Maryland
6 is big number 3, 1.37 percent. It is an unfortunate situation
7 because for all the times that CCA and Maryland's Menhaden
8 fishermen have been in combat on this issue, this is not the
9 case this time.

10 Our position to not want to increase the quota has
11 nothing to do with our Menhaden fishermen. That is why we
12 supported a dual bycatch allowance which gave them more
13 flexibility to harvest the fish that they catch in their pound
14 nets because to be number 3 and to have 1.373 percent is
15 pretty sad.

16 If an increase of 6.5 percent happens, the increase
17 in pounds for Virginia will be 22,741,802 pounds
18 approximately. In New Jersey it will be 2,983,067. In
19 Maryland, it will be 365,000.

20 It goes down throughout the rest of the other
21 states. Our neighbor to the east, Delaware, will get 3,500
22 pounds. So you have an increase in stock, and because of the
23 allocation that was delineated within Amendment Two, states
24 like Maryland and the rest, everybody but New Jersey and
25 Virginia, are getting the short end of the stick.

1 We weren't allocated a proper amount of fish and the
2 way to do that is moving forward with Amendment 3. And we
3 feel it makes more sense to get the allocation right before we
4 start taking more fish out of the ecosystem. Especially
5 because we don't have ecosystem based management in place yet.

6 And again, 85.3 percent of any increase goes to
7 Virginia, who guards the mouth of the bay. So that is our
8 position. We discussed it with the managers here in Maryland
9 and we will continue to. There is a meeting later this week
10 and we will have our presentation at ASMFC but this is an
11 important issue for all of us, and I think anybody who fishes
12 in tidal waters or even near shore waters in the ocean should
13 continue to pay attention to Menhaden management.

14 Amendment 3 is a step in the right direction and it
15 is coming up. There is a great public information document
16 that is out. The board should be approving it. And it has a
17 number of different options on how to manage moving forward
18 and how to allocate moving forward. So I would recommend
19 everybody look into that. It is on the Atlantic States Marine
20 Fisheries Website. Thanks.

21 MR. DAMMEYER: You said it was Virginia then New
22 Jersey then us. Who is the big buyer in New Jersey. Who is
23 the end user? I know Virginia.

24 MR. SIKORSKI: Well, the reason Virginia is so large
25 is because 80 percent of the total tack goes to the reduction

1 fishery, which is Omega Protein. They are the sole reduction
2 fishery that purse seines. In New Jersey, that 11.1 percent
3 of coastwide catch is purse seine fisheries. It is part of
4 the bait fishery. It is used for bait. So New Jersey does
5 have the largest allocation of bait quota.

6 MR. LANGLEY: Yes, for you, Dave, or you, Bill. I
7 know you have been pretty involved. The 2018 I believe is the
8 ecosystem based management approach. Do they feel confident
9 that is going to go through, and how would that be affected?
10 How would the states be affected as far as that distribution
11 goes.

12 MR. SIKORSKI: We don't have time for that.

13 (Laughter)

14 MR. SIKORSKI: In my opinion.

15 MR. GRACIE: Well, they would have to go through a
16 vendor and do whole bunch of stuff.

17 MR. GOLDSBOROUGH: Yes, it hasn't been developed
18 yet.

19 MR. LUISI: So if the reference points are set,
20 there is also allocation that is part of Amendment 3. So
21 there are ways of ways of looking at how to realign those
22 numbers along the coast.

23 But what will happen is -- think of ecological
24 reference points as a piece that is saved for food in the
25 ocean. The reference points will include fishing levels that

1 | you think of as adding a buffer to what is allowed to be
2 | caught.

3 | So there is a possibility that it could reduce the
4 | overall quota or we may already be below the point for which
5 | the reference points suggest we can stay where we are. The
6 | allocation is a bigger issue for us because we believe that
7 | any change in the allocation, we have some thoughts in the PID
8 | on how to accomplish that.

9 | But it lumps us in with a lot of the other small-
10 | bait fisheries along the East Coast and allows us to operate
11 | in ways that are less restrictive than what we currently have.
12 | And that is what we think is our answer. But again that all
13 | still -- we are only at the point of sending that information
14 | out to the public right now. It is going to be another year
15 | to finalize all that stuff.

16 | MR. SIKORSKI: It wouldn't be in effect until I
17 | believe the 2019 season at best.

18 | MR. GRACIE: If everything goes through smoothly.
19 | It may not go in for two years after that. There may be
20 | debates.

21 | MR. GOLDSBOROUGH: Anything else on Menhaden?
22 | Before we leave this agenda item? It was my understanding
23 | there was a member of the public who came with a request to
24 | address the commission on the striped bass part of your report
25 | I think, Mike. Is that Chris Welsh? Is that right?

1 MR. WELSH: Yes.

2 *Public Comment*

3 MR. WELSH: This is first time I have come here. I
4 have learned a lot since I have come here. And this is a
5 really technical matter for a lot of states involved with
6 fish. And I guess with not sitting on your board for a long
7 time, or being here, obviously it is my first here, I guess my
8 question relates to tournaments.

9 If my memory is correct, wasn't the open season for
10 rockfish on May 1 22 years ago, 20 years ago? Is there where
11 it started, when the season actually officially opened.

12 MR. GOLDSBOROUGH: Well May 15 was the first one.

13 MR. BLAZER: And then we went to May 1.

14 MR. LUISI: And then there was a period of time when
15 it was slowly getting -- more days were getting added to the
16 season and it was moving all around. And every year we would
17 be in front of this commission asking for which Saturday we
18 wanted to start. So ultimately we decided to go with the
19 third Saturday in April. And it jumps around every year but
20 that is when we will start.

21 MR. WELSH: Is there a reason why it went from there
22 backward? I mean if it was the 15th, we are a talking several
23 weeks.

24 MR. LUISI: It was an interest by sport fishermen to
25 have more access to those fish. The Charter Boat Association

1 and recreational fishermen. Our Maryland harvest of migrant
2 striped bass is very small to what is taken along the coast
3 for the entire year. So when we looked at what we catch and
4 the amount of revenue and the amount of interest that draws to
5 this areas, to Maryland during the spring trophy fishery, it
6 was worth the added few days.

7 MR. WELSH: Do you guys have on record how many
8 tournament that are requested from your department, whether it
9 is catch and release from the opening of the season until when
10 legally you can have a tournament?

11 MR. LUISI: I don't have that information.

12 MR. GENOVESE: We do keep a record. I don't have
13 that number in front of me, Chris, but it is probably about
14 seven tournaments prior to May 1.

15 MR. WELSH: I would like to consider this. And I
16 don't want take too much of your time because there are seven
17 tournaments but in my opinion everybody who is fishing these
18 tournaments is keeping their fish anyway. Let's just make it
19 really clear and honest about it because you can't bring it
20 back somewhere doesn't mean that fish is being released back
21 into the bay.

22 With your recording data, for us that we sent you
23 guys, I think it would be better recording data for you guys
24 on the back end.

25 It is not 20 tournaments. You guys talk about

1 funding and stuff that you guys can't get out to the general
2 public. Well, why don't you guys start tacking on fees to
3 have a tournament?

4 I mean it is all money-based, it is all
5 revenue-based anyway, so what is \$50 bucks, \$35 bucks to apply
6 for a tournament? That gets your advertising out for other
7 issues. Just throwing some things out there really quickly.
8 But on to the most important point, I just didn't see what the
9 big deal is. It is not like they are releasing the fish.

10 I mean, it is seven tournaments. I am just here to
11 voice my opinion. I just don't see what the big deal is.

12 MR. SIKORSKI: Whom do you represent? Anybody in
13 particular?

14 MR. WELSH: I just own a bar that I have a
15 tournament out of twice a year.

16 MR. SISKORSKI: Which one?

17 MR. WELSH: Coconut Charlie's.

18 MR. SIKORSKI: What seven tournaments are you
19 referring to?

20 MR. WELSH: I don't know. I just asked him how many
21 tournaments --

22 MR. GENOVESE: I believe there are approximately five
23 to seven tournaments that are held prior to May 1.

24 MR. SIKORSKI: That are catch and release?

25 MR. GENOVESE: That is what they say.

1 MR. SIKORSKI: I think you have raised some
2 good points. And I know we are behind time but we always have
3 these policies for a reason, and there is always a long
4 history behind all of this stuff. And there is no simple
5 answer, there is no question. There is not even a simple
6 answer to the season on the third Saturday in April. A lot
7 of --- don't even agree on that all the time, depending on the
8 status of the stock.

9 And I am kind of -- what should we do moving forward
10 as a commission? Does anybody have any opinion because you
11 have heard me speak on the policy.

12 MR. GRACIE: I would like to throw one fact out
13 there that hasn't been mentioned. There were some studies of
14 how many fish are post-migrant and how many fish are
15 pre-migrant that time of year. And there was some science
16 that went into that decision. And I think that may be
17 important to some people.

18 MR. SIKORSKI: You raise good points. There are
19 good reasons why things are the way they are. What now? I
20 don't know. That is all I am saying.

21 MR. GOLDSBOROUGH: So Jim makes a good point. I
22 think you mean pre- or post-spawn, and Mike alluded to that as
23 a the reasoning. And so when we did first reopen fishing
24 after the moratorium, we didn't have a spring fishery right
25 away. We had a lot of debates about that. Ed and I

1 especially debated quite a bit about that but we did bring
2 back the spring fishery as was mentioned. It started very
3 conservatively May 15. And I think the line across the bay
4 was Bloody Point. You couldn't fish above that.

5 The whole point was to not impact pre-spawn fish as
6 much as possible. But slowly over time, both of those
7 restrictions were eased somewhat, the time and the location.
8 To the point now where I am not sure if you have good data
9 every year but I know there was data one year at least that
10 showed that at the opening day 60 percent of the fish caught
11 were pre-spawn.

12 And that varies a lot from year to year, I
13 understand that too.

14 MR. GRACIE: Which opening day.

15 MR. GOLDSBOROUGH: The real opening day. The third
16 Saturday of the month.

17 MR. GRACIE: I remember it being 50-50, Bill.

18 MR. GOLDSBOROUGH: It varies quite a bit from year,
19 and I don't know if have data every year but that was the
20 point. What Jim said was the point, to minimize the take of
21 pre-spawn fish, make sure they get to spawn before they are
22 harvest to the degree possible.

23 MR. PITTAS: On your tournaments, do you catch and
24 release?

25 MR. WELSH: Me personally on my boat? I honestly

1 have a tournament director who does mine. I am on a boat. I
2 don't own it. I don't go out fishing a lot. They keep them.
3 I encourage them to not bring their fish back to the bar.
4 Obviously it is illegal, as you call down here. That is what
5 they choose to do.

6 MR. PITTAS: Do you keep a record or some type of --

7 MR. WELSH: Yes. They make us take all the
8 tournament data down. Every fish that is brought in is
9 weighed, it is measured. They are getting all the data back
10 within a week of having the tournament. It falls on a
11 weekend. By Monday/Tuesday, I am faxing everything back to
12 Paul's people. And that is it.

13 But do I actually release the fish I am fishing.
14 No. We keep it, regardless. You are just not allowed to
15 bring it to the establishment where you are holding it.

16 But that is my gray-shaded area for why I came down
17 here. It just makes no sense. It is kind of a double-edged
18 sword. I understand conservation. I get that. I just don't
19 see the big deal in it. That is why I am here. I just wanted
20 to voice my opinion.

21 MR. GOLDSBOROUGH: Okay, so we don't want to get in
22 a protracted debate about it. We have a lot of interest. And
23 thank you for your input on that, Chris. You can stay at the
24 table for now. I have several hands. I am going to take them
25 in the order I saw them, which started with Mark, and then it

1 was Ed and then it was Jim and then you, John.

2 *Questions and Answers*

3 MR. DeHOFF: Chris, just a quick question. What is
4 your goal for bringing this information to us? Are you
5 encouraging more pre-date tournaments? Are you discouraging
6 them? What is your intent by bringing this to the commission?

7 MR. WELSH: My intent honestly to bring this here
8 today was for the fact that when somebody brings it to my
9 attention, that there is no law in reference to it. It is
10 just what they ask you to do. That is why I am here. There
11 is nothing on the books.

12 And if it was, I can be corrected. Honestly --

13 MR. GRACIE: What would you like to see us do I
14 think is what we are trying to get to.

15 MR. WELSH: I would like to see it where you don't
16 have to bring your fish back. They are being caught anyway.
17 And anybody who has fished in tournaments, I have talked to
18 several people and said, do you guys honestly release your
19 fish in my tournament? No.

20 MR. DeHOFF: So you are asking us to consider
21 allowing harvest tournaments prior to May 1.

22 MR. WELSH: Prior to May 1.

23 MR. DeHOFF: So because what you are saying is that
24 even though -- because the season is open people are keeping
25 them recreationally, not as part of the tournament creel but

1 | in the effect -- it is going to have the same effect on the
2 | population.

3 | MR. WELSH: And that data factor too, which I am a
4 | true believer in that. I mean, for conservation. So they are
5 | going to even get more data out of these people to add to what
6 | they are doing here.

7 | MR. DeHOFF: What is your opinion of this? Do you
8 | think this is something we should open, more harvest
9 | tournaments, or do you think we should restrict them? I mean,
10 | you said you brought it up because you heard the news. What
11 | is your opinion on it?

12 | MR. WELSH: It is hard to say. This is my first
13 | time coming here so it is a tough answer because I don't know
14 | all the logistics behind what you guys do, what you do down
15 | here.

16 | I personally would say to make a motion to grant my
17 | tournament. I am the only one who asked for it to do what I
18 | want to do. And in the meantime, do some more studies. I
19 | would be more than happy to come down and be involved in it. I
20 | just feel -- that is just the way I feel.

21 | MR. DeHOFF: Do you want us to have these harvest
22 | tournaments available at that time of the year?

23 | MR. WELSH: I would say yes just considering the
24 | fact that, you know, being on the other side, who has other
25 | tournaments, is it going to increase tournaments? There are

1 | so many tournaments out there, they are not even our your
2 | books. Yes, I would say yes to that.

3 | MR. O'BRIEN: Yes, I am sort of confused. You are
4 | from Maryland? And you would like to have more tournaments in
5 | Maryland to where you can harvest.

6 | MR. WELSH: Well, it is a double-edged sword as I
7 | said. It is not going increase, it is not like it is going to
8 | increase tournaments in my opinion.

9 | MR. O'BRIEN: A lot of things went into it at the
10 | time. We came out of a moratorium that virtually put the
11 | charter boat industry out of business. And still is
12 | recovering from that. People along to coast could keep a big
13 | fish all the time, and we just wanted to be able to keep one
14 | per person.

15 | So I thought you were coming from a different
16 | direction.

17 | MR. WELSH: Yes, it is my first time and I am little
18 | nervous. I just came down here in front of a group so I tried
19 | to do the best I can.

20 | MR. O'BRIEN: What is the group that wants to do
21 | this?

22 | MR. WELSH: These are just the anglers who fish the
23 | tournament. They keep asking, why?

24 | MR. O'BRIEN: You are a guide then.

25 | MR. WELSH: No. I own a bar and grill and we hold

1 | tournaments out of there. And they ask questions and I am
2 | trying to give a right answer.

3 | MR. GOLDSBOROUGH: Mike, you wanted to interject
4 | something?

5 | MR. LUISI: Opening day is the third week of April.
6 | Between opening day and May 1, there could be a hundred
7 | tournaments that happen that are communicated through us. It
8 | is the policy that we stand behind. It is to instruct the
9 | tournament operators that those tournaments are to not -- they
10 | are not supposed to have harvest as part of those
11 | tournaments. They are catch-and-release tournaments.

12 | From what I am understanding, Chris stated that the
13 | tournaments that are happening in between the time of the
14 | opening day and May 1, people are taking the fish anyway
15 | because it is open season and it is difficult to explain why
16 | this tournament won't let me bring those fish home.

17 | So that is what I am hearing. It is just that our
18 | policy is based on the science that has been generated to -- I
19 | believe the number is 80 percent. By May 1, 80 percent of the
20 | bass that are caught after May 1 are post-spawn. So we
21 | established that date based on the information that we had on
22 | post-spawn -- post-spawn information that we collect during
23 | our creel surveys.

24 | So I guess there was a discussion already about --
25 | it was mentioned we should just keep our policy intact. But

1 | then with this request, I guess we would like to know, the
2 | department would like to know if we should keep that policy
3 | intact or should we open -- the time period between opening
4 | day and May 1 and just not make a deal about harvest?

5 | MR. GOLDSBOROUGH: So everybody is clear on what we
6 | are grappling with here and what kind of feedback the
7 | department needs. Jim, you were next.

8 | MR. GRACIE: I don't have anything to say. That
9 | clarification helps me.

10 | MS. DEAN: My only concern would be that there is no
11 | doubt that if we push it back and we open it up, the effort
12 | will increase, and that is a big issue. If you are out there
13 | on the water on a tournament weekend, and it doesn't matter if
14 | it is a big one or a little one, you know it is tournament
15 | weekend and you know what is going to be out there.

16 | So I understand the concern and I know that some
17 | fish are still going in the coolers but I don't think the
18 | department or this commission needs to condone it.

19 | MR. GRACIE: I didn't hear him say anything about
20 | pushing it back, Rachel. He is talking about from the opening
21 | day to season allowing --

22 | MS. DEAN: The question was May 1 is our date now.
23 | Do we want to change that?

24 | I understand that he still is allowed to have his
25 | tournament, and shame on them for not throwing them back in

1 | the tournament but I don't want to open it wide just because
2 | somebody is doing wrong.

3 | MR. LANGLEY: I am a little confused. I thought the
4 | policy has been that there are no tournaments prior to May 1?

5 | MR. LUISI: No harvest. If somebody sends an
6 | application in for a tournament, we grant it under the
7 | provision that, that tournament is a catch-and-release
8 | tournament.

9 | Now if they harvest the fish, we can't stop them
10 | from doing it but it is our policy -- if they send an
11 | application in that said this is a harvest tournament, we
12 | would reply and say you cannot conduct that tournament unless
13 | it is catch and release.

14 | So it is just information going back and forth. And
15 | then whoever is running the tournament then needs to
16 | communicate that to the tournament.

17 | MR. GRACIE: But I can go out and keep fish as a
18 | fishery.

19 | MR. LUISI: Absolutely. The fishery is open.

20 | MR. GRACIE: We are not pushing the season back or
21 | harvest back, we are saying allow tournaments from the opening
22 | day of the season that are harvest.

23 | (Simultaneous conversation)

24 | MR. SIKORSKI: Is the policy enforced by the
25 | tournament? That is it. At the Boatyard Bar and Grill, if

1 | somebody walks in, we say did you release the fish? A panel
2 | of judges observed that person by themselves without their
3 | team member. Answer that question. If we feel they are
4 | lying, they are disqualified. That has occurred a couple
5 | times in the past years.

6 | So that is how the Boatyard Bar and Grill handles
7 | it. I believe they do it properly based on the spirit of the
8 | policy. Obviously that doesn't happen across the board. It
9 | is not a law being broken. It is a policy being broken. I
10 | spoke earlier when Mike mentioned the policy. I support the
11 | policy and I still do.

12 | MR. LANGLEY: And I guess my question was how big
13 | are these catch-and-release tournaments? What is the economic
14 | impact if there were no tournaments prior to May 1?

15 | MR. SIKORSKI: There are tournaments prior to May 1?

16 | MR. LANGLEY: I am saying, what is the economic
17 | impact to their -- you are aware of six or seven. Are they
18 | large tournaments? Are they small tournaments? What is the
19 | economic impact to those businesses that are conducting those
20 | tournaments? Do we have any idea?

21 | MR. GENOVESE: Chris, do you remember how many boats
22 | you had?

23 | MR. WELSH: Obviously for a spring tournament, it is
24 | the biggest one we have. It is 30 to 40 boats.

25 | MR. GOLDSBOROUGH: Okay, we have got to wrap up this

1 discussion because we still have several big items to do and
2 we are almost out of our projected time. So I am going to ask
3 one time if anybody at the commission wants to propose an
4 action, make a motion on this matter.

5 MR. GRACIE: I guess I would like to see it
6 discussed in the future. If someone wants to step up -- I
7 certainly wouldn't want to make a decision today.

8 MS. DEAN: I just want to go back to what Dave said.
9 Some of you may or may not know, I have the governor's proxy
10 seat on ASMFC. August was my first meeting, and that was a
11 10-round mess. But I just wanted to let this commission know
12 because if you do have thoughts or concerns, I certainly want
13 to hear it from all different perspectives.

14 MR. GOLDSBOROUGH: So thank you, Chris. We will
15 wrap that up. And thank you, Mike. Oh, you are still up. We
16 are doing yellow perch allocation.

17 ***Yellow Perch Allocation Request and FMP Amendment***

18 ***by Michael Luisi, MD DNR Fisheries Service***

19 MR. LUISI: I am going to do this very quickly
20 because as has been mentioned, we are long overdue on the
21 agenda.

22 So at our last meeting we talked about the request
23 that we received from the commercial industry or a couple
24 country organizations to do an allocation review on yellow
25 perch. At the time, we did not have the opportunity as a

1 staff to get together and do that review. Between last
2 meeting of this commission and now, we have had that time so
3 we sat down with staff and leadership and discussed whether or
4 not an allocation review was appropriate to do further, to
5 conduct it further and do a more thorough investigation into
6 what could change.

7 What we have concluded is that there has been no
8 discernable shift in usage patterns, and that because of what
9 we mentioned to you guys before, there is very little catch
10 information on the recreational fishery, not enough for us to
11 be confident in shifting that allocation.

12 So we reviewed performance. I am going to get into
13 that in just a second. But we would like to do today, and I
14 guess this is just cutting to the point here, cutting to the
15 chase. We would like to make a staff recommendation to this
16 commission to determine whether or not you would support our
17 recommendation in moving forward with yellow perch.

18 There are few details that I will go over with you
19 about what that recommendation is on how to deal with this.
20 And that we would like to get feedback and maybe a motion of
21 support if you believe that what we are doing, what we are
22 suggesting, is the way to go.

23 (Slide)

24 So if you look at this graph, this was one of the
25 things that helped us get to the point where we did, and I am

1 | what I am going to say I guess is that we made the decision
2 | not to do an allocation review at this time and make a
3 | different alternative recommendation to you.

4 | The bars on the left, or all the bars indicate
5 | biomass of the exploitable yellow perch in the bay, and you
6 | can see fluctuations in time from 1998 to 2016. The gray bars
7 | are bars of time periods for when we weren't managing a quota.
8 | The fishery was opened, harvest happened, and that is not
9 | harvest that is shown there. Those are the biomass of the
10 | years of what was in the population at the time.

11 | Years when we didn't have a quota and we weren't
12 | managing a quota whether it be recreational or commercial,
13 | when reductions took place, when the stock fell, it fell at a
14 | much steeper level than the reduction in stock since the quota
15 | has been established.

16 | So the right side of the graph are the reductions
17 | over time just due to variation in spawning and survival over
18 | those years. But when the stock did drop, it didn't drop as
19 | fast. And we believe that part of that has to do with the
20 | fact that the recreational fishery isn't harvesting their
21 | entire quota. And those added fish stay within the population
22 | and help the next generation, the next generation, the next
23 | generation.

24 | We like the right side of the graph more than we do
25 | the left side of the graph. However, with all that said, the

1 stock at times is very healthy. And when it is very healthy,
2 we would like your consideration of a management change and
3 how we deal with overages on the commercial fishery.

4 So last year the commercial fishery overshot its
5 allocation by about 15,000 pounds. That was of no fault of
6 the commercial fishery. We opened and closed it when we felt
7 they were going to meet their quotas, and we missed the target
8 by about a half a day. And they went over by 15,000 pounds.

9 MR. GRACIE: So it is all your fault.

10 MR. LUISI: It is all my fault.

11 (Laughter)

12 MR. LUISI: Not Sarah's. It is all mine. So what
13 we would like to do -- there are times when the stock is very
14 healthy, and that 15,000 pounds would normally be deducted
15 from the next year's commercial quota as a payback for that
16 overage.

17 (Slide)

18 What we would like for you to consider is a change
19 in how we deal with those overages in years when the stock is
20 very healthy.

21 So when the stock is very healthy, and there is a
22 quota overage, we would like to consider changing the ratio
23 from 1 to 1 payback to something else. Maybe half of it to
24 payback and half of it stays within the commercial quota for
25 the following year as a way to lessen the impact on an overage

1 that we manage in the years when we feel very confident in the
2 health of the stock.

3 So next year is one of the years when the stock is
4 being projected to be very healthy. So is the following year.
5 We are not going to change the way we manage the quota. We
6 are going to still try to do the best job that we can in
7 hitting that mark as closely as we can.

8 But we were looking for your response as to whether
9 or not this recommendation for us to consider that ratio
10 change on the payback would be something you would support as
11 a way to balance and offset the consequence of that overage in
12 a future year. Now the years when the stock is not as
13 healthy, we would do a 1 for 1 payback on any quota overages
14 on the years when things weren't healthy.

15 So you think of it as those few extra fish, it is
16 not as much as what is in the recreational quota, would be
17 allowed to be harvested in the following year. So I will
18 leave it at that. If that is not clear, I can -- I don't know
19 what else I can say.

20 MR. GOLDSBOROUGH: Jim and then Mark?

21 *Questions and Answers*

22 MR. GRACIE: I have a question because my
23 understanding was that your stock assessment is fishery
24 dependent and after the fact. So that you are looking back to
25 find out when the hell there is a healthy stock. You are

1 | doing a projection of a high biomass based on what?

2 | MR. LUISI: Well, Paul Piavis is here with us. He
3 | might be able to answer that --

4 | MR. GRACIE: In other words, if it is after the
5 | fact --

6 | MR. LUISI: We are conducting survey work that goes
7 | into the projection on the splittable biomass in the yellow
8 | perch fishery for the future because of the work that we do --

9 | MR. GRACIE: What are your confidence limits on your
10 | projections? Because I think that is an important question if
11 | we are going to project -- what we are going to change an
12 | allocation next based on what we think is --

13 | MR. PIAVIS: We have a whole stock estimate and the
14 | exploitable biomass estimate so we are not -- we are not
15 | pulling a projected number out of the air. The only thing we
16 | are projecting would be natural mortality, which isn't going
17 | to be a lot.

18 | MR. GRACIE: So it is not based on last year's
19 | harvest.

20 | MR. PIAVIS: Last year's harvest goes into the
21 | assessment along with our winter trawl survey, along with
22 | the seine survey, and right there you have three very good
23 | surveys, three very good indices, two age 1 abundances and one
24 | age 2 abundance. And then the other part of the trawl survey
25 | is the adult abundance.

1 So the assessment comes up with a number for all age
2 classes.

3 MR. GRACIE: And I already had one question that you
4 haven't answered yet. What are your confidence limits on the
5 projections?

6 MR. PIAVIS: Well, I will do a bootstrap, and what
7 that 75 percent, and that is just a suggestion, so what I will
8 do is I will take the 75th percentile, and if that is above or
9 below the whatever benchmark you want to use -- you want to
10 use the median biomass or the average biomass.

11 In other words, we are not going by the point
12 estimate. They are asymmetrical confidence intervals because
13 we do it by the bootstrap. The CVs on it, and the closest
14 year range anywhere from 20 percent to 35 percent.

15 MR. GRACIE: Let me just ask the question the dumb
16 way. If you that the stock is 750,000 pounds, does that mean
17 it could be 100,000 or 50,000 with a 75 percent?

18 MR. PIAVIS: Oh, easily, yes. If you are within 30
19 percent of high or low that is --

20 MR. GRACIE: Would it be within those two brackets,
21 plus or minus 25 percent? Is that what that says? It is not,
22 is it?

23 MR. PIAVIS: No. What it is saying is, if we put
24 all the error that we could potentially find back into the
25 model, and run it 10,000 times, the answer, 75 out of 100

1 | times, it would have to be higher than the average stock size.

2 | MR. GRACIE: Okay.

3 | MR. PIAVIS: So in other words --

4 | MR. GRACIE: And this is combining the three
5 | elements.

6 | MR. PIAVIS: The answer about the confidence bracket
7 | is kind of mixing apples and oranges.

8 | MR. GRACIE: I understand that.

9 | MR. PIAVIS: So we are not really -- those don't
10 | really, they are going to affect, if it is very uncertain, it
11 | is going to show up in that and it would likely, you would not
12 | reach that -- 75 percent is a pretty, it is a pretty --

13 | MR. GRACIE: So you are saying it is a safe decision
14 | to make.

15 | MR. PIAVIS: 75 percent is a pretty --

16 | MR. GRACIE: That was my question. I am sorry to
17 | take so much time.

18 | MR. LANGLEY: Mike, in like the striped bass and
19 | other fisheries, aren't they penalized the following year, and
20 | in that approach if you estimate that there is going to be a
21 | possible overage could you not adjust that with the season?
22 | Maybe shorten it a day? And then if they do not hit their
23 | quota, to, like you do with the common pool fishery, maybe
24 | open it up a day to allow them to catch quota?

25 | MR. LUISI: It would be great if we could do that.

1 We could in theory do that but it doesn't work that way with
2 this fishery. This fishery operates -- within a matter of
3 three days the harvest is caught. And so we don't -- and to
4 you other point, yes, there are other payback provisions but
5 not all paybacks are 1 for 1. There are ways for which
6 management doesn't do a 1 for 1 pound for pound payback in
7 other species.

8 MR. LANGLEY: And I don't know a lot about that
9 fishery so I don't want to --

10 MR. LUISI: It is a real hit or miss.

11 MR. DeHOFF: What does that 15,000 pounds represent
12 in a percentage? Approximate total catch that they went over?

13 MR. PIAVIS: That 15,000 is very much an anomaly.
14 What we are usually talking about historically since 2009 is
15 either, on the overages, usually we are talking less than
16 5,000 pounds, right around 5,000 pounds.

17 This was an anomalous year. And another reason
18 why --

19 MR. DeHOFF: What percentage is that to the total
20 catch?

21 MR. PIAVIS: The total? That would have been a
22 little more than 20 percent overage but this is the issue.
23 There is a high probability that bigger amount of an overage
24 is due to an underestimate of what the quota should have been.

25 The other thing I wanted to bring up from, in

1 addition to historical perspective on the quota is that this
2 is -- the entry, the effort isn't regulated but we know how
3 many people are going to fish. They have to have a permit.

4 So the only explanation, if effort has generally
5 been the same, the only explanation is there were more fish
6 out there.

7 MR. DeHOFF: The next question is you
8 have -- it says an estimated stock size. Are we going to like
9 choose a particular threshold? I know the confidence part of
10 it. That certainty is going to vary because we are talking
11 estimates.

12 But is there going to be a number that we know going
13 into the year -- let's say it is 750,000 pounds. If it is
14 750,000 pounds or better, we are going to approve it? If it
15 is not, we are not? Or are we kind of in that area, well, it
16 looks pretty good this year. Let's let it go.

17 Are we going to try to find a hard, firm threshold
18 to make that decision on?

19 MR. LUISI: I think we would be better to find some
20 line just like in all the other assessments. If the stock in
21 any given year is over that line, based on the work that we
22 do, we would implement this new quota management model. If it
23 is below the line, it is back to 1 to 1.

24 MR. DeHOFF: I would certainly encourage the use of
25 that. That way, you have an idea of what the number is. And

1 then on the payback for that, you said the difference between
2 1 for 1 with this 15,000 pounds being a relatively large
3 anomaly, maybe if it is more of normal overage it can be done
4 on a 2-to-1 basis or whatever you are going to reduce payback.

5 But when you go into these large overages where you
6 are talking a 20 percent overage, maybe that has to stay at 1
7 to 1 or something and you look at the magnitude of the overage
8 to determine whether or not it is going to carry over or not.
9 Is that something that could be considered, I mean, because
10 certainly a 5,000 pound overage when you are talking 5 or 10
11 percent, that is not going to be much if we do it year after
12 year.

13 But if we go over by 20 percent year after year, you
14 know, certainly that would have a much bigger impact.

15 MR. LUISI: And we wouldn't want to incentivize
16 these overages. The problem with it, the hard thing about it
17 is we did everything that we could. The fishermen followed
18 all the rules that we put out there for them yet they went
19 over by 15,000 pounds in this one year.

20 Paul is right. Most years we have hit it right on
21 the mark or they have been 500 pounds over or 2,000 pounds
22 over. And their frustrated with the fact they followed all
23 the rules but now -- the stock is really healthy right now, so
24 next year instead of setting a quota that reflects that
25 stock's health, we are going to have to take 20 percent off

1 the top of that quota based on the current model that we use.

2 And that is what initiated the request for
3 reallocation. So this was our staff's way of looking at the
4 issue and saying, in years when things are really good, maybe
5 we don't need to throw down the hammer quite as hard.

6 MR. GOLDSBOROUGH: Okay. I have got three people
7 waiting to talk. I am going to cut it off at that and ask if
8 anybody wants to put out a recommendation for the commission
9 to embrace. Dave Smith first.

10 MR. SMITH: Do you currently do this with any other
11 species right now?

12 MR. LUISI: Not this way. There are other ASMFC
13 species, there are other management -- I can't think about
14 every single thing we do and try to figure out what we do. So
15 I think most of it is a 1 for 1 for the most part.

16 MR. SMITH: So I guess the why to that, why would
17 you not want to do a 1 to 1? Because they think it is unfair
18 that when the fishery is healthy, they don't want to be
19 penalized. But they are not really being penalized because
20 they took the fish, right?

21 MR. LUISI: Their point is the extra fish they took
22 were not taken by the recreational anglers because there is no
23 way they could have harvested the amount of quota that was
24 dedicated to the recreational fleet.

25 That is what I have heard time and time again. And

1 | when the stock is really healthy, it is less risky to go over
2 | slightly because there is less chance that recreational
3 | allocation was harvested. When all of it can be harvested,
4 | and the stock would be sustainable. There is leftover all the
5 | time.

6 | And they wanted the leftover and this was our way of
7 | not doing a hard allocation but considering stock health.

8 | MR. SMITH: You guys have an allocation policy,
9 | correct? Did they fulfill all those standards within that
10 | allocation policy? Do you have that available to see?

11 | MR. LUISI: We distributed the allocation policy at
12 | the last meeting when this was initiated. They did make an
13 | attempt at explaining their rationale, and that is all they
14 | needed to do really.

15 | MR. SMITH: Is that available? The request, and to
16 | see what their --

17 | MR. LUISI: Yes. And since we are not considering
18 | changing the allocation, I don't necessarily know if they need
19 | to meet -- we discussed that they met what the policy said
20 | that they needed to do in order for us to start this process
21 | of thinking through it.

22 | MR. SIKORSKI: The simple answer to your proposal is
23 | no. I don't support this. I support the concept but you
24 | provided no detail whatsoever. You said something other than
25 | 1 to 1. And that is not detail. With that data I think we

1 can be better prepared to have a conversation.

2 I think the general concept of changing the payback
3 ratio makes sense. The devil is in the details. This has
4 been a well-run fishery. Yes, the stock is in good position
5 and it was DNR's fault that the fishery overharvested last
6 year. So I feel for the guys but I don't think it make sense
7 to put a policy within this FMP that says, every time DNR
8 makes a mistake, the guys get to catch more. Because
9 ultimately it is more fish out of the system regardless of
10 stock.

11 And I don't look at the stock as an allocation. The
12 stock is the stock. We are fortunate enough to harvest what
13 we can harvest as recreational fishermen. Commercial
14 fishermen are fortunate enough to harvest what they can based
15 on the status of the stock and the allocation, yes.

16 But it is just -- it is a strange way to look at it.
17 I have a hard time formalizing policy that says, you know,
18 maybe 8 out of the last 19 years, these guys could have gotten
19 relief. And it has nothing to do with commercial versus rec.
20 It is just the policy.

21 Now for a one-off solution to this problem, I would
22 like to see more detail with a proposal that say, all right,
23 these guys overfished by 15,000 pounds. So we propose that in
24 '17, they are going to get a third of it. In '18 a third of
25 it and '19 a third of it. Or something like that. Real

1 numbers, the details.

2 Because this a problem that we have to solve for
3 right now but not put something in place that just addresses
4 it when you make the mistake. It is like the carrot and
5 stick. It is 23 fishermen in this fishery. It happened. I
6 get it. The reporting is tough and all that kind of stuff,
7 well, let's shoot for the moon. We can fix this thing.

8 But don't put a policy in place that says it is
9 automatic.

10 MR. GRACIE: I will try to be fast but we need a
11 little history here. CCA fought over this battle for 12
12 years. In 2007, the Maryland Aquatic Resource Coalition went
13 to general assembly and got a law passed that required them to
14 change the whole thing. And we have been through that. That
15 is why it was 2009 before we had this data.

16 The issues are as follows: The allocation says, we
17 are going to give everybody an equal change, 50/50. That is
18 our allocation policy for yellow perch. And the problem is,
19 when we were having these discussions, the problem is that the
20 commercials were setting fyke nets and getting the fish before
21 they got into the rivers where the recreational fishermen
22 wanted to get them.

23 And so they put restrictions on when they could
24 start. They put harvest restrictions on the commercial, and
25 it is a three- to five-day fishery for them. Depending on the

1 weather -- I am a yellow perch fisherman. I love to do that
2 in the springtime. I go out with a fly rod and fish for them.

3 We might get two or three weeks of yellow perch as
4 the weather fluctuates. But when those fish are moving up
5 where they harvest them, it is over in a week.

6 I am not sure I object to this. I am just a little
7 concerned about how good we are at figuring out the stock and
8 whether we make some mistakes the other way. So what is
9 happening -- and the other part of the problem is we have no
10 idea what the recreational fishermen are catching. We just
11 know they are not catching that many from mostly anecdotal
12 information.

13 I know this because I actually tried with Howard
14 King to try to do a fishermen creel survey out there. And it
15 just never worked. We didn't make it work because the fishery
16 is too spotty on and off. I would agree we need more
17 information but I certainly nix this whole issue because there
18 is an issue of fairness. It is a widely fluctuating stock.
19 That is part of the issue here.

20 So if you want to adjust it -- and it is going to go
21 up or down whether you harvest them or not. That is the other
22 part of the equation. Am I being unfair, Mike?

23 MR. LUISI: Absolutely not, and I think the idea of
24 coming back with some more detail is certainly --

25 MR. GRACIE: I agree with that. I would like to see

1 your stock assessment data first too.

2 MR. LUISI: So, yes, we could absolutely put forth a
3 proposal that includes more detail.

4 MR. GRACIE: And my other question is does the
5 FMP -- do we get a hearing on that? When you say finalize,
6 what does that mean? If you are going to come out and have a
7 public hearing on it, I am happy with you going ahead that way
8 and we will get people together to comment on it if we don't
9 like it when we get the details.

10 MR. LUISI: Based on the conversation and the
11 discussion, we had thought that we would fold this into, if we
12 ultimately decided to go down this path, we would fold it into
13 the FMP.

14 MR. GRACIE: But that would be in the process --

15 MR. LUISI: A process of FMP --

16 MR. GRACIE: I am okay with it then if you are going
17 to have a public participation process after you put it out
18 there. But we are going to need more details. I think Dave
19 is right.

20 MR. GOLDSBOROUGH: Okay, final comment from Rachel.

21 MS. DEAN: I don't think I can do any harm at this
22 point because -- I feel good that there is willingness to
23 communicate. Now I do think that we probably need some type
24 of number to look at so we can say that but I would just say
25 that as far as the hard and the soft caps go, our guys are

1 | operating under a hard cap whereas the recreational fishery is
2 | operating under a soft cap.

3 | MR. GRACIE: We don't even have a cap, Rachel.

4 | MS. DEAN: I was putting it nicely. Which to me
5 | just says that the recreational fishery enjoys access when
6 | things are good whereas the commercial fishery is even further
7 | restricted sometimes when things are good.

8 | So I think it is not so much the department's
9 | mistake here as, you know, we have allocations but as far as
10 | how those allocations are managed, we have some questions
11 | about it and we wanted to know if you guys would work with us
12 | on it.

13 | MR. GOLDSBOROUGH: Okay, thank you for that. Do you
14 | need more from us, Mike?

15 | MR. LUISI: I think we have got what we need. I
16 | just -- I am a little concerned over the timing. Timing is
17 | critical here with the 2017 fishery starting on January 1.

18 | MR. GRACIE: And you will lose that big stock and
19 | not get the harvest. One year.

20 | MR. SIKORSKI: No, we just can't make a decision
21 | because right now it is 1 to 1.

22 | MR. LUISI: Yes, it would be a 1 to 1 payback at
23 | this point.

24 | MR. GRACIE: In other words, they can't take
25 | advantage of the larger stock size.

1 MR. LUISI: Mike said what he is scared of is that
2 the fishermen will be penalized because DNR didn't close the
3 season in time. So that is what we need to address by January
4 1 so these guys have a quota they are going after. That is
5 based on stock size and based on --

6 MR. GRACIE: I don't have time but if somebody wants
7 to work on a subcommittee with me, I will get involved with
8 this. You want to do that?

9 MR. SIKORSKI: Yes.

10 MR. GRACIE: How about you, Dave?

11 MS. DEAN: Can I send a proxy in? I would like to
12 bail out on this one.

13 MR. GRACIE: You have to be in on it, Rachel, if we
14 are going to do this.

15 MS. DEAN: My only thought there would be it is
16 actually a fishery I do not participate in, and -- would you
17 feel comfortable with Steve Lay?

18 MR. BLAZER: Yes, we are going to take this to tidal
19 fish so maybe we will get two folks from tidal fish to
20 participate.

21 MR. GOLDSBOROUGH: Okay, that is the end of that
22 agenda item, thank you. We have others. We are only about an
23 hour behind right now. So Tony, don't you love coming near
24 the end?

25

1 *Freshwater Fisheries*

2 *Tony Prochaska, MD DNR Fisheries Service*

3 MR. PROCHASKA: Well, good afternoon. I will just
4 start off with some general announcements. There was a lot I
5 was going to say but for the same of time, I am going to cut
6 some things out and just focus on I think some of the more key
7 issues that we need to discuss.

8 I know it came up earlier, I wasn't here, but the
9 group that I manage is called the Freshwater Fisheries
10 Program. I report to Mike Luisi. I am the program director.
11 Our budget has not changed. Our function has not changed.
12 Our function, our structure and our budget has not changed.

13 Everyone also received a copy of our monthly report.
14 Again a synopsis of the activities over the month of
15 September. I was going to highlight some of those but I am
16 not for again sake of time.

17 I am going to talk about Waders a little bit, felt-
18 soled Waders in particular. Maryland bans the use of
19 felt-soled waders in both tidal and nontidal waters. There
20 was an article published this past July by an outdoor writer
21 for the Cumberland Times, and the article basically discussed
22 Vermont, how they are repealing their felt-soled waders ban
23 and challenged the Department of Natural Resources to do the
24 same.

25 So at the direction of DNR's senior leadership, the

1 Invasive Species Matrix Team formed a task force. I was part
2 of that task force as well as other folks in fisheries and
3 other units within the department to do two things: one, to
4 review the scientific literature specific to felt-soled
5 waders, Didymo and any other relevant literature.

6 And two, provide recommendations to senior
7 leadership on how we should proceed. The overwhelming
8 decision of the group was to keep the regulation in place,
9 which prohibits the use of felt-soled waders. And that
10 recommendation was made to leadership.

11 And there were a number of key findings that came of
12 that group. I am just going to highlight three of them. I
13 don't have a presentation for this but, you know, first off
14 felt-soled waders are a potential, important potential pathway
15 for the introduction and spread of not only Didymo but other
16 pathogens.

17 The article actually suggested that Didymo is
18 somewhat or could be native to the Mid-Atlantic region. The
19 emergence of Didymo in the Mid-Atlantic region characterizes
20 invasive species introduction. Didymo is kind of localized in
21 select cold-water systems, and what we want to do is prevent
22 the spread of that to other cold-water systems because it can
23 impact the experience that our nontidal anglers have in those
24 water bodies.

25 So there are a number of key points made. The

1 | recommendation to senior leadership was to keep the regulation
2 | in place, which prohibits the use of felt-soled waders, and
3 | that regulation will remain in place as of today. So there is
4 | where we are with that. Any questions about felt-soled
5 | waders?

6 | *Questions and Answers*

7 | MR. NEELY: There is just no correlation between
8 | these invasives and whether they have felt-soled waders or
9 | the -- or what we are buying now. It is an industry
10 | redevelopment act every time the state changes their law. And
11 | frankly you slip and fall on the rocks whether they are felt-
12 | soled waders or the other.

13 | MR. PROCHASKA: Well, felt-soled waders, you know,
14 | are difficult to disinfect. They maintain moisture, you have
15 | got to dry them and if you use them on multiple days, it is
16 | difficult to disinfect them.

17 | It is true lug waders can spread invasives if they
18 | are not disinfected, if they are not cared for properly in
19 | terms of trying to reduce the spread and introduction. I
20 | worked for Bruce for a number of years monitoring nontidal
21 | assessment. I have been in streams all over the state of
22 | Maryland. And we follow the regulation and do not use
23 | felt-soled waders.

24 | And there is good technology out there, there are
25 | companies that are manufacturing good boots that are as

1 effective at keeping you from slipping on slippery substrate
2 as the felt-soled waders.

3 MR. GRACIE: I don't want to get into it now but I
4 would like to see the stuff you reviewed because my impression
5 is, it is in the Gunpowder but it doesn't get in Little Falls.
6 And my impression it is in tail waters and that is all.

7 And we haven't kept it out of any tail waters with
8 our wader wash systems and everything else, and we may be the
9 only state left in the country that has a ban on felt-soled
10 waders.

11 MR. PROCHASKA: Yes, there are couple others but
12 there aren't many.

13 MR. GRACIE: And Didymo -- I don't know about
14 whirling disease because thank goodness that hasn't gotten as
15 far. But Didymo is in the tail waters and it hasn't spread
16 any further in the states that have no ban on the felt-soled
17 waders. So I am not sure what you all base this on.

18 So if that is literature somebody did, can you refer
19 us to it.

20 MR. PROCHASKA: Jonathan McKnight, he is the chair
21 for the Invasive Species Matrix Team.

22 MR. GRACIE: We are asking if there is a report, not
23 people. I can provide --

24 MR. PROCHASKA: Sure. There was definitely
25 literature circulated so I can provide that.

1 MR. DAMMEYER: I would love to see it as well and I
2 would be happy to get together with our other freshwater guys.

3 (Simultaneous conversation)

4 MR. PROCHASKA: Again they are an important
5 potential pathway for the introduction and spread of not just
6 Didymo but other invasive species.

7 MR. GRACIE: I agree with that. We are not going to
8 argue today.

9 MR. PROCHASKA: So let's move on to tidal black
10 bass. I am sure this is going to be the majority of our
11 discussion. This is a presentation that both Roger and I are
12 going to give. I am going to provide a lot of the
13 background.

14 Some of this information is information that this
15 group has already seen but I think it is important to have a
16 refresher. And then I will turn it over to Roger to talk
17 specifically about some of the decisions that the Black Bass
18 Advisory Subcommittee, which was appointed by this group, has
19 made over the last couple months. We have had three meetings.

20 (Slide)

21 So with that -- okay, before I get into this chart,
22 I want to talk about two documents that helped guide the tidal
23 bass program. One is our standard operating procedure. It is
24 available online. It lays out exactly how we conduct our
25 tidal bass surveys. They are scientifically valid. You know

1 we do a lot to make sure that we can make broad statements
2 about larger areas at stratified, random sites randomly
3 selected.

4 We make sure that we have high-quality data so that
5 when we analyze those data, we calculate indices. And that
6 will help us manage the tidal bass fishery and fisheries.
7 That is the first thing, our SOP. The second is our fisheries
8 management plan, which everyone here is familiar with. We
9 have triggers in the FMP and that mandates us to take action
10 to help the fishery when there are problems.

11 So just with that background, you know, here is the
12 status of the Potomac population, Potomac River population.
13 And you can see basically over the last 10 years there has
14 been this trend, declining trend.

15 On your Y axis is age 1-plus fish, okay. These are
16 our fisheries independent data, the data that we collect. So
17 there is a decline in our fishery in the 1-plus fish, and over
18 the last four years, '15, '14, '13 and '12, we have been below
19 what we refer to as the management plan reference line, which
20 is essentially our goal for the fishery. Everyone here is
21 familiar with that.

22 (Slide)

23 Upper bay looks very similar, declining trend. Last
24 two years we have been below our FMP reference line. We were
25 at the reference line in 2013, and then '14 or '12 maybe we

1 | were below. So similar trend in the upper bay and the Potomac
2 | River.

3 | (Slide)

4 | Okay, everyone again knows what FMP is. It
5 | basically lays out a management framework for us and guides in
6 | the protection, maintenance and improvements of the largemouth
7 | bass fishery in Maryland's tidewater. A little bit of the
8 | history. Initial development started in 2012. It went out
9 | for public comment and was also reviewed by this body in 2013.
10 | We took all those comments, finalized the FMP and the plan was
11 | adopted by the department and signed by Secretary Belton last
12 | year.

13 | (Slide)

14 | So there are a number of actions that are laid out
15 | in the FMP to address issues with a fishery. I am not going
16 | to go through all these bullets but this just indicates what
17 | the department has done over the last year to help address
18 | concerns with the fishery. It involves education and outreach
19 | to our constituents. You know, improved handling techniques.
20 | Habitat restoration. Environmental review to avoid and
21 | minimize impacts to water quality and habitat.

22 | This past year stocked over 100,000 young bass to
23 | the Potomac River. In fact, today and tomorrow we are
24 | stocking the upper bay from the fish that we raised out of
25 | Unicorn. So we took brood fish in the Potomac and they went

1 to Manning. They spawned. We released brood fish back to the
2 Potomac despite what some people think, and they are young
3 fish that were raised to advanced fingerling size and were
4 stocked for the Potomac.

5 Same thing for the upper bay. That hatchery was
6 Unicorn. So again we have taken a number of actions over the
7 last year that are dictated by our FMP to help a fishery.

8 (Slide)

9 We have evaluated and considered other actions for
10 2017. In the FMP, the strategy 4.3, which promotes the
11 survival and abundance of older, larger fish. And this may be
12 accomplished by adjusting creel limits or size limits. That
13 is action 4.3.1.

14 Okay, so this was what we have spent, a considerable
15 amount of time back in February to the current time
16 discussing. What actions could be taken in '17 to address
17 strategy 4.3 or action 4.3.1. You take this action when there
18 are too few adults in the population. Catch rates for adults
19 are low to provide a quality -- so therefore you don't have a
20 quality fishery.

21 Or your fishery's independent or dependent reports
22 indicate a problem with the fishery. We have catch data for
23 the Potomac River, tournament data. We have tournaments
24 reports to us. They are permitted. They report to us. Joe
25 Love, he is a tidal bass manager, he analyzes those data, and

1 '15 was the first year that the catch per angler went down. It
2 went from three fish per angler per day to two fish per angler
3 per day in the Potomac River.

4 So not only are independent surveys indicating that
5 there is a problem but our dependent survey data or dependent
6 data is indicating there is a problem.

7 (Slide)

8 This slide was presented to the subcommittee. It is
9 basically our management goal. And we want to increase those
10 catch indices above that reference line and again we were
11 targeting the reduction in the harvest or mortality of adults
12 by implementing actions that are enforceable, measurable and
13 also fiscally responsible.

14 (Slide)

15 So I guess on April 26, Roger brought this idea of
16 developing this subcommittee to sport fish. Sport fish voted
17 to develop or form this subcommittee, and members of that
18 subcommittee were appointed on July 19.

19 The charge of the Black Bass Advisory Subcommittee
20 is to make recommendations on black bass management to this
21 group, you know. And the initial charge was to address the
22 concerns with the upper bay, the Potomac, our triggers in the
23 FMP to hasten recovery of the fishery.

24 (Slide)

25 Here is the membership. There are 13 members.

1 Again everyone saw their applications in the information to
2 appoint them.

3 (Slide)

4 We have had three meetings: July, August and
5 September. They were meetings that ran oftentimes until 9:00
6 p.m. I will just highlight a couple things that came out of
7 each meeting and then I will turn it over to Roger.

8 On July 6, Dave went over and reviewed the
9 guidelines with the group. The group discussed those
10 guidelines, the operating guidelines, for the subcommittee and
11 they were adopted by the group.

12 Joe and I gave a presentation on our
13 responsibilities as a unit within the department. We talked
14 about the background and the status of the fisheries,
15 particularly focused in the upper bay and the Potomac and then
16 presented possible management actions for '17 again to reduce
17 the mortality of adults.

18 August 9 we had chair and vice chair appointed. At
19 the first meeting, July 6, there was a request by one of the
20 subcommittee members for Joe to pull together some information
21 that would evaluate the effectiveness of the various
22 management options that were presented to the group, and Joe
23 did that. All this information can be found on the Website.
24 I have the link down there at the bottom.

25 Each meeting, the agenda, the presentations, the

1 minutes, motions and actions. All that information is
2 compiled on that Web page.

3 And then there was a discussion of Method 1, which I
4 will get to in a minute. It is basically a management action
5 that limits harvest or possession or results in the adoption
6 of industry standards for black bass tournaments in tidal
7 waters. Industry standards being best practices that reduce
8 stress on fish and reduce mortality of those fish.

9 September 13, there was a discussion of Method 2,
10 which is essentially no-target areas. The idea of no-target
11 areas or catch-and-return areas in the upper bay and the
12 Potomac. Also over different time periods.

13 So those are the major actions or things that
14 occurred at those three meetings.

15 (Slide)

16 Now I know there is a lot of text on here so what I
17 am going to try to do is boil it down and try to be articulate
18 in the way I convey it but Method 1 was basically to maintain
19 status quo, and I will define status quo here in a minute,
20 which is really Option 1 under Method 1.

21 Or extend the maximum size restriction not only to
22 focus on term anglers but also harvest anglers. Okay, so
23 Option 1 continued the tournament permit conditions. March
24 2016, Dave Blazer issued a memo that went out. And what that
25 memo stated was starting June 16, 2016, that tournaments in

1 | the upper Bay and Potomac River really had two options:

2 | They could fish a fishable slot, which allowed five
3 | fish, 12-inch minimum. Only one of those fish could be over
4 | 15 inches. Or you could adhere to certain best practices and
5 | by implementing those best practices, you reduced stress and
6 | mortality on fish and by doing that you could fish the
7 | statewide regulations, which is 5 fish, 12-inch minimum, the
8 | maximum size.

9 | So Method 1, Option 1, was essentially continuing
10 | what we put in place in '16. Option 2 was to institute what
11 | we called a statewide regulation. Again for all tidal waters
12 | it was kind of the same setup. You know, you had 5-fish
13 | possession, 12-inch minimum, only one of those fish could be
14 | over 15 inches. And that went from June 16 to the end of
15 | February.

16 | Or a tournament organization could -- a director and
17 | its anglers -- could adhere to best practices and would get a
18 | waiver. And therefore they could fish the regular statewide
19 | regulations during that time period, which doesn't have a
20 | maximum size. So those were the two options presented under
21 | Method 1.

22 | (Slide)

23 | Option 2 really addressed the fairness issue. You
24 | know, we scoped the idea of catch-and-return areas, 3 in the
25 | upper bay and 3 in the Potomac River. And we got 137 comments

1 back from the public regarding that idea.

2 So we took that information, we went through all of
3 them, and a lot of the information, the management options,
4 not only the ones the department identified but they came out
5 of scoping. These -- I guess I will go back to Option 1 just
6 briefly. We had the black bass roundtable, which was kind of
7 an informal group that met yearly, once a year.

8 Had a lot of discussions about creel limits and size
9 limits. Had a meeting, convened a meeting after that and Joe
10 evaluated some tournament data, tournament mortality data
11 during the summer months.

12 So he looked at all the fish that died as a result
13 of tournament activity, and of those fish, 70 percent of those
14 individuals were bigger than 15 inches.

15 So the larger fish are more susceptible to stress
16 and more likely to experience higher mortality rates. So that
17 was the rationale -- again we are trying to reduce mortality
18 of adults. That was the rationale of that action, to reduce
19 mortality of large adults. Fish over 15 inches were more
20 susceptible.

21 So that was Option 1 and 2. So Method 2, there were
22 6 options. I am not going to go through all of them. I will
23 just summarize them. But these are closed areas or no-target
24 areas and then the idea of catch-and-return areas. So you
25 could target fish but you had to release them immediately.

1 You couldn't possess them.

2 The first three options apply year-round, okay.

3 There is no seasonal component. It is year-round. The first
4 one is basically no target so we identified areas. No black
5 bass anglers could target black bass in those areas year-
6 round. One in the upper bay. One in the Potomac.

7 Option 2 were catch-and-return areas, one in the
8 upper bay; one in the Potomac. And Option 3 was year-round
9 catch-and-return in 4 areas, 2 in the upper bay; 2 in the
10 Potomac.

11 Now Option 3 was similar to what we actually scoped,
12 which was 3 in the upper bay; three in the Potomac. But again
13 we got 137 comments on that.

14 Option 4 -- these 4,5 and 6 are spring only, okay.
15 We have 4 catch-and-return areas, spring only. 2 in the upper
16 bay; 2 in the Potomac. Option 5 was a mix of no-target and
17 catch-and-return. So we would have a no-target and catch-and-
18 return in the upper bay and then one no-target and one catch-
19 and-return in the Potomac.

20 And the last was a statewide spring catch-and-return
21 only, statewide, which is consistent with what we do in
22 nontidal waters. So those were all the options that were
23 presented.

24 Some of them came out of scoping. Some of them came
25 out of the department based on the analysis of data review of

1 literature, and all of this information was presented to the
2 subcommittee, which you guys appointed, and we presented the
3 effectiveness of some of these options.

4 And at this point I will turn it over to Roger so he
5 can kind of go through some of the decisions that were made by
6 the group.

7 ***Black Bass Advisory Subcommittee***

8 ***by Commissioner Roger Trageser***

9 MR. TRAGESER: Well, it is a little disappointing
10 this commission is set -- or if they were set to make
11 recommendations when I have got a significant number of
12 commissioners who opted to not basically be present here for
13 this part of the presentation or my part. That is the first
14 comment I will make about that. I didn't leave during the
15 entire presentation for the rest of everything so --

16 Our first meeting was really probably just more of
17 an orientation meeting. I would say that those individuals
18 who are on that committee now, a handful of them were
19 attendees for the Black Bass Roundtable Conference.

20 And then probably -- I guess maybe 50 to 60 percent
21 of the committee is made up of individuals who have -- been in
22 the loop for a little bit with those black bass conferences
23 that we have had for a couple of years. And then the rest of
24 them are individuals who sent out applications expressing an
25 interest in participating in that committee.

1 That was primarily the first meeting with this
2 information first going out and a request to sort of discuss
3 it with your stakeholders if you were indeed a person who
4 represented stakeholders, which I do.

5 We came back on August the 9th. We did nominate and
6 put in place our chairperson and our vice chairperson. We put
7 together also -- aside from these immediate items we were
8 asked to dive into, we have also put together a parking lot
9 list that has a lot of other information, important
10 information on it that might deal with anything from invasive
11 species to habitat to additional funding. There must be at
12 least nine or ten items on that parking lot by now.

13 But these were the main items that we were set to
14 get into, even as quickly as that committee was sort of put
15 together because these were major items to be considered, and
16 the committee I think was just sort of kind of getting some
17 sort of an identity. It was brand new. We had just been put
18 together.

19 Out of the meeting we had on August 9, and there was
20 a lot of discussion on this. There is almost like two
21 sides -- there is a table and there is a side on one side, and
22 side on the other side and then the other guys who are kind of
23 in between sort of going back and forth listening to the
24 opinions on such.

25 After a lot of discussion on the Method 1 and the

1 two options that were made available, a vote was taken. And
2 by an eight to four vote with one member abstaining, Option
3 2/Method 1 was put in place.

4 Now a lot of pushback on that. And I don't know, of
5 the commissioners who are here, I was asked to provide an
6 opposing opinion to that proposal and get it to the
7 commissioners, which I did only before I also provided that
8 same opposing opinion to the subcommittee members.

9 They all got it first before any of the
10 commissioners got it, opened it, looked at it.

11 MR. GRACIE: We probably got it and didn't have time
12 to read it. I didn't have time to read it, Roger.

13 MR. TRAGESER: So that was what came out of
14 that -- and for what it is worth, because somebody is going to
15 ask me I would imagine, or maybe I am volunteering this out of
16 turn, I was one of the four not one of the eight on that
17 particular possession restriction.

18 MR. PROCHASKA: Hey, Roger. You should mention that
19 was amended. It wasn't now going to be a statewide. It was
20 amended, right?

21 MR. TRAGESER: Yes, that was amended. At first it
22 was put up as a statewide. But then it was amended to just be
23 Potomac. And then you had a slide up here that was just a
24 designated area of the upper Chesapeake, the upper bay.

25 So then on our September 13th meeting -- oh, one of

1 the things, Tony had mentioned that if you go on our Website,
2 you will have minutes and what not. Well, you will have
3 minutes starting on September the 13th. We don't have minutes
4 for -- we have action items and motions on the August 9 but we
5 didn't actually have minutes recorded at that point in time.

6 I made a point of sort of requiring that this
7 committee should have minutes that are taken and then put
8 together and made available. Of course, in doing so, I made
9 myself the secretary. So what is new? But it had to be done.

10 So we came to this meeting basically with a focus on
11 Method 2, which addressed the catch-and-return areas and
12 possible no target areas. And after much discussion, and
13 actually we had a motion right off the bat from one of our
14 members to not consider any of those. Not consider any
15 catch-and-return areas. Not to consider any no-target areas.

16 The motion was seconded. We had discussion on it
17 and actually came up with a vote this go round of eight in
18 favor of not having any target areas and four opposed to not
19 having any target areas.

20 MR. GRACIE: This is the same advisory committee,
21 Roger?

22 MR. TRAGESER: This is the same advisory committee,
23 absolutely. Yes, it is the same committee. I will just give
24 you really quickly a little bit of background.

25 The discussion we had of Method 2, catch-and-return,

1 no target. Discussion points included but were not limited to
2 economic impact if you set these areas up. Negative heavier
3 fishing pressure on surrounding areas that will continue to be
4 open to all fishing because you put these off-limits in place.

5 Really lack of hard science to support closure
6 benefits and the difficulty of enforcement. Enforcement, I
7 think, is almost going to be the key thing in any of these
8 things and it may be a key item among other things in the
9 item, the Method 1 item/Option 2 thing that we looked at as
10 well. That is pretty much how that went out.

11 *Questions and Answers*

12 MR. NEELY: I did read your report and it seemed to
13 me there were two things that just -- one was that the
14 workgroup that Maryland had put together was top-heavy with
15 guides, and so that their results would be skewed.

16 And the other thing was that Virginia uses a
17 different methodology to do a stock assessment as opposed to
18 Maryland. And the state of Virginia, the Commonwealth of
19 Virginia, seems to think that we have a very healthy bass
20 population down in the Potomac, and Maryland says we have got
21 problems. So how do you reconcile the two?

22 MR. TRAGESER: Well, they do a spring survey, if I
23 am not mistaken whereas Maryland does a fall survey. There
24 could be great swings in that, and where they do their surveys
25 and how they do their surveys.

1 MR. NEELY: But how do you reconcile your results
2 and your recommendations with Tony and what he is saying for
3 the commission?

4 MR. TRAGESER: I don't know that you can reconcile
5 that without -- part of what we have in, I know is in that
6 statement, is that there probably really needs to be more
7 discussion between -- and there are four entities really on
8 the Potomac.

9 If we are talking strictly the Potomac right now,
10 there are four entities that really get involved in that:
11 Maryland, Virginia, PRFC and you have DC. And DC does
12 their -- now PRFC doesn't do any surveying that I am aware of
13 on that. They are more sort of a regulatory group on the
14 Potomac River. Washington does, Virginia does, Maryland does.

15 With so many different groups coming back with so
16 many different opinions and results, I don't know exactly how
17 you reconcile that unless they are working a little more
18 closely together.

19 Now you have some sense of that happening because we
20 have a meeting -- we have had two meetings I believe at the
21 PRFC headquarters where it has been Maryland, Virginia and
22 Washington participating and exchanging information. You
23 know, as far as reconciling, I am not sure exactly how you are
24 going to reconcile one group saying this is what we see
25 happening and the other group saying, this is what we see

1 | happening.

2 | MR. GRACIE: Are we ready for questions?

3 | MR. GOLDSBOROUGH: Well, I don't know. Are you done
4 | with your presentation, Roger?

5 | MR. PROCHASKA: Well, I think there are a couple
6 | more slides. Let's try to go through them real quick.

7 | MR. TRAGESER: And the one thing I do want to make
8 | sure we do is we have -- and I talked to Bill earlier about
9 | this, and I know we are extremely late but just like we had an
10 | availability for public comment on the rockfish tournament
11 | thing, I do have couple -- I think there are a couple of
12 | individuals here who I want to make sure we get some public
13 | comment from before we take it any further than that.

14 | (Slide)

15 | MR. PROCHASKA: So the line furthest to the north is
16 | the one the subcommittee agreed upon. It is from Turkey Point
17 | west to Aberdeen. But I just wanted to note that the line to
18 | the south, which is actually the striped bass line, you know,
19 | really covers most of the tidal bass fisheries in the upper
20 | bay. There are no barriers for anglers to move among those
21 | river systems.

22 | Nor are there barriers really for fish to move among
23 | those systems.

24 | (Slide)

25 | This is the proposed line for the Potomac River so

1 from the 301 bridge upstream. We also had discussions about
2 special conditions about special conditions. And you want to
3 cover that, Roger?

4 MR. TRAGESER: No. I believe you have copies of
5 that.

6 MR. PROCHASKA: We amended the special conditions --

7 MR. BLAZER: It is in Tab 8.

8 MR. PROCHASKA: -- to address concerns about having
9 fish over 5 pounds in a single bag. We also provided a
10 statement in there that tournament organizations that were
11 maybe having some trouble meeting some of the special
12 conditions could present other options to help meet the
13 special conditions in terms of improving fish care in the
14 department.

15 We would evaluate those and work with the tournament
16 organizations to see if those were acceptable methods. So I
17 wanted to just say through this process I think we have tried
18 to provide -- and I think everyone would say we have been
19 targeting tournament organizations. The regulation that we
20 are considering doesn't just target tournament organizations.
21 It targets harvest anglers as well because they can keep more
22 than 1 fish over 15 inches right now if they want.

23 So that regulation, if it were in place, it would
24 avoid the mortality of the larger fish. Again addressing the
25 fairness issue that was raised by public comments that were

1 received when we scoped the catch and return areas.

2 And we also tried, and we have worked with,
3 organizations to try to make these special conditions
4 workable. And we have done stuff in the upper bay. We have
5 purchased water quality equipment to have an approved at
6 Anchor Marine. So we have tried to assist tournament
7 organizations to make this doable.

8 (Slide)

9 I guess this slide we can wait. And if folks want
10 to ask questions or have discussion --

11 MR. TRAGESER: One more comment that I want to make
12 before we take any questions. I know collectively or it is
13 being said it is not targeting tournament organizations
14 because it is a statewide regulation and individuals that
15 harvest. But I don't know the exact numbers other than the
16 fact that I know it is low.

17 That of all those recreational fishermen out there
18 for black bass, there is a very small percentage of harvesters
19 who are out there as compared to those who fish tournaments.
20 So that Method 1/Option 2 is going to have a much bigger
21 impact on the tournament community than it is going to have on
22 the harvesting community.

23 I run an organization that, to be honest with you as
24 far as the waiver conditions go, Maryland Bass Nation has no
25 problems there. In fact, we are probably a model of how

1 | tournaments should be run from what we require out of our
2 | anglers to have in place on their boats when they catch their
3 | fish. How we tell them to handle that water and exchange
4 | water in their live wells.

5 | And how we conduct our weigh-ins itself. But there
6 | are going to be a lot of organizations out there, small
7 | groups, that just aren't going to be able to do that. We are
8 | going to run their tournaments, club tournaments, whatever it
9 | might be, and they are not going to have the ability to have
10 | all these release tanks.

11 | There are other ways that they can make their
12 | tournaments be better, and I know we can educate them on doing
13 | that as well. And we have started to do that with the videos
14 | and whatnot. So with that being said, if there are any other
15 | questions.

16 | MR. DeHOFF: Just to kind of get back to John's
17 | point a little bit, It sounds like we have different
18 | jurisdictions using different survey methods to come up with
19 | different ideas. I may be off base here but maybe one of the
20 | constant data points that we are going to be able to get is
21 | going to be feedback from the tournaments.

22 | I mean, do DC and Virginia pull the same information
23 | that we do basically?

24 | MR. PROCHASKA: They do not have a permitting system
25 | like Maryland does.

1 MR. TRAGESER: They don't have a permitting system
2 like we do.

3 MR. DeHOFF: They don't have to report catches or
4 anything like that?

5 MR. TRAGESER: No.

6 MR. DeHOFF: Because that is a very strong chance
7 and even though we are not necessarily targeting tournament
8 fishermen, especially in Maryland, it is our best data source.
9 And I was thinking if they had something similar, you could
10 compare that data. While it is not all inclusive, at least
11 you had some common ground where you were using the same data
12 set to work off of. That really makes it difficult.

13 MR. PROCHASKA: Well, I have full faith in our tidal
14 bass program and the surveys that we conduct. Joe does an
15 excellent job. He is very objective. And it is Maryland
16 waters that are our responsibilities, and that is where our
17 surveys occur.

18 MR. GRACIE: Let the people in the public comment
19 because you got a behind you who wants to talk.

20 MR. GOLDSBOROUGH: So Roger brought that up earlier.
21 I am going to allow for some public comment. People are here
22 specifically for that. I will get to that in a moment.

23 MR. GRACIE: I don't want him to think he is being
24 ignored.

25 MR. GOLDSBOROUGH: He is not being ignored.

1 MR. GRACIE: I think John Neely made some important
2 points. There was a point and a question. In terms of
3 reconciling the difference, I don't think you answered the
4 question. We want to reconcile those differences with good
5 data and good science.

6 And what I saw was some trend lines that tell me a
7 story that make me concerned so we have to do something, and I
8 think you agree with that. I have a concern with the way this
9 whole thing was set up, and I have shared that with you. I
10 have headed a bunch of subcommittees over time with this
11 commission, and we have always asked for volunteers from the
12 commission.

13 And I get a little uneasy when the department sticks
14 its nose in and picks the people who are going to be asked to
15 be on the commission when they have an axe to grind. And I am
16 not accusing anybody of anything, but that raises some doubt
17 in my mind of how fair it even -- this was.

18 The second thing is John made the point that it was
19 heavily weighted with guides. The guides have a very
20 different -- some guides in particular. One of them was a
21 vice chairman on this. They have a very different perspective
22 than a lot of the rest of us. So that makes me wonder about
23 the process.

24 Roger, you have given us a dilemma. This commission
25 has worked with you for years. We trust you. We know you

1 have the interest of the fish at heart and you are disagreeing
2 with the subcommittee you asked to be set up. I don't know
3 how we are going to make a decision today. So my question is
4 what is the timing of when you have to have it.

5 We are going to have another meeting before you
6 have -- I don't know if you have a regulatory, is this going
7 to be promulgated regulations?

8 MR. PROCHASKA: Here, I will show you here. Of
9 course this timeline obviously is subject to change depending
10 on the outcome. That is why we didn't actually bring anything
11 up because we didn't know what the outcome --

12 MR. GRACIE: I didn't get your what I call minority
13 report in time to even review it so I don't really feel
14 competent to participate in any decision making today. So I
15 think we need to buy some time and step back a little back.

16 And maybe at our next commission meeting, we can be
17 ready to discuss this intelligently because I am pretty uneasy
18 with having to even come down on either side on this.

19 MR. PROCHASKA: And I would like to address the
20 composition of the subcommittee. You want to address that,
21 Dave?

22 MR. BLAZER: Yes, let me just go back to the
23 composition a little bit. We came to this committee, we
24 talked about forming a subcommittee, and we wanted to get
25 people who are engaged in the fishery.

1 So we put out requests for applications, people who
2 wanted to volunteer to be a part of that. We got 16
3 applications. We reviewed all those, we talked to a couple
4 members of the SFAC about the composition of that group. We
5 tried to balance it with tournament anglers and guides and
6 others. The river keeper is on there. There are one or two
7 other people who aren't really guides. They are just kind of
8 recreational fishermen.

9 So we tried to get a balance of folks in there as we
10 go through.

11 MR. GRACIE: Dave, my only problem with that was
12 that you guys made the decision to exclude some people.

13 MR. BLAZER: Well, we came through the Sport Fish
14 Advisory Committee.

15 MR. GRACIE: I didn't hear anything. You mean the
16 subcommittee.

17 MR. BLAZER: Well, we had talked to Bill and walked
18 through some of that.

19 MR. GOLDSBOROUGH: And Bill knows all the bass
20 fishermen really well, so that was great. Come on.

21 MR. BLAZER: Jim, none of us know all the bass
22 fishermen but we wanted people who know the industry and know
23 what is going on to work with us on that.

24 MR. GRACIE: And that part was fair.

25 MR. PROCHASKA: Well, in all fairness there was some

1 | redundancy between -- if you look at this list, there were
2 | some people in the exact same organization that applied. So
3 | would we have two or three individuals from the same
4 | organization serve on the subcommittee?

5 | MR. GRACIE: My question wasn't them. My question
6 | was how the decision was made on who was and who wasn't. I
7 | have had seven subcommittees I worked on in this commission,
8 | and nobody in the department ever told me somebody couldn't be
9 | on it, never. And I have been on this commission -- I was
10 | chairman four governors ago too. I have been on this
11 | commission --

12 | So the process makes me uneasy and when our trusted
13 | bass representative isn't happy with the outcome, then I get a
14 | little nervous.

15 | MR. PROCHASKA: What outcome is he not happy with?

16 | MR. GRACIE: He just published a minority report
17 | that was from the four among he voted against the majority
18 | view.

19 | MR. PROCHASKA: Is that your report?

20 | MR. TRAGESER: That is not my report. It is report
21 | by one of the subcommittee members with input from other
22 | individuals.

23 | MR. PROCHASKA: From the subcommittee.

24 | MR. TRAGESER: Um hmm.

25 | MR. BLAZER: Well, Jim, I can tell you also, we are

1 a little uneasy with that because we haven't even seen the
2 minority report.

3 MR. GRACIE: We need to have a better process. All
4 I am saying is buy time. I am not accusing anybody of
5 anything. Give us a chance to review the information and get
6 comfortable with it. Don't ask us to make a decision today.
7 That is all I said. Anything else I apologize for if I
8 implied anything untoward. I didn't mean it.

9 MR. GOLDSBOROUGH: That is all right. Good points,
10 Jim. Let's hear from everybody who has something to offer to
11 the commission and then go from there. Any other commission
12 members have a comment at this point?

13 (No response)

14 MR. GOLDSBOROUGH: No? How many members of the
15 public with a show of hands are here to address this?

16 (Show of hands)

17 MR. GOLDSBOROUGH: Two over here.

18 MR. GRACIE: Three. You got one behind you too.

19 MR. GOLDSBOROUGH: One behind. Okay, we got three.
20 How about you come up one at a time and to the mic in the
21 corner of the table here and give us your name and your
22 thoughts.

23 ***Public Comment***

24 MR. CHACONAS: My name is Steve Chaconas, and I am a
25 member of the BBAS. I am also a guide on the Potomac River.

1 I would like to start off answering your question. The
2 difference between Maryland surveys and Virginia surveys are
3 very blatantly obvious.

4 Maryland does their surveys in the fall when SAVs
5 are extremely abundant. Catching fish and shocking fish is
6 really, really tough. In the last five years it has been made
7 tougher with the overabundance of hydrilla and the lack of
8 milfoil.

9 Virginia does their surveys in the spring pre-SAVs.
10 So their shocking results are more reliable. In my opinion,
11 the slot limit recommendation did not consider -- Roger was
12 telling you about the bigger organizations but they did not
13 sufficiently consider the thousands of local tournament
14 anglers and the charity tournaments.

15 I mean, we have the St. Jude Children's Hospital
16 tournament, which has raised a quarter of a million dollars
17 over the last 25 years. There is another organization that
18 benefits soldiers. It is Real American Heroes Foundation.

19 These are groups that are going to have some
20 difficulty meeting these waiver requirements. The waiver
21 requirements for the big tournaments, that is the way they run
22 tournaments. They have done that, and it is great fish-care
23 practice.

24 But the smaller, the local guy, the one who says,
25 hey, you know, I have hung drywall all week, I have turned

1 wrenches all week, and now all I want is to go out and have
2 fun and play my tournament game on the weekend.

3 Those are the ones who are going to be impacted
4 because they don't have the capability of the manpower nor do
5 they have the capability of the funding for the equipment,
6 additional equipment, and time that is needed to comply with
7 these waivers.

8 And that would be the tubs, the release boats or the
9 release mechanisms that would have to be in place so they
10 could meet those release requirements. The other thing, I
11 mentioned Virginia. It was mentioned in one of our meetings,
12 and Roger alluded to it. I just don't think that the BBAS in
13 the second meeting -- and by the way, there were no minutes at
14 all, right?

15 That the BBAS in the second meeting was mature
16 enough to handle -- this is huge. This is the biggest issue
17 that has ever been put out there on the Potomac River period.
18 Bigger than any rockfish. Bigger than anything else because
19 this affects thousands of anglers who spend thousands of
20 dollars at our boat ramps.

21 In fact, none of the boat ramps in small town in
22 economic development -- Charles County, who would be impacted
23 the most, they weren't even contacted to see what kind of
24 impact or if they had any input. A tournament to Charles
25 County brings \$75,000 all the way up to \$900,000 per event,

1 per event. And that helps publicize the fishery throughout
2 the year and years to come.

3 But John Odenkirk was upset when he saw some of the
4 statements that were made about him, and he said this
5 regulation is a poor solution in search of a problem. His
6 September survey data, done just last month, shows that there
7 is a healthy fish population at similar levels to 2005.

8 So he has looked at it back 11 years. He said, it
9 is his opinion -- and this is the key thing too. We talk
10 about stripers and we talk about any of the other species.
11 People keep those fish.

12 99 percent of the fish that are caught are released,
13 and he says very clearly that in a 99 percent release rate and
14 a relatively low delayed mortality, this regulation would
15 needlessly inconvenience anglers. He is shocked that Maryland
16 is considering restrictive harvest regulations.

17 Our Joe Love, our tidal bass manager, has also said
18 that he sees signs of recovery, and he attributes this to
19 improved recruitment and lower annual mortality. Now both of
20 these have nothing to do with tournament activities. Nothing
21 to do with tournament activities.

22 Tournament organizations: You asked about getting
23 information from Virginia. That guy right over there, any of
24 the tournament directors from Virginia or any of the
25 tournament directors anywhere have data that we would be more

1 | than willing to share.

2 | You want to know what is going on in Virginia? They
3 | will bore you with those numbers. I guarantee you with that,
4 | but they have that. Tournaments, we just had a major Bass
5 | Master tournament here in August. There were 20-pound bags
6 | caught throughout the whole tournament.

7 | And in fact, Bass Masters said that the average,
8 | average weight of each bass in this tournament exceed their
9 | average from the last time they were here in 2007. And for
10 | those who don't understand tournaments, they only show up when
11 | they are being paid to show up. But they bring a lot of
12 | money. That is why they get paid to show up.

13 | So they haven't shown up for a while, which leads us
14 | to another kind of misnomer, and it has been used by members
15 | of our committee or subcommittee. It has also been used by
16 | DNR to say the Potomac River, once high and might, is no
17 | longer on the Bass Master to 100 fisheries list.

18 | Well, what I have heard from the editor of Bass
19 | Master Magazine, basically says it is a popularity contest.
20 | It is nothing more than a click generator. So everybody goes
21 | there and clicks on it to see which one is number one.

22 | It also has to do with when the last time they were
23 | here because they also use it as a way to promote their
24 | tournaments to generate even more revenue.

25 | So these are things that were tossed around, and

1 | again I think with the BBAS being rather immature at the time,
2 | only really its first meeting that was conducted by itself,
3 | handed a really big, big menu to try to digest.

4 | We also -- at that meeting there was a key person
5 | there. And I will tell you his name, Gene Gilowand. And for
6 | those of you who don't know him, he literally wrote the book
7 | on fish care, literally wrote the book on fish care.

8 | Every fisheries manager, every tournament director,
9 | uses his guidelines to conduct their tournament and to set
10 | their regulations on fish care in their jurisdiction. He had
11 | over 30 years of fisheries management experience. He has been
12 | all across this country working with fisheries managers.

13 | He was at that meeting. Here is what he said: The
14 | process needs to slow down and take a step back and look
15 | harder at the data and recommendations being made. Moving too
16 | fast and alienating a large portion of your constituency is
17 | never a good idea for an agency.

18 | He also talked about the lack of cooperation between
19 | Virginia, Maryland and DC. That the Maryland anglers say, hey
20 | we see what is going on in Virginia. We are seeing the
21 | tournament results. These guys are tournament anglers. I am
22 | sure they are going to tell you about their results.

23 | He will tell you about the tournament results. We
24 | are seeing a lot better, and he is saying it is really poor
25 | management to go, and even though Maryland owns the river,

1 | there are now -- this reach of a proposed regulation would
2 | also reach across the border into Virginia requiring Virginia
3 | anglers to comply with a possession limit if they cross the
4 | border.

5 | Ultimately a four-fish limit, and something, a
6 | subtle change up there that you guys might not have noticed.
7 | What they are operating under this year, the Option 1, was
8 | from June 16 or June 17 to October 16. Now the new one is
9 | from June 16 all the way to March 1.

10 | So if this is an effort to really save fish during
11 | the hot seasons -- I tell you, I fish in January. I wish it
12 | was hot. It is not. I like to fish in November, it is not
13 | hot. I like to fish in October. Well, today is hot.

14 | But it is all relative. We are talking about this
15 | thing. Roger mentioned it. We have worked with the DNR. A
16 | lot of us have worked with the DNR, Don Cosden, going back,
17 | and Tom O'Connell. And working with these guys trying to come
18 | up with better ways to get information out.

19 | You want to get information out to a bass fishermen?
20 | That guy, that guy, all these guys will get that information
21 | out. Just like that. We will let everybody know. And will
22 | they work hard for the fishery? Yes, they will work hard for
23 | the fishery.

24 | My opinion on the slot limit recommendation is that
25 | there is really no data on the impact should that be a move

1 | because it is something new. Nobody has done it really except
2 | Florida has experimented with it.

3 | MR. PROCHASKA: No, it is a regulation.

4 | MR. CHACONAS: It is a regulation in Florida? For
5 | how long?

6 | MR. PROCHASKA: It just got implemented.

7 | MR. CHACONAS: There is no data on the impact of
8 | such a move. There is no impact data because it is so new so
9 | we would be experimental in that.

10 | This is unpopular with the anglers. At the last
11 | meeting we had probably about 30 anglers show up. Those
12 | anglers find it cumbersome. It is also totally, ultimately
13 | unnecessary depending on whose data you look at because there
14 | is really no science to demonstrate the need of a drastic,
15 | drastic action.

16 | And it is also really unenforceable that to get a
17 | waiver, a tournament director says, yes, I would like a
18 | waiver. Well, unless Maryland is able to go on Virginia
19 | shoreline and check out tournament directors, that is totally
20 | unenforceable. I would hope that this commission would not
21 | move, and vote tonight to not move this forward and allow the
22 | BBAS to work toward better fish care without regulatory
23 | burden.

24 | The burden on anglers should not be something that
25 | they are not able to comply with but rather we seek angler

1 cooperation so we can all work together to enhance Maryland's
2 waters. If you guys have any questions, I have spent a lot of
3 time on this, and a lot of the stuff that is in that letter to
4 you guys, if you have questions on it now I can answer them.
5 If you have questions further on, you can e-mail me. I would
6 be more than happy to straighten it out for you.

7 MR. GOLDSBOROUGH: Okay, thank you. I would like to
8 get everyone's comments before we do that. Please state your
9 name, sir.

10 MR. BLUNT: My name is Lee Blunt, and I am actually
11 a tournament director in Virginia. I am the director for
12 Region 1, Virginia Bass Federation. Unlike Roger, Roger is
13 the director for the whole state. We have a small -- when we
14 have a tournament, we have about 30 boats. We 3 every year on
15 the Potomac.

16 And I have got records going back 10, 12 years. Our
17 records don't show there is any problem. I can even give you
18 a record back in 2012 in October, we had a 2-day tournament.
19 We had 30 boats, we had 60 fishermen, and I didn't bring the
20 numbers with me but I can provide them for you.

21 But 2 years later we had the same tournament, the
22 same amount of boats. 1 boat shy so 2 fishermen shy of that.
23 And they caught 1 fish less in 2 years. Out of those 6
24 tournaments that we have held this year, out of all 6
25 tournaments, we have had 8 fish killed. Out of 6 tournaments.

1 We quit having tournaments years ago when I became
2 the director. I have been the director for over 10 years. We
3 quit having tournaments in July and August. The reason for
4 that was July and August we were having fish kills. We were
5 having fish kills I was embarrassed about.

6 Now, like I have said, in 6 tournaments we have had
7 8 fish killed. Those 8 fish probably were killed because they
8 were gut hooked and bled -- you just can't help that. It
9 happens. But all of those fish actually were given to
10 fishermen hanging around, that were fish going to shore. They
11 all went to a good cause. They all got eaten.

12 But these regulations, when they first came out with
13 this, we heard about it and I thought, oh, my goodness. Guys
14 won't pay to fish anymore. I mean, you are going to go out
15 and have a fishing tournament where you can only keep one fish
16 over 15 inches?

17 So we are all competing for little fish. It is a
18 little fish tournament. Crazy. But the regulations get to
19 the point where we have to keep the waters in our tank to a
20 certain degree. I mean, now, we are a small group. We do
21 have tanks, we do use those tanks. But like I said, we can't
22 comply with all of the regulations that we have.

23 We don't have a release boat, so our option for the
24 release boat would be to have our fishermen after they fish
25 for eight hours, to put their bass back in their boat and

1 | drive them into Maryland -- now these fish may have been
2 | caught in Virginia but we have got to drive them back to
3 | Maryland to release them.

4 | I mean, I never heard of such a thing. The other
5 | thing at the end of the regulation, they are going to hold me
6 | responsible as a tournament director if any of my guys go out
7 | there and catch two fish over 15 inches and add it to live
8 | well. They get caught with it, I am responsible. How am I
9 | responsible for what somebody else is doing?

10 | I can make a rule and I can say you have to follow
11 | these rules, which we do. We do the best we can. We inspect
12 | boats, we make sure that everybody has a working live well.
13 | And like I said, we have very little fish kill. Very little.

14 | I wrote a letter to Mr. Goldsborough --
15 | unfortunately it just got sent yesterday but I referenced in
16 | there a guy by the name of Al Howser who said, he made
17 | comments about mistaken things in bass fishing. People see
18 | that bass will eat a red hook. All sorts of different things.

19 | But the main thing is, it is just not true that
20 | there is severe fish kill from tournaments. Maybe in the old
21 | days but not in today's world. Not in most tournaments I have
22 | ever fished. But unfortunately the main thing here is this is
23 | going to single out bass tournament fishermen, and it is going
24 | to single out the little guys like us.

25 | Bass and FLW, they got plenty of money. They can

1 meet all the requirements. And they can get a waiver so they
2 don't have to abide by this. We just can't afford to do it
3 but anyhow I appreciate your time.

4 I hope that you will look further into this and get
5 better data before you make such a drastic move as to make
6 this a regulation because unfortunately even though I live in
7 northern Virginia and I have been fishing the Potomac for 21
8 years, when we run a tournament, we run it out of Leesylvania.
9 As soon as we hit the water, we are in Maryland.

10 I can't run a tournament that stays only in Virginia
11 waters unless we go into Pohick and have a 30-boat tournament
12 in Pohick Bay. That won't work out.

13 MR. GOLDSBOROUGH: Thank you, sir.

14 MR. WHITE: My name is Mike White. I have been a
15 tournament angler on the Potomac River since 1976. That is a
16 long time and a lot of hours out there on that water.
17 Everything they said has pretty much covered what I wanted to
18 say but with the graph that he showed, the depletion of the
19 fish, has anybody looked at the introduction of the blue
20 catfish onto the Potomac River and how it corresponds with
21 that?

22 Not that they are feeding on the bass but the
23 commercial anglers who are running the same nets all through
24 the spawning flats, destroying the milfoil, which is the
25 number one grass on the river to support all the other species

1 during spawning and for the fry and everything else.

2 And they are ripping it up by the bargeful every
3 spring all back through all the tributaries. I haven't seen
4 anybody, not one person, recognize that. And we see it in
5 disgust every single year.

6 MR. TRAGESER: We actually have that as an item on
7 our parking-lot list. There are a lot of items on the
8 parking-lot list that could --

9 MR. GRACIE: What is a parking-lot list, Roger? Do
10 you mean things you didn't discuss fully at the meeting?

11 MR. TRAGESER: Things we intend on discussing.
12 Things to be discussed.

13 MR. GOLDSBOROUGH: Anything else, sir?

14 MR. WHITE: No, that pretty much covers it. They
15 covered everything else but I would like to see some
16 information on that.

17 MR. GOLDSBOROUGH: Okay, thank you so much.
18 Appreciate you all coming. Okay, it is back to commission.
19 Do I have any further comments or discussion or proposals?

20 MR. TRAGESER: I have to agree with Jim and just
21 suggest that we gather up some more information and just table
22 this as far as the commission giving any recommendation.

23 Phil wanted me to make his apologies. He had a 6:00
24 p.m. meeting that he chairing.

25 MR. GRACIE: He had a charter boat meeting.

1 MR. TRAGESER: He is going to pay the devil for that
2 probably. We can come back with some other recommendations.
3 Some of my anglers have actually made some other suggestions
4 or recommendations to bring to the committee outside of this
5 Method 1/Option 2. So I think more discussion needs to be
6 done within the subcommittee before we bring anything else
7 back to the commission.

8 MR. PROCHASKA: Jim, you asked to have more
9 information presented. Can you be specific because we have
10 plenty of information.

11 MR. GRACIE: I didn't ask for that. I heard
12 somebody say that doing a fish population study with no SAVs
13 is more accurate than one with SAVs. That is nonsense. In
14 fact, I don't know what you are doing. If you are doing mark
15 and recapture, you want to know where fish are concentrated
16 and you want to count the ratio of unmarked to marked on the
17 second recapture.

18 I mean, there are a whole lot of things that could
19 explain these differences. John asked, I think, an important
20 question. How do you reconcile the differences between
21 Virginia and Maryland?

22 MR. PROCHASKA: Well, we have a meeting --

23 MR. GRACIE: I didn't hear anything that convinced
24 me that Virginia was doing a better job. And I would be happy
25 to look at the data and talk to you about that because I know

1 something about data.

2 MR. GOLDSBOROUGH: What were you going to say, Tony?

3 MR. PROCHASKA: That I wasn't going to provide my
4 opinion on that.

5 MR. GRACIE: I don't have enough information to
6 know.

7 MR. GOLDSBOROUGH: Okay, so we have Jim's proposal
8 that Roger has endorsed as our -- is everybody comfortable
9 with that?

10 (No response)

11 MR. TRAGESER: We have a somewhat depleted
12 commission now anyway.

13 MS. DEAN: I am not comfortable at all.

14 MR. GOLDSBOROUGH: Well, what is your thought,
15 Rachel.

16 MS. DEAN: That was it. That was a lot of
17 information.

18 MR. GOLDSBOROUGH: I think that is the point. There
19 was a lot of information and there is a lot in the parking
20 lot. There is a lot of deliberation yet to happen. These are
21 big steps. I think the point was, tell me if I misstate it,
22 is to take more time to chew on this, in short.

23 MR. PROCHASKA: We do have a meeting at PRFC on
24 December 2nd. So we will be with them. There is also a
25 multijurisdictional meeting. We have had a few of them. We

1 are going to have another one the beginning of next year so we
2 are having discussions with the other jurisdictions.

3 MR. TRAGESER: Is that PRFC meeting an open --

4 MR. PROCHASKA: It is commission meeting on December
5 2.

6 MR. GOLDSBOROUGH: Sir, you had another comment,
7 quickly?

8 MR. WHITE: Also as far as making a decision on
9 this, something would have to be made to table this for all of
10 next season. All these tournament directors who are running
11 these tournaments are scheduling these now, booking in. After
12 they lose this timeframe here, they have lost their ability to
13 even schedule a tournament.

14 MR. GRACIE: Maryland hasn't made any changes yet.
15 There is nothing on the table.

16 MR. PROCHASKA: That is correct. The only thing
17 that would be maintained is the status quo for '16.

18 MR. GRACIE: Nothing is changing yet.

19 MR. GOLDSBOROUGH: Are we content with that being
20 our recommendation back to the department?

21 (No response)

22 MR. GOLDSBOROUGH: Continue the work of the
23 subcommittee? No objection. Dave, did you have a comment?

24 MR. BLAZER: No, I just really wanted to make a
25 comment because I am a little uneasy with the minority report

1 | that kind of came out because it was sent to the commission,
2 | it was sent to the advisory subcommittee and not to us at DNR.

3 | We never got a copy. I didn't get my copy until
4 | 2:30 p.m. It was forwarded. So I think -- even though we
5 | have got issues and questions associated with the
6 | subcommittee, you know, there are processes we want to make
7 | sure that we follow.

8 | If there is a minority objection, by all means we
9 | want to hear that. But I want to be able to make sure we
10 | follow a process and make sure that it is getting to where it
11 | needs to be. I just want to make that comment.

12 | MR. TRAGESER: That was my oversight. I sort of cut
13 | and paste all the committee members that I had, and I sent it
14 | out, and this morning I go, I think I should have gotten that
15 | out to the DNR reps that were there. This would have probably
16 | come out a lot earlier. I mean, when did I talk to you, Bill?
17 | Two weeks ago? And I was trying to get some ideas as to what
18 | the inland fisheries --

19 | MR. PROCHASKA: Fresh water fisheries.

20 | MR. TRAGESER: Okay, got it right now. I will still
21 | not remember that for another six months or something. And
22 | this report, I was trying to see what it looked like on the
23 | agenda. And then focus what I wanted to do with that on the
24 | agenda. But we didn't have any information on that until Tony
25 | called me yesterday and said, okay, here is how my

1 presentation is going to be.

2 So it all kind of like came together sort of late,
3 and that is why it was that late before we went and got any of
4 that other --

5 MR. PROCHASKA: Can we also get some idea of who
6 authored this, and then we can talk about transparency and
7 votes and -- I think we would like to know who authored this
8 position paper.

9 MR. CHACONAS: Yes, I authored it with input from
10 other members of that committee.

11 MR. GRACIE: He wants a list.

12 MR. GOLDSBOROUGH: Yes, there ought to be signatures
13 on it.

14 MR. BLAZER: Yes, and I think -- I appreciate the
15 conversation and the dialogue that we had today. I just want
16 to make sure that we are having a transparent process and a
17 good, fair and above board -- you know, the Black Bass
18 Advisory Subcommittee had a great meeting last time. There
19 was a lot of discussion, a lot of debate. I thought there was
20 a free exchange of ideas.

21 And then to come here and find out there is a
22 minority opinion that is being circulated to the commission
23 that we don't know about, that was a little disturbing to me.

24 So I want to make sure -- I want the dialogue. I
25 think we have a great relationship here at the commission, and

1 I want to make sure we continue that but I want to make sure
2 we are having it in a fair and balanced and transparent way
3 but let's do it through some sort of a process. Make sure we
4 are all on the same page as we go forward.

5 Again, my closing remarks: Thank you all. I
6 thought it was a great meeting today. Thank you. I
7 appreciate it. Sorry we are here until 6:30 p.m.

8 MR. GOLDSBOROUGH: So Tony, Dave, you feel you have
9 got something you can use?

10 MR. BLAZER: We will regroup.

11 MR. GOLDSBOROUGH: So the last thing on the agenda
12 was broad public comment. Is there anybody here from the
13 public that wanted to offer any comment on anything at all?

14 MS. CORDELL: I was thinking we might have a
15 representative from the Department of Agriculture here today.
16 I am Allison Cordell. I am the legislative director for the
17 department. Wanted to let you know they are thinking about
18 taking on seafood marketing, and this is just a discussion
19 that we are having, and I know they are going to come here to
20 sport fish and discuss that with you.

21 So I wanted to put that on your radar and let you
22 know in probably the next month or two, they are going to ask
23 to be a part of the agenda.

24 MR. BLAZER: The sport fish commission doesn't meet
25 again until January. This will have to be done in a

1 legislative process.

2 MR. GRACIE: Will it be an administration bill, so
3 it is going to be prepared and coming in at the beginning,
4 early?

5 MR. BLAZER: I think it will come in pretty early.

6 MR. CORDELL: Right we are still --

7 MR. GRACIE: So we would be commenting after it is
8 introduced.

9 MR. BLAZER: Yes.

10 MS. CORDELL: So we will let you know especially in
11 January where we are.

12 MR. GOLDSBOROUGH: Thank you. We are adjourned.

13 (Whereupon, the meeting adjourned at 6:35 p.m.)

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