

Maryland DNR
Fall Meeting of the Tidal Fisheries
Advisory Commission

Thursday,
October 20, 2016

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Fall Meeting of the Tidal Fisheries Advisory Commission

October 20, 2016

TFAC Members Present:

Billy Rice, Chair

J.D. Blackwell
Robert T. Brown
Buddy Carson III
Rachel Dean
Russell Dize
Robert Gilmer
Bill Goldsborough
Ken Jeffries Jr.
Steve Lay
C. Richard Manley
Bill Scerbo Jr.
Gail Sindorf
Troy Wilkins

TFAC Members Absent:

John Martin
Aubrey Vincent

Maryland DNR Fisheries Service

Dave 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

(2:10 p.m.)

Welcome and Announcements

by Dave Blazer, Director, MD DNR Fishing and Boating Services,

and Billy Rice, TFAC Chairman

MR. RICE: If everybody could take your seat, we would like to get going.

Looks like we got a full house today. I would like to call the meeting to order. Dave, do you have any opening remarks, please?

MR. BLAZER: Yes, a couple things. In your packet under the first tab after the agenda is a chart of the new fishing and boating services organization. We have reorganized. I think we told you about it last time we were all together. So we want to share it with you. We have a little bit more of a horizontal structure but -- we have eight different units.

We have combined with boating. Some of the groups of boating have joined with us in fisheries to give us some efficiencies. So if you look all the way to the right, fiscal and management services, now we have one group of folks working on those types of issues instead of both the fishing and boating.

We have incorporated some of the boating services work. We have created, you know, the different teams

1 underneath. Our shellfish fisheries monitoring and
2 assessment, and you can see a really brief description
3 underneath each one of those teams: stock health, data
4 management, and analysis; legislative and regulatory review;
5 stakeholder outreach; aquaculture and industry enhancement;
6 boating; and fiscal work.

7 So you can see a brief descriptions of what each one
8 of those groups will be doing from here on out. This went
9 into effect on September 1st. We are operating under this
10 organization chart at this time. It offers us, one, as I
11 mentioned before, some efficiencies.

12 But it also has given us a little bit of focus and
13 emphasis on a couple key points: industry development,
14 aquaculture, how can we help the small businesses that are in
15 the seafood industry? So we are looking to do more there.

16 And also stakeholder outreach, trying to focus more
17 on reaching out not only to our commissions but also the
18 general public and different stakeholder groups. There were
19 no jobs lost. We didn't eliminate anybody. A lot of the
20 units still basically function the way that they have been in
21 the past but we just wanted to share this with you.

22 DNR still, if you recall, aquatic resources was the
23 first DNR group to reorganize. We have done that. That is
24 September 1st. The land and some of the other folks within
25 DNR are still kind of undergoing some of their reorganization.

1 one, if you wanted to go to the six meetings. And then we,
2 you know, the four meetings that happen that are quarterly,
3 that happen the week before ASMFC, we think there is value in
4 that, so we are really not changing that timing, if you will.

5 But we wanted to insert kind of a late May/early
6 June meeting, which would be focused on blue crabs, because we
7 will have the winter dredge survey and data there. And then
8 maybe meet again in September, and that can be oysters or
9 other topics that kind of come up. But I am finding that
10 there are things that come in between our quarterly meetings
11 that maybe we should address, and that will relieve some of
12 the load off of our four agendas.

13 So we just threw this out for some discussion and we
14 would appreciate your comments and support or nonsupport or
15 how you want to modify or change.

16 *Questions and Answers*

17 MR. RICE: All right, well, everybody is
18 overburdened with meetings but I can certainly see the benefit
19 to going with the two other meetings because our agendas get
20 overloaded and sometimes things are happening that we need to
21 respond to and we can't do it in a timely manner if we are
22 this long waiting to have a meeting.

23 Just maybe to generate to discussion, my question
24 would be is it maybe agreeable with the department if we went
25 to all meetings from the timeframe of 3:00 p.m. to 6:00 p.m.,

1 and my reason for that is people from the lower shore and
2 people from southern Maryland where I live, we pretty much
3 have to stop our workday by at least 11:00 a.m. in order to
4 get dressed and get up the road. And that would give us
5 another hour. I don't know how everybody feels about.

6 I mean, some of us live on Kent Island so we are not
7 worried about those things.

8 (Laughter)

9 MR. RICE: Russell from Tilghman's.

10 MR. DIZE: I like the 3:00 p.m. to 6:00 p.m. or even
11 4:00 p.m. to 7:00 p.m. much better than I do this because we
12 are going to lose some of the people who are working on the
13 water who aren't going to come, and I think it would be a
14 help.

15 MR. GILMER: Right now I have to scramble to get
16 bait delivered today and get guys working for me to do stuff
17 for me to get here.

18 MR. RICE: Is this agreeable with this group if we
19 went to the 3:00 p.m. to 5:00 p.m.? Is that like a
20 compromise. Everybody is nodding.

21 MS. DEAN: Would anybody be in agreement with 4:00
22 p.m.?

23 MR. RICE: I meant 3:00 p.m. to 6:00 p.m. If we
24 could get our job done but it is hard to do. Now, question,
25 Dave.

1 MR. GILMER: Rachel had a question.

2 MS. DEAN: Russell had lobbed out 4:00 p.m. and 4:00
3 p.m. sounds even better but I don't know if the department
4 would be agreeable because it would be their schedule.

5 MR. BLAZER: Well, just a couple factors that come
6 into play. One, the building closes at 6:00 p.m., and we
7 don't have money in our budget to pay for the security to
8 stick around beyond 6:00 p.m. Like when we have the OAC
9 meetings, we have got to pay additional, and the more meetings
10 we have after 6:00 p.m., it becomes a big budget drain on us.

11 So 6:00 is kind of the end time if we could.

12 MR. RICE: Okay, well I think that is amenable. Now
13 the other question I have got --

14 MS. DEAN: The other two additional meetings --

15 MR. BLAZER: And sport fish -- and we are kind of
16 doing the same thing with the Sport Fish Advisory Committee
17 and they agreed to the six meetings but their changes were the
18 two additional meetings, the one in May and September, was try
19 to make those like 4:00 p.m. to 6:00 p.m. because again they
20 are kind of being squeezed into the quarter.

21 So hopefully the agenda won't be as full as what we
22 have got right now, so maybe we could take care of some of
23 those issues so maybe we could have a two-hour meeting as
24 opposed to the three-hour thing. So that was sport fish's
25 modification, for those two meetings, the May and the

1 September, that they would be 4:00 p.m. to 6:00 p.m.

2 MR. RICE: That is fine. I kind of look at it like
3 this. If we go through the effort to get here, we need to
4 allot ourselves time enough to accomplish our task too so as
5 long as we can do it in two hours, I am fine with that if you
6 all are, for those other two meetings.

7 MR. GILMER: I have no trouble with the two in-
8 between meetings being 4:00 p.m. to 6:00 p.m.

9 MR. RICE: So can we tentatively, Dave, kind of look
10 at going from 3:00 p.m. to 6:00 p.m. for our normal four
11 meetings and then 4:00 p.m. to 6:00 p.m. for the two, we will
12 call them add-on meetings.

13 MR. BLAZER: If that is okay with everybody.

14 MR. RICE: Is that amenable to everybody? The only
15 one question I had, Dave, our September meeting is kind of
16 late in September, somewhere between like the last week
17 almost. And probably the main topic would be oyster issues.

18 Now this is just me thinking out loud but isn't that
19 awfully close to the opening of oyster season if we had a
20 problem with something that was going to take place to discuss
21 what to do about oysters? I think the meeting should be at
22 the end of August, first of September at the latest, because
23 we always need like -- either right after Labor Day or right
24 before Labor Day.

25 Doesn't it make sense to give us a timeframe because

1 a lot of times we butt into something where we need to decide
2 on an issue but what we are trying to fix happens next week
3 and that is not possible to fix things like that sometimes.

4 MS. SINDORF: I like the Thursday after Labor Day.

5 MR. RICE: Yes, because the crab slows down. Okay.

6 MR. GILMER: One more question and then I am going
7 to refer back here to Brenda. Do you think the crab meeting
8 ought to be a little earlier than what is scheduled here for
9 May 25? If we are going to discuss something and it went
10 through the crab committee and comes back here, it probably
11 should be -- is the changeover the first of July? How are we
12 set up now? First of July.

13 So that still gives us probably enough time there
14 then.

15 MR. BLAZER: And we were just trying to go by what
16 happened last year. The workgroup met early May. Give us a
17 couple weeks.

18 MR. GILMER: Okay, so this is fine. I was thinking
19 we were going from the first of June but we are going from the
20 first of July to the end of June.

21 MR. RICE: So before I mess up these numbers again,
22 or normal meetings will be 3:00 p.m. to 6:00 p.m. Our two
23 add-on meetings will be 4:00 p.m. to 6:00 p.m. And we are
24 asking that we meet on the Thursday after Labor Day, whichever
25 day that happens to hit on. It will vary from year to year

1 but whenever that is at.

2 So do we need a motion or a nod of the head good
3 enough?

4 MR. BLAZER: Is there any objection to that?

5 (No response)

6 MR. RICE: Then I will take it as a consensus that
7 we move forward with this.

8 MR. BLAZER: Perfect.

9 MR. GENOVESE: I will update it.

10 MR. BLAZER: And we will send out a finalized --

11 MR. RICE: Our dates are somewhat flexible but we
12 will always meet on Thursday. All right, Lt. Art Windemuth,
13 could you please give us your NRP Report, please?

14 ***NRP Activity Report***

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

16 LT. WINDEMUTH: First of all, are there any
17 questions on the notes I sent out?

18 (No response)

19 LT. WINDEMUTH: All right. Having no questions, I
20 would like to just give you a brief overview on our priorities
21 over the next quarter. The department is going to be, the NRP
22 is going to be focusing on oysters, the striped bass
23 enforcement, throughout the bay. We are adding additional
24 personnel into those areas, which we are currently
25 understaffed to address those.

1 In addition to that, next month we are going to have
2 27 new officers out in the field from our academy class that
3 graduated. So you will probably notice some out. They are
4 going to be on FPO, field training for the next four months
5 after that. Of course we all know that is where the real
6 training begins is on-the-job training.

7 So if you want to spread the word out to the
8 watermen, let them know that they are going to be seeing new
9 faces. Reach out. We are going to be instructing them and
10 teaching them so bear with us. You know, some of this stuff
11 is going to seem a little bit maybe redundant to them. I
12 think the officers should know but it is a teaching process.

13 So please get the word out. For the first time in
14 my 29 years, all 27 officers who have graduated are going to
15 the bay to be focusing on marine activity. So that is going
16 to help us out. We have heard the concerns from the watermen.
17 And hopefully that is a step in the right direction.

18 Also we do have an over-the-top budget request in
19 for an additional 35 officers over the next two years, and I
20 am here to thank the watermen, maybe people from this group,
21 who were in, have talked with the government. It is as a
22 result of direct conversations with the governor.

23 And the concerns that we had, especially the
24 concerns of the watermen out in the water not seeing us, and
25 how we have been depleted over the years through budget

1 reductions that the governor has agreed to consider our over-
2 the-top budget request.

3 And again that is going to include 35 officers over
4 the next two years as well as our aviation division. Our
5 aviation division was lost four or five years ago. The
6 governor cut it out of the budget. It is now brought back
7 into service hopefully by the end of this month.

8 We will have -- our aviation will be up. It is
9 operating on a shoestring but at least we have it in service
10 so the problems that we had over the last four or five years
11 with the MSP Aviation not being able to fill our enforcement
12 needs, hopefully we won't have to worry about that.

13 And again the governor has agreed to look at our
14 request for a full-time aviation division with additional
15 pilots and support personnel. And again, this is as a direct
16 result of the watermen community talking to him, expressing
17 your concerns. So again I want to thank you.

18 On another not, I have talked about e-tickets, which
19 will help us break down all of our violations, and we can be
20 more specific as to counties. So we will get that information
21 out to members of this committee. That has been delayed due
22 to a budget process.

23 Hopefully in the next couple months -- it was
24 supposed to be out by now. It has been delayed because of
25 procurement. Hopefully that is around the corner. I have

1 said that I don't know how many times but that is what I mean.

2 Also I did talk about the 35 new officers. Just to
3 let you know, it takes us about 18 months to 2 years to hire
4 an officer and train them and get them out in the field. That
5 is from the time we start opening the process to the time that
6 they are out and off their field training.

7 So it is a very lengthy process. If there was a way
8 we could shorten it, we would but it has to do with the hiring
9 process and also the state requirements for hiring police
10 officers. So it is a very long process. So if you were to
11 see it open today, just think in two years you will be able to
12 see those officers out there.

13 To give you a rough idea, over the next two to three
14 years, we are going to be losing about 15 to 20 percent of the
15 agency for retirement. And what you are going to see is a lot
16 of new faces out there on the water. And we are going to be
17 helping them. So again get the word out.

18 In any training process, it does take time to bring
19 these people up to speed. Speaking about retirement, I would
20 also like to introduce Catherine Medellin. She is going to be
21 taking over for me. I will be retiring in about eight months.
22 So we gave her contact information to Paul. Paul is going to
23 distribute it out. So if you have any questions or free time,
24 stop by and say hello. I think you will be very happy. Any
25 questions?

Questions and Answers

1
2 MR. MANLEY: The ones you are going to bring in for
3 this year, are they going to be familiar with stuff? The
4 reason I am asking you this --

5 LT. WINDEMUTH: That is a valid question. I
6 appreciate that.

7 MR. MANLEY: We were fishing about three or four
8 years ago right here off of Annapolis where we have most of
9 our trouble with water cops. Guys go over there and drop the
10 girl off. She got on the boat. We were fishing at the time I
11 think a 5 1/2-inch net. And we had it right there. She is
12 checking on it.

13 We caught a perch in a 5 1/2-inch net. And she
14 picked that son of a gun up and was getting ready to write us
15 a ticket. She said, you got a short fish here. She didn't
16 know the difference between a rockfish and a perch. When you
17 put people out in the bay to check people who don't know the
18 difference between a rock and a perch, they don't have any
19 business being there.

20 LT. WINDEMUTH: And I agree with you. Just to give
21 you -- what happens is they have an academy process for six
22 months. And in that six-month process, they learn everything
23 they are supposed to know about general law enforcement. So
24 in any other state, trooper or city cop, it takes them six
25 months to learn that.

1 Well, not only do they learn that, but then we have
2 to expose them to all the natural resources information. So
3 we do the best we can. And let me say this. I just want to
4 make sure you are aware that we like to hire people who have
5 an understanding and a desire to do the job and have exhibited
6 either -- either they hunt, fish. Some of them are commercial
7 watermen. Some of them are Coast Guard employees.

8 But for those individuals who have no knowledge, we
9 cannot exclude them from the process based upon just that
10 criteria. So unfortunately we do run in, and it is the
11 process. We would certainly like to have nothing but
12 experienced people but the way it is, we can't exclude them
13 based on that.

14 So what we try to do over the FTO period is we try
15 to train them and expose them. Some people are fast learners.
16 Some people are slow learners. Some people get it right off
17 the bat. Some people never get it. But it is the process
18 that we are mandated to go through.

19 And that is why I am here saying and explaining to
20 you, we are going to have new officers out because you might
21 run into them. They will have a field training officer. And
22 normally how this works is the first couple of weeks they are
23 with a field training officer, the field training officer
24 shows them how to do things.

25 Well, there is a lot of information. Can you

1 | imagine never been on a boat before -- and we do have those
2 | individuals who have never stepped foot on the bay. So now
3 | they are thrown out there, and in two weeks all this
4 | information is thrown at them and then after they, the FTO
5 | sits back and watches and then helps them through the process.

6 | So it is true OJT, on-the-job training. And again
7 | some of them are great. Some of them never get it and then
8 | those who never get it, they end up getting let go.
9 | Unfortunately -- and like I said, it is a process. Feel free
10 | to say, hey, you are not doing it right. There will be
11 | another officer with them. There will be the field training
12 | officer.

13 | MR. MANLEY: If you want to rise up somebody, you
14 | tell a cop you aren't doing your job right.

15 | (Laughter)

16 | MR. MANLEY: You will have your hands full then.

17 | LT. WINDEMUTH: What I would suggest is you see an
18 | officer not doing something that they should be doing, there
19 | will be another officer with them, and that will be the field
20 | training officer. That will be the experienced officer.

21 | My advice is to say, can I speak with you for a
22 | minute? Take them off to the side and explain it to them
23 | because again that officer should be looking but as we all
24 | know, there is a lot going on.

25 | MR. MANLEY: Well, most of the time they are not

1 | because if it is in a situation like that, just when you are
2 | out in the bay, he is going to be in the boat keeping the boat
3 | up to our boat while they are getting on there, so they are
4 | not actually watching what is going on.

5 | LT. WINDEMUTH: You are right, you are right.

6 | MR. MANLEY: If there are only two, that is what is
7 | going to happen.

8 | LT. WINDEMUTH: You are exactly right. And so a lot
9 | of times, we try to have a third officer there so the FTO can
10 | be on the boat to watch them but again when we are short
11 | staffing, I don't mean to belabor the point but I will give
12 | you an example.

13 | Talbot County, when I first came on, we had 15
14 | officers. I have got 2 there now. 2 in Talbot and 2 in
15 | Caroline. So hopefully with the addition of these officers,
16 | it is going to bring them up. But that is what we are faced
17 | with. And we are trying to correct that.

18 | Feel free, and again you have my number. You have
19 | Catherine's number. If you hear of a situation, please, what
20 | we would suggest is if you can't talk to the FTO for whatever
21 | reason, call the com center and ask to speak to the supervisor
22 | because we would like to get it addressed as soon as possible.

23 | And that supervisor will give you a call right back
24 | if they are not working. There should be a duty officer who
25 | will give you a call as soon as possible. So that way we do

1 two things. We have logged that there has been a call in, and
2 two we get you or whoever made the call the quickest response.
3 We can resolve whatever issue there might be.

4 So again -- and I know some people don't like making
5 the call. And I have heard complaints that they have called
6 the com center, people have called the com center, and the
7 reply has been, but there is no officer working. You will
8 have to call back.

9 That is not acceptable. And if you get that, call
10 me, call Catherine, or better yet, speak with the supervisor
11 at the com center because that is not good customer service
12 and there should be somebody there who can answer your
13 question or call you back so you can address the situation.
14 So if the situation is there is no officer working, you need
15 to call back, that is not acceptable. We have made that
16 clear.

17 So hopefully that won't happen anymore but if it
18 does, go to the supervisor. Any questions?

19 (No response)

20 LT. WINDEMUTH: Thank you.

21 MR. RICE: All right, thank you.

22 MR. SCERBO: So you are saying in the next two years
23 we are going to have an additional 35 positions spread over
24 the whole area.

25 LT. WINDEMUTH: Those are 35 positions that are

1 going to be requested over the top. That is in addition to --

2 MR. SCERBO: Not just 35 new officers added to the
3 system but 35 new positions on top of what you have now.

4 LT. WINDEMUTH: Yes, sir. And what happens is we
5 present that request to the governor. And again in a fiscal
6 situation he has his -- he may accept it, cut it, do whatever
7 he wants but again this came from the watermen to the governor
8 to us.

9 So we feel good that it has a good chance of
10 passing.

11 MR. SCERBO: So the end result is you will be able
12 to have two guys, more boats with two guys on a boat.

13 LT. WINDEMUTH: Hopefully, yes. And again our
14 colonel has said all new recruits are coming to the bay. And
15 again say, for instance, that is 35 recruits over the next two
16 years. Again, if that was filled today, if that started
17 today, it would be two years before we see them. So there is
18 a time lag.

19 MR. SCERBO: So has the time started now?

20 LT. WINDEMUTH: No, it is actually going into the
21 governor so it won't be approved until January. So
22 hopefully -- I said July. It will get approved in April,
23 funded for July. So hopefully in July we can start the
24 process.

25 We are exploring -- the large of amounts of

1 retirements we are going to have, we are looking at having
2 what is called a lateral class, which is bringing officers in
3 who have already been trained, have prior law enforcement
4 experience. So we don't -- we can then train them to NRP and
5 what we do.

6 So what that does is instead of training them six
7 months, we can probably drop that training down to three
8 months or four months and be totally intensive training with
9 NRP before their come out into the field. So the timeline
10 goes from two years to hopefully nine months or six months.

11 MS. DEAN: Is that how you got your summertime crab
12 enforcement, law enforcement that was on the water?

13 LT. WINDEMUTH: No, that was different. That was
14 a -- they are just contractual people. That had some
15 successes and some failures. I will leave it at that.

16 MS. DEAN: And one more question. The aviation,
17 would they be responsible for responding to rescues too?
18 Would the majority of their work be with that or is this
19 enforcement?

20 LT. WINDEMUTH: This is enforcement. We don't
21 have -- our current helicopter that we have does not have
22 hoisting capability. MSP's does. So our main job is going to
23 be enforcement. You know, they will respond to do what they
24 can do.

25 Normally what happens is if we receive a call for an

1 emergency on the bay, we dispatch a unit. Depending upon what
2 it is, we might call our aviation but we will also
3 call -- again if it is going to be needed with MSP, we will
4 call MSP because they have hoisting capability.

5 MR. WILKINS: So you all have a helicopter now or
6 you have got to get it?

7 LT. WINDEMUTH: It is here. It is supposedly -- we
8 have had it for six months and we have been refurbishing it. It
9 is actually the same identical helicopter that we had five
10 years ago. It is on a government loan program. It was given
11 to Harford County. They used it. They decided that it didn't
12 fit their enforcement scheme.

13 It is 35 years old, I believe, 35 years old. But
14 again with aviation equipment, it is ours. So again we will
15 take anything to get our aviation back because we can target
16 that on the needs of the resources.

17 MR. SCERBO: Was the aviation -- people were
18 lobbying for that or was that because of say, the doubling of
19 the clam fleet or whatever?

20 LT. WINDEMUTH: Oh, why did we get that back? What
21 I can tell you is this Secretary when he came on, asked, what
22 are the problems? What are the challenges that we as an
23 agency were facing? And so we were blunt that one of our
24 major challenges was the loss of aviation.

25 Aviation is a force multiplier. I can tell you,

1 when you are up in a helicopter, you can do in one hour what
2 it takes two days to do. And at \$500 an hour, it is a cost
3 savings to the state versus the MSP chopper that is between
4 \$6,000 and \$7,000 an hour.

5 So he recognized that right from the get-go and was
6 able to move money around and give us enough money to start
7 the program with the hope that down the line the governor
8 would approve something.

9 MR. SCERBO: So that helicopter has to cover the
10 whole bay or you got --

11 LT. WINDEMUTH: No, it has to cover the entire
12 state. Brief history -- well, we will get together. I don't
13 want to take up any more time.

14 MR. RICE: Thank you, lieutenant. Dave, can you
15 give us the oyster advisory update?

16 MR. BLAZER: Sure, really quickly.

17 ***Oyster Advisory Update***

18 ***by Dave Blazer, Director, MD DNR Fishing and Boating Services***

19 MR. BLAZER: We had an Oyster Advisory Committee
20 meeting on Monday night. We have got those scheduled monthly.
21 I think since the last time this commission met, the Oyster
22 Advisory Commission has met it seems like 50 times but I think
23 it is really six or seven.

24 I think -- when we started we had three meetings in
25 five weeks to address some particular issues. Now we are

1 meeting monthly. And actually on the bottom of your agenda,
2 at the end of it, there are some upcoming meetings and dates.
3 One of those listed there is the Oyster Advisory Commission so
4 you can kind of see the next three meetings that are planned.

5 That committee has met, as I mentioned, several
6 times. They were given three charges by the Secretary. One
7 was to address the Tred Avon halt, where we stopped the work
8 that the corps was doing, and asked the commission to make a
9 recommendation on a go/no-go, whether to continue with that,
10 the Tred Avon project.

11 The second ask was to identify the next two
12 restoration tributaries out of the Chesapeake Bay Agreement.
13 The bay agreement called for five restoration tributaries.
14 The first three were Harris Creek, Little Choptank and Tred
15 Avon. We need two more to fulfill our obligation to the bay
16 agreement.

17 So there has been some discussion to look at the
18 existing sanctuaries, existing 51s. Are two of those able to
19 be picked out to become the next focal points for the
20 restoration tributaries in accordance with the agreement?

21 And then the third charge that the Secretary
22 provided was to look at management measurements within the
23 public fishery to see if there are some adjustments that could
24 be made. Things such as rotational harvest, co-ops. You
25 know, whatever. How can we make the public fishery better?

1 Are there tweaks that could be made to make that
2 aspect of the oyster management program a little bit better?
3 So the committee has kind of been working through those
4 issues. The five-year report was released. I believe it was
5 sent to all of you or at least a link to that was sent to all
6 of you.

7 How many people have read all 900 pages? Well, you
8 really only need to read the first 240, and then the
9 appendices are excellent. If you haven't looked at it yet, it
10 takes every sanctuary and every public fishing area and tells
11 you what is going on. What data do we have? What shell
12 plantings, what sea plantings? Whatever has been happening
13 within those fishing areas.

14 All of our data are posted in that five-year report
15 in those appendices. So if you want to see what is going on
16 in the South River, you can go to where the South River
17 sanctuary is and you can see all the data that is listed
18 there.

19 And then you can look at the South River public
20 fishing areas and see kind of what has happened within those
21 in the second appendix. So we have been trying to use that
22 five-year report with those two charges that we have of naming
23 the next two restoration tributaries and also where we need to
24 modify or tweak some of the public fishing areas and look at
25 rotational harvest and others.

1 foot in Harris Creek. We still have 21 sites in Harris Creek
2 under 5 feet of water. Your garrison won't get out of the
3 channel because you may be on the rocks.

4 And that is -- we started that off like that and it
5 is still like it. They have never fixed it. And I don't know
6 why it happened. When they started that program, the guys who
7 were doing that were excellent. They were putting the stuff
8 down really carefully.

9 But toward the end, I mean, it just got piled over,
10 and I think we have had like 38 people who have hit stone.
11 They have settled with maybe 16 of them or something like
12 that. But when you get off to a start like that, it makes the
13 other tributaries, the people who are going to have it in
14 their backyard, and they look at it, they are not very happy
15 with what happened in Harris Creek.

16 If that had been shell it would have been no
17 problem. The trouble of it is, it is granite.

18 MR. BLAZER: Well, if I can just respond really
19 quickly. You know, we are obviously familiar with the issue.
20 Some of the sites have been corrected. Some of -- we are
21 finding new ones. So we are working to try and take care of
22 those as well.

23 If you know people, one of the problems is we are
24 not getting the information. We hear the stories but we are
25 not getting who and where and, you know, what exactly

1 | happened.

2 | It is kind of like, okay, well, this happened but we
3 | don't know where to go and try and fix that problem. So any
4 | help you all can provide, if you know where the spot is, let
5 | us know so we can get out there and fix it.

6 | MR. DIZE: Well, I saw the eastern mouth of the
7 | narrows going into the Choptank on Harris Creek. When you
8 | make a left turn to go up Harris Creek, don't do that because
9 | you will hit one of the site. And they have got two warning
10 | buoys on it. By the time you read what is on the buoy, you
11 | have hit it. It is not a good situation there.

12 | MR. BLAZER: Well, the other thing too is that the
13 | corps has already modified their plans for later where I think
14 | they had planted up to a depth I can't remember if it was 5 or
15 | 6 feet.

16 | MR. DIZE: It was 6 at the beginning until we had
17 | the meeting Wednesday. And they asked for 5. We were against
18 | it but they got it.

19 | MR. BLAZER: Well, now they are going back down to 6
20 | so get that extra foot of clearance there.

21 | MR. WILKINS: So when we were in the meeting with
22 | them, that is going to be gone now. They are going to be
23 | deeper.

24 | MR. BLAZER: I am sorry. Say that again?

25 | MR. WILKINS: What Russell was talking about. When

1 | we were in Easton when the Corps -- the plan moving forward
2 | was for shallow water. Everyone -- I can't say everyone there
3 | was objecting to it but most of the people were. So now they
4 | are not going to do that.

5 | MR. BLAZER: They are going to the 6 foot depth.
6 | They are going to a deeper elevation just to specifically deal
7 | with this issue.

8 | MR. DIZE: Well, at the beginning they did an
9 | excellent job. I know because I watched. Where I was working
10 | was in 100 feet. And the guy that was working did an
11 | excellent job of spreading stuff. It was the last go-off.

12 | When Tred Avon was shut down, it seemed like the
13 | corps just came in and dumped it. That is when we got that
14 | stuff outside the narrows.

15 | MR. MANLEY: Up our way, we have been hearing a lot
16 | about it. You are going to have a lot of objection to it and
17 | the reason is, is because a lot of federal money is coming in
18 | to support this. And just like Eastern Neck Island, once
19 | federal money gets involved, they can shut that whole damn
20 | thing down and you won't get anything.

21 | So I am just telling you right up front there is
22 | going to be a lot of objection to it because for that reason
23 | they can come in and say we don't want you in there, and that
24 | is it when you got their money involved.

25 | MR. BROWN: I am on the Oyster Advisory Commission

1 and I brought this up about Harris Creek. At the last
2 meeting, we talked about two more rivers, and I told them at
3 the meeting that my position was that no more rivers be given
4 until the Harris Creek is cleaned up and gotten straight.

5 I know that Secretary Belton and myself and some
6 others went down to the Tred Avon and they had them in there
7 showing how the corps could go across and they had sounders
8 and stuff and they had another microphone like they dragged
9 across the bottom of stuff to test all the bottom to see what
10 is done.

11 And I think that the corps, they created this
12 problem. The corps should go back in there and go over the
13 whole creek and make sure they get it right. We have been
14 fortunate enough so far that with these boating accidents
15 nobody has gotten hurt yet. And it is too late after somebody
16 gets hurt.

17 I mean, all you have got to do, you run ashore,
18 aground. I mean, I have always been fortunate that I have
19 been up into the steering wheel or whatever but if a person
20 pulls the wrong way, they could get seriously hurt.

21 MR. DIZE: It also affects what you do crabbing. I
22 mean Harris Creek probably lost 20 good crabbing sites.
23 People just don't want to fool with it. Rocks and different
24 places where you lay your line, they just don't want to do it.

25 That is something else. When you are going to do

1 | this -- I think if it had been all shells it would have been
2 | no problem whatsoever.

3 | MR. RICE: Thank you. If there are no further
4 | comments on this subject, JD, you are up.

5 | ***Overview of an Aquaculture Facility***

6 | ***by Commissioner JD Blackwell***

7 | MR. BLACKWELL: Hello, I am JD Blackwell and I am an
8 | oyster farmer. I am located in St. Mary's County very close
9 | to Point Lookout. So I am actually on both sides of Point
10 | Lookout. A little bit on the Potomac and a little bit on the
11 | Chesapeake.

12 | I was asked to do an overview, I think sort of
13 | prefacing for next year if the committee would like to
14 | actually visit that oyster farm or oyster farms live in
15 | person. So I was asked to give a quick overview so you could
16 | understand it and have a sense of it.

17 | I decided rather than a lot of text and a lot of
18 | words, I would just show you a lot of pictures. So I have
19 | got a whole lot of pictures here. I am not going to
20 | necessarily dwell on them. If somebody wants to understand
21 | something or wants to ask questions, stop me and then I will
22 | answer questions about a specific picture.

23 | But my intention is just to sort of show you a lot
24 | of images of what my particular oyster farm looks like. I am
25 | in some ways unique and in some ways -- there are a lot of

1 | things that I will be doing that everybody does who farm-
2 | raises oysters. And there are a few things that I do that are
3 | unique.

4 | (Slide)

5 | But specifically what I am going to show you is
6 | water column aquaculture. And that means that rather than
7 | spat on shell on the sea floor, we have oysters in some kind
8 | of container either sitting on the sea floor or floating on
9 | the surface. In my case, I do both of them. So I will start
10 | just sort of showing you pictures.

11 | (Slide)

12 | I operate multiple sites. One site is floating
13 | cages. One site is bottom cages.

14 | (Slide)

15 | So this is the what would be often called the
16 | western shore. This is St. Mary's County, and I have one
17 | grow-out lease on one side down there near Point Lookout. One
18 | on the other. And a nursery that is further up toward
19 | Leonardtown.

20 | I chose my nursery to be far away from the grow-out
21 | sites mainly for disease pressures. So the first set of
22 | pictures is the nursery.

23 | (Slide)

24 | So this is what my nurseries look like around the
25 | open Potomac. There is plumbing that sucks water in, pumps it

1 out. A bunch of tanks.

2 (Slide)

3 Just another shot of it. If you look down the pier
4 like right here, you see water discharging back in the water.

5 (Slide)

6 I have lights so we can do stuff at night,
7 particularly in the summertime when it is very hot or just
8 because we are busy. It helps us to be able to function at
9 night.

10 (Slide)

11 Just giving you a sense of all the plumbing. We
12 move a lot of water, a half million gallons a day for these
13 six tanks. Pump water in, discharge it out. These small
14 oysters feed on the algae that is in the water.

15 (Slide)

16 So this is what a million oysters look like. These
17 are individual little seeds. This isn't spat -- this isn't
18 larvae setting on a shell. These are individual one
19 millimeter or two millimeter seeds. That is a million of
20 them, and that little bag in my hand cost \$10,000 just for
21 perspective.

22 MR. GILMER: Did you grow those or did you buy those
23 that size?

24 MR. BLACKWELL: I bought them. I currently nurse
25 oysters so I buy oysters. Starting right here at this size

1 | they are about a millimeter.

2 | MR. GILMER: Do the set on sand or where do they set
3 | on?

4 | MR. BLACKWELL: They are set on oyster shell. So
5 | you would be familiar maybe with larvae that sets on a full
6 | shell. This shell has been ground up to a very small size, as
7 | in fractions of a millimeter, and the larvae lands on that
8 | tiny --

9 | MR. GILMER: Some places set it on sand. I was just
10 | curious.

11 | MR. BLACKWELL: I don't operate a hatchery, at least
12 | not currently although it is in the realm of things that my
13 | attention is focused on. There is no commercial hatchery in
14 | the state so no growers currently operate a hatchery although
15 | there is at least one who is in the process and I am
16 | personally in the process of permitting one myself.

17 | So everything you will see here is from the nursery
18 | level up.

19 | (Slide)

20 | So there I am dumping little oysters into a tank.

21 | (Slide)

22 | I am just giving you a different shot of it.

23 | (Slide)

24 | Here they are laying in the bottom of a --- . This
25 | is probably a day or two after I got them.

1 (Slide)

2 So they grow for a while and they start to look
3 like -- if there is a whole bunch of them laying there after
4 they are washed off, they would look like that.

5 (Slide)

6 Giving you a sense of it. This is a little test I
7 have done. These came out of the tanks and sat in the float.
8 These came out of tanks and set on bottom.

9 (Slide)

10 This is what my nursery outputs. And most growers'
11 nurseries, this is what will come out of it, something that is
12 above 5 millimeters and below 20 millimeters. These are
13 individual little oysters here already. And if you look like
14 right here, you see just tons of growth.

15 That little black stripe hints that it came from a
16 hatchery. That little stripe you will find with all the
17 product that comes out --- . All the selectively bred strains
18 will have this little racing stripe. Not every oyster will
19 have it but it is very common in the population. It is a
20 genetic trait that has been picked up down there.

21 (Slide)

22 So this is just giving you a sense of the different
23 sizes. We are a fully vertical farm so we have oysters right
24 now everywhere from about 5 millimeters -- beginning at 1 at
25 the beginning of the season but I have oysters in my

1 possession from 1 millimeter all the way up to about 5 inches.

2 And so I consider all this kind of seed. This is
3 about half an inch. That is about three-quarters. That is
4 probably about an inch and a quarter.

5 (Slide)

6 So again just sort of giving you perspective. That
7 is showing you how much cup there is to it. And literally all
8 of this is in those tanks. This is what it does. We sit
9 there and feed it, spread it out, and it just keeps getting
10 bigger and bigger.

11 MR. GILMER: What is the amount of time to get to
12 that size there?

13 MR. BLACKWELL: So it depends on the time of the
14 season. But this takes approximately three weeks, just sort
15 of general terms. If I let them sit there and cook and cook
16 and cook, I can get them this big. It is not real common that
17 I do. The tank space is valuable since there is only six
18 there. So late in the season when most of it has already
19 flushed through, I will let stuff sit in my tanks and get big.

20 Most of the time I harvest it when it is about this
21 size. If you look at that physically, you see it is less than
22 20 millimeters. It is probably about 15. And that is a
23 perfect size to leave the tanks because from here they go into
24 a cage out in the open water.

25 (Slide)

1 This is -- so it was grown in those tanks and
2 harvested and put in the bag and here is farmer on the Eastern
3 Shore who came over and bought a bunch from me. And I am just
4 sort of showing you the practical sense of you grow them, you
5 put them in a bag and you carry them to where you are going to
6 plant them.

7 And the oyster is super forgiving so he can come out
8 of the water and get transported for half a day, no problem.

9 (Slide)

10 This is just more seed that is kind of bigger. This
11 was about to get wrapped up and shipped out, shipped to New
12 England.

13 (Slide)

14 For my own purposes, I load them into these black
15 bags, and they get moved off to my cages that are back down
16 near Point Lookout. That is a grow-out bag. It is about 3
17 feet by 2 feet. And it is my primary container for the
18 oysters.

19 (Slide)

20 So I, like most of the watermen, have some kind of
21 truck. This is my refrigerated truck. I use it to move the
22 seed as well as to move market product.

23 (Slide)

24 So once that seed came out, went in those bags, went
25 in the truck, it was driven to a grow-out site.

1 (Slide)

2 And from the sky, this is what a grow-out site looks
3 like. Those are a bunch of little cages sitting on the sea
4 floor. This picture was taken last October. And that is a
5 24-foot Carolina skiff that we use, and these are just my rows
6 of cages. And this little section here is operated by
7 somebody else.

8 MR. GILMER: Acreage-wise, what is that?

9 MR. BLACKWELL: That is 3.2 acres from there to
10 there.

11 MR. WILKINS: How deep is that?

12 MR. BLACKWELL: My target water is below 4 feet. So
13 this is maybe pushing 5 feet at high tide. And pushing 3 feet
14 at low tide.

15 (Slide)

16 So this is -- I am obviously using a drone. This is
17 just it from a different angle. Army corps is fighting about
18 these so there may not be any more of this.

19 (Slide)

20 I like to mark every cage. It doesn't help me from
21 theft. It probably help thieves but I used to like to do it
22 because I thought it made sure that any boaters in the area
23 would know that there is a lot of gear under the water.

24 If I back up you will see right here there is a swim
25 buoy and right there and then there are two more on the other

1 side out of sight. If that is all that was there, I sometimes
2 wonder whether that is enough marking to encourage people with
3 good intentions to not go through it.

4 (Slide)

5 So I like all the little floats but army corps is in
6 sort of a famous fight right now about whether they are going
7 to let us mark every cage. They are worried about a turtle
8 swimming in between here and somehow entangling himself. I am
9 not kidding you. But that little two feet of rope is giving
10 NOAA and army corps a lot of concern.

11 But these are cages sitting on the sea floor. The
12 little rope comes up. The buoy is on top. It lets me know
13 what is there. It helps us find it. It helps boaters know
14 there is stuff in the water.

15 (Slide)

16 This is just another angle. I am just trying to
17 give you a big, broad understanding. So that is my cage.

18 MR. GILMER: Is the bag inside that cage?

19 MR. BLACKWELL: That is the bag. If you look right
20 here, you literally see there is the closure. This is the bag
21 and right there is the oyster. So clearly the wind had been
22 blowing like this. And pushed all the oysters to one end
23 that particular day. But this is a pile of small seed inside
24 of a bag. And that white is the closure.

25 And obviously the wind it pushing it that way

1 | because the tether is leaning that way. But my guys work on
2 | these bottom cages. Not all oyster farmers do this but I work
3 | from our feet. Every single bottom cage I have, I work from
4 | my feet currently. That makes us super-efficient. The boat
5 | drives up, the guys hop in the water, flip the cage, pull the
6 | bags, do what they need to do. Bags come in, bags go out.
7 | And so we are very efficient.

8 | We are not lifting the cage out of the water and
9 | lifting all the oysters. There is no hoist. My Carolina
10 | skiff is completely bare.

11 | So I really like hard pack, hard bottom. No SAVs,
12 | nothing out there. Just hard, sandy bottoms that shift on big
13 | open water. So that is exactly what this area right here is.

14 | (Slide)

15 | This is another shot, giving you a sense of it.
16 | Water can push stuff around.

17 | (Slide)

18 | There is one more cage kind of close up.

19 | (Slide)

20 | So we flip the cage on its back, open the door. So
21 | right here you see is the door. Open the door, pull the bags
22 | out. So that bag will come in and out, and we are doing all
23 | kinds of stuff with it.

24 | Mostly what we are doing is giving it more and more
25 | space. We want to have as few bags as possible so we will put

1 10,000 oysters in a bag and once they grow, we will divide
2 them up and put 3,000 in. Then we will put 1,000 in. As the
3 oysters get bigger, we need more bags and more cages. But we
4 want as few of it to handle as we can at first.

5 So mostly what happens is these bags come in and
6 out, and the mesh size gets bigger and the quantity gets
7 larger.

8 (Slide)

9 So grow-out site number two, this second site I have
10 floating cages and bottom cages. The first one was on the
11 Potomac. This one is on the Chesapeake.

12 (Slide)

13 So from the sky, I own most of this sandy beach
14 here. You can't see it but there are bottom cages right here
15 and there are floating cages there. That is the entrance to
16 St. Jerome's Creek. And that is a duck blind.

17 (Slide)

18 So as we get up close, there are some cages sitting
19 on the sea floor right here. And these are floating cages.
20 So bottom cages, floating cages. I use both kind, and I use
21 them as a system.

22 (Slide)

23 This is just another angle. Here are all my cages
24 up here in the shallow. If you notice, I said I work in four
25 feet of water. I stay out of the way of crabbers. It is a

1 perfect system. I am really not in the water that they need
2 at four feet and above. And it is perfect for me. My people
3 work on their feet and it is -- and if it was more than four
4 feet of water, they couldn't do that.

5 (Slide)

6 So just some more shots of that, floating cages and
7 bottom cages. So we are back here. Our operation is here in
8 the woods. Here are the floating cages in front of us.

9 (Slide)

10 Giving you a sense of it from land. At really low
11 tides, sometimes my bottom cages will touch the surface.

12 (Slide)

13 When everything is right and it is coordinated and
14 the wind hasn't beat anything up, it can look like that.

15 (Slide)

16 When storms come in, it kind of looks like that.

17 (Slide)

18 That is what a floating cage looks like. So here is
19 the wire cage, there is the bag and then here are oysters.

20 (Slide)

21 Just a few more pictures of the facility. This is a
22 cold box. There are boxes full of oysters. This was the
23 middle of summer. And when I have too, I will ice the
24 oysters. I don't really like to but on occasion I need to.

25 (Slide)

1 This is a cold truck. It is sitting there full of
2 oysters and totes that are going to one place, and oysters in
3 boxes that are going to get on a semi and go across the
4 country.

5 (Slide)

6 Here it is dropping off at a terminal. That is a
7 box full of oysters. Couple of different pallets headed in
8 different places.

9 (Slide)

10 This is an open market in DC. We pull up, they
11 stick a pallet there and load bags of oysters. Some of my
12 peers use a box. I use a bag. I really like the bags. It
13 has got a different appearance and you see what is there.

14 (Slide)

15 So a few pictures of what it looks like when people
16 are working.

17 (Slide)

18 There are my guys out. Here are tanks for growing,
19 people cleaning, people doing stuff. Guys out in the water.
20 They may have been pulling a cage up that got stuck. They
21 might have been putting a screw auger into the sea floor.
22 This was probably like December of last year. They are in
23 wetsuits. And I don't remember exactly what we were doing
24 that day but they are out there in wetsuits standing in water.

25 So to answer the question of how deep is the water

1 at low tide, there it is.

2 (Slide)

3 That is the -- only my floating lease side, that is
4 my boat. Three years, that has moved millions oysters. It is
5 a little 16-foot skiff and it is full of bags. These are the
6 bottom cages that we got open and we are working on.

7 (Slide)

8 We own the beach so we use the beach to work on.
9 Land the boat on the beach. Here are bags. We are taking
10 full bags, reloading the oysters into new bags to put them
11 right back out.

12 (Slide)

13 Just a few more pictures of people working.

14 (Slide)

15 This is the active day-to-day work on an oyster
16 farm. This right here I jokingly say is my favorite employee.
17 His name is Bob. Bob smokes once a day and he is always at
18 work. And Bob does all the heavy lifting because as you can
19 imagine, a pallet full of oysters weighs thousands of pounds.

20 MR. GILMER: How many people do you have working on
21 average?

22 MR. BLACKWELL: So that number varies throughout the
23 season but right now about 10.

24 (Slide)

25 This is a machine that tumbles oysters bought from

1 one of my fellow oyster farmers. It happens to be a fantastic
2 machine. Here we are on the dock so in the particular case,
3 oysters came here to get tumbled. I have really stopped
4 tumbling oysters. I no longer do it but last year I do, and
5 it is very, very common that my peers have these kinds of
6 machines to tumble the oysters.

7 So you dump oysters in here, they go up, go through,
8 get washed, get beat around and come out.

9 (Slide)

10 Again, that is those grow-out bags. Since they are
11 all black, that means they are clean. That means that a dirty
12 bag came in full of oysters that got reloaded with a small
13 volume. They are about to go back out to go through another
14 session of growing.

15 (Slide)

16 Just a few more pictures of people working on that
17 dock. You can see there is -- this boat here is an oyster
18 boat that belongs to a friend of mine, so he brought some of
19 his cages over so I would run all of his oysters through the
20 tumbler for him. So they would get beat up a little bit, chip
21 the edges. Make them cup a little better, separate apart. He
22 is going to take them back out.

23 So this is his gear here. This is what a bag looks
24 like when it has been out there for a few months growing.
25 This is what a bag looks like when it is ready to get put back

1 in. There is a little bit of oysters. We will let the
2 oysters grow until they are about that much and then we will
3 start over.

4 (Slide)

5 That is a tumbler sort of conveying those things.

6 (Slide)

7 I put this picture here just to give you a
8 sense -- see those two pressure washers and those guys?
9 Oysters come in. They are ready for harvest. We lay them out
10 on a pier, pressure wash them, make them clean. Then we take
11 them off to package them up.

12 (Slide)

13 So here we are pressure washing. That is a dirty
14 bag, and notice how full it is. It is just chock full of
15 market ready oysters.

16 (Slide)

17 That is my second boat for the site where I don't
18 own the land right behind it. That is the entire boat. They
19 have been out there working so they have come back. Here is a
20 pile of dirty bags, a pile of dirty closures, some fresh bags
21 that didn't get used. And you can see that him and him spent
22 the day in the water, and him and him and him and him spent
23 the day playing with bags on the boat.

24 (Slide)

25 This is sort of a picture out there working the

1 bottom lease. Notice a friend of mine out here in his oyster
2 boat working on his cages. And here we are working a string
3 of ours. So pull a bag out on here, turn one bag into three
4 or four, put them back. It is pretty much that simple.

5 (Slide)

6 This is probably colder weather because everybody is
7 in jackets and stuff but here they are out here working. So
8 here is a crew pulling bags and here is crew playing with the
9 stuff on the boat, what we call husbandry.

10 (Slide)

11 So I will sort of click through and get finished up
12 here but just some more shots of people out working.

13 (Slide)

14 Middle of summertime. Most of my guys love being in
15 the water because the water is warm and that is a fun place to
16 be.

17 (Slide)

18 I put this picture just to give you a sense -- I
19 didn't realize it when we started but it certainly is true, we
20 are a gigantic nursery. I asked the former assistant
21 secretary if I could one penny for every animal that I grew in
22 my nursery. He said no, of course, but if you look here,
23 there are just tons of animals or fish. So there is crab and
24 there is eel or whatever living in and around all of our
25 cages.

1 And I show you this to show, can you imagine them
2 swimming right up to you? Just sitting there next to you?
3 But they are because they have been feeding off of all the
4 fouling on the bags.

5 (Slide)

6 Just another shot of how much life there is living
7 around our cage gear. We really are a nursery system for all
8 kinds of parts of the food chain.

9 (Slide)

10 So a few more shots and we will wrap up.

11 (Slide)

12 So this guy is coming in, landing a boat full of
13 bags.

14 (Slide)

15 Cages on the beach about to go in and out. Guys out
16 there on the water working floating cages.

17 (Slide)

18 Seed on its way out to get put in the water.

19 (Slide)

20 Me sitting there with seed we just got from the
21 nursery all bagged up and ready to go somewhere.

22 (Slide)

23 And again I show you, going out there is only a
24 little bit in the bag. Coming in, the bag would be almost
25 full.

1 (Slide)

2 There are bags coming in full of small seed.

3 (Slide)

4 There is a bag full of market oysters.

5 (Slide)

6 That is my bottom cage. That is a floating cage.

7 (Slide)

8 There is Bob again. Cold truck. Seed container
9 and 100-pound fish totes. Probably stuff that other parts of
10 the fishery use on a daily basis.

11 (Slide)

12 So this is just giving you a sense, on land I have
13 tons of cages and tons of bags. Just tons of gear sitting
14 around to handle all the volume of oysters.

15 (Slide)

16 Little boat and Bob, refrigerated truck.

17 (Slide)

18 I will say I tried this year some --- paints to
19 varying success.

20 (Slide)

21 This is sort of a shot the land where we have got
22 seed containers and cold boxes.

23 (Slide)

24 Cages about to head out.

25 (Slide)

1 MR. RICE: JD, what would be your turnaround time
2 from the stage where you buy the oysters, those little tiny
3 oysters, to say 3 1/2 inches?

4 MR. BLACKWELL: So I have oysters that arrived at 1
5 millimeter this year that will go to market by Christmas. But
6 the whole batch of them won't. Right now we are having a
7 fantastic season and probably 20 percent of what I got in May
8 will be on somebody's plate for Christmas.

9 But in general I expect about a year. I don't think
10 I own an oyster that is a year and a half old So I would say
11 that 8 months to 18 months is the range because if you get
12 100, 20 percent will grow really, really fast and 50 percent
13 will grow kind of medium and another 20 percent will grow
14 slow.

15 MR. GILMER: What percent will you lose?

16 MR. BLACKWELL: It is a good question. The best
17 oyster farmer I know says that if you say you sell more than
18 65 percent you are lying. If you go back and look at that
19 pile, I estimate there is plus side of 2 million oyster shells
20 there.

21 So I budget 1 out of every 2. From the time I get
22 it to the time I sell it, I assume I lose one out of every
23 two. And I know the phases where it is higher or lower but I
24 generally think I lose 5 to 10 percent every time I touch it.

25 MR. GILMER: I know that is some of the reason

1 people stopped tumbling was because of the loss.

2 MR. BLACKWELL: Yes. Most farmers who sit on the
3 bottom, they get too snappy.

4 MR. GILMER: They have to tumble.

5 MR. BLACKWELL: They have to. What I decide is
6 tumbling takes 10 percent every single time, and if you did it
7 three time, that alone just ruins you. That is a great
8 machine in terms of how it is built.

9 MR. GILMER: The purpose of it is good.

10 MR. BLACKWELL: My floating cages, because I am not
11 on that big water, I don't need it anymore. My gear beats it
12 up.

13 MR. RICE: Thank you very much. Very informative.
14 We will move right along into the Gear Workgroup update from
15 Jacob.

16 MS. WIDMAN: Jacob is not here.

17 MR. RICE: Okay, since Jacob is not here we have got
18 Sarah.

19 ***Gear Workgroup Updates***

20 ***by Sarah Widman, MD DNR Fishing and Boating Services***

21 MS. WIDMAN: So we had our Gear Workgroup meeting
22 last month. There were two issues that they discussed. One
23 was a recreational issue pertaining to the marking and layout
24 of collapsible traps and net rings, and because of enforcement
25 issues there wasn't a resolution on that.

1 flathead catfish. I don't know whether other rivers see what
2 we do but at times it is about the only catfish you can catch
3 in that river.

4 But in recent readings of proposals, I have not seen
5 anything that included flathead catfish in the Susquehanna
6 River and I was wondering what changed?

7 MS. WIDMAN: I can find that out and send an e-mail
8 out to the commission.

9 MR. JEFFRIES: Whatever happened with the committee
10 they were putting together on the spot and hardhead issue? I
11 know the study is not until February but I know some of the
12 headboat guys have asked.

13 MR. BLAZER: I think that is on the agenda later
14 when Mike comes.

15 MR. RICE: Well, Sarah, I am on the committee.
16 Steve, I don't think it was ever like flatheads are omitted.
17 It is just the term blue cat was what was being used, and in
18 my thinking, a catfish is a catfish. That you would be
19 allowed to use the gear. Am I close, Robert T.?

20 MR. BROWN: Yes. What was brought up before, it was
21 primarily because that is what one of the biggest markets is
22 down on the Potomac. And we have got a few of those catfish
23 down there. You know, we have got the blue cats and we got
24 those flathead cats down there too but not that many.

25 And some of the fellows down home wanted to move

1 | into the tributaries off the Potomac is how it started. And
2 | then we had a meeting on how we could do it and would it
3 | interfere with other fish and, you know, how well it would
4 | work. And that is the way we looked at.

5 | As far as I am concerned, if a man wants to catch
6 | flathead catfish on it, that is fine. I think it is -- I
7 | don't know how well the channel catfish bite on it. You may
8 | even do well on them but as far as I am concerned, a catfish
9 | is a catfish.

10 | MR. GILMER: I think it ought to be put back into
11 | the writing, you know --

12 | MR. RICE: I agree with Moochie on that. I think it
13 | should be spelled out. Catfish in general. The catfish is an
14 | odd creature because I can only speak for where we fish at,
15 | but we catch predominantly 99.9 percent blue catfish. And it
16 | is not that there isn't other catfish there. Why they don't
17 | bite the hook is beyond me.

18 | We can set a trotline beside a line of pots and the
19 | pots might catch 50 percent channel cats, 50 percent blue cats
20 | but the trotline always catches 100 percent blue cats pretty
21 | much. Maybe it is the type of bait we are using. Who knows.

22 | MR. GILMER: But regardless, he shouldn't be
23 | excluded from --

24 | MR. RICE: It should be in general, right. But we
25 | catch more native cats than we do like anything else, like the

1 channels. Native, I mean the white or bullhead or whatever
2 you want to call it. Rachel?

3 MS. DEAN: Robert T. and Billy, you are going to
4 have to help me clarify on this one because on that call,
5 maybe it was in my head, but when we talked about we wanted it
6 in southern Maryland, we talked about it being allowed in
7 other places too.

8 And I don't remember us deciding that it needed to
9 be below the Bay Bridge. In my head I was thinking, oh, the
10 Chester River. Now I know we have got the striped bass
11 spawning but we talked about the sizes of hooks. We talked
12 about not using live bait. We talked about keeping it on the
13 bottom.

14 And I didn't feel like we had narrowed it down to
15 below the Bay Bridge.

16 MR. RICE: No, actually it was the exact opposite.
17 The areas that we spoke of were north of the Bay Bridge on the
18 eastern shore and the entire western shore all the way down,
19 to my recollection.

20 MS. DEAN: But this doesn't say that. Am I reading
21 it wrong?

22 MR. RICE: It says not to.

23 MR. BLAZER: To not allow.

24 MR. RICE: We asked in the committee to include the
25 entire western shore.

1 MS. DEAN: That I what I thought, okay, and I don't
2 know. What do you recall?

3 MR. BROWN: That is what we asked, and as far as it
4 goes -- the only reason we didn't include the lower eastern
5 shore on it was because at this time we didn't know of any
6 amount of those blue cats that they were catching and we
7 discussed it and they said, well, we don't have anybody here
8 on it.

9 MS. DEAN: But we knew we had them up in the Chester
10 River.

11 MR. BROWN: We know we have them in these other
12 areas. And if we were doing this, trying it in these areas
13 and seeing if it works. And if it works, fine. If they want
14 it in that area, we are willing to go along with that.

15 MR. BLAZER: Well, I think next paragraph talks
16 about I think what your concerns are. So I think we will just
17 go back with Jacob and just check what it is.

18 MS. WIDMAN: It makes more sense what you are saying
19 because my recollection was that there was concern about a
20 pupping ground with sharks on the lower eastern shore so that
21 would jibe with what I remember.

22 MR. RICE: The other thing you said was the depth.
23 Was it changed after it left us to 10 feet?

24 MS. WIDMAN: That he specifically said was concerns
25 from staff but I don't know what those concerns are.

1 MR. RICE: Well, I think speaking on behalf of my
2 two cents on what the group said, I would be very much trying
3 to keep it as six feet because 10 feet of water keeps you out
4 of a lot of tributaries where you could be productive for
5 fishing.

6 And it would take a deep draft boat to get tied up
7 in your line drawing more than six feet of water in a
8 tributary. And these catfish, when they come out of
9 hibernation, if that is what you want to call it -- dormancy,
10 maybe that is the word I should use -- they go to shallow
11 water. And the reason they go to shallow water is they feed
12 on the freshwater clams and stuff to get themselves going.

13 You don't catch them in much deep water early in the
14 season. So I think keeping the water depth at six foot, I
15 could probably live with that. But I wouldn't like to see it
16 go any deeper than that.

17 MR. GOLDSBOROUGH: The only thing I wanted to
18 underscore about the areas is on the bottom there it does
19 refer to it, and that is just minimize a bycatch of nontarget
20 species. When you choose areas to allow a relatively new gear
21 like this, that is one thing you want to look for.

22 MR. RICE: And that is why we felt it was necessary
23 to include areas that this is not traditionally used in up to
24 this point because we have been fishing like this for a long
25 time. So we felt that it might become an issue

1 that -- somebody say, well, you guys have already been doing
2 it. But what happens if we do it in the Chester? What
3 happens if we do it, you know, in the --- or wherever?

4 That is why we need to open these other areas up
5 so we have good information in a three-year span because once
6 the three years is up, then we kind of like got to prove
7 ourselves again somewhat.

8 MR. GOLDSBOROUGH: As long as you are doing good
9 monitoring and collecting good data.

10 MR. RICE: Yes, and from a variety of fishermen with
11 different tactics and different ideas. Anybody else?

12 (No response)

13 MR. RICE: So where are we --

14 MR. JEFFRIES: So the depth is going to change back
15 to six.

16 MR. RICE: We are going to request that it changes
17 back to six.

18 MS. WIDMAN: What I will do is go back to Jacob and
19 confirm these points and then we will send out an e-mail to
20 the commission of the actual points and then any reasoning of
21 why we thought to change them. And then at that point if you
22 guys want to send us your thoughts --

23 MR. RICE: On the main stem Potomac we do not have a
24 restriction of depth. You can go as shallow as you want to go
25 and deep as you want to go. The difference in the Potomac is

1 | we cannot bring our hooks off the bottom until we reach ten
2 | feet of water.

3 | MS. WIDMAN: And that works for you?

4 | MR. RICE: Works quite well, yes. You know, there
5 | is also an issue that there was some concern about during
6 | spawning season, striped bass would be caught with this gear.
7 | And I offered up the compromise that during striped bass
8 | spawning season, that the hooks must remain on the bottom.
9 | That eliminates your striped bass because it is not a bottom
10 | feeder.

11 | And I can contest to this, for what my word is.
12 | Guesstimating probably catching a half a million pounds of
13 | blue cats, we caught one striped bass. So if you want to look
14 | at that as a bycatch, that is not much of a bycatch where I
15 | come from. And we didn't catch half a million in one year. I
16 | am talking three years' time.

17 | We are estimating that last year we caught 1,100,000
18 | pounds of blue cats on the Potomac and it looks like we will
19 | exceed that figure this year.

20 | If one of the catfish pots, if one of the cull rings
21 | stops up in a pot, it will virtually fill up with blue cats
22 | about that big. We try to use three- and four-inch cull rings
23 | so the little stuff escapes.

24 | MR. GILMER: And they are steady moving down, aren't
25 | they, Bill?

1 MR. RICE: Well, they are a little bit more
2 migratory than what some people might think. When they first
3 come out like in March and April, they are pretty widespread
4 but as the summer goes on they get pinched up the river
5 farther and farther. It is fall so they are starting to come
6 back.

7 If we were to have a big --- like we did four or
8 five years ago, they will go clean down --- Island or even
9 farther south than that. I think they have caught them in
10 pound nets down at Piney Point. So these fish aren't like
11 restricted. They come and go to where they find suitable
12 habitat. And there are a lot more than you might think.

13 MR. GILMER: And the question has been in my area,
14 and I don't know how many we have got in the Chester River,
15 but there have been some caught. But the amount of catfish
16 that have moved down the river, the flatheads and all, guys
17 are asking me are the blues running them down or what?

18 I mean because we have got people fishing in Kent
19 Narrows now who catch 30 to 40 catfish a night where you never
20 did catch a catfish in there.

21 MR. RICE: What type?

22 MR. GILMER: The flathead. That is what I call
23 them. Just a normal catfish.

24 MR. RICE: I can't really answer that because we
25 probably only caught like a grand total of maybe a dozen

1 flathead catfish.

2 MR. GILMER: Whatever our regular catfish is. I
3 don't know. Are they flatheads? What are they, Russell?
4 Channel cats? It was rare to catch one in Kent Narrows and
5 now you can actually go up in there and be able to fish for
6 them.

7 MR. RICE: A flathead is no trouble to tell because
8 that is just what he is. He has got a big flat head on him
9 and he is like a light brown color.

10 MR. GILMER: I wasn't thinking the channel but
11 channels is what we have.

12 MR. RICE: The only I can tell you is this. That if
13 you are working in a river say like Choptank, Chester,
14 wherever, and you start to see one down there about a foot or
15 so long, don't worry. In about five to six years' time you
16 are going to be trying to figure out how to get rid of them.

17 MR. BROWN: I live on St. Patrick's Creek and raised
18 on there all my life, and we never did catch a catfish in that
19 creek on a hook and line. And they can go down there right on
20 my place now. Some catch 30, 40 or more of those blue cats.
21 I mean, all different sizes.

22 The way they reproduce and come on, once they get
23 started, there is no stopping it.

24 MR. GILMER: And they are eaters.

25 MR. RICE: For what it is worth, the ones in the

Questions and Answers

1
2 MR. JEFFRIES: Well, actually I do have one. There
3 was a question about the eel license we talked about last
4 meeting. The free license. Is that license strictly and only
5 for the purpose of eel?

6 MS. WIDMAN: It is a permit, and yes. It is just
7 for the purpose of eel.

8 MR. JEFFRIES: It has nothing to do with fish traps,
9 nothing else, just eel.

10 MS. WIDMAN: Correct. There is a gear associated
11 with the eel permit but it is specific to catching eels.

12 And then you also have scoping. So the one thing on
13 the agenda that I will highlight is the cownose rays. You
14 have a separate handout on that as well, giving you some
15 background on any information we have on cownose rays. The
16 one item on that scoping list is to declare them in need and
17 come up with some kind of daily vessel limit commercially as
18 well as a limit recreationally.

19 I think on the handout you got, there were examples
20 given of, you know, potentially 10 fish per vessel per day all
21 the way up to 30 fish per vessel per day. So I guess looking
22 for feedback while we are scoping of what makes the most sense
23 for the commercial fishery would be helpful from you all.

24 MR. JEFFRIES: We are trying to limit them? Am I
25 reading this on wrong?

1 MS. WIDMAN: That is correct.

2 MR. JEFFRIES: This has got to be a joke.

3 MR. BROWN: There is no way we can have any kind of
4 limit on these cownose rays. Between the amount of clams that
5 they destroyed in the run of the year plus the oysters --
6 everything. They are one of the biggest predators that we got
7 out there.

8 MR. JEFFRIES: It should be a daily minimum you have
9 to catch a day.

10 (Laughter)

11 MR. BLAZER: So let me give you a little more
12 background, just so you know what is going on here.

13 You know last summer there was the video going
14 around about the tournaments, bowfishing for cownose rays. It
15 has been played out in the legislature. A lot of conversation
16 about this. And where we are with cownose rays, the
17 department has no regulatory authority to manage or do
18 anything associated with cownose rays.

19 So with this action, what we are trying to do is
20 give us regulatory authority to figure out what to do with
21 cownose rays -- collect data.

22 We are looking primarily to permit tournaments so we
23 know what the impact of these bowfishing tournaments is. And
24 looking to kind of limit those tournaments so that there is
25 not a proliferation of wasteful practices where -- the stories

1 that we hear where these guys or folks are bringing in 20 to
2 30 cownose rays and putting them in dumpsters and stuff.

3 So what we are trying to do is, one, set some limits
4 so that so that we can get some data and get some information
5 because we don't know the status of the stock. We are trying
6 to figure that out.

7 Put some attention on this species and what I think
8 we are asking for is with the in need of conservation, with
9 the target, no pun intended, being the bowfishing aspect, we
10 are also looking because we are probably going to be asked,
11 well, what are you doing on the commercial side?

12 So we are trying to get, what is the current
13 practice of limits for cownose rays? What do people harvest?
14 So we kind of figure out where that point is and let's set
15 that limit there so there is not a big expansion going forward
16 until we get more information, and then we can kind of figure
17 out where we go from there.

18 So that is the gist of why we are going through
19 scoping and then probably a regulatory proposal. But in order
20 for us to get some way to manage this species, we have to go
21 the in need of conservation route. So that is what we are
22 proposing at this point.

23 I heard a couple comments about the impact that they
24 have on clams and oysters and so forth. There was a paper put
25 out recently that just kind of discounted that, that they have

1 a significant impact on oysters and clams. There might be
2 some localized but it is not having an overall impact.

3 So we will share that paper with you all so that you
4 all know what that is. But that came out a couple months ago,
5 I think, as part of this process.

6 So the research has told us that is not as big an
7 impact as we thought it was previously. So that is a little
8 bit more background on kind of where we are with cownose rays.

9 MR. DIZE: That may be true on that, Dave, but it is
10 not true on crabs.

11 MR. BLAZER: Well, I can't remember all the details
12 of the report. We will make sure that we send that off to
13 you.

14 MR. DIZE: Or grass. They tear grass up in Harris
15 Creek and Broad Creek, and when it starts coming out of there,
16 it is fields of grass that the cownose rays have cut off. So
17 there is an impact, and the conservationists might not want to
18 know there is an impact but there is to their precious grass
19 and to soft crabs.

20 MR. MANLEY: And the clams.

21 MR. GILMER: And the clam issue, they are very, have
22 a very large impact in an area that you dig. I can dig an
23 area and catch, let's just say, five bushel an hour. When I
24 return there the next day, I caught five bushel the last hour
25 I was there, I should be able to go back and catch four bushel

1 an hour. Sometimes I can only catch a bushel an hour because
2 they came in behind us. So it is some impact there.

3 MR. BLAZER: I am just telling you what the research
4 says.

5 MR. GILMER: I don't know how you -- if you have an
6 area that hasn't been dug, it might not impact that area.

7 MR. RICE: You are giving us real-time, real-life
8 experiences.

9 MR. BLAZER: And that is, I think, some of the
10 information going forward with this action. So it is all
11 going to play in.

12 MR. SCERBO: So you don't know what the status of
13 the numbers of the cownose rays are today?

14 MR. BLAZER: We do not have a population estimate
15 but we know some factors with the cownose ray that make them
16 susceptible to overharvest if you will because they have one
17 pup per year. They are slow growing. They are slow maturing.
18 Those are just some of the points that a cownose ray, that
19 would make it susceptible to overharvesting.

20 MR. SCERBO: My fear is anecdotal evidence from most
21 of the folks in this room who work on the water would say
22 numbers are pretty high. So you guys are going to start going
23 out there counting rays. And you are going to come up with a
24 number somehow and work from a high number to start with. And
25 not knowing what the numbers were five years ago, ten years

1 ago or twenty years ago.

2 And what irritates or bothers me is we have guys in
3 here who have been crying about cownose rays for quite a while
4 now. You get one or two groups who cry about some dead
5 cownose rays on a video, and all of sudden we are like
6 mobilizing to spend money on counting rays.

7 MR. BLAZER: Well, one of the reasons that we wanted
8 to bring it to you all was we are trying to find out is there
9 a market, is there something going on with cownose rays.

10 MR. SCERBO: No, they are not fit to eat. Cat food.

11 MR. BLAZER: Is there a cat food market? I mean, we
12 don't have that amount of information and that is what we are
13 trying to get through this scoping process and putting these
14 ideas out. So these are all important comments back for us.

15 Steve Phillips had it on a plate up there in
16 Baltimore this past winter. It wasn't fit to eat. I mean,
17 you put a lot of spice and butter and stuff on them --

18 MR. BLAZER: I have eaten them. You cover them with
19 barbecue sauce and then lick the barbecue sauce off and throw
20 the meat away.

21 MS. DEAN: And I know most of us were here for it
22 but I just kind of, so we all remember, the groups who came in
23 and were asking this commission to take action, are the same
24 groups that said if we did not take action, they would take it
25 through legislature.

1 So as much as we are uncomfortable with it and the
2 science doesn't necessarily match up with what we are hearing
3 out on the water, and they are eating something, then I think
4 we just need to keep in mind that hopefully we can work with
5 the department to come up with something instead of it being
6 dragged through a legislature where there might be an all-out
7 moratorium on these.

8 They were some pretty mobile groups. I think we had
9 Sea Shephard here. We had PETA here. We had some pretty big
10 names so it is not the ideal situation but I think in need of
11 conservation at least puts the ball in our court.

12 MR. SCERBO: How many tournaments have exactly taken
13 place?

14 MR. BLAZER: To be honest with you, Bill, we are not
15 sure. And that is what we are trying to find out.

16 MS. DEAN: But it only took that one.

17 MR. MANLEY: People don't want us to catch oysters
18 and clams and stuff but they want them to eat them all up.

19 MR. BROWN: I think that, you know, we have gone way
20 overboard on this. I mean, I have got a man down by me. His
21 name is Mike Haden. He planted 8,000 bushel of seed on his
22 oyster ground right there in St. Catherine's Sound.

23 He went out there -- he was buying oysters from me
24 because he doesn't hardly have an oyster left. They went
25 there and just ground that up. He bought 8,000 bushels. It

1 cost him like about \$13 a bushel to put overboard and he has
2 lost -- we have already talked about, as a matter of fact, I
3 needed to bring it up here, I could take a haul seine into
4 St. Catherine's Sound and catch them and I might be able to
5 find a little bit of market for them.

6 These are very destructive -- the only predator it
7 has is the shark as far as I know of. That is what feeds off
8 of them. And, you know, I caught a couple bull sharks in my
9 life on the Potomac. I have caught a few but we are not
10 overrun with sharks in this Chesapeake Bay.

11 And the amount of these that come in, they have got
12 pictures of them when they come in by the Bay Bridge where the
13 whole mouth of the bay is covered where they are coming in up
14 near the top.

15 I got a piece of oyster ground in St. Catherine's
16 Sound I was going to plant. I couldn't even plant it. I went
17 in there, there were so many skates in there. I was lucky I
18 didn't have any in it. But that ground was just as hard as
19 you wanted to see. I went right there. I could take a pole
20 and put it down. And they were feeding on clams that they
21 struck in there.

22 MR. BLAZER: Let me just kind of wrap this up. What
23 we are trying to do -- we are not trying to have a huge impact
24 on the commercial fishery for cownose rays. One, we don't
25 even know if there is one. So the issue, I mentioned about

1 the researcher. Robert T., you may be correct. I will send
2 you the paper. But we are trying to figure out how to manage
3 this going forward.

4 We don't want to cut or reduce any of the harvest
5 commercially of cownose rays. We are just trying to figure
6 out what would be a limit that would be the maximum that you
7 guys would need to go forward with as we go through. Remember
8 the target here is the issue with the tournament bowhunting
9 fishing.

10 MR. BROWN: Well, let's address the bowhunting and
11 start with that. Leave the commercial aspect alone because
12 number one, we have never targeted them before for the simple
13 reason we haven't had any market for them.

14 I have tried to catch -- I had a man who wanted them
15 but he had to cut the wings off. And that is not a very
16 pretty thing cutting the wings off, all that blood that you
17 have. It is very messy.

18 But I don't know what we are going to do. I have
19 got a man who is possibly willing to take some. We can take
20 them and put them in those big cardboard vats and he will buy
21 them like that. The last thing I want to is get into a market
22 and get started, then the next thing I know I got a quota like
23 I got on rockfish, cut down and can't do anything.

24 The only other thing is we have got to get rid of
25 them to save our oysters and our clams and other stuff. I

1 don't know how you are going to kill them. You can't dynamite
2 them. If you dynamite them, you will probably kill your
3 oysters and stuff that is there too. But I mean, hey, we have
4 got a serious problem with them.

5 MR. SCERBO: What is involved and how long is it
6 going to take for you all to count them? Or figure out where
7 we are on the size of the school?

8 MR. BLAZER: It is going to take a while but what we
9 are looking at here is the scoping and the regulatory process
10 that is going to take several months and then we would figure
11 out where to go from there. Are we going to permit the
12 tournaments? And the data collection as we go forward.
13 So it is going to be a while.

14 MR. SCERBO: I mean, when you say a while, you are
15 talking a couple years?

16 MR. BLAZER: Years.

17 MR. RICE: Sarah, can you continue, please?

18 MS. WIDMAN: Yes. You guys have in your packet a
19 really large document. It probably was an e-mail though. I
20 don't know if you actually have a paper copy of the FMP
21 review.

22 So these are the FMP updates. I think on the agenda
23 it was really one thing. It is the FMP update for 2015 is
24 what you are looking. So it is the 2015 legislative report
25 that we need to submit by December. So we are giving you all

1 the opportunity to review that until mid-November. I think
2 November 15 is the timeframe that we are looking at. Sending
3 us any feedback you have on those updates.

4 It is a rather long document, 200 some pages, so
5 certainly looking at what interests you, feedback on that,
6 would be most appreciated. And then again in January, which I
7 think is why we included the background document from last
8 year, so in January we can certainly start in on any
9 presentations, species-specific, that you are interested in.

10 Let us know ahead of time. We are happy to do that
11 at any point in any of your meetings. But this is kind of
12 again not replacing but in some ways replacing the review
13 process that we were doing before so just as a reminder of
14 that.

15 So these updates are again what goes to the
16 legislature. What has been updated through the ASMFC process.
17 Survey information we have gotten throughout the year and
18 whatnot. Any questions on FMP? Nancy Butowski, who is in
19 charge of our FMP program, is out this week so she wasn't able
20 to attend but certainly you can send myself or her e-mails
21 with any questions or comments.

22 MR. RICE: You can continue on to your next item.

23 ***Recreational Oyster License Workgroup Updates***

24 ***by Sarah Widman, MD DNR Fishing and Boating Services***

25 MS. WIDMAN: Next up is we had the Tidal Fish and

1 Sport Fish Recreational Oyster Workgroup meeting a couple
2 weeks back. So this was kind of part two for more discussion
3 that we had about what to do about the concerns about
4 potential increase or getting the idea of the recreational
5 oyster fishery, which we don't have one at the moment.

6 So that meeting was really productive. I just kind
7 of gave you the highlights of what came out of that. Natural
8 Resources Police is going to be including recreational
9 oystering intercept information data for us so that hopefully
10 we will be able to pull together and present to you guys for
11 January's meeting to give us kind of a starting of what we are
12 actually seeing out there.

13 We are also working with licensing, trying to get a
14 check-off box so if you have a recreational license of any
15 type, there would be a check-off asking if you went out
16 recreationally oystering in the past year as another data
17 point.

18 I am hoping that happens and we have some data from
19 that before your January meeting. But it just depends on the
20 extent of that change in our system and if it has to wait for
21 a new contract thing to come through or not.

22 So fingers crossed that it is not a big change and
23 we can get that data as well because those two data points
24 would give us at least a baseline of somewhere to start from.
25 Again I think Natural Resources Police alluded to oysters

1 being a target of enforcement coming up.

2 We are doing more education outreach, so that was an
3 idea from the last meeting that we are going to continue on
4 with. Eric Campbell I know is working on getting some things
5 that will be messages pushed out through the Website or
6 various social media reminding recreational oyster folks the
7 rules and what is entailed in participating in the fishery.

8 And then again we will follow up with you all in
9 January and based on that information or data that we are
10 getting, perhaps having another dialogue about where we go
11 from here now that we have some information. Or do we get
12 more information? But we can certainly address that once we
13 have something to go on.

14 So that was the outcome. I think it is -- hopefully
15 it will provide us with some good information to figure out
16 what to do next. Questions about the workgroup meeting?

17 MR. RICE: Any questions on that report?

18 (No response)

19 MR. RICE: All right. Move into the commercial
20 license late renewal options.

21 ***Commercial License Late Renewal Options***

22 ***by Sarah Widman, MD DNR Fishing and Boating Services***

23 MS. WIDMAN: So this was a continuation from the
24 last meeting we had. The family -- two watermen licensees
25 came and talked about licenses they lost due to some issues

1 | they were having, that weren't renewed in time.

2 | So we brought to you -- hopefully I still have the
3 | memo -- kind of the four legal options that we could pursue.
4 | And I think the takeaway was that you all wanted some more
5 | time to think about that and to come back and have some more
6 | discussion on that point.

7 | Some of the ideas floated, just to update you on
8 | those, so we had we talked about in the renewal application
9 | there were checkoff boxes, and everyone kind of agreed that is
10 | confusing. So we have asked licensing to change that so it is
11 | not confusing in the future. So they are working on different
12 | renewal format for the application for next year. So
13 | hopefully that won't be an issue.

14 | There was a discussion of could we send our late
15 | notices that we send in February letting people know, hey, you
16 | still haven't renewed. We send them regular mail right now.
17 | There was a request: Could we look into sending them
18 | certified.

19 | So we ran the numbers on how many we have been
20 | sending out and the past three years it varied from 520 to 760
21 | letters that we are sending out in February.

22 | So unfortunately that is a lot, and doing them
23 | certified with the staff time and the certification is kind of
24 | out of our funding realm at this point. So even -- I had them
25 | run numbers today, which they are rough numbers. But even the

1 numbers of folks who just, at the end of the eight-month
2 renewal period in the March still haven't renewed and we are
3 still looking at a hundred to potentially a couple hundred
4 licenses that people just, for whatever reason, don't renew
5 every year. So it is still kind of a high volume, higher than
6 I expected.

7 So that was the feedback, things that you guys
8 requested that I come back to you on. So that is where we are
9 with that but we still have to figure out, we have had a
10 couple more requests come in since that family came and spoke
11 to you about -- other people who were unable to renew for
12 various reasons during the renewal period, and have the same
13 request.

14 So now we have three or four of these individuals
15 asking for assistance.

16 MR. RICE: So last time we had the folks come in and
17 present their case, and I got the feeling that there weren't
18 too many people really comfortable with making a decision at
19 that particular time because I am not sure we felt we knew
20 what actually our role should be in that situation. And we
21 had a lot of questions.

22 Well, whatever action we took, what would be the
23 reaction? What would be the recourse? So I think we are at a
24 point now where we need to open the floor where we need to
25 open the floor to find out what this group feels about this

1 type of thing and how do we want to move forward in the
2 future?

3 *Questions and Answers*

4 MR. JEFFRIES: We already got two or three more
5 since the last meeting. I don't think we should even get
6 involved in it, would be my opinion.

7 MR. GILMER: I just want to make a statement, and
8 this is something I wrote down so I wouldn't screw it up. I
9 think TFAC should recommend that the department abide by the
10 laws and regulations that govern licenses, and, you know, and
11 you get your renewal in July and you have got until the end of
12 March to renew. That gives you eight months.

13 Personally I think that it is something that it is
14 something that, you know, where is our liability in this? You
15 know, if you give this guy one and this one not, are you
16 liable to come back to be sued? What is our position?

17 I think you have got this much time. I just think
18 we should abide by the laws that are on the books.

19 MR. RICE: I would tend to agree with that Moochie.
20 There are a lot of things we need to think about. I think the
21 lady alluded to the fact last time that they had already
22 sought out legal advice. Well, I don't think we are in a
23 position to make those legal decisions, whether they should
24 have a license or not have a license.

25 So if the department sticks with their rules, then

1 the department has a lawyer on retainer. If they want to get
2 one and let it be decided that way, then let the powers that
3 be make the decision.

4 If we open this up, we might very well be spending
5 most of our time on deciding who gets a license back and who
6 doesn't rather than work on the issues that we got to work on.

7 So Moochie, can I ask you -- that was very
8 well-written and well-said. Would you like to put that in the
9 form of a motion?

10 **MOTION**

11 MR. GILMER: Yes.

12 MR. RICE: And I would ask if anybody would like to
13 second Moochie's motion.

14 MR. BROWN: I will second it.

15 MR. RICE: Is there any further discussion on
16 Moochie's motion?

17 (No response)

18 MR. RICE: Seeing no --

19 MS. SINDORF: Can you restate it for everyone?

20 MR. RICE: Re-read your motion, Moochie.

21 MR. GILMER: As TFAC, we should recommend that the
22 department abide by the laws and regulations that govern
23 licenses.

24 MR. RICE: That is short and sweet, and that will do
25 it.

1 MR. GILMER: License renewal. My screen didn't come
2 up. I wanted to make sure we got it all.

3 MR. RICE: Discussion on the motion. Steve?

4 MR. LAY: We have got a handout here, so that means
5 that Moochie is suggesting or made a motion that we go with
6 Option 1?

7 MR. GILMER: Yes.

8 MR. LAY: Okay. I wanted everybody to be clear on
9 that.

10 MR. RICE: Sarah, do you have a comment?

11 MS. WIDMAN: No, I just -- same thing. I just want
12 to make sure because these are all our legal options. This is
13 all we have. So I just wanted to make sure which one we
14 wanted to go with.

15 MR. GILMER: Do you need a copy of this, that I have
16 stated or are you okay?

17 MR. BLAZER: Can you text it to us?

18 MR. GILMER: Okay.

19 MR. GENOVESE: Send it to my e-mail, Moochie.

20 MR. GILMER: Okay, I will send it to you in an
21 e-mail.

22 MR. RICE: So further discussion.

23 (No response)

24 MR. RICE: Seeing no further discussion, all those
25 in favor of the motion, signify by raising your right hand.

1 (Show of hands)

2 MR. RICE: It looks like to me -- all those opposed?

3 (No response)

4 MR. RICE: All those that abstain?

5 (Show of hands)

6 MR. RICE: So it passes 13 in favor, 2 abstentions
7 and nobody opposes.

8 MR. BLAZER: I got 12.

9 MR. RICE: I am sorry. 12 and 2. Sorry. Oh, you
10 are right. I counted Sarah. Rachel?

11 MS. DEAN: Just to throw this out for the department
12 thinking -- I agree with it. I am glad it went through. We
13 have a latent list that is always online. Can we put a latent
14 license holder? That is a quick way for us to say, hey, you
15 know, you are on that list. Have you seen it? That haven't
16 renewed? Or is there a confidentiality?

17 MR. BLAZER: I am not sure.

18 MS. DEAN: Just for outreach. You know, if we have
19 the ability to do it with latent reporting, then I would think
20 that, you know, and somebody could say, hey, you might not
21 have caught it but I caught it. You are on that list.

22 MR. GILMER: We have got faith that you would find
23 it, Rachel. We know you.

24 MR. RICE: There are exceptions to each case but I
25 just feel that the feeling around the table is that it is not

1 exactly within our job description to decide who is worthy of
2 an exception and who isn't. It is not that we want a copout.
3 It is that -- I deal with it at PRFC. But I deal with it on
4 the level that Dave and the staff are on. And it is very
5 distasteful. I hate it when those cases come along because it
6 is never easy.

7 And sometimes I think I would be correct to say
8 this, Robert T. Correct me if I am wrong. Sometimes we
9 decided in their favor and sometimes we didn't. It just
10 depended upon the evidence at hand.

11 At the last meeting we ran into a person -- their
12 crab pot license had failed to renew on time, but it was
13 obvious to us that it was not their fault. That it was the
14 fault of the United States Postal Service, believe it or not.
15 So, you know, there are exceptions. I appreciate the vote.
16 And moving forward.

17 Oh, yes, if you would like to bring that up,
18 Russell, go ahead. Tell us what it is.

19 MR. DIZE: I had a waterman who came to me in the
20 middle of the summer who wanted to know if I could help him in
21 any way. He had lost his license. Jeffrey Cummings
22 originally from Tilghman. He lives up around Whitman.

23 And he wrote this letter, and I thought I would read
24 it to you. Losing your license is devastating to a waterman.
25 And this is really devastating because it puts him out of

1 everything, and I will read the letter. It was to the
2 fisheries service. It would be to the Maryland Department of
3 Natural Resources.

4 (Whereupon, a letter was read into the record.)

5 To whom it may concern. I, Jeffrey Scott
6 Cummings, Sr., would like to respectfully
7 request a hearing in regard to my Maryland
8 tidal fish license suspension. I received
9 information stating that I have -- am
10 entitled to request a hearing, and I would
11 appreciate a scheduled hearing at your
12 earliest convenience.

13 The loss of my ability to engage in
14 commercial fishing activities will be
15 devastating to my financial income and
16 devastating to my family. I have not had
17 a citation in several years. And never had
18 a crabbing citation prior to 2012 when I
19 received a citation for commercial crabbing
20 without a license.

21 Thank you for your time and consideration
22 in this matter. Jeffrey Scott Cummings.

23 (Whereupon, the reading of the letter was
24 concluded.)

25 MR. DIZE: Jeff is good waterman. He is a good boy.

1 He got in some hard times and he went crabbing without a
2 license. He was in the process of getting a license changed
3 over from Glen Hagins Sr. to him, but Glen bought the crabs
4 and he insisted he go crabbing.

5 Well, he went. There happened to be an officer that
6 came aboard and he didn't have a license. So they told him to
7 go ashore, which he did.

8 A couple weeks later he hadn't got all the ends tied
9 up so he was crabbing with his son-in-law. He wasn't the
10 captain. The son-in-law was captain. The same officer came
11 up and he not only arrested his son-in-law but he arrested him
12 again and all he was aboard -- he was not captain. He was
13 just aboard the boat.

14 So when he went before the hearing officer, the
15 hearing officer, for the state of Maryland, they took all of
16 his license. Not just his crabbing license. His oyster
17 license, clamming license. He had a TFL. They have taken
18 everything. He can't do anything on the water, and that is
19 all this boy has ever done. He is not a boy. He is
20 50-something years old.

21 And he makes his living totally out of the water.
22 And now with the department taking his total license, he can
23 do nothing, that means he can't even work on a skipjack. So I
24 think something needs to be clarified with the state of
25 Maryland. Now I know guys who have horrendous oyster

1 | infractions. They have lost their license but they can still
2 | crab and they clam and they can do other things.

3 | Here is a boy, he only had one citation, and for
4 | crabbing until this one. And now he doesn't have any license
5 | for anything. Something is wrong with the system when you do
6 | this.

7 | MR. RICE: Well, I am confused. If he didn't have a
8 | license, how did they take one from him?

9 | MR. DIZE: He was getting the license from -- they
10 | ban him from ever doing any. He can't a tidal license. He
11 | can't get one transferred.

12 | MR. RICE: Okay, now I am following you. In other
13 | words, he didn't have one for them to take but when he got
14 | one, they told him he couldn't get it.

15 | MR. DIZE: Exactly. When it went through it did him
16 | no good because they said he can't have one.

17 | MR. RICE: Well, Dave, what is the procedure on a
18 | situation like that?

19 | MR. BLAZER: I am not sure. Sarah, you might be
20 | able to help. If they had an administrative hearing, that is
21 | kind of the process. A violation would then go to an
22 | administrative law judge, and it is kind of like court but not
23 | court. So Sarah, you want to elaborate a little bit.

24 | MS. WIDMAN: I can't recall Mr. Cummings exact --

25 | MR. DIZE: 2013.

1 MR. WIDMAN: Yes, I can't recall his exact case. My
2 memory is not that good. I can go look for you and give you
3 guys the info on it or certainly the court document. But
4 typically our process, and it looks, from looking at what he
5 was suspended from, it was probably points related and not
6 related to any other --

7 MR. DIZE: No points. He had nothing. He worked on
8 a skipjack in the winter. You don't get a ticket when you
9 work in the middle of a deck of a skipjack. He oystered and
10 crabbed. He doesn't have one ticket for crabbing.

11 MS. WIDMAN: We wouldn't be able to take his --
12 there is not, I can't think of anything we would be taking his
13 whole license for.

14 MR. BLAZER: I think in this case we need to do a
15 little bit of research. And we can get back to you, Russell.

16 MR. DIZE: He came to me. I told him I would bring
17 it before this committee. And ask them to look into it.

18 MR. BLAZER: We will take and look into and see if
19 we can get some of the particulars associated with this.

20 MR. DIZE: He is a true waterman. This is not a
21 part-time job.

22 MR. BLAZER: Sure but basically I think the process
23 is --

24 MS. WIDMAN: The process is that you would
25 accumulate so many points, and then based on those points you

1 get a suspension. And eventually if you get a whole bunch of
2 them you could be eligible for revocation.

3 MR. DIZE: So one ticket crabbing without a license
4 would be enough points to take his license?

5 MS. WIDMAN: Fishing, harvesting without a license,
6 I believe, is a one year. It is 30 points. So it is not a
7 revocation.

8 MR. DIZE: So that would be enough.

9 MS. WIDMAN: No. it would be something in
10 addition --

11 MR. DIZE: But for life?

12 MR. BLAZER: Not to revoke it for life.

13 MR. DIZE: I don't think you should ever lose your
14 license for life. Now there are some people I don't feel
15 sorry for. But I think there should be years that you lose
16 them. Never for life. People kill people in automobiles and
17 don't lose their licenses for life.

18 MR. BLAZER: Russell, if you could share the letter
19 with us and then we will dig up what we can find out.

20 MR. RICE: Thanks for that, Russell. Mike Luisi.

21 ***Monitoring and Assessment Division***

22 ***Mike Luisi, MD DNR Fishing and Boating Services***

23 MR. LUISI: Good afternoon, everyone. I have a
24 presentation, Paul. It starts with T, TFAC. So if you just
25 scroll down.

1 (Pause)

2 MR. LUISI: Again good afternoon, everyone. My name
3 is Mike Luisi, and I am the Monitoring and Assessment Division
4 director. I will be providing you all with an update today on
5 the upcoming Atlantic States Marine Fisheries Commission
6 meeting as well as few updates on previous Mid-Atlantic
7 Fisheries Management Council meeting.

8 I have a few additions to add when we get to the
9 questions and additions section, so just bear with me. I am
10 on the agenda here for two different topics. The next one is
11 the yellow perch allocation request that was discussed at the
12 previous Tidal Fish Commission meeting.

13 So if it is okay with you, Mr. Chairman, I will kind
14 of run through the first half and then we will stop for some
15 questions and then I will go on to yellow perch after that.

16 ***ASMFC and Menhaden Updates***

17 (Slide)

18 Next week, a number of us will be attending the
19 annual meeting of the Atlantic States Marine Fisheries
20 Commission. That meeting is in Bar Harbor, Maine. And as we
21 went through the agenda today with the commissioners and
22 staff, we felt that there were two really main topics that are
23 on the agenda that deal with commercial fisheries.

24 One of them being the menhaden decision that will
25 need to be made at that board meeting and the striped bass

1 conversation that we will have at the board. So I thought we
2 would spend a minute. We will start with menhaden and discuss
3 where we are with menhaden management.

4 At the August meeting of ASMFC there was a
5 potential. There was a debate and a discussion to increase
6 the quota for menhaden along the coast.

7 The board had about six or seven different motions
8 with different percentages of increases. Not only that, there
9 was a motion for status quo, and nothing could be determined.
10 Every vote either failed or was a tie. It was one of those
11 meetings where nobody could seem to find any common ground.

12 So that decision to increase the quota was postponed
13 until this meeting next week. I may look over to Dave or
14 Rachel to provide some feedback on a meeting that we held. We
15 called a meeting of the pound netters, the folks who handle 90
16 to 95 percent of the harvest in Maryland in any given year.

17 We called them together a few weeks ago to discuss
18 the position that we might want to take moving forward at this
19 meeting next week. So I might look to Dave just to maybe
20 provide a quick overview of that meeting or where we --

21 MR. BLAZER: Now?

22 MR. LUISI: Sure, now would be fine.

23 MR. BLAZER: Just really quick, because at the
24 August meeting of ASMFC, there was no real consensus. So we
25 convened this meeting of some of our local watermen who

1 harvest a lot of menhaden, got them together in the room and
2 talked through a lot of what is there so that maybe they could
3 give us some guidance on how we want to move forward with
4 menhaden, to get their thoughts and ideas.

5 Basically most of them were pretty content because
6 at the last meeting in August we did get a bycatch allowance
7 of 12,000 pounds for two watermen who were on board the boat.
8 Those watermen were very appreciative of that action and were
9 pretty content with where they stood.

10 But we wanted to talk to them about the two items
11 that Mike has up here on the slide. You know, right now there
12 is a motion on the table for a 20 percent increase in the 2017
13 quota. The Technical Committee had variations going all the
14 way up to 40 percent of an increase. We don't think that is
15 going to fly, especially based on a lot of the votes from the
16 other states that are on the ASMFC board.

17 So we wanted to talk to our folks. They gave us
18 some feedback. Basically their feedback was, yes, we would
19 like some increase but two things. We don't want to
20 jeopardize Amendment 3, and we had a long discussion about
21 Amendment 3 because that is going to be some significant,
22 potentially some significant changes with how we manage
23 menhaden.

24 Talking about there is a stock assessment. There is
25 reallocation of harvest among all the states. They will

1 probably do away with the bycatch. There is talk of creating
2 soft caps and hard caps on how to manage that menhaden
3 fishery. But we are at the beginning of that process. Next
4 week we will talk about a public information document for
5 Amendment 3 that won't go into effect for another year.

6 So we talked a little bit about that, and that is
7 kind of the big deal, if you will, about menhaden management
8 that we wanted to focus on. But we have got this interim year
9 where we have -- the quota has to be determined. So most of
10 the watermen said, yes, we would like a little bit of an
11 increase. But we don't want to raise the quota so high that
12 next year we have to take a reduction because next year you
13 are going to have to reallocate. There is a stock assessment.

14 You have got ecological reference points that are
15 going to come into play so if you increase by 40 percent, I am
16 pretty confident that you would have to make a reduction next
17 year.

18 So I think the consensus of the watermen who were at
19 the table was, yes, if we can get a 5, 6, maybe 10 percent
20 increase that would be okay but some of them even said, I am
21 happy at the status quo as long as I get to keep my 12,000
22 pound bycatch. So that is what we heard from the watermen.
23 They understood the importance of Amendment 3 as we move
24 forward.

25 And that we need to make sure that we are doing the

1 | best we can for our folks in the Amendment 3 negotiations,
2 | which -- Amendment 3 won't be approved for another year when
3 | we go through. Rachel, I don't know if you wanted to add
4 | anything, if I have mischaracterized anything.

5 | MS. DEAN: No. All I will say is wow.

6 | MR. LUISI: Thanks, Dave, for that. And I asked
7 | Dave to speak to that since he ran the meeting with Rachel. I
8 | was in attendance but in and out of the room and missed a few
9 | of the conversations on that.

10 | *Questions and Answers*

11 | MR. DIZE: I just wanted to ask, does Maryland have
12 | a position on it before going to the ASMFC?

13 | MR. BLAZER: We do. I think our approach right now
14 | is we are going to support an increase. You know, as you have
15 | been at ASMFC, a lot can happen at certain times as you go
16 | through so our look is if we can get that 5 or 6 percent
17 | increase -- right now, there is a proposal being floatede to
18 | increase by like 6 1/2 percent.

19 | I don't know if that is going to make it to a motion
20 | or, you know, how that plays out but I think we would support
21 | that.

22 | MR. LUISI: The next meeting that will have an
23 | interest to all of you is the striped bass meeting. It is on
24 | Monday next week and what we are looking at with striped bass
25 | is a new assessment update. So if you guys think back to 2015

1 the Chesapeake Bay commercial quota was reduced by 20 1/2
2 percent based on actions taken by the board.

3 We tried last year when we were at the annual
4 meeting in Florida to get the board to reconsider those
5 actions due to the severity of the consequences that were
6 faced not only by the commercial industry but by the charter
7 boat fleet.

8 We were unsuccessful in that attempt; however, we
9 were able to get the assessment committee to redo another
10 stock assessment. That stock assessment has some opportunity
11 in it.

12 (Slide)

13 The information, which I will show you, leads us to
14 the point where we have a story to tell. And our plan is to
15 take a story to the board at this upcoming meeting and try to
16 generate some action by the board to reconsider -- maybe not
17 reconsider but to evaluate the newest of information to
18 determine whether or not we might be able to get a little bit
19 back.

20 What we are looking at here is the latest in fishing
21 mortality. When the board took action in 2014 for the 2015
22 fishery, the fishing mortality was between the target level,
23 which is where you see the red arrow there pointing to the
24 dotted line at the bottom. That is the target. That is where
25 the managers want fishing mortality to be.

1 It was the intention of Addendum 4 to get the
2 fishing mortality down to the target level, which is where the
3 reductions came. The updated assessment indicates that in
4 2015 not only did we achieve that target but we exceeded that
5 target. And therefore you can see how the fishing mortality
6 crossed the target line, and now is below the target line.

7 And we intend to use that as an argument for those
8 reductions and the severity of those reductions in lowering
9 fishing mortality coastwide. It is in our interest right now
10 to go to the board and seek some action.

11 That action can come in a number of different forms.
12 It can be as -- we can go as far as to suggest that we
13 eliminate all reductions and go back to where we were before
14 Addendum 4. That is probably pretty unlikely to happen at the
15 board level. But we also could go and ask them to evaluate
16 this new information and determine what a lowering of the
17 recreational size limit an inch would be.

18 So charter boat operators right now, other
19 recreational anglers, have to fish at the 20-inch minimum
20 size, which is the recreational size limit. We may ask the
21 Technical Committee to evaluate what impact on fishing
22 mortality there might be if we drop that to 19 inches.

23 We would also want to include in that discussion any
24 liberalization at the charter fleet level, where the
25 recreational fleet level, we would like to see an evaluation

1 of that similar reduction or percentage given back to the
2 commercial industry as well because all of you have
3 contributed to the reduction in fishing mortality along the
4 coast.

5 Everybody took cuts. Your performance, the
6 commercial industry's performance was right on the money at
7 about 100 percent performance as to what your quota was but
8 everybody contributed to that reduction. And we would like to
9 see there be a valuation of what we can do given this new
10 information.

11 So again, like we mention all the time, it is
12 impossible to predict the actions of the board but it is
13 intention to go to the board and ask them for some action, and
14 we hope that action will translate into some liberalization or
15 flexibility with not only the commercial fishery but the
16 recreational fishery, which includes the charter fleet.

17 MR. BROWN: I heard you say reduction, possible
18 reduction to a 19-inch fish on the charter fleet and stuff.
19 What happened to the 18 that we used to have?

20 MR. LUISI: Well, 18, the 18-inch fish, to get back
21 to that we would have to remove all the reductions that we
22 have taken as a result of Addendum 4. So when we went from 18
23 to 20, that was an effort to get fishing mortality down below
24 the target. It is now below the target but to go all the way
25 back is a complete resetting.

1 It is an option. It is something that we have an
2 opportunity to put out there as an option but based on my
3 conversations and our conversations with other board members
4 and other commissioners along the coast, it is less likely to
5 return to pre-Addendum 4 management than it is to try to
6 mitigate some balance in between a complete reversal and
7 something in between.

8 Now the 19-inch minimum size reduction, if we were
9 to get a 19-inch minimum size, I have heard from a number of
10 charter captains that, that would be very helpful for the next
11 few years in moving forward. That does not translate to the
12 commercial fleet. The commercial fleet --

13 MR. BROWN: I realize that. I have talked to a
14 number of the charter boat captains myself. Ideally 18 inches
15 is what they would really love to have, and the problem that
16 they have is with the 20-inch fish, number one, they are not
17 able to catch the 2 fish a lot of the time.

18 They got parties that are being jeopardized because,
19 you know, they are not going to come back for what they have
20 to pay to not catch two fish. Also the mortality rate during
21 the summer and stuff of the fish under 20 inches all the way
22 down to 18. The amount of mortality that you have between
23 that 18 and that 20 far offsets whatever savings that you
24 could get.

25 And I think that is the way that it should -- my

1 | personal feeling is that is what we should we be going for,
2 | 18. If we end up with 19, we end up with 19. But I think we
3 | should be aiming for the 18 for the simple reason that we come
4 | in with mortality of the fish that we are losing because when
5 | you catch them in distress there in the hot water, that
6 | really, between the 18 and 20, I can't see where there is any
7 | savings to it myself.

8 | If anything we are losing fish. And that is what we
9 | are looking at, the fish -- also we have got to keep our
10 | charter fleet fishing. We have got to keep their patrons and
11 | their customers happy.

12 | MR. JEFFRIES: I have been a member of the Charter
13 | Boat Association probably 25 years, close to it. And this has
14 | been the biggest loss of membership we have had not only
15 | people not signing back up but going out of business.

16 | And I do hope the 18 gets put in. 19 would help.
17 | Anything would help. 19 3/4 would help. However, now you
18 | just said it might go on for years. I thought this was going
19 | to be limited to a 3-year plan.

20 | MR. LUISI: No, there was never any sunset on the
21 | provisions that were in place. So those provisions that are
22 | currently in place would be in place until the next management
23 | change. And the next assessment isn't until 2018, which would
24 | mean, a 2019 amendment, and a 2020 implementation in my mind.

25 | So action right now is needed in order for us to do

1 something. And so without getting into the details and the
2 weeds of it all, we don't necessarily go out and ask the board
3 for any minimum size. We don't say we want the minimum size
4 to be 19 inches in Maryland. There is a process to it that
5 requires buy-in by a majority vote of the other states.

6 And so we are trying to work with our other state
7 partners to find a middle ground to where we can get a
8 majority vote for action. And if that action translates into
9 a 19-inch minimum size limit, we would be more happy with that
10 than a failed vote at 18, which then turns into you have a
11 20-inch minimum size until 2020.

12 So we are working -- we are doing what we have to do
13 through the process to understand the complexity and the other
14 states' positions so that we can try to get something from
15 what the new assessment is giving is.

16 MR. BROWN: Mike, another question. On these
17 rockfish, wasn't it a minimum size of 18 and you could only 1.
18 Or you could have 2 if it were 20 or you could have 1 at 18 or
19 2 at 20. Was it something -- what I don't want to see is it
20 come up 19 minimum. We need to have it so it comes, some kind
21 of negotiation where it comes back to the state of Maryland
22 and says look, you could have 2 fish at 19 or you could have 1
23 fish at 18.

24 We still want to keep the number 18 into this
25 because once that number leaves it is almost impossible to

1 | ever get it back. You understand where I am coming from?

2 | MR. LUISI: I do. So the other point to all of
3 | this, and I will leave it at that because I know we need to
4 | move on. The other point to it is we always have the ability
5 | to bring any of the options that we have presented in the
6 | past, a 1 fish at 18, we could modify seasons, we could --
7 | there are other options that we could do as a state under the
8 | current reductions that are in place.

9 | Those are always available. It is just at the time
10 | when we made the change to 20 inches, a 1 fish at 18 wasn't
11 | palatable. It wasn't something that fishermen could live with
12 | but those are always available. We are not going to lose
13 | those opportunities for that.

14 | MR. BROWN: What I am trying to stress is we need to
15 | keep the 18-inch on the line and let the fishermen decide,
16 | look, we don't want 18. The charter boats, if they all come
17 | out and say, look, we could have 2 fish at 19, well, leave it
18 | up to the charter boats.

19 | If they say they may want to -- you could have 2
20 | fish at 18 but you then you have got to take, say, so many
21 | days off your season. We really need to keep that 18 inch
22 | number in there.

23 | MR. LUISI: It is always up for debate. The fleet
24 | could have 2 fish at 19 inches right now but they would have
25 | to shorten their season. And that is not something that any

1 recreational or charter fleet operators, they want right now.
2 They could have it, they just would need to drastically reduce
3 their season.

4 And that has never been the case but it is there.

5 MR. BROWN: We have got to keep the options in.

6 MR. LUISI: It is there.

7 MR. MANLEY: Just food for thought. We have been up
8 there at Swan Point for a month and a half, two months on a
9 party. And you will catch fish after fish after fish. 18
10 1/2, 19, 19 1/4, 19 1/2. We will be catching 300 fish a day
11 sometimes with 6 people. And more than that if you have got a
12 bigger party than that.

13 And just throwing them all back, I mean, some days
14 you put 2 fish in a box. Some days none. It has been a
15 struggle on us as charter boaters. And I mean, they are
16 decent fish. I mean, they are nice, fat fish. They are 19.
17 19 3/4, like little footballs. But you have to throw them all
18 back and some of them get killed too. I mean, that is no good
19 for anybody.

20 MR. CARSON: That meeting is Monday the 24th?

21 MR. LUISI: Yes.

22 MR. CARSON: Has Maryland talked to Virginia to see
23 how they feel about this?

24 MR. LUISI: We had a meeting with Virginia and the
25 Potomac River Fisheries Commission, and we are all on the same

1 page. We also have other support from other states but the
2 support doesn't go as far as the reversal, the complete reset.
3 Some of the support is in the middle. So we are having to
4 manage that a little bit.

5 But yes, we have discussed it.

6 MR. JEFFRIES: Any help would be a help.

7 MR. LUISI: Sure. We understand that. We are going
8 to do the best we can.

9 MR. RICE: Well, I guess the silver lining would be
10 that if you can at least come down an inch, the fish are
11 growing. So the two of them together would be a help. The
12 other thing, just a quick comment, is that we go to these
13 meetings and we have like this, and we have our committee
14 meetings like the other night, and I thought it went really
15 well with the industry people.

16 But we also have to show a degree of confidence in
17 our representatives that we have, who talk to folks and go
18 represent us. It is impossible to send these people to a
19 meeting like this and give them a hard number.

20 We can only give them our opinions and then give
21 them our confidence that they are going to give us the best
22 deal that they can because these meetings, especially ASMFC,
23 they all have their own personality. And you don't know how
24 that meeting is going to flow. You don't know -- I hate to
25 use this phrase but whose back you got to scratch to get what

1 | whose stocks are very depleted but due to a number of factors,
2 | the council decided not to move forward with that.

3 | We also have, we mention it all the time, we
4 | mentioned it last year a number of times, there will be a seat
5 | on the council available beginning in August of 2017. It is a
6 | Maryland obligatory seat so we need to fill it with someone
7 | from Maryland.

8 | And the process for applications for being on the
9 | council as one of the advisors begins in early
10 | January/February. So if you know of anyone who would like to
11 | be or is interested in participating in that process, the
12 | council is an advisory body to NOAA.

13 | So they make decisions and often give those to NOAA
14 | for federal waters management. Before we take any questions,
15 | I have a couple other announcements that came up.

16 | So there was a question that came out of my report
17 | last time regarding overnight trips. Folks who were taking
18 | commercial trips that start in one day and end in another over
19 | midnight. And it has to do with reporting, and it has to do
20 | more so with electronic reporting, if someone is using our
21 | electronic reporting system.

22 | So you guys had homework to go back and determine
23 | whether or not you know of anyone or how often does that type
24 | of thing happen? If we need to build that into our system, we
25 | certainly can but it certainly complicates things.

1 But if you know of individuals who are fishing
2 throughout the evening, and we need to make adjustments to our
3 system, this would be a good opportunity to discuss that.
4 Does anyone have any information from that request last time
5 that you are aware of? And if not, maybe this is a reminder
6 to perhaps ask around or if you know anyone at all.

7 (No response)

8 MR. LUISI: Okay. So it may not be much of that
9 type of thing happening. I know that it came up as a result
10 of communications with one individual. We wanted to find out
11 about how often it occurred.

12 There are a couple meetings coming up. The Eel
13 Workgroup is meeting on November 3. As you know, we are
14 looking to restructure or at least to propose or get in a
15 place a new framework for eel management.

16 It doesn't necessarily ever have to come to fruition
17 but we need to do the work pre-ASMFC action so if action is
18 needed, we are ready to go. And so we are meeting on November
19 3 here in this room or one of the rooms down in the C wing
20 here. And we look forward to that meeting and to begin those
21 discussions on eel management.

22 We are thinking and considering having a Striped
23 Bass Workgroup meeting in the coming weeks. We are working on
24 an agenda. We are throwing ideas around for an agenda right
25 now. So if you are on the group or you want to communicate

1 that back to people -- if you had questions about the Striped
2 Bass Workgroup, we haven't forgotten about them. We want to
3 have a meeting that we get something from not just convene the
4 group for the purposes of pulling them together.

5 Last, it was brought up earlier, so at one of our
6 previous meetings, I think it was our last meeting, we talked
7 about a Spot and Croaker Working Group to take a look at not
8 only the user conflict that has been expressed between summer
9 time gill netting and charter boat operations but there was
10 also a request to look at the data, the stock assessment
11 information for spot and croaker.

12 And we have been kind of waiting for the information
13 to come from ASMFC on the assessment for both species. They
14 are both being assessed right now. And we just got word
15 recently that assessment is kind of bumping a little bit later
16 into 2017 or it could potentially move, based on priority
17 setting at ASMFC.

18 So we -- and we reported this out to sport fish on
19 Tuesday because the group that was making up this workgroup
20 was members of both commissions. And so therefore it is our
21 hope right now, or I guess our plan right now would be to wait
22 until we get further information about the stock assessments
23 before we convene the group.

24 There are two issues: There is the user conflict
25 issue between charter captains and summertime gill netters,

1 person?

2 MR. LUISI: It would require a change through ASMFC
3 and Dave and I were just talking about that today. When we
4 are there next week, we are going to inquire about what the
5 process would be. Would we need to start to addendum, and
6 what information would we need to support that request.

7 So we are going to report out -- I guess one of the
8 things we concluded is we will take that up to Maine and come
9 back at our next meeting and give you guys some feedback.

10 MR. JEFFRIES: Because right now the bay is full of
11 them, and one 13-inch fish doesn't really do much for
12 somebody.

13 MR. LUISI: The thing about weakfish is that their
14 stocks are still pretty low and this might be one shot. But
15 we will find out more information and get it back to you but
16 it is likely and addendum that would to be done.

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

18 ***by Michael Luisi, MD DNR Fishing and Boating Services***

19 MR. LUISI: Okay, yellow perch. You guys are
20 familiar with all of this because we have mentioned it a few
21 times over the summer.

22 (Slide)

23 As you know, we got a request to review the
24 allocation for yellow perch between the commercial and
25 recreational fisheries. At the last meeting we had with this

1 | commission, we had not yet sat down as a staff to discuss
2 | that. However, we have at this point and we have concluded
3 | that there has been no discernable shift in usage patterns.

4 | We had the discussion before about there is so
5 | little known about the recreational fishery that it is hard
6 | for us to consider moving allocation from the recreational
7 | fishery to the commercial fishery without having a better
8 | understanding of the recreational catch.

9 | And we heard those same comments from the
10 | recreational -- from sport fish. And as we went through this
11 | review, we felt comfortable, and I want to show you a graph in
12 | a second, but we felt comfortable in the way that the fishery
13 | has been performing. And I say the fishery. I mean the
14 | biomass of yellow perch in the bay since we have taken on this
15 | quota management, since we have begun managing the commercial
16 | and recreational quotas, we can say.

17 | We are comfortable in how it looks in that capacity.
18 | So what we would like to do today after I kind of speak more
19 | to that issue is provide you with a staff recommendation,
20 | something that we feel might be a way of balancing the issue
21 | of catch as it relates to both sides, the commercial and the
22 | recreational catch.

23 | And so we are going to provide you with that
24 | recommendation and then look for feedback as to whether or not
25 | you support that recommendation moving forward.

1 (Slide)

2 So regarding the quota management aspect, what you
3 are looking at here is biomass. So this is biomass of yellow
4 perch. And this is a graph from 1998 to 2016 so the years on
5 the left in the gray bars indicate years for which there was
6 no quota that was managed.

7 There was a season and harvest took place. And we
8 just didn't have a quota that we managed. We took on quota
9 management in 2008. And we have had this 50-50 split of the
10 acceptable catch or the quota for the last few years.

11 So what we have been able to see in an evaluation of
12 the stock and the biomass is when we -- in years when we
13 weren't managing a quota, when the stock didn't do as well,
14 when the biomass dropped as a result of fishing/recruitment
15 and just environmental factors, when there was a drop in the
16 stock biomass, that drop happened much more rapidly under an
17 unmanaged quota.

18 So you will see between 1999 and 2004, there was a
19 pretty steep decline over those years. And that could have
20 been a result of harvesting more than what we would have said
21 would have been a healthy amount commercially and
22 recreationally.

23 And when the stock didn't recover, it didn't recover
24 very quickly. If you look at the years of 2008 to 2016, when
25 the stock declined, it declined on a much flatter level. And

1 | what we think is happening here, it is an assumption, but we
2 | are managing a quota now. And we realize that, and it is
3 | relatively known throughout both the recreational/commercial
4 | sides that the recreational fishery is likely not catching
5 | their entire allocated quota.

6 | So the remaining portion of that quota is helping in
7 | times when the stock is declining for whatever reason. It is
8 | declining at a less steep slope.

9 | There is a flattening of the stock. And that helps
10 | the commercial community also stay more level in their quota.
11 | It doesn't vary as greatly as it would under the model with no
12 | quota management.

13 | So with that said, we are comfortable in maintaining
14 | the current 50-50 split. And we have kind of come to the
15 | conclusion as a staff and as a department that we are not
16 | going to move forward with considering an actual hard
17 | allocation shift from the recreational to the commercial
18 | fishery.

19 | However, what we would like to throw out there as an
20 | option would be a concept that takes the estimated stock
21 | size -- so we do an analysis every year to determine what that
22 | biomass graph would look like. And if that stock size is at a
23 | level that is healthy, we will just leave it at that to keep
24 | away from all the detail.

25 | If we feel that the stock is in a healthy level and

1 a healthy state, then any reduction that would come from
2 overharvesting the previous year's catch would be lessened
3 because of the fact that it is less risky to have to pay back
4 for every fish that you went over the previous year in a time
5 when the stock is very healthy.

6 And so in looking at this, what we are saying -- we
7 use last year as an example, although it was an anomaly. Last
8 year the commercial fishery went over by 15,000 pounds. In
9 the time that I have been -- there hasn't been a time since
10 2008 that we have gone over that much.

11 But it was nobody's fault. It was just that we
12 closed the season when we did, and catch ended up equating to
13 15,000 pounds over. Now the stock is really healthy, and we
14 believe that in '14 and '15, we are going to see an awful lot
15 of yellow perch in the bay. The abundance is increasing as a
16 result of good year classes a few years ago.

17 So what this would mean would be that -- the idea,
18 the concept that we would have would be that the 15,000-pound
19 overage would not necessarily be a 1 for 1 payback in the
20 future year. It would be some other ratio.

21 It would be -- some other portion of that payback
22 would happen. But perhaps not the full amount because we are
23 very comfortable with the stock as it is, and we see very
24 little risk in not giving the full 15,000-pound payback. Now
25 15,000 pounds is more than what we are used to. It is

1 normally a couple thousand pounds, if that. There have been
2 years where we have been slightly under and years where we are
3 right on the money, right on the target.

4 So that is the idea, that is the concept. Healthy
5 stock, manage the overage in such a way that it is not a full
6 payback but however if the stock declines and it is less
7 healthy, then there would be that 1 to 1 payback on the
8 overage.

9 Now we discussed this with sport fish. As you can
10 imagine, there were some concerns about not having the full
11 overage paid back in a future year because those fish had
12 been harvested and there needs to be some accountability on
13 that.

14 They suggested in the end, instead of -- so they
15 didn't support the idea because there was not enough
16 information that we have been able to generate and develop as
17 far as establishing where the line is of health. When are you
18 going to be healthy enough not to do the payback? Nor have
19 we decided whether or not we wouldn't allow a payback at all
20 or we would seek half of that.

21 We would get 7,000 pounds as payback, you know, or
22 we did it over 2 years. There are all these options that were
23 discussed about how we could manage this concept yet we
24 weren't prepared at the time to go forward with any more
25 details.

1 | serve on the committee.

2 | MR. RICE: It is all very confusing to me. I think
3 | it must be to you too. When you are fishing on a stock that
4 | is not straddling one year class, you are fishing on various
5 | year classes, why do we always get hung up because I have
6 | always found that I catch more fish when there is more fish.
7 | So the reason you went over, there were more fish to catch.

8 | So why strap it down and get all wrapped up in this
9 | one year? Why can't you look at a system where the commercial
10 | guys -- lump three years together. Let's say this quota of
11 | 100,000 pounds over three years is 300,000 pounds. Well, we
12 | went over 15,000 pounds this year, but two years ago we were
13 | under by 30,000. So we are still under the game.

14 | So it looks like to me -- I know the recreational
15 | side of it but I honestly think that the reason that we went
16 | over is because the fish were there and they were available,
17 | and we are not overfishing the stock.

18 | Of course we have to make the other side happy, and
19 | actually speaking, giving the recreational people 50 percent
20 | of the fish, they are basically keeping about 40 percent of
21 | them in the bank because a very small percentage of them are
22 | being harvested. But you can't disprove or prove that so
23 | therein lies the problem.

24 | MR. LUISI: What I will say to the fact that
25 | we -- going over in this case, the way I see it, isn't because

1 | there were more fish available. It was because we decided to
2 | close the fishery one day after we should have. We closed it
3 | one day later. Based on the projection -- we were watching
4 | the graph.

5 | MR. RICE: It is all estimates.

6 | MR. LUISI: Every year, the fish are available in
7 | more abundance than what the commercial industry can catch as
8 | a way of catching the entire run. We have to close the
9 | fishery every year. We can't let it just go through. So
10 | there is always going to be that abundance. Now that 15,000
11 | overage, that was a result of that extra day.

12 | We do our best every year. We bang our heads on the
13 | table trying to figure out which day to close to get as close
14 | as we can to that line without going over or going over
15 | slightly knowing that we did the best that we could.

16 | MR. RICE: What percentage of the total quota is
17 | 15,000 pounds.

18 | MR. LUISI: About a third. We had a 45,000 pound
19 | quota last year and we went over by a third of that.

20 | MR. LAY: In one day.

21 | MR. LUISI: And had it been another day, it would
22 | have been twice over.

23 | MR. LAY: Yes, but if it had been one day less, we
24 | wouldn't have caught our quota.

25 | MR. LUISI: You wouldn't have caught you quota so we

1 are in that conundrum of either -- now if we were under quota
2 we wouldn't be having this conversation probably. But we are
3 trying to figure out a way, and our method here would help
4 alleviate the payback in years when the stock is really
5 healthy due to the reduced risk to the stock at this time.

6 MR. RICE: Well, here it is October. Do we have
7 time enough for our subcommittee to meet and report back to us
8 because it makes no sense for us to try to reinvent the wheel
9 today when the experts are going to meet and discuss it and
10 bring hopefully a solution back to us.

11 MR. LUISI: We could communicate through e-mail. We
12 won't have time to do this before the next commission meeting
13 but -- so the plan would be to convene this group soon, in
14 early November, have a discussion, come up with something we
15 can do to help alleviate the payback of 15,000 pounds for next
16 year and into the future.

17 We could send an e-mail out to the commission
18 explaining what that subgroup has recommended and we could
19 implement through our framework because it is not hardwired
20 into the regulations.

21 We could implement the recommendation as long as the
22 commission supports that. And then we would have another year
23 after that to discuss hard-wiring it into the FMP if we want
24 to. So if this commission supports the effort --

25 MR. RICE: Does that make any sense to you, Steve?

1 MR. LAY: Yes, it does but a couple things I would
2 like to say. Yes, I am disappointed that a reallocation could
3 not occur, and the main reason it could not was because there
4 is no accountability in the recreational fishery.

5 And that is bottom line. So having no
6 accountability in this case really helps the recreational
7 fisherman because it shoots down our opportunity to catch part
8 of the total allowable catch or the quota, whatever. And in
9 talking about the overage, the last two years we have gone
10 over but it has been on the last legal day that we could fish.

11 In the previous three years, DNR closed the season
12 early, where we were short 20 to 30 percent of our quota. So
13 like Billy was saying, if we looked at this as some years
14 together, then if you took the last 5 years together, we were
15 probably even because 3 years they didn't let us catch the
16 quota. 2 years we went over.

17 So it isn't such a big deal to have that overage
18 subtracted. And another part that is very unfair to the
19 yellow perch fisherman is in years that DNR closes the season
20 early, and we come up short 20 to 30 percent of our quota,
21 that is not added back on the next year. But if we go 1 pound
22 over, that has to be subtracted from our next years' quota. I
23 think that is a very unfair way of doing that. We are just in
24 a lose-lose situation.

25 MR. BROWN: And, you know, you are supposed to catch

1 your quota, and if you go over it a little bit even though it
2 sounds like it is a third of the way over, if they caught that
3 many fish in one day to go over it that much, that means there
4 are more fish than what they believe is out there at that
5 time, and the fishery is doing good.

6 So if you go over, some things you have got to say,
7 well, you know, fishery management is not a perfect science.
8 And you all did the best you could, and I would much rather
9 see them go over than come up short.

10 MR. RICE: Well, you might want to look at this
11 like, if you go back years ago when we had a point system on
12 ducks, well that duck you shot that last day took you over
13 your 100 points. That is what the duck limit used to be. So
14 that should be fine as far as I am concerned. They only
15 fished one more day.

16 Every duck had an assigned number of points so you
17 could have 90 points and kill a black duck, which was a
18 70-point duck but still you were within your limits. The way
19 this looks -- you had great information. The fish were
20 reporting fantastic. But when you say the season is going to
21 shut down tomorrow, you can't look in a crystal ball and tell
22 how many fish are going to be caught tomorrow.

23 So it should be -- once you reach the point where
24 you are ready to cut the fishery off, that last day, might
25 sound silly, but really shouldn't cost against the guys for

1 the following year if they go over because they were already
2 shut down. It was just that it reached the point where it was
3 time to close the fishery.

4 MR. BROWN: I think they did a good job on managing
5 it, keeping it that close.

6 MS. DEAN: I wanted to repeat what Steve had already
7 said, first. That I can't tell you how frustrated I am that
8 it is the lack of the data that is coming up with the reason
9 for why we can't move forward with something here.

10 As much as our sector is held accountable through
11 data and touted how important data is, to find that as an
12 excuse of we don't have the data is very frustrating.

13 But I think what I want to ask for is maybe an
14 action item, although I might not be saying it wrong, that the
15 department create options for the, and you may already be
16 intending to do this, options for the percentage or ratio
17 of payback as well as options for what that target might be
18 when there would be no option prior to a workgroup meeting.

19 I don't think that meeting would be productive
20 without those numbers on paper based on what the sport
21 fish -- the feelings I got from the sport fish. They said
22 they felt the department didn't come to them with enough
23 information.

24 So I am sure you probably already had that planned
25 but I think it would probably be very beneficial and possibly

1 move things along faster.

2 MR. LUISI: That was planned. We would like to
3 produce something that has a line on it, that you know the
4 years that you are going to be engaging in this, like we do
5 with other reference points, and I think we would need to just
6 brainstorm and come up with a set of alternatives.

7 Some of those alternatives may include just no
8 paybacks, as Mr. Chairman has just mentioned.

9 MR. RICE: Well, I think a good idea would be, I am
10 not sure I am going to word this correctly, but at the time
11 the department determines you need to shut the fishery down,
12 if the commercial, if the catch is under the quota the day
13 before the department shuts the fishery down, then the next
14 day, which would be the last day, at no time shall reflect a
15 payback in quota over the limit.

16 MR. LAY: That would have been the case the last two
17 years. I mean, the fishermen did nothing wrong but then they
18 are being penalized the next year for obeying the law and
19 going along with the management plan, and doing what DNR said.

20 MR. LUISI: Yes, there is no blame at all. There is
21 nobody to blame.

22 MR. RICE: There is nobody to blame but I think what
23 leaves a bitter taste is --

24 MR. GILMER: Yes, but you are paying the price for
25 it.

1 MR. LAY: Yes, we are paying the price for it.

2 MR. RICE: -- because we are being efficient and
3 supplying good data, we are being penalized to that extent
4 because we are doing a really good job. And in doing that
5 good job, you should get rewarded and not penalized.

6 If we can come within -- you did a great job this
7 year. You shut the season down on the day it should have been
8 shut down. That was the day we went and caught the quota. So
9 we caught a few more fish than the quota was.

10 It is not like you fished for three more days. Then
11 that would have been --

12 MR. DIZE: The problem I have with that is they
13 become super conscious and they cut you off before you catch
14 your quota. That is what the state would do.

15 MR. LUISI: Well, I will say to that, we need to
16 justify our decision. And we always have -- we can always
17 mathematically justify our projection to the target. So we
18 don't just pick a date arbitrarily in the future. We use the
19 data we have and mathematically project.

20 I mean, that is something I stand by with my staff
21 when they come to me and say, we need to close the fishery on
22 this day. I ask them to tell me why. What numbers do we have
23 to tell us that is the day?

24 MR. DIZE: Even at that you went over 15,000.

25 MR. LUISI: Yes.

1 MR. DIZE: So next year if it comes up, you as a
2 director do not want to go over. So you are going to be
3 super, super conservative on what you do. I know how it
4 works. I have been there; I have done that.

5 MR. GILMER: But Russell, I think, in this fishery,
6 don't you have the hard number every day?

7 MR. LUISI: Yes.

8 MR. GILMER: So they just closed it on a that they
9 got next to the number. It is not like they --

10 MR. DIZE: I understand what you are saying,
11 Moochie, but if they were right on the day before and they
12 went 15,000 over, think about it now --

13 MR. GILMER: But they cannot close it until they get
14 to that day right --

15 MR. DIZE: No, they can close it any time they want.

16 MR. LAY: And let us only catch half of it.

17 MR. LUISI: We project out. We take the few days
18 beforehand and we take an average of those catches and we
19 apply them to the next days. That is our projection method.

20 Some days the last day ends up being snowed out and
21 windy and nobody goes and we are right where we are. But this
22 year was just one of those days.

23 MR. RICE: We are getting close and we need one more
24 person to --

25 MS. SINDORF: You had some great ideas, Billy, so I

1 think that should be you.

2 MR. RICE: I will volunteer under one condition:
3 that I can call in.

4 MR. LUISI: We might do it over a call. We might
5 set up some way to do a conference call so we don't have to
6 get everybody together unless we feel we need to do.

7 MR. LAY: I like to face my opposition face to face.

8 MR. LUISI: Well, you can call in.

9 MR. RICE: I would like the privilege of calling in
10 from southern Maryland, me personally.

11 MS. DEAN: So I heard Russell's concerns about that,
12 and I understand but I want to hear -- Steve, I think that
13 would be a heck of a motion right now for us to make. I kind
14 of like the idea of having that as an option going forward
15 into that workgroup with the backing of this commission, that
16 if the department -- you know, so that this, not that it was
17 anybody's fault, so that if this, we get into this situation
18 again, then it is forgiven by one day.

19 MR. RICE: You can make the motion.

20 MR. LUISI: We can add it to the list. Personally I
21 will add it to the discussion.

22 MR. : Move it forward, please.

23 MR. LUISI: I am done.

24 MR. LAY: Do we have two people on the group yet?

25 MR. RICE: Yes, me and you.

1 MR. LUISI: Thanks, everyone.

2 MR. RICE: All right, Chris, the public clamming
3 area?

4 ***Creating a Public Clamming Area***

5 ***by Chris Judy, MD DNR Fishing and Boating Services***

6 MR. JUDY: I am Chris Judy, Shellfish Division. I
7 have an update, and this might be something you don't hear too
8 often. I have proposal that is less complicated and will take
9 less time than what you saw last time. So save you some time,
10 save you some trouble. If you like, we will move on it.

11 So you may have in your packet, I hope you do, a
12 two-page briefing that you got last time actually. And it
13 describes a process to expand clamming with a lot of
14 conditions, one being, of course, we work with the county
15 oyster committees. We are not talking about live oyster
16 bottom. This would be sand bottom.

17 So here is the change that I have to offer you.

18 (Slide)

19 If you look on page one of that handout, it says
20 near the bottom, regulation number two. And regulation number
21 two, last sentence, says this process could take a couple
22 years. And that was a concern to numerous people at the last
23 couple meetings.

24 So what is up on the screen -- so the change I have
25 to put before you today pertains to page one, regulation two.

1 So instead of a couple years -- this pertains to page one,
2 regulation two. So as a recap to expand clamming into these
3 areas, number one is a regulatory process. That is page one.
4 Number two is a statutory process, the law. That is page two
5 on your prior handout, the law. Number three is the change.

6 So a regulatory option highlighted there in red on
7 the screen, instead of creating this massive document, which
8 is going to take a few years of defining every single oyster
9 bar in the state by its corners, we would define in regulation
10 only the oyster bars where this potential clamming would
11 occur.

12 So let's say three are talking three oyster bars.
13 The regulation would be three oyster bars defined by these
14 coordinates. And this change is proposed to occur, clamming.
15 Done. So number three is what is before you as a possible new
16 option, to only focus on the oyster bars under consideration
17 in this regulatory package on page one instead of the
18 burdensome process of defining every corner of every oyster
19 bar in the state.

20 So that is the change that is before you. And of
21 course you may have questions on this. You may have questions
22 on this document that you got before.

23 ***Questions and Answers***

24 MR. GILMER: I think this is -- this makes it a lot
25 simpler. I think this is very important, and it really just

1 | looks at the specific area that you are talking about so I am
2 | in favor of it.

3 | MR. JUDY: And just to remind you all, the original
4 | proposal that George and I brought to you was basically
5 | Eastern Bay, five or six oyster bars were discussed. So this
6 | is a limited type of project so is there a need to do every
7 | oyster bar in the state in that regulation number two? And
8 | you are saying you like this better.

9 | MR. GILMER: Yes, most definitely.

10 | MR. WILKINS: This still goes to the shell
11 | committees before?

12 | MR. JUDY: Yes. Now everything else on your page is
13 | the same. Shell committees are a priority. We are not
14 | talking about any live oyster bottom. You can ask the
15 | clammers. You can ask George. The proposal is not about any
16 | live bottom, shell bottom. It is about an oyster bar that
17 | buried, it is sand. It is really not an oyster bar but it
18 | happens to be in the legal chart.

19 | MR. GILMER: Right, and it actually got moved when
20 | they went from oyster bars to NOBs or whatever expanded it way
21 | out. And we are just for the bottom that is non-oyster bar.
22 | And also far enough away where it doesn't affect the oyster
23 | bar.

24 | MR. JUDY: Correct. All the safeguards you are
25 | suggesting would obviously be in there and there would be

1 public process meetings, discussions. I am just putting forth
2 that there is a shorter way to do this. And that regulation
3 number two on page one would be replaced by that idea.

4 MR. RICE: Well, I guess we need to express our
5 support.

6 **MOTION**

7 MR. GILMER: I make a motion to support number
8 three.

9 MR. RICE: All right. Moochie has made a motion.
10 We need a second by Robert T. Further discussion?

11 (No response)

12 MR. RICE: Seeing none, all those in favor of the
13 motion, raise your right hand, please.

14 (Show of hands)

15 MR. RICE: All those opposed? All those that
16 abstain? 13-0-1. I mean 13-1-0. However you want to do it.
17 13 in favor, 1 abstention.

18 MR. BLAZER: It is 12.

19 MR. RICE: Okay, yes, it is 12-0-1. Motion passes.

20 MR. JUDY: I can revise the document. We can
21 provide it and Paul can send it to you. You will have a new
22 update.

23 MR. RICE: And Chris, what about the buoys for the
24 Wicomico?

25

1 *Buoys in Wicomico Creek*

2 *by Chris Judy, MD DNR Fishing and Boating Services*

3 MR. RICE: I scratched out creek and wrote river
4 because it is really -- I grew up on the Wicomico but it isn't
5 a darn creek. It is a river.

6 MR. JUDY: It is a river, and I e-mailed and said it
7 should be river not creek.

8 So update: At the last meeting there was a comment
9 about an area in the river, and there are six buoys. It is
10 not exactly a square. But some of the buoys are so far apart,
11 it is hard for a waterman to know on the water exactly where
12 he is.

13 So short story is got staff on it. They worked with
14 the buoy staff at Mattapeake. A boat is going to be there
15 soon. I don't have an exact date yet. Waiting for the e-
16 mail. But they said it is no big deal. They are going down
17 there anyway to put extra buoys in the boat. They will get it
18 done. So it is being addressed and will be done soon.

19 And we did coordinate with the local watermen to
20 make sure the GPS numbers we are going to put the buoys meet
21 their satisfaction.

22 MR. GILMER: And you got the buoys straight up ---
23 too.

24 MR. JUDY: Frank is on that, I assume.

25 MR. WILKINS: No, it is not straight yet. They are

1 waiting for something from --

2 MR. GILMER: Oh, they are waiting something? I know
3 I got the call on it that they were going to get it. I am
4 talking about the clam buoys we asked about.

5 MR. WILKINS: Oh, excuse me. No.

6 MR. O'DONNELL: (Away from microphone) Moochie,
7 those buoys have been in place. The buoy they said was off
8 station refers to a buoy north of the --- . The staff is
9 telling me that it was not off-station. They put several
10 buoys, two or three more, because that area hadn't been
11 clammed for a while.

12 MR. GILMER: Right, and they were long way apart.

13 MR. JUDY: Troy, I will check with Frank on your
14 point. Frank is talking to the buoy staff.

15 MR. WILKINS: The spot that was a problem, nobody is
16 working there but the other spot people have been working
17 there and we are trying to keep them off.

18 MR. JUDY: We will get it straight.

19 MR. RICE: All right, thank you. Does anybody from
20 the public have a comment at this time?

21 (No response)

22 MR. RICE: Seeing none, Dave, do you have some
23 closing remarks?

24

25

1 *Closing Remarks*

2 *by Dave Blazer, Director, MD DNR Fishing and Boating Services,*
3 *and TFAC Chairman Billy Rice*

4 MR. BLAZER: Yes, I have got two things that
5 actually I should have said in the announcements but I forgot
6 about them until later in the meeting.

7 At the Sport Fish Advisory Committee meeting the
8 other day, they had a discussion about outreach and trying to
9 get information and communication out with all the
10 stakeholders. They were interested in how we could make some
11 improvements and how we can do a better job of that.

12 So one of the things they asked for was to put
13 together a workgroup. They had two of their members. They
14 would like two members from tidal fish to volunteer to help be
15 a part of that. How can we communicate better? How can we
16 get our information out better to all our stakeholders?

17 They are looking at it from the recreational/charter
18 boat side. But also, you know, how do we let commercial guys
19 know what is going on? Is there a way for us to improve on
20 those things?

21 So I wanted to ask if two members of tidal
22 fish -- and we would do this probably via conference call to
23 try to set something up and talk about some of the
24 communication aspects of what we do.

25 MR. RICE: I would like to have two volunteers to

1 participate.

2 MR. JEFFRIES: I had to answer a phone call. What
3 are we volunteering for?

4 (Laughter)

5 MR. BLAZER: The sport fish talked about
6 communication with stakeholders. And they wanted to have a
7 little more in-depth discussion about it. So they wanted to
8 get kind of a workgroup but they wanted to also extend the
9 invitation to tidal fish. Get two folks from tidal fish, have
10 a couple conference calls or meetings or discussions about
11 communication and how the department might be able to improve,
12 do a better job.

13 MR. JEFFRIES: I am definitely one of your
14 volunteers for that one.

15 MR. RICE: All right, there is one. We need one
16 more. Somebody who likes to talk on the telephone.

17 MR. GILMER: I will do it.

18 MR. RICE: Thank you, Moochie.

19 MR. RICE: The second thing is, to give you a heads
20 up, you know the department has reorganized, and we talked a
21 little bit about our reorganization within fisheries and
22 boating service. But the state as general state government is
23 looking at reorganizing in some aspects.

24 One of the thoughts that has been kicked around is
25 seafood marketing going back to the Department of Agriculture.

1 So I wanted to mention that to you all. That is one of the
2 ideas that has been floated. It would probably take a
3 legislative proposal in January but I was interested in maybe
4 a little bit of feedback or give you all some time to think
5 about it several months down the road.

6 It is being talked about. I wanted to float it out
7 there.

8 MR. DIZE: Is it a money issue? We don't have the
9 money in the department?

10 MR. BLAZER: Well, a couple things have happened
11 here in the department. We get money from the seafood
12 marketing in a special fund. But we always used a lot of
13 general funds to supplement that. We would get \$150,000 to
14 \$200,000 a year. We hired two staff to kind of run that and
15 they would go to the Boston seafood show and produce the
16 cookbooks and the recipe books and the information and help
17 sponsor the oyster festival and things like that.

18 We had two people who would do that, and we would
19 always complement that with a lot of general funds. Well,
20 when our general funds started to disappear, and both of our
21 people who were doing that left, we started to talk within the
22 department on how do we want to manage this going forward?

23 Do we want to rehire two new people to run this
24 program? Do we want to just take that \$150,000 to \$200,000
25 and hire a consultant or get somebody outside of the

1 department so we don't have personnel to get us to help us
2 with that and they would help us with that. Or we get
3 contracts to -- like Maryland Public Television or one of the
4 TV stations to do TV ads? Or I don't know. Just a whole
5 bunch of different ideas.

6 I don't know if there was anything that really
7 anything that prompted it but it was just kind of opportune
8 that we were looking at shifting the way we were going to
9 manage it and then the issue came up. So we said, well, how
10 about it they take it back to seafood marketing and put it
11 back where it was, you know, for the 30 years prior to coming
12 over here?

13 MR. DIZE: But I always thought when we were in the
14 Department of Agriculture we were the stepchild there with
15 that. I think you hit upon something with what you said. And
16 that is take out money and hire an outside outfit to promote
17 it. No so that we don't have within the state funds coming
18 out of here. We have got X amount. Can you promote? Who can
19 do it?

20 MR. GILMER: And that is the business they are in.

21 MR. RICE: We are the ones who would be supporting
22 it with our surcharge money, and I think I would rather stay
23 in control of my money.

24 MR. DIZE: Not only that, you have still got a
25 finger on it from within the department.

1 MR. BLAZER: Again it is a state-level initiative
2 that is going on. They are looking at reorganization. I just
3 wanted to bring it up to you all. I like the program. I
4 think we can do a lot with it but if it goes over to
5 agriculture, my bosses above me may be saying that is what
6 happens.

7 But one of the other reasons I bring it up is
8 because they have asked, well, what do the stakeholders think?
9 If it has to be legislation or they go to a public meeting or
10 a public hearing, what are people going to say? Are they
11 going to support it? Are they going to fight it? What is
12 going on?

13 So any comments or thoughts that you guys have, feel
14 free to give me a call and say, well, you know, that is okay
15 or that is a terrible idea. Just interested in what you all
16 think.

17 MR. BROWN: Could you maybe get some feelers out to
18 find out who would be willing to take that job on or whatever
19 so we would have more of an idea who it would be going to? Or
20 possibility? Have a list of four or five people who would be
21 interested?

22 MR. BLAZER: We had talked initially to like the
23 Baltimore National Aquarium, to ORP, because were two of the
24 folks that we thought. And again I don't know many people in
25 the advertising and marketing field. Or the private companies

1 that kind of do that.

2 Those are the ones we have worked with in the past
3 but is there the Billy Rice Marketing Company that maybe would
4 do that kind of stuff? We don't know, and when they started
5 talking about the reorganization and maybe this moving over,
6 we were kind of like, well, if we are going to lose it, do we
7 want to enter into a contract or kind of where we are?

8 MS. DEAN: You said something that caught my ear. I
9 like that Baltimore Aquarium idea because I think our money
10 would be added through them, especially with the initiatives
11 they are taking, and I think we would get some added benefits.
12 Whereas an outside company we wouldn't, and I know that the
13 Baltimore Aquarium is really kind of interested.

14 MR. RICE: I agree with Rachel. I think we would be
15 better off to just saddle up with somebody where we are using
16 all of our money to benefit us the most rather than looking at
17 hiring two people who are going to be play Nintendo lots of
18 times and not really --

19 MR. SCERBO: I think you have got to be careful.
20 There is something in the other room or down the road that is
21 slowly coming our way, the sustainable catch crap that is
22 slowly moving this way.

23 And a lot of the aquarium bunch, they are all about
24 that, sustainable catch and labeling it as such. And I don't
25 know where they fall related to commercial harvesting versus

1 aquaculture-type stuff.

2 So before we get even off the paper, we need to --
3 it is going to have to be talked about pretty good because I
4 am sure the folks at the ag department don't know anything
5 about sustainable catch, maybe never even heard of it, and we
6 have just got to be careful.

7 MR. GILMER: And I don't know who mentioned public
8 television or whatever, but it is unbelievable the amount of
9 people that I get comments about from people about the farm
10 and harvest show that is on there. The day --- took him
11 crabbing, you wouldn't believe the people who come to me and
12 said, that was pretty interesting.

13 So that is -- and then he went in working on his
14 farm. I was mad at him because he left out that he caught the
15 crabs with my clams. And I told him. But anyway, and I am
16 sure this is done through the Department of Agriculture, but
17 it would be interesting to see how much that actually costs to
18 do that show because it is in everybody's home. That is just
19 another avenue that we can look at.

20 MR. RICE: All right, well, have we given you some
21 sense of direction?

22 MR. BLAZER: Yes, that has been very helpful. I
23 just want you to keep your ears open because we don't meet
24 again until January and some things may be happening at that
25 point.

1 MR. RICE: Before adjourning, Bill, did you allude
2 to the fact that this is probably your last TFAC meeting?

3 MR. GOLDSBOROUGH: I believe I did.

4 MR. RICE: Well, on behalf of tidal fish and
5 chairman of tidal fish, I would like to thank you for your
6 service and your participation. I have always felt you have
7 been a worthwhile member. And I hope you have a happy
8 retirement.

9 (Applause)

10 MR. RICE: With that being said, I put us adjourned.

11 (Whereupon, the meeting adjourned at 5:22 p.m.)
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