

SFAC/TFAC Gear Workgroup Meeting
September 22, 2016
Maryland Geological Services Building, Baltimore MD

Present in the room:

Jacob Holtz – DNR
Roger Trageser – SFAC
Adam Xenides – Member of public

Present on conference call line:

Rachel Dean – TFAC/SFAC
Robert T. Brown – TFAC
Billy Rice – TFAC
Sgt. Randy Bowman – NRP
Bill Alcarese – Member of public
Irvin Chappalear – Member of public

Meeting Minutes

Summary:

The Sport Fisheries Advisory Commission (SFAC) and Tidal Fisheries Advisory Commission (TFAC) Joint Gear Workgroup met on September 22, 2016 to discuss two main topics: crabbing gear in Chesapeake Bay tidal tributaries and the commercial use of finfish trotlines.

The topic of crabbing gear in tidal tributaries had been discussed with SFAC at two previous meetings and had been referred to the workgroup for further discussion. The issue had been brought to the Commission by Bill Alcarese, a concerned citizen. Two main ideas that were discussed were requiring individuals to set gear in a straight line and requiring better marking of collapsible crab traps. After a lengthy discussion, the workgroup came to the conclusion that setting gear in a straight line was not feasible both for practicality and enforceability reasons. As a result, there was also no recommendation for better marking of collapsible crab traps.

The Department was granted the authority to regulate the commercial use of finfish trotlines by the Legislature during the 2016 Legislative Session. This authority is temporary, with the authority scheduled to sunset on June 30, 2019. The Department had discussed this gear with the Workgroup previously and the goal of this agenda item was to review the public scoping and internal review of the regulatory idea to determine what, if any, changes needed to be made to the guidelines prior to proposing regulations. Based on the scoping results and further internal review, the Workgroup thought that a free permit, along with reporting requirements would be a good idea to get better data on the gear's potential bycatch. Additionally, the workgroup was willing to restrict the use of the gear in both the Chesapeake Bay and the Eastern Shore tidal tributaries below the Bay Bridge.

Minutes:

Introduction of parties in the room and on the conference line

Crabbing Gear Discussion

Background – what had been discussed at the SFAC meetings – individuals setting collapsible crab traps in circles or in clusters making it difficult for other users to set their gear in certain bodies of water

NRP – very concerned about enforceability of a “straight line” rule – too subjective, judges aren’t going to convict anyone on such a subjective rule, no way to say what is/isn’t straight on the water

NRP has more important things to deal with (comment from someone who wasn’t NRP) – first come has to be first served in this instance – if someone is already set up in an area, set somewhere else

Wouldn’t it be easier to enforce a straight line than deal with he said/he said of who was there first? More than anything, just need to be able to see where other folks have set their gear, know in general where that gear is going to be

Seems like folks being polite to each other is the only solution if NRP is saying a straight line isn’t enforceable

What if recreational users were limited to only trotlines **or** traps? Part of the issue sounds like people set their trotline one place, then set clusters or small groups of traps other places in order to try to find where it’s “hot”, leading to one person being able to take up a lot of space on the water – if folks can use only one or the other, this would cut down on the amount of gear in the water

Discussion of equity of start times – commercial starts earlier than recreational – is that fair? Commercial is more accountable, pays more for licenses, reports harvest – maybe recreational needs more accountability – look at deer check-in and maybe require that for recreational harvest?

Many of the participants have never seen this behavior or issue before and did not see it as an issue that the Department should be regulating

Leaving aside the straight-line issue, is there any way to have better marking of a run of collapsible traps?

Without the straight-line requirement, marking with larger buoys at the ends becomes meaningless – traps could be set any which way and a large buoy doesn’t help because there’s no “start” or “end” point

Can’t require larger buoys for all collapsible traps because the buoy would bounce the trap all over the place and wouldn’t fish right; also could result in traps floating away

Reminder that SFAC didn’t request the Workgroup make a specific decision, just to further discuss the issue and determine if there was a resolution possible; in this case it doesn’t look like there is a regulatory resolution to the issue – we need people to be aware and respectful on the water and there’s really no other solution

Finfish Trotline Discussion

Background on what had been originally scoped, comments received during scoping period (mostly concern for reasons including: bycatch, accountability, gear type generally, increasing commercial pressure in areas that cannot take that additional pressure), internal concerns with what had been scoped (including areas allowed, accountability, and potential interactions with other users), and what issues needed to be discussed during this meeting

On bycatch – this gear has been used in the Potomac for years and the bycatch is very low – maybe ask PRFC for their bycatch data? The PRFC report includes species of fish, gear type, and fairly detailed bycatch information including discards

To solve bycatch concerns in MD waters and ensure accountability, one idea is a free permit for any commercial harvester that wants to use the gear (must have FIN or UTFL) – would require a gear-specific report that would include better bycatch and effort data than standard finfish report – this would help both the Department and the public feel more comfortable with the use of this gear in MD waters because the data would show if the concerns are real or imagined

General support for the idea of a permit with reporting, especially since the authority is only for three years and the Department will have to request the extension or permanent authority from the legislature in three years – need data to say the gear is not an issue and is being used as had been intended to target the blue catfish

Request that the permit/reporting requirement have a sunset in the reg after the first three years since more permits/reports are a burden on watermen, but understanding that the Department will have to be back in the regulations in three years no matter what based on the legislature allowing/not allowing the continued authority for the gear so the sunset probably isn't necessary

Areas the gear is allowed – concern has been that the gear will become widespread and be used to target/interact with other fish species (internal concern is endangered species like sturgeon, external concern includes turtles, drum, striped bass, and other fish species)

DNR suggestion to limit areas only to Southern Maryland (Potomac and Patuxent rivers) – concern from workgroup is this will limit access to the gear when other areas may want to use it or experiment with its effectiveness, especially in the Chester River and other areas where the blue catfish population seems to be growing rapidly, if at lower levels than what is currently seen in the Southern MD rivers

Suggestion to not allow the gear in Chesapeake Bay tributaries below the Bay Bridge to go along with the scoped idea of not allowing the gear in the Chesapeake Bay below the Bay Bridge, including the Pocomoke and Tangier sounds – this would address some of the concerns from the public while allowing “new” users of the gear to get an idea of how to use it – fear is that if the gear is limited to the areas where people already know how to use the gear that the limitation would be used to deny extension of authority or as a way to argue that we don't really know what the bycatch potential is because bycatch may be greatest when the gear is set by people new to the gear who are less experienced at avoiding bycatch

Workgroup was adamant that “new” areas outside of Southern Maryland should have access to the gear both for fairness's sake and to make sure that the bycatch issue would be addressed with certainty

At this point the building was closing and the meeting was ended at 6:55 p.m.