

*Maryland DNR*

*Spring Meeting of the Tidal Fisheries  
Advisory Commission*

Thursday,  
April 28, 2016

*Held at the*  
Maryland Department of Natural Resources  
Annapolis, Maryland

***Maryland DNR Tidal Fisheries Advisory Commission Meeting***

April 28, 2016

**TFAC Members Present:**

William Rice, Chair  
Robert Moochie Gilmer, Vice Chair

James Blackwell  
Robert Brown  
Lee Roy Carson, III  
Rachel Dean  
Herman Dize  
Bill Goldsborough  
Steven Lay  
Charles Richard Manley  
John Martin  
Larry Powley (*proxy for Aubrey Vincent*)  
William Scerbo, Jr.  
Gail Sindorf  
Mike Smolek (*proxy for Ken Jeffries*)  
William Wilkins

**TFAC Members Absent:**

Ken Jeffries  
Aubrey Vincent

**Maryland DNR Fisheries Service**

Lt. Art Windemuth  
Sarah Widman  
Scott Todd  
Lynn Fegley  
Michael Luisi  
David Blazer  
George O'Donnell  
Brenda Davis  
Chris Judy

**Maryland DNR  
Tidal Fisheries Advisory Commission Meeting**

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

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

(2:00 p.m.)

*Call to Order*

*by William Rice, Chair, TFAC*

MR. RICE: All right, I would like to call the meeting to order. At this time, we have one member that is not here yet and that says he is coming and hopefully he will be here any minute. Dave, would you like to with comments please?

MR. BLAZER: Yes, I have a couple of comments. Just a couple of things that aren't on the agenda that have occurred since the last time that we met back in January. I think many of you have worked on some of these issues. The Striped Bass Consumption Advisory out of the District of Columbia in Washington, D.C. that was something that we were dealing with over the last couple of months. This is really MDE's responsibility for those clarifications when there is an advisory for seafood consumption.

The District found that there were high concentrations of PCBs within some of the striped bass in the Anacostia River. They put out the advisory. They do things a little bit differently in the District than we do in Maryland. Our surveys and our studies reflect that our striped bass are safe to eat because we test the fish as filets. The District because of the traditional fishery that they have, they

1 included the skin because people in D.C. were eating skins.  
2 So really the advisory was not to eat the skin. That is where  
3 the toxins kind of accumulate.

4           So that is an issue that we have dealt with back end  
5 of 2015 early 2016. We put some message out and it is on the  
6 MDE website and so forth. Especially with striped bass season  
7 opening up recreationally. We had a flurry of questions. But  
8 we think we have dealt with that. We are in a pretty good  
9 situation with that. Another issue real quick that we were  
10 dealing with was with catfish harvest in the region. There  
11 was some new rules coming out of USDA about having inspectors  
12 and keeping the fish alive until they got to the processing  
13 plant. There was a lot of questions but really no answers in  
14 trying to deal with USDA to get some of the these things  
15 resolved.

16           The Department, PRFC, Virginia VMRC, many people at  
17 this table, the Maryland Watermen's Association, several other  
18 folks were trying to get answers, Congressman Harris got  
19 involved. And the message that we have received is that we  
20 are okay for now because we don't have to have the inspectors  
21 and the fish don't have to come to the processing plants live.  
22 So our catfish harvest are allowed to continue the way they  
23 have been. But we anticipate that this issue is going to have  
24 to be kind of monitored over the next 18 months because there  
25 is another provision that goes into place that requires

1 inspectors in the processing plants.

2           And a lot of the processing plants and some of the  
3 issues we dealt with, we are not sure how they are going to  
4 treat those when the new -- the second wave of regulations  
5 come in on those. So we have kind of worked on that. We  
6 think we have a good resolution at this point. But it is  
7 something that needs to stay on our radar screen because there  
8 is another set of issues that we are going to have to contend  
9 with on this catfish fishery.

10           The other thing I wanted to mention that we have  
11 been working on actually in the last day or two and this was  
12 of great interest and I thought I would bring it up to this  
13 group. We were approached by one of the processors that was  
14 worried about one of the crab meat processors that picks  
15 crabs, that was worried about some of their customers dropping  
16 them and not buying seafood from them or crab meat.

17           Basically some of the Whole Foods, Wegmans, some of  
18 the larger purchasers of crab meat are looking for  
19 certifications of sustainability in the blue crab fishery.  
20 They wanted to know if we had marine storage ship counsel(sic)  
21 certifications or other things related to sustainability and  
22 this processor called and said do we have anything like that?  
23 Is there something that we can say regarding that?

24           So we have put a letter back -- it is actually Jack  
25 Brooks and I believe this is in your packet somewhere, the

1 letter that we wrote back just talking about blue crab  
2 management and that we have been able to stay for the last  
3 eight years under neath the thresholds and targets associated  
4 with our crab fishery. There is also some other  
5 certifications that are on there for example, like seafood  
6 watch, they consider blue crab as a good choice especially if  
7 they come from trout lines.

8 Crab pots was satisfactorily but again they have  
9 labeled these as kind of sustainable so I just wanted to bring  
10 that up that on the harvest side of things, we have a lot of  
11 debates and a lot of questions and a lot of interest. But the  
12 processing plants and the pickers and so forth who are selling  
13 product. The consumers are kind of wanting to go the  
14 sustainability and traceability route. That is something new  
15 that Jack has also talked about and the seafood marketing  
16 folks have talked about trying to get more traceable wear in  
17 the seafood comes from so that their consumers have confidence  
18 in everything.

19 So this is something that has just come up within  
20 the last day or two that I wanted to share with you. I don't  
21 know if this is going to become a more influential trend from  
22 the buyers and from the grocery chains and people that sell  
23 seafood. But this is something that we have tried to put  
24 together and respond to that. So we may be able to talk about  
25 that at a future meeting because I think what we have put



1 together is just kind of a quick reaction but some of the  
2 certification process is expensive and very time consuming but  
3 it is something that we may want to consider at looking into  
4 the future. So.

5 And I am sorry, I should have done this first. I  
6 wanted to welcome the new commissioners. We have several new  
7 commissioners, JD Blackwell, Buddy Carson, Russell Dize, Ken  
8 Jeffries who has a proxy here today -- Mike Smolek. Steve  
9 Lay, Bill Scerbo and Troy Wilkins -- I am saying that right?  
10 Troy? Okay, that is a typo, sorry. And I believe Boo is  
11 sitting in for Aubrey Vincent today. So --

12 MR. POWLEY: She just had her baby, so.

13 MR. BLAZER: Did she?

14 MR. POWLEY: She is doing good -- her and the baby  
15 both.

16 MR. BLAZER: Excellent, good. Well tell them  
17 congratulations and best wishes from all of us here. So  
18 welcome new members. Some of you I think have been on this  
19 commission before so this is kind of a 2.0 and 3.0 for some of  
20 you. So welcome back. We look forward to your involvement.  
21 We look forward to your comments and being part of the  
22 process. So thank you. And thanks to the members that have  
23 been on and staying on for a while, so.

24 MR. RICE: Thank you, Dave. Let's jump down and you  
25 just keep the floor and go ahead and do the chairman and vice

1 chairman elections and then we will -- whoever is the new --  
2 whoever takes those two jobs can go back to the top and start  
3 over again.

4 MR. BLAZER: You make it sound like you want to --  
5 never mind. We have -- it is the time of the year where we  
6 elect a chair and a vice chair for the Tidal Fish Advisory  
7 Committee. Billy Rice and Moochie have been chair and vice  
8 chair respectively for the last two years. We sent out a  
9 memo and a note asking for other nominations. We did not  
10 receive any other nominations.

11 We have talked to Billy and Moochie and they are  
12 willing to continue to serve. So if there is any nominations  
13 from the floor or how you all would like to move forward?

14 (No Response)

15 MR. BLAZER: Hearing no nominations, can I get a  
16 motion to accept Billy Rice as the chair?

17 MR. BROWN: I will make the motion.

18 MR. BLAZER: Thank you, Robert T. And a second?

19 MR. : Second.

20 MR. BLAZER: Yes. Any discussion? All those in  
21 favor signify by saying "Aye".

22 (Chorus of "Ayes")

23 MR. BLAZER: Any opposed?

24 (No Response.)

25 MR. BLAZER: Unanimous Billy, welcome back.

1 MR. RICE: I am not so sure -- is that -- that they  
2 want me as bad as they don't want the job. Anyway, thank you.

3 MR. BLAZER: And for vice chair, are there any  
4 nominations for vice chair?

5 (No Response)

6 MR. BLAZER: Moochie is willing to serve again, if I  
7 can get a motion to renominate Moochie, we will first and  
8 second -- thank you, Russell. Any questions? All those in  
9 favor signify by saying "aye".

10 (Chorus of "Ayes")

11 MR. BLAZER: Any opposed?

12 (No Response)

13 MR. BLAZER: Thank you, unanimous. Moochie, thank  
14 you and thank you, Mr. Chairman, appreciate you all.

15 MR. RICE: All right, so now we will wade through  
16 this agenda. It is quite a lengthy agenda and we are going to  
17 do our best to stay on time. But I think that we have so many  
18 new members and I am fairly certain that everybody knows who  
19 everybody is but it still might be a good idea if we take --  
20 if we go around the table real quick and say who you are and  
21 how you are affiliated with the industry and give everybody  
22 the idea of who we have around the table. So go ahead,  
23 Richard.

24 (Introductions)

25 MR. RICE: Thanks everybody, I appreciate that.

1 Really just brief comments for the people that are just  
2 joining us. A couple meetings ago, Dave said that the  
3 secretary sort of requested that this committee when we work  
4 on action items that we take actions such as make motions and  
5 vote. So he knows where we stand and we will make every  
6 effort to do that. Quite simply, I do my best to run the  
7 meeting, keeping things flowing along.

8           We walk in the door as friends, we disagree at the  
9 table, we walk out the door as friends. We don't take any of  
10 the issues personally. We deal with the issues as they come  
11 along and I think if we do all of those things and however we  
12 feel about certain things, on the way home, we feel good about  
13 what we did and ourselves and we probably accomplish what we  
14 came here for. So with that said, we will move into the  
15 natural resources police activity report. Yes, sir,  
16 Lieutenant go ahead, your name is not on the list but we are  
17 glad to have you.

18   ***NRP Activity Report***

19   ***By Lieutenant Art Windemuth***

20           LT. WINDEMUTH: Sure, it is Art Windemuth, are there  
21 any corrections or additions to the questions I should say for  
22 the activity report or note worthy cases. I have done my  
23 part.

24           MR. RICE: We have a written report and that is  
25 fine, if nobody has any questions, that is great.

1 MR. BLAZER: Real quick in that tab, I want to  
2 credit NRP with responding to one of the requests that this  
3 committee or Sports Fish Committee wanted some of the  
4 noteworthy cases kind of highlighted, so you have a different  
5 form this time, those of you that have been with the  
6 commission for a while. They have just pulled out some of  
7 the noteworthy cases instead of the -- in addition to the  
8 statistics that they provide every month. So that is a  
9 response to a request that the commissions have made. Yes.

10 MR. RICE: All right, next on the agenda is the  
11 beneficiary transfer of a person on a wait list. Scott, I  
12 understand that you want to speak?

13 MR. TODD: Yes, I could.

14 MR. RICE: On his behalf -- there is a microphone  
15 right here if you -- we can turn it around or do whatever you  
16 want to do.

17 MR. BLAZER: Actually, Scott do you want me to do a  
18 little bit of a lead in or --

19 MR. RICE: Yes, I think that is a good idea. If you  
20 can just -- before you speak, Scott, let Dave refresh our  
21 memory of where we are and why you are here.

22 MR. BLAZER: But to be sure that I get it clear, if  
23 I need some help from staff. But yes, we -- at the last  
24 meeting we talked about this issue and the issue came up  
25 apparently on the waiting list there is not a designation for

1 beneficiary. Like on your license, you can designate if you  
2 pass this person will get your license. But on the waiting  
3 list or to reserve a spot on the waiting list, there is not a  
4 beneficiary designation and we never have all those people on  
5 the waiting list.

6           So if somebody passes away and they are on that  
7 waiting list, you know they come off, there is nobody to take  
8 that license. So I think in this case what kind of happened,  
9 the person on the waiting list passed away. There was no  
10 beneficiary and that wait list spot wasn't able to be taken.  
11 So the --

12           MR. RICE: Passed on.

13           MR. BLAZER: Passed on right. So that is just kind  
14 of a quick summary and we talked about it the last time and we  
15 kind of passed a motion to not name -- not be able to transfer  
16 the beneficiaries -- the people on the wait list. So does  
17 that refresh everybody's memory that was here the last time?  
18 Okay, yes, Scott.

19                           ***Beneficiary Transfer of a Wait-listed Position***

20                                   ***By Scott Todd***

21           MR. TODD: Well, if I could and for those that know  
22 me, I am Scott Todd and I am president of Dorchester County  
23 Seafood Harvester Association and I am here today helping and  
24 representing my friend and neighbor, Captain Chris Jones. He  
25 told me about this not long after the Commission's decision

1 and we just didn't understand what the reason behind it was.  
2 We are a little confused on all of it and we are hoping for a  
3 second chance. Chris wasn't up that day. He is like myself  
4 and he is shy, bashful and he don't like to come talk at  
5 things like this and so he just wasn't here that day.

6 And if there is something that we can explain or  
7 clarify or do to get this decision changed, we would like to  
8 do that. In the past, whenever I come up here and ask for  
9 anything and the decision was no, the reason was always  
10 conservation or whatever. If we feel that this was a reason,  
11 the effect on the resources is going to be the same no matter  
12 who has the license and it is only a 300 pot upgrade. But  
13 that was going to make a big difference to Mr. Jones and his  
14 family and we just would like to see it come that way.

15 As I said, if it is a worry about the conservation  
16 part, again the effect on the resource is going to be the  
17 same. We feel that you know if somebody is going to catch the  
18 crabs, it might as well be someone who has had the license for  
19 more than 25 years and paid for it. And I don't know what  
20 else to say. We just hope you vote on it again. If you have  
21 any questions, I can answer them for you or if you would like  
22 to talk to Mr. Jones, he certainly is here and willing to  
23 answer.

24 And I do want to say that most of you know me and I  
25 wouldn't come up here representing somebody that I thought was

1 a bad waterman. You can look at this man's record, you are  
2 not going to find anything wrong here. This license, this  
3 upgrade isn't going to go to somebody who is going to be a  
4 problem for it. That would be the only other thing why I  
5 could think we wouldn't approve it.

6 MR. BLAZER: If I can add one thing that I probably  
7 should have said in the beginning was -- during the process,  
8 the license became available and as you know we have limited  
9 entry, we have the moratorium and we have got the cap. So  
10 that authorization has been given out and we don't have any  
11 authorizations at this time. So that complicates things a  
12 little bit more.

13 So as we were following the process, what happened  
14 was when the license became available, we notified the  
15 applicant and because they passed away, you know, really  
16 wasn't a piece of mail that they opened up. And a year or a  
17 year and a half or two years had passed and by that time, we  
18 had already given the authorization to the next person on the  
19 waiting list. So that is going to be one of the problems that  
20 we would have if we decide to go forward here but the other  
21 thing is, in the bigger picture, do we change or do we have to  
22 put beneficiaries on waiting list spots based on this?

23 MR. LANG: I kind of have three questions all in one  
24 really. Number one, how many different waiting lists are  
25 there? Number two, how many people are on each waiting list?



1 And three, how much more burden would that create to the  
2 Department do to this?

3 MR. BLAZER: Well there is a waiting list for every  
4 commercial lice and they all vary and I don't know the number  
5 of CB6 or CB9, I think there is like over a 100 on some of  
6 them on the waiting list. To change the process I am not sure  
7 because it will have to be incorporated into our compass  
8 system with licensing and I am not an expert on that so I  
9 don't know the details associated with that.

10 MR. RICE: Rachel, you have a question?

11 MS. DEAN: Yes, I was just trying to put the pieces  
12 together because I think if we went back and looked at the  
13 minutes, the scenario might not have been the same as what was  
14 just presented to us today. The scenario that we were given  
15 was that there was somebody that passed away and it was the  
16 striped bass wait list that we were considering. So that  
17 probably is irrelevant because --

18 MR. GILMER: If I remember correctly when we  
19 discussed this, the gentleman died, the license got  
20 transferred to the beneficiary but he was also on the upgrade  
21 list for to change it from a 600 to a 900 pot and that was it.  
22 But the man passed before he got the 900 pot allocation. So  
23 the 900 -- he was not rewarded the 900 pot allocation, he was  
24 rewarded the license but not the upgrade because there was no  
25 beneficiary on the wait list for 900 pots.

1 MS. DEAN: Okay then maybe the example that Gina  
2 gave us was trying to use an example to explain what was  
3 happening but I remember a different conversation.

4 MR. : Yes, that is basically it.

5 MR. GILMER: And that is basically -- and what we  
6 said was since there is no beneficiary -- if you put a  
7 beneficiary on the wait list, the wait list will never change  
8 because you know when someone that is on there passes away and  
9 in this case, in any case if there is a 70 or 80 year old  
10 person, and the beneficiary is a 15 year old grandson or  
11 whatever, then it never changes. The list will always be held  
12 up, it will never -- the next person will never get a chance.  
13 And that is what we voted on was that since there was no  
14 beneficiary, do we want to get into a beneficiary on all wait  
15 list too which causes an even longer jam -- that was how we  
16 voted. Is that right, Gail?

17 MS. SINDORF: Yes, it was.

18 MS. DEAN: I just -- I would like to say that I  
19 wasn't 100 percent comfortable with the vote that we had but I  
20 would feel more comfortable if the Department encourages when  
21 something like this comes up for the people to come in and  
22 speak with us and I understand that he couldn't be here. I  
23 abstained but I hope that it goes to a motion again.

24 MR. BLAZER: Well, the other problem, Rachel, if I  
25 could just interject is part of the problem is that we weren't

1 sure because there is no -- when the license is offered,  
2 through the beneficiary because there is no person listed  
3 there, how to contact or how to reach that person. So that  
4 was looking at the timing here we are what a year and a half,  
5 two years later, there is some timing element in this as well.

6 MR. RICE: Gail, do you still have your hand up?

7 MS. SINDORF: Yes, there was a couple of other  
8 issues that I think we had to come up with as well. A -- I  
9 think I had spoken with Gina later about this. That an  
10 individual would be able to put any aged person on there, so  
11 for example, if you wanted to put your son on there at the age  
12 of 12, 11, 10 or 9, you could. So that was one of the reasons  
13 we also didn't find it necessary to have the beneficiary on  
14 there was because anybody could go on there any age. So if a  
15 father had wanted to get a license for his son, the wait list  
16 was ten years, he could put him on there at any given point.  
17 So we found that to be of issue and we also found out that  
18 this had never happened before, the wait that has occurred. So  
19 we thought that the paperwork would have been a little bit  
20 extreme for this rare occurrence to put all that on the  
21 Department. So I think that was another reason that we voted  
22 against it.

23 MR. RICE: Okay, Billy and then --

24 MR. SCERBO: It sounds like you got it a little  
25 backwards. I mean, you have to have a license before you

1 apply for an upgrade for a license. Correct? You can't apply  
2 for a --

3 MR. GILMER: Billy, this guy had a 600 pot license  
4 and he was on a 900 pot wait list.

5 MR. SCERBO: But you have to have a license --

6 MR. GILMER: He had, he had.

7 MR. SCERBO: -- to get an upgrade. So wouldn't the  
8 beneficiary receive the wait for the upgrade, not a wait  
9 for -- I mean, you don't have to have a beneficiary for  
10 somebody on the wait list but isn't your name on the wait list  
11 attached to the license that you are inheriting?

12 MR. BLAZER: Not necessarily because in this  
13 particular case maybe it was but not all cases because you  
14 could have a non-license holder coming in to enter --

15 MR. SCERBO: Not in this case. You can't apply to  
16 upgrade from a 600 to a 900 pot license unless you already  
17 have some kind of license that you have attached to that.  
18 When you apply for that upgrade -- you have to put that number  
19 that that upgrade is going to be attached to. Correct?

20 MR. BLAZER: I am not sure, Buddy?

21 MS. SINDORF: Scott, didn't you say that it was a  
22 300 license he was looking for? I am confused as to why we  
23 were --

24 MR. : It is 300 more --

25 (Simultaneous conversation)

1 MR. SCERBO: So that attachment, I mean that wait  
2 list, I mean it should go to that license. You are not having  
3 a wait list -- I mean, a beneficiary on a wait list. That  
4 wait list is attached to that license. That spot on that wait  
5 list.

6 MR. GILMER: But also if I am correct here, you can  
7 be on -- you can provide -- the wait list is also -- well let  
8 me ask this question, are there two separate wait lists one  
9 for upgrade or one for -- is it a 600 pot license that you can  
10 also apply for --

11 MR. BLAZER: It is a 600 pot license that you apply  
12 for.

13 MR. GILMER: So it is -- there are two separate  
14 things. So it is --

15 MR. SCERBO: When you pay and get a spot on the wait  
16 list, your license number is also --

17 MR. GILMER: You don't have a license number to get  
18 on there?

19 MR. SCERBO: Sure you do.

20 MR. GILMER: You don't have to have one.

21 MR. SCERBO: You have to have a license to get an  
22 upgrade.

23 MR. GILMER: You can apply for a 600 pot license,  
24 all he had done was reapply for a bigger license. It wasn't --  
25 it would have been an upgrade for him but you can apply

1 without the license.

2 MR. BLAZER: Right. And is it not technically an  
3 upgrade. What he is doing is he is applying for a -- I think  
4 in this case a 900 pot license where he had a 600 pot license.  
5 So he would get the 900 pot license and turn the 600 pot  
6 license back in.

7 MR. : -- back in, so you don't have to  
8 have a license to be on a wait list.

9 (Simultaneous conversation.)

10 MR. SCERBO: We are not talking about that though,  
11 we are talking about somebody that had a 600 pot license and  
12 you pay whatever the fee is to get --

13 MR. GILMER: Right. So the same with LCC.

14 MR. SCERBO: You look at it on your license  
15 application. That is not how it is written out. It is a  
16 separate attachment.

17 MR. GILMER: But you don't have to have a license to  
18 do that.

19 MR. SCERBO: Sure you do.

20 MR. GILMER: No, you don't.

21 MR. RICE: Go ahead, you might have something to  
22 clear this up.

23 MR. POWLEY: Let me give you a personal thing about  
24 this. This woman lost her husband at 42 years old died on his  
25 birthday. I noticed that. Then his first son is out there

1 working. And he thinks he is going to leave his mom with  
2 something -- the beneficiary. But he is upgrading his  
3 license. That gives his momma something to look forward to  
4 that he is going to leave her. He thinks he has left his mom  
5 a 900 crab pots. Now we come from a rural area and we don't  
6 have a lot of jobs, agriculture or you work on the water. The  
7 closest business we had in Church Creek had one of the biggest  
8 employers ever, just moved to Mexico.

9           So you work on the water or you farm where I come  
10 from, you got a picking house, that is it. This license meant  
11 a lot to his mother. And if this little boy could leave  
12 something to his momma, and he thought he was on a wait list  
13 to get them 100 pots, which made them license a little more  
14 valuable. And this woman has already lost her husband and her  
15 son and she is a widow and she is going to get these. This  
16 don't make any sense to me. I think if that boy would have  
17 had enough to apply for this license and give his money, he  
18 worked hard on the water all his life. And he wanted to leave  
19 his momma something, then I think he should have it. Thank  
20 you.

21           MR. RICE: All right, Gail?

22           MS. SINDORF: I think there is a difference here  
23 between voting on this particular case or setting a precedent  
24 for future cases. I mean, this one seems specific and I agree  
25 that you know my heart goes out, but at the same time do we

1 want to set a precedent and that is really where we are. Can  
2 we vote on this particular case without setting a precedent is  
3 my question?

4 MR. BLAZER: I defer to staff if they could correct  
5 me but I don't think there is anything within the authority  
6 that we have through the legislation that would allow us to do  
7 that. It kind of goes back to the other point that you know  
8 with a limited entry program, we don't have -- I mean, there  
9 is no license to give because we have already kind of passed  
10 that one on. So to stay within our numbers of what our legal  
11 authority is, there is not a -- not one existing because we  
12 have already gone through the process of getting that, now we  
13 are here a year later.

14 MS. SINDORF: So basically if we vote -- even if we  
15 wanted this to happen, it couldn't because we have already  
16 passed that point, so we are really just voting on precedent  
17 today?

18 MR. BLAZER: Right and this is something that I  
19 think we have to go back to the AG's office is do we have the  
20 appeal process or maybe this is a legislative fix that we have  
21 to go back in and do something. I don't know what the  
22 resolution is but we wanted to bring this specific back  
23 because you know, is this going to happen again? Is this a  
24 one time deal. We have had limited entry for 20 some years now  
25 and this is a first time something like this has come up. So.



1           MR. RICE: At this juncture that we are in right  
2 now, is it possible that our solution is not going to be  
3 probably what Scott hoped to go home with. But if we go your  
4 route and refer to the AG and find out what our possibilities  
5 are, if a license in the time that this process comes along  
6 comes up, can we suggest that license not be the issue without  
7 resolving this case?

8           MR. BLAZER: Well, that is the other thing that I  
9 don't know the detail on of when the licenses get re-issued  
10 because you are going through a renewal process here soon. So  
11 maybe one would come available but again how do you handle  
12 that in that renewal. So Lynne --

13           MS. FEGLEY: Yes, I just -- I would say that this  
14 beneficiary issue is by -- it is by policy not by law and  
15 there are some complications here. But I would suggest that  
16 what the commission do is consider the case and make a motion  
17 and take a vote. And then we can go from there and figure out  
18 how we can deal with it. And to your question of precedent,  
19 really the question is are we going to go down the road of  
20 starting to include beneficiaries in all transfers? So I  
21 think that is something as Dave said that we need to go  
22 consider without attorney general's office.

23           But the rest of it I think is something that we can  
24 consider fairly directly. So I would say that if you guys  
25 could reconsider, make a motion and vote then we know the will

1 of the commission and we can take it back and do that  
2 analysis. I think that would be really helpful.

3 MR. RICE: Russell, you had your hand up?

4 MR. DIZE: I just like to have clarification.

5 Moochie said that you could get an upgrade without having a  
6 license. Explain to me how you can do that --

7 MR. GILMER: No, no it is really not an upgrade. You  
8 turn one license -- you get one license and you turn the other  
9 one in. It is -- he was on the list for a bigger license. It  
10 is not really an upgrade. I would call it an upgrade but  
11 literally it is not an upgrade. He had just applied for a  
12 bigger license.

13 MS. FEGLEY: It is a crew authorization.

14 MR. GILMER: So what he would have had to do was  
15 once he got that license, he would have had to have turn his  
16 other one in. So it is not really an upgrade that is attached  
17 to your presence license, you are applying for a bigger  
18 license. And once you are awarded that -- it is just like if  
19 you had a child --

20 MR. : They don't give you a different  
21 number though.

22 MR. GILMER: No, no.

23 MR. BLAZER: But we keep track of the numbers  
24 though.

25 MR. DIZE: Well, Moochie, though when you get the

1 upgrade, you said that gives you a different license?

2 MR. GILMER: It gives you a different appointment on  
3 your license.

4 MS. FEGLEY: It is a crew authorization. The 600  
5 and 900 pot, they are crew authorizations so you do have to  
6 have a license to attain those. We have had situations just  
7 so you know, where we have had individuals on a waiting list  
8 for a stripe bass permit for example. And then they  
9 transferred that license away -- their license away and they  
10 were removed from the waiting list because their license was  
11 no longer attached to them. So that kind of stuff has  
12 happened where your waiting list position doesn't transfer  
13 with your license.

14 So if you are waiting for a crew authorization or if  
15 you are waiting for a stripe bass permit that doesn't transfer  
16 on the waiting list. We have never done that. So.

17 MR. BROWN: But you have to have a license to -- you  
18 already got to have a license with your license number on it  
19 to apply for another authorization, correct?

20 MS. FEGLEY: If it is something like a crew  
21 authorization or a striped bass permit then yes. But you can  
22 get on a waiting list for like a fin fish or a TFL. But then  
23 the --

24 MR. : But that is for the whole license.

25 MS. FEGLEY: That is for the license, yes. But for

1 the --

2 MR. GILMER: Okay so let me ask here, because you  
3 confused me a little bit there. So you have -- was this guy  
4 asking for -- let me think how I am going to say this. We --  
5 I was under the understanding last time when we voted on this  
6 that it was an application for whatever -- it was for a bigger  
7 license. Or is there just a crew allocation where you just  
8 apply for a crew allocation on your present license?

9 Are there -- they two separate things? There is a  
10 600 pot and a 900 pot thing -- are there two separate lists  
11 for those?

12 MS. FEGLEY: No. There is no stand alone 600 pot or  
13 900 pot. There is no such thing. So the 600 pot and the 900  
14 pot are simply additional crew authorization and that is why  
15 it is written that you go for that 600 or that 900, attached  
16 to that is that you have to have another head on your note.

17 MR. RICE: She has to employ another person.

18 MS. FEGLEY: Correct. So there is no stand alone 600  
19 pot and no stand alone -- there is a stand alone 300 pot. You  
20 can get a CD3. And that is all you do is 300 pot.

21 MR. SCERBO: So it is an attachment.

22 MS. FEGLEY: It is an attachment.

23 MR. SCERBO: So, it is attached to said license that  
24 the holder already has. So that license holder has paid the  
25 token fee to put his name on the list. So you are not

1 waiting for new license, they are waiting for an attachment  
2 to that license. So --

3 MR. BLAZER: But they have to wait for one to get  
4 turned back in. They have to got to wait for one to become  
5 available.

6 MR. SCERBO: Right, but on your license there is a  
7 beneficiary and what needs to be figured out, even if they  
8 don't figure out tonight, it needs to be straightened out down  
9 the road that the beneficiary at the bottom of TFL or a  
10 unlimited crab catcher, whatever, does that beneficiary get  
11 the attachments that are on that license?

12 MR. : On the wait list.

13 MS. FEGLEY: The wait list.

14 MR. SCERBO: On the wait list? I mean and I think  
15 the good Lord would say yes. Because the guy has already paid  
16 for it, you got a receipt for it.

17 MR. BLAZER: Rachel?

18 MS. DEAN: I just -- I would like to clarify that  
19 this is a beneficiary place and this is not a transfer place.  
20 So if I were to sell my license, I and would hope that maybe  
21 the commission would agree the same, that my wait list spot  
22 would not go to the next person. So if we are discussing  
23 this, I would like to discuss just the line that says who your  
24 beneficiary is and then I have two more questions. When this  
25 came up the last time, I was an advocate for it because my

1 thought and my thought process is, if this is a family license  
2 and this is how the man is making his living, then if it is a  
3 family member who would have inherited the business had the  
4 death not been unexpected, then I feel certainly and I  
5 understand Boo's emotional appeal. So Scott I appreciate you  
6 being here today but I think what I want to do is I want to  
7 say Chris are you intending to use this license?

8 MR. JONES: Well, it is my mother's now. She is the  
9 beneficiary.

10 MS. DEAN: So is she going to use it or sell it?

11 MR. JONES: (Away from microphone.) No -- no, it  
12 is not going to be sold. We aren't going to do that. It  
13 would just be beneficiary for my kids eventually and that is  
14 how it is going to probably go down.

15 He had a 300 pot TFL and all he wanted was a 600 pot  
16 authorization. And apparently he put in for the wait list  
17 around 10 years ago. He paid his money and waited like we all  
18 did and he died one year ago, April 9th, to the day, this  
19 month. And I got the letter in May saying that he was okay to  
20 go get the 600 pot and I went to Salisbury, the service center  
21 to get it and they said I was denied because when someone  
22 dies, you lose it automatically.

23 MS. DEAN: So this isn't a license that is going to  
24 be used?

25 MR. : So I called --

1 MS. DEAN: It is going to be used? By who?

2 MR. : Yeah, they can be transferred to --

3 MR. RICE: His children. His mother is going to  
4 pass it down, he was the beneficiary.

5 MR. : It isn't going to be sold on the  
6 street for value.

7 MS. DEAN: Okay we are not talking about leasing it  
8 out. Scott wants to lease it --

9 MR. TODD: That is why I said in the beginning, the  
10 effect on resources won't be the same. The crabs will be  
11 caught by somebody, why not let it stay with the family that  
12 has paid for the license for almost 26 years.

13 MS. DEAN: Well, okay if we are only talking about  
14 individual this particular situation and Lynn felt pretty  
15 confident that we could and that we are only talking about the  
16 beneficiary for this, then if that is right, I would like to  
17 make a motion.

18 MR. RICE: Go ahead.

19 MS. DEAN: Is that right?

20 MS. FEGLEY: So what we really need to know is what  
21 this commission wants to do. So I am going to say a couple of  
22 things.

23 MR. TODD: Well before you do that, if I might  
24 interrupt, just make it clear what he said. The license is  
25 going to stay with him and he is going to use it. It will be

1 transferred to his boat. It is not going to be sold. And the  
2 family has been through enough as you heard and it is just --  
3 we are just hoping that we can slide this -- just clear this  
4 up and then maybe next year when the session gets ready to  
5 start we will look at this issue again and see if we need to  
6 do something legislative to make this clear.

7 MS. FEGLEY: I don't think there is anything  
8 legislatively that needs to happen here. I don't know that  
9 that is the true but --

10 MR. TODD: I mean, in the future so that it is  
11 clearer when this does happen that we don't have this issue  
12 any more.

13 MS. FEGLEY: Right but I just think we need to know  
14 exactly what the will of the commission is and then once we  
15 know that, if there is this issue of a precedent, then you  
16 know we can come back to you and tell you that. But I think  
17 now everybody understand this is a gentleman with a license.  
18 That license was transferred to his mother who was the  
19 beneficiary. She has the license and --

20 MR. TODD: It is going to stay in the family.

21 MS. FEGLEY: And all that was here and I don't mean  
22 to say all but what was at stake is the 600 pot crew  
23 authorization. So this is not a beneficiary for a brand new  
24 license, this is just the authorization. So I would just say  
25 make a motion and then let us figure it out and --



1 MR. GILMER: One more question, so we are voting on  
2 just for this individual license?

3 MS. DEAN: I will put that in the motion.

4 MS. FEGLEY: That is up to you.

5 **MOTION**

6 MS. DEAN: Can I -- so I would like to make a motion  
7 that in the case of Chris Jones, is that the name that you  
8 want it in or is it her name?

9 MR. JONES: It would be in my mom's name, Joyce.

10 MS. DEAN: Joyce Jones, the named beneficiary of  
11 said license be granted the wait list on the 600 pot  
12 endorsement although we know there is not one available? I  
13 think I -- for the next one available, thank you Moochie.  
14 There we go. Can we see that -- do we need to see it written?

15 MS. SINDORF: Can I discuss one thing with that?  
16 The Department mailed the letter to them saying  
17 congratulations. If we put that in as the motion, it would  
18 make it an exceptional case and it wouldn't set a precedent,  
19 because that is exceptional that they already sent the letter  
20 out. I mean, if we put that in there, it would pretty much be  
21 exclusive.

22 MS. DEAN: Oh because the letter came out because  
23 the Department now has to --

24 MS. SINDORF: The Department now has to give it to  
25 them in this specific case because --

1 (Simultaneous conversation)

2 MS. DEAN: Okay, all right, so the final clause  
3 needs to be because the Department sent the letter out  
4 acknowledging the licensed holders upgrade of license.

5 MR. RICE: Due to the fact that they were notified  
6 that they qualified and in the 11th hour, they were told that  
7 they did not qualify.

8 MS. SINDORF: Okay I second whatever that was.

9 MR. BLAZER: And you are seconding that?

10 MS. SINDORF: Yes, that makes us --

11 MR. RICE: All right, this is what I have so far.

12 In the case of Joyce Jones, the named beneficiary of the  
13 license be granted the next 600 pot endorsement and then the  
14 next sentence kind of got a little weird but --

15 MS. SINDORF: Due to the fact that they were sent  
16 the --

17 MR. RICE: Due to the fact that the Department sent  
18 a letter of acknowledgment --

19 MR. : Notifying the upgrade.

20 MR. TODD: Yes, absolutely and are you okay with  
21 that?

22 MS. DEAN: And this is why we had such a hard time.  
23 It wasn't a cold hearted thing on our part. We just -- we  
24 didn't -- in the complications, we got beneficiary, we got  
25 precedents we are setting, we didn't --

1 MR. TODD: Just to clarify he is not going to walk  
2 out of here with it today, but it will be the next one that  
3 comes up. He is going to be at the head of the list.

4 MS. DEAN: His mom, yes. If we can do that.

5 MR. BLAZER: That is the wish of the commission.  
6 That is right. We will take that advice and we will verify  
7 that we can do that.

8 MR. : Well, what happens the next time it  
9 comes up.

10 MR. BLAZER: Well, that is what I am worried about.  
11 Mike, go ahead.

12 MR. LUISI: I am like rocking around in my seat back  
13 there. So just to be clear and I know Lynn already said it,  
14 there is a difference between what this motion addresses and  
15 another motion that would require or the Department would take  
16 the initiative to go back through all of the other wait list  
17 applicants and contact them and have them establish a  
18 beneficiary for themselves so that in the future, if somebody  
19 passes away, that wait list transfers to the beneficiary.  
20 There is a total different between this one particular  
21 instance and setting a precedent that this is -- there is a  
22 trickle down effect through the entire wait list process. And  
23 any new entrance into a wait list when they go to the service  
24 center, would be asked the question by the service center  
25 representative, who is your beneficiary that you have assigned

1 to this.

2 MR. GILMER: So our vote last time was that we would  
3 not -- we would not have a beneficiary on the wait list. I  
4 mean, that is basically what we voted on last time.

5 MR. LUISI: Your vote last time I think was more  
6 aligned with the whole entire process having beneficiaries  
7 rather than this one in particular.

8 MS. : Which I still agree with.

9 MR. GILMER: I still agree there should be no  
10 beneficiary on the wait list.

11 MS. : I agree too.

12 MR. GILMER: So that --

13 MR. LUISI: Just so you guys --

14 (Simultaneous conversation)

15 MR. RICE: For the benefit of the group, would you  
16 Paul like to read Rachel's motion because he has been writing  
17 it down?

18 MS. : Not really. We really don't want to  
19 hear it.

20 MR. RICE: Troy ask your question then we will get  
21 the motion in.

22 MR. WILKINS: I want to know -- are we having  
23 beneficiaries on the list or not?

24 MS. : No.

25 MR. GILMER: No.

1 MR. WILKINS: So this is just one thing and one  
2 thing --

3 MR. : Because he got a letter saying he  
4 had it and --

5 MR. WILKINS: I understand that but I just want  
6 to --

7 MR. : And we didn't bring it up for  
8 another vote but that was what we voted on last time that  
9 there would be no beneficiary --

10 MR. WILKINS: And didn't you say it was going to  
11 cause like a log jam and nobody was going to get anything?

12 MR. GILMER: Right. Right.

13 MR. WILKINS: Well, wouldn't a person that was going  
14 for an upgrade that is on the wait list, shouldn't he get a  
15 little maybe a little priority in some kind of way with maybe  
16 possibly a beneficiary or something because he has a business  
17 going and trying to sustain it but with the upgrade where a  
18 person that is just going -- is on the wait list for a first  
19 time license doesn't really have anything you know involved in  
20 it, where this other person, like their case, you know they  
21 have business going and then with a death, it is gone.

22 MR. GILMER: I understand what you are talking  
23 about.

24 MS. : We don't know how to tackle it.

25 MS. : I like what we got and I say let's.

1 MR. RICE: All right, Paul read the motion please.

2 MR. GENOVESE: In the case of Joyce Jones, the named  
3 beneficiary of the license be granted the next 600 pot  
4 endorsement due to the fact that the Department sent a letter  
5 of acknowledgment to the grantee.

6 MR. BLAZER: Okay now we need a second on that  
7 motion.

8 MS. SINDORF: I second it.

9 MR. RICE: You second it, okay Gail thank you. But  
10 dealing with the motion at hand, does anybody have another  
11 comment on that motion? Seeing none. All those in favor of  
12 the motion signify by raising your hand, please. It looks  
13 like unanimous, thank you very much. All right, well maybe  
14 you didn't come away with the full bag but you are going home  
15 with something.

16 MR. JONES: Yes, sir, thank you very much to the  
17 commission. I appreciate it. I won't take up any more of your  
18 time. I know you are going to be here for a long time.

19 MR. RICE: Sarah, are you up with the -- policy  
20 program.

21 ***Policy***

22 ***By Sarah Widman***

23 MS. WIDMAN: All right so I have a whole bunch of  
24 stuff here that I will try to be really quick. I am going to  
25 start with just order of your agenda, the legislative fall out

1 from this year. You guys should have gotten that information.  
2 But just to highlight a quick couple of things here. We do  
3 have a couple of bills that passed that is going to require us  
4 to sit down and talk about gear regulations. So there is a  
5 commercial Finfish trotlining law that passed that is to  
6 target the invasive catfish; folks have been asking for an  
7 allowance for that.

8 So we got that and we are going to have to talk  
9 about what we want to do with that gear. Then also --

10 MR. : What is that bill number?

11 MS. WIDMAN: The bill number for that is House bill  
12 63 and then there is also another commercial gear related one  
13 that is House Bill 1387 that was allowing a commercial  
14 northern snakehead bow fishing license. So this is kind of  
15 like that bait harvester license you have in place that you  
16 are not a normal commercial license holder but you just want  
17 to do this activity and sell what you catch commercially. So  
18 this would allow it for snakehead caught with bowfish, the  
19 very specific license.

20 So we can regulate the bowfishing element  
21 commercially from that one. So those two commercial gear  
22 elements came out. There are some recreational ones as well.  
23 We had a few years ago a joint sport fish tidal fish gear work  
24 group that had worked on the recreational regulations for  
25 recreational gear. We don't have really anything in place in

1 the commercial end, so this would be sort of new territory for  
2 that work group.

3           However we don't have any one currently on the  
4 commission assigned to the gear work group which we would want  
5 to convene in June, so I would ask at this time for any  
6 volunteers to take part in those discussions in June.

7           MR.                 : It would be in the evenings?

8           MS. WIDMAN: It would be an evening meeting, yes.

9           MR.                 : Okay.

10          MS. WIDMAN: And we will send out notifications so  
11 if others can attend that would be great. If others want to  
12 volunteer later let me know. Okay. Also I just want to  
13 confirm while we on the topic of work groups real quick, we  
14 have our annual penalty work groups, there is a sport fish  
15 tidal fish joint work group on penalties, so we will look at  
16 the fine schedule that the District Court issues and we would  
17 also look at administrative penalties like suspension and  
18 revocations. So we will meet annually. From your group I  
19 have Billy, and Robert T. and Aubrey all on it. And typically  
20 I like to have four members and we don't have a fourth member  
21 from tidal fish. So anyone else would like to volunteer to  
22 sit on that. It is going to be from 4:00 to 6:00 on June 2nd.

23                               That is the current meeting time --

24          MS. SINDORF: What day is that? What day is that,  
25 do you know?



1 MS. WIDMAN: It is Thursday.

2 MS. SINDORF: Thursdays are good for you, that is  
3 why I pointed at you?

4 MS. WIDMAN: Should I sign you up? I can --

5 MR. : Billy said he will do it.

6 MS. WIDMAN: Okay. I will send out -- everyone --  
7 all of the commissioners are going to get the handout. We  
8 have gone through some of the existing work group members have  
9 suggested items and then our staff have suggested items. So  
10 you will all get what we are talking about and I will try to  
11 send out -- we will have a phone in for those who are  
12 interested.

13 So that is legislation, moving on to regulations.  
14 So you guys got our normal regulation update. There is not a  
15 lot going on other than a lot of notices on leases. Remember  
16 we had from December through February, we were not able to  
17 submit regulations so there is a little hiatus for us, we will  
18 be hearing back up for those.

19 And then we also have -- we only have free to  
20 scope(sic) currently. We have three items for scoping. You  
21 got a handout on that as well. One of them is related to  
22 harvesting time in the coastal bays. There is one clarifying  
23 the most culling oysters that are harvesting them on diving  
24 boats, don't actually need to have the license. There is some  
25 confusion in the regulation about that. And then there is a

1 fishery management area, non-title regulation change. So --

2 MS. DEAN: Sarah, the way you just said it, the  
3 culler on the dive boat doesn't need a license, it is the  
4 culler that this is -- this is clarifying as to whether or not  
5 every one on the boat needs it, right?

6 MS. WIDMAN: So it is only -- so the assessment we  
7 have gotten from the Attorney General's office on that is that  
8 it is only the folks that are actually taking the oysters into  
9 possession onto the boat that actually need to have that  
10 license or that surcharge. If you are just there measuring  
11 oysters, you don't -- you are not required to have a license  
12 or a surcharge for the activity, you are just a mate.

13 MS. DEAN: Sorry it wasn't clear to me. Your  
14 culler, you are the diver, you are in the water, your culler  
15 does?

16 MS. WIDMAN: If they are there -- if you just have  
17 one person helping you out and they are doing all of the other  
18 activity, then yes, they do. If you have a captain and  
19 someone else helping you out, then that captain who is helping  
20 you pull in yes, the other person no.

21 MS. DEAN: Okay.

22 MS. WIDMAN: Does that make sense? Sort of kind of?

23 MS. DEAN: Well that is how we thought -- I think  
24 that is how we already thought it read but --

25 MS. WIDMAN: We are just going to go in and

1 reclarify it because there was confusion from the industry  
2 about that.

3 MS. : No, the diver does and the guy on  
4 top does. The Department right now doesn't think it is clear  
5 whether or not everybody on the boat goes. Like on the  
6 Potomac River, every body does. Doesn't matter if your  
7 grandbaby is on the boat, they are supposed to have a license.  
8 So I think that this is clarifying that only the diver and the  
9 culler would need a license. So --

10 MS. WIDMAN: Right. Only those bringing it onto the  
11 boat need it. And it would be the same if the same question  
12 came up on the surcharge for -- it is the same, so they all  
13 read the same.

14 All right, so you can see how we are scoping those  
15 items here. Certainly if anyone has comments on that, let me  
16 know today or in the next few weeks as we begin scoping them  
17 -- we can make changes to that as need be. Anything on the  
18 regulatory front?

19 (No Response)

20 MS. WIDMAN: Okay. Moving on, I think this was a  
21 follow up item. There is a feasibility of the recreational  
22 oyster license. And you guys got a memo -- I think that was  
23 your last e-mail from poor Paul. We kept throwing things at  
24 them to send you guys. So that was just to provide you guys  
25 with some background on what we could do to have a

1 recreational oyster license. Gina had put together a memo for  
2 you guys to consider that. And also clarifying what applied  
3 to as far as oyster taxes go on bushels of oysters.

4           So I am not sure based on what she put together if  
5 you guys want to take time to discuss that. Review it.  
6 Advise us on how to proceed or not proceed. Essentially we  
7 could create some type of a free permit. As she wrote in the  
8 memo, it may not help us do anything because people might just  
9 get it because it is free and it doesn't really denote that  
10 they are harvesting. So she kind of threw all that in there  
11 and I know we talked about it before, so I don't know --

12           MR. RICE: Russell?

13           MR. DIZE: Isn't it -- in the State of Maryland,  
14 isn't -- all citizens can't they catch one bushel of oysters  
15 without a license? So what would what you are proposing to do  
16 here is to complicate license.

17           MR. RICE: Well, actually we can clear that up. We  
18 brought that to this committee ourselves because there is  
19 certain areas in the bay, our's being one of them, where we  
20 are indulged with recreational people. So called recreational  
21 people. But there are six people on the boat and five of them  
22 are really just warm bodies entitled to a bushel of oysters,  
23 then they are real nice recreational, you might want to lead  
24 to believe, so therefore when you are operating under 100  
25 percent put and take fishery like most of our oysters have

1 come from season shell plantings, we felt that there was just  
2 as many being caught for free as there were being caught by  
3 those of us that are paying our fair share.

4 MR. DIZE: So what you are telling me is that if  
5 there was six people on a boat, they get a bushel per person?

6 MR. RICE: Absolutely. Yes.

7 MR. DIZE: I misunderstood, I thought it was a  
8 bushel to the boat.

9 MR. RICE: No, sir, no not at all.

10 MR. DIZE: Then that surely should be amended.

11 MR. RICE: Right. So at the end of the day, I think  
12 basically what we were told was that under our new governor,  
13 that you know he is not really promoting any new licenses and  
14 in fact, he is hoping to maybe work on some of the ones that  
15 we are dealing with right now that wouldn't be a good climate  
16 to pursue this right now. So I guess as far as I am  
17 concerned, there was a discussion point and that is probably  
18 about as far as it was going to go for a while.

19 MR. GILMER: But Russell, to give you a little  
20 background on it, what Billy is talking about, in what is that  
21 Wicomico River where Billy is, they plant just about  
22 everything there with their tax money. And he estimates  
23 anywhere from 200 to 500 bushels to be taken out of there by  
24 recreational guys, that they are paying for it. You know, so  
25 what is there something that you know, that they can do about

1 it. This is what we basically talked about.

2 MR. RICE: I got a lot of hands -- go with the  
3 gentleman in the corner, because he was up first.

4 MR. SMOLEK: My name is Mike Smolek and I am a proxy  
5 for Ken Jeffries that is usually here at this commissions.  
6 One of the concerns that he has is he is fearful that this  
7 could turn into an oyster charter type thing. Sort of like  
8 how you have crab charters now. Folks if they want to run --  
9 like I run a charter boat and if I want to run crab charters I  
10 have to pay for an extra sticker to do so.

11 And that is his concern is that he is afraid that an  
12 individual could have a charter boat and --

13 MR. GILMER: And that actually happens in our area,  
14 in Queen Anne's County. We have guys that carry you know, 8,  
15 10 or 12 head and they offer everybody oysters and so it is --

16 MR. SMOLEK: And his concern associated with that is  
17 he had two concerns. He just wants to make sure that the  
18 folks are running charters like that, they are paying the  
19 proper fees. I know some watermen they pay what \$315 and \$315  
20 is an authorization to oystering. He is concerned about that  
21 and also if anybody that is running these types of trips they  
22 have the proper insurance to cover the people on the boat,  
23 should a mishap happen.

24 I know for charter boats, I know my insurance is  
25 Charter Links(sic) and we are kind of grouped in with the

1 same type of people that run parasail trips. So if somebody  
2 has n accident on the parasail boat, my insurance likely goes  
3 up because of things like that.

4 MS. WIDMAN: I can just clarify real quick. On  
5 crabbing charters, there is no additional fee. It is just an  
6 additional -- because you have to pay for your recreational  
7 crabbing license, so we offer a free charter decal that allows  
8 the full two recreational bushels if you wanted to take people  
9 out chartering recreationally without requiring them to get  
10 their own recreational license.

11 From the oystering front, I know people do do that  
12 in order to charter any trip, you have to have the U.S. Coast  
13 Guard certification which I think has an insurance thing and  
14 all that stuff. So everyone should have that regardless. So  
15 from the oystering standpoint, we do have that long place that  
16 each resident can have a bushel and there is no license or  
17 charge or anything for that already. So there wouldn't be --  
18 if we moved down this road, there wouldn't be necessarily a  
19 charge associated with that.

20 MR. RICE: Okay. Well, we got a bunch of hands and  
21 just maybe I am butting in front of your hands, anyhow, when  
22 this really came to light was probably three or four years  
23 ago, they planted an area and we always called Pawn Point but  
24 the State calls it Bramley(sic) Creek. Well irregardless of  
25 what you want to call it, it was our oyster reserve -- did

1 they get the oysters from you, Robert T.?

2 MR. BROWN: Yes.

3 MR. RICE: Well, anyway it was planted, it was kept  
4 closed. When the oyster got market sized, it was opened up.  
5 It was approximately a mile and a half to two miles below  
6 a public boat ramp. And it was hard standing on the side of  
7 the boat tonging for the boats that was leaving the bar to run  
8 to the boat ramp to go home and dump whatever they had and to  
9 come back. And I can't prove it because I don't have the  
10 numbers.

11 But the people that worked and paid their money and  
12 got these oysters overboard didn't even close to realizing  
13 what was hauled away for free. And this is a huge problem  
14 that we deal with all the time. So anyway, I think you guys  
15 hold up a second, we had hands here. I want to start with  
16 Robert T. Go ahead, Robert T.

17 MR. BROWN: In that same area which I was going to  
18 be talking about and not only that on Lancaster or even White  
19 Point Bar, on a Saturday, you will see 25 or 30 boats. And  
20 then I will catch one and it will be 3 or 4 and sometimes they  
21 will catch two or three extra. And then when they run in and  
22 put them out. Then they will go back out and then they will  
23 come back in again just back and forth. I mean, it is -- when  
24 you are in a put and take situation like we are, it is really  
25 bad. And the number of boats that you see it is -- until you



1 see it, it is hard to believe.

2 MR. RICE: And we have gotten some help from you  
3 know the marine policemen have been getting more diligent  
4 about checking but they can't be everywhere either. So, it is  
5 hard for them to function in that capacity. So this side of  
6 the table, Rachel?

7 MS. DEAN: The background to we had brought up it up  
8 because on the Patuxent, we have seeded back at the island bar  
9 and it is a boat ramp right there. I don't even know why they  
10 bother bringing the boat, because they can just walk out. But  
11 they come down in the dive charters and we know it is  
12 happening but what my question is then I guess so -- I don't  
13 need to go further with the stories, I think we have  
14 established that it is happening. What do we do so that one,  
15 those bushels are accounted for but two so that the money that  
16 our counties are using and putting back out there for seed  
17 isn't going somewhere were our bushel tax isn't being paid.  
18 Because I am hearing that we can't levy a bushel tax because  
19 that would have to go through law for fees. So what can we do?

20 MR. RICE: Richard and then Mr. Powley and then  
21 Billy.

22 MR. MANLEY: The way I will frame it, is that any of  
23 us out here who are watermen, can catch a 15 bushel and we  
24 have to take the tag to sell them. If I want to catch an  
25 extra bushel to take home to eat, what are they going to tell

1 me? Write you up a ticket. Why can they take a bushel home  
2 and we can't? They don't have to tag them or say where they  
3 came from or nothing. I mean, we have to tell them where we  
4 caught them and the whole deal. They just march off with  
5 them. It don't seem like it is quite fair.

6 MR. RICE: Mr. Powley?

7 MR. POWLEY: We spend what we got in sustainability  
8 and how can we have any sustainability if we don't have  
9 accountability? How are we going to do that? In recreation,  
10 we have none of the fishermen, we don't know where they are  
11 catching them. The same thing with these oysters that are  
12 coming in. How can we have sustainability without  
13 accountability? And I think it is a good idea to have at  
14 least them be accountable. How much should the license be? I  
15 don't know but to be accountable for what is going out of  
16 there and who is taking what. Because they want me to hail in  
17 and hail out. I want to go to electronic reportings but I  
18 don't want to hail in and hail out. When they all start doing  
19 reporting, they find out what they are catching, then I will  
20 do the hail in and hail out.

21 But just -- we got to have some accountability for  
22 these people. This coming out like all these trot lines and  
23 stuff. So how can we have it --

24 MR. RICE: All right, Billy?

25 MR. SCERBO: So you are telling me that if somebody

1 goes out there with oyster charters and that is not a  
2 commercial endeavor? I mean somebody -- there is money being  
3 transacted somewhere along the way there. I am seeing -- they  
4 are not just paying for gas money to go out there and get an  
5 oyster. Any kind of chartering to me, that oyster or that  
6 crab is being harvested commercially as an end result. The  
7 other thing is, it is an enforcement issue because anybody  
8 that crabs would have got a trot line or any of the rivers,  
9 you see the same boats every day trotlining except on  
10 Wednesday. And the reason why you don't see them on Wednesday  
11 is because they are recreational and they can't trot line on  
12 Wednesday.

13           So -- and I didn't even notice it until one of the  
14 crew pointed out to me that you know, we see the same trot  
15 liners day in and day out except on Wednesday, because they  
16 are recreation. Nobody can eat that many crabs in a week, you  
17 know. So it is an enforcement issue. If they got to go out  
18 there and put chalk marks on the tires or whatever they got to  
19 do, you know, I have a hard time and I hate to admit saying  
20 this to myself but I have a hard time as a Marylander thinking  
21 that I have to go buy a license to go catch a bushel of crabs  
22 or go catch a mess of oysters.

23           And guys out there that are doing it on a -- for a  
24 charter purpose are working their way between lines. And that  
25 is commercial endeavor.

1 MR. RICE: Steve and then Russell.

2 MR. LAY: Yes, I was wondering if it was within our  
3 authority to recommend that the law be changed from a bushel,  
4 a person to a bushel a boat?

5 MR. RICE: Now that would make sense. Yes.

6 MR. LAY: For recreational.

7 MS. WIDMAN: It would be a legislative change.

8 MR. LAY: Why legislative, there is no money  
9 involved?

10 MS. WIDMAN: It is in the statute and the General  
11 Assembly would have to change the statute.

12 MR. RICE: But it can be done. We can recommend we  
13 get some one to bill for us.

14 MS. : I can probably find a sponsor for  
15 it. I can find a sponsor if this is something that --

16 MR. : Sounds like it would help the  
17 problem.

18 MR. RICE: That would be a huge help because I can  
19 count to one. All right, Russell?

20 MR DIZE: I was just going to ask whatever you do,  
21 would it supercede what already is involved in allowing a  
22 bushel? Do you have to have that law taken care of? Because  
23 we don't have that problem at home but you have it and we  
24 should do something about it.

25 MR. RICE: Well, I think the problem exists in the

1 less rural communities you might say. Where it is more  
2 accessible for people to get the water and so on and so forth  
3 like that.

4 MR. DIZE: I mean, I agree with Billie. If they are  
5 going to take a bushel of oysters, I almost don't think they  
6 should -- and when you know what you are talking about, you  
7 know they are selling them. So you are losing the tax on it,  
8 you are losing the oysters off the ground that you spent money  
9 to put them on and so it is a no win situation there for the  
10 watermen who put them there.

11 MR. RICE: And the other thing that Moochie and I  
12 have talked about is a concern is that oysters have to be  
13 certified, you have to be tagged and so on and so forth. Well  
14 if some body buys a bushel, let's say these off the back of  
15 the truck oysters and get sick on them, then it is not going  
16 to reflect good on our business.

17 MR. : No it would reflect on the water.

18 MR. RICE: Right. Exactly. Rachel?

19 MS. DEAN: I agree with all of that but I can't jump  
20 on board with the idea of telling them that if you are a  
21 landowner, you would get a bushel a person but if you are on a  
22 boat you would only get one bushel for the boat? I like the  
23 idea of returning the money back. So if it is an issue of only  
24 about going out for one bushel, then I would go out on a  
25 Saturday too. But I can't -- I don't think -- I wouldn't want

1 to get on board with -- I can get that in the -- no I think we  
2 need to think that one through.

3 MR. RICE: JD?

4 MR. BLACKWELL: If I may, I am just trying to  
5 understand the issue. Are we saying that there are charter  
6 boats helping people go get one bushel for themselves and so  
7 we see a charter boat go out to a put and take area, or are we  
8 saying that somebody is going out acting like a harvester,  
9 pretending that they are harvesting for each person and they  
10 are really harvesting all that taking it back and selling it  
11 and --

12 MR. : Both.

13 MS. : Both.

14 MR. BLACKWELL: Both are happening.

15 MR. RICE: Right, all of the above.

16 MR. BLACKWELL: So one of those should be an  
17 enforcement issue. So that person shouldn't have the ability  
18 to be selling it to market. So they shouldn't be tagged and  
19 all of those issues, right?

20 MR. GILMER: Well, I mean, --- but we are providing  
21 the oyster for them to harvest, so you know and our taxes pay  
22 for it -- our oyster tax pays for them.

23 MR. BLACKWELL: I understand that part, I am just  
24 trying to understand. So we are saying that there is a  
25 charter person helping regular Marylanders go get their one

1 bushel.

2 MR. GILMER: Well, they are taking money for it.

3 MR. BLACKWELL: And I get that it is a put and take  
4 so there is a problem there. And then the second issue is  
5 that we think people are using that. They are using that as a  
6 loophole to go act like an oyster harvester and get stuff they  
7 shouldn't otherwise be able to harvest?

8 MR. GILMER: Right.

9 MR. CARSON: How long is the recreational oyster  
10 opened?

11 MR. RICE: It is opened -- actually they got one  
12 more half a day than we do.

13 MR. CARSON: How many years though?

14 MR. RICE: As far as I know forever in my lifetime.  
15 And to be honest with you, nobody at home every had a problem  
16 when mother nature was putting the oysters there and there was  
17 plenty there for everybody and they really didn't make a whole  
18 lot of difference. But now when we are looking at a whole  
19 river when you got four or five little small areas to work on,  
20 and you know they see extra harvest, it really cuts in to  
21 what the guys that depend on it for a living.

22 MR. CARSON: So Billie, am I right, the person --  
23 let's forget about recreational oyster men, who is it going to  
24 affect just the charter boats or the charters that are taking  
25 these people out?

1           MR. RICE: Well, it would depend on the mode of  
2 action. If we did like who said it now, if we went to a  
3 bushel or two to boat, maybe Steve said it, but that would  
4 affect people that accustom with four or five people on the  
5 boat with the intentions of catching a bushel for each one of  
6 those people, they would be limited to a bushel to that  
7 vessel, no matter how many people they packed on. So that  
8 would be a difference.

9

10           MR.           : That would solve half of it.

11           MR. CARSON: Well, you know I sat on the stripe bass  
12 work group last year and I see a lot of Band aides being put  
13 on and not fix its. I guess my question would be, how many  
14 other than the recreational oysterman, how would it hurt our  
15 industry or help our industry if you did away with  
16 recreational oystering? That is not a Band aid, that would be  
17 a fix.

18           MR. RICE: Well, it would certainly be grateful to  
19 industry but it is hard to look people in the face that are  
20 paying taxes and yes some of their tax dollars for years have  
21 planted oysters to say you are not entitled to anything. It is  
22 just you are not entitled to more than your fair share  
23 statement might be more fair.

24           MR. CARSON: But you are throwing so much on law  
25 enforcement to clean up without what I see, unless I am



1 missing something, it is another Band aid and making it law  
2 enforcement and throwing it on their shoulders. They got  
3 enough haven't they?

4 MR. RICE: Understood. Okay we got three hands.  
5 Steve, JD, and then Robert T.

6 MR. LAY: My suggestion about the one bushel per  
7 boat was because the governor doesn't want to implement any  
8 new fees or taxes on our citizens. And secondly we got to  
9 look at something that we can actually get done in outlawing  
10 recreational oystering is not going to go by the governor or  
11 the legislature.

12 MR. RICE: No, not at all.

13 MR. BLACKWELL: I am not proposing a solution but  
14 just an observation. I suspect when the State of Maryland  
15 said everybody can have one bushel a day or whatever, they  
16 were thinking a wild oyster, like a naturally wild regular  
17 recruitment. And part of this issue is that where they are  
18 getting it is the put and take areas. Which probably wasn't  
19 anticipated. I don't know what to do with that thought but I  
20 think there is a distinction between people getting an oyster  
21 from a bar that isn't a put and take area and people getting  
22 oysters, harvesting the put and take areas. Seems like there  
23 is a distinction how to use it, I don't know.

24 MR. RICE: Robert T.

25 MR. BROWN: And it is also it does come down to a

1 law enforcement issue. We have fewer patrol boats and stuff  
2 that we used to have years ago up and down the Bay. I will say  
3 this, that they have stepped it up some this past year than  
4 what they had been doing, you know especially during the week.  
5 But on a Saturday up in Wicomico, all he had to do was is make  
6 one run early in the morning and come back down through them  
7 and that would -- it wouldn't solve the problem but it would  
8 take care of probably 95 percent of it. You understand what I  
9 am talking about? Just the presence of the boat being there a  
10 little more often.

11           So I mean, it is -- I know they are -- they tell me  
12 that they have less men now than what they had before years  
13 ago and we need to get some more officers out there to help do  
14 more patrolling and I think that is the -- it is nothing easy  
15 but it is one of the easier ways to fix that, we can get just  
16 a little bit more marine police patrolling especially on those  
17 Saturdays and like two or three days before the holidays and  
18 stuff, through then. Because that is really when it is at its  
19 worst.

20           MR. RICE: All right, well we have had a lot of  
21 dialogue on this subject and it is quite obvious that there is  
22 probably no solution that we are going to be able to nail down  
23 today. If we decided to submit something -- to get somebody  
24 to submit some legislation that would possibly cure this  
25 problem, what is that time frame on that?

1 MS. CORNELL: So it wouldn't be until January.

2 MR. RICE: So maybe at this time, you know we are in  
3 the -- just about ready to step in the month of May, this will  
4 be an item that we are going to think about and talk about and  
5 come back in the fall and possibly decide what type of mode of  
6 action that we should take. Does that sound reasonable?  
7 Rachel, it must not sound reasonable?

8 MS. DEAN: Would you ask the young lady behind you  
9 to introduce herself? You asked her a question.

10 MR. RICE: I was trying to keep her a secret.

11 MS. CORNELL: Hi, yes, I am Alison Cornell and I am  
12 DNR's legislative director. So -- and I do have a -- Senator  
13 Eckert(sic) is very interested in this issue, she actually  
14 spoke to me about it two days ago. And I am going to follow  
15 up with her.

16 MR. GILMER: And also one more thing in the charter  
17 thing that I left out is, a lot of those people are from out  
18 of State. And they are not allowed a bushel of oysters.

19 MR. DIZE: And another thing that complicates it is,  
20 they can do it on a day when we are not harvesting. We can't  
21 harvest on Saturday and they can.

22 MR. RICE: Well, I will be honest with you, you just  
23 came up with another suggestion. Make Saturday the only day  
24 they can go. And then the DNR can certainly get a better  
25 handle on it and because Monday through Friday, they blend in

1 with us and nobody really until you get -- because a lot of  
2 them got LCC licenses and stuff, but no oyster licenses. So  
3 they got a 10 digit commercial number on the side of the boat.  
4 You know, you just stumped up on what I think is a pretty good  
5 idea.

6 MR. DIZE: It wasn't mine, it was yours.

7 MR. RICE: Yes, but you made me think about it. So  
8 I think we --

9 MS. CORNELL: If there could be a motion to  
10 recommend one of these options, then I could take back to --

11 MR. RICE: I think that is a great idea. Bill?

12 MR. GOLDSBOROUGH: Yes, so Sports Fish Commission  
13 hadn't discussed this issue and we would be interested in it  
14 but I think I can say based on discussions of related issues,  
15 that the commission and commissioners would be supportive of  
16 taking steps to have the accountability that Boo talked about  
17 both in the catch and to have even bushel tags. To help pay  
18 the cost of producing that bushel of oysters.

19 The other thing I think would be important to  
20 making sure as has been pointed out by a couple of people,  
21 that there is clear division between what is really  
22 recreational and what might be charter and what might be  
23 commercial for selling. And not have all of that be labeled  
24 as recreational when it is really not. But if you are going  
25 to take it up in the fall, that would give us time to have

1 that conversation with that commission as well.

2 MR. RICE: Okay. Troy?

3 MR. WILKINS: Do we have any kind of idea what kind  
4 of number of bushels we are talking about?

5 MR. RICE: Well, see that is part of an issue, we  
6 don't. We have no -- I can stand here and tell you -- you  
7 known give you an idea of what I see coming out of the  
8 Wicomico but that is my opinion and that can be shot holes  
9 into right away.

10 MR. WILKINS: I think we have a little bit of it in  
11 our area too, like the dive parties have 8 or 10 people on it  
12 and really busy like in the beginning of this season and the  
13 warmer months. You know it is -- once it cools off, you don't  
14 see quite as many people but -- it would be nice to have some  
15 kind of number.

16 MR. RICE: This year -- the day after Thanksgiving,  
17 on a Friday on Lancaster Ball this year, there was 11  
18 recreational boats and two commercial boats. My boat and one  
19 other boats. And 11 recreational boats definitely caught way  
20 more oysters than what we did. So that is the only thing I --  
21 Rachel?

22 MS. DEAN: I would just like to say that I think we  
23 are going to get a lot more support if we stick to what we  
24 originally were trying to do, which is the accountability and  
25 possibly the money back into the industry instead of trying to

1 look at another user group and say no you can't do that. So  
2 the idea of limiting to one day again I don't think that I  
3 agree with that and the idea of trying to limit their intake  
4 but if I -- if we are going to go through legislation anyway,  
5 then why not go the fee and the tag route?

6 MR. RICE: Okay, are you comfortable or --

7 MS. CORNELL: Yes, I would want a motion and still I  
8 don't think having a fee might not -- it is going to be  
9 difficult. So.

10 MR. BLAZER: I haven't thought this all the way  
11 through but maybe it would be worthwhile and I don't want to  
12 add more subcommittees or whatever, but get a couple of  
13 people, talk about some ideas maybe joint with the sport fish  
14 and NRP, just get a small group of people, kind of hash this  
15 out and come back to the title fish and sports fish with a  
16 proposal especially based on everything that I have heard here  
17 and try to get some consensus. So you know does that sound  
18 like a reasonable way to go? Because we have had a great  
19 discussion here today, a lot of different ideas. But let's  
20 take a couple small committee, the NRP, get some of the sport  
21 fish group and try to come up with some plan.

22 MR. RICE: So we can attack this in the fall, can we  
23 have our subcommittee meeting like right after the 4th of July  
24 in that time frame?

25 MR. BLAZER: Yes, we can do something over the

1 summer.

2 MS. : Before September.

3 MR. RICE: All right, well once you get passed mid  
4 July, things kind of slow down just a hair but do we need to  
5 establish a committee today?

6 MR. BLAZER: Yeah, well I will take volunteers. JD?

7 MR. RICE: JD, you volunteering? I thought Bill  
8 weren't you volunteering? Did I talk you into it?

9 MR. : Yes.

10 MR. RICE: Okay so we need a representative from NRP  
11 and how about a couple of harvesters?

12 MR. GILMER: I fought this battle all along so I will  
13 be in.

14 MR. RICE: All right, got Moochie. You say yes  
15 Rachel? Okay, we got four people. All right, thank you.  
16 Continue Sarah.

17 MS. WIDMAN: All right, the other ones I think we  
18 can breeze through pretty quickly. I just have some updates.  
19 Fishery management plans, remember we are doing this process  
20 where we are going to come to you guys in October with the  
21 legislative update report that we give to the general assembly  
22 every year. And that is for all the species that have fishery  
23 management plans that we manage. So you guys saw them in  
24 October and we gave you kind of a bullet highlight list for  
25 this year based on that and we got some feedback that some

1 cusers wanted a little more meat in as far as what was going  
2 on.

3           So Nancy Butowski, our program manager, put together  
4 another handout that you guys have that is the highlights for  
5 2016. This kind of goes over what is going on, what you  
6 should be paying attention to this year as far as ASMF and the  
7 Atlantic Counsel. So I guess just let me know -- it doesn't  
8 have to be a day, as we go through the process of this looks  
9 more like what you all were looking for is this helpful and we  
10 will keep massaging a final product then for January next year  
11 to provide you. But it would look more of this format and  
12 less of the bullet format as of now.

13           And then the last -- a lot of those stuff when Mike  
14 or Lynn whoever gets up and talks about some of the --- stuff,  
15 they cover some of it as well, but just kind of the highlights  
16 we have it. And then the last point I know some of you have  
17 been involved with the Chesapeake Bay Program have had these  
18 management strategies and work plans for various things going  
19 on and there was a comment period earlier in the year. And so  
20 the final work plans take into consideration all of the  
21 comments are received are going to go up on their website  
22 tomorrow.

23           You guys have copies of the blue crab and the oyster  
24 work plans that have come out from those comments in your  
25 packets. And Nancy just wanted to highlight those two because



1 she thought they had the most changes based on comment  
2 received. But certainly all the other ones are going to be up  
3 tomorrow as well and she just wanted me to pass along if there  
4 is anything related to management plans from any of the  
5 handouts that you guys received today that you want more  
6 detail on the species or there is something going on that just  
7 to let us know and we can come to either the July or October  
8 meetings with more specific information based on those  
9 requests.

10           Okay, so -- all right, so I guess there was one  
11 other thing that you guys had that Gina was following up on  
12 that was related to selling and planting oysters harvested  
13 from a public bar to an aquaculture lease. There was some  
14 questions asked and you guys have received a handout on that.  
15 So I don't know if you have had a chance to go over that and  
16 essentially it is legal to harvest legal sized oysters from a  
17 public bar and then plant them on an area lease for  
18 aquaculture, so that was kind of the main question asked.  
19 That is your answer and then we got into some other details  
20 that are outlined in Gina's handout as well as a map that she  
21 provided you all related to requirements. So I am happy to  
22 try to answer any questions that or any --

23           MR. RICE: I think your handout was pretty  
24 explanatory. Thank you -- Sarah, Moochie?

25           MR. GILMER: Sarah, before you go?

1 MS. WIDMAN: Oh yes, sorry Moochie?

2 MR. GILMER: Okay one of the things on wild fishery  
3 and the aquaculture thing was, I understand that you can buy  
4 oysters from wild fishery with the taxes paid and all that,  
5 then to an aquaculture person and I understand that part. And  
6 I guess I need to know -- my question is, what is considered  
7 an aquaculture oyster? Because then can that person box that  
8 oyster and sell it is as a aquaculture oyster?

9 MS. WIDMAN: That is a good question. And it is not  
10 addressed -- I am sorry, I am just now reading through Gina's  
11 memo, my apologies. I mean, essentially the end result is  
12 yes. I would have to go back and confirm on doe that then  
13 have -- I would assume, I believe that they would have to go  
14 back and get planted on the lease, I don't think they can just  
15 go straight into a box and tagged as aquaculture, but I would  
16 have to confirm on how that -- because some of it plays in  
17 with the Department of Health and Mental Hygiene and their  
18 oversight as far as that.

19 MR. GILMER: I mean, everybody is a liberal and what  
20 they are doing. But then can that oyster can be labeled as  
21 aquaculture oyster?

22 MS. WIDMAN: Right.

23 MR. GILMER: Because that oyster is actually -- if it  
24 can -- that oyster is actually being counted twice as a wild  
25 oyster and then as a aquaculture oyster.

1 MS. WIDMAN: Got you.

2 MR. GILMER: And if it is your numbers, I think you  
3 have to have some type of specification.

4 MS. WIDMAN: Let me go back and confer with DHMH on  
5 it and I will get you guys an answer.

6 MR. RICE: Rachel, you got a question for her?

7 MS. DEAN: And I think two points, one Moochie is  
8 bringing up is my understanding is that our tag is supposed to  
9 stay, so if those oysters are going into a box, I would think  
10 that a tag would be on them?

11 MR. GILMER: Doesn't have to go on the box though.

12 MS. DEAN: Not right now. Okay and then two, when  
13 he says the numbers, we are hearing a lot of numbers of  
14 aquaculture oysters being produced in Maryland and I would  
15 like to know how those numbers are factored in. So I just  
16 wanted to clarify Moochie saying they are being counted twice,  
17 it doesn't sound like a big deal until Maryland goes public  
18 and uses it as a marketing campaign for aquaculture oysters.  
19 We are not producing possibly as many as we think we are.

20 MR. RICE: Thanks --

21 MR. POWLEY: The problem we have down home,  
22 aquaculture can be two and a half inches. Our oysters got to  
23 be three. We got a boat coming right off of Aquaculture  
24 Place, going down, he has been arrested twice. And taken out  
25 our oysters that is just under three inches and bringing them

1 back up to their place. Now, this is not right. That is  
2 stealing from the public fishery. He has to be three inches.  
3 And he is already been arrested twice. First time he was  
4 found not guilty and the second one, I don't know what has  
5 happened.

6 Also buying oysters from a dredge boat, about a 150  
7 bushels at a time, that boy was arrested. So if they are  
8 going to call themselves a sustainable fishery, why are they  
9 going to public beds and taking our oysters? They should be  
10 able to -- with all of the money they are going to get --  
11 let's stop pouring money into it. If they are sustainable,  
12 let them stand on their own feet. But they don't need to be  
13 robbing and stealing from our public bed and that is what is  
14 happening in Dorchester County. And thank God, the marine  
15 police finally got into it and started arresting him. And  
16 that is not been the only problem we have had with this  
17 aquaculture.

18 And if they are going to put sustainable up there,  
19 one of their big tents set up and they got the buses coming in  
20 and you know what I am talking about and they come in there  
21 and let them stand on their own feet and stop taking my tax  
22 dollars and pouring it into them and backing them. If they  
23 are sustainable, let them stand up, don't go in our public  
24 fishery stealing our oysters. That is what is happening.

25 MS. WIDMAN: We do have -- just to let you know, we

1 do have a penalty system in place. So that kind of activity  
2 at a certain level would result in suspensions to commercial  
3 licenses and could result in suspensions to their harvester  
4 permit on the oysters as well.

5 MR. RICE: Thanks everyone. Oh Richard?

6 MR. MANLEY: On that same thing you just talked  
7 about, Boo, what kind of fine did the boy were we getting at  
8 Skip Jacks? Now and I don't' even know what kind of fine --  
9 the guys stealing the oysters, it was \$450 bucks wasn't it? It  
10 is a big difference what they got fined. I mean, it is the  
11 same thing.

12 MR. POWLEY: This aquaculture thing has been pushed  
13 under the table, I have not heard a thing. I don't know what  
14 is going on --

15 MR. MANLEY: If is doing it the other is doing it.

16 MR. RICE: All right, Mike and Lynn, in whatever  
17 order you all want to come in.

18 *Estuarine and Marine*

19 *By Mike Luisi*

20 MR. LUISI: Good afternoon, everyone. My name is Mike  
21 Luisi and I am the Director of the Fishery Services Estuarine  
22 and Marine Division and I have a nice little list of things  
23 here to go through with you, but I wanted to ask you first,  
24 Mr. Chairman, I took it upon myself to kind of rearrange the  
25 order of some of these things to make it a little more smooth

1 in my transition, if that is okay?

2 MR. RICE: I am into smooth.

3 MR. LUISI: Okay, very good. Very good. So we are  
4 going to start out talking, I am going to give you guys some  
5 updates on ASMFC and the Mid Atlantic Council. We will start  
6 with ASMFC given that most of the actions at ASMFC are more  
7 tailored and you guys are more involved in those actions than  
8 the Mid Atlantic Council which is a federal water --- so we  
9 will start with that. The first thing I would like to make  
10 note of regarding ASMFC is that we have a meeting next week,  
11 May 2 through May 5.

12 This meeting will be Bill Goldsborough's last  
13 meeting as the governor's appointee. After this meeting,  
14 Rachel Dean will be taking over as Maryland's governor's  
15 appointee on the commission. And we also will still have  
16 Delegate Dana Stein who will be the legislative appointee and  
17 Captain Ed O'Brien has been serving as Delegate Stein's proxy.

18 But I thought I would mention at least to you  
19 Rachel, given your motion from earlier, there are plenty of  
20 people around that table that make motions in kind of a stream  
21 of thought and how to help those motions by a committee and it  
22 ends up turning into a motion by committee, so you will feel  
23 right at home when you step in to that role. But I would also  
24 like to say to thank Bill for all of his efforts over the  
25 years, we have been able to work pretty closely together the

1 last few years and you have done a fantastic job and while it  
2 is sad to see you go, we are all looking forward to working  
3 with you Rachel and we will go from there.

4           So, given some of the issues on the agenda, I am  
5 going to step through a couple of them quickly and then there  
6 will be a few that I think you may want to discuss a little  
7 bit more in depth, so we will start with Monday, May 2nd,  
8 there is a lobster board meeting. It is an all day meeting to  
9 discuss what I have been mentioning to you for the last few  
10 meetings. A poor state of the southern New England lobster  
11 stock. And southern New England is -- that is part our  
12 region. It kind of goes from Cape Cod all the way down  
13 through Virginia into North Carolina. And that stock is in  
14 very poor condition based on stock assessment results and the  
15 board has been talking for months about what to do about that.

16           And so this meeting will be just another meeting to  
17 discuss that in more detail and try to figure out what action  
18 we would take. We have a couple of commercial lobstermen on  
19 the coast and we have been working very closely with them to  
20 try to figure out how we could counteract or move for some  
21 reductions in catch and not significantly impact their  
22 businesses, so stay tuned for details -- more details on  
23 that.

24           There is a horseshoe crab board meeting on Tuesday,  
25 May 3. We are continuing to work to try to get a few female

1 horseshoe crabs back to the commercial industry. There was a  
2 prohibition on female harvest, female horseshoe crab harvest a  
3 few years ago and it has slowly and has slowly just impact the  
4 market demands so much that there is very little horseshoe  
5 crab industry left in Maryland. And so we are working closely  
6 again with the harvesters, with the scientists to try to see  
7 how we could use science to provide us information that we  
8 might be able to go back to the board and say -- ask for a  
9 small allowance of female crabs to help kind of reinvorigorate  
10 that market demand on our coast for the guys down there.

11           Coming back to the bay, on Tuesday May 3, there is  
12 an American eel board meeting. American eel has been  
13 something that I have mentioned to you a number of times over  
14 the last few meetings, regarding actions that could be taken  
15 in the event that the coast wide target, there is a coast wide  
16 target for eel landings that if met, sets off a trigger. And  
17 if that trigger kicks in, states will find themselves in a  
18 position to have individual State allocations that they would  
19 have to manage.

20           And while our State allocation is on the order of  
21 about 57 percent of the coast wide landings which is based on  
22 the historical contribution of Maryland to the coast wide  
23 catch, 57 percent of what we would have to manage under draws  
24 down our quota to a point where it is restrictive. It would  
25 be restrictive to our eel harvesters. So, there is a meeting



1 to go -- I will just first say in 2015, we did not set off any  
2 of the triggers.

3           So in 2016, we are looking at the same management  
4 that we have had. Which is under the current restrictions.  
5 There are no restrictions other than size limits and pots and  
6 all the different seasons and things like that. But we are  
7 not going to be managing under quota. Now knowing this going  
8 into this year, we -- the Department, we called a meeting of  
9 commercial eelers to start the conversation with them about  
10 what will happen in the event in 2016, we find ourselves  
11 having tripped one of these triggers.

12           And there are about ten eelers that came to the  
13 meeting, we had a really productive meeting. We talked all  
14 about the science, about the management, about the triggers,  
15 about where we find our -- where we fit within the whole  
16 scheme of the coast wide landings cap. And I think what we  
17 came out -- what we walked away from that meeting  
18 understanding was that the eelers that were there, really  
19 wanted us to engage with them and almost form somewhat of a  
20 committee to continue to discuss how in the event that we  
21 find ourselves having to manage a quota, how were we going to  
22 manage that quota?

23           There are a number of different ways you can manage  
24 for the quota for the State. It can be an open derby style  
25 fishery that you just let run until you catch the limit and

1 then we would close that -- we would close the fishery for the  
2 year. There are ways of separating the quota into seasons so  
3 that spring fisheries and fall fisheries could operate without  
4 fear that one is going to close the other.

5           There was some discussion about individualizing  
6 quotas and taking -- looking back at historical landings and  
7 coming up with ways of managing the quota that way. So you  
8 know, we are going to be continually reaching out to the  
9 eelers, those individuals that have historical landings to  
10 continue with this discussion and I thought that would be  
11 something that at least you guys would be interested in  
12 knowing that we don't have any change coming this year, but we  
13 can't predict -- we have no way to know if next year we will  
14 find ourselves in a position to having to manage a quota.

15           We did talk with them about getting on board with  
16 our hail in and hail out electronic reporting system so that  
17 we can -- if we do have to go to quota management, that is  
18 going to be the likely way that we would monitor the quota  
19 through that system. It is a timely -- it applies  
20 accountability to their harvest and it is accurate and timely  
21 and it is likely what they would need to use in order to  
22 manage their quota. So discussions have begun and will  
23 continue to keep you guys up to speed on how that goes  
24 throughout the year.

25           On May 4, there is a menhaden board meeting. Those

1 of you who have followed the menhaden board understand that  
2 at the last meeting an addendum was initiated and that  
3 addendum was initiated in an attempt to get the board to  
4 approve a 12,000 pound by catch allowance when two individuals  
5 on a vessel together. If you remember a few years ago when we  
6 first found ourselves under this quota management system, once  
7 the quota was caught, we switched over to a by catch allowance  
8 and we had a 12,000 pound allowance for two individuals.

9 That got reversed for the last two years for which  
10 we only had a 6,000 pound boat limit and it has caused  
11 significant impact to those people who have the ability to  
12 catch the 12,000 pounds. It has put them in a bad spot. So  
13 we have --

14 MR. : It has almost put us out of  
15 business.

16 MR. LUISI: So we went to the board understanding  
17 this and made the case at our last board meeting in February  
18 and we got them to initiate an amendment or an addendum, I am  
19 sorry. That addendum is going to come in front of the board  
20 for consideration to go to the public. It is going to  
21 hopefully go to the public and we are going to get the  
22 feedback for final action in August and it is our hope that in  
23 August we would have that addendum approved with the 12,000  
24 pounds by catch allowance. So that way when the quota is  
25 catch this year, we will be able to immediately go to that by

1 catch allowance in that fishery.

2           So there will be -- we will have hearings this  
3 summer regarding that addendum. It will likely be either here  
4 or on the eastern shore, this is a little more middle to both  
5 sides of the bay but stay tuned for information on that. We  
6 will send it out to the commissions when we know more about  
7 it.

8           MR. DIZE: When does the total quota go up?

9           MR. LUISI: There is --

10          MR. DIZE: At the Atlantic Midfisheries Commission.

11          MR. LUISI: At the August meeting they will be  
12 discussing setting next year's quota for 2017. So the August  
13 meeting will be the discussion about whether or not to  
14 increase the total quota which everybody gets a piece of  
15 obviously. The thing to just make sure to put it into  
16 perspective, a total quota increase of 10 percent let's say  
17 which is what happened a year or two ago. A total increase of  
18 10 percent because of Maryland's proportion of the total, it  
19 only gives us back about 500,000 pounds of menhaden. And  
20 500,000 pounds of menhaden is almost about a week's worth of  
21 catch at -- when everything -- when the highliners are really  
22 catching a lot of fish.

23           That is not the answer to the issues that we face  
24 with menhaden and we have been telling people that we talked  
25 to about this. That amendment 3, which is the newest

1 amendment that the board is currently working on, holds the  
2 key to the -- holds the answer to our quota management woes.  
3 And as that amendment continues to develop, we will continue  
4 to promote our ideas which allow for bait harvesters to  
5 operate along the coast in such a way that they are not  
6 necessarily held to any particular State quota or even a coast  
7 wide quota.

8           They would be held more to a target that would --  
9 there would be an allowance to kind of deviate -- function  
10 around that target without consequences unless that deviation  
11 became too extreme in any one way. So --

12           MR. DIZE: On the last addendum, didn't they say  
13 that the resource was not overfished and overfishing isn't  
14 occurring, isn't that true?

15           MR. LUISI: That is right, right.

16           MR. DIZE: So if it is not overfishing and  
17 overfishing isn't occurring, why can't we get a boost in our  
18 local menhaden capture? Why so small a step?

19           MR. LUISI: Well that is for the board to discuss, I  
20 am only giving you the example of 10 percent because it could  
21 be --

22           MR. POWLEY: Russell, let me explain something to  
23 you, we got cut 20 percent. Last year they gave us 10 percent  
24 back. That bought me one more week fishing longer than the  
25 quota. If they give me 10 percent that only gives me two

1 weeks and I am supposed to get all my fish back. 20 percent,  
2 I have it all back. They took a lot more than 20 percent. We  
3 are down to where we have almost lost our baiting(sic) fish to  
4 other states. Virginia is what is taking them. And right  
5 now, we can't even sell nowhere near the bait we were selling  
6 two years ago. And I am fishing like my grandfather fished a  
7 100 years ago and I am not fishing like Virginia and the rest  
8 of them do with --- and -- but we were threw under the bus  
9 taking this 20 percent reduction because we weren't the  
10 problem.

11 I am paying for something that I didn't do. I am  
12 being punished for something that I didn't do. And it is not  
13 right to keep us down there. You take 20 percent of my  
14 menhaden and then you take 20 percent of my rockfish, I got  
15 nothing left. It hurts when you keep taking and taking and we  
16 don't get nothing in return. That is why we need this  
17 bycatch. If we don't get this bycatch, we aren't going to be  
18 in business. We are going to shut down. Or I am.

19 MR. LUISI: You know, based on the actions that  
20 ASMFC took to initiate the addendum, it was a unanimous vote  
21 to initiate that addendum. So I think the managers around  
22 that table are listening and they are understanding the  
23 implications. So I can't guarantee, we can't guarantee any  
24 actions by that commission but we will continue --

25 MR. POWLEY: Well, I appreciate what you have done

1 to try to get it back.

2 MR. LUISI: -- we will continue to work really hard  
3 so that people understand even before they get to the table  
4 what our position is and what implications their vote will  
5 mean to our fishermen. So know that. Speaking of striped  
6 bass. Striped bass is not meeting, there is no board meeting  
7 this May. But the question has come to me a few times in the  
8 last week about what are we going to expect regarding the 20  
9 percent cut back that you all have been fishing under -- those  
10 of you with striped bass permits.

11 And so as I have reported before, there is an  
12 assessment update for striped bass that is going to occur this  
13 summer. It is -- I am being told that it is very likely that  
14 that report on that assessment will be given to the board in  
15 October. At their October meeting. And based on the outcome  
16 of those results, we may have find ourselves in the same  
17 position we were in last year where we could argue to the  
18 board that the cut backs that they made in the addendum four  
19 years ago were too extreme and that they need to reconsider,  
20 maybe not going all the way back to a status quo from prior to  
21 those cutbacks but maybe giving back in some way.

22 You know, we won't know what our position will be in  
23 that argument until the assessment is complete. There is no  
24 sense in going to the board and arguing for that, if what we  
25 find in the assessment is something that we don't anticipate.

1 But we are kind of anticipating a similar trend to what we  
2 have seen before and we are going to continue to push to see  
3 if we can get back, not only for the commercial anglers but  
4 for the recreational anglers as well. Robert T.?

5 MR. BROWN: Did you see the meeting in October?  
6 Isn't that in Connecticut or Maine, where is it at?

7 MR. LUISI: As far north as you can go. Bar  
8 Harbor, yes.

9 MR. BROWN: That makes it very inconvenient for our  
10 watermen to show up at it doesn't it?

11 MR. LUISI: It is very difficult, it is very  
12 difficult. I made the -- I have been making the point over  
13 and over again at the board that we really like -- you know,  
14 anything you can do to get this assessment update finished by  
15 August would be very thankful for that, however this  
16 assessment update is in addition all of the other planned work  
17 that they already had on their books. We asked for this  
18 outside of it being part of the plan.

19 So you know, the fact that the meeting is going to  
20 be in Maine and it was in Florida last year so they are just  
21 going the full extreme on the other side of the Earth.

22 MR. POWLEY: It was St. Augustine last year, it was  
23 very nice.

24 MR. DIZE: Has the Atlantic States Marine Fisheries  
25 Commission accepted the bay reference points for rockfish?



1 MR. LUISI: They have not. We did not ask for those  
2 reference points and I will tell you, it was our decision with  
3 the Virginia Potomac River to back off of those reference  
4 points because while we asked for them, they did not -- excuse  
5 me, they did not include the male/female sex ratio that we  
6 know to be true in the Chesapeake Bay. And because they did  
7 not include that ratio which we find to be a significant  
8 contribution to the understanding of what we have in  
9 Maryland's Chesapeake Bay, the reference points were more  
10 conservative than we felt comfortable with going forward with.

11 If we would have asked to have those reference  
12 points, we would be out on an island by ourselves and in any  
13 even that we find ourselves overfishing those really  
14 conservative reference points, we would have had to come to  
15 you and tell you that we were taking another 20 percent  
16 reduction or another 30 percent reduction. And given the  
17 nature of those reference points not including the male/female  
18 ratio, we decided to just back off at the board level. But  
19 what I can say is that there is a bench mark stock assessment  
20 which is a peer reviewed, brand new assessment using new  
21 techniques and new modeling approaches that we are -- is  
22 planned for 2018 I believe.

23 And that assessment will -- we are hoping and we are  
24 urging that that assessment include the male/female ratio and  
25 that it will -- it will produce biological reference points

1 for Chesapeake Bay that we can incorporate into management.  
2 So we felt more confident going that route but it is a couple  
3 years away. So it is going to be a little while on that. Any  
4 other questions regarding ASMFC? Okay.

5 A couple of real quick announcements regarding the  
6 council. I mentioned to you at the last meeting that there  
7 three seats available on the council. They are at large seats  
8 which can be held by anybody from any of the states in the mid  
9 Atlantic and there was one seat which was an obligatory seat  
10 held by councilmen from Delaware. We -- we have one at large  
11 seat currently. The gentleman's name is Steve Lindhardt\* and  
12 he is a recreational angler. A resident of Maryland and has  
13 participated on the council for the last six years.

14 Steve decided that he was no longer -- he could no  
15 longer contribute his time to the council so I came to you in  
16 February and we were soliciting for applications and  
17 nominations for those seats on the council. And my point in  
18 telling you all of this is that we did receive applications  
19 and they have been sent to NOAA for their consideration. So  
20 NOAA needs to decide now of all of the different states that  
21 submitted applications for those seats, who they are going to  
22 fill but it is very likely that they typically go with -- when  
23 you have a vacated seat as an at large seat from a State, if  
24 you do get nominations from that State, it is very typical  
25 that they will stick with the State.

1           The thing that you guys need to be thinking about  
2 for the future, at the council level is that we have a  
3 Maryland obligatory seat, so it will be held by another  
4 Maryland resident. That seat will be available next year. So  
5 next February, we will be asking for the same thing from you  
6 guys to go back and talk with State -- your folks about anyone  
7 who is interested in participating at the council level for  
8 that obligatory seat. It is currently held by former  
9 fisheries director, Howard King.

10           But Howard has served 9 years -- will be 9 years on  
11 the council and you can't hold a seat for longer than 9 years.  
12 After three terms you need to step down. So stay tuned for  
13 that solicitation but be thinking about it to offer folks from  
14 whether they can be Chesapeake Bay oriented and the council as  
15 you know is an advisory body to the National Marine Fisheries  
16 Service, which is the Federal entity that regulates fisheries  
17 in the ocean. So just be thinking about it and put it on your  
18 radar and I will talk to you about it more next year.

19           One thing that came out of the council that may  
20 cross through on your e-mails and I don't -- I just wanted to  
21 clarify that the council is taking action on what we are  
22 calling an unmanaged forage fish amendment. And this  
23 amendment takes a list of about 50 -- 50 or 60 different  
24 species, all types of things, silver sides, bay anchovies,  
25 sandlands and types of crustaceans and squid species and

1 mackeral and a whole bunch of things that we would -- that  
2 fall into the category of a forage fish.

3           They are taking action to prohibit the expansion of  
4 harvesting those forage fish that we don't have any  
5 management or we don't have any scientific understanding of.  
6 So this action while it is limiting in some way to the  
7 expansion of new commercial fisheries developing around these  
8 type of fish, this is a federal action only. So if you see  
9 something like this cross through and you are scanning an e-  
10 mail, it is not related to the Chesapeake Bay and it is not  
11 related to the Maryland coastal bays.

12           The Atlantic States Marine Fisheries has not taken  
13 any similar action to what the federal entities are doing but  
14 this -- we are again, this is going out for the public to  
15 provide comment on this summer, so stay tuned for that. That  
16 meeting will most likely be in Ocean City though, given the  
17 nature of where those management actions are. Okay. This was  
18 a lot faster than on Tuesday.

19           Getting to a list of -- so I have a couple of other  
20 catch all list of things that have come across our desk and I  
21 think you will find on your agenda, the first one is in  
22 relation to a discussion that was had regarding stripe bass  
23 permit holders -- commercial stripe bass permit holders taking  
24 out paid charter trips and fishing those charters under the  
25 rules of their commercial license.

1           So you have guys take -- there are charter captains  
2 taking out a six pack and using their permit, their stripe  
3 bass permit and their commercial license to harvest hundreds  
4 of fish let's say and bringing those back to the dock and kind  
5 of classifying it as a commercial trip yet they are being paid  
6 to take that party -- those parties out. This was discussed  
7 not only here at this group but also with the sport fish  
8 commission.

9           It was -- we were asked to provide information to  
10 the stripe bass permit holders to make sure they understood  
11 that that practice is illegal. We just issued on April 8, a  
12 note -- actually yes, probably wasn't April 8 since it just  
13 went out a few days ago but we did send a letter to the permit  
14 holders informing them that this is an illegal practice and  
15 there is a fine associated with it. This was a reminder  
16 rather than try to enforce this through regulatory action.

17           One of the suggestions was that we limit how many  
18 people can be on a commercial fishing vessel that is fishing  
19 for striped bass and instead of going down that road, we  
20 decided to take this approach to see if this problem will  
21 continue and we are looking to you to let us know if you  
22 continue to see this on the water. It is a serious problem.  
23 And we want to make sure we address it but we thought that the  
24 reminder approach would be the first attempt at trying to curb  
25 this activity.

1           MR. POWLEY: Can I say something? If that guy has  
2 only got a quota and when we want to catch ours on the  
3 rockfish, you said all of these regulations is going to lift  
4 off of the bulk --- as far as regulating the rockfish. What  
5 difference does it make if that guy has got 4 or 5 -- he is  
6 catching his quota -- he has only got so much quota? If that  
7 fishing party captain wants to take them out there and take  
8 all his friends and let me them catch them or have them -- if  
9 he gets paid money, then he is there to make money. That is  
10 fine. He has only got a quota that he is going to catch. He  
11 is not going to catch over that quota.

12           I can't either. I have got so many --- those quotas  
13 got to be in every day. And you all said that the regulations  
14 was going to lift. Do whatever you want, catch your fish the  
15 way you want. If that guy wants to do that, I don't see  
16 anything wrong with it.

17           MR. LUISI: Well, let me answer the question. I  
18 think I -- there is nothing wrong with someone who is a permit  
19 holder taking out his friends and having those fish -- those  
20 men and women and children catching his quota. It is his  
21 quota. Now if they are not his friends and they have paid him  
22 \$1,600 or \$800 to take them out fishing for the day --

23           MR. POWLEY: Well --- wonderful trip.

24           MR. LUISI: While so you --

25           MR. POWLEY: That is his number one party, I am

1 going to get this party and book \$400 or \$500 and I am going  
2 to take them out to catch -- praise the Lord that man made  
3 money, thank you Jesus.

4 MR. LUISI: Well, the practice is -- it is illegal  
5 to do so. It is illegal to take the money --

6 MR. POWLEY: It shouldn't be --

7 MR. LUISI: -- well, you know --

8 MR. POWLEY: -- he has a quota. He can only catch  
9 his quota.

10 MR. LUISI: So the thing about it too, is that so  
11 when he gets back with his quota, there was stories about how  
12 some of these fishermen were just taking these fish. They  
13 weren't being checked off against his permit card, they were  
14 just being considered recreational catch and that is not --  
15 that is not working out either.

16 MR. POWLEY: Well, if he is flown his flag, he  
17 should know --

18 MR. LUISI: Yes and the other charter people who are  
19 following the rules, how can you compete? You can't compete  
20 with a guy who can catch you 400 pounds of fish and somebody  
21 who can get you 12 fish.

22 MR. POWLEY: I can see where -- but you got to see  
23 where I am talking about too.

24 MR. LUISI: I do.

25 MR. MANLEY: What it came about last time was here

1 and it is -- when -- I think maybe you will understand it. A  
2 charter boat guy took out a party and he told them they could  
3 catch all the fish they wanted, just take the 12 home, it was  
4 a company. A few days later had another guy down in Kent  
5 Island and the first thing he asked captain was how many fish  
6 can I catch? And he says 12, two a piece, that is what you are  
7 allowed.

8           You are a damned crook, this little guy took me out  
9 and we catch 80 fish and we picked the 12 biggest ones. That  
10 is where the problem comes in. It was -- do you see what I am  
11 saying. I mean, he lost his party and lost the company that  
12 went fishing very regular because he felt like he was screwing  
13 him. That is where that comes in at.

14           MR. LUISI: Boo, I am sorry if we just squashed an  
15 idea for you this summer. Just don't go do it.

16           MR. POWLEY: I was just asking, I didn't know.

17           MR. LUISI: Okay. So the next item I have is  
18 referring to requests to discuss yellow perch allocation but  
19 before I go on any further, I am going to turn it over to  
20 Steve Lay to -- because of the request, I will give Steve a  
21 chance to speak to it.

22           MR. LAY: This is just an introduction to the  
23 request. The Cecil Hartford Waterman's Association along with  
24 the Baltimore County Waterman's Association wishes to review  
25 the under utilized portion of the established yellow perch



1 quota. Our desired outcome would be for a reallocation which  
2 would more closely represent the reality of the harvest  
3 currently occurring in the yellow perch fishery. And Mike can  
4 explain the process through the Department.

5 MR. LUISI: So Department of Fishery Service has an  
6 allocation policy. And you have all received that policy as  
7 part of your packet. The policy speaks to allocation  
8 discussions that may be triggered by certain qualifiers.  
9 However, a public request for an allocation discussion for  
10 consideration can be made at any time as long as it is made in  
11 writing to the Department.

12 We -- the -- whoever submitting that is responsible  
13 for establishing the merit of this request. And then it is up  
14 to the Department within a 180 days of receiving that request.  
15 The Department needs to make a decision regarding whether or  
16 not to follow up on this request by beginning a pre-assessment  
17 in establishing a time line for an allocation decision. We  
18 can defer the action to the FMP process, we will reject the  
19 request due to lack of merit and justification for further  
20 consideration.

21 So where we are right now, we have officially not  
22 received a request in writing regarding this issue and so --  
23 but we do have a process that we would follow upon receiving  
24 that. We have 180 days to discuss it internally and come up  
25 with our answers. So you know, Steve we would be looking to

1 you I would assume the request would come through you to the  
2 Department or from the associations themselves. Either way  
3 once we receive that, we will begin the process and we will  
4 keep this commission in the loop as far as how -- what kind of  
5 progress we make on that.

6 MR. LAY: And the sport fisherman too.

7 MR. LUISI: And the sport fish group too. I did  
8 mention this to the sport fish commission just the other day  
9 because they noticed it was on this agenda and not their's,  
10 so we just made sure everybody was on the same page with  
11 where we are. We are at the beginning stages of this request  
12 and until we receive something, we will just hold tight. Keep  
13 you guys in the loop. Okay.

14 You all received a handout on black drum. The  
15 handout on black drum was meant to put all the regulations and  
16 rules in front of you from up and down the coast. There is a  
17 coast wide benchmark stock assessment that was accepted for  
18 management use. It was reported that the stock was not  
19 overfished. And overfishing was not occurring. Now, Maryland  
20 has a closed -- in the Chesapeake Bay, there is a closed  
21 commercial fishery for black drum. And while other states  
22 have a commercial fishery, as part of an ASMFC FMP process, it  
23 was determined that even though this assessment indicated what  
24 it did, that states were to kind of remain status quo and not  
25 liberalize their measures.

1           So there has been kind of a continued request on the  
2 State to consider taking to the board a request for an  
3 allowance of black drum to be harvested commercially in  
4 Maryland's Chesapeake Bay and so what our intention is to  
5 follow up on this request is to begin to have a discussion not  
6 necessarily at the table, but begin to have this conversation  
7 with ASMFC staff with the science -- scientific staff and  
8 other states, especially in Chesapeake Bay to see what kind of  
9 action we might be able to take in the future on this.

10           It is not anything that is on the agenda for  
11 discussion at this May meeting but being there for the week,  
12 we will be able to have an opportunity to begin talking with  
13 our counterparts in other states, understanding what it is  
14 that -- how their fisheries operate, and seeing whether or not  
15 we can go forward in the future. So it is more of a we  
16 understand the concern, we realize that the fisheries are not  
17 overfish and overfishing is not occurring. We don't plan on  
18 taking any immediate action but we are going to begin that  
19 discussion. And we will go from there.

20           MR. POWLEY: --- and I discussed it coming up. We  
21 would like to have a bycatch. You know we don't want the  
22 whole -- if we can get just like 10 fish per vessel per day  
23 and if we got that. I have caught as high as 300 at least  
24 when we tagged them. Remember they tag, they liked us to tag  
25 them and then they come back and they didn't pay is and they

1 were going to pay us and we never heard anything else and we  
2 have been discussing this for the last five or six years. But  
3 if we could even just go to Atlantic Coastals and say hey just  
4 let us have a bycatch and the same thing with the white shad.  
5 I caught 1,200 white shad last Monday in one fishing. And I  
6 am at --- got two bushels alone. If I could get a 200 pound  
7 limit on the Chesapeake Bay for roe shad, then it would help  
8 us out.

9           If we have to throw everything, that is what kills  
10 us. This spring when I started fishing I was selling herring,  
11 I was selling shad, I was selling rockfish. And all I had  
12 left was perch for the first three days I fished until the  
13 herring got by and the --- come in and ---. But if we can  
14 just have a bycatch, just like a herring. They got us with  
15 these herring right now, and I got 300 boxes of bait in my  
16 boat this year and I have done the very best I could with  
17 three Mexicans(sic) picking them herring out, trying to keep  
18 them out and when I got in, one back up there, I still picked  
19 up over 100 pounds. I cannot do it. It is impossible. We  
20 need like a bycatch on them so I won't be in trouble with the  
21 marine police. I don't want to do it. The heck with that  
22 herring but it is impossible when you got that many fish in a  
23 net, to keep every one of them herring out.

24           And you know net time to get in, put them in the  
25 freezer with your bait, because once you in there early, to

1 get that freezer in there. Because you can do it with a cold  
2 board and go through every little single fish. And you are  
3 catching 20,000 pounds of bait. I got a video here if any of  
4 you want to see it, with one shad in my boat that is  
5 unbelievable. And then they are coming back like crazy. I  
6 don't want to catch them all, but give me a 200 pound bycatch  
7 so that I can make a living.

8 I cant get something. But when you keep taking  
9 everything, that is what kills us. So if we can just go to  
10 the Atlantic Post Fishery -- not full fishery, just the  
11 bycatch for right now. That would be -- help us out a lot.  
12 Roe shad twenty years ago, we were selling them for \$1.50 per  
13 pound. I don't know what they are now. The other states are  
14 selling but we can't in Maryland. But bycatches are -- we  
15 have to have a bycatch like they got. So we can exist.

16 MR. LUISI: So what we can commit to is having those  
17 initial discussions, all those species are managed.

18 MR. POWLEY: That is all we ask, you know. Just ask  
19 for the --

20 MR. LUISI: Okay.

21 MR. POWLEY: If you all want to see it, I got you a  
22 pretty video. I can show it --

23 MR. RICE: Hey Boo, I got a question for you, when  
24 you fill out your report, is there a place on there where you  
25 list the species that you released?

1 MR. POWLEY: Yes, it is but I never do it.

2 MR. RICE: Well --

3 MR. POWLEY: I always fill out what I got on my by  
4 tickets and when I do my month reports, I take my by tickets  
5 from my bar and I fill out every single species that I landed  
6 but the ones I didn't, didn't -- don't land I don't -- and I  
7 should. Really I should.

8 MR. RICE: Well, help me out Robert T. But see we  
9 have a bycatch that you just eluded to in the Potomac and I  
10 think how we got that through we established through time that  
11 we were catching and releasing x number of fish and that gave  
12 us the ammunition we needed to get the bycatch.

13 MR. POWLEY: You mean on the American shad how many  
14 group were catching?

15 MR. RICE: Yes.

16 MR. POWLEY: And releasing?

17 MR. RICE: Yes.

18 MR. BROWN: It took a couple of years --

19 MR. RICE: It takes a while to establish.

20 MR. BROWN: And then after that they gave us --it  
21 was one bushel bycatch and then they went to a two bushel  
22 bycatch for us.

23 MR. RICE: Yes, I think a pound nets are two bushels  
24 and gill nets are a bushel per man.

25 MR. POWLEY: Well, see in Maryland you only got two

1 and they got to be dead(sic).

2 MR. RICE: Two fish?

3 MR. POWLEY: You better or you will get a ticket.

4 MR. LUISI: Yes, right it is for personal  
5 consumption. Well, let -- all I can do on that is just let  
6 you know that we will work on it.

7 MR. POWLEY: That is all.

8 (Slide)

9 MR. LUISI: The last thing that I have before we get  
10 to Brenda who is going to give a presentation on the crab  
11 results is a quick thing. So everybody received back in  
12 April, early April a letter to all commissioners asking for  
13 your participation in what we are referring to as an  
14 incentives work group. So you all know we have been preaching  
15 it for years. We have been developing a electronic reporting  
16 system which includes a hail in and hail out, it is a state of  
17 the art system that now has the functionality to handle all  
18 fin fish and the crab fishery. So essentially it captures  
19 everything that a waterman, other than oysters and shellfish  
20 can catch in Maryland at this time.

21 And so what we have been able to do is we have been  
22 able to use that program and because of the accountability  
23 that is associated with the profit of the system, with the  
24 hail in portion of that system we have been able to do some  
25 pilot work to relax regulations that would without -- with

1 those regulations you would be more confined, your business  
2 would be more confined. We have been able to kind of relax  
3 some of the rules under a pilot -- under pilot work with that  
4 system.

5 (Slide)

6 But we have used the system or the relaxation of  
7 these rules as the incentive to get people on board and to  
8 sign up.

9 (Slide)

10 One of the examples of this was a very successful  
11 program that we offered this winter to yellow perch permit  
12 holders. Yellow perch had to be tagged individually tagged  
13 for the last five, six, eight years. And every year there was  
14 a complaint about the fact that fisherman had to tag a fish  
15 this long with a tag this long and it took them hours upon  
16 hours upon hours and at the end of the day to get this work  
17 done in the middle of the cold winter. So what we have  
18 offered was a box tagging system so that the fishermen no  
19 longer had to tag an individual fish but they could tag the  
20 entire box that they were being transported in if they signed  
21 up for this program. And that was just one incentive and it  
22 was very successful. We have met a couple of times with those  
23 guys to talk about the program of what can we do to make it  
24 better for next year.

25 And what we are looking for are for some of you or



1 others that you know that are interested in helping us  
2 understanding what is an incentive? We can sit around all day  
3 and brainstorm about what we think is an incentive for you  
4 regarding our rules but we really want to get the feedback  
5 from people working on the water as far as what those  
6 incentives are. So if you are stripe bass fisherman, what  
7 else can we do in the stripe bass fishery?

8           If you signed up for the FACT system, which is our  
9 reporting system and you are accountable for those actions  
10 that you have taken on the water, what can we do with the  
11 guardrails that we have established? What can we do for you  
12 to make your business operate more smoothly? To gross you more  
13 money at the end of the day? And so we are looking for that,  
14 but we need -- we are going to try -- we are going to gather  
15 together a small group of both tidal fish and sport fish  
16 commissioners to discuss this and it was a request that was  
17 sent out soliciting for volunteers, I am again mentioning it  
18 to you as a solicitation for volunteers for that effort.

19           And so if you don't want to raise your hand today,  
20 no one is in the bathroom, so we can't nominate somebody. You  
21 can reach out to me, Kerrie Kennedy is also here, you guys all  
22 know Kerrie. Our data management and permit coordinator  
23 program coordinator. And so you can reach out to Kerry and  
24 let us know. Billie -- let Billie know and he will pass the  
25 word to me.

1 MR. POWLEY: Robert said he is having problems with  
2 his because he can't reception for his tablet, I was just  
3 talking to him to the side for a minute and I asked if he  
4 signed up last Friday I think.

5 MR. LUISI: Yes, he was in here.

6 MR. POWLEY: And he said he is having problems with  
7 his tablet because of reception and he is paying \$40 a month  
8 for his tablet.

9 MR. LUISI: We will get in touch with him and see  
10 what we can do to help him out. Reception in that area is a  
11 little tough. But --

12 MR. POWLEY: Because down in our area is not very  
13 good either. We are in the sticks.

14 MR. : They built a new tower in Tilghman  
15 but they ain't turned it on yet. Been there seven months.

16 MS. DEAN: I have dug my heels in from the start  
17 against the electronic reporting but if you are talking  
18 incentives work group, you can put me on the work group.

19 MR. LUISI: Okay thank you. That is all I have,  
20 Mr. Chairman.

21 MR. RICE: Fantastic.

22 MR. LUISI: Any one interested in cobia?

23 MR. POWLEY: Cobia? What did you say about cobia?

24 MR. LUISI: It is not -- so the federal government  
25 is --

1 MR. POWLEY: Because we caught something last year.  
2 You know.

3 MR. LUISI: Well, right and so as far as the  
4 commercial fishery in Maryland I should understand.  
5 Recreationally NOAA is closing all federal waters to cobia  
6 fishing for -- on the recreational end as of June 20 of this  
7 year. Maryland north -- yes, Maryland -- the States Maryland  
8 through New York are not necessarily cobia states. They are  
9 not seen as states that produce or process or catch a lot of  
10 cobia recreationally. So we are just holding off right now on  
11 doing anything.

12 Now I will say ASMFC was asked by the South Atlantic  
13 Fisheries Management Council to take on cobia as a new  
14 species. That they would jointly manage with the South  
15 Atlantic. That discussion is going to happen at the policy  
16 board meeting this next week. And depending on what ASMFC  
17 decides to do, we may find ourselves having to go down the  
18 road of thinking about managing cobia but for now, we have no  
19 rules and that is what we are going to stick with until we get  
20 to the -- so that is all I had to say. And I know it was on  
21 the agenda, I skipped it but --

22 MR. : You thought you were going to skip  
23 it.

24 MR. LUISI: I thought I was going to skip it. So  
25 Brenda is up.

1 *Winter Dredge Survey*

2 *By Brenda Davis*

3 MS. DAVIS: Good afternoon, I am Brenda Davis and I  
4 am the blue crab program manager and Mr. Chairman, the dredge  
5 results have been out for months. So we might be able to save  
6 a little time just by going over the summary. And then if  
7 anybody has specific questions.

8 MR. RICE: Thank you very much.

9 MS. DAVIS: And the news is good this year, so a  
10 total abundance, do you want to put the summary sheet up or a  
11 total abundance of blue crabs for the winter dredge survey and  
12 this is a bay wide number is up 35 percent from last year. We  
13 have a total of 553 million blue crabs in the bay. The  
14 spawning age females are up 92 percent. Spawning age males  
15 are up 107 percent from last year. Our recruits, the small  
16 crabs is about the same number as it was last year. We had  
17 269 million small crabs last year, we have 271 this year.  
18 Our 2015 harvest of mature females, we have that 25 and a half  
19 percent harvest target rate. This year that was -- in 2015,  
20 our harvest rate was about 15 percent of the female spawning.

21 One of the big contributing factors to our increase  
22 in numbers was that we had a very average winter. We didn't  
23 have a super cold, long extended periods like we have had the  
24 last couple of winters, so our wintering mortality was really  
25 low. If we had similar temperatures to what we had last year,

1 our increases would have been around half what we saw. So all  
2 in all, really good news. Do you guys have any questions  
3 about --

4 MR. DIZE: What is that going to translate to  
5 numbers for our crabbers?

6 MS. DAVIS: We have a crab committee meeting  
7 Wednesday no sorry, next Thursday the 5th and we will get into  
8 that there. All right. So the one other item for crabs and  
9 this was already brought up about the Chesapeake Bay agreement  
10 management strategies that Sarah mentioned would be posted  
11 tomorrow, all of the updates. One of the action items in that  
12 is to engage stakeholders and the public to identify concerns  
13 and or support exploring potential for a bay wide total  
14 allowable catch for blue crabs.

15 And the comments and the input that we received from  
16 this outreach would be used in -- to determine how we would  
17 move forward with establishing that total allowable catch. Or  
18 the jurisdictional allocations. When you guys -- if you guys  
19 go and check out the website for these management strategies  
20 this is management approach number 2 which is evaluation of an  
21 allocation based management framework is the title for it.

22 So there has been quite a bit of talk about these  
23 jurisdictional allocations in the development of this  
24 allowable catch. So one of the things that it is not is it is  
25 not the same thing as an individual transferrable quota like

1 we have in the rockfish, stripe bass. So what this would do  
2 essentially is determining the proportion of the harvest that  
3 would be attributed to Maryland, Virginia and the Potomac  
4 River Fisheries Commission.

5 Discussion of sort of having each jurisdiction be  
6 responsible for their harvest started several years ago before  
7 we had the 2011 stock assessment update. And our benchmarks  
8 for harvest combined males and females. Since we have had  
9 that stock assessment update and moved to the female specific  
10 management strategy and the female specific benchmarks, this  
11 jurisdictional allocation may not be quite as valuable or  
12 quite as usable as some of the -- as originally thought.

13 So what is going to happen is, we need by June, June  
14 or July to come back with input from you and the crab  
15 committee and this will be discussed at the crab committee  
16 next week. Sort of your thoughts, feelings, concerns over  
17 establishing these catches and sort of the proportions. A lot  
18 of the concerns come from how would you determine which  
19 jurisdiction gets how much? You based it on historical catch  
20 and Maryland would get about 40 percent of the female harvest  
21 or say 38 percent, Virginia would get somewhere about 58  
22 percent and Potomac River would get somewhere around 5  
23 percent. But that may not longer be sort of what our fishery  
24 looks like.

25 There are some concerns about how accountable each

1 State's harvest accounting, harvest reports are and whether  
2 they would be -- you would be able to compare the states.  
3 Virginia has by ticket system where they go back and compare  
4 their individual harvesters with what the reported by the  
5 dealers and Maryland doesn't do that. But we do have our  
6 electronic harvest reporting system that is being developed  
7 and will be accountable and verifiable.

8           So, there is lots of sort of things questions,  
9 concerns about developing this and they really want to get  
10 everybody's feedback on how we should move forward and if we  
11 should move forward with this.

12           MS. DEAN: I have had a little bit of time to digest  
13 this because I was able to hear what you said at the sport  
14 fish meeting because you also shared it there. My concern  
15 with the total allowable catch and I know that you don't draw  
16 parallels between the I2Q and the individual transferrable  
17 quota system, is any time we set a cap or catch limit, we  
18 then have to determine how we are going to make that fishery  
19 and what we are going to do in reaction to when we reach a  
20 cap, so I don't think that saying that it wouldn't necessarily  
21 lead to possible individual quotas or that it wouldn't lead  
22 to -- because it certainly would be a derby style fishery at  
23 least if we were looking at making sure that we were staying  
24 under that cap that had been assigned.

25           So I am not really comfortable with moving into

1 total allowable catch especially if our answer could be that  
2 under this new female management, we are doing everything that  
3 we can and it certainly is a different system than when this  
4 was proposed. My other concern was that I heard you say that  
5 we would need something back by June or July, so my immediate  
6 reaction would be that we need to make a motion or take action  
7 on this tonight in order for this commission to weigh in on  
8 that.

9           And have a stronger voice, kind of united. So Gail  
10 should draft something -- but anyway --

11           MS. SINDORF: And I certainly would be willing to do  
12 that, absolutely.

13           MS. DEAN: Was that -- I understand, Brenda, that  
14 you kind of weren't taking a position or going one way or the  
15 other and you were bringing it to this commission to do that.  
16 But does anybody else want to weigh in on that?

17           MS. SINDORF: I have a quick question. I know some  
18 people are new here, can you explain how we would oversee  
19 this total catch? Who would oversee that we are doing it or  
20 not doing it? Would this be a federal issue, I guess is what  
21 I am asking?

22           MS. DAVIS: That is all part of the question. In  
23 the 2014 Chesapeake Bay Watershed Agreement which was a big  
24 all encompassing multi-state agreement, it set up these  
25 management strategies and the work plan goes step by step in



1 how to go about achieving those management strategies. So  
2 there is still lots and lots of questions and this is kind of  
3 a heads up for you guys as stakeholders that we are going to  
4 need this information to give you an opportunity to think  
5 about it. I don't think we have actually through other than  
6 the crab committee, we haven't thought too much more about how  
7 the input will be received, but there would be an opportunity  
8 to be written input.

9 MR. POWLEY: Who is pushing this total allowable  
10 catch?

11 MR. : Same people who wrote this letter  
12 to Jack Brooks.

13 MS. DAVIS: This was put into the bay agreement. By  
14 who?

15 MR. POWLEY: By who -- who is pushing it?

16 MR. BLAZER: It is basically the Chesapeake Bay  
17 Agreement which is the jurisdictions of Maryland, Virginia,  
18 Pennsylvania, D.C., New York and I think there is a bunch of  
19 different states that --

20 MR. POWLEY: It is coming down to catch share  
21 similar to what we have with the rockfish and I am totally  
22 against the catch share system because what it does -- it  
23 don't make a waterman a waterman anymore. I have caught just  
24 as many crabs as anybody here but I haven't --- a crab in 15  
25 years that I have been fishing. So that is why I won't be

1 able to go back on --- I won't be able to crab. So I will  
2 never crab again. And I plan on selling my --- to get --- in  
3 a year. I want to go to trot lining. I won't have anything.  
4 So if this is going down to catch shares, I am totally against  
5 whoever did this. And I can see that coming on what you are  
6 saying. This total allowable catch that is what it is. It is  
7 catch shares coming down by NOAA or somebody.

8 MS. SINDORF: Just to keep some of the new membership  
9 up to date. We fought pretty hard against a total allowable  
10 catch, this idea because if it is some federal oversight that  
11 would have to come in on us if we did it. So it has been our  
12 opinion on this board that we are against it. And I certainly  
13 would like to draft and have an overall, and have everybody  
14 agree to it and submit it by the deadline as well as do it  
15 with the design(sic) team and whoever else.

16 MR. GILMER: And also Gail, in our thing before that  
17 we have done as what group was it --

18 MS. SINDORF: It was the design team.

19 MR. GILMER: -- the design team, didn't we just  
20 specify they did Maryland, Virginia and Potomac. Did we get  
21 Pennsylvania then removed out of that? Is that -- was that --

22 MS. SINDORF: Well as far as crabs wanting -- when  
23 it was only those three states anyway involved, so yes. It  
24 was just the three that they mentioned.

25 MR. GILMER: I thought that you had worked on that

1 and we got that changed in the --

2 MS. DAVIS: And all of those changes that you guys  
3 drafted and were implemented in the previous documents stand.  
4 So this is sort of the next step from there. And it would be  
5 very similar process or could be a very similar process to  
6 what you have done in the past to provide input.

7 MR. RICE: Well, if we need to make a response, can  
8 we make --- because June is only a month away.

9 MS. SINDORF: Could this be eased in as a vote?  
10 Could it be that easy?

11 MR. RICE: Well, what I would like to see happen and  
12 I hate to ask you to do this, but you drafted a very nice  
13 letter before, if you would go back and draft something  
14 similar that would accomplish our goals. E-mail it to the  
15 membership and as long as we get approval, then your letter  
16 will be endorsed by this committee.

17 MS. SINDORF: Does that work?

18 MS. : It works.

19 MR. : That worked very good last time.

20 MR. RICE: Yes. I know those of you that weren't  
21 here before you know, may be not know quite what we are  
22 talking about but Gail is heads up on this and she did an  
23 excellent job. She signed off on it and she was basically  
24 asking her --

25 (Simultaneously talking)

1 MS. SINDORF: And I want to give the DNR some  
2 credit, they were very receptive and worked really hard with  
3 us on that.

4 MR. GILMER: Yes, I know you were --

5 MR. RICE: Billie?

6 MR. SCERBO: Do the feds have an issue with the way  
7 that Maryland is managing their fisheries today?

8 MS. DAVIS: They do not.

9 MR. BLAZER: This is not a federal initiative. This  
10 is the State's --

11 MR. SCERBO: But it is kind of being brokered by the  
12 feds, though, right?

13 MR. BLAZER: No, this is the agreement between  
14 Maryland, Virginia -- it is the Chesapeake Bay program where  
15 the watershed states all get together and this particular  
16 action actually is just a Virginia, Maryland and Potomac type  
17 of an action that was agreed to years ago.

18 MR. SCERBO: So does Virginia have a problem with  
19 the way Maryland is managing their fishery?

20 MR. BLAZER: I think Virginia is having the same --

21 MS. SINDORF: I think it is fairly mutual.

22 MR. BLAZER: I think that Virginia is having the  
23 same debate that we are having here.

24 MR. SCERBO: I mean, it is --

25 MS. SINDORF: If I can answer it at all, I think

1 that this really this --- came up, it was originally benign. I  
2 don't think that we intended it to go to this extreme. I  
3 think it was brought up in a meeting that we were questioning.  
4 What if Virginia went over, what would be able to do about it?  
5 What if Potomac went over their limit, what we would be able  
6 to do about it? So somebody suggested that we distributed an  
7 allowable catch for each state, not recognizing that it would  
8 require federal oversight. And once you have the feds in on  
9 you, we all know what happens.

10 MR. SCERBO: I mean, I came to that meeting and I  
11 couldn't sleep for a week after I came up here.

12 MS. SINDORF: Right so basically what we said is  
13 look it is not worth it, let's keep our handshake, because  
14 that is what we have today.

15 MR. SCERBO: Well, that is -- and so why can't -- I  
16 Mean, this stuff can come down, every year there can be a new  
17 idea on how to manage something. I got a new idea let's have  
18 this or let's start the process and meetings and why can't the  
19 State just ball it up and say this is stupid, we don't want  
20 it? You know because we are going to be going through the  
21 whole process kicking and screaming, nobody wants to do this.  
22 At least not in this room they don't.

23 MS. DAVIS: That is exactly the input that we need  
24 from you guys.

25 MR. GILMER: That is what we are asking for.

1 MR. SCERBO: But I mean, it has to be nipped at the  
2 bud. We don't need to have three years and 20 meetings of  
3 this and --

4 MR. GILMER: -- but you got to respond to every time  
5 it comes up.

6 MR. SCERBO: Just ball it up and throw it back to  
7 them. Until somebody says you know what I am saying. I mean,  
8 because this --

9 MR. GILMER: Until the feds come in and say do this.  
10 That is what I am saying, you got to respond to --

11 MR. SCERBO: I mean, the letter that Jack Brooks  
12 wrote is down the same road. It really is. This guy is from  
13 the Monterey Bay Aquarium coming up with a new idea to market  
14 seafood and touchy feely good way of doing it. Just ball it up  
15 and throw it back at them.

16 MS. DAVIS: We need justification, we need more than  
17 I don't like it. And so we are not getting to it. We need to  
18 know why.

19 MR. SCERBO: I can come up with a good reason just  
20 like they -- you know, it can sound good.

21 MR. GILMER: And that is what we are asking.

22 MR. RICE: Robert T. and then I think Gail.

23 MR. BROWN: Yeah, I think we got one good reason to  
24 start with. We have a 35 percent increase in the crabs over  
25 the last year. We have an increase the year before that. We

1 are heading in the right direction. It is not broke. We don't  
2 need to get it fixed.

3 MR. SCERBO: As long as we don't get a cold winter,  
4 Robert T. If we get a cold blow, then they are going to say  
5 we are managing it wrong.

6 MR. BROWN: They can say that then but at the  
7 present time, we can say we are managing it right because we  
8 have to use the tools that we have at the time and with a 35  
9 percent increase, that is a good tool to use.

10 MS. DAVIS: Just to be clear there isn't federal  
11 oversight on the total allowable catch or the jurisdictional  
12 allocations.

13 MR. BROWN: Then Bill has the right idea, take it  
14 ball it up and throw it back to them and if you want to --

15 MS. DAVIS: But we have to tell them why we are  
16 throwing it back.

17 MR. SCERBO: It is stupid.

18 MR. BROWN: I just gave you two reasons.

19 MR. RICE: We are going to have to do this, write  
20 letters. I agree with both of you all but what we are going  
21 to do is, we are going to take our ball up and throw it back  
22 and let Gail do the ball and the throwing because she is going  
23 to do it in a more diplomatic way. Because that is why when  
24 I got to write a letter, I tell my wife what I want to say and  
25 she takes all the -- my words out and put some --- words in it

1 and it says the same thing it just looks like.

2 MR. SCERBO: That is what I mean, I don't mean  
3 literally throw it at them but I mean --

4 MR. GILMER: And that is what Gail got on the thing  
5 before, she said things going along good, let's manage it the  
6 way we are. Basically it is what you get out as a response.

7 MS. DAVIS: This is your opportunity to --

8 MR. BROWN: That is something like my president's  
9 corner, when I write it down, you can't say this like this.  
10 But this is what I mean, no you can't do it like that.

11 MR. RICE: Most times -- go ahead, Russell.

12 MR. DIZE: What Brenda was saying is absolutely  
13 true. You want to do what you got to do because I know when I  
14 was on the Atlantic States Marine Fisheries Commission, I was  
15 reading down the species that we are regulating and then down  
16 to the bottom of species that could be regulated, future,  
17 future and blue crab was on it. So don't do anything  
18 upsetting. Let's just do what -- if she is doing a good job,  
19 then that is the thing to do.

20 MR. GILMER: She did a great job.

21 MR. : She did a fantastic job.

22 MS. SINDORF: So I do have a real quick question,  
23 what happens -- I am sorry, what happens if Virginia, Potomac  
24 decide they want it? They love this idea? What happens to us  
25 then?



1 MS. DAVIS: I guess we will --

2 MS. SINDORF: Is there any indication that they are  
3 loving this idea? This whole --

4 MS. FEGLEY: Yes, I think this is really needed to  
5 continue to discuss, I don't think anybody is really gotten to  
6 the point of -- we are all still in sort of the initial fact  
7 finding. I am confident that whatever the jurisdictions are  
8 going to go in a direction together. Once we have the  
9 opportunity to get with our constituents but I can say that  
10 Virginia has similar concerns as we do.

11 MR. RICE: I would go on a limb to say that as long  
12 as we keep it amongst the three jurisdictions, that we have  
13 enough people collaborating with all three jurisdictions  
14 combined that we can work out our problems. Our problems come  
15 in when you have other jurisdiction where Pennsylvania was  
16 named and the District of Columbia. The only thing they know  
17 about crabs is they turn red when you cook them and I am not  
18 sure they quite know that. So I feel a lot more comfortable  
19 with the three jurisdictions working together. Rachel?

20 MS. DEAN: Do you want that as a motion or an action  
21 item?

22 MR. RICE: I think we should have a motion to direct  
23 Gail to do the letter.

24 (MOTION)

25 MS. DEAN: Sure, not a problem. I would like to

1 make a motion that we draft a letter to -- it is not support,  
2 who is --

3 MS. DAVIS: A letter of concern.

4 MS. DEAN: -- of concern in regards to the possible  
5 total allowable catch from the Chesapeake Bay blue crab.

6 Written by Gail. Thank you.

7 MS. SINDORF: Is it going to you or would it be  
8 going to NOAA, who is it going to this time?

9 MS. DAVIS: I will let you know.

10 MS. SINDORF: Okay.

11 MR. RICE: Moochie, you second it?

12 MR. GILMER: I second it.

13 MR. RICE: Okay, so we have the motion on the floor,  
14 a second. No further discussion. All those in favor say,  
15 aye?

16 (Chorus of "Ayes")

17 MR. RICE: Opposed?

18 (No response)

19 MR. RICE: Gail, we buzz you up, do your job. Thank  
20 you, Gail.

21 MR. GILMER: I hear that three times with questions.  
22 And I will say call Brenda.

23 MR. RICE: Dave, could you update us on the oyster  
24 report please.

25 MR. BLAZER: Yes, as soon as I can pull it up here.

1 ***Oyster 5 Year Report***

2 ***By Dave Blazer***

3 MR. BLAZER: What I wanted to do is kind of give  
4 everybody an idea of the 5 year oyster report that will be  
5 coming out in July 2016. I have heard a lot of different  
6 things about this report from the public. What it is and what  
7 it isn't. But I wanted to share with you some of what the  
8 report will be doing and when it will come out and some of the  
9 time line and opportunities for that.

10 (Slide)

11 The report was agreed to about 5 years ago basically  
12 committing to reviewing the effectiveness of sanctuaries, the  
13 public fishing areas and aquaculture areas. And so we are  
14 looking to take a take a snapshot of a lot of the actions and  
15 what has been going on with the fisheries over the last couple  
16 of years and document that.

17 (Slide)

18 We are not only looking at sanctuaries, we are also  
19 looking at the public shellfish fishery areas and aquaculture  
20 areas. So the report will have -- will cover all three of  
21 these management areas. And again I am sorry, in time, I am  
22 kind of going quick.

23 (Slide)

24 But one of the things that is in the task, the first  
25 slide, was to deal with the effectiveness. So we have kind of

1 defined effectiveness based on some of the original management  
2 objectives of 2010, so if you look and I am sorry there is a  
3 lot of text and it may be a little difficult to read, in the  
4 first bullet there for sanctuaries, those are the four  
5 objectives that they are going to kind of evaluate all of the  
6 data that we have on sanctuaries, to look at those types of  
7 things that are there. And comment on those.

8           The public shell fishing areas, those are going to  
9 be the objectives that we are going to kind of look at as far  
10 as effectiveness and same with aquaculture and provide some of  
11 the data of evaluating these three different management  
12 areas.

13           (Slide)

14           There is going to be 7 chapters in the report.  
15 Chapter 1 is kind of an executive summary. Chapter 2 we are  
16 actually almost finished because that is the background and  
17 the kind of the laying everything out and that is kind of what  
18 you are getting here in the quick power point. It goes back  
19 to you know, some of the law changes back in 2010 and some of  
20 the work that has been done over the last couple of years and  
21 kind of describes a lot of that background information for the  
22 kind of sets up the five year report. Chapter -- and you can  
23 kind of see the other chapters there. It is going to be an  
24 overview, what has been going on in the three different  
25 management areas. And then chapters 4, 5 and 6 will break

1 down the information for sanctuaries, and aquacultures and  
2 public fishery and then chapter 7 is actually going to be the  
3 last chapter written where we go back and look at those  
4 objectives that were in the previous slide and assess the  
5 effectiveness on all of those things together.

6 (Slide)

7 Again here is a little more detail on chapter 2 and  
8 3. What is the purpose? We are going to define the  
9 effectiveness and kind of describe that from those 2010  
10 objectives that were laid out. And kind of have some of the  
11 background from the old EIS and some of the other things that  
12 happened in previous. And then chapter 3, a description of  
13 each area and number and acreage, some of the data, some of  
14 the numbers that for each one of those locations.

15 (Slide)

16 Chapter 4 with the sanctuary. We have got data on  
17 the 51 sanctuaries. We will present that information and  
18 again especially looking at those four objectives and then  
19 each sanctuary, we will get kind of a general characterization  
20 based on the population and how maybe that has changed. Some  
21 of the disease prevalence and other environmental conditions,  
22 water quality and so forth specific to sanctuaries.

23 (Slide)

24 Chapter 5 discuss each of the public shellfish  
25 fishing areas. Talk about you know, the status of those areas

1 and present general information about the characterization of  
2 those areas.

3 (Slide)

4 Chapter 6 just talked about how aquaculture, the  
5 number of leases, general locations and just kind of how  
6 aquaculture has progressed over the last couple of years  
7 versus previous.

8 (Slide)

9 And then the last chapter again, looking at the  
10 assessing -- the effectiveness would do kind of an overall  
11 assessment of each of the management areas or management  
12 objectives met or how are we doing on that? And then consider  
13 some future recommendations if the effectiveness isn't being  
14 met and what we can we do about it and then talk about future  
15 management of those three management areas. So the report  
16 may come up with some recommendations and some ideas on how to  
17 tweak those things. I wanted to get this to you today because  
18 we have heard it has been focused on sanctuaries, this is kind  
19 of a real snapshot look at the oyster fishery and the changes  
20 that were made a couple of years ago. And take that 5 year  
21 look at where we are as we go forward.

22 (Slide)

23 It will be independently peer reviewed. We have  
24 three PhDs looking at it from Versar, from Rutgers and  
25 University of North Carolina, Chapel Hill. They are going to

1 do some of the following -- those tasks that are there, review  
2 the outlines and the sections. Look at the analysis to make  
3 sure that it makes sense. And look at other types of analysis  
4 and approaches. These people are experts in these types of  
5 things. Look at grammar, general guidance comments and then  
6 afterwards and I will talk about this in a second,  
7 incorporating some of the public comments and help us with  
8 some of those things as we go through.

9 (Slide)

10 This is basically the time line. We are actually  
11 starting this week with a little bit of outreach to let people  
12 know what to expect with this report when it comes out in  
13 July. Our draft report will be peer reviewed and will be  
14 looked at over time. We will complete the final report and I  
15 am saying this, by July 31 so it gives us the whole month. So  
16 I am setting up expectations. The report will come out, I  
17 think we meet July 28th sometime -- yes. Somewhere. But if  
18 we have to call a special meeting, we got to figure something  
19 out to get the sport fish and tidal fish and others to give  
20 kind of a presentation about this, we will figure something  
21 out. We will bring it to you.

22 We will also have a pretty significant public  
23 outreach and comment period in August and maybe a little bit  
24 longer than that to get comments back from everybody. We will  
25 probably have some public information meetings and some

1 different areas. Other ways of receiving public comment is we  
2 go through and then we will incorporate those into the report  
3 and then in October talk more about some of the  
4 recommendations that may come out and scope or for regulatory  
5 ideas or legislative ideas or whatever, I am not even sure  
6 what those area.

7           And then after October 2016, whatever adjustments we  
8 have to make, we will go through those processes at that time.  
9 So I wanted to share that with everybody and so you can get an  
10 idea of the time line and what to expect. We will be coming  
11 back to you all in July or July 31. We hope with a report and  
12 I know we are locking up our oyster team in their offices so  
13 that they continue to work on this report. This is our  
14 priority in the oyster program, so we are making sure that we  
15 get this report done by July and then can begin a lot of those  
16 discussions during that time.

17           MR. BROWN: Am I right that these doctors are the  
18 ones who are primarily doing this report?

19           MR. BLAZER: No, no.

20           MR. BROWN: The peer review?

21           MR. BLAZER: They are doing the peer review. We are  
22 writing the report and we are getting input from a lot of the  
23 people that have been doing a lot of the work, the data and  
24 our whole staff is predominately putting everything together.

25           MR. RICE: Gail?



1 MS. SINDORF: That overview is not in here, correct?

2 MR. BLAZER: No.

3 MS. SINDORF: Can you send it to us?

4 MR. BLAZER: Yes, we will get it to you eventually.

5 MS. SINDORF: I mean, it is -- now -- okay, never  
6 mind.

7 MR. BLAZER: Well, I will tell you because some of  
8 the things that we are debating is about how the oyster  
9 advisory committee and some of the other things that are going  
10 on, so there is a lot of details there but we are not ready to  
11 you know, we want to provide that but we will get you  
12 something.

13 MS. SINDORF: Okay.

14 MR. BLAZER: Billie?

15 MR. SCERBO: I had talked to somebody about this  
16 before and when this report is sent to the peer group for  
17 comments, are comments incorporated into the written report or  
18 is there -- are there comments added to the back of the report  
19 or what? Or both?

20 MR. BLAZER: Both yes.

21 MS. FEGLEY: The comments will be -- the comments  
22 are deemed to be incorporated will be but they will be in an  
23 appendix that enumerates the comments and how we dealt with  
24 them. So if there is some comment that is just really a  
25 comment that doesn't really belong in the body of the report,

1 we will put it in the appendix and explain our response to it.

2 MR. SCERBO: Okay.

3 MR. BLAZER: Any other questions? It will be a busy  
4 summer.

5 MR. RICE: Rachel, it looks like you are up next  
6 because the information that you have requested has been  
7 provided and since your name is the only one that goes on this  
8 agenda item, I am going to call on you to see what you want to  
9 do with it.

10 MS. DEAN: Okay.

11 ***Aquaculture and Public Oyster Fishery Dialogue***

12 ***By Rachel Dean***

13 MS. DEAN: I didn't know if you were telling me see  
14 what you want to do with it as in we were skipping it because  
15 this would -- okay, let me give a little bit of background  
16 here first. In December I requested information from the  
17 Department in regards to aquaculture in the State of Maryland.  
18 I as well as I am sure others were a little bit frustrated  
19 feeling like there wasn't an opportunity for dialogue between  
20 the public fishery and the aquaculture industry and it is not  
21 necessarily a concern about economics of the competition  
22 between wild fishery and aquaculture but more a conflict in  
23 the resource usage. So the idea that bottom would be  
24 privatized and we would have conflicts with gear not only in  
25 the public oyster fishery but also with our clammers, also

1 with our trot liners.

2           So in order to kind of open up the dialogue, I  
3 wanted to get some information. I wanted to know first of all  
4 first of all if kind of my fears were unfounded, whether or  
5 not there was this big bottom grab going on and before long  
6 there wouldn't be a place for a trot line to lay or for a  
7 public oysterman to work or for the clammers to find their  
8 bottom.

9           So I started to ask some questions, the Department  
10 included my initial questions. We didn't have time to do it  
11 at the January meeting, it wasn't prepared, so I asked that  
12 it be added to this meeting. In the meantime, I wanted to  
13 make sure that it was expressed that this wasn't done as an  
14 attack on aquaculture but rather wait to kind of open up the  
15 dialogue especially for like our crabbers who don't have  
16 really have somewhere to have a discussion when there is a  
17 conflict.

18           Our oyster men that don't really feel like they  
19 always have a voice either. Now I called JD because it just  
20 so happened in the interim, that JD was appointed to this  
21 commission and I think that that its great and that is exactly  
22 what I want to happen is this dialogue. So I called JD and I  
23 said hey JD, I want you to know that this isn't me attacking  
24 you as you walk in to join us but rather a wonderful  
25 opportunity for us to have those discussions because I do

1 believe that we need to have some sort of transparency so that  
2 there is not a fear of a bottom grab.

3           So just a couple of things. And then I will let you  
4 guys kind of ask some questions too. That I was concerned  
5 about. I first asked for what the county oyster committee  
6 purpose and charge was. Because I wanted to first identify  
7 that their purpose and their charge is not to discuss bottom  
8 usage. And that really isn't happening because our county  
9 oyster committees are really only meeting with the Department  
10 once a year.

11           So by the time the public notices come out to let us  
12 know that there is a new lease going in, it is essentially too  
13 late and there isn't an opportunity for the dialogue. Now  
14 there is plenty of public notices but you have to know where  
15 to find them and you have to go get them and if you look back  
16 through your packet, you will see that just about every public  
17 notice that has gone out like recently has been about a lease.

18           So I am not going to say that that is support for  
19 the fears that I have but it kind of was some of the reason  
20 for why I did that. So I first wanted to ask what the charge  
21 was there and again just point out that I think this  
22 commission would be a great place for somebody to voice their  
23 concerns if there was conflict.

24           And then I asked for the number, the max of the  
25 leases throughout the State. I understand that this isn't

1 provided here and that probably would have been painstakingly  
2 difficult to do. But we start -- we did get the map and I was  
3 directed and I have used before the aquaculture siting tool  
4 which shows where every lease is in the State of Maryland.

5 Now to accompany that, one of the concerns that this  
6 commission has had, is we have repeatedly asked if leases  
7 could be published in our oyster book that we are given at the  
8 beginning of every year. The aquaculture coordinating  
9 council from what I have been told is against this because  
10 they feel it would kind of put a bullet or bulls eye on their  
11 particular leases.

12 I don't think that is being transparent. I don't  
13 think that it opens up the opportunity for dialogue and quite  
14 frankly I think it is dangerous not only for the lease holder  
15 but also for our public fishermen. So that was the first  
16 concern, so then I started to crunch some numbers and I  
17 wanted to see exactly where some of our fears might be coming  
18 from. And after looking at it, it looks like there are 155  
19 lease holders with an average of 36 acres per person. That  
20 seems excessive to me. But maybe not.

21 So on the flip side, maybe that does kind of give me  
22 some fear founding. But then I looked up at Kent County and I  
23 am thinking geez, one person has 55 acres -- 44 acres? Is he  
24 planting in accordance with the requirements for holding an  
25 aquaculture lease? So just kind of looking at those numbers.

1 But the average you know in Calvert was only 7 acres. Okay.  
2 The man is trying to make a living.

3           So I just kind of wanted to look at these numbers.  
4 It doesn't really qualify because we don't know if these  
5 numbers are in the public fishery, the Department didn't kind  
6 of pull that out to let us know. And it doesn't show us  
7 whether or not they are in sanctuaries which I strongly am  
8 against. I feel that if a sanctuary was intended to be a  
9 sanctuary then it was intended to be a sanctuary and it  
10 shouldn't be privatized for the use of one individual, if  
11 everybody lost it. But that is a discussion that I think we  
12 could have.

13           So just a couple of other things, I promise I will  
14 wrap up here. One our public oyster fishermen have to buy  
15 their own harvesting tags so we have to purchase those yet  
16 aquaculture is given those through the State of Maryland, so I  
17 kind of think that that really isn't fair. Again I think  
18 that is the State funding aquaculture and kind of helping them  
19 along the way when we kind of are not afforded that. The  
20 second one was the book. I think that things need to be  
21 published in the book if we are going to have these  
22 transparent dialogue and then the last thing that I just wrap  
23 up by saying when there is conflict I think that we need to  
24 have the discussions. I am certainly in support of  
25 aquaculture but I also want our policy to be that we need to

1 be mindful of the fact that bottom is something that everyone  
2 can use but once we privatize it, especially when it is cages,  
3 everyone loses the opportunity except for the person who the  
4 lease is for.

5           So I just wanted to have some of those  
6 conversations, see if we could move forward with either  
7 getting the leases in the books, making sure that is equal for  
8 everyone as far as you know the things that are paid and then  
9 the other thing was aquaculture does not pay seafood marketing  
10 yet we do pay seafood marketing and the Department has pushed  
11 in recent years very hard aquaculture and that is on our  
12 backs. Although we are essentially I guess in direct  
13 competition, although many of our oysters are currently being  
14 sold to people in aquaculture.

15           Sorry, I know that was long winded but I kind of  
16 felt like I needed to not only justify what I was bringing it  
17 to the table but kind of open up some of the dialogue that I  
18 wanted to have.

19           MR. RICE: JD?

20           MR. BLACKWELL: First of all, in the seafood  
21 marketing, are you referring to the \$50 surcharge fee?

22           MS. DEAN: No, that is different that is for paying  
23 or that is for being able to sell oysters. We actually pay a  
24 \$20 seafood marketing fee so that the State can market our  
25 crabs, our oysters, our fin fish yet lately the State -- more

1 so honestly when Steve was here, but was really pushing  
2 aquaculture and of course, I kind of felt like that was at our  
3 expense.

4 MR. BLACKWELL: I mean, I doubt any of us really  
5 care about that. I mean I think that is a valid point for you  
6 to raise I didn't know that there is a difference. There is  
7 obviously on my dealer's license there is a \$50 surcharge that  
8 says marketing, that we are paying. You also said about  
9 harvester tags and I think that is a valid point as well. I  
10 would tell you that the vast majority of us don't use them. I  
11 certainly never used a single one. And most of us are allowed  
12 to use our hassa(sic) tags. So I think it is valid point, I  
13 think that can looked at. I will tell you that it is not as  
14 big as egregious of a subject as you might be thinking because  
15 most of us are able to print our own hassa tags and use that  
16 as a our harvest tags. I am not sure why there is a different  
17 rule but it definitely is true and it definitely is what is  
18 happening most of the time.

19 And if you don't mind, I am just going to kind of  
20 respond to -- one thing that isn't represented here and I  
21 think it might be important for everybody to know, so in cage  
22 gear and the 8 ears of review, some cage gear leases are  
23 already pre-exist 2010 and let's call 2010 the shift in the  
24 direction. So there was some gear leases prior to 2010 and I  
25 don't know how much but not very much. So in the six years



1 since then, there is still very little cage gear leases been  
2 issued, very little 281 as opposed to say Virginia that could  
3 have a 140,000 acres of cage gear.

4 But in the bottom leases, the 5400 acres of bottom  
5 leases, a whole lot of that already existed before the rule  
6 change. That might be something that we might want from DNR  
7 just for your perspective. But I suspect more than half of  
8 the bottom leases were already pre-existing. Bottom leases  
9 haven't gotten as much attention, they are happening but so I  
10 am just saying that a lot of these leases pre-existed the  
11 shift in the policies.

12 You refer to it as privatizing the bottom and I  
13 won't take exception or issue with that but I would point out  
14 that legally speaking and I am not talking about practically  
15 speaking but legally speaking, trot liners are still able to  
16 use the same areas. So for what it is worth, a trot liner  
17 could still go between a row of cages in my case, or they  
18 could still go on a perimeter of a lease which I personally  
19 think might be very productive for trot liners. I am working  
20 with some trot liners so we can see if that turns out to be  
21 true that actually enhances their ability to catch crabs.

22 But that issue aside, I get the how it feels I won't  
23 argue that. Similar to when you put in a pound net or  
24 something, that area gets permanently used by one person. But  
25 I would illustrate that there is some potential for cross use

1 of that area.

2 MS. DEAN: For the trot liners but not for the  
3 clammers.

4 MR. BLACKWELL: Absolutely not for the clammers, I  
5 would not disagree with that at all. Although there might be  
6 ancillary benefits but I won't discuss that right now, meaning  
7 nursery protection for the clammers. As far as leases in the  
8 books, that is widely debated in the MAC meetings and  
9 different farmers have very different feelings. There is no  
10 question that it puts -- no doubt in some lease operators  
11 feels like it puts a target on their back. I argue that the  
12 information is already out there just as you did because it is  
13 on the aquaculture citing took and it is not very hard to  
14 find.

15 If somebody wants to find it, they can. I  
16 personally am sympathetic to the honest TFL holder that might  
17 accidentally drift into a lease that isn't marked. It is very  
18 easy particularly like in the winter time for markers to come  
19 off of a lease. I think that is a valid topic to really get  
20 debated and discussed. My peers are passionate about it one  
21 way or the other, some really want it and some don't.

22 And since have we no time I won't get lost in debate  
23 of it, but I think that is a super valid subject that isn't  
24 sorted out yet. I personally have recently come across an  
25 enforcement issue that makes me personally feel like they all

1 should be in the book, even though I don't necessary like the  
2 idea that everybody sees it there, I actually see reasons why  
3 from an enforcement standpoint it might be pretty necessary  
4 but anyway so that is a topic for a different day.

5           And lastly I would say two things I would say, one  
6 hey I am a new commissioner and everybody please feel free to  
7 contact me if you want to discuss something or understand  
8 anything better, I would like nothing more but to help explain  
9 it so that everybody starts to understand us. I frankly hate  
10 that there is this feeling that there is TFL and aquaculture,  
11 in my head there are not. In a sense, we are just a new gear  
12 type. In my mind. We are just a new way of doing this.  
13 There is only one thing that makes us different. We buy our  
14 own oysters and put them in the water.

15           But if you take that out of the equation, I don't  
16 see a whole lot of differences on a daily basis, I see us  
17 operating the same way. And I would love to discuss that with  
18 other people so that you understand it better in the future.  
19 Thank you.

20           MS. DEAN: And will you take some of those concerns  
21 back?

22           MR. BLACKWELL: Absolutely.

23           MS. DEAN: Thank you.

24           MR. RICE: Robert T.

25           MR. BROWN: I want to agree with one thing that

1 anybody who has aquaculture, they should be put in the same  
2 book that the public bottom is. So that everybody knows  
3 exactly where they are at. And as far as somebody saying well  
4 I don't know want nobody to know where my bottom is at, well  
5 you got buoys or stakes with your name and stuff on it and  
6 your license on it and it says "oysters" so I mean, it is for  
7 the person that has a bottom --- protection in the long run,  
8 like when you say when ice moves it, your stakes or your  
9 buoys, they get dragged around when you are getting in heavy  
10 ice, I mean that is just mother nature, that is nothing  
11 nobody can do about that but I think that should be done.

12           However when it comes to trot lining where cages and  
13 stuff are, I disagree with you a 100 percent. Maybe you can  
14 work on the outside of them but you are not going down through  
15 them. That is -- if they are going to -- if you are going to  
16 get somebody to test that -- when a person wants to get a test  
17 done, they get somebody to do it and he is paying them to do  
18 it to get a certain result. You can take a short little line  
19 to go through it and one little short piece of cages and that  
20 is fine. But you get a man who has a 4,000 or 5,000 foot of  
21 line out and he runs into a place where cages is, he has to  
22 stop, he has to cut his line and cross tide and everything.  
23 It is a whole lot of different things that I don't agree with  
24 on that. But that is all I got to say.

25           MR. RICE: Thank you very much, Rachel for beginning

1 this discussion and thank you, Mr. Blackwell, I appreciate  
2 your comments. Lynn?

3 MS. FEGLEY: I just wanted to remind everybody that  
4 we talked about the lease book last summer. There was an e-  
5 mail sent out and just so you know the idea that leases are  
6 not included in the shellfish closure books right now is based  
7 on a survey of lease holders where the majority said that they  
8 did not want their leases in the books. And then we talked  
9 about people being able to opt in if you want the lease in the  
10 book, you can and the Attorney General said, if we do that it  
11 is all or nothing.

12 So I guess I would just maybe suggest that if that a  
13 motion might be helpful in this case if there is really a  
14 desire around the table that we go forward with putting lease  
15 holders in the books, we could do something like lease survey  
16 and I just say that right off the bat, but anyway, just so you  
17 know, that is where we are with the discussion last summer.

18 MS. : I can make a motion but why is it an  
19 option?

20 MS. SINDORF: Can I ask something, I don't  
21 understand why they don't want their name in the book? I am  
22 ignorant on the subject, I am sorry.

23 MS. FEGLEY: I am not a lease holder and that is  
24 just how it came back.

25 MS. SINDORF: What is the reason for that -- the

1 rationale?

2 MR. GILMER: Why does the State make it an option,  
3 that is what I want to know?

4 MR. BLACKWELL: I have no idea why, I have no idea  
5 why the State made it an option but some people feels like it  
6 puts the lease on the map. And makes it a target for people  
7 to come steal. There certainly has been a significant amount  
8 of thefts this past season.

9 MR. GILMER: But if he has it marked, he has made it  
10 a target.

11 MR. BLACKWELL: Well there is no question. I think  
12 the idea is that maybe the local people know that you are  
13 there because it is marked but the people further away may  
14 not. Again, I want to be super careful here. You asked me  
15 why the people think it and I am not saying that I agree with  
16 it. Frankly I see a big issue since we are getting drug into  
17 it I will mention quickly.

18 MR. GILMER: Nobody travels up and down the bay  
19 anymore in oyster men -- so it is again -- I am saying this a  
20 comment to --

21 MR. BLACKWELL: Personally I don't see the logic  
22 because there is no question if somebody wants to know where a  
23 lease is, you can find it. I mean, you can FOIA it or you can  
24 look at websites. So there is no doubt about it. I don't  
25 necessarily agree with it. What I also personally realize is

1 that I don't like the idea that the only way to cite somebody  
2 for theft is if it is marked. Because it is the simple way to  
3 steal from somebody is to cut a corner a go steal. Because  
4 you can't get ticketed.

5 I personally think that we should all be the in book  
6 and it doesn't matter whether they are marked, they can still  
7 be cited. Personally it is a big issue and I think that is  
8 how it should be. Not that my peers think it but I personally  
9 do. Not to say that we still shouldn't mark the corners, we  
10 should. But corners unfortunately the simple truth is, if you  
11 use a rope or a chain, attach it to an anchor or an augur,  
12 sooner or later that stuff breaks, weather, ice or whatever.  
13 I think the marking is good but it is not a 100 percent  
14 reliable system no matter what you do.

15 MS. DEAN: Thank you.

16 (MOTION)

17 MR. BROWN: Billie, I would like to make a motion  
18 that all leases be put into the harvesters -- I guess it is  
19 the harvesters book -- oyster closure book.

20 MR. GILMER: I will second.

21 MR. BLAZER: I just have a little concern with that  
22 and I know that is your request but I would like to take it to  
23 the aquaculture coordinating committee and have a little more  
24 discussion on this as opposed to making that outright request  
25 to the Department to do that. Because --

1           MR. GILMER:  Make a proposal to aquaculture to carry  
2 back to them?

3           MR. BLAZER:  Yes, because you know I would rather  
4 kind of a describe a process as opposed to saying that the  
5 Department shall make sure we do this because I don't know if  
6 we are going to do it or not but we need to go back and talk  
7 to the aquaculture coordinating counsel and have a little more  
8 discussion on it than just what we have done here.  That is  
9 just my own personal opinion.  You know and I just want to  
10 throw that out there because I don't want the commission, TFAC  
11 to get upset when we come back and say well no we are not  
12 going to do that or yes we are going to do it.  I want to make  
13 sure that we have an opportunity to talk through it and  
14 understand the justification on both sides.  So that is my  
15 only caution.  I mean, you guys can recommend what you want  
16 but that from a Department view point, I would rather that you  
17 recommend that we take it to the aquaculture coordinating  
18 commission and have a discussion on how we might be able to do  
19 that.

20           MR. BLACKWELL:  I don't want to get lost in it  
21 because we obviously have a time problem but you asked me why  
22 they are not interested in it.  We only talked about one  
23 reason they are not interested in it.  I don't want you to  
24 think that there aren't other intellectually legitimate  
25 reasons why people dislike it.  There is more than one.  That



1 is the most obvious one. But there are other legitimate  
2 concerns and I am not saying that those concerns should lead  
3 to the ultimate not being there. I am jut saying that there  
4 are other reasons why people debate and that is why I say  
5 personally I feel one way but as a group, the group has chosen  
6 a different path, thank you.

7 MS. DEAN: I think I remember the vote being a 60/40  
8 so it wasn't a unanimous vote.

9 MR. RICE: Well, Robert T. had a motion on the  
10 floor. Does the motion stand or are you willing to refine?

11 MR. BROWN: We are going to vote on it.

12 MR. RICE: Okay, all those in favor in support of  
13 Robert T.'s motion, raise your hand please.

14 (Show of hands)

15 MR. RICE: Okay, those that are opposed?

16 (Show of hands)

17 MR. RICE: Okay, the motion passes.

18 MS. : Let the record show that we  
19 understand the Department.

20 MR. GOLDSBOROUGH: I will say that I personally  
21 think it is a good idea to have them in the book and I was one  
22 of the advocates for establishing the book in the first place  
23 many years ago and I feel one of the best thing about it is  
24 the deterrent factor. When a man gets a book, he has to sign  
25 his name that he has gotten the book. He is stating, he is

1 swearing essentially as far as the law is concerned that he  
2 knows that these areas are off limits. So I agree with JD  
3 basically, I think that is where you are coming from. And  
4 from the standpoint of the sport fish commission --

5 MR. RICE: Thank you, Bill. So now let me rephrase  
6 it, you raised your hand when you spoke and --- vote on the  
7 motion --

8 MR. GOLDSBOROUGH: No, I was abstaining because the  
9 sport fish commission does not discuss this issue.

10 MR. RICE: Just wanted to make sure we are on the  
11 same page. Good enough. Moving to the next item, Chris?  
12 Please talk about the --

13 ***Feasibility of Reducing Geographical Restrictions on Clamming***

14 ***By Chris Judy***

15 MR. JUDY: Chris Judy, Shellfish Division Director.  
16 Mr. Chairman, earlier you said you left smooth if it is on the  
17 record and you like short.

18 MR. RICE: I like short and smooth.

19 MR. JUDY: Okay. All right. Well the task given to  
20 us at the last meeting was the research to request what George  
21 put forth to expand clamming grounds and report back to you.  
22 So I am here to report on what we did on that topic of  
23 researching and ask your input when I get to the end of the  
24 story.

25 (Slide)

1           Okay, so what we did was George convened the meeting  
2 with three clammers, --- Dave Baxter and Mike Garner and we  
3 discussed the eastern bay area. We kept it focused. The  
4 clammers said we are just looking for a focus opportunity to  
5 expand some clamming grounds and nothing broad sweeping  
6 through the State or the entire eastern shore, et cetera. So  
7 a focus proposal came forth with the clammers. They brought  
8 charts and we transferred their information to our charts and  
9 that meeting was in March.

10           So what we have, those circles don't show the  
11 definite areas that they proposed, they are just circles to  
12 get you to focus on the map. That is Eastern Bay, you can see  
13 a number of areas that we discussed and there is one that is  
14 not on the chart, it is a little to the left, Philpots Island,  
15 you know Philpots Island. So we have those areas that were  
16 presented to us and George and I said to the clammers, it is  
17 important if you can focus this even some more, either two or  
18 so areas that are in your priority. So they mentioned Bodkin  
19 Island --

20           All right, so Bodkin Island was a one area that was  
21 a priority and Philpots Island was another but it is off the  
22 chart. As a third option if it was possible to consider  
23 three, they mentioned just outside Kerland\* Creek. So we  
24 looked at this proposal and we wanted to understand is it a  
25 SAV bed, it is an oyster bar, what is the exact status of that

1 real estate? Because that determines what we can do, can't do  
2 et cetera. So the particulars of each site are important.  
3 Next slide please.

4 (Slide)

5 I am just going to give you one example, just to  
6 show you the issues that are involved and then I will wrap it  
7 up and seek your input. It is a little hard to see the  
8 colors, so this is the one at Bodkin Island, there is the  
9 island (indicating) there is a green line. The green line  
10 shows the proposed area that they like to have considered for  
11 clamming. Now this red boundary, that red boundary is the  
12 legal oyster bar boundary and then it goes up along the shore  
13 line all the way up along the shore, down the creek on the  
14 other side to this point and then down to the Eastern Bay on  
15 the floor and around, so this entire area is NOB 7-5, that is  
16 Natural Oyster Bar 7-5. And I emphasize all this for this  
17 reason. The proposed area they would like us to consider is  
18 inside a legal oyster bar and that happens to be the case on  
19 those other areas that I am not going to zoom in on, this is  
20 just the test case to show you.

21 So that is what we have. And to change the status  
22 of that legal oyster bar, and allow clamming, a process has to  
23 unfold. Because according to Maryland law, you cannot clam in  
24 an oyster bar. It has been that way forever. So there is an  
25 oyster bar, can't clam here, they would like this to be

1 relaxed et cetera. So we have to discuss a process that we  
2 would open that area of oyster bar to clamming.

3 Now oyster men are probably thinking we don't want  
4 you digging up the oysters. So of course, a survey would be  
5 necessary to see if there was any oysters or shell so the  
6 hopefully result would be zero shell or oysters and that moves  
7 it along for the clammers. If it is an oyster bar, that ends  
8 the discussion. So a survey is necessary at some point. But  
9 now let me explain a little bit of the process because here is  
10 where we need your input.

11 And also I want to be clear, we would discuss any of  
12 this with the county oyster committees and that is just a  
13 given. So discussion with county oyster committees, a survey  
14 to learn about the site and those are two important factors.  
15 So here is where we are. These proposed areas are inside legal  
16 oyster bars and the law does allow the Department to survey  
17 and change the oyster bar boundaries. We have the authority  
18 to survey and change oyster bar boundaries.

19 Now here is the catch, we don't have a regulatory  
20 process to then change the oyster bar. So we have authority to  
21 change the oyster bars, we don't have a process to change the  
22 oyster bars. So were this leaves the clamming proposal is, we  
23 know the areas they are interested in and we have to now  
24 within the Department come up with the process to take this  
25 down the road and see what happens. So there is two options.

1           Be very brief. One is the process of regulation  
2 that would lay out a step, such as meet with the county oyster  
3 committee, conduct a survey, bring it to tidal fish et cetera,  
4 it would be a process and after this process -- and a public  
5 meeting, there would be a public meeting because maybe other  
6 people are concerned about that area. Not just oyster. So a  
7 regulation could set up that process.

8           Or it may also involve a law change. Of course, we  
9 don't do that. That is the session, that is the legislature  
10 during session. So if a law change is involved that is down  
11 the road. So what I am here to I guess ask your input on,  
12 first if there is any questions but also would you propose to  
13 us that the Department complete its work, come back to you  
14 with like scope out the regulatory process what that would  
15 look like or a law change process, what that might look like  
16 and then report back to you in detail? Because where we are  
17 right now, we know the areas that are proposed and we know we  
18 have to construct a process, so we will be busy coming up with  
19 different scenarios because that is where we are. Any  
20 questions?

21           MR. WILKINS: I got one for you. A couple of years  
22 ago we gave Kent County some addition to the power dredge is  
23 that caught up to that or not up to that --

24           MR. GILMER: No, no where we came out on this point  
25 here, yes here, that is still only about three or four -- that

1 is sand --

2 MR. JUDY: Here is the 6 foot contour, right where  
3 that red dot is, that is a 6 foot contour.

4 MR. WILKINS: Do you know where the -- if you go  
5 down to the -- where it says --

6 MR. GILMER: Go to your other map, go to the first  
7 map you had. Okay

8 MR. : The power dredge over area near  
9 Parson Island.

10 MR. GILMER: Yes.

11 MR. WILKINS: But we a couple of years ago, we gave  
12 Kent County an addition to our -- something like to the  
13 northeast of that.

14 MR. : I don't have to point towards it,  
15 we never got a return point --

16 (Speaking simultaneously)

17 MR. : Yes, it was on the chart that we  
18 had done. The oyster bar was the -- where the bar actually  
19 was and we stayed inside of that.

20 MR. JUDY: Okay so you would like this side(sic) to  
21 be careful and not to intrude into that?

22 MR. WILKINS: Yes, we need --

23 MR. : It might all go away after July too  
24 and we don't know what is going on with that.

25 MR. JUDY: Right, we will pay attention to where

1 that --

2 MR. : Like he said a shell committee so.

3 MR. : I told David Baxter, I said you get  
4 this and we will tell Jamie Corse(sic), that Mike Gardner  
5 proposed this.

6 MR. JUDY: We are going to do this anyway, we are  
7 going to map out the regulatory process, the legal options  
8 and the statutory options because sessions can't predict how  
9 that turn out and we can come back and report back to you with  
10 more details on those two options.

11 MR. GILMER: That is what I would say, get it  
12 started.

13 MR. JUDY: That is our next step.

14 MR. : I think you should, I mean if the  
15 bottom is not getting used and they can ---, then why not.

16 MR. JUDY: In fact, George, did you want to say  
17 anything to that? He sees logic in using resource.

18 MR. O'DONNELL: The only thing I would add to it is  
19 what Chris said we met with the clammers here is that what has  
20 inspired this is that there hasn't been a white clam fishery  
21 for the better part of 20 years. Last year some people  
22 actually who catch white clams again, there is just a better  
23 set of them and this year it has increased again just like  
24 Brenda was talking about crabs. We had a couple of good --  
25 maybe another reflection that the ecosystem was doing better



1 we hope.

2           So the notion of looking at this that we approached  
3 by a few clammers, Mike Gardner first and then Moochie to look  
4 at these areas. And we made it pretty clear that we are not  
5 trying to open things in a major way. Look at couple of key  
6 areas to be considered and then we started to look at this  
7 process. So it is a very advantageous time considering that  
8 there is a resource available, not that we anticipate a lot  
9 more people going clamming but that other people could stay  
10 clamming and instead of going just for razor clams, bait  
11 claims, they can go to white clams and economics there and  
12 spread more people out through other fisheries taking some of  
13 the pressure off -- because clamming is a year round fishery.  
14 We don't have many of those.

15           So to spread people out so that they don't have the  
16 impact on taking away some of the impact on crabs, some of the  
17 impact on oysters and other things, it seems to be a very  
18 efficient time to look at that. So that is what inspired.

19           MR. RICE: Bill?

20           MR. GOLDSBOROUGH: So I don't want to open a  
21 hornet's nest and I am not advocating anything, I don't have a  
22 position on this, but I am wondering since we are talking  
23 about making an adjustment or activity to occur inside the  
24 natural oyster bar that is currently not allowed in there, if  
25 this doesn't open up, maybe set a precedent for somebody to

1 request maybe being able to do other activities inside the  
2 natural oyster bar that are not currently allowed. Such as  
3 leasing.

4 MR. JUDY: That is a good question. Actually one of  
5 the -- we just met three days ago to look at what the  
6 regulatory process might look like et cetera. And one thing  
7 that came up was could we go to that other slide, close up?  
8 Thanks

9 (Slide)

10 MR. JUDY: So I mentioned a survey is needed and we  
11 don't want to have clambers dig up an oyster bar, of course.  
12 So if we determine that this is not an oyster bar, it is in a  
13 PSFA. You can't lease in a PSFA unless it is declassified as  
14 a PSFA meaning it is not an oyster bar. SO the survey would  
15 basically say, hey this could be available for leasing. So in  
16 the effort to get it for clamming, it might be seen as an  
17 opportunity for a lease holder. Someone could apply for it  
18 after the survey confirms it is not an oyster bar.

19 So leasing could be an issue that unfolds into this  
20 as we go to get the area of the clambers.

21 MR. GILMER: The thing is, they could go there and  
22 apply for a lease right now. They already did. They have to  
23 apply for one on the clam bar.

24 MR. JUDY: You can propose a lease in the PSFA if it  
25 is not an oyster bar and it has to be surveyed and there is

1 criteria and et cetera. What I am saying is if the Department  
2 took official action and we did the survey and it wasn't an  
3 oyster bar, that would be public information and people might  
4 say, oh I think I will apply for a lease now. In the midst  
5 of the process of turning it into a clam area. So we are  
6 going to have these details later. This is just a brief  
7 discussion we had three days ago.

8 MR. WILKINS: Where would the county shell committee  
9 stand on this?

10 MR. JUDY: We don't know. We need to meet with  
11 them. Once this process is laid out.

12 MR. WILKINS: Well, I am just saying is what if the  
13 county shell committee said no right off the get go but the  
14 Department continued on with finding out if the shell is there  
15 or oysters there or whatever? Would they still have a say or  
16 would it continue on?

17 MR. JUDY: At this point, it is so early in the  
18 process, we would meet with them, we would talk and I would  
19 have to bring the question back to the Department. Don't  
20 know. We just met three days ago to look into this.

21 MR. GILMER: Maybe they didn't need to be first in  
22 the process.

23 MR. JUDY: We used to do this 15 years ago, we did a  
24 couple of these actually and that is the first thing we did,  
25 met with the county oyster committee. But that process is no

1 longer on the books. That we used to follow so that is why we  
2 have to create a --

3 MR. WILKINS: You remember?

4 MR. JUDY: Pardon?

5 MR. WILKINS: You remember?

6 MR. JUDY: Yes, I did a few of these. And there was  
7 a process and the county oyster committees were about the  
8 first step.

9 MR. RICE: Robert T.

10 MR. BROWN: If they are going to reclassify this  
11 bottom and it has been requested by the clambers to have this  
12 done, I think that they should have precedence over that  
13 bottom because clamming is a public thing if it is not an  
14 oyster bar and if the oyster committees and stuff don't go  
15 ahead it, you know. Since they requested this to be done, I  
16 don't think that somebody should be able to come in and lease  
17 it once the process is already started. To make this a public  
18 clam bottom, so it would still be public bottom, isn't that  
19 correct? Clam bottom is public bottom.

20 So if you are going to reclassify this for clam  
21 bottom, once you start that process, it should be off limits  
22 to everybody and either remain oyster bottom if it says oyster  
23 bottom or it could be turned over to clam bottom. I am not  
24 saying what way I am going to be on it but I mean, if the  
25 oyster men says that they want to plant shells on it or dredge

1 it to do something then I am with the oyster men. But if the  
2 clam is -- I am looking at this, it is sandy bottom, it is  
3 only 3 to 4 foot of water on top of it, it is probably sanded  
4 all over. They got to -- I would say they got a legitimate  
5 right to look at it anyhow.

6 And if this is going to be looked at this way since  
7 the clammers are asking for it to be looked at, it still  
8 remains perfect bottom to be reclassified and it would be  
9 reclassified as clam bottom. So I don't' think nobody should  
10 be allowed to lease it if this process goes since they have --  
11 the clammers have already requested this to be reclassified.

12 MR. RICE: Rachel, did you have your hand up?

13 MS. DEAN: I was just going to say that I understand  
14 Robert T. take that it should be in writing somewhere but I  
15 would hope that that would be the Department's policy and the  
16 aquaculture and maybe even the Army Corps, that if this bottom  
17 has a history of being declassified from the PSFA for clam  
18 bottom, that they would certainly take that into account and  
19 not lease it back out, but maybe that is wishful thinking.

20 MR. RICE: Thank you. Bill?

21 MR. GOLDSBOROUGH: I am just wondering and maybe  
22 this is just getting ahead of the game, come out with your  
23 detail information later, but about the criteria for  
24 declassifying it as oyster grounds, if it maybe a 100 years  
25 ago there was an oyster bar then but then it all silted over,

1 would it be 6 inches of silt or a foot, foot and a half or you  
2 know what I mean, because there is still a resource of shell  
3 there that could be recovered maybe to be used in some other  
4 way in the public oyster fishery or it may could even be  
5 rehabilitated, I don't know. But I am just wondering how you  
6 would handle that?

7 MR. JUDY: And I hear you, criteria to be  
8 determined. Again we just met three days ago to have -- say  
9 there is a regulatory and statutory process, we had a short  
10 discussion and we can address your concerns then.

11 MR. GILMER: And I think if you go back to whenever  
12 these lines were drawn 100 years ago or whenever it was, I  
13 mean, I oystered in Eastern Bay for 50 years and as far as an  
14 oyster on that sand point there, I have never seen one there.  
15 But I think when they drew the lines, it was on point to draw  
16 to instead of it being an oyster bar, it was just in the bar.

17 MR. WILKINS: So you have all sort of already taken  
18 this into consideration?

19 MR. GILMER: Yes, yes, I mean, we would not go down  
20 where there had been an existing oyster bar. That is not what  
21 we are looking for. This is just bare sand bottom as far as I  
22 know and it is real important --

23 MR. WILKINS: You got more experience than I do

24 MS. DEAN: I just wanted to clarify, there is  
25 criteria for declassifying.

1 MR. JUDY: In the case of a PSFA change for a lease  
2 applicant, we have criteria.

3 MS. DEAN: Yes.

4 MR. JUDY: But this is a different animal. We may  
5 adopt the same. We -- so that is why I say yet to be  
6 determined. That is specifically applies to a leasing  
7 situation for PSFA.

8 MR. RICE: All right, thank you, Chris.

9 MR. JUDY: Sure, thank you.

10 MR. RICE: George, you are next on our agenda  
11 please. On the terrapin.

12 MR. O'DONNELL: Thank you, Chairman, another point  
13 on that that certainly should be stated of the clam areas, the  
14 proposed areas that you looked at, all of the -- most if not  
15 all have been clammed before that hadn't been silted. And  
16 clams come and go and then sometimes classifications change  
17 and of the 250,000 acres of chartered natural oyster bar, you  
18 have about 36,000 that are productive in the bay, enough for  
19 there to be a harvest. 9,000 of those 36 are sanctuaries.  
20 So.

21 MR. JUDY: Important point of clarification, they  
22 were clams before but not when they were charted in that  
23 fashion. Before they were charted differently and no one --  
24 clambers were clamming on legal clam bottom at that time.  
25 Then the bar boundaries shifted. So just for clarity sake.

***Diamondback Terrapin***

***By George O'Donnell***

1  
2  
3 MR. O'DONNELL: Welcome to the new members, a lot  
4 of familiar faces here. I am George O'Donnell, the fisheries  
5 customer relations manager and I am here to update the  
6 commission on a action item that took place in the last tidal  
7 fish meeting in regard to terrapins. It was requested that  
8 the commission consider the fishery service undertaking the  
9 management of terrapins and developing an action plan to add  
10 additional conservation measures.

11 You may have seen the handout that hopefully you  
12 have had chance to look at that. I am not going to be near  
13 as detailed as it was but it sort of walks you through the  
14 evolution of conservation measures in regards to diamondback  
15 terrapins. I would enter into the record, if I may Mr.  
16 Chairman, it has been requested that the fishery service  
17 oversee the management of diamondback terrapins.  
18 Traditionally the fish service manages species that are  
19 commercially harvested.

20 Since 2007 terrapins have been under a harvest  
21 moratorium for the Maryland General Assembly. When the  
22 moratorium was enacted, terrapins were assigned to the DNR  
23 Wild Life Inherited Service for their oversight where it  
24 remains. In Maryland, terrapins have never been listed as a  
25 danger or threatened. Its conservation status ranking is



1 defined as apparently secured at a fairly low risk of  
2 extinction and what that term represents.

3           Apparently the request for fish service to manage  
4 terrapins has thought to lead to additional conservation  
5 measure/studies to further protect the species. Bycatch by  
6 recreational crab pots and other commercial gear along with  
7 shoreline habitat issues are among the cited concerns. Passed  
8 bycatch studies have not proven to conclude that a major  
9 problem exist per the popular harbor study in 2011. And more  
10 recent headcount surveys have indicated a recovering  
11 population of terrapins in a number of locations throughout  
12 the ecosystem.

13           The ultimate conservation measure is a harvest  
14 moratorium that continues to protect this recovering species.  
15 It seemed to be unclear what the purpose would be to change  
16 the management of terrapins from the Wild Life Heritage  
17 Services to the fishery service when there are no request for  
18 harvest consideration. We are not aware of any request from  
19 the Wild Life Heritage or the Maryland Diamondback Terrapin  
20 working group to change the management of terrapins. Given  
21 the competing number of projects before the different agencies  
22 of DNR to embark upon additional studies for a species under a  
23 moratorium, would seem to be unwarranted at this time.

24           MR. RICE: That would conclude your report?

25           MR. O'DONNELL: Yes.

1 MR. RICE: Thank you. Any discussion? Anybody have  
2 anything?(Not near the microphone) Not seeing any, all right.  
3 Next we have public comment. Yes, ma'am?

4 ***Public Comment***

5 MS. WHILDEN: My name is Margaret Whilden and I am  
6 the one who brought the --

7 MR. : Can you speak up a little bit  
8 please.

9 MS. WHILDEN: I am the one who brought this issue to  
10 the tidal fish committee and because of the lateness of the  
11 day and the fact that I have not had an opportunity to look at  
12 what George just delivered, I relinquish my time but I would  
13 like to reserve the option to come back and maybe have a  
14 little bit time because there is some issues that I think  
15 weren't covered in that report. So.

16 MR. RICE: All right, thank you. Anybody else --  
17 yes, Mr. Powell(sic).

18 MR. : My name is Bobby Powell(sic),  
19 Dorchester County Watermen, --- trot lining (Whereupon,  
20 another conversation is being held during his question) and I  
21 would like to comment on the aquaculture column leases. We  
22 just don't need them in the --- River. I trot line, you are  
23 not going to trot line to the column leases. The average trot  
24 line is 2,000 to 3,000 feet and you run it out and run -- you  
25 run it across the tide and the tide squeaks it and then you

1 got both sides ---. These cages on the bottom, there is no  
2 way you can trot line. Say the Harbor(sic) River is this  
3 room, you take these chairs and you put 25 to 30 chairs and  
4 have somebody scatter them all over the room wherever they  
5 want like column lease and then you are going to run a trot  
6 line through there, there is no way. I am just against the  
7 column leases being in these rivers. The rivers belong to  
8 everybody whether it be recreational, commercial or whatever.  
9 But we can't trot line in these rivers. Column leases, they  
10 are really all gone, so where is it going to end? Once the  
11 whole river is taken up, what are the trot liners going to go?

12 MR. RICE: Thank you for your comment, we appreciate  
13 it. Is there any opportunity -- oh Richard.

14 MR. MANLEY: This is something different and  
15 hopefully this is short and sweet, too. Melissa(sic) is still  
16 working on --- and I have guys that is going to ask me about  
17 it?

18 MR. BLAZER: Okay I don't think there was any change  
19 on the laws of the regulations or enforcement guide left  
20 because I don't think anything has changed.

21 MR. MANLEY: Well the one boy that got the ticket  
22 last winter, I think he is on a cruise today and I was going  
23 to find out from him what went on, his name was in the paper  
24 last week, it was nol processed and the boy that works with  
25 him said that they told him that the Attorney General said you

1 are not going to bring that -- there is no way that they can  
2 try to argue that. You know, you buy illegal net and you  
3 stretch it, he goes by to inspect it and the DNR gives you --  
4 I mean my brother has got net. And we had a cop the same day  
5 that got him and we had a few measured 7 and one eighth and  
6 the other one is 7 inches. It is a 7 inch net. But we can't  
7 control to what happens to it. If you use it like when I  
8 bought a pair of underwear, if I wear for a year they stretch  
9 out.

10 MR. BLAZER: I am following that -- let me get back  
11 to because I know there were no changes in the regulations or  
12 legislations associated with that. I think there was a letter  
13 sent I don't know but let me look it up and we will get the  
14 information back out to you. I don't know specifically what  
15 it was right now.

16 MR. MANLEY: But my brother in law, he is talking  
17 about cutting that out, just bring 6 and a half inches because  
18 you can't take chances, if you get one cop that pulls it  
19 harder than another one and it gets over 7, you got a ticket.

20 MR. BLAZER: Understood.

21 MR. MANLEY: For something that is totally legal.

22 MR. : Maybe we need to talk about if we  
23 are going to teach them some type of tolerance because as far  
24 as I know and I bought a lot of net in my life, I don't think  
25 there is such a thing as 7 and eighth inch net unless you

1 order it special or something like that.

2 MR. MANLEY: But when you shoot a big fish through  
3 it and the boy said this morning he talked to one of the  
4 marine police and said they put it in the freezer and it  
5 shrunk and they brought it back out and squirted water on it  
6 and didn't do nothing with hit and it expanded. I mean, you  
7 understand what I am saying.

8 MR. BLAZER: And I remember there was a letter from  
9 Secretary Belton, but I have to go back and look because I  
10 think it was an enforcement thing that NRP had to deal with,  
11 but we will get that information back to you. I will look it  
12 up and we will get back to you briefly.

13 MR. RICE: Thanks everybody. It has been a long  
14 meeting but a good meeting. I appreciate all of the new  
15 members and we stand adjourned.

16 (Whereupon, the meeting adjourned at 5:45 p.m.)  
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