

Maryland DNR
Summer Meeting of the Tidal Fisheries
Advisory Commission

Thursday,
July 21, 2016

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Summer Meeting of the Tidal Fisheries Advisory Commission

July 21, 2016

TFAC Members Present:

Billy Rice, Chair

J.D. Blackwell

Robert T. Brown

Buddy Carson III

Rachel Dean

Robert Gilmer

Bill Goldsborough

Ken Jeffries Jr.

Steve Lay

Brian Nesspor (*proxy for C. Richard Manley*)

Gail Sindorf

Aubrey Vincent

TFAC Members Absent:

Russell Dize

C. Richard Manley

John Martin

Bill Scerbo

Troy Wilkins

Maryland DNR Fisheries Service

David Blazer

Paul Genovese

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KEYNOTE: "----" denotes inaudible in the transcript.

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

(3:07 p.m.)

Welcome and Announcements

by Dave Blazer, Director, MD DNR Fisheries Service, and Billy Rice, TFAC Chairman

MR. RICE: All right, at this time I would like to call the meeting to order and welcome everybody here. This will probably be the most rest I have gotten in two months so if I fall asleep, I am going to depend on Moochie to give me a jog and wake me up.

MR. GILMER: I won't let you fall asleep.

MR. RICE: At this time, I would like to call on Dave Blazer and ask him does he have any announcements.

MR. BLAZER: Yes, I have got a couple of announcements. Thank you, Mr. Chairman. Just a couple things that I want to touch base on.

The plans are to release the five-year oyster report by the end of this month. We are on schedule to do that. We will send this committee and the Oyster Advisory Committee and some of our other committees a link to that report. It is a little bit long so you should be getting an e-mail with some of that information either later this month or sometime relatively soon. We have only got, what, 10 days?

MR. GILMER: 10 days.

MR. BLAZER: And we are going to use every bit of that time. If you have heard me before, I keep saying we are

1 going to put it out on July 32, so hopefully we will use that
2 extra day.

3 With that, the Oyster Advisory Committee has
4 reconvened and been kind of restructured a little bit. They
5 met for the first time a week and a half ago. They are going
6 to meet again on Monday night. Secretary Belton has tasked
7 that group with three immediate tasks to focus on. One is
8 reactivation of the Tred Avon project, the eight acres that
9 were put on hold last December.

10 The second task is to develop recommendations on the
11 fourth and fifth sanctuary that is part of the Chesapeake Bay
12 agreement. And then the third task is to look at the
13 sanctuaries and public fishing areas to determine if those are
14 being efficient and meeting the goals and objectives that were
15 kind of laid out.

16 The five-year report will provide a lot of the data
17 that will help that discussion, so that discussion will be in
18 a few months I would think. Right now the task that the
19 Oyster Advisory Committee is focused on is the Tred Avon
20 request or task that the secretary has asked about.

21 So there is a lot of work with those three tasks so
22 the Oyster Advisory Committee will be, you know, tackling
23 those issues as we go through, and we will keep you up to date
24 and informed how that progresses over time.

25 With that also I think we put out a -- sent you all

1 an e-mail. The Army Corps of Engineers is going to have a
2 public hearing, a public meeting on August 9 about phase 2 of
3 the Tred Avon project, which is a lot of the shallow water
4 work.

5 They needed to go forward with their public process,
6 and we encourage people to go and provide their comments so
7 that they can keep on track with their budget and fiscal and
8 contract obligations that kind of go through.

9 They are hoping to do the work in December but again
10 they want to have the public meeting, have the public comment,
11 at that point so that they can still meet those timelines and
12 be ready to do things.

13 MR. GILMER: Do you have a place where that, Dave,
14 where that is going to be held?

15 MR. BLAZER: It is in Easton somewhere. So I
16 encourage you to attend and provide your comments on that.

17 I also want to comment. You have probably heard
18 that fisheries is undergoing a reorganization in our unit.
19 This is part of a bigger effort within fisheries, within the
20 department and all state agencies. If you recall, several
21 weeks ago the governor appointed former Senator Bobby Neall to
22 look at state government and look at reorganization and better
23 efficiencies and so forth.

24 The department has kind of jumped out in front of
25 that and took a look at department-wide fisheries, and the

1 aquatic side of the Department of Natural Resources was really
2 phase one. So fisheries, boating, RAS, Chesapeake services
3 and a couple other units have kind of shuffled over time. And
4 then we have phase two within the department, the land
5 side -- parks and forestry and some of the other units that
6 deal with the land side of the natural resources is going to
7 be reorganized.

8 And then the third phase for the department will be
9 like our fiscal services, administrative services, as part of
10 this reorganization. There are no PIN reductions. There is
11 no cutting of staff. We are really just kind of reshuffling
12 to look at better efficiencies, better funding opportunities.
13 Just better organization within the department and
14 particularly fisheries.

15 I don't have any details that I can share with you
16 yet because it won't become official probably until the end of
17 August. But in October or some other time we will have a more
18 formal announcement and provide details to you at that point.

19 And then the last item that I just wanted to mention
20 is really just kind of food for thought for you all, and I
21 have talked to Chairman Rice about this. We talked about it
22 at sport fish the other day. You know, having quarterly
23 meetings, I know, has worked pretty well for us, and the
24 timing of these meetings right before ASMFC provides us a good
25 opportunity to be prepared for that.

1 But over the summer we kind of found that it was a
2 little bit difficult to talk about modifications in the blue
3 crab fishery because we had our meeting in April. The winter
4 dredge survey came out in May. We talked about modifications
5 in June and then implemented those in July.

6 And tidal fish, even though we sent you e-mails and
7 some of the information, we really didn't have an opportunity
8 to, you know, have a face-to-face and deliberate through that.
9 So we have talked about the possibility of adding a meeting,
10 two meetings, restructuring the quarterly meetings -- although
11 I kind of like them right before ASMFC.

12 But I want you to think about that. It is not on
13 the agenda to talk about because I think we have a little bit
14 of time but from the department's perspective, and this was
15 really relevant to sport fish. The agenda the other day for
16 sport fish, and like many of ours, gets packed when you don't
17 meet for three months.

18 So, you know, we were kind of rushing through things
19 and, you know, we want to make sure that we have got time to
20 talk through a lot of these different issues. So -- and be
21 able to address them in a timely manner. And so I just want
22 to propose to you to think about if we go to six meetings a
23 year, how would that look?

24 I know what we have been doing has been pretty
25 successful for you all but I feel like sometimes, like

1 especially with blue crabs, you know, we don't have that
2 opportunity to get together in a timely fashion and have those
3 discussions. So think about that.

4 We will try to talk about that at the next meeting.
5 I don't think there is anything we have to really do
6 immediately on this but it is just some thinking that we have
7 had here at DNR, and I just wanted to throw that out to
8 everybody as a -- and if you have got any comments, give me a
9 call or talk to members of the staff and we will see how that
10 goes as we go forward. Mr. Chairman, that is it for my
11 announcements. Sorry I had so much.

12 MR. RICE: No, that is how we get informed. Are you
13 looking at George?

14 MR. BLAZER: No, Rachel.

15 MS. DEAN: The sport fish liaison, if you would. Is
16 that on the agenda?

17 MR. BLAZER: That is on the agenda. It is not next.
18 It is the next one.

19 MR. RICE: It is coming up. Following up on what
20 you had to say about our meeting coinciding with, you know,
21 dealing with crab regulations, I don't think there is probably
22 anything any more important to the harvesters of the
23 Chesapeake Bay pretty much other than blue crabs.

24 So as chairman I suggest that we do look forward to
25 next year and try to schedule a meeting -- not try. Have a

1 meeting scheduled where we can sit down and give our input
2 into what is happening -- good, bad or indifferent. And a
3 meeting that only involves, let's say, one or two agenda items
4 doesn't have to be a long meeting. It takes us longer to get
5 here sometimes than it does to have the meeting.

6 And looking at Robert T. sitting there made me think
7 about this. While we are on the subject of meetings, we have
8 had a couple of committee meetings here lately. And we had
9 one a couple weeks ago on gear types or gear restrictions.

10 Anyway it struck right before the Fourth of July.
11 Everybody was super, super busy but Jacob ran the meeting.
12 Anyway, Jacob and Sarah did a great job. We all called in.
13 We had a conference call meeting. We stayed on the phone
14 probably what, Robert. T., about an hour or so? Maybe it
15 wasn't that long.

16 MR. BROWN: I don't think it was quite that long.

17 MR. RICE: Maybe it wasn't that long. But anyway I
18 thought that worked fantastic because it takes a lot of us,
19 and Buddy Carson can relate to this, two to three hours to get
20 here. So if you drive a couple hours and you have an hour
21 meeting, you are still tying up five hours of your day.

22 But the call in, I don't know how Robert T. felt
23 about it but I felt that we had a productive meeting, that
24 everything went very well and I think this is the way to go as
25 much as possible in the future for these committee meetings

1 that we have.

2 MR. BROWN: Yes, it worked out very well. Some of
3 the stuff we weren't very involved in, you know, but we had
4 mainly one of the catfish lines and we were able to get what
5 we needed to have done. And very quickly, because when you
6 only have four or five on a board, and luckily we knew right
7 smart about the industry, that aspect of it, and we were able
8 to get most of the things ironed out.

9 MR. BLAZER: Thank you all. Good advice. Thank
10 you.

11 MR. RICE: All right. Next we have Lt. Art
12 Windemuth with your NRP report, please.

13 ***NRP Activity Report***

14 ***by Lt. Art Windemuth, MD DNR NRP***

15 LT. WINDEMUTH: The report was distributed. You
16 will see that it is very short report. There should be a note
17 in there, the reason for that is we have had vacancies in our
18 records department so that report is only about a month long.

19 We are in the process of filling those. I can say
20 we are moving toward e-tickets, which is similar to what the
21 state police do with their tickets. And what that does is
22 once an officer enters that stuff into the computer, at the
23 point of the violator, it is available.

24 So hopefully by the end of the year, we will have
25 that up and running. And so for future meetings after that

1 timeframe, we should have a collection of data that will be up
2 to the minute, and we will be able to hopefully break down the
3 violations by area and actually species type is what we are
4 hoping. Whether we come through with that -- I mean, it is
5 still a work in progress. Any questions about the existing
6 report?

7 (No response)

8 MR. RICE: Thank you very much, Lt. Art. Now, the
9 next item, Dave Blazer, could you lead us into the TFAC
10 commissioner designee to sit on SFAC?

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

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

13 MR. BLAZER: Every two years, you know, we elect a
14 chair and a vice chair, and we did that at the last meeting.
15 But we also should take the opportunity to get agreement from
16 the commission members of who the liaison is going to be
17 between SFAC and TFAC.

18 Rachel has been doing it recently as TFAC's
19 representative on sport fish. And Bill Goldsborough is sport
20 fish's representative on tidal fish. We just wanted to bring
21 it up as part of the agenda to give you all the opportunity to
22 either reappoint Rachel or if somebody is interested in doing
23 that.

24 You know, Rachel has done a great job representing
25 you all at SFAC so I just wanted to bring that up and put that

1 forward to the commission as to what your interest would be
2 moving forward for the next two years.

3 MR. RICE: I think the way to dispose of that, I
4 would ask the commission if somebody would like to make a
5 motion to endorse and represent. Gail?

6 **MOTION**

7 MS. SINDORF: I would nominate Rachel to do it
8 again.

9 MS. VINCENT: I would second that.

10 MR. RICE: All right. A motion has been made and
11 seconded. Anybody have any discussion on the motion? Steve?

12 MR. LAY: Well, would you be willing to do it again?

13 (Laughter)

14 MS. DEAN: You saw how I wanted to get rid of it
15 earlier, right? Yes, I think it is important and I appreciate
16 Bill being here and I can see that the dialogue happens
17 because one of us is over there and it makes things a little
18 bit more even in the sharing of information. So, yes.

19 MR. RICE: Well, we do appreciate it. We know that
20 you stay in contact with a lot of people. You are very
21 knowledgeable as to what is going on in both aspects. So I
22 would like to have a vote on the motion. All those in favor,
23 say aye.

24 (Chorus of "ayes")

25 MR. RICE: All those opposed?

1 (No response)

2 MR. RICE: It is unanimous. One abstention. Do you
3 abstain or vote against?

4 MR. JEFFRIES: I abstain.

5 MR. RICE: Okay, one abstention. Okay, thank you.
6 The motion passes. Next on the agenda, Sarah, can you bring
7 us up to date on this next issue with the late license
8 renewal, please?

9 ***Commercial License Late Renewal Request***

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

11 MS. WIDMAN: Sure. I am just going to have one of
12 the licensees on the phone. Let me put him on speaker. Are
13 you still there Mr. Sanford?

14 MR. SANFORD IV: Yes, I am here.

15 MS. WIDMAN: I am just going to put you on speaker
16 for the commission for a minute while I fill them in.

17 So we have two licensees or former licensees who are
18 here to present some information to you, some concerns they
19 have about licenses that they weren't able to renew two
20 seasons ago now.

21 You have a memo from us that kind of goes through,
22 based on the discussion you have with them tonight, what
23 legally we would be able to do that, the kind of options that
24 you would legally be able to recommend to us based on your
25 decision for advising us after you hear their story.

1 If you guys have any questions on the memo, I would
2 be happy to answer them but essentially you can kind of do one
3 of two things. You can listen to the specifics of this --
4 these two licensees and determine, for their specific
5 situation, which one you would want to advise us to do, if any
6 of them.

7 Or you can also -- kind of the bigger picture of
8 wait. People who have exceeded the license wait --- since
9 renewal time period, how you would like us to be handling
10 those in the future. So I will introduce the Sanford senior
11 and junior. Do you go by III and IV? I don't know which is
12 easier.

13 MS. SANFORD: The III is on the phone.

14 MS. WIDMAN: You can come up and have a seat and
15 talk to the commission.

16 MS. SANFORD: My son is in Canada. That is who is
17 on the phone. He is usually the person who handles the
18 license and fees. My husband thought he received these two
19 licenses in the mail. Anyway, I can just go from these notes
20 that I have. I am sorry, folks.

21 Anyway, good afternoon. I thank everybody for
22 letting me speak today. I am here on behalf of my son who has
23 been working out of the country for the past -- let me see.
24 He has been out of the country since July 12 of 2013, and
25 continues to work out of the country even today.

1 In July 2015 when T. came home, which is T. on the
2 phone, this is the IV and this is the III. Okay, my husband
3 paid for the licenses. My husband, both him and my son came
4 down here. I am sorry, I am getting so confused. Okay, my
5 husband and my son came down here for two things. They came
6 down for one, for my father-in-law, who had passed way. My
7 husband was the executor of his estate. He had to come down
8 and check into some boats that he had in his name.

9 At that time, my son came down to pay for his
10 license for the following year because he was going to be
11 leaving for Switzerland. Okay, he spoke with an Amanda
12 Wilson, who was very nice and helped him out and said that
13 they were not current holders of a license.

14 My son and my husband have had these licenses since
15 before '06. He has always paid. They have always come in the
16 envelopes like these. So my husband and my son left here that
17 day, came home, my son went up to his room. My husband got
18 these in the mail but never opened these up, as you can see.
19 They were just like this on my son's dresser. And this is
20 what my son found in his room.

21 He found a check never cashed. He found a letter
22 stating you need to purchase a harvest registration. Okay, on
23 the paper it never checked anything about harvest
24 registration, which they have paid in years. But again my son
25 handled everything.

1 My husband, I can call some things right now because
2 it was a big mistake honestly. My son bought these outright.
3 Both these licenses, they bought them. And to be told that
4 you have lost your licenses because of this, when my husband
5 never realized -- my husband was handling his banking. My son
6 does banking from there. He can look at his account. He
7 thought everything went through, everything was fine.

8 So I am just asking today honestly -- if you only
9 knew what this year has been. I mean, I am not asking for
10 sympathy. He came home in July. I was actually just
11 diagnosed when he came home with ovarian cancer, clear cell
12 carcinoma.

13 I went through my chemo. Again, no sympathy needed.
14 I am going to be fine. It is just that everything hit them,
15 and he lost both of his licenses, his livelihood. He is
16 paying on a boat right now that he has no crabbing license
17 for.

18 He has got all his crab traps and he has got a
19 building. I can show you the pictures of the building that is
20 being built. And he has no license. So I am asking -- my
21 husband is willing to give up his license. All I am asking
22 for is a 900-pot TF whatever they call it for my son, who, you
23 know -- I mean that is his livelihood.

24 He is hands-on. He is working out of the country to
25 make extra money to get this boat paid off and to make his

1 business, and he has been crabbing for a long time. He has
2 been crabbing with crabbers for so long. And he bought these
3 outright.

4 He paid over \$20,000 for these licenses. And to
5 take them away for this amount of money, I just can't believe
6 it. And you can look at the letters and you can see that
7 everything was paid --

8 MR. : Can I see those?

9 MS. SANFORD: Oh, sure, you can pass it -- yes,
10 please, yes. I am sorry. I am just not with myself here. I
11 am not going to lie. This is my son and I am going to try to
12 do everything I can. I am going to tell you I was under chemo
13 at Tate Center. I was sending letters to everybody. I was so
14 embarrassed after I look at them. Now, I can show them to
15 you.

16 I spoke with Sharon Couric. I spoke with Amanda
17 Wilson, I spoke to Mark Bennett. I spoke to this one. I
18 called, God forbid, I called the governor's office during the
19 time that he was going through it. You know, and it is like,
20 here is another one.

21 MR. SANFORD III: My name is Ted Sanford. I would
22 like to speak too. I was under the impression that if you
23 weren't harvesting, you wouldn't have to send in the renewal
24 for the harvest. So all the gear was up, everything was put
25 away. I just was going on all he had to do was renew the

1 license. And that is how all this got started.

2 MS. SANFORD: Can I say something, please? My thing
3 of it is, is here, if you guys don't agree with this today, I
4 honestly cannot believe that we received a letter like this.
5 We were never, ever sent another letter after that telling us
6 our license was in jeopardy. We never got a phone call, we
7 never got a license.

8 And I can tell you, people, when they get eviction,
9 when squatters move into a vacant home, they get eviction
10 notices. They get more than one. They get registered letters.
11 We got nothing for these. This is how this came, and they
12 come in the envelopes. And every year, he would -- that is
13 what he said. He said, he just put them up in T.'s room.

14 So that is where they sat. If you look at the date,
15 the date on here, they came back August 22 of 2014. My son
16 didn't come home until the next -- so I don't, I just can't
17 see him losing this much money like that.

18 That was his world. My son is a hands-on worker.
19 He is a hard worker, and half of you have probably seen him
20 out there. He has a boat called Foul Play. And it has been
21 on dry dock. It has been on land.

22 But this is the partial building that he was getting
23 done. And this is him and his boat.

24 ***Questions and Answers***

25 MS. VINCENT: Did he have two 900s or --

1 MS. SANFORD: He had one -- what was it, Teddy? It
2 was 900 altogether?

3 MR. SANFORD III: He had a 3 and a 6.

4 MS. SANFORD: 3 and a 6.

5 MS. SINDORF: You said your husband has a license as
6 well?

7 MS. SANFORD: That is what -- they were together.

8 MR. JEFFRIES: I do know that boat. And right in
9 Stoney Creek, he does crabbing a lot. I can tell you. I see
10 it all the time.

11 MS. SANFORD: He hasn't been -- I got to fight for
12 my boy. I know he is not a little kid but he is Canada and he
13 is about to leave for Tokyo, Japan, because he has got to pay
14 this boat off. So he was going to make quick money. And his
15 father screwed up, I will say that.

16 Believe you me, that day they came home, I could
17 have killed him when I found out he didn't open the envelopes.
18 But to not have a registered letter or something come in and
19 say something. And he is at work right now in Canada and I am
20 sure he is going to get in trouble. Are you there, T.?

21 MR. SANFORD IV: Yes, I am here.

22 MS. SANFORD: If anybody wants to see the letter I
23 wrote that I was supposed to read, you can look at it.

24 MR. BLACKWELL: You are saying you got the letters
25 in the mail.

1 MS. SANFORD: My husband paid them --

2 MR. BLACKWELL: Mailed them in.

3 MS. SANFORD: He mailed --

4 MR. BLACKWELL: They didn't come to an actual
5 office.

6 MS. SANFORD: No, he mailed -- I can show you the
7 envelopes.

8 MR. SANFORD III: My father passed away that
9 October, so I was all tied up in trying take care of his stuff
10 and get all that stuff straightened out. No sooner right
11 after that happened, she was diagnosed with cancer. So now I
12 have got that going on, my father's stuff going on.

13 These licenses came in, all I did was just thought
14 it was the license. I just threw them on the boy's dresser
15 and left them there until the following year. He comes home
16 and we come down here to renew them and we find out, the lady
17 tells us you no longer have a license. And it was like, wow.

18 And it has been from then to now before we could
19 finally come up here in front of you guys and tell you what
20 has happened.

21 MS. SANFORD: I tried to get here sooner. I just
22 finished having my third surgery.

23 MR. BLACKWELL: First of all, I am sorry to hear
24 about your father and your medical issues.

25 MS. SANFORD: Thank you.

1 MR. BLACKWELL: The word oncology is never good to
2 learn. That issue aside, so the payments were made by mail.
3 And then you thought that because you paid some of it, your
4 license would be renewed --

5 MS. SANFORD: No, they were mailed back. He thought
6 he got his license back. That is what -- they were paid.

7 MR. BLACKWELL: They were paid by mail?

8 MS. SANFORD: They were paid by mail.

9 MR. BLACKWELL: Not in a field office.

10 MS. SANFORD: Not in a field office.

11 MR. BLACKWELL: So you paid what you thought you
12 needed to pay to keep your license.

13 MR. SANFORD III: Right, because we weren't
14 harvesting. I didn't think I had to spend -- you know, buy
15 the harvest.

16 MR. BLACKWELL: Then your license was canceled
17 because they didn't take the payment.

18 MR. SANFORD III: Exactly. And I never opened them
19 up.

20 MR. BLACKWELL: And a year later when you go to
21 renew a second time, you find out that you had lost it a year
22 previously.

23 MS. SANFORD: Yes.

24 MR. SANFORD III: Exactly, yes.

25 MR. BLACKWELL: And at this point, now you are at

1 the bottom of the list to start over.

2 MS. SANFORD: The bad thing is that he actually came
3 back up on the list and let it go because he had his two
4 licenses. And it took so many years for him to finally come
5 up on that list, that when he came down, he would have grabbed
6 that list then but he didn't because he knew he had two
7 licenses.

8 T., can I ask you a question? Who was the lady you
9 spoke with when you told her you were going out of the
10 country?

11 MR. SANFORD IV: Brenda Davis helped me to record it
12 on my license.

13 MS. SANFORD: A Ms. Brenda Davis helped him do
14 something on his license and she was helpful.

15 MR. SANFORD IV: She told me everything was taken
16 care of --- .

17 MS. SANFORD: Okay, okay.

18 MS. WIDMAN: I just want to make sure that you guys
19 understand that there are two licenses involved. Both son and
20 the father both had their own. And they had CB-3 and 6 on
21 them. or 6 and 9 I believe, actually. One had a 6 and one
22 had a 9.

23 MR. BROWN: I don't know if you have had a chance to
24 see the check or not. When it gets around to you, the checks
25 were made out and sent in, in plenty of time before the

1 license renewal date was up.

2 And just like J.D. asked them, it wasn't taken to a
3 regional center where they could just say, hey, look, you
4 know, you paid this. And they did show a sign of good faith
5 into trying to renew their license.

6 MS. VINCENT: I know a lot of our people mail them
7 in. I mean, it is pretty common. It is a common --

8 MR. BROWN: Yes, but they missed doing the harvest.
9 That is all they did.

10 MS. VINCENT: Yes, but I mean mailing them is pretty
11 common.

12 MS. WIDMAN: And there is a letter that goes
13 out -- just another point of clarification. There is a letter
14 that licensing tries to send out in February for people who
15 haven't renewed yet. In this case, perhaps, that letter was
16 lost but we do send a mailing, and we did have them on the
17 list that a letter went out. Whether or not -- it may have
18 not been received.

19 MS. SANFORD: Never. I honestly I think -- and I
20 didn't mean to interrupt but something registered or something
21 to let you know -- like a registered signature to say you are
22 about to lose a license or something.

23 MS. SINDORF: So Sarah, you are saying that is
24 typical. You do send something out saying --

25 MS. WIDMAN: Right. It is not certified. It goes

1 regular mail. Licensing did send something out. To everyone,
2 they send them in February.

3 MR. SANFORD III: A least where you can get them.
4 She has to come up in front of these guys and tell them, you
5 know, hey, you are going to lose your license.

6 MS. SANFORD: But he tried to pay. And he did pay.
7 He paid everything. And that is what everybody -- everybody
8 who has looked at this, they are like, well, why didn't they
9 just write you a letter for the fee for the harvesting? That
10 wasn't the problem. He would have paid that, no problem at
11 all.

12 MR. RICE: Well, do we have any more discussion
13 among the commissioners on what we would like to recommend?

14 MR. JEFFRIES: So are you asking for one license,
15 both of them?

16 MR. SANFORD III: A 900 pot would be fine.

17 MS. SANFORD: Because I have got 1,000 trap pots in
18 my yard right now because of the storage, that we had to take
19 out.

20 MS. WIDMAN: They were like unlimited tidal fish
21 licenses with the 6 and the 9 attached, one to each.

22 MR. JEFFRIES: If there is no discussion -- I mean,
23 they tried to pay the bill. I don't see why -- my
24 recommendation, I would ask them to give them the license they
25 paid for at the get-go.

1 To be honest with you, that seafood harvester's
2 license has never really been explained to everybody too well.
3 I mean, I know all of us know what it is but --

4 MS. SINDORF: I guess my first question is are we
5 being requested to discuss what four options you would like us
6 to take or are we being asked to discuss this issue? I don't
7 really know what the recommendation should be.

8 MS. WIDMAN: You guys can make a recommendation
9 specific to the licensees who are here today as to which of
10 the four options, if any, that you would like us proceed on.

11 And then in general, you know, I don't know if you
12 want future situations like this to come before you. If you
13 want to stick with every situation similar to this. We assess
14 and move in a certain direction. That would be kind of a
15 secondary sidebar.

16 MR. LAY: I don't think it would be fair to issue a
17 900-pot license because neither license previously was a 900
18 pot. There was a 600 pot that was the maximum, and it
19 wouldn't be fair to people on the waiting list for a 900-pot
20 license to issue one. If we are going to issue something, it
21 would be the same as what they had. That was two different
22 licenses. One was 300 and one was 600. But neither was a
23 900-pot allocation.

24 MR. RICE: Moochie, you had your hand up a little
25 while back.

1 MR. GILMER: And Sarah sort of went to the subject I
2 was talking about. You know, we have got like two or three
3 different things here to answer as far as I am concerned. One
4 of them is, you know, do we -- does this group want to or have
5 the power to, you know, make these decisions and do we want
6 these cases to come before us?

7 And then it is the issue of these licenses. So I
8 think we are talking about two different things here. But
9 that makes sense.

10 MS. SINDORF: I guess I also have the question, how
11 often does this happen? How often do you get people calling
12 you saying, I didn't get a letter or I don't know how I missed
13 this. I mean, is this a common thing?

14 MS. WIDMAN: It is common in that, you know,
15 probably one or two every year will come in after the 31st,
16 after the late renewal period is over. We did have one. The
17 most recent was I think two years ago. We didn't have any
18 other this year. And that was a striped bass related one.
19 And the department decided at that point not to move forward
20 with issuing anything on that one. But that was again a year
21 or two ago.

22 MS. SINDORF: It appears that if we make a decision
23 on this, we are almost choosing four, option four here. I
24 mean, am I wrong? So I am saying, what Moochie basically
25 said. We have the two -- we have got to determine --

1 MR. JEFFRIES: Is there anything coming up on the
2 list? The wait list?

3 MS. WIDMAN: The wait list? If we put them at the
4 bottom of the wait list for what they wanted, it would
5 probably be a number of years before they would get what they
6 want.

7 MS. DEAN: The commission -- it would be prudent to
8 first decide which option we are going to use as our policy
9 and then handle -- only if we choose option four would we then
10 be discussing the current issue. Would that make sense?

11 MS. SINDORF: I would have to agree with you. If
12 we choose one, we shouldn't be discussing it. Does everybody
13 see that?

14 MR. BROWN: On these options, I believe that if a
15 person has lost their license for some reason and they want an
16 alternative to go to instead of somebody in the office just
17 saying no, that I think they should have the option to come to
18 us.

19 I don't like sitting and having to go through this
20 but sometimes there are legitimate things that happen where a
21 person shouldn't really lose their license. I think they
22 should be able to have the opportunity to come before either
23 us or another board or something so they can, you know,
24 present their case.

25 MS. SINDORF: It shouldn't be us.

1 MR. BROWN: It has got to be somebody.

2 MS. WIDMAN: So part of the reason that we had you
3 guys listed is that in order -- if we change the target in
4 order to add a license, an additional license, in the target
5 numbers we have, the statute requires that we get advice from
6 you on that, we consult with you.

7 So we would at least have to come back and consult
8 and say, a situation occurred and we are going to add a
9 license or two licenses to that target before we could legally
10 do that.

11 MS. VINCENT: Their license has already been
12 redistributed?

13 MS. WIDMAN: Yes. So typically after the 31st,
14 there is a little bit of a lag in time as we assess who didn't
15 renew. And then those are reissued to people off the wait
16 list.

17 MS. SANFORD: And he happened to come up on that
18 list at that time prior to knowing that he lost his license,
19 and he let it go. So he let that go because he bought two.

20 MR. BROWN: I think we should have another option on
21 this or we should do something -- I don't know exactly the
22 right way to do it. But if a person is going to lose their
23 license because they didn't pay for it or they didn't renew
24 it, that they should be sent some type of at least a certified
25 letter or something so that they are being notified.

1 Once you notify them that, by certification, that
2 they are going to lose their license, that gives them ample
3 time to do it and that would resolve a lot of those problems.
4 That doesn't resolve this one but that would resolve problems
5 in the future.

6 So I think a policy, something similar to that. I
7 don't exactly know the correct way to word it.

8 MS. WIDMAN: I would have to go back and check with
9 licensing on the cost factor of that only because a lot of the
10 crabbers, for instance, will just wait until the March time
11 period to renew. So we do get a lot of late renewals in that
12 time period before -- the letter goes out in February to try
13 to remind you.

14 But a lot of people wait until March because they
15 are not going out until March and then they wait until they
16 get the tax refund and then they pay the license and get it
17 for crabbing season.

18 MR. BROWN: Would it be possible, when we have our
19 licenses written out, to have a line in there that if you
20 don't renew it by March the 15th, maybe then we would send a
21 letter out and you would have 10 days after that or 15 days
22 after that to answer. If you didn't, you are done.

23 MS. SINDORF: And they can pay for the certified
24 letter too. That could be part of the fee that has to be sent
25 in.

1 MR. BROWN: Any extra fees that we have sending it,
2 that would be part of them getting it.

3 MS. WIDMAN: If we are going to talk fees, we are
4 talking about legislation.

5 MR. BROWN: This would be more like a penalty. In
6 other words, you already have a fee on it if it is late to
7 start with. Okay, if we send you a registered letter and you
8 decide you want it -- man, I didn't know I had forgotten this
9 or whatever -- you know. A person working every day, it is
10 not going to happen.

11 But I think you should have it where they could --

12 MR. GILMER: Robert T., didn't she just say a letter
13 already goes out in February?

14 MS. WIDMAN: So, yes. We send one regular mail in
15 February. I mean, we could look at the cost factor if we send
16 a second, just certified, to the people by March 15 who
17 haven't --

18 MR. BROWN: Well, if you send it out certified, just
19 certify the ones they are sending out, that would do it as far
20 as I am concerned because then they would definitely know and
21 that would give them plenty of time.

22 MR. BLACKWELL: First of all, I think Robert T. has
23 a valid point. But can I ask if they had to pay it, why was
24 there an option? Why was there a box you check? Like it
25 almost looks like you can choose what you want to on that

1 renewal sheet.

2 I think everybody is sympathetic to this situation.
3 There is also the logistics of whatever you have to do to make
4 a new license, and I understand that is political and
5 controversial and touchy.

6 But I just want to point out that the fact that
7 there are blocks to check, it almost implies that you don't
8 have to do all of it. You can just do part of it. But in
9 their case, that seems to be what they did, and by only doing
10 part of it, it was the same as doing nothing.

11 So I am just trying to point out that the invoicing
12 system is at least half to blame for this problem.

13 MS. WIDMAN: And I talked to licensing about the
14 form itself to see if they can -- instead of having a check
15 box, just list what you had previously.

16 The reason they had the check boxes was that some
17 people choose then not to renew something. They don't want to
18 pay for it all. So if you pre-subtotal it, and you don't
19 want to pay for it all, then those people have to go back and
20 figure out what they actually owe. So you get some of the
21 reverse of it, I guess.

22 MR. BLACKWELL: Understood.

23 MS. WIDMAN: Overpaid though.

24 MR. BROWN: Yes, but one of things -- and I agree
25 with J.D., and I think this could alleviate the problem.

1 Number one, you have to buy the harvester registration, you
2 have got to buy it, to get your license.

3 So when you check that -- you shouldn't have to
4 check it. That should be in with your TFL. When you buy
5 that, you -- just have this and this and that is what you have
6 got to pay. That would help alleviate what happened here.

7 MS. DEAN: I wanted to say that I went today to
8 renew my license for this year, and I know for a fact when
9 that renewal went out in 2014 with the harvester, there was a
10 letter inside that, that explained the harvester fee. And it
11 told you, you had to pay it.

12 So that is not the only thing that comes in there.
13 It is just that, where you would check that. So by reading
14 that, it explained the harvester fee, and everybody understood
15 that they were responsible for those fees. So there is
16 something else in with that.

17 MR. BLACKWELL: That may be a great point. Thank
18 you for saying it. I suspect most of us, and I can assure you
19 that on the aquaculture side I don't read any of it. I look
20 at it, and I pay what I think I should pay, and I have
21 personally had the experience where I didn't pay something and
22 got stuff bounced back and then corrected it and sent it.

23 The simple truth of life is we are all way too busy,
24 and when I see all this, I just zone out and go straight to,
25 okay, check, check. So her point may be super valid. I am

1 just saying as a practical matter, I am not sure a whole lot
2 of extra pages are ever going to get read.

3 MS. SINDORF: I mean, in all circumstances you would
4 have had to pay the harvester's. There is not a point in time
5 that you don't have to pay that, right? So it really
6 shouldn't be a check. I have to really agree with that.

7 MR. RICE: Do we have a staff recommendation?

8 MR. BLAZER: No. As far as like a staff
9 recommendation, the memo kind of outlines how we have handled
10 these in the past. If it is late, you know, that is kind of
11 where we have followed the letter of the law, that we don't
12 acknowledge those late renewals.

13 MR. RICE: Well, it puts us in a curious situation
14 in some ways because a lot of things had to go wrong to make
15 this happen. And obviously it wasn't something done on
16 purpose, that is for sure. So I bounce it off the committee
17 for their recommendation.

18 MR. BROWN: Well, do you want a recommendation on
19 this case or the procedure that we should be taking in the
20 future?

21 MR. RICE: I want to ask for advice. Should we take
22 the position first or deal with this case first?

23 MR. BLAZER: Well, I think a couple of you have
24 brought up the issue, you know, if you take the case first,
25 you are kind of setting precedent to follow through, and you

1 are kind of dealing with, you know, the procedure after that.

2 So, you know --

3 MS. SINDORF: We have to do this first.

4 MR. BLAZER: The procedure, you know, one of these
5 options.

6 MR. GILMER: When you get into changing targets and
7 all that, I don't know whether that is something we want to
8 get into because it involves a lot of stuff and sort of opens
9 the door for other stuff, other issues. That is the one
10 problems I have with it.

11 MR. LAY: Just as a personal opinion, I don't think
12 we should be making this decision. This has taken up a half
13 hour of our time, not that it is not important to you folks.
14 But we only meet once every three months for three hours, and
15 this is --

16 MS. SANFORD: I have gone to a couple attorneys for
17 this and they are waiting in the wind because honestly -- and
18 I am not saying this to be at all threatening. I am not
19 threatening at all. I am just -- we are stumped here because
20 he has worked very hard. He has worked hard. My son has done
21 this.

22 MR. LAY: Like I said, it is nothing personal.

23 MS. SANFORD: I know that but what they have said is
24 this is how apparently it is money being made because there
25 are cases like this that they have heard before.

1 And I would have been here sooner if we could have
2 gotten in -- I have written letters to everybody. And
3 finally, they have said, we want you to come down because this
4 has recently just happened not too long ago to somebody who
5 passed away. We had heard about that. A family member passed
6 away and the license went with them.

7 I don't think you should send things in an envelope
8 that -- I mean, he is out of the country. The envelope would
9 have sat there for another two years, you know, and he would
10 have sent his payment some way or another. I just -- I feel
11 that it is just, it is wrong. And it is just making money, I
12 guess. I don't know.

13 MS. WIDMAN: Does anyone have more questions because
14 one license holder is on an international charge calling in
15 today.

16 MS. SANFORD: Everything has taken -- he is
17 international. He has left work early. This has been a big
18 thing for -- this boy, and I am saying boy. He is 25, 26
19 years old now, okay? But I am going to tell you something.
20 He has worked very hard for this. And to have his father
21 screw this up, I know that everybody thinks that is wrong for
22 me to say that. I could beat knots on his head.

23 He honestly made an honest mistake. You guys mail
24 the licenses. You mail warning notices this way. You mail
25 licenses this way. There should be an envelope that says,

1 license included or license in jeopardy or registered letter
2 or something like that. And nothing came back except for the
3 same way it has come back from the year of 2005 or 6.

4 MS. SINDORF: I really do feel for you. I believe
5 this is really a shame but at the same time I also struggle
6 with what we have got here, and I think that, you know, doing
7 that sets a precedent for us. So I think we really consider
8 that although I really sympathize with him.

9 So, you know, I don't know if it something that we
10 want to handle later?

11 MR. GILMER: And I am along with you, Gail, because
12 I know him personally. That makes this really hard for me but
13 I am not sure this is what we want to be doing.

14 MS. SINDORF: I know.

15 MS. SANFORD: Then what am I here for? They told me
16 to come here.

17 MR. BLAZER: If I can jump in. We appreciate your
18 being here but I am not seeing a resolution to this. And I
19 know a lot of the information, and I don't want to call it
20 testimony, but you are getting a lot of details and
21 information at this point.

22 Let me just throw out the offer to defer this to the
23 next meeting so you can digest all the options, think about
24 the consequences, consider what you have heard today so that
25 we don't -- you know, the commission doesn't have to make a

1 decision in 30 minutes just learning all this.

2 So I think this has been valuable. We appreciate
3 you all coming in today but again I think what I am
4 interpreting from the commission is they need time to digest
5 and think a little bit more about where we are and --

6 MS. SANFORD: And we understand that.

7 MR. BLAZER: -- what we can do about this to resolve
8 that.

9 MS. SANFORD: But something, something, somewhere,
10 somebody -- I mean, come on. That is \$20,000.

11 MR. BLAZER: And to be honest, that is why we
12 brought you here today. And that is why we brought it to the
13 commission.

14 MS. SANFORD: And I appreciate you guys letting me
15 be here because honestly I never want to see anybody ever go
16 through this. This has been so hard for this family. How do
17 you think this man feels behind me? He is the one who usually
18 handles this.

19 He works two jobs and did this thinking -- and if
20 you notice, he got the letter the day before when he wrote the
21 check out. The check came right as soon as he got it. He
22 sent it right in. He said, T., everything is taken care of.
23 It came out his account. And everything was fine. He doesn't
24 go in his account. He just spends, spends, spends up there in
25 Canada.

1 But it was an honest mistake but it is a lot of
2 money. And it is really sad that you guys can't send a
3 registered letter to say, you are about to lose this. But
4 again this is where I am hearing that the money is being made
5 because he loses his license, you can resell them.

6 And that is the truth, so. I don't know. I would
7 like somebody, some help, somewhere for him. I mean, he is my
8 son. You know, I don't go out there and crab with him. That
9 boy has been working since he was 6 years old on boats --
10 grass shrimping, crabbing. I mean, he has been -- apparently
11 I guess this gentleman knows him. A few other people have
12 heard of him.

13 He is an honest little crabber. He is out there
14 working and doing his thing but he got a setback now. And his
15 boat is not even paid off yet.

16 MR. RICE: Well, I think you need to understand one
17 thing, that there is not a person, I think I can speak for
18 everybody, who has any doubt you are not telling us 100
19 percent right. But I also can tell you this much. When you
20 got something like this dropped in your lap, it is tough, it
21 is tough on everybody sitting around this table.

22 You all haven't done anything wrong. You made a
23 mistake. So, I mean, if somebody comes in here before us who
24 lost their license because they violated laws, we can usually
25 handle that. But you haven't done anything that you weren't

1 supposed to do. You just didn't meet your deadline for
2 whatever reason.

3 MS. SANFORD: He paid on that license for three
4 years without crabbing. So that is what gets me. All of a
5 sudden, this last moment when he is out of the country, it is
6 like oh, my. So I guess hopefully maybe somebody will call us
7 or something?

8 MR. RICE: I think that you stated your case very
9 well, and that we will move forward from here and try to do
10 what part that we can do. But we are also not in the business
11 of issuing licenses either. We are in the business of
12 advising for --

13 MS. SANFORD: Well, can you advise them how we can
14 get a license, please? I mean something. I mean, I feel
15 terrible. We have been waiting for this day. Do you know how
16 long I have been waiting for this day? I was in the
17 University of Maryland hospital talking to this lady on the
18 phone. I think I was leaving her messages at 3:00 a.m. in the
19 morning because I wasn't in pain.

20 And I am going to tell you, I was doing everything I
21 could. I mean, I have got to fight for my kid. He has worked
22 very hard for this. Okay, so I guess we are done here, right?

23 MR. RICE: Thank you.

24 MS. SINDORF: Do you want a recommendation also
25 about changing the way the licenses are written so that you

1 don't have that check box? Because I do think that is an
2 important recommendation.

3 MS. DEAN: Well, I think we also need one about our
4 policy now.

5 MR. JEFFRIES: The harvester fee should be included
6 on a standard license if you are going to send the check back.

7 MR. : I do too. If that be the case, this
8 would have never happened. So somewhere the department, I
9 feel, has to assume some of the responsibility.

10 MR. JEFFRIES: They paid the allocation for the crab
11 pots. They just didn't pay the harvester fee.

12 MR. BLAZER: What I am hearing is, if there is
13 consensus, is two actions. One to modify the license
14 application so that the seafood harvester's check box is no
15 longer a check box. It is an automatic -- so it reflects
16 that. And then the second one, if everybody is good with
17 it -- well I don't want to commit to this one yet but we will
18 look into sending the certified mail after the March 15th
19 date. But we have got to do a little bit of exploring to look
20 at that.

21 And again we will kind of come back to you. People
22 as of March 15th who haven't renewed, send them a certified
23 saying you are 10 days or whatever away from losing your
24 license.

25 MR. RICE: Certified letters are supposedly

1 foolproof as long as somebody signs for them and the right
2 person gets it. But at the very least, go somewhere and get a
3 stamp made and stamp red on the outside of the envelope, your
4 license is in jeopardy. Must be renewed.

5 If you have got something on the outside of the
6 envelope that gets your attention like that --

7 MR. GILMER: Well, just like on her envelope, if it
8 had said rejected, you know --

9 MR. RICE: True, that is true.

10 MR. BLACKWELL: I think in addition to the
11 checkmark, that a parenthesis, mandatory or no license.
12 Something that articulates it in English too.

13 MR. GILMER: As far as I am concerned, it ought to
14 be at the top of the license where it -- that is the first
15 thing you are charged for is your harvester fee.

16 MR. BLACKWELL: It was on that sheet but it looks
17 like it is an option. And I don't know that I want to get in
18 all the weeds but I am just saying, it needs to be super clean
19 that you don't have an option.

20 MR. BLAZER: Just so I am clear, those two actions
21 about the check off or to revise that. That is one
22 recommendation. Is there consensus among the group? Is there
23 any objection to looking into that?

24 (No response)

25 MR. BLAZER: And then the other action is for us to

1 | look at the certified mail aspect, and I have included like
2 | with a stamp that says, rejected or your license is in
3 | jeopardy.

4 | MR. BROWN: And then you will be bringing that back
5 | to us.

6 | MR. BLAZER: And then we will bring that back to you
7 | all with some more information. We have got to check costs
8 | and is it feasible. We have got to talk to licensing.

9 | MR. CARSON: I know Robert T. gave the date of March
10 | the 15th but the typical waterman isn't that quick to react
11 | sometimes. I believe you should make that March the 1st
12 | because --

13 | MR. BLAZER: Well, we send them a letter in February
14 | and again I am not sure of the process but we send that one
15 | letter.

16 | MR. CARSON: No, but the certified or the registered
17 | is what I am talking about. Not that your letter that you
18 | send --

19 | MR. GILMER: Well, you shouldn't get two. The first
20 | one should be certified.

21 | MS. WIDMAN: I think the first one goes out at the
22 | end of February so we could certainly run numbers and see how
23 | many we are sending at that point. And then different weeks
24 | in March --

25 | MR. BROWN: If you certify that one, as far as I am

1 concerned, we have done all we can do.

2 MS. SINDORF: She says the numbers are pretty high.

3 MS. WINDMAN: There are a lot that come in, in
4 March.

5 MS. SINDORF: You might want to wait to do that with
6 this red stamp. Whereas the second one with less people.

7 MR. GILMORE: But then you are getting into the cost
8 of sending two.

9 MS. SINDORF: Well, what does certification cost?
10 That is pretty expensive.

11 MS. WIDMAN: That is the concern. I want to run the
12 numbers to see what the cost would be.

13 MR. BROWN: If you pay your license fee and you get
14 it by the proper time before the first of September. If you
15 wait until after say sometime in March or whatever, how much
16 of a penalty do you pay?

17 MS. WIDMAN: It is a \$50 late fee after August 31.

18 MR. BROWN: After August 31. We could possibly even
19 look into graduating that up after March the 1st. You could
20 jump it up -- I don't care if you jump it up \$200 or whatever.

21 MR. GILMER: But they are talking about that
22 requiring legislation.

23 MS. WIDMAN: It is in statute so the statute --

24 MR. BLAZER: So following the discussion, we will
25 come back to you with some ideas. You have given us a lot of

1 ideas on how we can move forward. Is everybody good with
2 that?

3 MS. WIDMAN: So you guys want to ponder all of the
4 big items and then I can come back at the October meeting to
5 wrap up. Okay.

6 MR. RICE: All right, thank you. Jacob, can you
7 lead us through the workgroup that we had on gear?

8 MR. HOLTZ: Sure thing.

9 *Updates from Gear Workgroup*

10 *by Jacob Holtz, MD DNR Fisheries Service*

11 MR. HOLTZ: All right. I will be as quick as I can.
12 We met -- so sport fish, tidal fish, we have a joint workgroup
13 to discuss the various gear issues that come up.

14 We met July 8. We had a couple of larger topics.
15 The biggest topic we discussed was the commercial use of
16 finfish trotlines. We got authority this past legislative
17 session to regulate the gear. Previously it had been kind of
18 50-50 whether the use of trotlines by commercial licensees was
19 legal or not.

20 So now we can make it very clear that they are
21 legal. And we can make rules that everybody can live with.
22 So what you will see is I tried to divide it out.

23 What fisheries came to the workgroup recommending at
24 first, then the recommendations the workgroup made, and after
25 taking the workgroup recommendations back to the biologists

1 and discussing some of those issues, what we would recommend
2 to scope -- first we are going to talk about it with you all,
3 and then if you all are good with it, then we would scope with
4 the public to move forward with the regulation package.

5 So first, finfish trotlines -- I am just going to go
6 over what we are recommending to scope with the public rather
7 than go through step by step. If you want to look at how we
8 got there, it is there for you to look at but otherwise I will
9 just go with what we have since we are obviously a little
10 cramped for time.

11 So the recommendation for the commercial finfish
12 trotlines would be a 1,200 foot maximum per trotline with no
13 limit on the number of trotlines a commercial licensee could
14 use.

15 What we were trying to do with a lot of these was to
16 mimic the PRFC rules. Folks who are licensed in Maryland, you
17 know, a lot of the folks in PRFC are licensed in Maryland also
18 or in Virginia. Just so that way guys wouldn't have to
19 reinvent the wheel with the gear they were using.

20 So PRFC had a 1,200 foot max. We said, you know,
21 let's do a 1,200 foot max also. But since we have a whole
22 bunch of tributaries all over the place, NRP said, hey, it
23 doesn't make any sense to limit the number of trotlines a
24 person can use because we are not going to be able to know if
25 they have, you know, three trotlines in one trib and five in

1 another and one in another, whatever the case might be.

2 So they said just set a max length. We can enforce
3 that. So we are suggesting to use 1,200 foot of line, no
4 limit on the number of trotlines, no limit on the number of
5 hooks either. A lot of folks -- at least internally we didn't
6 think it made any sense to limit the number of hooks because
7 whoever is fishing the gear isn't going to want more than they
8 can handle.

9 You don't want to have, you know, three fish
10 flopping around with hooks in their mouths in the boat and you
11 are still running line. So you all are going to figure out
12 what works and go for it.

13 The depth requirement, so we are suggesting that the
14 trotlines need to be set at least 6 feet below the surface of
15 the water to minimize interaction with either other fish or,
16 you know, recreational boaters, jet skiers, swimmers or
17 whatnot.

18 And then in waters that are less than 6 feet deep at
19 mean low tide, the trotlines wouldn't be able to be set. The
20 reason being that usually those are potentially areas that
21 folks are wading around in.

22 The suggested minimum hook size was 5/0. In talking
23 to Billy, it sounds like most of the hooks that are being used
24 are larger than that anyway. But we just didn't want folks
25 using really small hooks, you know, interacting with, you

1 know, for instance largemouth or anything else that might end
2 up on the end of the line. So using a big old hook to catch
3 catfish makes no sense.

4 And then the floats that we would require would be
5 the same as the crab trotline floats so they would need to be
6 a certain size and similar color with a commercial number on
7 it.

8 As far as the type of hooks goes, they are going to
9 require the use of circle hooks. It is not actually a
10 requirement in PRFC but our biologists are really concerned
11 about interactions with striped bass, and it sounds like you
12 guys are already using circle hooks to begin with. Is that
13 right, Billy?

14 MR. RICE: I think generally speaking a large
15 percentage of us use circle hooks. That is what I use. It is
16 a lot more user friendly.

17 MR. HOLTZ: And so it didn't seem like it would be
18 much of an imposition for us to require them but it would also
19 at least as far as addressing the fears that our biologists
20 had, it is kind of -- well, I don't know if it is really a
21 compromise. It really just puts them at ease even though it
22 is already standard practice.

23 We were not -- we had initially floated the idea of
24 a soak time. We retracted that because it sounds like how
25 guys fish these trotlines wouldn't be compatible with how NRP

1 | would be able to enforce a soak time.

2 | MR. RICE: I will comment on that soak time. That
3 | is going to work itself out because the quicker you fish the
4 | more fish you catch. If you let your line soak too long, you
5 | get a bunch of empty hooks. I mean, we are not talking about
6 | normal fish here. These are pretty tough critters.

7 | If you let your line soak too long, you have got
8 | three or four fish this long, and a bunch of empty hooks. So
9 | it is not beneficial to the fisherman. You are not going to
10 | add to your catch by letting it soak. You are going to take
11 | away from your catch.

12 | MR. HOLTZ: And so based on between that and NRP, it
13 | just didn't make any sense for us to suggest a soak time.

14 | The bait limitations: We would be prohibiting live
15 | bait. Initially we thought maybe prohibiting all eel but it
16 | sounded like folks use chunk eel right now as far as catching
17 | catfish goes. Our biologists felt like chunks would probably
18 | not present the same interaction fears as using for instance
19 | live eels would.

20 | And then the last thing was the closed season or
21 | areas. At first there was a suggestion of closing the whole
22 | rivers to the use of this gear to limit striped bass
23 | interaction. But what we came to a compromise on was instead
24 | of having these baits suspended during these time periods,
25 | that it would be from March 1 to June 15 that the baits would

1 just have to be set on the bottom.

2 So it keeps the baits out of the water column,
3 alleviates some of the fear of migrating striped bass taking
4 the bait but it still lets folks use this gear to catch
5 catfish during that time.

6 And then the other suggestion from our biologist,
7 which we did not get to talk about with the workgroup because
8 it came afterward, was to prohibit the gear in the mainstem of
9 the bay below the Bay Bridge, including the Pocomoke and
10 Tangier Sounds. The reason for that was that we are hoping
11 that this gear is being used to catch catfish. Below the Bay
12 Bridge you are not going to be catching catfish.

13 And there are a couple of areas specifically in the
14 Pocomoke and Tangier Sounds where a lot of immature sharks
15 that are protected species show up. And so they were just
16 really afraid of a new gear potentially interacting with a
17 protected species.

18 They didn't want anybody misidentifying small sharks
19 and getting in trouble for it unnecessarily. They didn't want
20 any sharks getting killed unnecessarily either.

21 So that last thing, prohibiting the gear in the
22 mainstem below the Bay Bridge, we hadn't talked about with the
23 Gear Workgroup, so if anybody had issues with that, I would
24 like some feedback on that.

25 It wouldn't prohibit it in any of the tribs or

1 anything. You can still use them on the tribs. It is just
2 that lower part of the bay. Are we okay with that?

3 MR. RICE: There is nothing there to catch --- .

4 MR. HOLTZ: It is really more of a pre-emptive
5 thing.

6 MR. RICE: I mean, I don't know why they put the
7 bridges in the place that they did but it works out pretty
8 good because you take like the Choptank, all the fish, if and
9 when -- and they will get there, they will be above the
10 bridge.

11 In the Potomac, 90 percent of them are above the
12 bridge unless you get a --- . I mean, we can go around
13 St. Clement's Island and get a --- but that is unusual
14 circumstances.

15 Restricting below the Bay Bridge or Tangier/Pocomoke
16 Sound, I don't see where that is a problem. Would you, Robert
17 T.?

18 MR. BROWN: No.

19 MR. RICE: Dave, would you like a recommendation
20 from TFAC to adopt what they think is fair and reasonable
21 today?

22 MR. BLAZER: Yes, that would be tremendous.

23 MR. JEFFRIES: I have a quick question, Billy.

24 MR. RICE: Ken.

25 MR. JEFFRIES: Since there is no soak time, is it

1 | like gill netting, you have got to stay by the trotline or --

2 | MR. RICE: Absolutely not.

3 | MR. JEFFRIES: I don't know so that is why I asked.

4 | MR. RICE: Well, basically when we do it up the
5 | Potomac, we have got a lot of tide up there. And you are good
6 | there first thing in the morning, and if everything goes as
7 | normal, you will have a fair catch by overnight fishing, let's
8 | say. But if you catch the tide right and you bait up, and
9 | when you go back you will catch three times as many fish as
10 | you did the first fishing.

11 | When I say catch the tide right, I mean, catch the
12 | slack because when it is sweeping, they don't feed, they don't
13 | bite.

14 | So you want to lay there with your line. As long as
15 | you are catching fish, you want to stay there and fish until
16 | it is time to go home or you got what you want. So it would
17 | make no sense to have a soak time.

18 | MR. HOLTZ: One thing that Lt. Windemuth just
19 | brought up is also on the ocean side, we already have rules in
20 | our shark regs about short lines, which are similar to finfish
21 | trotlines.

22 | They are finfish trotlines, they just have different
23 | rules. If you are going to catch sharks, you are still going
24 | to have to use a short line. It has hook rules. It has bait
25 | rules. It has a bunch of stuff that we aren't going to have

1 for these trotlines which very soon are going to be used in
2 our tidal tributaries to target catfish.

3 So would we be okay, or would the commission be okay
4 if we were to prohibit the finfish trotlines on the coastal
5 bay side seeing as how we don't have these invasive catfish in
6 those areas, and there would be a lot more interaction
7 potentially with the sharks?

8 So the folks who are using short lines would still
9 be able to use short line how they are using them. This
10 wouldn't affect that at all. It would just be this
11 less-regulated version of them, which is really intended to
12 catch the catfish, which aren't even present. Would you be
13 okay with prohibiting on the ocean side?

14 MR. RICE: Is everybody clear on that?

15 LT. WINDEMUTH: And the only reason I brought that
16 up is that if it doesn't specifically prohibit them, we are
17 going to have people using them.

18 MR. RICE: Well, trotline fishing is a unique
19 fishery because we fish trotlines in the same area where we
20 fish catfish pots last summer. And don't ask me why, I can
21 only tell you what happened day after day. We never caught
22 any channel cats on the trotlines. Very seldom, maybe 1 out
23 of 500 fish or less.

24 But the pot right next to it would be half full of
25 channel cats. So as far as I am concerned, if anybody is

1 worried about bycatch, unless somebody purposely broke the law
2 and tried to make their line fish in such a manner to catch
3 something other than a catfish, the bycatch is zero, zilch.

4 I didn't separate how many pounds of catfish we
5 caught out of the pots versus the trotlines, but I do know
6 this spring before I started crab potting, I trotlined in
7 March and all of April. And roughly caught somewhere in the
8 neighborhood of 30,000 pounds of catfish and never caught a
9 rockfish. And never caught another fish other than a catfish.

10 So bycatch is not an issue. Dave would like for us
11 to make a motion to adopt either the -- I guess it would be
12 simplest saying, unless you want to pick it apart, to just
13 adopt the committee's recommendations. Robert T.?

14 **MOTION**

15 MR. BROWN: I make a motion that we adopt the
16 committee's recommendation.

17 MR. GILMER: I will second it.

18 MR. RICE: A second by Moochie. Any further
19 discussion on the motion?

20 (No response)

21 MR. RICE: Seeing none, all those in favor, say aye.

22 (Chorus of "Ayes")

23 MR. RICE: All those opposed? All those who
24 abstain?

25 (No response)

1 MR. RICE: The motion is unanimous. Thank you very
2 much. All right, we will move on to Sarah Widman. Sarah, you
3 had a --

4 MR. BLAZER: I think Jacob had a --

5 MR. RICE: Jacob, I am sorry. You are not done?
6 When you get something straight, you move on.

7 (Laughter)

8 MR. HOLTZ: Of interest to this commission, there is
9 also bowfishing.

10 MR. RICE: I am sorry. You have another item.

11 MR. HOLTZ: Yes, sir. The recommendation was just
12 to mirror the current recreational rules. They really are all
13 for safety. You know, you can't be shooting bows and arrows
14 within 100 yards of somebody else unless they know you are
15 there and gave you permission.

16 You can't be shooting them where scuba divers are
17 swimming and things like that. So those are our current
18 recreational rules. The workgroup is just mirroring those for
19 commercial use. There is also a list of species that you
20 can't shoot with them. They are all sport fish that you
21 wouldn't be harvesting anyway.

22 Really that is pretty simple. Unless there is any
23 discussion that needed to happen on that, that is everything.
24 So the other things are all recreational gears. We can go
25 through them if you really wanted to but I didn't think you

1 really want to.

2 MR. RICE: I say that if sport fish wants our say on
3 that, we will hear about it. If not, we will move forward.

4 MR. HOLTZ: They were all fine with it when we met
5 on Tuesday.

6 MR. RICE: Okay. Well, then, we are good. Okay,
7 now Sarah, I am back to you again.

8 ***Policy Program***

9 ***Recreational Oystering License Workgroup***

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

11 MS. WIDMAN: Okay, yes. Just super quick, you all
12 have a handout. I believe Commissioner Lay had brought to our
13 attention some confusion that happened at one of the service
14 centers about the requirement on seafood dealer licenses.

15 So I just put in with your handouts kind of a
16 summary of basically the explanations and things in here are
17 things we have been sending out on various forms of
18 communication, sometimes enclosed with the license application
19 since the license changes each year.

20 And then another one that was enclosed, some of the
21 information was in a reporting license that had gone out
22 to -- a letter that had gone out to licensees. So I just want
23 to make sure -- harvesters have received the information.
24 They should understand. I think the communication issue was
25 perhaps with one person working at one license center but I

1 | just want to make sure that the rest of the commissioners,
2 | that I have that correct, Commissioner Lay, and also the rest
3 | of the commissioners haven't heard any confusion.

4 | I meet personally with licensing managers every
5 | other month, so if there is a bigger, systemic issue that I
6 | need to address with them, I am happy to do that and make sure
7 | they have this information correct.

8 | So I just want to make sure it wasn't something more
9 | systemic other than the one service center issue that we had
10 | heard about. Did I get that right?

11 | MR. LAY: If you have checked with all the service
12 | centers and they are on board with not telling someone --
13 | well, the incident happened that a friend of mine who has a
14 | bait and tackle shop buys crabs from the local crabbers and
15 | resells them.

16 | And we were in conversation about the seafood
17 | dealer's license and he said, well, I don't know whether the
18 | people I am buying from have one or not.

19 | He went to the service center and asked to buy one.
20 | They would not sell him one. The service center said only the
21 | watermen have to buy this. So it really applies to all the
22 | crab houses, every single person on the side of the road, bait
23 | and tackle shops. I don't care who is selling crabs, it
24 | applies to them.

25 | And as far as I know, I have talked to several

1 people, there has never been any enforcement on this. No DNR
2 people have ever approached anyone and said, you know, are you
3 sure that -- do you have a dealer's license? Are you certain
4 that you are buying from someone who does?

5 This is a source of revenue. It is part of what we
6 need to make sure is happening at DNR because we are always
7 concerned about that revenue. And if there is a certain group
8 somewhere that needs to have this license that doesn't,
9 someone needs to let them know that they need the license.

10 And that could be taken care of through law
11 enforcement and service centers knowing that they can sell to
12 someone besides a waterman.

13 MS. WIDMAN: I can certainly send this again to NRP
14 as well just as a refresher reminder that they should be
15 looking for this as well as licensing managers to make sure
16 their staff --

17 MR. LAY: Well, when they have their weekly staff
18 meetings or whatever, their people should be saying, hey, part
19 of your duty is to go and do this. So let's get on it.

20 MR. BLACKWELL: I would just like to communicate
21 that I think the seafood dealer's license is a paramount
22 issue.

23 And it came up in a workgroup that we had last week
24 or this week about the recreational people harvesting oysters
25 and selling them. It comes up in the aquaculture arena, and I

1 suspect that it is also an issue on the tidal fish side,
2 although it is not my expertise.

3 But I think non-licensed people who aren't HACCP
4 trained and following procedures and have cold boxes and the
5 whole gamut of issues, I think it is paramount. I think it
6 could have devastating effects for the public fishery and for
7 the private fishery.

8 And I personally was subject to a theft last year,
9 and he didn't steal from me because he hated me or because he
10 needed to feed his family. He stole from me because he was
11 going to go sell it to other people. So he committed two
12 crimes: theft from me and the illegal sale of shellfish. And
13 I will shut up and just conclude with this. There is nothing
14 I think that is more important for both, for this whole
15 fishery thing, than we have safe handling of the seafood.

16 And somehow I think a greater enforcement, a
17 stronger response, to the people who are operating in the
18 shadows. I think theft is one issue, and it is part of
19 endangerment to our futures. It is a public safety issue, it
20 is an endangerment to our reputations as well as it allows for
21 the theft.

22 If you steal stuff, the only way you are doing it is
23 illegal sales. If you are out stealing stuff, you are not
24 selling it to a legitimate seafood dealer to resell in my
25 opinion.

1 MS. WIDMAN: And we do get quite a few tickets for
2 illegal commercial activity so it is something NRP picks up
3 on. I think where we can do a better job is making sure that
4 folks out there have the number to call NRP when they see
5 something shady going on. So that is something that we can
6 work on.

7 I have a couple other items. Just updates quickly
8 on some more workgroups that went down between your meetings.
9 The one JD just mentioned is our Recreational Oyster License
10 Workgroup. So some members of sport fish and tidal fish met,
11 it was a week ago now, to discuss kind of the accountability
12 of recreational oystering folks and how do we get better
13 accountability? How do we get better control on effort from
14 that sector?

15 So essentially in law a resident can take a bushel
16 of oysters per day. And there are some seasons, days of the
17 week, gear and whatnot associated with that.

18 The workgroup looked at a lot of things, and at
19 sport fish -- well, the workgroup ultimately concluded from
20 that discussion, which I think was missing some key people who
21 weren't able to attend that day, that they thought we should
22 proceed with scoping the idea of limiting recreational harvest
23 to Fridays and Saturdays to control effort.

24 Sport fish had a very good dialogue about this with
25 some members, including Rachel, who wasn't able to attend the

1 meeting. It sounds more like the bigger concern is actually
2 the accountability and figuring out who are these people and
3 how many are actually harvesting oysters if we don't have any
4 idea at this point.

5 So the suggestion that came out of there was kind of
6 two-fold. Possibly reconvening the workgroup depending on
7 what all you have to say tonight. And looking again at the
8 idea of a free recreational resident registration for
9 oystering as well as the effort idea, which is more of a
10 legislative option.

11 But looking at the idea of a bushel boat limit,
12 which we previously talked about at this commission back in
13 April. So that is kind of what sport fish said, what the
14 workgroup said. I would be curious if you have any, you know,
15 major qualms with moving ahead with the workgroup meeting one
16 more time to discuss it, making sure some key members are
17 there.

18 If you have other thoughts or options you would like
19 us to talk about, we can do that.

20 ***Questions and Answers***

21 MR. GILMER: Well, being part of the workgroup, now
22 that you have got input from both sides, it probably wouldn't
23 hurt for us to meet again.

24 MS. WIDMAN: And we can certainly do it by phone.

25 MS. DEAN: The dialogue on Tuesday at the Sport Fish

1 Advisory Commission, they were really receptive to something
2 changing. So, you know, I don't think it is usual for us to
3 kind of want to implement something on that side but they were
4 receptive to it and understood the problem and saw some of
5 their own and had some input as to how the different changes
6 might affect not only the recs but also the charter industry
7 too because that kind of plays into it.

8 So I think that would be a great idea. Maybe both
9 commissions could come together and actually come up with
10 something that sounds good.

11 MR. RICE: Yes, I think that is an excellent idea.

12 MS. WIDMAN: Okay, then I will go ahead and set up a
13 meeting in the next few weeks.

14 MR. RICE: Ken?

15 MR. JEFFRIES: I missed the last meeting; we were
16 fishing. Was there any resolution to the oyster charter thing
17 because I did do some research on it.

18 I do know there are two or three boats doing it. I
19 know they are not insured unless they have Mary Lou's
20 Insurance Service on a little corner somewhere. They don't
21 have any of our regular providers insuring them.

22 And I think that one bushel limit might help
23 eliminate some of the --

24 MR. GILMER: Ken, on Kent Island we have three or
25 four boats do it, and I do know they are licensed captains.

1 Now insurance on the boat I don't know but they are licensed.
2 They carry charters all the time.

3 So, I mean, those I do know but there might be other
4 ones that don't. I mean, I am not saying that. But, you
5 know, I sort of brought this up but I know my guys are
6 licensed captains, you know, who carry charters.

7 MR. JEFFRIES: The two on Kent Island, you and I
8 talked about. I know they are not insured for it, number one,
9 and number two, I know they are taking more than one bushel
10 per boat.

11 MR. GILMER: Yes, yes, they are taking one bushel
12 per person, right.

13 MR. JEFFRIES: Have we ever done a recommendation on
14 that or anything because that is an issue. We don't want the
15 liability from it. We don't want it in the paper. If
16 something goes wrong, charter boat killed --

17 MR. GILMER: And my bigger issue there was they were
18 carrying out-of-state people.

19 MR. JEFFRIES: I know we talked about a fee. You
20 know, paying the oyster registration fee and all that stuff
21 but I personally think there should be more done because I
22 have --

23 MR. GILMER: You guys on the charter sort of have to
24 hash that out.

25 MR. JEFFRIES: No, I think we are pretty much in

1 agreement they shouldn't be in there in a fishery that they
2 are not paying into like you guys are. I don't think you
3 would get much argument from us on that.

4 But I didn't know it was a problem until it was
5 brought up here, and I did some research and I can tell you
6 they are definitely not insured and they are taking more than
7 one bushel per boat. They are taking it from one person.
8 They are not paying anything into the funds.

9 I don't know if you want to handle it here or at
10 that workgroup but that sums it up.

11 MR. GILMER: And maybe you can come up with a
12 recommendation from the charter association for the workgroup.

13 MS. WIDMAN: Can I add you to the e-mail for the --

14 MR. JEFFRIES: Yes.

15 MR. GOLDSBOROUGH: So we did have a really good
16 discussion, and I would just emphasize a couple other points.

17 The sport fish commission I think pretty well, by
18 consensus, felt that limiting days wasn't fair. It really
19 didn't necessarily get at the issues here. But it is fully
20 supportive of a license and accountability and knowing who is
21 out there and knowing how many people and so forth. Maybe
22 even an ability to gather effort data.

23 And although one suggestion that was made -- and I
24 don't think we actually voted on any particular did we -- was
25 a free license. I think another person actually voiced

1 support for even paying a fee.

2 So if that seems to be a point of an issue for
3 discussion in the workgroup, I think you would find open minds
4 to discussing that, especially with respect to -- the issue as
5 I recall, brought up in this meeting last time that you had
6 down the Potomac of instances where you thought you had more
7 recreational tengers on a bar than commercial and it was one
8 that county funds had reseeded.

9 MR. RICE: Well, actually, yes, it was in Maryland
10 waters.

11 MR. GOLDSBOROUGH: In Maryland waters, you are
12 right, yes. And so I think there is even potentially support
13 from sport fish to pay the tax, the bushel tax, to help
14 contribute to that fund but the idea of restricting days was
15 not favored because, yes, they pay taxes like anybody else as
16 there is a certain amount of general tax revenue that goes
17 into managing that fishery too. Is that about right?

18 MS. : I will just speak to an increased
19 fee. There is no way we are going to be able to have an
20 approval for an increased fee or a tax, so. We could do a
21 pre-registration.

22 MR. RICE: Well, you know, as a commercial
23 harvester, I might want to ask the question, if I have got to
24 pay a \$300 surcharge and buy my license every year, how come I
25 work five days but you can recreational six days for free?

1 MR. BROWN: And Billy, we already -- there is
2 already a tax established. It is not a new tax. The tax is
3 already on a bushel of oysters.

4 MR. RICE: And don't get me wrong. I take advantage
5 of the six day myself because, darn, if I want to keep a
6 bushel of oysters on Friday out of my catch, if I want to eat
7 a bushel of oysters, I want catch it on Saturday when it is
8 free.

9 MR. BROWN: He is going around hunting, trying to
10 find little places that he is --

11 MR. RICE: That is a search out --

12 (Laughter)

13 MR. RICE: It is something I think if we can work
14 together on it, we can probably come up with a reasonable
15 solution. J.D.?

16 MR. BLACKWELL: Again, and to be opportunistic, I
17 think the concern here is quasi-commercial activity, people
18 who are pretending they are recreational when they are really
19 being commercial, taking more than they should.

20 And again, I think this comes right back to that
21 illegal seafood sales issue, that people are selling seafood
22 who shouldn't be doing it.

23 MR. GILMER: But I don't want to get misconstrued
24 between recreational and commercial. I think the real issue
25 is with the recreational person, not the commercial person.

1 MR. BLACKWELL: And I am not talking about licensed
2 TFLs. I am talking about people who don't have TFLs who are
3 doing commercial business, pretending they are recreational.
4 They go catch it as a recreational person, then they are
5 somehow selling it to their neighbors or whatever.

6 MR. GILMER: Oh, absolutely. We talk about the
7 whole health department thing.

8 MS. DEAN: I wanted to add, because we kind of
9 reached across the line here and are talking about a
10 recreational issue. I did reach out to one of the charter
11 captains who was doing the dive trips. So I would like to ask
12 too that he be added to the workgroup because I don't want to
13 see that opportunity taken away from him.

14 MS. WIDMAN: Sure. Can you just e-mail me his
15 contact information?

16 MS. DEAN: Yes.

17 MR. RICE: Thank you. That is a good idea. Bill,
18 do you have your hand up again?

19 MR. GOLDSBOROUGH: Yes, on the bushel tax thing, I
20 am not familiar with how that law is written. Robert T. was
21 implying that for a bushel harvested, it would already apply,
22 and if that is the case, fair enough, but I think I also heard
23 the suggestion that if you take them on a Saturday, that would
24 be recreational because you can't commercial them. That you
25 don't have to pay. Is that the way it is written or what?

1 MR. GILMER: Right now there is no tax on the
2 recreational bushel.

3 MR. GOLDSBOROUGH: It is not by day it is just
4 recreational/commercial, the way the law is written? Okay.

5 MR. RICE: I mean, during the week sometimes in our
6 area oysters are so scarce you can't judge by a man who is
7 catching them whether he is recreational or commercial. You
8 have to ask him.

9 MR. GOLDSBOROUGH: Well, I will say we fully support
10 enforcement for violations.

11 MS. WIDMAN: Should we move on to the next one?

12 ***Penalty Workgroup***

13 MS. WIDMAN: So the next item -- I am going to skip
14 down and do the other workgroup report. We had the annual
15 meeting of our Penalty Workgroup a few weeks back. And a lot
16 of it was just kind of bringing everyone up to date. We have
17 been doing a lot of work internally.

18 Those of you who have been around long enough prior
19 are aware that we are part of the Interstate Wildlife
20 Violators Compact, which is I think 45 states, soon to be 49
21 states. If you are suspended in one, you can get suspended in
22 all of them for like offenses, for both hunting and wildlife,
23 one or the other.

24 So we are fully implementing that into our systems
25 electronically, and if in the next few weeks for Compass, when

1 | you go into your account, or we go into your account, it runs
2 | a check against the database for that compact to make sure you
3 | are not suspended in another state that we shouldn't be
4 | letting you out in ours or letting you purchase licenses that
5 | you aren't able to purchase at the moment.

6 | So I gave an update on that. We also talked about
7 | the Natural Resource Police is going to start using the
8 | electronic ticketing system that Maryland State Police
9 | currently have, which drastically changed how our fine
10 | schedule looks. It is still in flux at the moment.

11 | But instead of seeing for each law itself a fine,
12 | you are going to have the fine spread out for each tier or
13 | each subsection of that law because they are going to be
14 | entered into the e-tickets database. Each sub-, sub-,
15 | subsection that you can violate will be a separate entry so
16 | the fine schedule has to match that, which makes the fine
17 | schedule really, really big.

18 | So we talked a little bit about that. Ultimately we
19 | are just in flux trying to get all the numbers that exist
20 | flushed out into their subsections right now to get that to
21 | the district court. So we recommended not making any drastic
22 | changes to it this year and letting that go through to see how
23 | it fleshes out and what it looks like and what we need to
24 | address for next year.

25 | But I anticipate perhaps even a separate Penalty

1 Workgroup meeting next year just looking at that and walking
2 it through so everyone is on the same page once we have a
3 working document to go off of.

4 We did go through our normal administrative
5 penalties stuff. There were some suggestions on easing up on
6 the untagged oyster containers. So for instance on that we
7 actually are going to move the two to three -- it used to be
8 starting at two bushels, it was five points, and then three to
9 four moved into suspensions.

10 We are going to move three back down to the five
11 points as well so you have to have four or move to start with
12 suspensions, and we are going to keep those at a lower tier,
13 starting them at a lower tier and moving up to give a little
14 more leverage because of the concerns on some of the abilities
15 for tags to slip off the bushels and not wanting to ding guys
16 too much for that if it was an accident.

17 So that was one of the suggestions the workgroup
18 advised on. A lot of it was just making sure, which we, in
19 doing this huge exercise of sub-, subsections, we found some
20 additional licenses that you need for commercial purposes that
21 weren't previously listed in the system.

22 And so we are going to add those just as we did with
23 every other commercial license, and if you don't have it, it
24 is the same penalty for all of them across the board.

25 And then some of them, like river herring, there

1 were concerns about the possession limits on that so we were
2 increasing the amount you had on a tier before you got
3 penalized at a higher rate. Because obviously when you are
4 commercially harvesting herring, you are catching a large
5 amount of fish. You don't always catch a little herring in
6 there. That was the concern.

7 So we are trying to do those things. And then
8 recreational also had some changes to it. That was
9 essentially Penalty Workgroup. A lot of it was just letting
10 everyone know what is going on. And I foresee more Penalty
11 Workgroup meetings, several of them next year.

Regulatory/Scoping Update

12
13 MS. WIDMAN: And then the last thing I have, if
14 there are no questions on that, are you normal scoping and reg
15 handouts. You guys have had them. We haven't done a lot of
16 reg stuff recently so there is not too much on there. I can
17 take questions if you have any on those. Jacob did an
18 excellent job going through the scoping item, one of the
19 bigger scoping items that we had, which was those gear changes
20 out of the workgroup.

21 So it sounds like you guys are supportive of that so
22 we will take that upstairs for a continuation of scoping. And
23 then the last item had been from that Recreational Osytering
24 Workgroup, but we will remove that from scoping and go back to
25 the workgroup before we proceed with any recommendations from

1 that. I don't know if anyone had any questions on regs or
2 scoping, but I am happy to take questions.

3 MR. RICE: Anybody have any questions for Sarah?

4 ***Questions and Answers***

5 MR. BROWN: Sarah, what are you recommending for the
6 fine if a person lost two or three tags off their oysters?

7 MS. WIDMAN: The fine? I don't think we recommended
8 any changes to it. And I can go back and let you guys know
9 what it is but I don't know what it is off the top of my head
10 because I have to go back into the system.

11 MR. BROWN: If a person has a tag missing, what is
12 the fine on it?

13 MS. WIDMAN: That I would have to look up to let you
14 know what it is but I could look that up and get back to you
15 momentarily.

16 MR. RICE: Thank you. Mike, I see you moving
17 forward. You are right on target. Lead us into your part of
18 the agenda, please.

19 ***Estuarine and Marine Fisheries Management Planning Topics***

20 ***ASMFC/MAFMC Updates and Announcements***

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

22 MR. LUISI: Good afternoon, everyone. This pile is
23 a reflection of the amount of material, Mr. Chairman, that I
24 have to get through but I will do my best to make it speedy.

25 So the report I am going to give is on the Estuarine

1 and Marine Fisheries Division. As of 4:40 p.m., I am still
2 the director of the Estuarine and Marine Fisheries Division,
3 and I am going to provide you as much information as I can to
4 get you up to speed on all the actions that we are taking or
5 are being considered through the Atlantic States Marine
6 Fisheries Commission, the Mid-Atlantic Fisheries Management
7 Council.

8 So I have kind of organized this discussion into a
9 couple categories. I am going to give you some updates. I
10 think we can take questions during those updates. And then we
11 will get into the different commissions and council issues.
12 And lastly we will talk about the yellow perch allocation
13 request that came to us in between the two meetings that we
14 had.

15 (Slide)

16 So getting into just a few updates, we have at this
17 point finalized our newest Striped Bass Working Group. We, as
18 you guys know, we have divided the state into five regions and
19 solicit for voting and proxy members to the Striped Bass
20 Working Group.

21 Every few years, every two years, I guess this is
22 the second time around, we have solicited those nominations
23 from permit holders and we have tallied the votes, contacted
24 the individuals. Some individuals that were nominated decided
25 that they didn't want to participate so we have moved down the

1 list of nominees to the point where we could fill -- we could
2 get three people for each region.

3 This is the result of that solicitation so we have
4 the five regions. You can see who, within those regions, fall
5 as voting members of the region and who are the proxies in
6 that region. In addition, to the voting members who were
7 nominated, we have three industry leader seats available for
8 votes. That is the Maryland Watermen's Association, CBCFA and
9 the tidal fish commission's chairman or a proxy for the
10 chairman.

11 So that is what we are looking at. We have our
12 first meeting that we have scheduled for August 16 between
13 5:30 p.m. and 7:30 p.m. here in Annapolis.

14 And we have sent out an agenda for that meeting, and
15 thinking about it right now I can't remember exactly what was
16 on that agenda but it is going to be an introduction and then
17 we would like to open the door for future work that the
18 working group wants to, you know, work with the department on,
19 thoughts that they have about future management of the striped
20 bass fishery.

21 (Slide)

22 Based on conversations that we have had here at this
23 table, and the possibility that there could be some potential
24 management changes for American eel in the coming years, we
25 have decided to put together a working group of eel

1 harvesters. And this was a recommendation -- I mean, we
2 talked a little bit about the potential change here at the
3 commission.

4 This spring/early summer we got a group, we invited
5 everyone -- we sent a letter to everyone who had harvested eel
6 sometime during the last five years to attend a meeting where
7 we could discuss future management, and there was a suggestion
8 there to try to convene a working group of individuals to
9 discuss eel management and come up with a plan for the future.

10 One July 15 we sent a letter to the eel participants
11 asking for them -- kind of similar to how we did with striped
12 bass, we were asking for nominations from individuals for
13 people, whether it be themselves or someone they knew who
14 could represent the eel industry on this group.

15 We were looking for a fish dealer. We have one seat
16 set for a fish dealer. Two seats for the bait fishery, which
17 we are kind of considering a bait fisherman, somebody who
18 perhaps crabs more full time and harvests eels only for
19 personal use or the sale of bait for other crabbers.

20 And then we have the directed fishery, where we are
21 holding five seats for the directed fishery participants. We
22 have broken that directed fishery down into five different
23 seats. Four of them are regional and one seat has to do with
24 somebody who may only eel in the latter part of the season.

25 So we have an upper bay fisherman, a middle bay

1 fisherman, a lower bay fisherman, a coastal fisherman, and
2 somebody who only eels in the late spring. We are also
3 looking for other recommendations. You know, this is
4 something that came from staff. We thought that this group of
5 people, along with the industry leadership like we have with
6 our other committees, or with our other workgroups, would be a
7 start.

8 If anyone out there has any more advice on somebody,
9 maybe a category that we are missing, you know, we certainly
10 need to take that into consideration and we can add that to
11 the group.

12 Lastly on eels, and then maybe I can take a couple
13 questions. I have seen a few hands. Because we anticipate
14 that there could be some potential change in the future for
15 eels, the department has put forth a regulation requiring that
16 eel harvesters have a permit.

17 And that permit is designed so that it allows the
18 department to know in a given year who is harvesting eels so
19 that we can communicate with them more effectively.

20 It is harder to send a letter out to 5,000 people at
21 a time. If you know there are only a few hundred people, you
22 can communicate directly and much more effectively with those
23 individuals. So the eel permit is available today. It
24 started today in Compass. It started this afternoon. There
25 is Rachel shaking her head.

1 It came online around 2:00 p.m. or 3:00 p.m., I was
2 told, right before I came down here, that an eel permit is now
3 available. There is no charge. We just ask that anyone who
4 anticipates harvesting eels commercially in 2017 obtain that
5 permit.

6 And in the event that we have to engage in
7 management change, the we have that frame of individuals whom
8 we can communicate directly with and effectively with. One
9 last update, and then, Mr. Chairman, I can probably take some
10 questions on the updates.

11 (Slide)

12 Menhaden harvest: I know everybody is interested in
13 where we are in relation to the harvest for menhaden. As you
14 know, we have a quota. The quota is 5.2 million pounds. Most
15 of that is caught by pound nets.

16 This graph that you are looking at is a reflection
17 of the pound net catch, the blue line. And again this was
18 updated about five minutes before I came here so I didn't have
19 a chance to adjust the legend.

20 But the blue line is the catch by pound netters to
21 date. The yellow line there is the target for pound netters.
22 And then the red line is the total Maryland quota.

23 So as you can see, pound netters catch 92 to 94
24 percent of the total catch. And so what we do is we are
25 tracking that blue line, and as it gets closer to the gold

1 line, we need to begin considering whether or not we would
2 implement our bycatch limit, considering that ultimately we
3 will achieve that target level.

4 And we can't do that as effectively as we would like
5 to because we know in reviewing catch reports throughout the
6 year that not everybody harvesting menhaden is complying with
7 the rule to electronically report on the day of that catch.
8 Many people are but there are some who aren't so we have some
9 uncertainty in our day-to-day evaluation of the catch as to
10 how much further that blue line should be up.

11 Has there been an extra million pounds caught that
12 we are unaware of? And it is a concern of ours, and it is the
13 reason why, when we get a little further along, we are going
14 to need to be considering whether or not we should buffer that
15 closure to account for that extra harvest that comes in well
16 after the closure occurs. But that is where we are. We have
17 got a couple million pounds to go.

18 Maybe I could take a couple questions, Mr. Chairman?
19 I saw a few hands.

20 *Questions and Answers*

21 MR. GILMER: On the eel thing, a couple things here.
22 When you are talking about a fish dealer, does this person
23 have to sell live eels or is this a person who sells salted
24 eels because I have got some people who do both. I need a
25 little clarification on that, what is considered a fish

1 dealer.

2 MR. LUISI: I would say either one. If we get, if
3 we receive nominations, if you think it is important that
4 there is enough difference between somebody who is buying and
5 selling eels to have another person. If there are two
6 different categories for eel dealers -- we should have labeled
7 that as eel dealers.

8 We are looking for somebody who really puts a lot of
9 effort into dealing eels so that they can understand the
10 economics, how things work throughout the season. That is
11 what we are looking for.

12 MR. GILMER: And then on the late-season fisherman,
13 I have got a couple guys who eel every fall but they also eel
14 for six weeks in the spring. So are they in that category?

15 MR. LUISI: They could be. I think we were thinking
16 of individuals who don't do it all year round. They are more
17 seasonal because of the effect of possible management.

18 Say we implement management that says you just catch
19 the quota until it is caught and then we close the fishery.
20 Those late-season folks would be -- that is why we thought of
21 that.

22 MR. GILMER: I have got two or three eelers who eel
23 all year but then I got guys who go, and then they go crabbing
24 and then they go back eeling in the fall.

25 MR. LUISI: What I would suggest, and you can pass

1 the word, is that you just write it in there. I am a seasonal
2 crabber. I am not a full-time crabber.

3 MR. NESSPOR: Who used the word anticipate change?
4 I love the department's word anticipate. Where did you get
5 that word from?

6 MR. LUISI: Well, we anticipate --

7 MR. NESSPOR: How do you anticipate?

8 MR. LUISI: We expect that there is a high
9 probability that in the next few years, the catch along the
10 Atlantic coast will be high enough to trigger a management
11 change that will require us to manage a quota in Maryland.

12 So a quota has been set, a coastwide quota. And
13 last year we didn't reach it. But that quota was set at a
14 level that was less than the average catch over 10 years'
15 time.

16 So we expect, we anticipate, in the next few years.
17 It could be this year. We could be looking at changes in 2017
18 but based on the probability of how the eel catch goes along
19 the coast, we just anticipate any time in the next few years
20 we will be looking -- that is why we are trying to get in
21 front of it.

22 MR. NESSPOR: I mean, the eels in our area -- I
23 crab, okay? And our eel fishermen eel in the spring. They
24 target the big eels that outside markets want to buy. I mean,
25 it is a load of small eels out there, and we all know it.

1 It seems like to me it is a market deal, a consumer
2 deal, in small eels more than it is the, you know, quality of
3 eels in the bay because if you try to set pots like we do, you
4 don't see them. It is unbelievable the amount of small eels
5 that are in the bay. So I wouldn't see that any restrictions
6 should come along with anticipated reaction on your part.

7 MR. LUISI: The reason why it is anticipated is
8 because the measures have already been set. The Atlantic
9 States Marine Fisheries Commission has already set the limit.
10 So if there are as many small eels as you are saying there are
11 in the bay, they will ultimately get caught, and we will
12 ultimately be above the target and we will ultimately have to
13 implement new measures.

14 So those have been set. We are not still working on
15 that. That has already been in place. So we haven't had to
16 implement those new measures but we are expecting them to be
17 there.

18 MR. LAY: I just want to make sure everybody knows
19 this coastwide quota is set by the Atlantic States Marine
20 Fisheries Commission. This is not Maryland's idea. Maryland
21 is trying to be proactive so if they are mandated to do
22 something, we have already got some framework in place,
23 already had some meetings. The eel people will get to make
24 the decisions on how the quota will be divided up.

25 It is to benefit the watermen. It is not a

1 punishment for Maryland.

2 MR. LUISI: And of the quota that is set coastwide,
3 Maryland receives 56 percent of the total coastwide catch. So
4 we are the big dog in the eel management game and we came out
5 really on top of that whole discussion. There were options in
6 those measures that put us a lot lower than where we are so we
7 are sitting in a good spot right now. We just are
8 anticipating some change. Ready to move on?

9 MR. RICE: Go ahead and move on.

10 (Slide)

11 MR. LUISI: So moving into the commission and
12 council updates, there is an ASMFC commission meeting, the
13 summer meeting, from August 2nd to 4th. There are a few
14 things that I thought might be of interest to you guys based
15 on the commercial qualifier for these issues.

16 I am just going to skim through these really quickly
17 without a ton of detail. If you want to go into more detail
18 about it, I certainly can.

19 The South Atlantic Board is going to be looking at
20 whether or not ASMFC will be taking on cobia management.
21 Cobia has been a hot topic on the coast this spring and
22 summer.

23 Maryland currently has no management measures in
24 place for cobia; therefore, in state waters in Maryland, cobia
25 is an open fishery while the states around us all have

1 management measures and the federal waters are actually closed
2 based on the stock assessment on cobia. So ASMFC is taking it
3 up, and we will see where that goes in the discussion. That
4 is going to be had on the 2nd.

5 Spot and croaker: There is a benchmark assessment
6 occurring as we speak. The results of that stock assessment
7 aren't going to be available until February, probably the
8 February meeting, but I know there is a lot of concern right
9 now from both the commercial/recreational charter fleets,
10 regarding the abundance of both species.

11 And information that is generated from that
12 assessment update is going to be critical to management action
13 if it is taken in the future. The sport fish commission
14 requested a working group to be put together by both the tidal
15 fish and the sport fish commission, working together to, you
16 know, really dive into these issues and talk about the
17 assessment, talk about the user-conflict issues that are
18 occurring in the bay.

19 And maybe after I get through this ASMFC update we
20 can stop and determine if tidal fish wants to engage with that
21 working group.

22 The same day we have a Horseshoe Crab Board meeting
23 and a coastal sharks meeting. You know, we continue to fight
24 the good fight to try to get some female horseshoe crab
25 harvest back to our coastal harvesters. I am not very

1 optimistic that we are going to win the battle at this point.

2 There is still concern regarding the red knot and
3 the red knot population and how it is impacted by the
4 horseshoe crabs eggs on the beaches of the Delaware Bay area.
5 But we are continuing to work with staff and work with the
6 commission on the possibility of having some small levels of
7 female crab harvest, which will help our markets in Maryland
8 much better.

9 Coastal Sharks Board: There is a federal consistency
10 issue. We have been given a great deal of comment from our
11 coastal fishermen.

12 We don't see the need for that federal consistency
13 at this point so I believe the position we will take on
14 that -- I will obviously have to speak with the other
15 commissioners from Maryland on the board but I think we would
16 probably go with the status quo rather than the federal
17 consistency, which just adds another layer of burdensome
18 regulatory management to the small number of coastal shark
19 fishermen we have.

20 One of the big meetings in a couple weeks is the
21 Atlantic Menhaden Board, where the board will be considering
22 final action on the 12,000 pound bycatch allowance addendum.
23 That action would allow for a vessel fishing stationary gear
24 to harvest up to 12,000 pounds of bycatch of menhaden after
25 the quota is landed.

1 Right now there is no limitation for guys fishing in
2 the bay; however, if that quota is met and we close the open
3 fishery, they will have to go to the bycatch limit.

4 It has bounced back and forth between 6,000 and
5 12,000 pounds over the last few years and 6,000 last year was
6 a problem for a lot of the guys. It was causing great
7 inefficiencies in their operations, and we suggested to the
8 board this addendum. They are going to be considering final
9 action and we feel pretty optimistic about the way that is
10 going to go given what the board's comments have been
11 recently.

12 We will also be talking about setting a quota for
13 menhaden in 2017 at this same meeting, and there is a
14 potential, there is likely going to be a consideration by the
15 board for a potential increase in the overall quota for
16 menhaden along the coast.

17 Now just to give you a sense of what that means for
18 Maryland, if the board were to increase the quota by 10
19 percent, what that means is that we would likely get about an
20 extra week of fishing at that open level right before hitting
21 our quota.

22 It is -- because we get so few fish of the total
23 allowance for the coast, in the operations of our bait
24 fishery, an increase in quota doesn't ultimately lead to
25 solving the problems we have had to face under this quota

1 management system.

2 What we are looking forward to, and it will be
3 discussed as Draft Amendment III, which is the amendment that
4 is looking at how to divvy up and allocate the menhaden
5 resource along the coast, there is a public information
6 document that has been prepared, and it has been worked on by
7 a working group of the board members, and that public
8 information document, which is the first step in moving the
9 amendment along to the public, will be discussed and hopefully
10 finalized for public view.

11 There is also going to be a report on the
12 socioeconomic study that I know we have mentioned before and
13 had hoped that some of our fishermen were included in that.

14 The Striped Bass Board meets the same day. I just
15 spoke with the plan coordinator this morning and they are
16 planning to take a look at state compliance. So two years ago
17 we had to reduce our catch. We had to reduce our catch by 20
18 1/2 percent in the Chesapeake Bay and 25 percent along the
19 coast.

20 So they are going to be reporting out to us how we
21 did. And in a minute I will show you what will be reported
22 and some of the argument we will have to make with members of
23 the board and the commission staff.

24 (Slide)

25 Two more quick things: There is going to be a

1 discussion about potential allocation changes. It is a
2 possibility this will get brought up. There are some states
3 that feel slighted given the fact that they didn't have very
4 good reporting on eel harvest, and when the allocations were
5 set for each of the states, they felt it was a cheap shot or a
6 shortchange.

7 So there is going to be a discussion about the
8 potential for maybe shifting things around a bit. I don't
9 know really where that is going or how much support the states
10 who didn't have the reporting requirements are going to get
11 from other board members there but we will keep you guys up to
12 speed on that.

13 The reason I put it there is because, like I said,
14 we have 56 percent of the quota so if you are going to take
15 from someone -- I will leave it at that.

16 MR. BROWN: Mike, on these eels, you are counting
17 pounds of quota, right?

18 MR. LUISI: Yes.

19 MR. BROWN: Well, do you want to count pounds --
20 this is something that needs to be brought up -- do you want
21 to count pounds of fish or do want to count numbers of fish,
22 the eels, because when they get down in there catching those
23 little glass eels, was it in Maine, how many of them does it
24 take to make a pound?

25 We have an eel that will weigh three pounds

1 sometimes.

2 MR. LUISI: Yes, I mean, it is all in pounds at this
3 point right now. And they have their own quota. They have
4 their glass eel fishery that is different from this coastwide
5 quota that we have.

6 MR. BROWN: It is still affects the catch though.

7 MR. LUISI: Sure, sure. Lastly, as far as the ASMF
8 update, the Lobster Board meets on the last day. It is
9 another all-day meeting on lobster. We have a small but
10 stable lobster fishery off shore, off of Ocean City.

11 The board recommended the initiation of a new
12 addendum, which will look at what we can do off shore in the
13 ocean to increase egg production by between 20 and 60 percent.
14 There is very little egg production occurring as a result of
15 environmental conditions more so than -- it seems to be what
16 is driving the low reproduction for lobster.

17 That is happening in and around the Long Island
18 Sound. That is kind of where all of our lobster come from.
19 And there has been very little reproduction there over the
20 last 10 years. So we are upon the point for which our stable
21 yet small fishery is likely to see some fallout due to that
22 poor reproduction.

23 The board took action to get things started to see
24 what we could do to try to increase that egg production. The
25 problem is, it is very environmentally driven, and there might

1 not be much we can do as managers managing harvest to make
2 that any better of a situation than it is.

3 (Slide)

4 Getting into performance, I figured you would all be
5 interested in how Maryland performed both commercially and
6 recreationally due to the cutbacks that we had. Commercially,
7 you guys can see this is the reference period quota that we
8 started with. We had to take a 20 1/2 percent reduction in
9 the bay, which gave us the quota that we are currently working
10 under.

11 The 2015 catch was 99.9 percent of that quota. We
12 left 300 pounds, 400 pounds there. 400 pounds left. That is
13 all that was remaining of the 2015 quota.

14 On the Atlantic, they had to take a reduction. This
15 is not in millions of pounds. This is 98,000. They landed
16 34,000 so they only acquired 35 percent of what their quota
17 was on the coast, and that has to do with availability because
18 the fish that past year stayed off shore and they never came
19 inside the three-mile line that they can't extend past beyond.

20 So this what the board is going to see, which shows
21 that we are able to harvest our catch.

22 (Slide)

23 For the recreational fishery, I think it is
24 important because I want to manage expectations of what the
25 board is going to hear and what our arguments to the board

1 will be.

2 2012, this was the year. Don't pay too much
3 attention to the blue and the red lines. I would just focus
4 on this green line right here. 2012, our catch in 2012 for
5 recreational purposes, was what we were expected to take
6 reductions from.

7 You can see our 2013 fishery. That was -- no
8 management change here. No management change here. But in
9 2015 is when we took the reduction. That is when we switched
10 all the rules. The trophy season changed. The summer/fall
11 fishery changed. We went to 20 inches.

12 This is the resulting catch of that. And when the
13 board hears that we had a 40 percent increase in catch from
14 the time period for which we were supposed to reduce from,
15 there is going to be a lot of people looking over it, me and
16 others, thinking, what did you guys do? How did you not
17 achieve the reductions that you were expected to achieve?

18 And I have a number of different things that I plan
19 to present to the board to explain to them why we could have
20 been here because we have a 2011 year class that is getting
21 larger and larger and larger.

22 And that 2011 year class, in 2015, was in the
23 wheelhouse. It was right there. It was 18 to 20 inches, and
24 you guys who caught them, not commercially but the
25 recreational folks, had to throw back a ton of those fish.

1 And we heard about it all year long.

2 So while we did not reduce to the level we were
3 expected to, I think we certainly were successful in keeping
4 the fishery from expanding beyond what it was the previous
5 year. So this is all going into what we anticipate to be,
6 again, another look at the newest assessment.

7 (Slide)

8 In October, we are going to see an assessment update
9 that takes spawning stock biomass estimate and the fishing
10 mortality estimate to 2015. And that is going to be an
11 opportunity for us to again review that assessment update and
12 potentially bring back to the board the attention that we did
13 last time regarding the issues that we have with taking
14 reductions on a stock that we feel is very healthy.

15 I can't anticipate what that result is going to be
16 at this point because the data were just received by the board
17 or by the commission, and they are working on that assessment
18 update as we speak. So for the 2017 fishery, I would just
19 consider that you are going to -- everything is going to stay
20 status quo.

21 However, if this assessment update gives us
22 information that we can use to go to the board to think about
23 and suggest consideration for giving back some of the quota
24 that was taken during that Addendum IV reduction period, then
25 we will have to have that discussion internally and decide if

1 we are going to go down that road.

2 But that is kind of the outlook. That is what we
3 are looking at for the next few months, and I should maybe
4 take questions on ASMFC before I go to the council?

5 MR. NESSPOR: Let's talk about the facts. The fact
6 is commercial, we know it is 1.72 million pounds caught,
7 checked in weekly, monthly, daily. My question is what
8 formula did you use for the recreational to come up with your
9 numbers?

10 Compare that 42.5 percent as commercial, which we
11 know is 1.7 and the recreational should be 7.5. I just want
12 to know how you came up with a formula on the recreational for
13 accountability.

14 MR. LUISI: The recreational harvest estimates, the
15 formula probably would fill that entire screen.

16 MR. NESSPOR: It confuses me.

17 MR. LUISI: It is an approach that the federal
18 government does with the information that they collect to
19 estimate how many fish have been harvested, so there are
20 intercepts that happen around the state. Fishermen who get on
21 shore are intercepted and asked questions regarding their
22 catch, and that is brought together with an effort estimate to
23 determine --

24 It is just an estimate. There is no, there is
25 nothing that -- it is not a census. It is an estimate of what

1 is caught, and it is the best available information that we
2 have to estimate that catch.

3 And that is the information -- it is called the MRIP
4 program, and the MRIP program, that information that comes
5 from it is what managers use to -- we just consider that
6 program as being the best way of telling us what was caught by
7 each state and by the coast regarding recreational harvest.

8 Commercial harvest, as you know, is much more
9 accountable. We have got check stations, we have got daily
10 reporting, we have got all these other mechanisms, and we know
11 where we are with that.

12 MR. NESSPOR: For recreational, you are talking
13 about fish, correct? I saw the people down there landing in
14 Rock Hall who come and asked and volunteer and they can say
15 anything they want. Nothing is -- I guess you can go
16 scientific, whatever you want.

17 You talk about fish, why don't we talk about pounds
18 the same way as the commercial is put under restraints of 20
19 percent? And why don't we talk the same language instead of
20 fish, pounds?

21 MR. LUISI: There is a conversion to pounds. We
22 just don't refer to -- the recreational fishery isn't managed
23 based on a quota. It is managed based on a percentage of what
24 is taken versus -- it is called a fishing mortality rate.

25 So you can catch more fish and fish at the same

1 fishing mortality rate if the amount of fish you fish from is
2 bigger than the year before. So it is all proportional, and
3 that proportional look at the stock and the catch is what we
4 manage by.

5 We don't take -- we don't manage by what is
6 harvested as far numbers go, which is another point that we
7 have to make as to why those data are not necessarily
8 reflective of success because while we just believe that the
9 stock size was much greater here that it was the year before
10 so we potentially -- I am confident that we reduced harvest to
11 the point where we needed to.

12 MR. NESSPOR: Does the mortality look at the slick
13 of 18- to 20-inch fish from the Magothy to the Bay Bridge that
14 are -- the fish on the 20-percent reduction that are targeted
15 to go --- reduction, and we probably killed a quota of
16 commercial fish out there by throwing back the 18- to 22-inch
17 fish to get the 20-inch fish? And how is a reduction with
18 that -- and I am not going to get into this because we know.

19 I just want to go on record for it that everybody in
20 this room knows that a limit of 20-inch fish weighed more than
21 a limit of 18-inch fish. And I am just wondering how we came
22 up with that assumption in mortality that is out here right
23 now?

24 MR. LUISI: Well, the mortality was picked up -- you
25 can see that this red line is discard mortality so you can see

1 that in the one year, there was an estimate that this
2 mortality was higher than the previous year by 100,000 fish.

3 That is all the result of the 18- to 20-inch fish
4 that we were trying to protect. We tried to protect them but
5 they got thrown back. 10 percent of them, we estimate, died,
6 but had 100 percent of them died, this dot would have been up
7 here because there would be all of those fish that did get
8 thrown back that survived were -- that was what our effort was
9 in order to protect the stock.

10 (Slide)

11 Really quickly on the council, there is a council
12 meeting in a couple weeks in August, August 8-11 in Virginia
13 Beach. The only thing -- well, there is two things.

14 (Slide)

15 The Summer Flounder/Scup/Black Sea Bass Board is
16 going to meet jointly with the council. The biggest thing
17 here commercially is that there is an expectation that summer
18 flounder quotas next year will be reduced yet again.

19 I brought it up with you last year, explaining that
20 something is going on that managers are trying to figure out
21 what is happening with the flounder stock, which was one of
22 the stocks that we were very proud of bringing back to life.

23 It is starting to again fall flat. We think that
24 there is a lot of harvest happening along the coast that isn't
25 being accounted for, and it is -- so it is unknown levels of

1 mortality that aren't being factored into the quota
2 calculations.

3 So this affects mostly, on the commercial end, the
4 seven or eight permit holders we have on the coast who have
5 had to deal with reductions before and they are likely going
6 to have to deal with them again. SSC, the group that makes
7 that decision to recommend to the council, met today and they
8 are coming out with a recommendation for another reduction.

9 The other part of the council meeting that you may
10 have heard about, have had discussions about with some folks,
11 is an amendment or an action, we consider just an amendment an
12 action, on forage fish.

13 So this action that the council is considering --
14 again, this is all federal waters. This is not a state waters
15 action. It is looking to prohibit or protect the forage base
16 in federal waters. The action is intended to prohibit the
17 development of -- this is important -- the development of new
18 and the expansion of existing directed fisheries for forage
19 species in the mid-Atlantic federal waters.

20 So all of these fish, and I should have used the
21 word unmanaged forage up here, they are all fish that have no
22 management measures in place. And so what we are doing is we
23 are looking at minimizing any expansion of directed fisheries
24 that are happening where the growing -- or any new fishery
25 from starting without some scientific information to make it

1 more scientific for that harvest.

2 There are over 50 species on that list. Some
3 of -- you may have seen, we have received some complaints from
4 commercial fishermen that this is going to decimate or cripple
5 or, you know, really put the guys on the coast out of
6 business.

7 And I am here to say that is not the case. There
8 are alternatives in this amendment that allow for the
9 continued harvest up to the point where you kind of want to
10 consider harvest as a footprint. If you are harvesting this
11 now, you will be able to continue harvesting it but you can't
12 expand it until we know more about it.

13 And that is the concept that we are using. We are
14 establishing catch caps that would freeze this footprint but
15 have very little impact on the commercial harvester.

16 Industry representatives, commercial industry
17 representatives along the coast, have been very supportive of
18 this as it is now. They weren't as supportive a year and a
19 half ago but they are much more supportive now. I just wanted
20 to bring that up with you. Final action will be taken on
21 that.

22 So why don't I take questions on this before I go to
23 yellow perch.

24 (No response)

25

1 ***Summary of Yellow Perch FMP Amendment and Allocation Request Update***

2 (Slide)

3 MR. LUISI: Moving over to yellow perch, and this is
4 the last topic that I have for the division report.

5 So you all have in your packets a yellow perch
6 amendment. This is a draft amendment, and the amendment's
7 purpose was to update the plan to reflect management change
8 that had occurred back in 2008 and 2009. And at that time,
9 the commercial fishery reopened, and there was a decision to,
10 when that fishery reopened, that there would be an allocation
11 between the commercial and recreational fisheries at 50
12 percent and 50 percent. Each one got the same allocation.

13 So this amendment went back to 2002, which was the
14 latest, the last time it was updated. It went through goals
15 and objectives, and most were still appropriate. But some of
16 the actions in the previous amendment were no longer
17 applicable because of the changes in 2008 and 2009.

18 We are managing under an entirely new framework for
19 yellow perch, and that is what this amendment discusses, and
20 it looks at future actions as they relate to our current state
21 of management.

22 So to conclude with the draft amendment, it is ready
23 for review. All of you have a copy. It continues to
24 emphasize ecosystems, which we are going to get into during
25 our Forage Fish and You section here in a minute. But it

1 maintains the current biological reference points. So the
2 next steps that we would like to gather from the commission,
3 and this was also reported to sport fish, is that we would
4 like to incorporate feedback, any feedback that you have,
5 regarding the amendment.

6 Please let us know. You can send information. The
7 best way to do that would be to send information to Nancy
8 Butowski via e-mail. She is our FMP coordinator and she will
9 fold into the draft anything that you guys would suggest. And
10 we are looking to finalize the approval of this amendment in
11 October during the sport fish and tidal fish meetings.

12 (Slide)

13 So with all of that said, I reported to you at the
14 last meeting that we were anticipating an allocation review
15 request. Well, after our meeting, we did receive on May 3 a
16 letter from the Cecil-Harford and Baltimore Watermen's
17 Associations asking the department to review the underutilized
18 portion of the yellow perch quota.

19 The mention in there was that the outcome would be
20 more reflective of the reality of the fishery. So to take 30
21 seconds and explain, we have an allocation of 50/50. 50
22 percent of -- let's start with 100,000 pounds. If 100,000
23 pounds is what we say can be taken, 50 percent of that is
24 assigned to the commercial fishery. 50 percent is assigned to
25 the recreational fishery.

1 The commercial fishery obtains and catches that
2 50,000 pounds through the system that we have in place to
3 monitor that, and we close the fishery when they do. It is
4 perceived that the recreational fishery does not account for
5 that 50 percent, that they are not catching 50,000 pounds of
6 fish.

7 And so the fact that they are allocated more than
8 what they are catching is the basis for the request for this
9 review. So what the reviewers asked is that we take the
10 unused portion of the recreational harvest and move it to the
11 commercial side so that the full utilization of the allowable
12 catch is taken in a given year.

13 And so we have some steps that we need to follow
14 regarding that request because we have an allocation policy.
15 The allocation policy states that within 180 days of receiving
16 this information, that we need to take one of the following
17 actions.

18 We can begin a pre-assessment and establish a
19 timeline for completion of an assessment on the allocation
20 change. We can place this into the FMP process and allow the
21 process for the FMP review to be part of the discussion. Or
22 we could simply reject the request -- not simply -- but we
23 could reject the request for lack of merit or information.

24 If we decide to reject the request, we would
25 certainly need to justify our decision as to why we would

1 reject it. As far as part number two, we have an open
2 amendment right now. You will read in the amendment that
3 there is a recommendation from the group that reviewed that
4 amendment that as of 2012, it states -- they are not
5 recommending an allocation change.

6 But -- the reason why I stress the time period is
7 that they are saying as of 2012, there is no need for a
8 change. But between 2012 and 2016, information that is
9 different could alter that recommendation.

10 So Dave and I have talked about this. I have spoken
11 with Nancy and Sarah, who works for Sarah. Nancy works for
12 Sarah. And we are in the point now where we have this 180
13 days to internally decide on which action we are planning to
14 take.

15 And what we would like to do is make sure we have
16 that decision prior to the next meeting of this commission,
17 which would be in October, early October. So we need to get
18 our group together internally and decide where we are going to
19 go. We will keep you guys up to speed on that or up to date
20 on our progress that we make and, you know, report back to you
21 at the next meeting. That is what we expect.

22 ***Questions and Answers***

23 MR. BROWN: Mike, out of the 50 percent of the fish
24 that the sports fishermen are catching, what percentage of
25 that 50 percent are they catching?

1 MR. LUISI: If we knew the answer to that, we would
2 have a lot less heartburn about the allocation request. We do
3 not know. We do not know -- or we don't even have an estimate
4 of the catch during that time period of the year.

5 The MRIP program does not operate in January and
6 February, and we have no internal creel survey or anything to
7 estimate what is being taken. So we have a data gap, and I
8 will say that but I will also say that, you know, there is a
9 perception that they are not catching 50 percent, and that is
10 part of this request, that there is no way the recreational
11 anglers could be catching the same number of fish that the
12 commercial fishermen are but I wish I had the answer because
13 it would make it a lot easier.

14 MR. BROWN: How is the stock doing?

15 MR. LUISI: The stock is doing okay. We are looking
16 at a couple strong year classes entering into the fishery, and
17 we are projecting that the stock is growing and that quotas
18 will be moving larger in the next few years.

19 MR. GOLDSBOROUGH: On that last point, isn't that
20 just for those rivers that are open? There are some that
21 aren't open because the stock is still down, right?

22 MR. LUISI: Most rivers are open to recreational
23 fishing.

24 MR. LAY: All.

25 MR. LUISI: All of them, okay. Commercial fishing

1 can only operate in -- north of the bay, the Chester and the
2 Patuxent. Some of the other areas -- we don't have enough
3 information to calculate even a quota at all. We don't have
4 historical information or even sampling information to be able
5 to say because the way that the commercial quota is allocated
6 is it is based on the area. We have different quota
7 monitoring for the different areas.

8 And so if we were to open up a new system, we would
9 have to have some confidence in what we were allowing to have
10 taken, and that is just -- we don't have the resources for
11 that right now.

12 MR. LAY: Our county association was one that
13 requested this, and based upon what the sport fishermen said
14 at their meeting a couple days ago, they are saying, you know,
15 you can't prove that we are not catching our quota.

16 Well, there is no accountability in the recreational
17 yellow perch fishery, which is more or less punishing the
18 commercial fishermen because we can't justify this through
19 data because this data doesn't exist.

20 They can't prove that they catch their 50 percent
21 but they are saying you can't change this because you can't
22 prove statistically that we are not catching this 50 percent.
23 And the recreational yellow perch fishery is on the decline.

24 The young people don't yellow perch fish. There is
25 very limited access to where yellow perch fishing is

1 available -- private land now. Boaters have all their boats
2 put away. Primary yellow perch fishing is January and
3 February. It is just not like it was. People aren't cutting
4 holes in the ice and sitting there, their tubs out there
5 fishing anymore.

6 I look at it in my area. There is one popular area
7 in Cecil County, one in Harford County. A handful of people
8 fish those. A lot of them that catch the fish just throw them
9 back. They just like to do it. The recreational creel limit
10 increased from 5 to 10 during this period, which is fine. I
11 don't care if it goes to 15. They are not going to catch but
12 10 percent, maybe 20, at the most of that quota.

13 And it is just not fair that, that extra 30 percent
14 of unutilized quota be returned to the bay because it is not
15 necessary to save that portion. That 100 percent of the
16 quota, which is established, means those fish are safe to take
17 without hurting the current or future population of yellow
18 perch.

19 We just want to be able to utilize that
20 underutilized portion of the quota. We are not asking for
21 more quota. We are not asking for any restrictions at all on
22 the recreational side. All of their fishing -- they get to
23 fish every drop of water in the Chesapeake Bay 365 days a
24 year. Their creel limit was doubled.

25 There would be no restrictions on any of that if a

1 reallocation occurred.

2 MR. BLACKWELL: Will you be able to get good data,
3 and how will you do it? And will it be in the same units as
4 the public fishery?

5 MR. LUISI: In order to collect information and
6 harvest estimates for this fishery, we would need a tremendous
7 amount of resources, monetary resources and staff resources,
8 that are not available because we would need to conduct a
9 creel survey probably from the middle of January through the
10 end of March.

11 And we would have to cover all the different fishing
12 areas -- it is just not something that we have the resources
13 right now to do. Most other fisheries, because they don't
14 operate in the winter, we can rely on the federal government
15 providing us with estimates through their funding. But this
16 would require us to engage in a couple hundred thousand
17 dollars, I would expect. That would be what the cost would be
18 to just generate an estimate of catch.

19 MR. BLACKWELL: How do you think you will answer the
20 question then?

21 MR. LUISI: We are yet to conclude -- we haven't
22 made a decision on this. It is one of the challenges. This
23 is one of the big pieces of it, and we have to decide on
24 whether or not the information we have at hand is enough to be
25 able to essentially take some risk in making a decision with

1 information we don't have. It is going to be tough.

2 MR. BROWN: But if the stocks are increasing, that
3 is showing you the fishery is improving, so that does give you
4 justification to permit them to catch a few more fish.

5 MR. LUISI: When the stocks increase, we will
6 increase the quota so everyone will share in more catch but to
7 play devil's advocate as to the discussion that we had,
8 devil's advocate, but I will just mention what was mentioned
9 the other day at sport fish was that the reason why there is
10 an increase is because the fish that aren't being caught are
11 being left in the water.

12 And those fish that aren't being caught are helping
13 with the increase in the population.

14 MR. BROWN: And when Mother Nature has the right
15 situation, a few fish can do more than a gazillion of them
16 during a bad situation. That is just the way Mother Nature
17 is.

18 MR. LUISI: And I will say the same thing because I
19 want to make sure it is clear on the record. My point to that
20 was I don't feel that what is left in the water is the reason
21 why -- is the only reason why the stock is going up. But what
22 it does is it increases the probability of the success when
23 the conditions environmentally are in the right place.

24 If you have more fish when the environment is right,
25 they will produce more. If you have fewer, there is less

1 probability of success, and that is kind of how I -- whenever
2 I get asked that question, that is my answer.

3 MR. GOLDSBOROUGH: I think maybe it is helpful to
4 elaborate a little bit on the discussion at sport fish. It is
5 true that we talked about the quality of the data but that was
6 based on the department's report on that. It is a fair
7 question to say, if we really don't know what is being caught,
8 how do you know what quota is left or not left?

9 But I think maybe the most important point from the
10 discussion was about the fundamental difference between the
11 recreational/commercial fisheries. The commercial fisheries'
12 objectives are met if you take maximum sustainable yield, and
13 that is to your point, Steve. What is available without
14 harming the stock? What is the maximum you can take?

15 But recreational objectives, and I think this is a
16 big rub these days, not just here but nationwide really
17 between recreational and commercial, is figuring out how to
18 achieve all your objectives. But the recreational really
19 maximizes its fishery if there is a high abundance of fish, if
20 there are more fish out there to be caught.

21 And they also prefer to catch bigger fish. They
22 like a trophy fish, so you have to wider age/class
23 distribution. So really to -- for the recreational fishery,
24 from a quota standpoint, catching all their quota does not
25 necessarily maximize their fishery. They would like to leave

1 more fish in the water, and eventually there will be more fish
2 to be caught.

3 And it also should help lead to a wider age/class
4 distribution. So it is about the quality of the fishery over
5 time, not just maximizing the quota, which is, you know, the
6 way the commercial would look at it. So there is a very real
7 difference in objectives in quality of the fishery between the
8 two.

9 MS. DEAN: It is kind of frustrating because it
10 seems to be begging the question that Steve's request, that it
11 be reallocated because they are not reaching their target, is
12 denied because we don't have the data. Yet we use that same
13 argument to say that the recreational fishery, those that let
14 it swim, are adding to it and also making it a larger trophy
15 fishery.

16 So it is kind of, I would imagine, disheartening to
17 hear that we don't have the data to support you but we are
18 going to use those same conclusions to say that we can't
19 reallocate.

20 So with that being kind of said, and a frustration,
21 I am almost interested in seeing if we could move, based on
22 Robert T.'s conclusion that we got, that the population and
23 the stock is going up, and if this were to move into some sort
24 of public hearing process to see if the effort and the times
25 have changed.

1 Are we going to get that pushback? So maybe if we
2 don't have that data we could move on the qualitative data
3 that we get back from a public process.

4 MR. LAY: Bill, I would like to comment on what you
5 just said. If all things were equal, what you said makes a
6 lot of sense. But in the yellow perch fishery, all things are
7 not equal, and that is the size limit. The commercial
8 fisherman has a slot limit, which is 8 1/2 to 11, which
9 targets a smaller fish.

10 The recreational fishery is 9 inch to maximum, and I
11 will give everybody here a \$100 bill for every 9 inch male
12 yellow perch you can bring me. Maryland law mandates
13 recreational fishermen to only target and keep egg-bearing
14 females. So that is something you need to know.

15 And that makes a difference in the fishery. We are
16 catching little males at 8 1/2 inches and you are catching
17 big, 14-inch egg-bearing females, which are never going to get
18 a chance to spawn because you are after that trophy fish,
19 which is only the big females. It is not an equal playing
20 field.

21 MR. BLACKWELL: Where does that proposition or
22 assumption or standard that it is has got to be 50-50 to begin
23 with come from, and does it have to be?

24 MR. LUISI: Well, that was an agreement that was
25 made back in 2008 and 2009 when all the parties got together.

1 | There was a working group that was formed. I was not part of
2 | it at the time so if anybody here was part of that group, you
3 | know, feel free to correct me.

4 | But when the fishery reopened, we were doing the
5 | science to determine what was an allowable catch. The
6 | agreement at the time -- it is not in regulation. It was an
7 | agreement at the time to just split it evenly. And that is
8 | what we are considering at this point.

9 | MR. BROWN: Mike, you talk about, you know, you
10 | don't have enough data to do this and enough data to do that.
11 | You use the best science available. I hear that all the time.
12 | The best science available, so you have got to use what you
13 | got to use. And that is it.

14 | MR. RICE: Mike, what was your desired outcome on
15 | this topic from our group today?

16 | MR. LUISI: This was just to set -- we wanted to
17 | give you the amendment, we wanted to let you know what our
18 | process is going to be, and what that will be is a decision on
19 | our -- internally we are going to decide on which one of these
20 | actions to take.

21 | And we will report out to you on those actions at
22 | the next meeting in October, and then we will be looking --
23 | just depending on what we decide, that will be reported out
24 | and we will be looking for feedback.

25 | MR. RICE: And then we will take a solid position.

1 MR. LUISI: You could take a position on our
2 decision. The second option there is one for which, if we
3 fold this into the amendment process, we could fold this
4 discussion into that draft amendment, and what that would
5 allow us to do is, like I said, we would take the difference
6 between 2012 and 2016 and 2105, and we could look at the new
7 data in the amendment FMP process, which has a public process,
8 after it is finalized, which has to be factored into
9 regulatory action.

10 That is one of the ideas that we could take on. So
11 really this was just to give you the information now so that
12 when get back to it in October, you are more aware of the
13 situation and will be able to give us some advice.

14 MS. DEAN: I just have one question. Maybe for that
15 meeting in October, if the association that requested this
16 could come to us with a number. I know we don't have a number
17 of what the recs aren't achieving but a number of what they
18 would like to see the increase be. Then we can use that to
19 either persuade or move forward possibly.

20 Maybe that number is not as big as somebody would
21 fear or somebody would fight against.

22 MR. RICE: Is that possible, Steve?

23 MR. LAY: We kind of wanted to stay away from a
24 number. We wanted a process to occur with managers on what
25 would be a safe number biologically. What would be -- because

1 part of this allocation process, if you read through the
2 documents, it says that one group cannot get an unfair portion
3 of an allocation.

4 And that -- it doesn't give any numbers there so
5 everybody's idea of what is a fair and unfair portion of an
6 allocation would come into play. And we didn't want to make
7 that decision and have hard numbers that we had to stick to
8 and it was either these numbers or nothing.

9 It was just something to more effectively represent
10 the current status of what is happening in the yellow perch
11 fishery.

12 MR. GILMER: In the data process, and I know
13 everybody wants information, I know in hunting licenses or
14 whatever, you sort of declare what you are going to hunt for.
15 I was wondering in the fishing license, one of the questions
16 you could be asking when you got your fishing license, is do
17 you intend to yellow perch. And that would give you better
18 numbers on the people who are actually doing it.

19 MR. LUISI: I am not sure how that works but that is
20 a thought.

21 MR. GILMER: Well, I mean right now you consider
22 everybody who has got a fishing license a potential -- you
23 have to consider them in the group.

24 MR. LAY: It sounds good talking here but even in
25 the commercial fishery you have to declare when you renew your

1 license whether you are going to yellow perch fishery. And I
2 believe typically about 65 people declare that they are going
3 to yellow perch fishery and DNR only gets catch reports from
4 25.

5 So I question those numbers because everybody is
6 going to say, oh, yes, I am going to yellow perch fish just
7 because they are scared that someday they might not be able to
8 yellow perch fish if they didn't declare. I question that
9 data.

10 MR. LUISI: The way we handle the number idea, we
11 would have a range. We would likely go out to the public with
12 a range that encompasses something that we would -- we would
13 put the guardrails out there and get public feedback. That
14 would be our best way of doing something like that.

15 MR. RICE: All right. Well, we have hit this back
16 and forth for about as much as we can do if you all are
17 satisfied. Bill, I didn't see you. You will wrap it up for
18 us.

19 MR. GOLDSBOROUGH: Well, just to add another point,
20 to share of relevance that was discussed at sport fish and
21 that is that recognition that there is an awful lot of
22 catch-and-release fishing too that provides a quality
23 recreational experience.

24 And that is a growing practice. And I think a lot
25 of those big fish, they tend to really release bigger fish

1 | because of their spawning potential. So that means they
2 | also -- those fish are back in the water to be caught again,
3 | you know, so they can have repetitive experiences
4 | theoretically. So that is another thing to factor in.

5 | MR. RICE: Well, Mike, do you have anything further?

6 | MR. LUISI: Not on this topic.

7 | MR. RICE: Well, do you have another topic?

8 | MR. LUISI: Well, I was going to ask you, so Dave
9 | and I discussed the -- this was supposed to be the first of
10 | series of what we are considering more educational information
11 | just to kind of put forth things that we are seeing that are
12 | coming up in the next year or more. Maybe take an opportunity
13 | to kind of dive into a topic that we want to just inform the
14 | commission on but given the time, this is not of the
15 | importance that we need to take any action.

16 | So if it okay with you, we could defer this to
17 | October and maybe find a little time in October for this,
18 | Forage Fish and You.

19 | MR. RICE: Okay, well, I think that is a grand idea.

20 | MR. JEFFRIES: Is now a good time for the other
21 | thing?

22 | MR. LUISI: The whole croaker/spot.

23 | MR. BLAZER: Croaker/spot. We need some volunteers
24 | for the workgroup that --

25 | MR. JEFFRIES: If I could get two minutes, Billy, I

1 swear I will speak quickly.

2

Comments

3

by Commissioner Ken Jeffries

4

MR. JEFFRIES: I asked to come up on sport fish. I
5 am getting a lot of complaints, and I am seeing it myself.
6 Right now, there is no spot, no hardhead, no perch of any
7 sustainability for the head boats and the regular charter
8 boats to catch even the recreational guys, the consistent
9 spots.

10

And one thing we are running into now -- I will
11 address the hardhead because I think that is the biggest
12 issue -- is people using them for live-line bait, be it
13 illegal or legal. A legal size or illegal size, it is getting
14 to the point where we are now killing two and three species to
15 catch one, and hardheads are the one I have the biggest
16 problem with because that is a managed fishery.

17

It not only has a creel limit, it has a size limit.
18 And I think the people who are using them are closeminded, and
19 it is really creating an issue.

20

I know there are probably some people who want to do
21 public speaking today, and I know there are some studies
22 coming in. I am going to push it back to our next meeting but
23 I would like to offer it to everybody to at least ask the
24 people in your area if they are seeing the numbers of legal
25 spot, legal hardhead, legal perch because it is a growing

1 issue and there are a lot of guys who run head boats who are
2 starving over the issue.

3 And it is being overlooked, I think. I don't want
4 it to go to the workgroup because we are talking kind of a
5 striped bass issue because in my opinion, the workgroup, what
6 is going to come back to us is kill everything we can kill is
7 what I think the consensus would be.

8 You know, before I got too much involved into it, I
9 would wait until the assessments came in but I can tell you
10 what the real assessment is. It is pitiful. And I will leave
11 it at that. And I don't know what was covered at sport fish
12 because I didn't talk to anybody but I am sure Dave can --

13 MR. BLAZER: Thanks, Ken, for bringing this up. We
14 appreciate the reports back about what is going on. We heard
15 this the other day at sport fish.

16 A couple things based on your comments. We heard
17 those similar comments at sport fish. NRP was in the room.
18 During the discussion about the small hardheads and so forth,
19 so they are aware that there is an enforcement action that
20 needs to be taken. So we are going to be working with them to
21 try to get them to emphasize, to focus on those small croakers
22 and see if there is something we can do about that.

23 So that is the immediate thing that we can do. The
24 other idea that came up at sport fish was to put a workgroup
25 together to look at what is the status of spot and croaker.

1 You know, Mike talked a little bit about the bench assessment
2 that is going to be coming this winter but let's look at the
3 data.

4 We are going to pull what data we have over the last
5 couple years. You know, get a subcommittee of sport fish and
6 tidal fish folks, present that data, talk about that
7 information and try to take a look at what we know and what we
8 don't know and, you know, see where that leads.

9 You are right, we may have to wait for ASMFC actions
10 but we want to take a look at some of what is going on. And
11 Phil Langley, who was at sport fish, asked us to take a look
12 at, you know, water-quality issues in the lower bay. Is there
13 something going on in some of these traditional spot/croaker
14 areas, you know with DO and algae blooms. Are there other
15 things going on?

16 So we have asked our water-quality people to kind of
17 take a look and see if they can give us a presentation to this
18 workgroup over the next couple months.

19 MR. JEFFRIES: I didn't want you to think it was
20 just the illegal ones I am worried about. I am talking about
21 the guys using legal ones, and that gets into how many people
22 are allowed on the boat, and I don't even want to go over that
23 bridge.

24 I am just saying -- if bull sharks came into the bay
25 and we were saying, okay, we are going take legal rockfish and

1 live line legal rockfish, everyone in here would have a
2 stroke. And that was my main consensus to the point.

3 MR. BLAZER: So we would still like a few Tidal Fish
4 Advisory Committee members who would be willing to serve on
5 this Croaker/Spot/Perch Workgroup just to help us kind of
6 decipher and have the communication on some of the issues and
7 we can put some information together. So Mr. Chairman, if we
8 could get some volunteers.

9 MR. RICE: Robert T., you had your hand up to speak?

10 MR. BROWN: I will volunteer to be on it for one
11 thing. Also, spot is one of the things we used to catch years
12 ago haul seining all the time. We had some years you didn't
13 have any. A lot of years, you did have them. But the problem
14 with the croakers -- we had croakers, they left the bay and
15 this didn't come back for so many years.

16 They go through cycles but you have got to realize
17 with croakers, there is no size limit except in the state of
18 Maryland on this. You know, Virginia, the whole coast, they
19 consider it a bait fish primarily when it is small.

20 So I mean, if they are using illegal, undersized
21 croakers live lining, that is an issue we can deal with but we
22 have got a bigger one to deal with when you have got the whole
23 coast catching them, you know, doing whatever with them.

24 And as far as it goes with the spot, the reason you
25 are live lining those spot is because we have got a tremendous

1 amount of rockfish and that is what they feed on all the time,
2 is spot. So I mean I just wanted to make you aware of that.
3 Some in here may not have known that, but I will serve on that
4 committee.

5 MR. RICE: How many people would you like to serve?

6 MR. BLAZER: Well, we have got two from sport fish
7 so if we can get --

8 MR. RICE: Rachel and Ken?

9 MR. BLAZER: Great, that is fine.

10 MS. VINCENT: Even if the committee is already full,
11 I would like to at least be updated on what is going on. I
12 have a lot of members who are really concerned about it.

13 MR. BLAZER: Okay, we will put you as a --

14 MR. BROWN: You can come on to the meetings.

15 MR. : You can call in if you want.

16 MS. VINCENT: Even better.

17 MS. DEAN: I think we established that it does not
18 have to be a commission member, right? I mean, don't we want
19 the guys who are at the heart of the issue?

20 MR. BLAZER: That is correct. We just don't want to
21 get the workgroup really big but yes, if there is somebody who
22 has a special expertise or knowledge, that would be fine.

23 MS. DEAN: So like the oyster recreational thing
24 again, contact Sarah with those names?

25 MR. BLAZER: Yes.

1 MR. JEFFRIES: I would recommend a couple of the
2 head boat guys because that is who brought it to me.

3 MR. BLAZER: Well, I think we got one of the head
4 boat guys --

5 MR. JEFFRIES: The guys out of Kent Narrows are
6 going all the way above the Key Bridge to catch a fish.

7 MS. DEAN: He was the one who asked for it.

8 MR. BLAZER: One of the head boat guys from sport
9 fish is on the workgroup.

10 MR. JEFFRIES: The only reason I know about it is
11 people tell me. I would recommend that we get some of the
12 head boat guys on it.

13 MR. LUISI: Just to clarify the intent of the
14 working group, It is to review the status and the science but
15 it is also to take a look at what is being -- the
16 user-conflict issue. There is a user-conflict issue that we
17 have been made aware of. We have had discussions about it.
18 We pulled people together last year regarding netting and
19 charter fishing and whatever.

20 So that is part of it too so we want to make sure it
21 is not just a science-driven thing but we want some folks who
22 are dealing with some user conflict as well as part of the
23 workgroup.

24 MR. BLAZER: So Rachel, instead of e-mailing Sarah
25 with that, can you e-mail Paul or Mike with any

1 recommendations of other folks?

2 MS. VINCENT: A couple people have asked me as well.

3 MR. BLAZER: I just don't want to get the workgroup
4 huge.

5 MR. JEFFRIES: I will definitely give up the spot.
6 I will make some phone calls.

7 MR. GILMER: Was anybody from Kent Narrows involved
8 in that?

9 MR. JEFFRIES: Probably 95 percent of the phone
10 calls. They are going above the Key Bridge now. Those poor
11 guys. I don't even know how they are still in business.
12 Boats are slow to begin with.

13 MR. BLACKWELL: I am not sure if it is relevant
14 here, but there are some sport fish people near me who do
15 charter stuff, and it is not really my arena, I don't know it,
16 but I constantly get feedback from them that they love to fish
17 near our lease. That it is an absolute 100 percent hit for
18 them. Maybe not 100 percent but it is a great experience.

19 I don't know if that plays into this because I don't
20 fully understand this workgroup but I am just
21 opportunistically saying aquaculture lease sites -- the
22 feedback I get and the feedback I see in the water is that
23 there is a lot of fishing there.

24 MR. RICE: Well, that will lead us into your part of
25 the agenda, J.D.

1 MR. BLACKWELL: I am wondering, given the time, that
2 there is seven minutes, should we also punt that to next time?

3 MR. BLAZER: If you are comfortable doing that.

4 MR. BLACKWELL: I intend to be here. I am happy to
5 do it but it seems to me to try to keep in our timeline.

6 MR. BLAZER: If you wouldn't mind, I think that that
7 would help us, Mr. Chairman.

8 MR. BLACKWELL: Either way is fine with me.

9 MR. RICE: All right. Well then, let's move into
10 Chris Judy and the clamming area discussion, please.

11 ***Options/Processes to Create a Public Clamming Area***

12 ***by Chris Judy, MD DNR Fisheries Service***

13 MR. JUDY: I can trim this down to a couple minutes.
14 You have a handout I think on clamming. There is some black
15 type and red type. Or for you it is all one color.

16 So what I will do, I will provide an overview of
17 what this is about and be really brief. If you have
18 questions, we can get into it. You may just want to take this
19 back and read it. There is a lot of detail but we don't have
20 a lot of time so you may want to get back on this topic later.

21 So let me give you the quick overview. Last time
22 there was a request made to possibly open up some natural
23 oyster bar bottom to clamming. That is just one example.

24 (Slide)

25 Up on the screen, if you can see the red line, the

1 red line and everything to the left of it basically is a
2 natural bar. You can see in the lower left, NOB 7-5, that is
3 an oyster bar in the eastern bay, and the proposal -- and this
4 is just one case. This is just an example for you all to see.

5 The green line was the proposed new boundary of that
6 NOB. So that green box would be opened up to clamming. Now
7 no one is proposing to actually clam a real live oyster bar
8 with shell and oysters. That is not the point. So the idea
9 would be if that green box did not have oysters or shells, it
10 would of course not be an oyster bar, and could clammers get
11 in there?

12 So that is the basic concept. So now let me walk
13 you through this handout.

14 (Slide)

15 So regarding this request to expand clamming on
16 oyster bars, number one, at the top, this is important,
17 clamming on a charted, natural oyster bar, such as that 7-5,
18 is illegal. So how would a clammer get access to a natural
19 oyster bar?

20 There are two main methods. If you look to the
21 right of your sheet, you will see two small boxes. There is a
22 regulatory change that can occur and there is a legal,
23 legislative change, that can occur. To summarize the
24 regulation, three regulations would be needed. It would take
25 about two years plus. The law change depends on the

1 legislature because that would be in the legislative session.

2 That would be a bill. It would require a sponsor,
3 and I know you know this, when you submit a bill to achieve a
4 certain objective, there can be changes to the bill and the
5 bill may end up something totally different from what you
6 expected. So that is a quick overview.

7 Another comment to make on these two processes
8 together, whether it is a regulatory change or law, we would
9 for sure confer with the county oyster committees. That was
10 brought up last time. I just want to repeat that. We would
11 work with the county oyster committees because we are talking
12 about changing the natural oyster bar status.

13 So we would certainly work with them. A survey
14 would be required. That is a given. We would survey the area
15 to see if it is shell or oyster bottom. And another big
16 point, this came up at the last meeting, if you are going to
17 do a survey, and if the survey says this portion has no
18 shells, no oysters, actually someone could apply for a lease
19 at that point because it is not an oyster bar.

20 So the clamming folks here said, well, this would
21 concern us if we are undertaking a process to help the
22 clamming industry, and then when the survey is done, someone
23 could apply for a lease that could potentially derail the
24 process for the clamming industry.

25 So that is the overview. The details follow. I

1 will take your advice if I should mention a couple details or
2 let you guys just take it back and we pick it up next time.
3 What do you think?

4 MR. BLAZER: Any questions at this point?

5 *Questions and Answers*

6 MR. BROWN: Right now at the present time, if a
7 person wanted any natural oyster bar, if he went to it and
8 asked to have it reclassified, they could lease it if it met
9 the criteria, correct?

10 MR. JUDY: Yes, well, there are two situations. If
11 it is in a PSFA, a public shellfish fishery area, yes, they
12 would propose to lease it. We would know the area. That
13 would have to be shown to not be an oyster bar. Then they
14 could lease it. There is a process for that.

15 If it is not in a PSFA, so if it is an oyster bar
16 that is not a public shellfish fishery area, they can simply
17 apply to lease that. So it depends on if it is PSFA area or
18 not. That is some of the detail that is in here.

19 So that leasing process, which exists right now, in
20 the purpose of trying to do something for the clamming
21 industry, that process could produce a snag.

22 MR. BROWN: Yes, and I think at the last -- we
23 talked about this at the last meeting and one of my thoughts
24 was once this goes, is there some type of way that if the
25 clamming industry goes ahead with trying to have this

1 classified as not an oyster bar anymore, that when they apply
2 for that at that time, they should have first right to refusal
3 on it.

4 MR. JUDY: That is on the sheet. There are two
5 points to make on that. If you look at the first topic,
6 remove the natural oyster bar status. All right, so a
7 regulatory process, that would involve a survey again to show
8 that it is not an oyster bar. We need a declassification
9 procedure to actually declassify that portion of the oyster
10 bar.

11 We don't have one now. So you will see the notes.
12 We need a declassification procedure. That is a regulation.
13 We need another regulation, you will see further down, to
14 safeguard what you are saying. That is number three,
15 regulation three. That regulation would set clamming
16 criteria. So a certain harvest rate per hour, so many bushels
17 of clams per hour.

18 If that were in a regulation, and if the portion to
19 be surveyed and possibly moved into the clam fishery, if it
20 had, through regulation, the criteria for clamming, say,
21 production, and if that criteria said you can't lease bottom
22 that has a certain rate of clam harvest, right, the lease
23 application wouldn't succeed.

24 So if regulation three were passed, that would
25 address your question under this regulatory process. Now on

1 the back of the sheet, you have the legal process. To
2 summarize that: The legal process does not change the legal
3 status of the oyster bar. It stays NOB 7-5 up on that
4 illustration.

5 The law change does this. The law change would say
6 you can actually clam in an oyster bar. All right, but only
7 in this specific area and nowhere else. So a law change would
8 actually give a clammer the ability to clam in a legal oyster
9 bar boundary but only in that particular spot.

10 So it would be an exception. You can clam in this
11 oyster bar but nowhere else. And to address your concern, it
12 is option one and two. You would need in the law a statement
13 that said, as we are undertaking this process to set up this
14 clamming area, it cannot be leased for -- this example would
15 be three years or four years, whatever is determined. This
16 has to be fleshed out.

17 So there are basically two ways to address your
18 concern. There is a method in the regulatory process where we
19 would declassify the oyster bar to meet your concern. And
20 there is a way in the legal process to open up a portion of
21 that bottom to address that concern. Was that clear enough?

22 MR. GILMER: And I think we need to table this until
23 the next -- we need time to really study this and how this is
24 written is what I am saying.

25 MR. JUDY: I think that is a good idea.

1 MR. GILMER: I think it is a lot of stuff here that
2 really needs to be looked at and we will come back to you with
3 questions about what it all means.

4 MR. JUDY: And our objective is really just to
5 present this, not to get a decision today. As you can see, it
6 is complicated. There are two processes. They have some ifs,
7 ands and buts. So I will summarize this way: As you read it,
8 if you have question, call me. If you have a concern, call
9 me. If there is something you hate, call me. Something you
10 like, call me. If you think this is the best thing ever, call
11 my boss.

12 MR. BLACKWELL: On that point, do you envision it as
13 a lease to one clammer?

14 MR. JUDY: No.

15 MR. GILMER: It is a public fishery.

16 MR. JUDY: Right, it would not be a lease. It would
17 be bottom open to the clamming industry.

18 MR. BROWN: And from what I can understand of most
19 of this piece of bottom, it is really shallow water, it is
20 shifting bottom, sand that moves back and forth that wouldn't
21 sustain an oyster industry anymore.

22 Years ago when you had all your nice marshes around
23 the shore side and stuff it probably was an oyster bar but it
24 has probably got that much sand over the top of it now from
25 just storms and stuff. And, you know, and it is more than

1 just this one place in the bay that is like that.

2 MR. GILMER: Right, right. And a lot of this
3 change, when they changed how they classified oyster bars when
4 it used to be just an oyster bar, and then they changed it
5 from like points of land to points of land --

6 MR. JUDY: Shore to shore.

7 MR. GILMER: Shore to shore, yes, that is what
8 allowed this change.

9 MR. RICE: A lot of your oyster bars, the actual
10 oyster bar is a very small piece of area compared to what is
11 charted off as the oyster bar.

12 MR. GILMER: Right. I mean, look, oystering is way
13 too important to us for us to jeopardize it but when we have
14 got bottom that is not being used that we can utilize, is the
15 option that we are looking at.

16 MR. RICE: The clamming business is very, very
17 important, more so than just a person digging the clams.

18 MR. JUDY: That came up at the last meeting and that
19 is a very good point. Why are we even entertaining this? Of
20 course you know more than me but clams are, of course, used in
21 the clam industry. People eat them, et cetera. But very
22 important to the crabbing industry as bait. So when a clammer
23 catches clams, you are looking at a multiplier effect across a
24 lot of different industries.

25 MR. GILMER: Bait stores, it has become very big.

1 MR. RICE: All right. Moving to the public comment,
2 does anybody have a comment from the public?

3 (No response)

4 MR. RICE: Seeing nobody with their hand up, we will
5 move on to Dave.

6 ***Closing Remarks***

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

8 MR. BLAZER: I have just a couple closing remarks.
9 In your packet today is the letter that you all sent to Peyton
10 Robertson for the Fish Goal Implementation Team. We had a
11 conference call on this the other day. It was well-received.
12 We talked about it with Virginia and PRFC and Peyton and his
13 group.

14 So your positions and information have been passed
15 on, and they are deliberating on where to go. PRFC also sent
16 a similar letter along with this, and Virginia doesn't seem
17 too excited about the total allowable catch effort. So I just
18 wanted to give you that feedback from our GIT meeting the
19 other day.

20 Two other things that I just want to mention really
21 quickly. The coastal bay's crabbers out behind Ocean City in
22 Assateague have asked us to look into allowing them to use
23 bank traps. So we are starting conversations with them and
24 possibly doing a pilot program for a year or two to see if
25 that is something that is feasible, and we can work out some

1 of the details of how that fishery may operate out on the
2 coast.

3 So we will have more about that later but we have
4 had some discussions with them. And then the last thing that
5 I want to bring up, I am hearing a lot of reports from our
6 folks -- we have referenced it a couple times here about catch
7 reports and reporting from commercial fishermen. It is not
8 really good right now as I think you have heard referenced.

9 We would appreciate it if you would tell your folks
10 to send in the reports and be factual about them. One of the
11 concerns, one of the stories I heard was because we started
12 this Eel Workgroup, people who have been eeling for the last
13 couple years who hadn't been reporting all of sudden sent in a
14 bunch of reports because they were afraid if we go to a quota
15 system, they are going to be left out.

16 So we would appreciate, you know, good, honest,
17 factual information. It helps us do our job that much better.
18 And it saves us problems later on down the road with, you
19 know, quotas, and we have got to go to ASMFC and so forth.

20 The other consequence with eels is because all of a
21 sudden we got all these guys sending information in, Mike
22 talked about the triggers, that if we exceed the quota, and
23 there is a number that we get to, because we are getting all
24 these reports now, we may trip those triggers and we may have
25 regulations or these restrictions put on us quicker than we

1 thought.

2 So there is no advantage to not reporting. There is
3 no advantage to over-reporting. We just want the factual
4 information. So if we can have you all help us spread that
5 message, report timely, report factually, that is going to
6 help everybody in the long run, and we would appreciate your
7 cooperation with that. Mike, I don't know if you had anything
8 to add to that.

9 MR. LUISI: That was great for the reporting. There
10 are other things that we are finding. We have NRP, who are
11 taking inspection reports on vessels that are commercially
12 operating. And when we get those NRP reports, they are not
13 linking up, matching up, with harvest reports. There is no
14 report on the same day that an officer inspected a boat. We
15 are not finding the link there, and that is a problem.

16 The other thing that you guys -- we need some
17 feedback for the next meeting. We are really trying to figure
18 out how many fishermen commercially fish starting on one day
19 and fish through the entire evening to another day.

20 We have been asked to revise our reporting system
21 through paper and electronic reporting to account for
22 fishermen fishing through the night from one day to the next.
23 Because of the way we require reporting on a day-to-day basis,
24 they are not sure what to do. Do you report what you caught
25 up to midnight and then report the next day the next catch?

1 So we don't know how many people are doing it, if it
2 is 2 or 200. It would be nice to know so if you know of
3 anyone who fishes through the evening, it would be good
4 feedback to give us a sense of what we are dealing with next
5 time.

6 MR. GILMER: On a totally different subject, there
7 has been in the news or going around, there has actually been
8 a person who died from the -- what is it called?

9 MR. BLAZER: Flesh-eating disease.

10 MR. GILMER: Flesh-eating disease. And I mean,
11 look, I pick clams barehanded every day of my life but I have
12 gotten to the point now where I was up at the end of the day
13 with dawn and bleach just because of this issue.

14 So just make the people aware in your area that with
15 this hot water, please be careful.

16 MR. NESSPOR: Is bleach a deterrent mostly? Is it
17 something you tell the people? I think we are immune to it as
18 watermen. Does the DNR have a position on how you should wash
19 your hands?

20 MR. BLAZER: Clean thoroughly.

21 MR. BROWN: Next meeting, could we have a status on
22 what it going on seaside --

23 MR. BLAZER: From the coastal bay folks? Yes, we
24 can give you more information.

25 MR. BROWN: And also I would like to be able to get

1 with Chris. In the Wicomico River, we have Rambling Creek,
2 which is reserved, and we have got Windmill Point, which is
3 being -- was to be shut down for so many years. We would like
4 to have the buoys moved in closer because the buoys are in the
5 middle of the river and nobody can even tell where it is at.
6 So we need to have that adjusted if we can.

7 MR. RICE: All right. We stand adjourned.

8 (Whereupon, the meeting adjourned at 6:11 p.m.)

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