

***Maryland DNR***  
***Winter Meeting of the Tidal Fisheries***  
***Advisory Commission***

***Thursday,***  
***January 26, 2017***

***Held at the***  
Maryland DNR  
Tawes State Office Building  
Annapolis, Maryland

**Maryland DNR**  
**Winter Meeting of the Tidal Fisheries Advisory Commission**

January 26, 2017

**TFAC Members Present:**

Billy Rice, Chair

Robert T. Brown

Rachel Dean

Russell Dize

Robert Gilmer

Ken Jeffries Jr.

Steve Lay

Bill Scerbo Jr.

Dave Sikorski

Gail Sindorf

Aubrey Vincent

Troy Wilkins

Lee Wilson (*proxy for Buddy Carson III*)

**TFAC Members Absent:**

J.D. Blackwell

Buddy Carson III

C. Richard Manley

**Maryland DNR Fisheries Service**

Dave Blazer

Paul Genovese

**Maryland DNR**  
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KEYNOTE: "---" denotes inaudible in the transcript.

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

(3:07 p.m.)

***Welcome and Announcements***

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

***and Billy Rice, TFAC Chairman***

MR. RICE: All right, we would like to call the meeting to order so we can try to keep our time schedule, so we can get out of here on time. (Asides)

Anyway, Dave, would you like to have opening comments?

MR. BLAZER: Yes, just a couple quick announcements. Welcome, Dave Sikorski, to tidal fish. Bill Goldsborough, as you know, retired and moved to Florida. Dave is now the chair of the Sport Fisheries Advisory Commission and the liaison to tidal fish to share the information between those two committees. So Dave will be joining us from now on.

I also wanted to give -- actually, I can kind of jump right in to the oyster advisory update. Keep us on track on time.

***Oyster Advisory Update***

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

MR. BLAZER: A couple things. As you all know, the Oyster Advisory Committee has been meeting for a while, since last summer. A lot of information has been shared back and forth between the county oyster committees, environmental

1 groups. We have talked and deliberated over a lot of  
2 different debates, and I think we have talked to this group  
3 about the OAC and some of the efforts there, what they have  
4 been focused on.

5 The next OAC meeting is February 13. At that  
6 meeting there will be a brief discussion about Man 'o War, the  
7 permit application, and kind of where we are. As you know,  
8 the application is kind of going back and forth in the  
9 dialogue between the corps and the state.

10 There have been some questions so we are busy  
11 preparing responses to get back to them and we hope to have  
12 some of those responses back to the corps before the next OAC  
13 meeting, if not all of them. We should have most of them back  
14 at that time and we will report out at that meeting about  
15 where the Man 'o War permit situation is.

16 The other interesting thing about OAC is that at the  
17 next meeting, the department will be putting forward a straw  
18 man proposal to go forward. The committee has debated and  
19 deliberated and had a lot of great discussions about a lot of  
20 different things, about adjustments to sanctuaries, rotational  
21 harvest and so forth.

22 We at the department in the shellfish program have a  
23 taken a lot of those comments that we have heard and we are  
24 putting together kind of a proposal to look at it  
25 comprehensively. So instead of looking piece by piece, you

1 know, pros and cons of each of them, we decided to put a whole  
2 straw man together and we will present that February 13.

3 We will present it February 13. We anticipate a lot  
4 of public comment after that time but just want to get it out  
5 there. Want to get people talking and thinking and discussing  
6 that straw man. So February 13, we will have that. Rachel?

7 *Questions and Answers*

8 MS. DEAN: Yes, I just had a question about that.  
9 Is that going to be something that when it does go out for  
10 public comment or when it is considered by the OAC it will be  
11 considered holistically or not because we have kind of gone  
12 that route before where each county put a proposal together  
13 and the whole thing was just denied all at once. I think that  
14 was just before the sanctuaries were coming in and we were  
15 offering suggestions and it was just denied as a whole.

16 MR. BLAZER: Well, let me just say you will have to  
17 see the strawman and maybe you can answer that.

18 MS. DEAN: Okay.

19 MR. BLAZER: But again, we are taking a lot of the  
20 comments and trying to incorporate a lot of the different  
21 ideas that we have heard. You know, I think it has got bits  
22 and pieces of everything that we have heard so again you can  
23 make that assessment after you see the straw man.

24 And again, we are, you know, we are looking at this  
25 as there may be issues with a certain area but again we are

1 trying to look at statewide holistically as opposed to an  
2 individual's particular backyard issue. So again, we are  
3 trying to stick with the guidelines that the Secretary gave us  
4 and that we have talked about through the committee process so  
5 again on February 13th you will get a look at the straw man.

6           And again, it will probably take us a couple  
7 meetings at the OAC to talk about those different things that  
8 are going on and hopefully sometime this spring or before May  
9 or June, we will get some sort of an agreement or consensus or  
10 idea on how to go forward. But I am an optimist too. Those  
11 of you who are on the OAC will understand that.

12           I also wanted to talk briefly -- at the last meeting  
13 there were some questions about the MDOT Oyster Fund Agreement  
14 with the port, MDOT and Maryland Port Administration. That  
15 agreement, the signed agreement is here in Tab 2 so if you  
16 want to look that over.

17           If you want to look basically at where the  
18 modifications are for this year on page 3. Because MARBIDCO  
19 is kind of okay with the loan program, we took the \$50,000  
20 that we had been putting out of MDOT moneys in that program.  
21 We have taken that, kind of repurposed that for another area.

22           We repurposed some of the demonstration projects,  
23 some of the upper bay that has been going on. We don't have  
24 to set up the studies and the monitoring. We can do that a  
25 little bit cheaper because we are a little bit better educated



1 on what happens and what goes on there.

2 We also have repurposed some of the money for  
3 staffing. This is our only fund that we have for the  
4 shellfish program staff. We receive capital funds, which have  
5 to go to construction projects. We get the money from the  
6 surcharge and the oyster taxes, which is money that has to go  
7 back into the fishery. It cannot be used for staff salaries.

8 And that is about the only sources of funding that  
9 we have, and MDOT fund takes care of some of our  
10 administrative costs to pay for our staff. We haven't  
11 increased the contribution for MDOT for several years but with  
12 steps and insurance costs and all those other administrative  
13 costs, they have kind of been creeping up on us so we have had  
14 to take a little bit more money for that to do that.

15 So -- and we also reduced some of the in-water  
16 restoration funds because we have got enough funding from  
17 other sources, from NOAA, at this point, to be able to keep  
18 that. We were able to keep the public fishery funds intact so  
19 that is kind of where we are for fiscal '17 that we are  
20 operating under at this point.

21 You can look over -- if you want more details, you  
22 can read Tab 2 or if you have any questions or whatever, feel  
23 free to give me a call or ask.

24 MR. WILKINS: It says on page 2 there in Tab 2 the  
25 \$82,000 for the OAC. And then on page 3, Number 1, it says

1 repurpose of --- so are they getting both or one or the other  
2 or a combination, and what is it for?

3 MR. BLAZER: No, the other activities for the OAC is  
4 so that we could hire facilitation just like transcription and  
5 minute takers for the OAC process. The demonstration projects  
6 are specific, I think like up with Kent County, up at the  
7 mouth of Chester River. There were some projects that were  
8 going on there to look at -- help me, Jody, some of the plans  
9 that were up there.

10 So that was more of a monitoring, so it is a little  
11 bit different.

12 MR. WILKINS: So they are getting \$50,000 put with  
13 the \$82 or just the \$82?

14 MR. BLAZER: No, no, the OAC really doesn't get the  
15 money. It is so that we can function OAC and be able to hire  
16 MES to do our meeting minutes and meeting logistics, pay for  
17 the room now that we are in a bigger room. We kind of  
18 anticipated that.

19 So that money is still there, there for that purpose  
20 but then we have the purpose of these demonstration projects  
21 that were agreed up several years ago that we are continuing  
22 but we don't need as much money as we had originally allocated  
23 through that process. So we are able to decrease that just  
24 because the monitoring and the data collection and stuff, the  
25 cost and needs aren't as much as they were when we initially

1 started.

2 MR. WILKINS: Thank you.

3 MR. RICE: Anybody else have any questions for Dave?

4 (No response)

5 MR. RICE: Seeing none, moving forward with the NRP  
6 report, please? And help me out with your name so I don't  
7 mess it up.

8 CPL. MEDELLIN: It is okay. It is Catherine  
9 Medellin.

10

***NRP Report***

11

***by Corporal Catherine Medellin, MD DNR NRP***

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CPL. MEDELLIN: I am taking over for Art. Big shoes  
to fill so bear with me. Not much to report. I sent that  
out. Those are our latest and greatest on that.

15

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We have 27 new officers who are still out in the  
process. Phase 2 just started for FTO training so once they  
get through that, they are going to be kicked loose. The  
majority of them are going to go to southern and eastern, the  
majority of the new recruits.

20

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24

And other than that, we have been really busy, the  
inauguration, I know Rachel just kind of was asking me who is  
in the area anymore. But we have just been really busy and  
really short. And we are doing a lot of training. Everybody  
is tied up.

25

We also just had almost 60 promotions, so you are

1 probably going to see a lot of turnover in the field. A lot  
2 of the officers got promoted and moved on so you are probably  
3 going to see a lot of change coming up.

4 MR. RICE: Anybody have any questions for Catherine?  
5 Dave?

6 MR. BLAZER: I am sorry. If I can just add on. One  
7 of the other things I wanted to mention because NRP, there is  
8 an increase in the 2008 budget proposal this year for an  
9 additional class of officers with the Natural Resources  
10 Police. And also to help with the aviation unit that, you  
11 know, came on board or came on board again last year.

12 But one of the things that I do want to say about  
13 that -- so the department has been very fortunate. NRP was  
14 able to get their budget increased for those purposes but the  
15 department as a whole, we have been able to stay pretty much  
16 intact.

17 As you read, you know, about budget cuts and budget  
18 issues, in fisheries we did not get a budget cut this year.  
19 We didn't get a budget increase but we were basically held at  
20 the same level, and most of the departments of DNR's units are  
21 at the same level. Some of them got increases, like NRP was  
22 one of those.

23 So we have, so far, fared fairly well in the budget  
24 arena of what has been proposed by the governor so just wanted  
25 to pass that along. And you will hear more about the increase

1 of NRP officers in the near future.

2 MR. RICE: Thank you. Sarah Widman?

3 MR. GILMER: Bill? Just for one second.

4 *Questions and Answers*

5 MR. GILMER: Just reading through this and it just  
6 kind of jumped out at me. It says taking illegal size tautog.  
7 Was there a change in the law that -- it says it was one  
8 citation but 17 warnings. Just why -- it just seems like an  
9 odd number, like something that changed.

10 MR. BLAZER: Maybe Mike can help.

11 MR. LUISI: Regarding tautog regulations -- oh, I am  
12 sorry.

13 CPL. MEDELLIN: No, go ahead.

14 (Laughter)

15 MR. LUISI: It is not a fishery that there is much  
16 of a commercial fishery. We actually -- the limitations on  
17 the commercial fishermen who have the authority to land tautog  
18 commercially are restricted to the recreational catch limit.

19 So if the catch limit was two at the time or maybe  
20 it was for now, and they brought home 21, then they got a  
21 ticket and had 17 warnings. That would be all that I could  
22 think that it would be.

23 MR. GILMER: It just said one citation, 17 warnings.

24 MR. LUISI: It sounds like they brought home 20 fish  
25 and go a ticket but then got told you can't do this anymore.

1 MR. GILMER: Okay. It just was a little -- I see  
2 the other ones sort of go together but that one jumped out at  
3 me --

4 MR. LUISI: Without being there, that is what I can  
5 assume.

6 MR. GILMER: Okay, that fine.

7 MR. RICE: We good?

8 MR. GILMER: I am good with that. I was just --

9 MR. RICE: Anybody else have any questions on the  
10 NRP report? Okay, if not, we will move forward with Sarah and  
11 her -- oh, okay, I have got Sarah. Jacob, if you want to do  
12 the report.

13 ***Policy Program***

14 ***Jacob Holtz, MD DNR Fishing and Boating Services***

15 MR. HOLTZ: I am actually going to be -- Nancy and I  
16 are going to be splitting Sarah's duties. So I am Jacob Holtz  
17 with our regs group. I am going to go over the scoping and  
18 the reg update for the last quarter.

19 The only two things right now that we have for  
20 scoping are things we actually e-mailed to you toward the end  
21 of last year. Because of the moratorium on regulations, we  
22 weren't able to actually move forward with these yet so we  
23 just thought we would bring them back to the commission in  
24 case anybody wanted to talk about either of these scoping  
25 items.

1                   So the out-of-state fish supplier permit, it is just  
2 a permit for folks who are shipping fish into the state. And  
3 then spiny dogfish, there are a couple of things that the  
4 Spiny Dogfish Workgroup had asked us to do, namely changing  
5 the requirements for permit eligibility. After the 3 years,  
6 15,000 pounds, which is the requirement now, they wouldn't  
7 have that rolling 15,000 pound requirement anymore.

8                   And then they would have to be declaring every year  
9 instead of every other year. The plan for both of these items  
10 is to scope it on our Website with the fish supplier permit.  
11 We would also bring it up at the Aquaculture Coordinating  
12 Council since they deal with fish imports.

13                   Then we would send it out to Constant Contact,  
14 Facebook and Twitter. For the spiny dogfish, on the Website  
15 and then run it back through the Spiny Dogfish Workgroup,  
16 which I think has already happened. Is that accurate?

17                   It would be sent to our Coastal Commercial Fisheries  
18 Forum as well as Constant Contact, Facebook and Twitter. Does  
19 the commission have any other suggestions as far as how to  
20 scope these, or if you have any questions on the items  
21 themselves?

22                   ***Questions and Answers***

23                   MR. LAY: The out-of-state fish supplier permit, are  
24 we speaking of only live fish?

25                   MR. HOLTZ: Yes. So it would be fish that are

1 getting stocked in the waters in the state.

2 MR. LAY: Okay. It wasn't really specific there.

3 MR. HOLTZ: Anything else?

4 MR. RICE: Seeing none, move along.

5 MR. HOLTZ: Okay. So then the reg update, as far as  
6 public notices that we did, striped bass common pool hook and  
7 line, opening and closing those. A couple of aquaculture  
8 leases. We extended the ITQ season for both pound net and  
9 hook and line. And then we established a couple of the  
10 seasons that are required to be established by public notice.  
11 So that would be menhaden, summer flounder, recreational  
12 stuff, the black sea bass stuff.

13 And we updated the shark catch limits, which is an  
14 ASMFC compliance thing. There are a number of regs that have  
15 been going through the process. The two that I would like to  
16 draw your attention to are the last two under -- they are the  
17 two bullets above emergency regulations in effect on page 2.

18 Both of those are -- the comment periods are open  
19 right now. The first one is the gear package. That package  
20 includes both commercial and recreational gear. The two  
21 commercial gears are the finfish trotlines and the rules for  
22 bow and arrow.

23 That package, the comment period is open through  
24 February 21st. Currently it is scheduled to be effective on  
25 March the 27th. Based on all of the discussions we had with



1 the gear workgroup and then both this commission and sport  
2 fish, what is in that package is going to have people getting  
3 a free -- when I say people, commercial harvesters without an  
4 unlimited finfish harvester or an unlimited tidal fish license  
5 will be able to use the gear. You just need to get a free  
6 permit.

7 We are going to have extra reporting for the gear  
8 just so that when the legislature is reviewing this in 2019,  
9 we will be able to give them actual numbers, to tell them how  
10 the gear has been used in the state and if any of the concerns  
11 that have been voiced through this process have come to  
12 fruition or if we can put those to rest.

13 So I was talking with Carrie Kennedy before this  
14 meeting. We just wanted to make sure that everybody was aware  
15 of that permit requirement that is in this package and if you  
16 had any ideas as far as giving people a reminder that they are  
17 going to need this permit if they want to use this gear.

18 We would love any extra input that you have for that  
19 just to make sure that everybody who wants to use the gear can  
20 use the gear and is doing so in full compliance. We don't  
21 want anybody getting dinged for it.

22 MR. RICE: Ken?

23 MR. JEFFRIES: The hook-and-line thing, that is a  
24 two-year trial period and then we are going to see what the  
25 numbers look like?

1           MR. HOLTZ: The finfish trotline thing, yes. So the  
2 legislature gave us authority through June 30 of 2019, so I am  
3 guessing in the legislative session of 2019, we are going to  
4 be back in front of the legislature. Either folks are going  
5 to be asking them to not renew that authority or we are going  
6 to be asking them to renew the authority.

7           MR. JEFFRIES: It is like an 18-month trial period.

8           MR. HOLTZ: Yes. It will be about that, yes.

9           MR. RICE: Dave?

10          MR. SIKORSKI: One of members brought up -- they  
11 noticed on this agenda that at your previous meeting, the  
12 staff was going to edit the draft language to include catfish,  
13 not only blue catfish. And obviously that makes sense. I get  
14 it, you know. Legally harvesting species. And then -- I have  
15 heard some feedback from various folks. If it is going to be  
16 a problem it is going to be a problem.

17           Every time that has happened, I have explained to  
18 them the process we went through as the Gear Workgroup and the  
19 sunset provision and we are going to try this out. The  
20 department is going keep an eye on things for a permit  
21 process. But I do want to let everybody know there is some  
22 chatter out there still that is concerned about this gear type  
23 and, you know, I think it has been well-vetted and with that  
24 sunset in place, I personally think we shouldn't -- we can  
25 avoid any problems but, you know, in the interest of

1 transparency I want to let it be known that there is still a  
2 lot of concern.

3 MR. RICE: Right. That was one of things that we  
4 wanted to make sure happened through this process, that we  
5 could prove that point and that, you know, we could move  
6 forward and do it in a manner we say we can.

7 MR. SIKORSKI: Exactly.

8 MR. JEFFRIES: The biggest concern up north is the  
9 bycatch. Those are the numbers we need to -- I know down your  
10 way is one thing but the people who are concerned are the  
11 bycatch up our way.

12 MR. RICE: Well, to answer your question, the  
13 Potomac and the bay aren't really any different other than one  
14 is a little bit bigger than the other. And we -- if where we  
15 catfish in the Potomac was in the bay, we would be cleaning up  
16 around Havre de Grace somewhere or maybe farther than that if  
17 you could get there. And we have zero, virtually negligible  
18 bycatch.

19 MR. JEFFRIES: That is the only concern I think  
20 everybody has.

21 MR. HOLTZ: So if anybody has any suggestions as far  
22 as making sure everybody is aware of these requirements and  
23 even aware that this gear is not going to be able to be used  
24 because obviously there are a number of folks who might not be  
25 aware of this gear not being able to be used, if you could let

1 us know, that would be great.

2 If when you look at the package, and that is up on  
3 our Website on the changes to regulations page right now, if  
4 you take a look at it and you have any comments, please get  
5 them to us before the 21st of February so they can be  
6 considered in that official comment period.

7 I just wanted to -- I really wanted to draw  
8 everybody's attention to that, and just let all your folks  
9 know that this gear is coming, and if they have either of  
10 those licenses they will be able to use it. They just need to  
11 get that permit.

12 MR. RICE: Rachel?

13 MS. DEAN: Yes, will you just tell me again, because  
14 I think there was some confusion last time about where the  
15 lines were for it?

16 MR. RICE: I was going to ask that question.

17 MR. HOLTZ: Sure.

18 MS. DEAN: And I apologize. I should have looked at  
19 it but --

20 MR. HOLTZ: So the gear is going to be allowed in  
21 all of the tributaries to the bay and then in the bay proper  
22 north of the Bay Bridge. So the off-limits areas are below  
23 the Bay Bridge, including the Pocomoke and Tangier sounds, and  
24 it won't be able to be used in the coastal bays either.

25 So it is just the bay tributaries and then north of

1 the Bay Bridge.

2 MR. RICE: Okay, but your entire western shore  
3 tributaries are in.

4 MR. HOLTZ: Even on the eastern shore, all the  
5 tributaries are going to be open outside of the -- I mean the  
6 Pocomoke and Tangier sounds obviously aren't tributaries but  
7 they would be off limits also.

8 MR. RICE: Okay, good deal. All right.

9 MR. HOLTZ: Then the other one that is open for  
10 comment is the blue crabs. This changes the times for  
11 harvesting blue crabs in the coastal bays in the Atlantic.  
12 There was a request by the folks who do crabbing out there.  
13 And then it also clarifies a bunch of text that we have been  
14 told is confusing so hopefully everybody will be a little more  
15 clear on what the rules are.

16 We are going to have a hearing on that. The hearing  
17 is scheduled for February the 6th at 5 p.m. in this room at  
18 Tawes.

19 And obviously we are going to have that up on the  
20 Website as well. And if anybody wants to come to that, you  
21 are more than welcome to give your feedback there also. If  
22 you can't make it or if you don't want to make it just send us  
23 your comments and that is just as good too.

24 And one last thing that isn't actually a new thing  
25 but I got a question on it today and I just thought it might

1 | be a good think to remind everybody about because I had  
2 | completely forgotten myself.

3 |           Back in 2013-2014, to implement Amendment 3 of the  
4 | ASMFC eel plan, we were required to change the mesh size for  
5 | eel pots. Prior to January 1 of '17, you could have that 4 by  
6 | 4 inch cull panel with the 1/2 inch mesh. But effective  
7 | January 1 of this year, the cull panel isn't good enough. The  
8 | whole eel pot has to be made out of that 1/2 inch mesh, 1/2  
9 | inch unstretched wire mesh.

10 |           So I just wanted to remind everybody because I know  
11 | I had forgotten about that, and this is something that we  
12 | did -- I mean, it is almost 3 years ago now so I wouldn't be  
13 | surprised if other folks had forgotten also. I just wanted to  
14 | remind everybody just -- if you can give folks a heads up that  
15 | might need to know about that, that would be great.

16 |           MR. RICE: That was a phase-in.

17 |           MR. HOLTZ: Half by half.

18 |           MR. GILMER: So on the trotline gear, when the  
19 | period ends 2/21, and then it says effective 3/27. So can  
20 | they actually start fishing the trotlines this year after that  
21 | period?

22 |           MR. HOLTZ: So assuming that nothing gets derailed.

23 |           MR. GILMER: Okay.

24 |           MR. HOLTZ: And I am couching everything I say  
25 | in --- because March 27 they would be able to pick up that

1 permit from a licensing center and fish it that afternoon.

2 MR. GILMER: Okay, all right. If a flag goes up, I  
3 am sure we will be notified.

4 MR. HOLTZ: Right. If it gets delayed, if anything  
5 happens, we will put it up on our Website. We will make sure  
6 that you all know and you can let anybody know who is  
7 specifically interested.

8 MR. GILMER: Okay.

9 MR. RICE: Hopefully it won't get delayed because --

10 MR. HOLTZ: It is already getting into there, into  
11 that season.

12 MR. RICE: Well, first of March sometimes they  
13 start --

14 MR. HOLTZ: Anything else for me? If not, I am  
15 going to turn it over to Nancy for the FMPs.

16 MR. RICE: Okay.

17 ***2016 FMP Highlights/FMP Reports***

18 ***by Nancy Butowski, MD DNR Fishing and Boating Services***

19 MS. BUTOWSKI: Nancy Butowski. I just have a few  
20 words to say about the two items on the fisheries management  
21 plans.

22 The first one has to do with the annual progress  
23 report. If you remember, you had an opportunity last October  
24 to review and comment on the draft report. It is now  
25 finalized and it has been posted on the Website so if you want





1 MR. HOLTZ: Because this was a requirement from  
2 ASMFC, and so, for instance, we had a very small amount of  
3 eels reported out of pound nets. You wouldn't be able to keep  
4 eels caught out of pound nets after September 1 but for all  
5 the folks who do eels out of pots, it just doesn't affect  
6 them.

7 MR. LAY: This is not very clear at all here. I  
8 don't like the wording.

9 MR. RICE: Jacob?

10 MR. HOLTZ: Yes?

11 MR. RICE: I would feel a lot more warm about it if  
12 it said, for our benefit and our paperwork, if commercial  
13 closure from September 1 to December 31 --

14 MR. HOLTZ: Excluding those gears.

15 MR. RICE: -- excluding baited eel pots.

16 MR. HOLTZ: That would make it a lot more clear. I  
17 agree.

18 MS. BUTOWSKI: Okay, we can add that.

19 MR. RICE: Because when you say something is closed  
20 without a disclaimer, it jumps out at you.

21 MR. HOLTZ: It sure does.

22 MS. BUTOWSKI: And again the highlights are just to,  
23 you know, bring your attention to some things. It should be  
24 clearer in the FMP update, and I will make sure that it is.  
25 Anything else?

1 (No response)

2 MS. BUTOWSKI: Okay, thank you.

3 MR. RICE: Okay, do we have the folks here from the  
4 Mallows Bay?

5 ***Update on Mallows Bay, Potomac River National Marine Sanctuary***

6 ***by Kelly Collins Choi, MD DNR Fishing and Boating Services***

7 MS. CHOI: Good afternoon. So thank you for the  
8 time today. I am Kelly Collins Choi with the Maryland  
9 Department of Natural Resources. And I have here with me  
10 Susan Langley, who is our state underwater archeologist from  
11 the Maryland Historical Trust as well.

12 So we wanted to give you an overview and an update  
13 on where we are in the process of the Mallows Bay/Potomac  
14 River National Marine Sanctuary designation and hopefully ask  
15 for your continued support in this effort.

16 (Slide)

17 MS. CHOI: So just a little bit of background. In  
18 2014 we put the nomination in to NOAA. At the time it was a  
19 joint effort between the Department of Natural Resources,  
20 Maryland Historical Trust and Charles County as well as  
21 probably 60 other partners.

22 We had a number of letters of support as well as one  
23 jointly from the Sport Fisheries Advisory Commission and the  
24 Tidal Fisheries Advisory Commission with the caveat that there  
25 would be no adverse effects to recreational/commercial fishing

1 or public access.

2 MR. BLAZER: In tab 5 you had a lot of the materials  
3 related to Mallows Bay, and one of the items in there is the  
4 letter from 2014 that Kelly just referenced about support and  
5 concern about the recreational and commercial fisheries.

6 (Slide)

7 MS. CHOI: So after that initial nomination went in,  
8 it started a public comment period, and we had public meetings  
9 here in Annapolis. We had a public meeting down in La Plata,  
10 Maryland, and we had quite a few folks comment.

11 A few of the comments that we had -- we had quite a  
12 few that wanted to see a larger boundary than we had put  
13 forward in the original nomination. We had quite a few who  
14 wanted to see the name retained Potomac River because not that  
15 many people nationwide know where Mallows Bay is but the  
16 Potomac River is something that people can understand and  
17 locate.

18 We heard again and again that there would be no  
19 adverse impacts on recreational and commercial fishing. And  
20 we also heard, and we didn't realize that this was a big  
21 thing, but that folks were really worried about being able to  
22 continue to collect fossils in the area. It is a great area  
23 for collecting sharks teeth and other things.

24 We also heard from local business and land use  
25 planning community that they didn't want to have any adverse

1 impacts in Charles County, and we heard a lot of support for  
2 building a visitor's center or some other kind of educational  
3 facility.

4           And then last we had a lot of folks who really  
5 wanted to tie this into the centennial of the U.S. entry into  
6 World War I. That is going to happen in April but as this is  
7 a very long federal process, it is not likely that is going to  
8 happen.

9           So right now we are looking at potential designation  
10 within the next 12 months, probably toward the end of a 12-  
11 month period.

12           MS. SINDORF: So with it being named a sanctuary,  
13 and I see all the things that people don't want to be  
14 impacted, what exactly will be changed?

15           MS. CHOI: I will get into that.

16           MS. SINDORF: Oh, sorry.

17           MS. CHOI: Well, mostly we are hearing about what  
18 things that people don't want, which we understand.

19           (Slide)

20           MS. CHOI: So this is where we are in the process  
21 right now. So we have, for the past year or so, been  
22 developing a draft environmental impact statement and a  
23 management plan for the site, which is required through the  
24 federal process. And I think that we also included a  
25 highlights page. So those documents are probably over 200

1 pages. They are available online if you would like to take a  
2 read through them but we tried to provide a highlights kind of  
3 a cheat sheet for you as well.

4 So we right now are in our second public comment  
5 period. The environmental impact statement and management  
6 plan were officially published in the Federal Register at the  
7 end of last month. So we now have until March 31 for  
8 additional public comments to come in.

9 Once that period closes, then we will take all of  
10 the public comments and incorporate them into a final set of  
11 documents for the sanctuary.

12 (Slide)

13 So this is a photo of the environmental impact  
14 statement and management plan. This document really states  
15 the two main purposes and the need for the sanctuary. The  
16 first is to protect the maritime heritage resources. And  
17 those are the wooden steamships associated with World War I as  
18 well as a couple of other maritime heritage resources.

19 MS. LANGLEY: Cultural landscape is the park  
20 service's buzzword for this now but it is everything with the  
21 focus on the World War I wrecks but it includes a lot of other  
22 stuff too, including fishing, which is a big part of our  
23 heritage.

24 MS. CHOI: And then our second purpose is to  
25 facilitate public access to this area. If you have been

1 | there, there is really no interpretation on site. It is  
2 | really interesting, a lot of history, but right now there is  
3 | no -- anything on site that really interprets that to the  
4 | people and there is limited public access.

5 |           So the EIS evaluated a range of options. That is  
6 | one of the requirements. You have to come up with three  
7 | alternatives. In this case, we looked at three alternative  
8 | boundaries, which I will show you in just a minute.

9 |           We also had to go through and look at all the  
10 | environmental and social consequences of the preferred  
11 | alternative, and then develop a management plan for how the  
12 | sanctuary would be managed moving forward.

13 |           (Slide)

14 |           So this is Alternative B. And this was, you can see  
15 | on the map, the boundary of the original nomination that was  
16 | put forward. It is in line with the boundary that is the  
17 | National Register of Historic Places boundary that was -- was  
18 | that last year when it was registered?

19 |           MR. BROWN: Excuse me. Somebody tell me about A.  
20 | You didn't -- you know, you said B. Where is A?

21 |           MS. CHOI: So if you read the documents, A is  
22 | basically no action.

23 |           MR. BROWN: Okay.

24 |           MS. CHOI: So this includes over 100 wooden  
25 | steamships that are sunk in and around Mallows Bay, and

1 as -- what was it you called it, Susan? The maritime heritage  
2 landscape. So this boundary is about 18 square miles.

3 (Slide)

4 Then we have Alternative C, which takes into account  
5 a couple of ships that actually cut loose from Mallows Bay and  
6 floated down around Caledon State Park, around that southern  
7 bend of the Potomac River, as well as the Wawaset, which was  
8 an unfortunate tragedy on the river. And a Civil War barge as  
9 well.

10 So this expansion was basically to pick up some of  
11 those resources the national register had not included but  
12 that are documented. This option also provides more of a  
13 shoreline for potential public access development.

14 (Slide)

15 And then the last boundary, Alternative D, is the  
16 largest.

17 We had a number of folks come in, especially from  
18 the Indian Head community, who wanted to see a larger boundary  
19 that went up there because there are thoughts of placing  
20 visitor's centers and that type of thing but this boundary  
21 does not pick any additional documented historic resources.  
22 There may be some undocumented but as our purpose again is to  
23 protect those documented historic resources, we felt like this  
24 was not the best option.

25 It didn't really move forward our goals. Are there

1 any questions about the three options?

2 *Questions and Answers*

3 MR. GILMER: Yes. I had a question. And I will ask  
4 Dave. On the original document that we signed, how much land  
5 was that -- how many acres was included in the one --

6 MS. CHOI: It was this one, Alternative B.

7 MR. BLAZER: It was the first one.

8 MS. CHOI: So with any of these boundaries, the  
9 proposed regulations in the management plan would be the same  
10 but there are only three new proposed regulations as part of  
11 the sanctuary.

12 (Slide)

13 So again this is focused solely on the historic  
14 resources. So the first is about damaging sanctuary  
15 resources. We have had incidents of fire on some of these  
16 shipwrecks that have taken weeks to put out because there is  
17 no one responsible for that.

18 We have had folks who have taken pieces of these  
19 shipwrecks so we basically just ask you to don't take it and  
20 don't break it. And that is the main regulation. The other  
21 two are kind of ancillary, about damaging sanctuary signs and  
22 interfering with any kind of investigation or enforcement  
23 activity within the sanctuary boundaries. Any questions?

24 (No response)

25 (Slide)



1           So the draft management plan, the regulations are a  
2 very tiny part. The large part of what we are trying to do in  
3 this area is through this draft management plan.

4           We are trying to protect the heritage resources  
5 through interpretation and education. We are trying to  
6 enhance recreation and tourism in the area. Charles County is  
7 already seeing a pretty large bump in tourism in this area.  
8 And they even have a new campaign, if you haven't seen it. It  
9 is called Get Wrecked at Mallow's Bay. So we are really hoping  
10 this will help the economy of the area.

11           We are looking at strengthening educational  
12 opportunities. We work with a lot of local schools to get  
13 them down there, get them out on the water and kind of  
14 understand the history and ecology of the area.

15           And then promoting research, science and technology.  
16 We have already had Duke University come down. They are doing  
17 drone aerial footage with some really cool images of the area.  
18 We are already in talks with the National Marine Sanctuary  
19 Foundation to provide funding for water-quality monitoring  
20 sites.

21           We had to take one of the areas offline a couple  
22 years ago due to lack of funding, so we are already seeing a  
23 lot of benefits and we don't even have designation yet. So  
24 once we have designated it, it will kind of be this national  
25 brand that will attract additional resources and opportunities

1 to the area.

2 (Slide)

3 And then lastly what happens after designation. So  
4 this area would be co-managed. It would be managed  
5 cooperatively by NOAA, the state of Maryland and Charles  
6 County. All recreational/commercial fishing would continue as  
7 before through either DNR or the Potomac River Fisheries  
8 Commission.

9 And all other recreational uses would again be as  
10 before through either DNR, Charles County or local  
11 authorities. And the archeological research would continue by  
12 permit from the Maryland Historical Trust. And we will be  
13 writing a Memorandum of Understanding with the government  
14 partners.

15 (Slide)

16 So we have the public comment period open until the  
17 31st. We would appreciate -- we are taking comments on the  
18 boundary name, on the boundaries themselves, on the management  
19 plan, on the proposed rules. So we would appreciate any input  
20 and we would love your support.

21 MR. DIZE: I would like to ask Billy a question.  
22 Billy, you are familiar with the area, right?

23 MR. RICE: Yes.

24 MR. DIZE: I would like to know what the unintended  
25 consequences of that being there, like docks being built out,

1 | which stops you from harvesting in the area or, as I saw,  
2 | maybe boats laying in there, which would stop you from working  
3 | that area.

4 |           And the reason why I say they are unintentional, you  
5 | can get a permit from the federal department that gives you  
6 | permits for oyster permits --

7 |           MR. BROWN: The Army Corps of Engineers.

8 |           MR. DIZE: -- to put a wharf in, and it killed us in  
9 | Wye River and Miles River years ago when we were clamming  
10 | because the state didn't do anything. It was unintended  
11 | consequences of putting docks out and stopping you from  
12 | clamming in those areas.

13 |           Now, you guys who work there, you know more about it  
14 | than we do. You know what it would do to your catfishing or  
15 | whatever you do in that area. So I am just wondering have you  
16 | thought of the unintentional consequences?

17 |           MR. RICE: I would say that the meeting we had last  
18 | night, there was a lot of thought put into that. To answer  
19 | your question, yes I am familiar with the area, Russell. That  
20 | is probably the one area in the Potomac that I don't actually  
21 | work.

22 |           My question would be do you see the maintaining of  
23 | the facilities that exist now or the expansion of the  
24 | facilities that exist now, what is kind of in your -- looking  
25 | ahead?

1 MS. CHOI: So we are working with -- right now the  
2 facilities that exist are run by Charles County Park, and that  
3 is DNR land that we lease to them. So we are working with  
4 Charles County and we are working with our DNR folks who run  
5 the Nanjemoy Wildlife Management Area there to look at whether  
6 there is opportunity for increased public access.

7 I think that there are some thoughts that there is  
8 already some conflict between kayakers and the boats that go  
9 in that small ramp so it would be great to see additional,  
10 immediate separate kayak access but in all we really would  
11 love to see additional public access along this whole stretch  
12 of the Potomac but, you know, that remains to be seen.

13 MR. BROWN: Yes, I was at the same meeting last  
14 night, and right in that area, the Potomac River produced last  
15 year approximately a million and a half pounds of blue catfish  
16 in that area. And our catfishermen are very worried about  
17 this.

18 This started out as a real small project to start  
19 with. It was going to be just Mallows Bay. Then it turned  
20 into 18. Now they are talking about 52 square miles of our  
21 river.

22 And once they get in there, we don't know what is  
23 going to happen. Things change once you get a foothold into a  
24 place. Just look at this right now. It used to be Mallows  
25 Bay. Now it is proposed Mallows Bay Potomac River National

1 Marine Sanctuary.

2 MR. DIZE: Say that again, Robert T.

3 MR. BROWN: Proposed Mallow's Bay Potomac River  
4 National Marine Sanctuary.

5 MR. DIZE: That is what I wanted you to say.  
6 National Marine Sanctuary.

7 MR. BROWN: Yes.

8 MR. DIZE: Sanctuary.

9 MR. BROWN: Sanctuary. Now look, this is coming  
10 under NOAA, and we have a lot of restrictions that already  
11 come from us from NOAA. We have got the sturgeon, which  
12 is -- they said the whole Potomac River is a sturgeon  
13 sanctuary to be protected now for them. And we don't know  
14 what the outcome of that is.

15 But this area here is not necessary. If they want  
16 to go in and check some of these wrecks that are into the  
17 Potomac, there is nothing stopping them from doing it. I am  
18 pretty sure that the Potomac -- they don't even need a permit  
19 to dive in on it.

20 And just like they were talking last night, a man  
21 says, well, you know, you can anchor a boat there, and your  
22 anchor might break a little piece of one of these ones that is  
23 not in Mallow's Bay but out in the river itself, one of these  
24 so-called wrecks that they have, which is just about sunk or  
25 pretty much all the way sunk.

1                   And I believe it was Kenny there who does gill  
2 netting. He said, look, I use great big anchors. If I throw  
3 one over and pull it up, and it gets hung into it and it  
4 breaks a piece of it off, and then Jamie Bollingame, he says  
5 read this. He had it outlined. It said that if you do  
6 anything to hurt this, either negligent or not intentionally,  
7 you still can be held liable for it.

8                   I mean, we don't need this in our river. I mean,  
9 Mallows Bay, if they want to protect that, that is fine. And  
10 it is not a bay. It is not much more than a little old marsh  
11 that is have grown up.

12                   And, I mean, if the people want to protect that,  
13 that is fine. I mean, have at it. But as far as them  
14 taking -- well, you saw 52 square miles of our river. We  
15 don't know what -- next thing it will be like other places.  
16 Well, we got this. And I asked them, well, what is stopping  
17 you all from stopping us from fishing in there? Well, we  
18 can't do it under this. We would have to advertise and go  
19 through this to get it done.

20                   Well, that would be just another fight for us to go,  
21 and then once they got a sanctuary to start with, I don't  
22 think we would have much grounds to stand on. So I am opposed  
23 to anything into the Potomac River at this point.

24                   MS. LANGLEY: When we proposed it -- you can't come  
25 into a room and say, you know, what do you want because people

1 can't react without having a basis. So we proposed the  
2 national register district, which was already on the books, an  
3 historic district. And it didn't change anything. It was on  
4 the book two years. Some people didn't know it existed.

5           When it went out for public comment for 90 days,  
6 there were-- more than 80 percent of the comments came in and  
7 said, make it bigger. It wasn't NOAA's decision. It wasn't  
8 the state's decision. It was the public requesting it.

9           It was something like 87 percent. It wasn't 2  
10 percent. It wasn't 2 percent. It wasn't 12 percent. It was  
11 over 80 percent. And we have to listen to them. We had to  
12 listen to DOD. They had some things they aren't happy with.  
13 And we are happy to listen to you. That is why the public  
14 comment period exists.

15           And so we looked at it and said, well, a lot of the  
16 folks with an environmental bent wanted that great, big  
17 section. We said, what can we reasonably do that will manage  
18 and interpret the wrecks, all of them, but in particular the  
19 World War I. And that also includes not just wrecks but other  
20 things like -- well, the steamboat is a wreck but other  
21 maritime cultural heritage.

22           And I include -- I think including the fishing story  
23 is very much a part of that. I didn't want to stop a darn  
24 thing. I come from a fishing family, a boat-building family.  
25 But I am just saying this was not -- nobody had said a word or

1 | if everybody had said just this, fine. But when 80 percent or  
2 | more of the comments said make it bigger, we have to look at  
3 | some form of making it bigger.

4 |           MR. DIZE: Eighty percent of the comments, out of  
5 | the eighty percent, how many percent were fishing people on  
6 | the Potomac, commercial and recreation?

7 |           MS. LANGLEY: I didn't see the breakdown.

8 |           MR. DIZE: Right, because it goes out, and if they  
9 | want to have cattle or something, fine. What do I care? But  
10 | I am worried about -- we are losing so much. And we can't  
11 | afford to lose -- what was put on there for I think it was B  
12 | or C, it goes all the way up that river, and once you say  
13 | sanctuary, you give the federal government the right to  
14 | operate that sanctuary, NOAA.

15 |           And if you come from where we are, and we have lived  
16 | this, having areas taken away from you, you can't afford as a  
17 | waterman or as a sport fisherman, to have that much area put  
18 | into the hands of NOAA and out of the hands of DNR and the  
19 | fishermen. I just think that is a bad, bad project.

20 |           MS. LANGLEY: But it is not out of the hands of DNR.  
21 | The MOU will be between the state, which is DNR, and the trust  
22 | and Charles County and NOAA. And it expressly states that  
23 | nothing will change on that.

24 |           And that is why DNR -- this is a whole new sanctuary  
25 | system that just came in, and we were able to put this in and



1 say, we want it done this way. We want to retain state  
2 control for exactly the reasons you are concerned about. The  
3 word sanctuary frightens a lot of people.

4 MR. DIZE: You got it.

5 MS. LANGLEY: And it really -- it only pertains to,  
6 and it has to stick to its mandate, which is manage and  
7 interpret the wrecks, public access and recreation. And it  
8 can't go farther. And that is why a lot of environmentalists  
9 are angry that we won't take any huge swath and protect all  
10 that. We can't do that. It is not --

11 MR. DIZE: You said the word can't. Let me tell you  
12 what they can do, NOAA and the Corps of Engineers. They can  
13 change the depth of water that was allowed above these  
14 sanctuaries in Harris Creek. When it went in, it was 6 feet.  
15 They lowered it to 5. Now most of it -- we got 21 sites in  
16 there that are under 4 feet or around 4 feet that boats are  
17 hitting and tearing up.

18 This is what they can do when they want to change  
19 it. They weren't allowed to do that so they held a meeting in  
20 Easton. The people turned out. We weren't allowed to speak.  
21 You just -- we just go to a meeting that approves NOAA, says  
22 this is the way it is going to be. And that is the way it is  
23 going to be, whatever they say.

24 The watermen are on the low end of totem, and that  
25 is where he will stay when you come to federal.

1 MS. LANGLEY: You are thinking of NOAA fisheries  
2 though when you are thinking of the old program. This is a  
3 new program, and this is sanctuaries. They have got many  
4 offices. It is like DNR. I understand your concern. Like I  
5 said, my family were cod fishers, and we have been out of it  
6 since the moratorium. We have been doing snow crab and  
7 everything else.

8 But I get what you are saying, it is just -- that is  
9 why we are maintaining this memorandum of understanding so the  
10 state does retain its control.

11 MR. DIZE: You are saying that but still you want to  
12 expand all the way up the Potomac River. You want to expand  
13 it before it even gets set in Mallows Bay --

14 MS. LANGLEY: But that was a public request.

15 MR. DIZE: I know. I understand what you are saying  
16 but the public request is probably 99 percent nonfishing  
17 people.

18 MS. LANGLEY: I don't know who all was there because  
19 people didn't identify what they did but anybody can come and  
20 speak and anybody has 90 days to go online, and there was no  
21 objection with that.

22 MR. DIZE: Our numbers are fewer though. You have  
23 got to understand our numbers are few.

24 MR. BLAZER: If I can, you know, going back to one  
25 of the slides that Kelly had, the flow chart of where we are?

1 You know, this process has kind of been going on. They have  
2 scoped it. They have developed kind of a management plan in  
3 drafts and so forth. So they have had one public comment.  
4 They are reacting to those comments that they got.

5 Now that things are starting to solidify a little  
6 bit more, they are coming back out for additional public  
7 comment. And I think this is healthy dialogue to hear the  
8 concerns, and I think maybe that is the comment that you put  
9 into a letter so that they have something official as far as  
10 the open comment period.

11 So you have the letter that was sent back in 2014,  
12 you know, when you looked at it very conceptually. It was,  
13 okay, but don't impact recreational/commercial fishing, which  
14 was stated then.

15 Now again they are reacting based on a lot of public  
16 comment that they have got. Now this is your opportunity to  
17 put something down in writing back to them and say, well, we  
18 are not crazy about the expansion or we are not crazy about  
19 this. Or this is our concern.

20 So I think that is the opportunity that we have  
21 today. Again this is draft. They have got four different  
22 alternatives to consider. If you like one, great. If you  
23 don't like any of them, then kind of make that comment as  
24 well. I think that is what we are here to talk about today.

25 MR. RICE: I think Dave is spot on that when we sent

1 | this letter in, we were working with the information at that  
2 | particular time. So now we have moved forward in the process,  
3 | and we have a lot of new things that have happened. This  
4 | would be our opportunity to draft additional comments from  
5 | this group to move forward with. Robert T.?

6 | MR. BROWN: Yes, and this lady over here a minute  
7 | ago said, well, the environmentalists wanted us to do more to  
8 | protect the fisheries.

9 | MR. LANGLEY: They didn't say fisheries. They just  
10 | wanted every nook and cranny. Pretty much all the water in  
11 | Charles County.

12 | MR. BROWN: Okay, well, this same bunch of  
13 | environmentalists, once they get a sanctuary to start with,  
14 | they come back, all they have to do is reapply and say, hey  
15 | look, we want no fishing into this area at all. We have  
16 | already got the sanctuary. We want to make it, you know, more  
17 | complete to protect -- we want no fishing permitted in here.

18 | And boom, a public hearing, you go through it. You  
19 | know how we are outnumbered. The next thing, we have got a  
20 | fishery that is a million and a half pounds of blue catfish  
21 | that they are catching, which is an invasive species. And our  
22 | fishery is out of business because the way the salinity is,  
23 | that is where the majority of those fish hang out from there  
24 | and up that river further.

25 | MR. RICE: Well, actually if you went to the larger

1 part, I guess it was C? That would pretty much encompass the  
2 whole entire area that they catch blue catfish in.

3 MR. GILMER: So we have until 3/31 to put our  
4 comment in on this?

5 MR. RICE: Yes, but I think as far as this group is  
6 concerned, that it would behoove us to come up with something  
7 today because we won't meet again before then.

8 MR. GILMER: But can we propose -- and I am not  
9 making a proposal right now. I am just saying. We propose  
10 that we will have our comment in by then and maybe get two or  
11 three of us together to write our proposal on that? You know,  
12 right now, we will, as far as I am concerned, we should vote  
13 here to, you know, right now say that we are against what we  
14 see here and we will come in with our comment publicly written  
15 by this date.

16 MR. RICE: Maybe a possibility might be, and help me  
17 if I get off base, if we could have a subcommittee of this  
18 group draft a letter and then circulate it to the entire  
19 membership to vote it up again.

20 MR. GILMER: That is what I am thinking.

21 MS. CHOI: So can I just ask a question? I  
22 understand the concern is not necessarily with the regulations  
23 that we have proposed here but what might happen down the road  
24 once the --

25 MR. BROWN: Well, one of the things that happened

1 here is we heard earlier that you proposed Mallow's Bay, which  
2 is that little bay in there. It isn't very big, you know,  
3 where you got those ships. Not that whole section, just the  
4 bay itself.

5 MS. CHOI: This was always the --

6 MR. BROWN: Well anyhow, the way it was to the  
7 Potomac River Fisheries Commission, the way I understand  
8 it -- you can correct me if I am wrong, Billy -- we didn't  
9 know that they were coming out into the river with these large  
10 amounts like that when they first came in.

11 And our executive director, he didn't hear a whole  
12 lot about it. He was hearing a little bit. Now all of a  
13 sudden we have got 52 square miles that we are looking at,  
14 possibly 100. We don't need this in our fishery. We don't  
15 need it.

16 You will have -- there is nothing stopping you from  
17 looking at all these sites, doing whatever you want to do with  
18 any of these site on sunken ships that are into the river.  
19 There is nothing stopping the tourism from coming down to the  
20 place by water or by land. And you are talking about coming  
21 all the way down to Nanjemoy on this lower half.

22 If you come down to that with the 52 square miles  
23 that you are taking, there is nothing stopping anybody from  
24 going in and enjoying the river, doing whatever they want to  
25 now.

1 MS. CHOI: I understand. The sanctuary, as we said  
2 again, is all about the historic and cultural resources. The  
3 environmental impact statement found that there were no  
4 adverse effects to commercial or recreational fishery.

5 This sanctuary could not be changed except through a  
6 very extensive, multiyear public process similar to what we  
7 are doing now. If there is any way that we could make you  
8 feel more comfortable with that. I mean, as DNR, we obviously  
9 are not looking to federalize any of our authorities. We  
10 would not be in support of this if that were the case.

11 So if there is something that would make you feel  
12 more comfortable. We have the memorandum of understanding  
13 that we are looking to develop with NOAA. And I understand  
14 what you are saying about things can change but I am not sure  
15 how to alleviate that concern.

16 MR. WILSON: What is the positive side for the  
17 watermen on this?

18 MS. CHOI: So when we talk about -- so increasing  
19 public access but we also want to increase --

20 MR. WILSON: No, for us.

21 MS. CHOI: Right.

22 MR. WILSON: Is there any positive side for us? Do  
23 we get anything extra out of this?

24 MS. CHOI: So we are looking to do things. For  
25 instance, the waterman's heritage tours, possibly having

1 additional trainings, having opportunities for folks to be  
2 involved with the sanctuary that way.

3 I mean, right now we are not --

4 MR. WILSON: Is there any economic value for us out  
5 of it?

6 MR. CHOI: So that economic value that would come to  
7 Charles County potentially.

8 MR. WILSON: For the county but our resources itself  
9 probably nothing? In other words, we don't see any upside.  
10 All we see is downside.

11 MS. CHOI: As I said, we are right now looking at  
12 additional water-quality monitoring stations out there. Do  
13 you use the water-quality monitoring stations' data?

14 MR. WILSON: I think we get a lot of them now.

15 MR. RICE: Troy and then Moochie.

16 MR. WILKINS: I guess I wasn't here when you all did  
17 this before but you wrote a letter to support it. What made  
18 you -- what made this body support it, and now I am kind of  
19 feeling that nobody is in favor of it now.

20 MR. GILMER: And then my question, I am going to put  
21 it over Troy's, I thought when we first talked about this, we  
22 were just talking about a shoreline.

23 MR. WILSON: I was sitting on a committee.

24 MR. GILMER: Yes, we were sitting on a committee,  
25 and what was presented to us was a shoreline of not over two



1 or three feet of water, that is what we talked about.

2 MR. WILSON: Yes, it came out just a very short way.  
3 They never said it came all the across the bay.

4 MR. GILMER: It never went all the way across the  
5 river or anything. You know, it was -- and we had talked to  
6 Billy and a couple others ones and said, you know, in here  
7 where the boats were, there wasn't much activity. And that  
8 was our reason for supporting it. We never saw a map where it  
9 went all the way across the river.

10 MR. RICE: Well, a map didn't exist then.

11 MR. WILSON: Exactly.

12 MR. GILMER: A lot has changed since we agreed to  
13 that.

14 MR. JEFFRIES: If we feel more comfortable, I would  
15 be, with just whacking C and D off the list when we write this  
16 letter. B would only be a possibility. 18 square miles.  
17 Never 100 or 52. Instead of writing three different letters,  
18 why don't we just go ahead and vote on option D and C being  
19 eliminated right now and then you can reduce B to whatever  
20 suits everybody.

21 **MOTION**

22 MR. JEFFRIES: I would definitely make a motion to  
23 eliminate C and D.

24 MR. GILMORE: I would second that.

25 MR. RICE: Okay, do we have further discussion on

1 the motion?

2 MR. BROWN: Yes, Billy. I think we need to at least  
3 do a little bit more than that because we don't want it going  
4 all the way across that river.

5 When we first talked about this, just like Moochie  
6 said a minute ago, they were talking about just coming off the  
7 shore a little bit. And now here we are, they are going all  
8 the way across the river. And that is not necessary.

9 MR. JEFFRIES: I was just trying to knock it down to  
10 at least --

11 MR. BROWN: I understand and I appreciate it.

12 MR. LAY: Are there any historic sites on the other  
13 side of the river?

14 MS. LANGLEY: Yes.

15 MR. LAY: In the area that is colored in red there?

16 MS. LANGLEY: In B, yes, there are quite a few. It  
17 is missing two of the World War I wrecks farther south. And  
18 it may be missing -- the Civil War wreck is very near the  
19 upper boundary, and that is a Navy wreck and it would be  
20 managed by the feds regardless at this point because we just  
21 identified it as being definitely theirs.

22 The majority though come across near Widewater. We  
23 thought there were 9. 12 vessels have been identified, and  
24 another one just south of that just above the bottom end of  
25 the red.

1           So there is -- in addition to what is in the bay  
2 itself, there are also several outside the bay and down into  
3 the next --- . Below that is another Civil War boat.

4           And probably a few straggling up and down outside of  
5 the bay itself. To my knowledge -- I wasn't here for the  
6 initial presentation to you but I know that as far as I was  
7 concerned, the proposal was always the footprint of the  
8 historic district to start with. If something else was given  
9 to you, then it was either not very clear, I guess.

10           But yes, there are vessels all the way across. And  
11 Quantico is aware of a couple off of their shore. They came  
12 to us actually and said they wanted to be involved because  
13 they built some of them so they are very up on this. They  
14 want to use it in their museum program.

15           MR. RICE: The ones on the Virginia shore, are they  
16 in somewhat shallow water?

17           MS. LANGLEY: Very shallow. It is well-marked  
18 because they are exposed at low tide. I think most of you are  
19 probably well-aware of them because you don't want to damage  
20 your gear.

21           I mean, I have got some of the guys stand on them  
22 and do some of the documenting when they are exposed. Local  
23 landowners come out and chip in their information.

24           MS. SINDORF: Billy, how wide is the Potomac from  
25 shore to shore there?

1 MR. RICE: Probably about -- help me, Robert T.  
2 About three miles, maybe?

3 MR. BROWN: I would say close to it anyhow.  
4 Somewhere in that area.

5 MR. RICE: That is why they call it Widewater  
6 because once you get up that far it kind of --

7 MR. BROWN: Widens up.

8 MS. SINDORF: So they are scattered all through  
9 the --- or just through the shoals?

10 MR. BROWN: In the shoals.

11 MS. LANGLEY: They don't get in the channels.

12 MR. GILMORE: I am pretty sure we never saw this map  
13 in our original proposal.

14 MR. RICE: Not when we originally talked about it.

15 MR. GILMORE: Not when we wrote this. It was  
16 actually just -- the Virginia side was never even mentioned.  
17 It was all on the Charles County side.

18 MS. CHOI: It is on Maryland state waters.

19 MR. GILMORE: No, I am talking about there was no  
20 mention of the Virginia land on the Virginia side of the  
21 river. I know it is all Maryland's waters but there was never  
22 no mention of anything on the Virginia side.

23 MS. CHOI: Well, this is what was in the original  
24 nomination. It is online if anyone wants to go back and look  
25 at the original nomination.

1           MR. RICE: Well, I think how we kind of like  
2 originally received it was as Potomac River folks we weren't  
3 that concerned because we felt it was contained within  
4 Maryland waters. That is something that is unique to our  
5 area, where we have small creeks, coves and stuff that are  
6 bounded by markers that separate the main stem of the Potomac  
7 from Maryland shoal water.

8           So that is kind of probably why we started here at  
9 TFAC. And now we have the sunken vessels that are on the  
10 Virginia side. So quite simply the easiest thing is to draw a  
11 line all the way across the river but quite simply the less  
12 controversial thing would be contain a small barrier around  
13 those artifacts and not comprise as much of the water that  
14 is --

15           You know, I understand the sincerity of where you  
16 are coming from but there is a certain fear of the -- always  
17 fear the unknown, and I think that is where folks like Russell  
18 and Robert T. are coming from as well as everybody else.

19           But we do have a motion on the floor to do away with  
20 our support on the other two alternatives. And then we could  
21 work on this one. So at this particular time, I would like  
22 everybody in favor of the motion to signify, if they are in  
23 favor, to say aye.

24           MR. BROWN: One point of clarification.

25           MR. RICE: Okay.

1           MR. BROWN: Okay, now, this motion is just to  
2 eliminate --

3           MR. RICE: This motion is not to support B. It is  
4 to eliminate the support of C and D.

5           MR. BROWN: Okay, I just wanted to make sure we all  
6 had the right --

7           MR. RICE: Okay. All right. Once again, all those  
8 in favor, say aye.

9           (Chorus of "aye.")

10          MR. RICE: All those opposed?

11          (No response)

12          MR. RICE: All those who abstain? One abstention.  
13 And everybody else is in favor so the motion passes.

14          MR. LAY: Billy, I have one question. Hey, Dave,  
15 your group met a couple days ago. Did you have a discussion  
16 on this, and what was the feeling at your group?

17          MR. SIKORSKI: We voted with an abstention, which  
18 was Rachel's, but otherwise unanimously in support of option  
19 C. And that is the larger one, which was the one supported by  
20 the majority of the public comment.

21                 And a couple of our commissioners mentioned that  
22 they did have groups reach out to them. One of our  
23 commissioners, Roger Trageser, is a representative of the  
24 Maryland Bass Nation. That is one of the partners that was  
25 listed earlier.

1 I don't think -- and I think I mentioned on Tuesday  
2 at our meeting, looking at this old letter, which strangely  
3 does not have a date on it, but as you said, it is from 2014.

4 MR. RICE: Dave helped us out. It is in 2014.

5 MR. SIKORSKI: Yes, and I will say that after  
6 hearing this conversation, before we move forward, I am going  
7 to go back and read some of the previous materials we were  
8 given and our transcripts from the 2014 meeting when this  
9 occurred because I can understand the concern here.

10 Our sport fish commission did vote unanimously to  
11 support this option and I did personally mention on Tuesday  
12 that this first letter does say we support but with a caveat  
13 that it does not impact current commercial or recreational  
14 fishing activities.

15 And so that is, I think, the spirit of our support  
16 moving forward, that it does not impact current commercial or  
17 recreational fishing activities. And that is where our  
18 support lies, as long as it does not impact it. And obviously  
19 our experience with sanctuaries and such is way different than  
20 yours, and I understand that word a tough word, especially  
21 dealing with oyster things going on and whatnot.

22 But I don't, I don't see where it is -- anything can  
23 happen, yes, but from things that we know might happen, we  
24 don't really necessarily see a lot threats at this point. I  
25 completely understand where you guys are coming from. I get

1 it.

2 MR. DIZE: Can I ask a question, Bill?

3 MR. RICE: Yes.

4 MR. DIZE: When you -- do you draw a line from point  
5 to point to say that is Charles County or what is Potomac  
6 River? What would come under Potomac River commission, what  
7 would come under DNR? For instance, Mallows Bay. Does it  
8 have a line that goes from point to point?

9 MR. RICE: Oh, yes, yes. Definitely.

10 MR. DIZE: So when you were discussing it -- I never  
11 have heard the discussion on this. So when you were  
12 discussing this, was it in Charles County?

13 MR. RICE: Originally that was what our thought  
14 basically was.

15 MR. DIZE: Well, that would be a line from point to  
16 point. Any of those --

17 MR. RICE: Well, wait a minute. It depends on how  
18 you want to consider it. Charles County goes all the way to  
19 the mean low water mark on the Virginia shore.

20 MR. DIZE: Okay.

21 MR. RICE: That is why there is a restaurant in  
22 Colonial Beach that is built out over the water that sells  
23 Maryland lottery tickets where the slot machines and stuff  
24 right back there.

25 And if somebody got disorderly, they had to call the



1 Charles County Sheriff's Department to come across the Potomac  
2 River bridge and take care of business. We live in a funny  
3 little world down there.

4 (Laughter)

5 MR. DIZE: That is totally different from Maryland,  
6 where a point to point delineates a county from my county.

7 MR. RICE: What you have to realize is the county  
8 part is quite simple but when you get into the jurisdictional  
9 boundaries of PRFC, that is where it gets a little bit  
10 unsimple.

11 For whatever reason, and don't ask me this question  
12 because I can't answer it, when they put the jurisdictional  
13 markers in the Potomac River, the jurisdictional markers on  
14 the Maryland side were marked by points of land.

15 When they put them in on the Virginia side, they  
16 used the lats and longs. So now through time, the Potomac  
17 River, for all intents and purposes, until it has been tested,  
18 has gotten bigger on the Maryland side.

19 On the Virginia side, quite simply the markers are  
20 now out in what looks like the river in places because of  
21 erosion and so on and so forth because we actually had a  
22 situation in --- Bay where due to the lines moving, so to  
23 speak, an oyster bar moved from Maryland out into the Potomac  
24 somewhat or part of it.

25 MR. BROWN: Part of it did, yes.

1           MR. RICE: So that is the funny thing. Most likely,  
2 I could give you an educated guess where the PRFC markers are  
3 probably up there. I don't have the exact math but it would  
4 go from a point and cut off those little indentations of water  
5 right there.

6           So now we need to make decision on how we intend to  
7 move forward from here.

8           MR. BLAZER: If I can make a recommendation, maybe  
9 just building off of what Moochie had described before, that  
10 maybe a couple folks get together and put together a letter  
11 listing your concerns. Share it with the rest of the  
12 committee, and once you all agree to that -- we can do that  
13 via e-mail -- then we can send that off as a comment.

14          MR. RICE: We probably would like four members to  
15 work on it.

16          MR. LAY: How do you know what the letter is going  
17 to say if we don't vote on something.

18          MR. RICE: We will.

19          MR. LAY: We will after we read the letter?

20          MR. RICE: We have done this before, Steve, where we  
21 need to write a letter stating our position on something. And  
22 we will a get a committee to sit down -- and in some cases we  
23 got a committee of one to write the letter. And once the  
24 letter is written, everybody has an opportunity to read it,  
25 and if there is something they don't agree with, we can talk

1 about that.

2 But as long as everybody is in agreement, we all  
3 basically sign off on it and then the letter is forwarded.  
4 You don't like that idea.

5 MR. LAY: I don't see how you can write if you don't  
6 know what you are supporting and what you are opposing, as a  
7 group.

8 MR. RICE: I think that the conversation around the  
9 table will be taken into consideration by the people on this  
10 committee in their drafting of the letter. And then what they  
11 come up with as an end product will be given to us.

12 MR. LAY: Because I know there are some people in  
13 this room that don't want anything done and there are others  
14 who might say a small area would be okay.

15 MR. RICE: Well, that is why we are going to have a  
16 committee of various trains of thought.

17 MR. LAY: Who determines which one of those we go  
18 with?

19 MR. RICE: We do.

20 MR. BROWN: You will have a say in it.

21 MR. RICE: Right, everybody does. The whole  
22 committee.

23 MS. SINDORF: In the end. I mean, if there is one  
24 person who feels completely differently, he will be outvoted  
25 in that sense.

1 MR. RICE: Rachel, you have got a comment?

2 MS. DEAN: I was afraid to raise my hand because I  
3 don't want anyone to put me on a committee.

4 (Laughter)

5 MS. DEAN: Can we, whoever is on that committee, make  
6 sure we express our interest in seeing any draft agreements or  
7 anything that is drawn up in the future. So not just comment  
8 on which proposal or none that we support but also express our  
9 interest in making sure that we see those drafts. Did that  
10 make sense?

11 MR. BLAZER: You can always request.

12 MR. RICE: We only have until March 31 to make  
13 public comment.

14 MS. DEAN: After they are done it will go to  
15 agreement. She said that they create --

16 MS. CHOI: A memorandum of understanding.

17 MS. DEAN: The memorandum of understanding, yes.

18 MR. RICE: I mean, this document is like, what, 400  
19 some pages?

20 MS. CHOI: Yes.

21 MS. DEAN: The memorandum of understanding?

22 MS. CHOI: That right now looks like that will be  
23 developed after designation.

24 MS. DEAN: That is what I want to be in --

25 MS. CHOI: And I didn't mention to you, every

1 sanctuary, upon designation, has a sanctuary advisory council,  
2 similar to the council here. So there is always at least one  
3 to two fishing seats on those councils as well. So there is  
4 continual input that can be provided.

5 MR. RICE: So do we have consensus around the table  
6 that this is the way we are going? Dave?

7 MR. BLAZER: I just want to add, I think really to  
8 address Steve's concern about what issues need to be included  
9 in the letter --

10 MR. RICE: Yes.

11 MR. BLAZER: I have just quickly drafted, put  
12 together a really quick list. You guys can add or delete,  
13 however you want. The request for any draft agreements. We  
14 can elaborate on that. The unintended consequences. Future  
15 impacts or future management of this area. Commercial fishing  
16 impacts, you know, that we have talked about.

17 The size of the area was also an issue, was brought  
18 up. And then I kind of grabbed the last one about being  
19 engaged in the advisory council if one is set up. So those, I  
20 think, are the five things, and you guys can elaborate on the  
21 writing of those but were there any other issues we wanted to  
22 put in that letter?

23 MR. LAY: Is it within our requesting ability to say  
24 that once -- say something is approved, that no change can be  
25 made for X number of years, 10 years, 20 years, 30 years? Is

1 that --

2 MR. BLAZER: I think that is reasonable to ask for.  
3 I think it is worth putting in so I wrote that down.

4 And I think back to Kelly's point, there is a  
5 process, and to make sure that process includes you all or  
6 representatives from the commercial fishing industry if there  
7 are any changes ever proposed.

8 MR. RICE: Maybe we have already got this covered.  
9 I am trying to think of how to say it but is there a way to  
10 say in our letter that we support the preservation of the  
11 artifacts but at no time shall any group, including NOAA, have  
12 the ability to supersede the regulatory authority of the state  
13 of Maryland, the commonwealth of Virginia or the Potomac River  
14 Fisheries Commission in managing the natural resources of the  
15 waterway.

16 MR. BLAZER: Can you say that again? I am writing  
17 as fast as I can.

18 MS. SINDORF: I think you just wrote the letter.  
19 That was good, Billy.

20 MR. RICE: I couldn't spell any of it but I can say  
21 it.

22 MR. BLAZER: We have a transcript so we will pull  
23 that out. So we have got a list. We can share that with the  
24 subcommittee to write the letter.

25 MR. RICE: Dave?

1 MR. SIKORSKI: Did you have another comment?

2 MS. CHOI: I was just going to say, if anybody does  
3 want to take a look as well, there are sanctuaries across the  
4 U.S. that are also only focused on the maritime heritage. We  
5 are looking at Thunder Bay up in Michigan, and they have been  
6 around for over 10 years now. So --- monitor up in North  
7 Carolina.

8 So if you want to take a look at their management  
9 plans and what has been going on there, that can give you an  
10 idea of what we intend here. And they do not regulate  
11 fishing, either recreational or commercial, neither of those  
12 areas.

13 MR. SIKORSKI: What I was going to say is I think,  
14 Billy, exactly what you said is exactly what I think the  
15 intent of the sport fish commission is as well. So I don't  
16 think we are very far apart here.

17 MR. RICE: No, I would say not.

18 MR. SIKORSKI: And I think it follows the intent of  
19 our original letter as well. The only major difference I see  
20 is that we supported this one, C, instead of B. And we don't  
21 have to do the same thing in the end. It doesn't matter. I  
22 just wanted to throw that out there because the words you just  
23 shared were perfect.

24 MR. RICE: All right, should I appoint four people  
25 or should we have four volunteers? Russell?

1           MR. DIZE: Before you do, I think you and Robert T.  
2 live there. It is in your backyard. You know what is going  
3 on. I think you should be two of them.

4           MR. GILMER: Gail, you want to do the writing?

5           MS. SINDORF: Sure.

6           MR. RICE: You be the stenographer.

7           MS. SINDORF: You just wrote it for me. I am good.  
8 That is it. I am done.

9           MR. RICE: And how about one more brave soul? Okay,  
10 Rachel is looking at the ceiling.

11          MR. GILMER: I mean, I will get in. I mean, we can  
12 do it over the phone or whatever but I have no problem with  
13 this.

14          MR. RICE: And Dave, can you be involved?

15          MR. BLAZER: I will help, yes.

16          MR. RICE: That would be a good thing. So we have  
17 got Gail, Robert T., Moochie, myself and Dave. So we will  
18 craft another letter -- and this doesn't mean that we are  
19 reneging on what we said back in 2014. We were fine with what  
20 we said in 2014 with the information we had. Now we want to  
21 comment on the information that we have at the present time.

22                 Okay, thank you very much.

23          MS. SINDORF: I just want to say one more quick  
24 thing. I think we could probably actually be in agreement on  
25 this when we are done. I think our letters will probably be



1 overlapped with sports fish in a sense. Besides size, I mean,  
2 the core would be the same.

3 MR. SIKORSKI: I have a question then. I have  
4 listened and heard what you all said but if you are going to  
5 write a letter of conditional support for the 18 how is that  
6 different from the 52 if it is conditional? I am just  
7 wondering. I understand smaller is better if there is no  
8 authority to take away -- if the feds aren't going to come in  
9 and take away DNR's authority to allow legal fisheries, then  
10 what is the difference?

11 MR. RICE: I think the difference would be, you  
12 know, what is easier to do if you have got a hole in a fence,  
13 keep one cow in or 20?

14 MS. SINDORF: And there is also -- you said about  
15 artifacts and where they are located. I mean, that is a big  
16 stretch. There are no artifacts in most of that region. Is  
17 that right?

18 MR. RICE: Most of the artifacts would be contained  
19 on the shorelines and in the bays, which would be --

20 MS. SINDORF: The original, right. The original.

21 MR. RICE: So basically if the ships stuck with  
22 where the ships are, the commercial fishing is very limited  
23 exactly where the ships are. The problem comes in when you  
24 put that red overlay on top of our fixed fishing location map  
25 at PRFC. That is where everybody gets a little antsy.

1 All right, are we good to move forward now?

2 (No response)

3 MR. RICE: Okay, well, thank you. That was  
4 constructive. Carrie, can you give us the commercial harvest  
5 reporting rates?

6 ***Commercial Harvest Reporting Rates***

7 ***by Carrie Kennedy, MD DNR Fishing and Boating Services***

8 MS. KENNEDY: So I think most of you know me. I am  
9 Carrie Kennedy. I am our data and quota monitoring program  
10 manager in Fishing and Boating Services, so everything that  
11 falls under permits and commercial reporting falls in my shop.

12 So I was asked to give you guys an update on the  
13 commercial reporting rates as they have been reported to us  
14 over the course of this year. I think you all have this  
15 handout. You can see that reporting rates aren't so great  
16 right now.

17 Crab reports are okay but -- and I only presented  
18 you with this year's reports but since 2013 these reporting  
19 rates have been going down. It has been a steady downward  
20 trend.

21 And there is a reason for that I think. You may  
22 remember in 2012 we started points and penalty system where  
23 people were getting suspended and revoked for failing to  
24 report but over the course of the years the department  
25 determined that we couldn't prove that reports weren't being

1 mailed in or faxed in or not getting lost in the mail or  
2 ending up on the wrong person's desk.

3           So as this point, since we can't prove that you  
4 didn't provide it to us, we have no way to penalize you and so  
5 at this point what that means is that three years into not  
6 having a way to hold people accountable for their paper  
7 reports, harvest reporting has gone down.

8           You can see the average numbers for finfish crab  
9 charter, oysters, clams -- they are all down. What this means  
10 for you guys is that we have a good handle on what is being  
11 harvested, and that could impact your bottom line for species  
12 where there are quotas that are monitored and managed, it  
13 means we either have to close a fishery early because we don't  
14 have the appropriate data, and then you guys lose this year.

15           It might mean we have to close a fishery past when  
16 you have harvested the quota and there are paybacks next year.  
17 Either way, it is not such a good impact for you guys.

18           And Rachel -- you know, I brought this up at the  
19 sport fish meeting on Tuesday, and Rachel made a really good  
20 point. There is a lot of paperwork. She had giant stack of  
21 all the paperwork that people have to do. I know we have  
22 presented a poster before where we attached all the different  
23 forms of paper, and that is a really good point.

24           We could -- we can absolutely take this opportunity  
25 to spend some time and evaluate the number of reports and the

1 volume of reports that are required in order to get the  
2 information we need. At the same time though, I am asking you  
3 guys to talk to some of your folks and ensure that they are  
4 sending in their reports because it is really important to us.  
5 Yes, Russ?

6 *Questions and Answers*

7 MR. DIZE: He was before me.

8 MR. RICE: Ken?

9 MR. JEFFRIES: When are we going to narrow down the  
10 options on reporting? We have SAFIS, we have the FACTS system  
11 and the paper reports. And it is too confusing. It is  
12 impossible to get on some of them.

13 I mean, I don't have a problem with it but when you  
14 have three options, it is just too much.

15 MS. KENNEDY: You want fewer options.

16 MR. JEFFRIES: It has got to be fewer options  
17 because you can't coach anybody through it when there are  
18 three different options.

19 MS. KENNEDY: Okay.

20 MR. JEFFRIES: I mean, I went to college on the West  
21 Coast. I am lucky to do simple math.

22 (Laughter)

23 MR. JEFFRIES: I don't care which ones we eliminate  
24 as long as we eliminate some of them.

25 MS. KENNEDY: Okay.

1           MR. JEFFRIES: And to have one or two people we  
2 could talk to. I brought it up at the last meeting that we  
3 had three new guys in our charter boat association that just  
4 bought their businesses last year. And they have called  
5 trying to get registered on a reporting system and they can't,  
6 and haven't reported.

7           MS. KENNEDY: Okay, so any time anybody has trouble  
8 contacting anyone, just call me. If you try and you are  
9 just -- for whatever reason it is just not working out --

10          MR. JEFFRIES: You are not going to get moved in two  
11 months like others?

12          MS. KENNEDY: No. It is -- okay. So good point.

13          MR. JEFFRIES: I see you are going to be off soon.

14                 (Laughter)

15          MS. KENNEDY: Fair point that I might not be here  
16 for a few weeks but by and large, beyond that period of time,  
17 anytime that you have trouble getting hold of someone for  
18 reporting, just call me.

19                 Outside of that, and I will leave phone numbers and  
20 contact information.

21          MR. JEFFRIES: I sent a couple of them down to the  
22 FAST booth down at that --- but I don't know how that --

23          MR. RICE: Russell?

24          MR. DIZE: Okay, you had like -- you said you had  
25 some three years?

1 MS. KENNEDY: Yes.

2 MR. DIZE: Why not don't issue a permit the next  
3 year?

4 MS. KENNEDY: We don't have the authority to do  
5 that.

6 MR. GILMER: The law won't let them do it.

7 MR. LUISI: These aren't just permits either. This  
8 is all reporting -- finfish reports, crab reports, oyster  
9 reports, all that stuff. It is not specific to like a striped  
10 bass permit.

11 MR. BLAZER: I just wanted to add a couple things  
12 here, add on to Carrie. We just wanted to bring this to your  
13 attention today because we talked a little bit about this at  
14 sport fish, focused on the charter side. And Rachel gave a  
15 great visual aid of all the different reports and so forth.

16 Ken, you brought up a good point. Is there a way to  
17 simplify what we are doing? One of the things we have talked  
18 about internally is, you know, how can we simplify it? How  
19 can we make it more user friendly to try to get better  
20 reporting rates?

21 So we are going to be looking at that over this  
22 winter. And we will come back to you all later with some  
23 ideas and some plans but we just wanted to get this out on the  
24 table and have a conversation and hear thoughts and ideas on  
25 how we can improve this because from a fisheries management

1 | viewpoint, this is not doing us any good.

2 |           Whether it is quota based management or it is catch  
3 | reporting and how it fits in with ASMFC, or with stock  
4 | assessments, poor data is poor data. And if we don't have  
5 | data, that is not good.

6 |           So, you know, for us to be able to hopefully do a  
7 | better job of being able to manage some of these species, we  
8 | have got to have good, trustworthy data.

9 |           So we just wanted to bring that up today, hear some  
10 | of your ideas and thoughts, and we will take that back and  
11 | kind of look and see if we can develop some ideas and work  
12 | plan to move forward with.

13 |           MR. JEFFRIES: Some of it is double reporting too,  
14 | Dave. Like if you sell rockfish to, let's use United  
15 | Shellfish. When you do -- if I sell it, I put my number on  
16 | there, allocation number and send the reporting in. And then  
17 | he has got to do the same things so you are getting two  
18 | reports on one catch.

19 |           MR. BLAZER: Yes, but we also --

20 |           MR. RICE: It is a difference between a buyer and a  
21 | catcher.

22 |           MR. BLAZER: We also use that to kind of verify, you  
23 | know, what we are getting so it is kind of a double-check  
24 | within the system, which we kind of have to have --

25 |           MS. KENNEDY: But there are places for sure -- you

1 are right. There are places where we have double reporting,  
2 where you have to put on your yellow perch permit card how  
3 many yellow perch you caught. And you have to put it on your  
4 finfish report and you have to -- yes, there are places where  
5 we have duplicative reporting, that is right.

6 MR. RICE: Okay, well Dave, do you have any more to  
7 enlighten us on that?

8 MR. BLAZER: No.

9 MR. RICE: No further questions? Troy?

10 MR. WILKINS: Yes, Carrie, what you are saying is  
11 you don't have any authority -- that if people don't turn in  
12 their paperwork, there is nothing you can do?

13 MS. KENNEDY: We cannot prove that somebody has not  
14 faxed in their paper and it didn't end up on the wrong desk.  
15 And we cannot prove that someone didn't put it in the mail to  
16 us and just never got to us.

17 MR. WILKINS: I mean, it is funny that -- just take  
18 the finfish. You have got 50 to 70 percent of the people can  
19 do it and the others can't, and what we are doing at the eel  
20 workshop could be penalized because of the 20 to 40 percent,  
21 whatever, who don't do their paperwork or comes up with an  
22 excuse.

23 MS. KENNEDY: Yes, there are real impacts.

24 MR. WILKINS: Honestly, it is not fair to the people  
25 who play by the rules who are going to be affected by the



1 people who don't. There should be something that -- the  
2 department should have some kind of authority to step in and  
3 do something.

4 MR. RICE: Well, your system is only as good as the  
5 deterrent to make you abide by it.

6 MR. WILKINS: That was one of our big questions at  
7 the eel workshop, is, you know, we are working on a quota that  
8 we don't if the paperwork is right or not on it, and they  
9 don't know so who knows?

10 I mean, is our problem -- I mean are we catching too  
11 many? Are we no catching enough? You know, when you put  
12 those numbers up there, that is pretty obvious that somebody  
13 doesn't know what is going on.

14 MR. RICE: Well, when you look at Maryland, you are  
15 looking at a large number of people but where we work at on  
16 the Potomac, we have excellent reporting. I think Robert T.  
17 will back me up on that.

18 MR. BROWN: Oh, yes.

19 MR. RICE: But our system is, if you don't send your  
20 report in, you get a yellow postcard that tells you, you  
21 didn't send your report in. You don't send it in, you get  
22 another yellow postcard. That one has got red ink on it. The  
23 third thing you get is a registered letter telling you, you  
24 must appear before the commission.

25 MR. WILKIN: Makes sense.

1 MR. RICE: And if you don't appear, the standard  
2 procedure is, if a person comes in and has a logical reason,  
3 and a lot of them do, why they didn't get their reports in, no  
4 problem. The standard procedure is you get a year's probation  
5 and you have got to send your report in.

6 If it is habitual --

7 MR. GILMER: But it never gets past the month,  
8 correct?

9 MR. RICE: No, it can probably -- it would take  
10 about two or three months to get through the whole process.

11 MR. GILMER: Okay.

12 MR. RICE: But the ending result is, if you don't  
13 come in for your hearing, your license is immediately  
14 suspended.

15 MR. WILKINS: Makes sense. I mean, you look at  
16 something like that oyster reporting in December. I mean, you  
17 have got half the people reporting. That is pretty sad to me.

18 MS. DEAN: They are still coming in.

19 MR. WILKINS: Probably so.

20 MS. DEAN: They are still coming in.

21 MR. BLAZER: There is a lag time.

22 MR. RICE: Right, absolutely.

23 MR. WILKINS: Well, 60 percent --

24 MR. RICE: Rachel, you have got your card up?

25 MS. DEAN: I was just going to say I am not in favor

1 of a hail in/ hail out system. I have been I guess you could  
2 say pushing back against that from the start.

3 I would be in favor of something that dropped that  
4 hail in/hail out system so that I could electronically report.  
5 With that being said, just to run through it, a crab day, I am  
6 leaving, I have to hail out, whichever it is.

7 I am coming back in, I am going to let you know I am  
8 coming back in, but I can't tell you how many peelers I have  
9 because I am not really sure yet and there is no way I am  
10 handling them again. So that is three times in. It seems a  
11 little bit redundant.

12 And I am not really sure if we are trying to get the  
13 data or if we are trying to do something with law enforcement  
14 here. And I wholeheartedly support the data and I am not  
15 against law enforcement. I am in favor but that is one set of  
16 reporting. Now I go to a paper log to report oyster harvest,  
17 which is a whole 'nother program. I would really like to see  
18 something that does not require me to hail in/hail out, that I  
19 can say, I went today, this is what I went after and this is  
20 what I caught.

21 And I think some of our data -- maybe this is a  
22 discussion that we can have -- is a little bit cumbersome. I  
23 am not quite sure how it is used. Maybe this is something  
24 that Brenda could enlighten me on. Why do we need to know how  
25 many number ones, how many number twos? Why not how many

1 | males?

2 |           I understand we need to know how many females. It  
3 | might help us there but I just feel like some of it again is  
4 | redundant. I agree with Ken. I heard his example with the  
5 | rockfish and it is true.

6 |           But right now we seem to have such a hodgepodge of  
7 | the different reporting for different fisheries. And I guess  
8 | I would appreciate something, some type of reporting system,  
9 | that understands the nature of a TFL better.

10 |           MS. VINCENT: That was actually exactly what I was  
11 | going to bring up. There are a lot of people in my area in  
12 | particular who are interested in electronic reporting and  
13 | would be willing to report more accurately, more frequently,  
14 | faster.

15 |           So if the department's focus is in fact the data, I  
16 | think there would be an easier way to accomplish that goal and  
17 | that would be providing an electronic reporting resource that  
18 | doesn't include hail in and hail out.

19 |           If that one particular element is eliminated, I  
20 | think even if it was just a test run for a year or two to see  
21 | what kind of response rate you would get, I think it would be  
22 | a much better, easier to accept program.

23 |           And we have been talking about this in the Blue Crab  
24 | Committee for a year. If we could just eliminate hail in and  
25 | hail out -- I can think of at least 20 people who would switch

1 immediately, and you would have a daily report -- they would  
2 text you a daily report of exactly what was harvested. Your  
3 management decisions could be so much faster.

4 I just -- I don't know where the department stands  
5 on that or how the funding is appropriated but I think that is  
6 a discussion we need to have and maybe something the  
7 department should consider.

8 MR. RICE: Well said. Moochie?

9 MR. GILMER: I have been working with Jody and  
10 Brenda Davis helped me on this. But this is actually a report  
11 that I sent in through -- this is very experimental. It has  
12 only been a month ago but I have done my clam report on my  
13 tablet.

14 Filled in my information. At the end of the month I  
15 sent it to Jody because I didn't know where else to send it.  
16 She got it filed. But every day I get in I put my stuff on my  
17 tablet and then so -- and it through Adobe fill and sign.

18 MS. VINCENT: It is a PDF file, which would be a  
19 logical platform to use.

20 MR. GILMER: I just took a print of the thing and put  
21 it on here and everything. You even have a thing at the  
22 bottom where you sign with your finger where you sign it by  
23 hand and send it in.

24 MS. VINCENT: Yes, and it is a free program.

25 MR. GILMER: Yes, it is. It is a free program.

1 MS. VINCENT: It is free and it is easy to write  
2 files for so it is not tech --

3 MR. GILMER: I think we are coming along with  
4 something that is going to make it easier to do actually a  
5 paper report with a tablet.

6 MR. JEFFRIES: I do it on a smart phone. They don't  
7 even sell flip phones anymore so there is no excuse.

8 (Laughter)

9 MR. GILMER: You can buy them on Ebay. I buy 5 for  
10 \$100 on Ebay.

11 MS. DEAN: The only question I would have is, you  
12 know, that is good for your clam season. How do I do it when  
13 I am crabbing, I am rockfishing, which will always be its own  
14 separate beast, and I am finfishing.

15 MR. GILMER: You just have a sheet for each one.  
16 You just have a sheet for each one that you fill in. I mean,  
17 look --

18 MS. VINCENT: I still think it would be an  
19 improvement over the --

20 MR. GILMER: That is a paper report but you can send  
21 it at the end of the month.

22 MS. VINCENT: Right, and plus it is easy to save and  
23 document that on your side for your records. But it has been  
24 e-mailed and confirmed that it has been delivered.

25 MS. KENNEDY: We have an e-mail address, Moochie,

1 that you can send that to. I will get it for you later.

2 MR. GILMER: The phone -- it is too small on the  
3 phone for me. I just do it on my tablet.

4 MS. DEAN: It doesn't help them on their end though  
5 because they still -- you would have to manually go in and add  
6 or does it work like an Excel spreadsheet?

7 MS. KENNEDY: I think -- so we have an e-mail  
8 address where you can -- if you take your paper report, you  
9 can scan it if you have an app on your phone that is scanning.  
10 But you can actually just e-mail it right from your phone.  
11 You can take a picture. You can take some image of your paper  
12 report and e-mail it to us.

13 MS. DEAN: Yes, but for you to add it up.

14 MS. KENNEDY: We would still have to enter it. He  
15 would still -- we would still print it out and enter it in.

16 MR. RICE: Lee, you have something?

17 MR. WILSON: Yes, I do. This is great, and I think  
18 a lot of your younger people are going to get to be using  
19 this. The electronic is coming but you still have a great  
20 many older fishermen who are still going to do all their  
21 reports, going to do it paper.

22 And the worst thing about the state of Maryland is  
23 for every fishery you have another report. Now I have fished  
24 in both states, and the state of Virginia, you fill out one  
25 report and put all the species per day on the report.

1           Instead of having a clam report, and oyster report,  
2 a fish report, you have got one report.

3           MS. KENNEDY: True.

4           MR. WILSON: And you put what you did that day, what  
5 you fished, you clammed or whatever you -- and most likely you  
6 are not going to do two and three things in one day, but you  
7 put every species. It is a lot simpler report to fill in. I  
8 will send you a copy of one of those reports. You have  
9 probably seen them.

10           MS. KENNEDY: But I understand that in Virginia you  
11 also have to report which dealer you went to, and the dealer  
12 has to report which individuals.

13           MR. WILSON: It depends. You can put retail. If  
14 you sell them and market them yourself, you put retail. Or  
15 you can put down a dealer.

16           MS. KENNEDY: But you have to tell them that  
17 information.

18           MR. WILSON: Yes, you tell them. Right, what  
19 dealer. Right, but like all these people like that put the  
20 crabs in the back of their truck and sell them in different  
21 places, that would be retail. There are no questions asked,  
22 no questions asked. Robert T., I am sure you fill out  
23 Virginia reports.

24           MR. BROWN: Yes and no.

25           (Laughter)



1 MR. WILSON: And they are very strict.

2 MR. BROWN: Let me explain myself. Number one, I  
3 got the Potomac, and that is -- you have got to dot every --  
4 Then I have got a Virginia card. It got my card to get a  
5 license. And I haven't bought a license yet. And the only  
6 reason I got it is in case I go haul seining in Virginia, I  
7 have got to go pick it up.

8 MR. RICE: You can only buy one that is not  
9 restricted or buy one from somebody.

10 MR. BROWN: And now I have already got my -- what is  
11 it? \$600 and some dollars or whatever it is?

12 MR. RICE: \$678.

13 MR. BROWN: I have got that.

14 MR. WILSON: But also Virginia is very -- keeps you  
15 intact more like the Potomac. If you are a month or so late,  
16 they contact you. And then about twice a year we get a letter  
17 in the mail telling us our status. You get on a bad status,  
18 like he said, two times you get a card in the mail, they call  
19 you up before the commission. And you stand up there and  
20 plead your case, and they can suspend or revoke your license  
21 with no questions asked.

22 MR. RICE: Twice a year we get what is called a  
23 reporting history.

24 MR. WILSON: Correct.

25 MR. RICE: And it will have your name and it will go

1 month by month, did you report, how you report and they are  
2 pretty much on top of it.

3 MR. WILSON: They are pretty much on top of it. Now  
4 they might not have as many people as we have in the state of  
5 Maryland but they still have a great many -- and their reports  
6 are so much simpler because you just fill out -- like I said,  
7 I will bring you one of them. They are a simpler report to  
8 fill out.

9 Maryland, good gosh, the postage on them sending the  
10 mail is unbelievable. You know? And they give you an  
11 envelope with self-addressed, all postage paid. No questions  
12 asked. Tape it up, send it in.

13 Like I said, it is simpler. I agree, this is going  
14 to be the way of the future but some of your older fellas, it  
15 is going to be hard to get them to come to this.

16 MR. RICE: Well, Dave says he has got, you know, out  
17 of this discussion what he was hoping to get.

18 MS. KENNEDY: Thank you.

19 MR. RICE: Moving forward, next on the agenda is  
20 Mitch Quillen, a striped bass permit renewal. You would like  
21 to hear from Mitch first and then Mike can come in?

22 MR. BLAZER: Yes, or Mike, do you want to chat first  
23 real quick?

24 MR. RICE: Come up to the chair and state your case.

25

1                                    ***Striped Bass Permit Renewal Case: Mitch Quillen***

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

3                    MR. QUILLEN: It is about my involuntary forfeiture  
4 of my quota for evidently not complying with paperwork. But I  
5 have been around through the whole department and I ended up  
6 back here and they said I could come here for suggestions,  
7 support whatever.

8                    I asked Chris Jones to send me all the notifications  
9 he allegedly sent me. And he did with certified mail that is  
10 not signed by me. It is signed I guess by the postmaster. I  
11 didn't know that was allowed. That kind of defeats the  
12 purpose of certified mail.

13                    So I asked Chris to send me all that a couple weeks  
14 ago. And he sent it certified mail that I didn't sign for  
15 either so I don't know what certified mail means but I really  
16 don't know why -- this is all because I did not declare my  
17 intent. I have had the license 17 years. Complied, paid my  
18 dues.

19                    What difference does it make how I use it? As long  
20 as I pay my money that is really what it is about, and they  
21 are bogged down in paperwork as it is with reporting. What is  
22 my -- I don't know where this all came from but it is what it  
23 is, I guess so I was just asking for any support that I could  
24 get or -- I realize it is gone for this year.

25                    MS. VINCENT: Would it be okay if I look at your

1 paperwork?

2 MR. QUILLEN: Hmm?

3 MS. VINCENT: Would it be okay if I read that?

4 MR. QUILLEN: Yes. I am not sure -- can anybody  
5 explain to me what the declaration, your intent with your  
6 quota, how that helps? I am cloudy on that.

7 *Questions and Answers*

8 MR. RICE: Well, let me ask you this. Did you pay  
9 your striped bass fees but you did not declare what --

10 MR. QUILLEN: I have been paying for 17 years and  
11 declaring it but I don't know how this certified mail is being  
12 signed by -- I mean, I can sign my signature and show you what  
13 they got is not my -- I wouldn't neglect, you know, after 17  
14 years, I know how this quota is sort of cherished now because  
15 it is reduced to nearly nothing.

16 I wouldn't just totally neglect it. But I have been  
17 to the senator and governor's office --- . I have been around  
18 the whole horn and I have landed here.

19 So this is my last line of offense to try to figure  
20 out -- I would just like somebody to explain to me why  
21 declaration of your intent is so important if you pay your  
22 money? You are allowed this many pounds, go get it -- gill  
23 net, hook and line, whatever you want but -- I would like an  
24 explanation to that.

25 MS. DEAN: Did you renew your TFL in August but

1 choose not to declare there?

2 MR. QUILLEN: I don't know how that happened because  
3 usually that is when I do it.

4 MR. JEFFRIES: They take your money, you got to  
5 declare.

6 MS. DEAN: And they have the paperwork there.

7 MR. RICE: Rachel, Mike can probably bring us up to  
8 speed on, you know, the --

9 MR. LUISI: Why don't I take a minute to just frame  
10 this out, put a little timeline to it, give you guys a little  
11 bit of background about kind of what happened and then answer  
12 questions if you have questions about the process.

13 So based on discussions we had with our Striped Bass  
14 Workgroup and the fact that we were in -- we had the  
15 individual transferable quota system, we went forth with  
16 regulations, and it was published in the state register on May  
17 29 that a tidal fish licensee that held a striped bass permit  
18 was required on an annual basis to renew and declare their  
19 intent.

20 So each and every year, a person with a striped bass  
21 permit had to renew that permit. It was a requirement now  
22 outside of the every-other-year process that we had in place  
23 for many years before that.

24 So with that new regulation, the department went  
25 through a rigorous and very robust outreach effort to make

1 sure that information was well-known to the permit holders.  
2 On July 17 of that year, prior to the declaration period,  
3 which begins in August and ends at the end of September, we  
4 sent a letter to all the permit holders notifying them that  
5 they must renew their striped bass permit every year now  
6 starting at this upcoming declaration for the 2016 season.

7           And a letter went out. We assumed that everybody  
8 gets that letter. There was no returned mail. There wasn't  
9 any returned mail from Mr. Quillen. On August 14, two weeks  
10 into the declaration period, we sent another reminder to all  
11 the permit holders making sure that they understood that  
12 failure to declare an intent for the upcoming year was going  
13 to transpire in them losing their striped bass permit because  
14 this was an every year thing now. We did not receive any  
15 returned mail from Mr. Quillen.

16           September 1st, the first day of the second month of  
17 the declaration period, another reminder went out to those  
18 people whom we had not received declarations from yet. No  
19 return mail. So we got toward the end of September, we  
20 started to get a little more serious about the mailings.

21           September 15, we identified all those individuals  
22 who had striped bass permits who had not yet renewed their  
23 permit and we sent them a certified letter. That certified  
24 letter was signed for. And we assumed that Mr. Quillen had  
25 received that letter.

1           As of September 22, the last week of the declaration  
2 period, we identified again those individuals who had not  
3 declared their intent and we sent a last, a final certified  
4 letter and that letter was signed for. It was a certified  
5 letter signed for. We assumed that Mr. Quillen had received  
6 that letter.

7           We lastly right before the end of the month, George  
8 O'Donnell, we gave George a list of all of the individuals who  
9 were still on the list who had failed to declare their intent  
10 up to that point. George called probably 50 or 60 people.  
11 Everyone but just a few made it to the service center to get  
12 their intent declared for.

13           George indicates that he was unable to leave a  
14 message for Mr. Quillen but he did reach out to most of the  
15 people and most of those individuals were able to get to the  
16 service center.

17           The last point of note that I have here is that when  
18 we looked into the Compass system, which is our licensing  
19 system, we determined that Mr. Quillen renewed his commercial  
20 license for the 2016 fishing season, which the renewal begins  
21 in July for the commercial year. He renewed his license on  
22 March 7 of 2016.

23           So it doesn't appear that during the declaration  
24 time period that there was any transaction at the service  
25 center for which -- and this answers your question, Rachel,

1 about renewing your license and maybe failing to remember or  
2 declaring your intent.

3           It appears that the license was not even renewed  
4 until seven months later in March, eight months later in  
5 March. So where we are at this point is that we have a  
6 regulation. Our regulation states that a commercial tidal  
7 fish licensee registered for a striped bass permit to  
8 participate in a commercial striped bass fishery in accordance  
9 with the subsection must declare their intent by September  
10 30th of each year.

11           If someone fails to declare their intent by  
12 September 30th, they may submit an appeal to the Tidal  
13 Fisheries Advisory Commission to be heard at their next  
14 meeting. Their next meeting would be -- the way I look at  
15 that regulation, it would be after September 30th it would be  
16 the October meeting of the tidal fish commission of that same  
17 year, which would have been 2015.

18           An exception to the September 30th deadline will  
19 only be considered by the department if the tidal fish  
20 commission recommends to the department that the individual  
21 has made an appeal under this regulation and be allowed to  
22 register.

23           So where we are right now is that we have this  
24 regulation that we followed to what it states. We went  
25 through the outreach process to make sure that all



1 individuals, including Mr. Quillen, were made aware of the  
2 fact that they needed to declare their intent. Mr. Quillen  
3 obviously failed to declare his intent that year.

4 And it wasn't until later on in 2016 that he  
5 realized that failure of declaration led to him losing his  
6 striped bass permit. That striped bass permit has since been  
7 redistributed to another member of the striped bass wait list  
8 for that permit.

9 So there is no permit out there that we can  
10 magically make appear. And I guess the point of coming to the  
11 tidal fish commission was to discuss the case and determine  
12 whether or not this commission would want to make an appeal to  
13 the department or support Mr. Quillen's interest on getting a  
14 striped bass permit back after all that.

15 MR. JEFFRIES: Didn't we already decide on this,  
16 Billy?

17 MR. LAY: It is no discussion here. We already  
18 voted on it last meeting, and we decided that we were not  
19 going to be judge and jury and executioner. That there might  
20 be liability for one we approved and then the next guy we  
21 didn't, and he wanted to sue us. We would just leave it in  
22 the department's hands to take care of these matters of failed  
23 license renewals.

24 MR. JEFFRIES: I am pretty sure Gail and I made the  
25 motion.

1           MR. QUILLEN: Can you explain how you can have a  
2 violation on a license and not lose it but failure to declare  
3 your intent is cause to lose it? Where does that come from?  
4 I could go out there and be on violation and still be on quota  
5 but I didn't do paperwork within a parameter and that is an  
6 indefinite loss? Not just the point system --

7           MR. LUISI: Yes, and I am not familiar with all the  
8 details of our point system but the declaration of intent  
9 shows -- it is a rule that has been put forth and it is for  
10 all of our permits. It indicates intent to use that permit.

11           And, you know, behind that is if you are no longer  
12 using your permit -- I mean, what I hear all the time from the  
13 industry is that I let someone else use it. And the failure  
14 to declare intent after, well, failure to declare intent  
15 indicates to the department that you no longer have the  
16 interest in that permit.

17           So that is the way we interpret it and, you know --

18           MR. QUILLEN: You don't use your driver's license  
19 for a year you don't want to give that up, do you? I mean if  
20 you can't drive --

21           MR. LUISI: The good thing about it is that if you  
22 want to compare it to violations with the point system is that  
23 you can always acquire another permit. You are not out --  
24 like, if you do something terribly wrong with natural  
25 resources violations, you might never have the ability to do

1 that activity again.

2 This is a permit that has been lost and  
3 redistributed. Yet tomorrow you could lease one, you could  
4 purchase one. You have the ability to obtain another permit.  
5 The department would not look at this action as something that  
6 would prohibit you from ever having another permit again.

7 MR. QUILLEN: I hope that isn't considered criminal  
8 action yet but I guess it is coming.

9 MR. LUISI: No, not at all. So I will leave it at  
10 that. I was asked to just kind of state the case and put it  
11 out there for the commission for discussion. I don't have an  
12 opinion here on what to do.

13 MR. RICE: Steve?

14 MR. LAY: The yellow perch fishery also has a time  
15 period of declaration of intent. So it is not the only  
16 fishery that is like that in our system.

17 MR. RICE: Rachel?

18 MS. DEAN: I think -- I kind of was trying to put  
19 the pieces together and it sounds like the problem we have is  
20 by allowing people to declare their TFL late, they think there  
21 is also a safety net for the striped bass permit.

22 And we have to have that prior to March so that we  
23 can get the allocations and the tags sent out and everything  
24 settled before the fishing date of January 1.

25 So although the TFL can be renewed after January 1,

1 we really need the striped bass solidified before that. So I  
2 think that maybe we should maybe, although we do it, a better  
3 outreach of making sure people know that, sure, you can wait  
4 'til March to renew your commercial license but you don't have  
5 that same safety net with your striped bass license.

6 And I think we do that but maybe that is the hang-up  
7 here. When somebody does -- maybe I will ask you this. How  
8 did you renew your license in March? Did you go to a service  
9 center or did you mail it in?

10 MR. QUILLEN: I usually go to Centreville service  
11 center.

12 MS. DEAN: And by then the striped bass information  
13 has gone --- . Okay, thank you.

14 MR. QUILLEN: And I guess it was never brought up  
15 there about --

16 MS. DEAN: It would have been after the fact. They  
17 wouldn't --

18 MS. VINCENT: They wouldn't have thought about it.

19 MS. DEAN: They couldn't do it.

20 MS. VINCENT: What is the logic behind having the  
21 licenses being able to renew in March of the next year?

22 MS. DEAN: I don't know.

23 MR. BLAZER: I couldn't hear you.

24 MS. VINCENT: Maybe this is an historical thing that  
25 I should know but I don't. The license -- what is the

1 purpose, the department's purpose of letting the licenses go  
2 until March in another calendar year versus having them --  
3 like let's say you, you know what I mean? It just seems like  
4 a weird time period. What is the logic?

5 MR. BLAZER: I will take a stab at the answer.  
6 Others can correct me. I think it is basically because of the  
7 crab licenses. Gives those people with crab licenses the  
8 opportunity to wait all the way until right before April when  
9 the crab season starts up. I think that historically that is  
10 what --

11 MR. GILMER: Historically I think that is what it  
12 was.

13 MS. VINCENT: Crabbing?

14 MR. BLAZER: Was to allow them that time over the  
15 winter, and if they weren't -- we have more crabbing licenses  
16 that any others.

17 MR. GILMER: They pay a fine of \$25.

18 MS. VINCENT: Like a late fee?

19 MR. GILMER: \$50, somewhere in there. But back to,  
20 you know, I agree with Ken and Steve. We have already  
21 discussed that this is not our issue to be taken up, and I  
22 will support that.

23 MS. SINDORF: And I do agree with that; however, I  
24 do think the benefit of this is that we get to look at the  
25 procedure of getting licenses and how it is happening and

1 evaluate whether they are working or not.

2           So I guess my question is, the 50 people that George  
3 had called after the second letter went out, the certified  
4 letter, what was their reason for -- just laziness? You said  
5 they went and hurried up and got their permit. What was the  
6 reason?

7           MR. LUISI: You would have to ask George. I could  
8 set up an appointment with you and George to sit down and chat  
9 for a while. I think with the striped bass permit, I have  
10 been dealing with these permits for many, many years. What  
11 happens, people wait to the last day. They really do.

12           And they have the intent. They even might have it  
13 on their calendar written in that, that is the day they are  
14 going to Centreville or that is the day they are going to  
15 Salisbury to take care of it. People just wait until the last  
16 day just to make sure that they are ready to do what they are  
17 going to do.

18           MS. SINDORF: Okay.

19           MR. RICE: Does anybody have any further questions?

20           MS. SINDORF: Was there anything in the procedures  
21 that you thought was off, Rachel or --

22           MS. DEAN: No. I would have a serious problem with  
23 my post office right about now.

24           MS. VINCENT: Well that was going to be my question  
25 too. That is kind of a weird -- when did you find out these

1 letters were down there?

2 MR. QUILLEN: I didn't know. But I asked George to  
3 send me -- he sent it certified and I didn't sign for that  
4 either.

5 MS. VINCENT: We just have copies from the  
6 department. Nothing from the post office.

7 MR. QUILLEN: This just came three weeks ago.

8 MS. VINCENT: So whoever this agent is at the post  
9 office hasn't given you anything.

10 MR. QUILLEN: No.

11 MS. VINCENT: Okay.

12 MR. RICE: So how were you made aware -- how did you  
13 get ahold to this information in the end?

14 MR. QUILLEN: Because I asked Chris to send me a  
15 copy of it.

16 MR. RICE: Okay, so this is what you have got from  
17 Chris. You have never actually gotten anything from the post  
18 office.

19 MR. QUILLEN: No. They sent that certified and I  
20 didn't sign for it either, just three weeks ago.

21 MR. LUISI: And I have got the signatures here.

22 MS. VINCENT: Is your phone number changed and your  
23 address?

24 MR. QUILLEN: It is not my signature.

25 MR. LUISI: I understand but you have to --

1           MR. QUILLEN: You got what you need that says it got  
2 delivered.

3           MR. LUISI: We are assuming that the system is  
4 working.

5           MR. QUILLEN: I guess this is between me and the  
6 U.S. Post Office now or whatever.

7           MS. DEAN: Was your contact information updated  
8 because it sounds like they didn't get you by phone or by  
9 mail.

10          MR. QUILLEN: Yes, but if they made attempts I am  
11 not going to blatantly disregard knowing that this license  
12 disclosure is -- what is worth. I am not going to say, oh, I  
13 don't really care. And I wouldn't be sitting here right now  
14 if that were the case.

15          MS. SINDORF: Is this your right address? This  
16 117 --

17          MR. QUILLEN: Yes. I signed the outside of that  
18 envelope. You see that is not what is signed on that certified  
19 copy he sent but it doesn't really sound like it matters.

20          MR. RICE: Well, if I could call on Dave to give  
21 us --

22          MR. BLAZER: Yes, so I think the summary here is  
23 that -- just trying to summarize, the consensus of the tidal  
24 fish is to stick with the motion that you approved last time  
25 to kick this back to the department. That it is -- we will



1 handle it and that you guys don't approve of reissuing a  
2 striped bass permit or whatever.

3 That it is the department's -- follow our  
4 regulations and laws that have been put in place. I don't  
5 know if I have articulated that well but -- just stay  
6 consistent with what you all have agreed to the last time.

7 MR. JEFFRIES: Hey, Dave, since we have already  
8 moved all the stickers and everything to July 31, can't we put  
9 a twilight to put an end to all this stuff on how long you  
10 have to renew everything instead of carrying it out until  
11 March?

12 That is August, September, October, November,  
13 December -- I mean you are talking seven months.

14 MR. GILMER: Six months, six or seven months.

15 MR. JEFFRIES: Yes.

16 MR. GILMER: But is that a law or a regulation.

17 MR. BLAZER: I don't know. I would have to -- I  
18 mean, I will take that under advisement.

19 MR. JEFFRIES: Since we have got everything  
20 consolidated on July 31, I would put a twilight on it.

21 MR. BLAZER: We had some of the charter boat  
22 captains come and ask us about going to a calendar year  
23 because they don't like renewing some of their charter boat,  
24 their fishing guide licenses, in August because it is in the  
25 middle of their season.

1                   So it is really -- there is no real ideal time.  
2 There is the middle of every season that we kind of go through  
3 so --

4                   MR. JEFFRIES: Make them all July 31 and put a  
5 twilight on everything we wouldn't have these problems.

6                   MR. RICE: Rachel?

7                   MS. DEAN: I get the crab thing though. I would  
8 have to ask about that because if somebody only had an LCC  
9 and -- I don't know. But I was going to ask, were there  
10 permits obviously without allocations returned to the  
11 department, and are there any on the shelf right now?

12                   MR. LUISI: No, they have all been redistributed.  
13 There are -- we redistributed I think maybe six to ten permits  
14 this year that had failed to declare their intent just this  
15 year. And they had no allocation on them but they are out  
16 there.

17                   MR. RICE: Russell?

18                   MR. DIZE: Could he apply next year for an  
19 allocation?

20                   MR. LUISI: He could be on the waiting list but --

21                   MR. DIZE: I know but you said you redistributed --

22                   MR. LUISI: To the waiting list. There are 300-400  
23 people on that list.

24                   MR. DIZE: So he would never get them. He might as  
25 well forget it.

1 MS. VINCENT: It would be like a 900-pot license.  
2 He would be on the list since 1992.

3 MR. LUISI: Now you know, I mean, if you are looking  
4 for a way about this, to solicit for a permit that might have  
5 one of the lowest and smallest allocations was the cheapest  
6 way to go, I would assume. I am not in the market of buying  
7 striped bass permits but there are a number of people out  
8 there who have just that baseline quota amount.

9 And I hear all the time that there is a constant --  
10 Chris Jones is doing permanent transfers all the time on  
11 people buying different things here and there so that is an  
12 opportunity. That is, I believe, the opportunity at this  
13 point to get back into the fishery.

14 MR. DIZE: But you said something that doesn't go  
15 along with that. You said cheap, and there is no --

16 MR. LUISI: Oh, I know. Cheaper, cheaper. No, I  
17 get it. I understand.

18 MR. RICE: Okay, well it sort of seems like this is  
19 a case where you go ask your Mom for something and she don't  
20 want to tell you yes or no, and she tells you to go ask your  
21 father. And your father really can't tell you yes or no  
22 either. Mitch has come before us today, and unfortunately we  
23 don't have the ability to satisfy his request because we can't  
24 create quota, we can't create a permit.

25 His problem, looks like to me, lies within in the

1 United States Postal Service, which might cost him a lot more  
2 money to prove that than his permit was worth in the first  
3 place. But it is quite obvious that, yes, a mistake was made.  
4 It was not his mistake. And it is not a mistake that we can  
5 cure.

6 So unfortunately I am afraid you will leave here  
7 today without the answer that you wanted but, you know, that  
8 you have exhausted all these means, and hopefully you can move  
9 forward with where your problem definitely lies with whoever  
10 is signing your registered mail for you.

11 MR. QUILLEN: I am going to look into it because  
12 certified mail is to be signed by me not by whoever feels like  
13 signing it and leaving it off. Maybe they have got the  
14 authority. If they initial it, they are okay to sign for --  
15 why is it called certified mail?

16 MR. RICE: I don't think that is --

17 MR. QUILLEN: I don't have any problem with the  
18 reporting part of this now. I am going to use my tablet to  
19 report my catch now. That is one positive. But I will figure  
20 something out. I appreciate your consideration.

21 MR. RICE: Thank you very much. All right, let's  
22 see. Mike, you are up again.

23 ***Monitoring and Assessment Division***

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

25 MR. LUISI: Okay. Mike Luisi, Monitoring and

1 Assessment Division Report. I am going to step through a  
2 number of things here.

3 I am going to try to keep the things that -- I will  
4 step through a number of things with you here that are on your  
5 agenda, and have actually, Mr. Chairman, if it is okay, I  
6 added one extra summary, just a quick discussion over the work  
7 that the eel workgroup has been doing in the past few months.

8 MR. RICE: You can talk about anything that you want  
9 to as long as you are done by 6:00 p.m.

10 MR. LUISI: Perfect.

11 ***ASMFC/MAFMC Updates and Announcements***

12 MR. LUISI: Let's start with the Atlantic States,  
13 ASMFC, Mid-Atlantic Council updates and announcements.

14 The Atlantic States Marine Fisheries Commission is  
15 meeting on January 30 through February 2 in Alexandria,  
16 Virginia. There are a number of items on the agenda, some for  
17 which are recreational. Others are commercial.

18 I will just highlight a few of the commercial  
19 interests and then we can stop and talk about striped bass for  
20 a few minutes, and kind of where the department and the other  
21 commissioners -- we had a meeting today to discuss strategy  
22 for the striped bass discussion.

23 But we are going to continue our work on the  
24 American Lobster Board. We have a few lobstermen out of Ocean  
25 City that we are working really hard to try to protect their

1 interests. There are a number of states that would prefer  
2 that there be no more harvest of lobsters in the area of  
3 southern New England, which we fall into, strangely enough.  
4 We are considered southern New England, as part of the stock.

5 It is only because the grouping of fish, lobster,  
6 that are in southern New England are -- our lobsters come from  
7 that area. They move down into the canyons and occupy the  
8 areas off of Delmarva.

9 So there is an interest in kind of putting a halt on  
10 lobster fishing in southern New England but we are working  
11 really hard and we think we have a solution to keep the  
12 lobster fishery afloat for the few folks we have in Ocean City  
13 that make a good living, or at least supplementing their  
14 living on lobster.

15 On Wednesday, February 1, there is the Atlantic  
16 Menhaden Management Board. As you all know and remember a few  
17 months ago, the Atlantic states commission voted to increase  
18 the quota to 200,000 metric tons. That issue is behind us.  
19 The quota increase, we are working on that now. The next  
20 step, the next phase, in the management will be the work  
21 toward Amendment 3.

22 And Amendment 3 takes in things, factors such  
23 allocation between the different user groups. It also talks  
24 about ecological reference points for menhaden and how that  
25 would factor into menhaden management.

1           Now there was a public hearing in Maryland. One of  
2 the main parts of this meeting, this upcoming meeting, will be  
3 for the board to hear a summary of all the public comment that  
4 was had and made along the East Coast and determine how this  
5 amendment is going to come together and how it is going to be  
6 shaped up.

7           Whether or not certain pieces of it that were in the  
8 draft document are going to be excluded or are they going to  
9 add new elements to it. It is all part of the discussion.

10           You know, I think it is in our interest going  
11 forward to this meeting to make sure that we keep the pieces  
12 of the puzzle that are important to us in the plan to make  
13 sure that we have as much flexibility as possible in going  
14 forward as we work with our industry and our other  
15 stakeholders on menhaden management.

16           We just want to make sure that the tools that we see  
17 to be benefits to use aren't going to end up being thrown away  
18 in some way. That is the gist of that meeting. If you are  
19 interested, you can certainly -- you can listen in how that  
20 goes.

21           Then we get to the -- on Thursday, February second,  
22 another thing that you would be very much interested in, I  
23 believe, would be the Striped Bass Management Board. We are  
24 at a point in time with striped bass where we have kind of hit  
25 the end of the road as to the work that we can do in order

1 to -- for our interest here in Maryland.

2 And so I do have a couple slides. This is the only  
3 thing I have slides for but I thought at least to put the  
4 picture out there for all of you to let you know where we  
5 stand and what our plans are going forward.

6 (Slide)

7 As you know, based on Addendum 4, which caused  
8 reduction in fishing mortality coastwide a few years ago, we  
9 implemented measures in 2015. We reduced the commercial quota  
10 by 20 1/2 percent from the previous year's quota, and you guys  
11 have been fishing under that quota ever since.

12 We have now moved beyond 2016 and working with 2017.  
13 However, the quota that you have had has been the same.

14 (Slide)

15 We realize the hardship that has come from that, and  
16 not only did you feel that right off the top of your permits,  
17 but the charter industry and the recreational anglers also  
18 felt the pinch of the recreational management changes, which,  
19 as you know, we went from an 18-inch fish to a 20-inch fish  
20 overnight.

21 And that was difficult for a lot of people and, you  
22 know, and it is still very difficult for many -- that 20-inch  
23 fish just doesn't seem to be where we need to be in Maryland,  
24 and we have argued all along that we didn't think and  
25 adjustment of 20 percent was needed. We felt the stock was



1 healthier than what the ASMFC was saying that it was.

2 We made arguments all along. We ended up where we  
3 are but a few years ago we decided we wanted to get some  
4 assessment information as to what that impact was.

5 And so we asked the board, and we got approval for  
6 that when we were in Florida a couple years ago, to do an  
7 assessment update. Give us the latest and greatest of the  
8 information that will come from looking at what the impacts  
9 were to the commercial cuts. And in addition to that -- it is  
10 all together. Fishing mortality is all together. So let's  
11 look at what the commercial cuts and the increased minimum  
12 sizes along the coast did to fishing mortality.

13 So fishing mortality was way up here and -- on the  
14 previous year. So fishing mortality in 2014 was way up here.  
15 The assessment updated indicated that now fishing mortality  
16 was well below the actual target line, which is a good place  
17 to be.

18 But when we got the report on this information back  
19 in October, we thought to ourselves, well, if being on the  
20 target is where you want to be, being below the target is a  
21 great place. There is nothing wrong with that but maybe it is  
22 a little overconservative if we were to stay there.

23 So maybe we should make an attempt with the board,  
24 asking the board in 2017 now, how much more increased harvest  
25 could we have in order to get here to the target?

1           And so the Technical Committee reported to us just a  
2 week ago that approximately a 10 percent increase across the  
3 board. Now that is not just in Maryland but that is  
4 coastwide. Coastal recreational, coastal commercial,  
5 Chesapeake Bay commercial, recreational -- all the sectors  
6 could increase their harvest independently of one another by  
7 10 percent, and we would achieve our target fishing mortality  
8 rate, which is where we want to be, and we thought that was  
9 great news.

10           But there was another piece of information in there  
11 that is going to be a little harder for us to -- when we work  
12 with the board on this issue.

13           The projected fishing mortality for 2016 was a lot  
14 higher than it was in 2015 so along the coast fishing -- there  
15 were more fish, many more fish caught in 2016 than there were  
16 in 2015, and that is very typical of the way regulations work  
17 when you increase minimum sizes.

18           You increase minimum sizes by an inch or two, that  
19 first year is going to be really the tough year because you  
20 have a lot of those fish that had stacked up right below that  
21 minimum size. A year after that, those fish grow into the now  
22 exploitable group, and so we saw that, and it was anticipated  
23 that would be the case.

24           So here is where we are now. And we do think,  
25 however, that the difference between where we were in 2015,

1 | where we are now in 2016 and where we are likely to be, which  
2 | is this kind of gray box here in 2017, it is predicted --  
3 | there is prediction in 2017 based on stock recruitment and how  
4 | the ages have moved through the length frequency that there is  
5 | going to be less catch in 2017.

6 |           So we are trying to make a point to the board that  
7 | this, all this area in here is kind of just -- it is noise.  
8 | It is assessment -- it is noise with the assessment. It is  
9 | noise with the MRIP estimations that produce these values, and  
10 | that the board should consider, given the fact that the  
11 | striped bass are not overfished and overfishing is not  
12 | occurring. For two years we have protected the 2011 year  
13 | class, which was part of the goal that we were subjected to in  
14 | Addendum 4.

15 |           And we have now gotten to the point where at least  
16 | for this one year, we were at or below the fishing mortality  
17 | target. We intend to go to the board and make a -- take the  
18 | position that the board should consider perhaps up to a 10  
19 | percent increase in the quota coastwide. And that would be  
20 | both on the recreational and the commercial end.

21 |           We think that we can do a lot of good with a slight  
22 | increase. That 10 percent increase would be a direct 10  
23 | percent increase to your ITQs but it would also be probably a  
24 | 1 inch minimum size difference between 20 and 19 inches for  
25 | the recreational anglers.

1           And we are looking -- we heard a lot this summer  
2 about hooking mortality in the summer, release mortality  
3 associated with all the fishing that was going on. And we  
4 think -- we are going to try to spin it to the board that by  
5 reducing our minimum size by an inch on the charter and  
6 recreational end, that we -- which actually, ironically, is  
7 about a 10 percent, it is about a 10 percent liberalization --  
8 it is going to turn a lot of those discards into harvest.

9           And, you know, we are going to take it to the board.  
10 We are going to see how things go. And that is where we are  
11 with that. We had a meeting with Rachel and Ed O'Brien today  
12 with the Secretary's office and our staff, and I think  
13 believe, unless Rachel and Ed say something different next  
14 week, I think we are all on the same page about how we are  
15 going to go forward to the board with this issue.

16           If that does not -- so this is a look ahead. We are  
17 going to take a stab at an addendum. We are going to try to  
18 see if we can get the board to agree with us that a slight  
19 increase within the noise of the assessment and within the  
20 noise of the MRIP estimates is something that they can be  
21 willing to accept.

22           If that does not happen, if we are unable to get an  
23 addendum initiated, we can then consider conservation  
24 equivalency. Now conservation equivalency falls more toward  
25 the recreational angler than it does the commercial angler,

1 the commercial folks.

2           You guys are working under a strict quota, whereas  
3 the recreational guys are working under catch estimates and  
4 fishing mortality targets. So conservation equivalency can be  
5 taken up by the department. We have to get approval by the  
6 board but we could achieve it for the charter industry. We  
7 could achieve a 19-inch limit.

8           However, with all of that, there are tradeoffs, and  
9 those tradeoffs come in the form of seasonal closures or  
10 modifications to the seasons. You can't be equivalent at a  
11 lower minimum size unless you do something else to make that  
12 equivalent to being at a higher minimum size.

13           So we will have to have those conversations in the  
14 event that the addendum, the attempt at an addendum fails. We  
15 will be at the point where we can consider conservation  
16 equivalency. If it is decided ultimately that we are not  
17 going to go down that road, then we will be waiting now until  
18 the next benchmark assessment, which will happen in 2018.

19           2018 assessment, results at the end of the year,  
20 will probably, likely turn into a 2019, late 2020  
21 implementation of new management. So next week's meeting is  
22 going to be important for us as far as taking a stab at trying  
23 to get more action between now and 2019 or 20.

24           If that addendum issue does not pass the board next  
25 week, you know, on the commercial end you can consider that

1 you would have -- your quotas will likely be unchanged for the  
2 next three or four years. And that is just where we will  
3 stand on that.

4 Before I move on to my next topic, does anyone have  
5 any questions or do you want to stop here and have a few  
6 comments on striped bass before I move on?

7 *Questions and Answers*

8 MR. JEFFRIES: It is awful funny that the 2015 data  
9 took forever, and they get a projection together in 2 or 3  
10 weeks for 2016. That is kind of suspicious, number 1.

11 MR. LUISI: Well, I will just point out -- what I  
12 will point out this projected value is not as, you can't rely  
13 on that as heavily as you can on this other value. This one  
14 has got a lot more behind it. This is just a projection.  
15 They could have done that projection -- it just paints a  
16 picture as to where we are, and had this been down here, it  
17 would have been a little nice.

18 MR. JEFFRIES: I don't think our percentages are  
19 good to win this thing, number one, but one thing I would like  
20 to get across to them, the federal government is, the fishery  
21 wasn't hurt. It takes them five years to make a small  
22 adjustment. That is like telling a fifth grader, you can't  
23 read? I am not going to teach you to read until tenth grade.

24 The small adjustments we had to make in the fishery  
25 shouldn't take five years to make them. And I know that is

1 not on you, but I think the impact that it has had on our  
2 business is ridiculous, and for Dave's group, the number of  
3 dead fish, if it goes on another three years, it is  
4 astronomical.

5 And, I mean, I know I am preaching to the choir but  
6 we can't make it through 2019 or 20 without some sort of  
7 adjustment. Not just our businesses. I am saying the fishery  
8 itself. We are doing more harm to the striped bass than we  
9 are helping them. That would be my biggest point.

10 MR. DIZE: To back up Mike, this will go, and it  
11 will go to the Technical Committee, and even if the Technical  
12 Committee says okay, you have still got to get it through that  
13 board, and that is stacked with all your New England states  
14 and people who don't want us to have it.

15 And it is like batting your head against a wall when  
16 you do that. I know what he goes through because I have been  
17 there with him. It is tough.

18 MR. JEFFRIES: I could talk another 20 minutes but I  
19 am not going to. I am going to be quiet. I know his phone  
20 number.

21 MR. RICE: Mike, before you move on, and this  
22 pertains to striped bass but not exactly what you have been  
23 talking about. Where will you start at ASMFC, the discussion,  
24 with our fish that we commercially catch now, they are tagged.  
25 They carry a serial number. You can trace my fish back to me.

1           Why can't we get to ASMFC and at least start a  
2 discussion of the capability to ship a legally caught striped  
3 bass from the state of Maryland to, let's say, New York. The  
4 New York size limit right now is killing us because we can't  
5 send fish to New York unless they are 28 inches.

6           And that is not just to benefit me. That is to  
7 benefit the fish buyers and the restaurant owners and  
8 everybody in the state of New York. Just to put it in  
9 perspective, I am going to go back three weeks ago. We were  
10 getting \$3.50 a pound for 5 to 8's, and \$5.50 a pound for fish  
11 that went to New York. So that is a difference of \$2 a pound.

12           Well, a lot of those 5 to 8's were over 24 inches.  
13 You know, that is what New York used to be. But they weren't  
14 28. So the lack of fish is driving their price through the  
15 ceiling and it is tearing our pocketbooks up in the middle of  
16 winter when we normally could catch this high-priced fish.

17           So is there a place to start that discussion where  
18 fish can be accepted as long as they are legally harvested  
19 with a, let's say, state of origin? Quite simply it is going  
20 to have Maryland, wherever, on the tag, Virginia or whatever.  
21 Where do you start that discussion at?

22           MR. LUISI: I don't believe that is an ASMFC issue.  
23 I believe that probably a New York State issue, and it  
24 probably has to do with their importation law like we have  
25 with crabs and other things on sponge crab.



1           You know, they probably have some rulemaking that  
2 has limited what they can bring in. I think that is a New  
3 York State issue.

4           MR. RICE: Well, that would be an answer.

5           MR. LUISI: And I will take that up because I am  
6 very close with my other colleagues from New York and I will  
7 certainly ask them -- I am sure they are hearing it from other  
8 people as well. It is not just us but I will see if I can,  
9 you know, give you some answers next time we get together on  
10 what might be able to be done but we might be out of the loop  
11 on that as to getting it done.

12           MR. RICE: You always get the greasy, squeaky wheel.  
13 I just wanted to squeak for a minute. Okay, Mike. Go ahead.

14           MS. DEAN: Just really quickly then, because this is  
15 on the agenda, it is my understanding that no public comment  
16 will be taken, right?

17           MR. LUISI: There will be a report of this  
18 information. Public comment on something other than the  
19 reported information here is going to be taken at the  
20 beginning of the meeting.

21           So if you have public comment on something  
22 different, then, you know, considering an addendum or  
23 discussing --

24           MS. DEAN: No, but if we have guys coming, they  
25 should know that they would be able to speak?

1           MR. LUISI: They will get one of two choices. If  
2 they want to speak to what we are asking for, which is relief  
3 of up to 10 percent, they should hold off until I make the  
4 motion to get an addendum motion up on the table. And then we  
5 would hope that the board chair would ask for public comment  
6 on the motion.

7           MS. DEAN: Okay, all right.

8           MR. LUISI: So if I make a motion and it is  
9 supported by Virginia or Delaware that we initiate an addendum  
10 to increase, to consider the increase of harvest along the  
11 Atlantic coast of striped bass by 10 percent, based on fishing  
12 mortality of .16 in the terminal year of 2015, we get a second  
13 for that, then there will be -- they will --

14          MS. DEAN: So it has to come to a motion first. I  
15 wanted our commercial guys and our recreational guys to know  
16 that, that would be the opportunity.

17           And going back to the equivalency, I just want to  
18 remind us too that second option that would allow for the  
19 equivalency, we decided as a commercial sector that we would  
20 not pursue that although there is an option there.

21          MR. LUISI: There is an option for the commercial  
22 sector, which would -- if you went up to 20 inches on the  
23 minimum size, you could -- I think it was just a couple  
24 thousand pounds, and it makes a difference, and it wasn't  
25 enough to make a difference for you, from what I remember a

1 couple years ago.

2 MS. DEAN: And then the other thing is, just so that  
3 the commission knows, I want to thank the department because  
4 they have reached out to D.C. D.C. has not been at the ASMFC  
5 meetings in the past, and that is a vote that will be  
6 important to us in that room.

7 MR. LUISI: We have a handful of votes already  
8 secured on our request but there is a lot more that we need to  
9 work on.

10 (Asides)

11 MR. LUISI: Ready to move on?

12 MR. RICE: Yes, keep going.

13 MR. LUISI: Okay, the Mid-Atlantic Council is  
14 meeting on February 14-16. There is nothing really on the  
15 agenda that would relate to any high-pressing commercial  
16 issue; however, ironically on Tuesday, February 14, as you are  
17 sitting down for Valentine's Day dinner, you can turn on your  
18 Webinar and listen to a presentation of the National Marine  
19 Sanctuary nomination process.

20 There were requests, as you guys probably heard,  
21 about sanctuary status being nominated along the coast and  
22 some of the canyons by the different aquariums along the East  
23 Coast. So we asked for a presentation from the sanctuary  
24 folks. So based on the conversation you had today about  
25 Mallows Bay, if you want to learn more, you know, sit by the

1 computer on Valentine's Day and listen.

2 But that is really it for the council. The next  
3 item is the Yellow Perch Subcommittee.

4 ***Yellow Perch Subcommittee***

5 MR. LUISI: So if you remember many months ago,  
6 there was a request from the Cecil, Harford and Baltimore  
7 counties watermen's associations for the department to  
8 consider a change in the allocation on yellow perch between  
9 the commercial and recreational sectors.

10 And we discussed that. We had a number of internal  
11 meetings with staff, ultimately deciding not to do a formal  
12 reallocation based on the lack of information that we had  
13 regarding what was perceived to be an underharvest of the  
14 recreational allocation. It is just -- we are lacking data  
15 in certain areas and we just didn't, we weren't going to go  
16 down that path.

17 However, what we did to continue the discussion on  
18 how to figure out how to deal with commercial overages -- as  
19 you remember, in 2016 there was about a 14,000 pound overage  
20 on the commercial yellow perch fishery. And that is a lot.  
21 And it wasn't to the fault of the fishermen. It was the  
22 timing issue with the department and getting the closure  
23 notice out when we thought the fishery would be caught.

24 However, it was caught the day before, and one more  
25 extra day of fishing led to that overage. So we got feedback

1 from both the sport fish and tidal fish commissions at the  
2 last meeting. We convened a small working group of -- it was  
3 Billy and Steve along with Jim Gracie and Dave Sikorski. And  
4 we met here and discussed how to move forward into 2017 and  
5 beyond.

6           It was determined that in 2017, instead of taking a  
7 one-for-one payback on that overage, that given the stock  
8 condition and the health of the stock, that payback would be  
9 1/2 to 1. So instead of paying back 14,000 pounds during this  
10 year that we are currently fishing in, it was recommended to  
11 us by that working group that we only pay back the 7,000  
12 pounds, or that the industry pay back the 7,000 pounds instead  
13 of 14,000.

14           So the yellow perch fishery right now is currently  
15 operating under a quota that has been cut back based on that  
16 overage but not to the degree that it could have been.

17           And that group wants to continue to work to look at  
18 more of a long term plan on how to deal with quota overage and  
19 underages, let's say. Both, for the future.

20           And so we plan to wait until this -- we talked about  
21 this at sport fish. We are going to wait until the end of the  
22 season when we have the season's information in, and we are  
23 going to -- we will reconvene that group to kind of come up  
24 with a timeline and game plan on how to proceed with that  
25 issue for the future.



1 year.

2 MR. LUISI: After the commercial season is over.

3 MR. LAY: Okay. Thank you for clarifying that.

4 MR. LUISI: Okay. Both the county associations  
5 received letters from us dated January 9 indicating that we  
6 were not going to consider the allocation, and that we worked  
7 through this process to get to the point where we are managing  
8 the quota like we are right now.

9 ***Striped Bass Tournament Policy***

10 MR. LUISI: Striped Bass Tournament Policy doesn't  
11 necessarily apply but -- I don't know if you want to even  
12 cover that.

13 MR. JEFFRIES: Hopefully you reduced them.

14 MR. LUISI: So the policy is that we do not, we will  
15 not accept a harvest tournament, we will not approve a  
16 harvest, striped bass harvest tournament, before May 1. No  
17 matter when the season starts on the trophy season, if  
18 somebody calls us and asks us or applies for a tournament  
19 prior to May 1, we will not approve that as a harvest  
20 tournament. It is a catch-and-release only tournament.

21 And it is in the conservation effort.

22 MR. JEFFRIES: Is this regime going to stick to that  
23 or is it going to be like the last one and buckle when they  
24 got a little bit of screws put to them? Because some of the  
25 fall tournaments were created two, three years ago under when

1 Joe Gill was here. We had a meeting and he said he wasn't  
2 going to approve any more and then he approved them behind our  
3 backs.

4 MR. LUISI: I don't know. I can't speak to that but  
5 right now our plan is to stick with the policy that we have  
6 unless we get strong feedback one way or the other.

7 MR. BLAZER: The only time we changed that was last  
8 year because it was April 30/May 1, so we allowed that but  
9 that only happens once every 6 or 7 years.

10 MR. JEFFRIES: That would be great.

11 MR. LUISI: Lastly, which I think I am going to do  
12 it for you here, Mr. Chairman, and get in under 6:00 p.m.

13 The eel workgroup: You guys know that we are in a  
14 state right now or in a position where eel harvest along the  
15 coast, as it is reviewed annually, may set off a management  
16 trigger depending on the amount of harvest that takes place.

17 That management trigger, whether it happens over the  
18 course of one or two years, could lead us to the point where  
19 we have to manage an eel quota commercially in Maryland. The  
20 eel quota is less than what is typically caught in Maryland in  
21 a given year. And therefore we need to come up with a way on  
22 managing that quota for the future.

23 Now the triggers have not yet been set. There has  
24 been nothing that has been triggered. But we are trying to  
25 plan ahead. And we are trying to get ahead of when that would



1 | happen. So this workgroup has met a few times now. We had to  
2 | cancel the meeting early this week due to the weather. The  
3 | weather was too bad to ask people to come all this way and  
4 | drive home in the evening.

5 |           So we did cancel the meeting, which was going to be  
6 | on the reporting side of things. But we are working through  
7 | the process. We have a good group of fishermen who are  
8 | representing the state of Maryland, and we are going to  
9 | continue to work on that effort, even if a trigger is not set  
10 | or tripped.

11 |           We are going to continue to work with the workgroup  
12 | to get to the point where we have system in place in the event  
13 | that we have to manage a quota. And a couple of the guys are  
14 | here. Troy and Steve sit on the committee as well as Robert  
15 | T. and Aubrey. Billy as well. So we have got good  
16 | representation around the state. Leadership, we have got  
17 | coastal guys. Not that everyone has always been at all the  
18 | meeting but we are having good conversations.

19 |           I think one of the things I can link back to a  
20 | previous discussion, one of the things with the eel group, I  
21 | know that there is a lot of concern -- Troy, you brought it up  
22 | earlier -- about reporting.

23 |           The reporting, failing to report is one thing if we  
24 | don't know what is being caught, and that leads to when  
25 | allocation discussions come up, we don't have the records to

1 prove that we have certain amounts of catch.

2           There is also the other side, the flip side to  
3 nonreporting, which is falsifying reports. Fake fish, fake  
4 eels on reports can also be a problem. And it leads to  
5 management triggers being tripped when they didn't necessarily  
6 need to be tripped.

7           So we want to have that discussion. We were  
8 planning to have it earlier this week about having a more kind  
9 of organized discussion over reporting but it didn't happen.  
10 So we are going to -- we did postpone it. We are going to  
11 plan to meet again. We have got a meeting planned in a couple  
12 weeks just to continue our discussion. You know, I think we  
13 are making good progress.

14           We will leave it at that. If you guys have any  
15 questions I can answer those questions.

16           (No response)

17           MR. RICE: Looks like you are in good shape.

18           MR. LUISI: Seeing none, anything else?

19           (No response)

20           MR. LUISI: Anything else on your minds?

21           MR. RICE: Don't bait them in. Moochie?

22           MR. GILMER: With the help of Dave, we went back and  
23 found the stuff from the 2014 meeting on Mallows Bay.

24           (Slide)

25           MR. GILMER: This is the map that was presented to

1 us for that meeting.

2 MR. DIZE: A little difference, isn't it?

3 MR. GILMER: Yes, so that it what was said at that  
4 meeting. And I think it was at sport fish also, wasn't it?  
5 That is where this started at. And that is the area that we  
6 wrote the letter over. Just to make everybody clear that is  
7 what we wrote this letter over.

8 MR. RICE: I think it would be a good idea to have  
9 that in with the next letter we send.

10 MR. GILMER: And Paul, if you go back to the  
11 attachments and go down one, two, three, four, five more,  
12 where it says Mallows Bay. Scroll down.

13 (Slide)

14 This is what we were presented. And if you go down  
15 a little bit more, Paul, you know, okay. But anyway that is  
16 how it was presented to us the first time that we agreed to,  
17 you know -- that is what we agreed over, that area there. So  
18 that is how much that has changed since it started.

19 MR. DIZE: You are preaching to the choir.

20 MR. GILMER: I know, I know, but I just wanted  
21 everybody to understand where it started at.

22 MR. SIKORSKI: I didn't go back through the  
23 transcript yet but I am going to. I am going to see what  
24 everybody said at sport fish and I will do the same at tidal  
25 fish.

1           MR. RICE: That photo you just had up there says it  
2 all. There is nothing we can do with those ships with that.  
3 So what the heck? That is why we supported it.

4           MR. GILMER: That is the reason we supported that  
5 issue.

6           MR. SINDORF: Maybe we could have Rachel present to  
7 the sport fish and maybe we could bring them together with us.  
8 You know, maybe they would see --

9           MR. GILMER: That is where we started at on Mallows  
10 Bay.

11          MR. LAY: When is our next meeting? We had talked  
12 about scheduling some meetings in between the regular ones.  
13 Is that official?

14          MR. BLAZER: The next one will be April. And then  
15 we talked about inserting one in the summer and then May or  
16 June to coordinate with crab, winter dredge survey release.

17                 We are going to stick -- basically our four  
18 quarterly meetings are right before ASMFC. We were going to  
19 put one in, in the May timeframe. I can't remember the exact  
20 date.

21          MS. SINDORF: It is Maybe 25.

22          MR. GENOVESE: I can send you a schedule, Steve.

23          MS. SINDORF: Our next one is April 27.

24          MR. RICE: Finishing up, we have space for public  
25 comment if anybody has a public comment.

1 (No response)

2 MR. RICE: Seeing none, we will move forward to  
3 closing remarks. Dave, you have any closing remarks? I have  
4 none either other than -- Robert T.?

5 MR. BROWN: I just want to bring this up. You know  
6 how we used to have our licenses on a small card like this?  
7 Well, this is my old 2016 shellfish aquaculture harvesters  
8 registered card. So I can take oysters off my private ground.  
9 If aquaculture can have these, why can't we have them back.

10 MR. BLAZER: We are working on that.

11 MR. JEFFRIES: That is another two-hour  
12 conversation.

13 MR. BROWN: Long as you are working on it, that is  
14 fine.

15 MR. RICE: Okay. Thank you, Robert T. I am glad  
16 you remembered that. Dave has no closing remarks. My closing  
17 remarks are I think everybody for their participation and  
18 showing up today. And at this time we stand adjourned.

19 (Whereupon, the meeting adjourned at 5:52 p.m.)

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