

Maryland DNR
Spring Meeting of the Tidal Fisheries
Advisory Commission(TFAC)

Thursday,
April 27, 2017

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Spring Meeting of the Tidal Fisheries Advisory Commission

April 27, 2017

TFAC Members Present:

Billy Rice, Chair

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

TFAC Members Absent:

Aubrey Vincent

Maryland DNR Fisheries Service

Dave Blazer
Paul Genovese

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I N D E X

	<u>Page</u>
<i>Welcome and Announcements</i>	
by Dave Blazer, Director MD DNR Fishing and Boating Services and Billy Rice, TFAC Chairman	5
<i>Policy Program</i>	
by Sarah Widman MD DNR Fishing and Boating Services	10
<i>Questions and Answers</i>	14
<i>Public Comment</i>	19
<i>Oyster Advisory Update</i>	
by Dave Blazer, Director MD DNR Fishing and Boating Services	21
<i>NRP Activity Report</i>	
by Corporal Catherine Medellin MD DNR NRP	22
<i>Questions and Answers</i>	23
<i>Monitoring and Assessment Topics</i>	
by Mike Luisi and Lynn Fegley MD DNR Fishing and Boating Services	31
<i>ASMFC/MAFMC Updates and Announcements</i>	31
<i>Finalize Yellow Perch Fishery Management Plan (FMP)</i>	39
<i>Questions and Answers</i>	40
<i>MOTION</i>	47
<i>Coastal Forum Update</i>	58
<i>Catch and Release Tournament Request</i>	61
<i>Questions and Answers</i>	61

I N D E X (continued)

	<u>Page</u>
<i>MOTION</i>	62
<i>Eel Harvester Workgroup Update</i>	64
<i>Questions and Answers</i>	67
<i>Public Comment</i>	78
<i>Closing Comments</i>	89

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

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

(3:03 p.m.)

Welcome and Announcements

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

MR. RICE: All right, I would like at this time to call the meeting to order and welcome everybody here. Dave, would you like to open up with your announcements, please?

MR. BLAZER: Yes, a couple quick announcements. I wanted to welcome David Sutherland to the TFAC committee today. He is filling in for the Sport Fish Advisory Committee liaison to this group. We have had some shuffling on the sport fish side. Dave Sikorski has taken a new job and resigned as the chair of that group. So David will be filling in today and then Phil Langley may be the next guy at the next meeting.

But that kind of leads into the second topic I wanted to talk about. I think everybody on this commission, your term expires June 30. So you need to reapply if you want to retain your seat on the Tidal Fish Advisory Committee through the Appointments Office. I believe Paul sent out an e-mail to you all yesterday or today.

We have got kind of a new process. Everything needs to go to the Appointments Office. You fill it out online electronically and then we will see it and kind of say, yes,

1 | this person has been on before and so forth. And then the
2 | Governor's Office will be appointing those folks.

3 | So we will have our June meeting with this group,
4 | and then if they appoint everybody on the time that they are
5 | supposed to, then our July meeting and future meetings would
6 | have the new term limits on the TFAC. So again David will be
7 | filling in for SFAC. You all need to go online if you are
8 | interested in coming back to TFAC as well.

9 | We will also be putting this out to the public if
10 | other people are interested in applying to be on this
11 | commission. We will be putting that out on Facebook and
12 | social media and our Website and so forth. But I encourage
13 | you to try to get that in early.

14 | A couple other announcements. You can get your
15 | commercial fishing license laminated at the service centers
16 | now. We had a request a couple months ago that some of the
17 | commercial guys would like to have that done. So that service
18 | is now available at our licensing centers. So if you want to
19 | go there, they will laminate that for you.

20 | MR. BROWN: Is that going to be the small size like
21 | it used to be or is it going to be the one you have now?

22 | MR. BLAZER: Good question. I am not sure.

23 | MR. : They are doing half sheets.

24 | MR. BLAZER: A couple other things. It is not on
25 | the agenda. The crab winter dredge survey press release went

1 out last week. I think everybody got that. We plan on having
2 the industry workgroup get together on May 11 and then this
3 commission will take up the issue at the June meeting, and
4 that will be really focused on crabs at that point with any
5 modifications that we would implement around July 1.

6 So we didn't plan on -- we weren't sure when the
7 winter dredge survey was going to be completed and the press
8 release out. It went out late last week. Hopefully you all
9 have seen that.

10 Just to give a couple highlights from that press
11 release: The overall population of crabs is pretty high, 11th
12 highest on record. The female crabs, spawning-age female
13 crabs, was very high. We have got a lot of mature females out
14 there but there is also some concern because juvenile
15 abundance, you know, the age 1 crabs and below, dropped by 54
16 percent. So that is something we are going to need to talk
17 about with the industry workgroup.

18 And also the adult male stock decreased by about 16
19 percent. So those are just some of the numbers that were in
20 the press release that we want to put out there. We will have
21 the industry workgroup meeting to talk about changes, if we
22 need any. Talk about what those might be. And then we will
23 come back to this board as we go forward.

24 The other thing related to crabs: One of the things
25 that we have talked about is a lot of our subcommittees, our

1 | workgroups like the Crab Workgroup, they have operating
2 | guidelines and seats, if you will, on that Crab Committee.
3 | After we get through the issues we are going to need to deal
4 | with over the next two months, we want to come back to this
5 | committee, either in June depending on time or at a future
6 | committee meeting, and talk about those operating guidelines
7 | and the committee membership.

8 | It has been six years since we have kind of looked
9 | at that. We want to take a look at it. Is it working, is it
10 | not working? Do we need to make some adjustments and tweaks?
11 | So that will be a task that we will look at in the very near
12 | future.

13 | One other issue Ken brought to our attention, and at
14 | sport fish the other day I think Captain O'Brien mentioned
15 | about the possibility of looking into striped bass hatcheries
16 | coming back. That was a big effort of the department back in
17 | the '80s and '90s when we were coming out of the moratorium.

18 | And what we kind of agreed to with the sport fish, I
19 | haven't talked to you about this, but at the next meeting or a
20 | future meeting, we will bring back some of the history of what
21 | that program was, what it did, how successful it was.

22 | Basically it was stopped because Mother Nature
23 | could -- reproduction in nature could outproduce what we could
24 | do in the hatchery so it was kind of a cost benefit, so that
25 | program got eliminated over time.

1 So we will bring back some of those issues and have
2 a discussion at a future time, at a future meeting, on that so
3 we can put some of that stuff together.

4 Ken, I don't know if I kind of covered -- we will
5 have another discussion about it.

6 MR. JEFFRIES: As long as we are going to talk about
7 it next meeting. I mean, there is not much we can do now. I
8 don't care if one of them lives, just the press that the
9 northern states would get when it comes to Atlantic Marine
10 Fisheries is what I am concerned with.

11 I don't care if we release them and they all float
12 up dead that day but to say we released 300,000 of them or
13 whatever is what we need, especially with what we are spending
14 money on raising right now.

15 You know, largemouth bass, smallmouth bass. That
16 doesn't bring any money into this state really. And sturgeon,
17 you can't keep them anyhow. As long as we are going to talk
18 about it.

19 MR. BLAZER: And I think that is all my
20 announcements for right now.

21 MR. RICE: Does that conclude your announcements?
22 We are going to deviate a little bit how the agenda is listed
23 because Sarah has some issues she needs to tend to, and I told
24 her she could come up and do her spiel first. And as we go
25 through the meeting, it is a help to me, if you want to speak,

1 flip your nametag up because someone will raise their hand and
2 I will forget you raised your hand. And I don't want anybody
3 to think that I forgot them. So anyway, okay, Sarah?

4 ***Policy Program***

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

6 MS. WIDMAN: Thank you. Sarah Widman. I think I
7 know everyone here. So you should have -- I will go through
8 my normal spiel first -- a regulatory and penalty update.

9 There really shouldn't be much on here because we
10 take that hiatus in regulations as session starts up. So
11 there hasn't been a lot of movement because we don't submit
12 stuff at the beginning of the year. But I am happy to answer
13 questions if you guys had a chance to look at it and have any
14 questions on stuff that went into effect at the end of last
15 year.

16 And then we can talk about stuff we are scoping as
17 we are moving forward as well. Any questions on what is kind
18 of nothing at the moment?

19 (No response)

20 MS. WIDMAN: Then you have a second handout that is
21 the two items that we have out for scoping. One of them is
22 just our annual license targets updates. So every year we
23 have to update the number of licenses available based on
24 people -- 10 individuals had downgraded from an unlimited
25 tidal fish license into individual component parts. So we

1 | just have to adjust all those numbers accordingly when that
2 | happens.

3 | So we are updating those and planning on scoping it
4 | for our normal course on the Web, all the social media, like
5 | we normally do.

6 | The second one is related to pound nets. So we had
7 | some requests from the industry about the possibility of
8 | essentially sharing pound nets, being able to harvest from
9 | someone else's pound net to make sure that quota gets met. So
10 | the idea being scoped is essentially kind of a co-user system
11 | that you can register someone else to be able to, you know,
12 | essentially harvest from your pound net as well.

13 | So that is another item we have out for scoping
14 | right now. We will have that additionally go on our Website,
15 | on all the social media for scoping as well.

16 | MR. GILMER: You say that is out now?

17 | MS. WIDMAN: It would be out. You guys are the
18 | first people that see it, and once it comes through you it
19 | will go up to the Secretary's office and decide to post in on
20 | the scoping Web page. Questions on either of those scoping
21 | ideas?

22 | (No response)

23 | MS. WIDMAN: The third item I have is our
24 | legislative summary. So session is over, which is exciting
25 | for me because I do a lot of work. It was actually not a very

1 busy session as far as fishing and fisheries-related bills.

2 So I grouped them on the handout kind of by topic.
3 There are some recreational license bills that passed that we
4 are going to be doing some potentially discounted licenses for
5 certain veterans and Purple Heart recipients.

6 As far as crabs, the one that you guy will see and
7 we will probably mention it, if it is on the agenda, the Crab
8 Industry Workgroup that is coming up on the 11th are the two
9 bills that passed that are going to allow folks to go out on
10 Memorial Day, Fourth of July and Labor Day, on the days
11 earlier, as well as the day before earlier.

12 So we have to actually implement the regs to get
13 that in place. So the bill isn't in effect until July 1. So
14 once it is in effect, then we can write regulations and
15 attempt to get that in effect maybe hopefully by Labor Day but
16 we will see what happens. That is our game plan anyway.

17 So those two bills passed. I am just highlighting
18 the ones that passed.

19 There was a -- you probably all heard about the
20 oyster management, House Bill 924, so we have been working
21 through our Oyster Advisory Committee on oyster sanctuaries
22 and boundaries, and this prevents us from altering the oyster
23 sanctuary boundaries until we get our stock assessment and
24 fishery management plan. So we are working on that now.

25 There is a cownose ray tournament moratorium until

1 July 1, 2019, as we were directed to write a fishery
2 management plan on cownose rays. Under that -- so it would be
3 new. It is a new species we would be writing a plan on. So
4 we are going to have to convene a workgroup.

5 We are looking for workgroup members so this is kind
6 of my plea, putting out an APB to you guys to send me or Dave
7 or Nancy Butowsky, those who work with our fishery management
8 plan, e-mail or call us if you have people you think who might
9 be good.

10 We are looking for people from, you know, all the
11 different recreational and commercial, charter, environmental,
12 a little bit of everything. Let us know of your thoughts or
13 ideas or if you are interested in being on it. We probably
14 are going to start meeting in late summer on that. So I will
15 remind you in an e-mail ahead of your next meetings but by
16 July we would like to have a group of 10 to 12 people locked
17 in.

18 Our seafood marketing program moved over to the
19 Department of Agriculture. So that is in process. The bill
20 passed. And then on the aquaculture front, there were two
21 bills that essentially were the same on submerged aquatic
22 vegetation and how we view that when we are reviewing
23 aquaculture lease applications.

24 So that is something I think that the industry had
25 previously spoken about, and we would write regs to kind of

1 | establish a process for that. And those are the highlights of
2 | the past bills. Happy to answer any questions on any of them.

3 | *Questions and Answers*

4 | MR. JEFFRIES: What are we trying to get out of the
5 | cownose rays? How many more we should kill?

6 | MS. WIDMAN: The bill basically just says that the
7 | department, based on funding, should write a fishery
8 | management plan about cownose. We have kind of limited
9 | information on that species. There is no funding currently
10 | that we have to do any survey work on it. So the plan at this
11 | point would be limited to the information we have.

12 | And at that point I think, you know, the workgroup
13 | could discuss kind of how to proceed with a management plan on
14 | it but there is just not a lot so we would be limited in any
15 | actions we really could take until we get more information.

16 | MR. JEFFRIES: So you are trying to manage it but
17 | you have to have more information.

18 | MS. WIDMAN: Yes.

19 | MR. JEFFRIES: And unless we get more information,
20 | you can't put a limit on it.

21 | MR. BLAZER: In a fishery management plan, 4215, the
22 | fishery management plan law, there are certain requirements of
23 | information you need to put in there. You know, so there is
24 | scientific information but then there is also economic,
25 | social -- you know, all those types of things.

1 So we have got some of that information, as I think
2 this group knows but there are some shortcomings that either
3 need to be filled to have a full and complete management plan
4 like we do with a lot of other species.

5 So that is part of the process that this workgroup
6 will be helping us go through, to not only look at what we
7 have but also what do we need? You know, obviously population
8 analysis of some sort would be needed. So a lot of those
9 types of things would be talked about as we go through.

10 MR. MANLEY: I see she ducked over the gill net bill
11 when she was going through the regulations. Is now the time
12 to bring it up?

13 MS. WIDMAN: It didn't pass that is why I didn't.

14 MR. MANLEY: All right. I called you at the
15 beginning of the season. Now the way I understood it, when
16 the moratorium was lifted and we got to go fishing again, we
17 were limited from 5- to 7-inch net because they wanted us to
18 target this certain size fish.

19 Now before the moratorium, it was 6-inch maximum
20 then, but we also had a 15-pound maximum size fish that we
21 could catch. We can't catch a 35-inch fish or a 30-inch fish
22 with a 6-inch net.

23 But when the DNR opened it back up to us, we were
24 allowed 5- and 7-inch net but it hadn't been changed on the
25 other end. And that is where really the problem is, Dave.

1 And it is really -- the DNR give it to us when they
2 opened it back up. It was negotiated.

3 MR. BLAZER: Yes, but I think the issue is that
4 stretch mesh is what was described in the management plan and
5 in the regulation when it was approved.

6 MR. MANLEY: But like I told you, last September the
7 governor went up to the dam and had a meeting up there about
8 the dam. And two boys from Rock Hall brought up a brand-new
9 bundle net that had never even been opened and stretch 7-inch
10 net, but you could pull on it and you could get more than 7
11 inches.

12 MR. BLAZER: Right.

13 MR. MANLEY: And the only thing that I bring this
14 point up, I don't want a waterman to get a ticket for
15 something that he has done right, and a cop who is aggressive
16 and wants to give him a ticket for something he really didn't
17 do wrong.

18 MR. BLAZER: Understood.

19 MR. MANLEY: You know, because we got points and
20 stuff to deal with. Now if we are allowed 7-inch net, we
21 ought to be allowed it.

22 MR. BLAZER: You are allowed 7-inch stretch mesh.

23 MR. MANLEY: Right but all the net companies says
24 when the --- is touched, that is supposed to be the full
25 thing, not how far you can pull it. And the other thing, like

1 I told Paul last week, monofilament net don't stretch like
2 this three-strand or multi-strand net that we have used as our
3 state regulation. I am complaining about that but that is
4 what it does. It stretches once you start pulling. You can
5 get a lot more out of it.

6 That is not our fault. That is the state regs that
7 lay that on us, and we have to abide by it, which is all right
8 but in that same thing, it will stretch. And like I said, if
9 you get somebody who wants to pull harder, I mean, you can get
10 a lot out of somebody's --

11 I would just like to see that taken care of. I mean
12 it is really -- like I said, when they had that meeting last
13 year, and the governor saw that, he told Mark to get something
14 done whether it was legislatively or regulation but get it
15 taken care of because that is not right.

16 And nothing has been done, nothing. And that is
17 pretty disheartening.

18 MR. BLAZER: Well, the legislature --

19 MR. MANLEY: I know they shot it down and it was
20 political reasons for it. This has nothing to do with the
21 fish or anything else. This is just who can pee the furthest.

22 MR. BLAZER: I will express your concerns to Mark.

23 MR. MANLEY: I would just like to see it taken care
24 of.

25 MR. RICE: Anyone else for Sarah?

1 MR. GILMER: Sarah, on the public notices on the
2 aquaculture leases --

3 MS. WIDMAN: I am adding the county back in.

4 MR. GILMER: Okay.

5 MS. WIDMAN: Gail mentioned that too. And then I
6 just had one last thing for you guys. As of the 27th of
7 March, we have that finfish trotline permit available for
8 folks who wanted to do the finfish trotlining. And we only
9 had two people sign up so far so put out the word and let
10 people know it is up, it is available, it is free.

11 They can go to the service center and get it as long
12 as they have the right type of license.

13 MR. DIZE: I was just wondering, on the one that
14 Sarah went over about the sanctuary, the lines can't be
15 changed until there has been a -- when do you expect to have
16 this done?

17 MR. BLAZER: Actually, that is the oyster advisory
18 update that is on the agenda. We will get to that. Save that
19 question. We will get to it.

20 MR. RICE: Sarah, being that you are going to leave
21 us, Richard has got a question for you that normally we would
22 hold until public comment but I would like for him to go ahead
23 and have an opportunity to ask it now so you will be --
24 Richard?

25

Public Comment

1
2 MR. YOUNG: Thanks, Billy. I don't mean to
3 interfere with you guys. I have a question about that new law
4 about starting early for crabbing when you are on the holiday.
5 You said that passed.

6 MS. WIDMAN: Yes.

7 MR. YOUNG: And it is effective July 1. And you are
8 going to wait until July 1 to start developing the regulation.
9 It won't be available until probably Labor Day. I am
10 wondering if you know that it is coming, it has already
11 passed, can you get it ready now so that the regulation can be
12 ready so July 1 the regulation can be there and the guys can
13 take advantage of 4th of July?

14 MS. WIDMAN: The goal is to have it, exactly, to
15 have it -- we know it is coming -- so to have it ready to go
16 through the process, the reg process. And, you know, if we
17 can we will put it in by emergency. But it is at least a
18 10-day wait period then. We can't get them to pass it before
19 that at best-case scenario.

20 So I don't see it -- there is just not enough time
21 between the 1st, when it is in effect, and we can submit, and
22 the 4th. It doesn't give you the 10 days. So that doesn't
23 work for that holiday but best case then Labor Day would be in
24 effect.

25 MR. YOUNG: And the cownose rays, I am sorry. The

1 | cownose rays, that is just for tournament fishing? We can go
2 | out pleasure shooting?

3 | MS. WIDMAN: If you are just by yourself doing your
4 | own thing, that is -- it doesn't apply.

5 | MR. YOUNG: Anybody who knows anybody who likes
6 | bowhunting, tell them to get out there and get them.

7 | MR. SCERBO: The state better get the word out. I
8 | mean --- it passed so it is going to be on your shoulders to
9 | them know that they are not going to be able to start early on
10 | Memorial Day or the Fourth of July.

11 | MS. WIDMAN: Maybe we could send a text message out
12 | just to let me know.

13 | MR. SCERBO: And however else you can get it out
14 | because somebody is going to play deaf and dumb and whatever.

15 | MR. YOUNG: Thank you, Billy.

16 | MR. RICE: Okay, anyone else for Sarah?

17 | (No response)

18 | MR. RICE: Seeing none, Sarah, thank you very much
19 | for your report. So we will go back up to the agenda and,
20 | Dave, if you could give the oyster advisory update, please?

21 | ***Oyster Advisory Update***

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

23 | MR. BLAZER: Okay. As Sarah mentioned, House Bill
24 | 924 passed, which basically put a halt on any modifications to
25 | sanctuaries so the strawman that the Oyster Advisory Committee

1 had been deliberating about to try to set up some rotational
2 harvest areas in the sanctuary areas and other areas has kind
3 of been tabled for the time being.

4 The Oyster Advisory Committee will be meeting on May
5 15 so we will talk kind of the future and where things go from
6 this point out. But the major thing on the 15th, we will be
7 talking about the stock assessment, which is referenced in
8 that House Bill 924. As I think I reported last time, that
9 process is underway.

10 We have got funding, we have got a staff person on
11 board who is working on putting a lot of this stuff together.
12 We have had some meetings of our team, putting that stock
13 assessment together.

14 We will be coming to the May 15 meeting to talk more
15 about that stock assessment in terms of reference, the data
16 that is going to be used and some of the information that is
17 there and kind of reiterate the timeline. And the plan is to
18 have that done, the entire stock assessment done, by that
19 December 1, 2018, date that is in that legislation.

20 So that is kind of an update with where we are with
21 the stock assessment. And again we will be bringing a lot of
22 that information to the Oyster Advisory Committee on May 15 as
23 that evolves over time. Any questions?

24 MR. RICE: Russell, did you have a question on it?

25 MR. DIZE: He answered it.

1 MR. RICE: Anyone else?

2 (No response)

3 MR. RICE: All right. Thank you, Dave. Next is the
4 NRP Activity Report.

5 ***NRP Report***

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

7 CPL. MEDELLIN: I have been since moved on to the
8 Oyster Advisory Committee so Lt. Rafter will be taking my
9 place. And Sergeant Troy --- also will be filling in so you
10 are in perfectly capable hands. I wanted to apologize
11 personally for the shuffle around of us. I know it is tough.
12 We don't have a say in it. We are just kind of told what
13 committee we are appointed to, so my apologies on that.

14 Just wanted to touch base on some things. We are
15 having the -- our application process has opened up for
16 officers. I know they are looking to hire 26 I think is what
17 they are shooting for, and that process is open now. And also
18 they are putting a cadet program together also to hire more
19 cadets, which is always I think a very good program.

20 Lt. Rafter put some of the cases together for you
21 all. Some of them are recreational, and he just forgot to put
22 that in there. And we wanted to note that the helicopter is
23 up and running and being used on that.

24 The fish are here. We are making a lot of
25 recreational striped bass cases in addition to we still have

1 | some oyster stuff in there. And we also made some crab cases.
2 | If you just look through the handout, there have been a few
3 | crab cases.

4 | I know down south we had an after-hours case
5 | already. And so we are -- the fish are here and obviously our
6 | big goal now for this time of year is going to be for the
7 | rockfish. I think that is already shown and apparent on the
8 | cases that we are making. And also too we are on the crabs.
9 | Those are our big goals for this time of year. Somebody have
10 | any questions?

11 | *Questions and Answers*

12 | MR. JEFFRIES: It is really not an enforcement
13 | issue. We did a workgroup, the telephone conference call one,
14 | Paul? And I don't know what the politically correct way to
15 | say this is so I am just going to say it blunt.

16 | The Hispanic tickets are getting out of control. I
17 | mean, if you read the paper, you look at the reports, not only
18 | are they catching 1 fish. Now they are getting them with 200-
19 | some fish. Just the most recent one, 9 guys, each one of them
20 | with a cooler with over 200 apiece in it.

21 | I know it is nothing enforcement is doing. They are
22 | doing their job. The state needs to come in, we need to put a
23 | cap on how many illegal fish before it is not a stupid ticket
24 | anymore and it is something different.

25 | If I would have come in a charter boat today with

1 | one illegal fish, it would have been a totally different ball
2 | game. And these guys have 200. I would love to come in with
3 | 200 illegal fish today. And it is where we are not being
4 | treated fairly now.

5 | I mean, just in the last 4 or 5 reports I have
6 | received, there are at least nine arrests. All of them are
7 | with over 100 striped bass in coolers, and I don't know what
8 | the proper procedure is. I would like to see the state do
9 | something because it is not fair to the rest of us and it is
10 | not really fair to them. They are going to keep arresting the
11 | same guys or giving tickets to the same guys. But 200 fish is
12 | out of control.

13 | The last one was last week and it was 9 of them,
14 | like I said, 200. And it is the same bridges. I mean, they
15 | are not the smartest tools in the shed, and I don't want to
16 | hear that no habla stuff because you --- , they can do that
17 | one. We put the signs up in the state parks for them and it
18 | is still happening so we need to do something.

19 | MR. BLAZER: Yes, I think we agree, Ken. You know,
20 | we have recognized for the last couple years that there is a
21 | disproportionate amount of Hispanics who are receiving
22 | tickets. We are trying some education approaches not only
23 | with NRP, the Park Service and fisheries and boating.

24 | You know, we have also got safety on the boating
25 | side that -- this community has boating issues as well.

1 So we are trying some of the education components.
2 Enforcement recognizes a lot of those things. They have made
3 quite a few cases, and we will just need to keep after it.
4 And if we need to expand or do something else, we will discuss
5 it. We recognize the problem.

6 MR. JEFFRIES: I mean, like the last one, they are
7 driving from DC basically and going to Fishing Creek. It is
8 almost Canada. I mean, you are driving two hours to go to a
9 secluded creek, I mean, they are there for one reason.

10 And like I said, it is not fair to them. It is not
11 fair to be anybody. I just think the state needs to step in
12 and put a cap on how many illegal fish it is before the
13 bracelets come out.

14 MR. MANLEY: Well, you know, another thing is they
15 are not eating that many fish.

16 MR. JEFFRIES: No.

17 MR. MANLEY: They are selling them.

18 MR. SCERBO: What is the justice that is served for
19 that type of violator? What becomes of --

20 MR. BLAZER: Jacob, do you know what the penalties
21 are?

22 MR. HOLTZ: I am pulling it up right now.

23 CPL. MEDELLIN: And while Jacob is looking that up,
24 I will say it has helped now that we have a list. We get it.
25 They send it out. And it is the recreational. They are

1 | revoking these people's recreational licenses for whatever it
2 | is worth, but it is something. It gives us another tool. And
3 | it does help us.

4 | We get these lists on people who are revoked and we
5 | do see bunches of the same people over and over again. So
6 | that does help us.

7 | MR. BLAZER: And maybe you could talk a little bit
8 | about -- I think you mentioned it at the last meeting, but the
9 | conversion over to the electronic system where you had to type
10 | in all the --

11 | CPL. MEDELLIN: E-tix?

12 | MR. BLAZER: -- citations so you can get an instant
13 | report instead of a handwritten thing?

14 | CPL. MEDELLIN: Right. We are going to e-tix,
15 | slowly moving over to e-tix, which does give us instant
16 | information when you pull it up. You can see your violator.
17 | Their name comes up and you kind of have an idea on who you
18 | are dealing with, the same people over and over again so that
19 | does give us instant information.

20 | MR. JEFFRIES: My biggest concern is, like I said,
21 | if it was a charter boat, which is recreational fishery, if I
22 | would have come in today with 200 fish, how big would that
23 | press release be in the Sun, whoever gets a paper anymore,
24 | compared to no habla? I mean, that is my biggest gripe on the
25 | whole thing.

1 MR. BLAZER: Well, the other thing too that I want
2 to mention that is kind of tied in with the e-tix program is
3 they are also tying into a national program so that if you are
4 a violator in Pennsylvania, Maryland will know about it.

5 So there are 46 states I think right now that are
6 cooperating in that program so, you know, if they are coming
7 from DC or coming from Pennsylvania, we will be able to find
8 that out as well.

9 MR. WILKINS: If these people are getting tickets,
10 are they showing up to court or are they disappearing?

11 CPL. MEDELLIN: Maybe 50/50. A lot of it is they
12 are from DC, they are from Virginia. That doesn't deter us
13 from writing them. You know, we still do our job with that
14 but it is a 50/50 shot. However, if they don't show up for
15 court, now there is a warrant out for their arrest.

16 So if they get pulled over, if they get stopped for
17 any other thing, they are absolutely arrested and taken to
18 jail for that violation. So there are serious repercussions
19 for the people who do not show up for court.

20 MR. BLAZER: And that is where the e-tix program
21 kind of comes into play.

22 CPL. MEDELLIN: And also too anybody -- like if they
23 get stopped by the county police, the state police, anybody.
24 If they -- they will run, over the radio, they will run their
25 information. There is a warrant out for their arrest. So we

1 get a lot of those arrests that way and other agencies. So it
2 is not just us encountering them. It is all --

3 MR. WILKINS: But like Ken was saying, if he came in
4 with fish, he is going to be in trouble right there on the
5 spot. These people, like you said, some are showing up in
6 court, some are not. There has got to be something for them
7 to be accountable for it.

8 MR. BLACKWELL: I think you wanted to tell us what
9 the penalty was?

10 MR. HOLTZ: Yes, I have them pulled up.

11 MR. BLACKWELL: Can we do that first?

12 MR. RICE: Yes.

13 MR. HOLTZ: For a first offense, the maximum a court
14 could additionally fine somebody for a striped bass offense is
15 \$1,500 a fish. A second offense within 2 years is \$2,500 a
16 fish and a suspension of their of their fishing privileges for
17 up to 2 years. A third offense within 4 years would be \$2,500
18 a fish and a suspension of your fishing privileges for up to 5
19 years.

20 That second and subsequent offense also carries a
21 potential of up to a year in jail. And again, that is all
22 court-based. That is not in the department's hands.

23 MR. DIZE: Do the courts hand out those sentences?
24 Are we getting sentences of \$1,500 a fish? I don't see that
25 in the Star Democrat. When I see it, they are charged with

1 | some minor thing and after our people arrest them for doing
2 | illegal things, then the court system fines them some small
3 | thing, and it is the price of doing business.

4 | MR. HOLTZ: And in a lot of cases, NRP will write
5 | them multiple tickets and the court will find them guilty on
6 | one and toss the rest of them.

7 | MR. SUTHERLAND: As a recreational fisherman, that
8 | angers me. I don't care who you are, if you care about the
9 | resource that angers me. Is it possible for us to put
10 | together a workgroup between tidal fish and sport fish and
11 | think about something we might want to do next legislative
12 | session to tighten this because, I mean, this is --

13 | I mean, we have dealt with this on the hunting and
14 | fishing side, and poaching is a pretty serious issue if you
15 | hunt. Just a suggestion or maybe it is a question. Is it
16 | possible to do that? Is it worthwhile to do that?

17 | MR. BLAZER: Well, we have the penalty workgroup.

18 | MR. HOLTZ: We do have the penalty workgroup, and
19 | actually we will be sending that in the mail probably in the
20 | next couple weeks about that just reminding everybody. We
21 | usually meet late May, early June. We can absolutely add that
22 | onto the agenda as far as just discussing it, any ideas we
23 | have.

24 | Any additional jail time or anything like that is
25 | definitely going to take a legislative change because we just

1 | don't have the authority. The court doesn't even have the
2 | authority, based on how the laws are written right now, to do
3 | much more than what I just told you.

4 | So talking about it in June would be good if we
5 | could come up with a plan to submit as far as a legislative
6 | change come next year.

7 | MR. BLAZER: Would you like to be on that penalty
8 | workgroup?

9 | MR. SUTHERLAND: I would love to.

10 | MR. RICE: Well, thank you very much. We appreciate
11 | it.

12 | MR. BLAZER: One other thing. You kind of
13 | referenced it before that you guys have been moving around in
14 | NRP, and I have gotten a couple calls recently about new
15 | officers and new areas and trying to educate themselves about
16 | kind of the local region. And I just wanted to let the Tidal
17 | Fish Advisory Commission know that is kind of going on.

18 | NRP is going through a little bit of a
19 | reorganization, and there are new officers in new places, and
20 | they are trying to learn the ropes. So please be patient with
21 | them as they start to go through this educational process.

22 | I have heard a couple stories about, you know, NRP
23 | officers talking to people and commercial guys or recreational
24 | guys are, oh, NRP is so confused. I am like, no, no, no. It
25 | is new. They are trying to learn what is going on in their

1 area.

2 Please just let your folks know that, and I don't
3 know if you want to add anything to that.

4 CPL. MEDELLIN: We thank you for your patience. It
5 is a little bit of a few growing pains but ultimately it is a
6 good thing because we are getting new people and they are
7 trying to hire more. It is definitely a good thing.

8 MR. BLAZER: And we appreciate your patience in
9 helping these folks.

10 MR. RICE: All right. Moving right along, this
11 brings us up to Mike Luisi. Would you like to come up to the
12 mic, please?

13 ***Monitoring and Assessment Topics***

14 ***by Mike Luisi and Lynn Fegley, MD DNR Fishing and Boating Services***

15 MR. LUISI: Thank you, Mr. Chairman. My name is
16 Mike Luisi, and I am the division director for the Monitoring
17 and Assessment Division here in Fishing and Boating Services.

18 I have a number of different topics I want to cover
19 with you today, and then at the end of report, I will be
20 turning to Lynn Fegley, another assistant director with us,
21 who will be covering the Eel Harvester Workgroup update. So
22 we will start with Atlantic States Marine Fisheries Commission
23 and Mid-Atlantic Council updates for the commission.

24 ***ASMFC/MAFMC Updates and Announcements***

1 MR. LUISI: One thing to report, this is coastal in
2 nature but it is commercial in nature so I thought at least I
3 would let you guys know.

4 One of the actions that the council recently took
5 regarding commercial fishing and observers on board commercial
6 vessels in federal waters, there has been a push over the
7 years for the commercial fleet, particularly the large
8 mid-water trawl fleet -- mackerel, squid, and herring within
9 New England and the mid-Atlantic region -- to have observers
10 at 100 percent so literally every trip that they take, they
11 have to have an observer on board.

12 The feds, there was work being done to make that
13 happen but there was a fear in the mid-Atlantic -- we don't
14 have a large herring or mackerel fleet. That precedent would
15 trickle down into guys who are operating small bottom trawls
16 like our flounder guys off of Ocean City.

17 And the concept -- in order to get them 100 percent
18 observer coverage, the federal government didn't have the
19 funding to cover that so it was going to be an industry funded
20 monitoring effort, which would cost fishermen dollars every
21 day to take out observers.

22 The mid-water trawl fleet can completely handle it.
23 We are talking massive, enormous amounts of harvest over weeks
24 at a time in the ocean. They can certainly handle the cost of
25 an observer for the day, and they have been willing to go

1 along with this as a way to have that full observer coverage
2 and be as accountable as you can be in their operations.

3 But the smaller guys, the small bottom-trawl guys,
4 the small mesh nets, they just can't. You can't operate your
5 fishery under that assumption that you are going to have an
6 observer every day that you go out.

7 So the council took action to delay or basically
8 say, no way, to that type of coverage being applied in the
9 mid-Atlantic at this point. It is going to be taken on in New
10 England. The large-scale fleet in New England is -- they want
11 to be more accountable given the criticisms that they face but
12 for right now, our fishermen in Ocean City don't have anything
13 to worry about.

14 The council decided to postpone all action on this
15 amendment until there is more information available about the
16 cost of all of this, about the possibility for having
17 electronic monitoring, which would be cameras watching what is
18 happening.

19 So it is not a Chesapeake Bay-related event but it
20 is commercial, and I thought that it would be something that
21 you guys would like to know.

22 MR. GILMER: Now did they cancel for everybody or
23 just for the small fleet?

24 MR. LUISI: We have delayed at this point any action
25 even in this large-scale fleet in the mid-Atlantic. Now I

1 | believe that a year from now, let's say, 18 months from now,
2 | when the pilot work on this electronic monitoring becomes
3 | available, and the costs are known, the mackerel fleet, which
4 | we have in the mid-Atlantic -- we don't have any guys who
5 | operate mackerel trawls out of Ocean City but New Jersey and
6 | Virginia have some.

7 | They are likely going to accept it because they have
8 | already agreed to it but the fear that it could trickle down
9 | into the other fisheries was enough to keep the council from
10 | taking any action at this time. So it is years in the making
11 | at this point.

12 | Okay, that leads me to the Atlantic States Marine
13 | Fisheries Commission. There are a few issues that I want to
14 | discuss with you related to commercial actions.

15 | And really two. One is in the bay and one is in the
16 | ocean. The council will be taking final actions on lobster
17 | management in the southern New England area, which is
18 | everything from Massachusetts all the way down through
19 | Virginia.

20 | The stock has been showing signs of depletion over a
21 | very extended period of time. That depletion has been
22 | recognized as not being the result of fishing pressure but it
23 | is the result of environmental conditions where lobster spawn.
24 | The water quality and the water temperatures have become too
25 | warm for the viability of those eggs.

1 And so little by little -- and it is not every year
2 but little by little these warming events have caused lack of
3 reproduction in the lobster fishery in our area.

4 Now there is a ton that is not known about our
5 fishermen in our region. The southern end of southern New
6 England, Delaware, Maryland and Virginia fish much differently
7 than they do off of New York and New Jersey. They are out 30
8 to 40 miles. They are fishing in and around the canyons, deep
9 water, cold water.

10 They seem to right now have a completely viable
11 fishery operating out of Ocean City. There are a few guys
12 that do very well in the summer, and they are hoping that the
13 actions that get taken by this commission, by the commission,
14 do not -- are not detrimental to their fishery operation.

15 So we have been working very closely with our
16 commercial guys on the coast. We believe we can take some
17 reductions and still have a very viable fishery, which would
18 help boost the probability of success.

19 Really what we are doing is, if we pull back on some
20 harvest, and you leave more adult lobsters in the water, when
21 the water quality and the water conditions are right, there is
22 a possibility that a larger abundance of adults will have a
23 successful spawn, and all you need is one.

24 And then you have got a good year class that will
25 carry out for 10 years in that fishery. There hasn't been a

1 | good year class in 10 years, which is the reason why we are
2 | considering these reductions so we are working really closely
3 | with the guys in Ocean City, the final decisions will be made
4 | on May 8th, in a couple weeks. I am sorry, May 9 is when the
5 | board meets to discuss this.

6 | So we hope to be able to salvage what they still
7 | have with allowing for some reductions in their harvest.

8 | The second issue that I know you all are very
9 | interested in is related to the striped bass management board.
10 | That board meets on Tuesday the 9th as well.

11 | The striped bass management board is going to meet,
12 | and I have been reporting to you guys over the last --
13 | everybody here over the last year and a half or two almost
14 | now, that we, Maryland along other supporters of our interest,
15 | have been trying and urging the board to allow for some give
16 | back, some harvest increase from what we took when Addendum IV
17 | was put in place, and in the bay we took a 20 1/2 percent
18 | reduction.

19 | We urged the board to do a stock assessment, and we
20 | were successful in getting the board to, ASMFC, to complete
21 | that assessment. The assessment indicated that we could
22 | withstand a 10 percent increase in catch both commercially and
23 | recreationally, not just for Maryland but for every state
24 | along the East Coast and we would still be in a position where
25 | we would be sustainably managing striped bass.

1 We initiated an addendum to allow this to take place
2 or get approval from the commission for this to take place.
3 And we are now at the point in time where this addendum, which
4 the board would need to decide on at a later date, is it being
5 asked to be taken to the public?

6 So we have an addendum. In the addendum it says
7 does this -- it is very simple. Does the board want to allow
8 for a 10 percent harvest increase across the board for all
9 sectors, from Maine to North Carolina, for 2018 and beyond
10 until new information becomes available where we have to
11 change management actions again.

12 And we have been very supportive of that. We have
13 had other supporters who have helped get us to this point. We
14 are hoping that at this meeting, that the board will just
15 agree to allow this document to go out to the public. And
16 then throughout the summer there will be hearings up and down
17 the East Coast to get public feedback and public comment on
18 this question as to whether or not additional harvest is
19 warranted.

20 And that is where there would be an opportunity to
21 engage with ASMFC to provide your thoughts on what you all
22 think would be the direction that the board should take.

23 It is very likely that -- well, the hope is that it
24 is a nice, clean, easy meeting, this upcoming meeting. But
25 anybody who has spent any time there understands they are not

1 | always that clean and easy but we hope to get this out to the
2 | public, let the public weigh in, give them an opportunity,
3 | whether it is in support or opposition, which I know that we
4 | are going to have a lot of opposition to this across the East
5 | Coast.

6 | And we hope to have this as a final action in
7 | August. That final action will be when the board will decide
8 | if increase harvest or not. If it is allowed, we expect that
9 | in 2018 we will work with the commercial industry, the charter
10 | fleet and recreational fishermen to allow for that additional
11 | harvest for 2018 and beyond.

12 | If it is not allowed, if the board denies this
13 | request through the addendum process, we would be facing a few
14 | more years at this current commercial quota and the current
15 | recreational charter regulations until new information is
16 | available through the benchmark assessment process, which is
17 | going to begin this summer.

18 | So we are looking at a couple -- it would be a
19 | couple years' time before we would be able to do anything new
20 | without going through what is known as conservation
21 | equivalency. And what I mean by that is, we have a 20
22 | inch -- I will talk recreationally -- we have a 20 inch and 2
23 | fish limit right now on the charter and recreational end. You
24 | could go to 19 inches but you would have to go to 1 fish.

25 | Or you could go to 19 inches and keep 2 fish but

1 | lose 60, 70, 80 days of your season. And so that is
2 | conservation equivalency.

3 | So we started out with a ton of different options
4 | and paths forward and as we get closer to the end it is
5 | whittling itself down to just a few options that are in front
6 | of us. And so that is all I have regarding the council and
7 | the commission, and before I move on to yellow perch, maybe I
8 | just handle any questions at this time, Mr. Chairman.

9 | (No response)

10 | MR. RICE: Okay, move into yellow perch.

11 | ***Finalize Yellow Perch FMP***

12 | MR. LUISI: Before I get into the amendment, which
13 | we will talk about here briefly, I just wanted to give you an
14 | update on the yellow perch harvest this year.

15 | So there was no harvest in the Patuxent River. The
16 | Chester River came in about 4,000 pounds short of its quota.
17 | The upper bay came in a couple hundred pounds, about 1,500
18 | pounds short of its quota, which put us, as far as the
19 | Chesapeake Bay goes, short of our quota by about 8,000 pounds.

20 | And we worked really hard with our industry this
21 | year, especially in the upper bay as we were tracking and
22 | watching the harvest happen. We got to a point where the
23 | projections were indicating we were going to exceed the
24 | harvest target, so we closed the fishery for a few days to
25 | kind of let the dust settle.

1 But we were able to, through the work with the
2 industry and the folks who were communicating with us, with
3 our electronic reporting system, we were able to watch it day
4 by day. So we reopened the fishery realizing that we had not
5 achieved our harvest target.

6 We reopened the fishery and literally day by day we
7 were able to watch through the electronic reporting system
8 what was happening, and we were talking to people and talking
9 internally about where the track was going to go.

10 And what we ended up allowing for was the fishery to
11 just carry itself out through the end of the month. We came
12 in a little bit short but I think it was about as close as we
13 could get without going over. And it was a success story as
14 far as quota management goes, to be able to manage on a
15 day-by-day basis.

16 It was one of those things that we can't always do
17 in cases where we receive harvest reports weeks out
18 from when the fish were harvested. We were able to track this
19 really well. So I will take questions on the commercial
20 harvest maybe before I go into the amendment.

21 ***Questions and Answers***

22 MR. LAY: If you would ask some of the upper bay
23 yellow perch fishermen, they would not characterize it as a
24 success. They feel a little left out. The closure the DNR
25 put on us in the middle of the season was for seven or eight

1 days.

2 If that closure had not occurred, we -- you will
3 never know but we would have at least come closer to catching
4 our quota. And, you know, at a couple dollars a pound when
5 there is nothing else going on in the upper bay, that 1,500
6 pounds does mean something to us.

7 Yes, it is all cheery that we didn't go over and we
8 won't have to subtract anything next year but we lost that
9 money and those fish because they will not be given back to us
10 next year.

11 MR. BROWN: I know fishery management is very hard
12 and hard to make sure you get as close to the quota as you can
13 but when you allow a quota, you are supposed to catch it.

14 I think it is time that, as well as they are doing
15 with it, they need to at least carry it over from one year to
16 the other or plan on going over just a shade because if not
17 they will never catch their quota.

18 And their quota is the amount of fish that they are
19 permitted to catch. So you are either going to have to let it
20 roll over or you are going to have to say, hey, look, we are
21 going over a few percent every year and deduct it next year.

22 You know. So you are allowed, say -- I am just
23 going to use a round number. You are allowed 10,000 pounds
24 this year. Then you go over and you catch 11,000. Well, you
25 got 1,000 pounds taken off.

1 Well, then you go over 500 pounds the next year or
2 whatever. You take it off. And that way you catch quota. In
3 other words, if you go over the first year, you know, you just
4 deduct it off the other. Either that or roll it over.

5 MR. RICE: Well, we do have the workgroup that is
6 ongoing in discussions, and this would be -- correct me if I
7 am wrong, Steve -- this would be something we will be
8 wrestling with hopefully?

9 MR. LAY: Sure, we can bring that up at the
10 workgroup.

11 MR. LUISI: And I will say that history would have
12 indicated that when the spike started this year, all signs
13 were that we were going to exceed our quota, and because there
14 was -- it was right at the time. It always is a Friday,
15 before we are not in the office for a few days. And we just,
16 we felt that it was an attempt to just halt everything where
17 it was and reinitiate the fishery if we could.

18 You know, we tried to -- so what I am trying to say
19 is there was a suggestion at one of the previous meetings that
20 if we did not pay back the full amount of quota, which we
21 didn't from last year's harvest, that we were going to act
22 ultraconservatively in this year's fishery. And I will attest
23 we did not.

24 We were using history. It is all a matter of a day.
25 It all happens within a day's time when all of these things

1 can happen and overages can occur. You can have 10,000 pounds
2 landed in a day when you have a 45,000 pound quota so it is a
3 very -- Robert T., it is a very difficult thing to manage.

4 However, with a continued overage, you find yourself
5 with nothing. If you theoretically always overharvest and you
6 are paying the quota, you will ultimately end up with nothing.
7 So we try to hit it right on the nose. We get as close as we
8 can.

9 You will see in a minute when I report out on
10 striped bass we were very close with striped bass. We will
11 continue to talk about this at the workgroup. We did not have
12 a workgroup meeting between then and now, which we had hoped
13 to but things have been a little busy and we haven't been able
14 to pull that together but that is something that we plan to do
15 this summer.

16 As far as the yellow perch amendment, you all have
17 the most recent draft version of the amendment in front of
18 you. This amendment revises the management plan objectives
19 and incorporates the current stock status. It formally adopts
20 the management approach that we began in 2009.

21 So we changed the way we approach management in
22 2009; however, the FMP does not reflect that. This current
23 amendment, as you see it, is an update as to how we are
24 managing the fishery. Now we had a workgroup that was put
25 together by members of both the sport fish and the tidal fish

1 | commission.

2 | And we met once to discuss the 2016 quota overage,
3 | which was about 15,000 pounds. We met to talk about what we
4 | were going to do with that large overage, whether or not it
5 | was going to come off in full this current year or we were
6 | going to manage it in some way where it come out partially.

7 | And you guys remember we had the discussion, the
8 | committee reported back to both commissions, and the
9 | commissions decided to only pay back a portion of that full
10 | amount that was over from 2016.

11 | So there was discussion by that committee at the
12 | time that we would do more work to deal with quota overages to
13 | add to this amendment as it currently stands as a draft. Yet
14 | we haven't been able to reconvene that group just due to
15 | resources and time and priority setting right now but we have
16 | every intention to do so.

17 | So the guidance that I gave in working with Sarah
18 | and her FMP group was to consider this draft, which is an
19 | update to this point in time on how we manage the fishery,
20 | let's consider this draft and perhaps finalize this draft,
21 | complete the amendment process on this draft, and then have
22 | the committee reconvene and provide guidance back to both
23 | commissions about how to proceed with the quota overage
24 | amendment.

25 | We could potentially do an amendment where we are

1 | discussing and getting some more detail about how we deal with
2 | quota overages for the future. So that was my recommendation
3 | to Sarah and her staff. She wasn't able to be here for this
4 | conversation so I am presenting this to you today.

5 | This amendment takes us up to this place in time
6 | with the potential for considering a future amendment after we
7 | have reconvened the working group to talk about whether or not
8 | that is what they want to do.

9 | Now I will turn your attention to page 10, and Paul
10 | has it up on the screen.

11 | (Slide)

12 | MR. LUISI: Paul, could you highlight the section
13 | that we discussed? So this was discussed at sport fish two
14 | days ago. And prior to just a few weeks ago, the language
15 | read differently than it does in the current draft that you
16 | have.

17 | So I am just going to read this sentence. It says,
18 | if commercial harvest exceeds the TAC, which is our Total
19 | Allowable Catch, all or a portion of the overage is subtracted
20 | from the TAC for the next fishing year.

21 | And so we added the language "a portion of" to the
22 | amendment because up through this point in time, any overage
23 | was deducted in full. But this past year we deducted a
24 | portion, only a portion of the overage.

25 | And so I felt it was most accurate to add that

1 language to the amendment for future consideration. If and
2 when we don't have another amendment on quota overages
3 finalized at some point in time, we can refer to this and we
4 can discuss approving a portion of that overage.

5 So we discussed this with the sport fish commission.
6 They ultimately determined to remove -- they made a motion to
7 remove "or a portion of" from this document. And that was
8 their advice to the department.

9 So that is kind of the sticking point of this
10 amendment in my mind right now. And I think what I should do
11 is answer any questions anyone might have or we can have a
12 discussion about how we want to proceed with the language
13 currently in the amendment in front of you today.

14 MR. BLAZER: I just want to add a little bit to what
15 Mike said. The Sport Fish Advisory Commission moved to
16 approve the yellow perch amendment to the FMP as presented
17 minus those three words, to take that "or a portion of" out.

18 So they moved to adopt what we have got but just
19 with that one edit as we go forward. So I just want to make
20 sure that --

21 MR. LUISI: That is a good clarification. So we
22 have -- we are at the end of the line with the sport fish
23 commission and we turn to you now to debate, discuss. If you
24 have any questions, I am happy to answer them as far as where
25 we are, where we stand.

1 MR. LAY: I would recommend that this commission
2 approve the amendment as written. We do not want to take that
3 "or a portion" out because that does not give us any
4 flexibility in the future to make considerations to the
5 overage.

6 This is a priority of the workgroup. It is the
7 number one thing we are going to be talking about at our next
8 meeting. At the last meeting, the sport fish representatives
9 were all okay with talking about a portion. I am surprised
10 they don't like that language now because they liked it when
11 we did it prior to our latest fishing season.

12 I don't believe we should support taking that out.
13 And I believe we should support the language as written and
14 accepted that way.

15 MS. DEAN: Is that a motion, Steve?

16 MR. LAY: It could be.

17 MS. DEAN: I will second it.

18 MR. RICE: Give us your condensed version as a
19 motion. Move to support what?

20 **MOTION**

21 MR. LAY: Motion would be to accept the amendment as
22 currently written, leaving in all wording as it is and not to
23 support the sport fish's recommendation to remove "or a
24 portion" from the amendment.

25 MS. DEAN: I second it as written.

1 MR. RICE: Now the motion is made and seconded. Now
2 we can have some discussion.

3 MR. SUTHERLAND: Not to argue any of the things that
4 you just said but I think the intent -- I was not involved
5 with sport fish at the time this was deliberated with the
6 workgroup but the workgroup is a very important part of the
7 process.

8 And I thought it was, in my personal opinion, it was
9 an example of how sport fish and tidal fish should be working
10 together, and so I commend both parties for doing that.

11 I believe the majority of the people that were
12 concerned about "or a portion of" feel that workgroup process
13 was very important and it is a useful tool in the future for
14 making the same decision.

15 And to not have the ability to utilize the
16 workgroup, all of sudden we are arguing over a stock
17 assessment that needs improvement. And that stock assessment
18 is very important for making decisions in the future for
19 everybody, not just the recreational guys, not just the
20 commercial guys.

21 So the idea, I believe, and the sentiment was that
22 this is a great process. That process worked really well in
23 this situation for coming to a conclusion of 50 percent and
24 that is a process that we should use moving forward to
25 continue that type of collaboration and working together

1 | between the two interests.

2 | MR. RICE: Thank you, David. Further questions or
3 | other comments?

4 | MR. BROWN: Yes, I support the motion as Steve put
5 | it on there. And one of the reasons is that, you know, if you
6 | take it over, if you come up short, it is not rolled over.
7 | The other thing is there is no precise science that we have in
8 | these numbers here, how many fish we have right to it.

9 | I mean, we are doing the best we can with what we
10 | got but it is not -- you can't count every fish like you can
11 | how many tiles are in this floor. And I think it is
12 | micromanaging it too much without -- if they take out just a
13 | portion. I think you have got to have some give and take into
14 | it on both sides.

15 | MR. RICE: Thank you, Robert T. The other thing is
16 | in our discussions at the workgroup level, we do have language
17 | that we are talking about as to how to proceed with an overage
18 | or underage. We need to keep this part broad enough where we
19 | can continue to work within, and if it is something in here
20 | that keeps us from doing our job as a workgroup, then that
21 | would conflict.

22 | We looked at different things like status of the
23 | stock, in a particular instance, year by year. So it is
24 | ongoing work, and I think at the end of the day they will
25 | probably come up with something very livable.

1 MR. SUTHERLAND: I just want to ask a technical
2 question. So assuming that -- if "a portion of" is left in
3 there, Mike, what is the process then for making the decision
4 on a portion of moving forward?

5 MR. LUISI: Then there would be contrasting opinions
6 from each of the commissions, and it would be up to the agency
7 to determine which would --

8 MR. SUTHERLAND: I understand that. I guess what I
9 am saying is that let's assume that DNR says we are going with
10 "a portion of." Then what is the process when we go through
11 and there is an overage again for whatever reason, whether it
12 is DNR closing it early or whatever.

13 What is the process then for making the
14 determination on --

15 MR. LUISI: Whether or not we do a portion --

16 MR. SUTHERLAND: Or all.

17 MR. LUISI: Well, I think -- it is of my opinion we
18 have shown, I think we have shown as an agency that we are,
19 that when this issue arises, that we are going to go to all
20 stakeholder groups and have that discussion like we did at
21 that committee level.

22 So I think we have proven that we are not just going
23 to apply a portion reduction. We are not just going to do it
24 outside of the transparency that we go through in this process
25 that we are in right now.

1 So in this year we didn't go over. So we won't be
2 having this conversation next year. In the event, a couple
3 years from now, there is a harvest overage, I think depending
4 on the scale of that overage and the health of the stock, we
5 would make a determination as to whether or not there should
6 be a portion or all.

7 If it is a portion, we go back and make sure we have
8 a well-vetted discussion between the two user groups to make
9 sure that, you know, we are getting feedback and a
10 recommendation from not on the industry but the recreational
11 community as well. It is not going to happen in a vacuum is
12 what I am trying to say.

13 MR. SUTHERLAND: You would go back to a similar
14 process that you used --

15 MR. LUISI: I see no reason why we wouldn't.

16 MR. LAY: Dave, your friend Jim Gracie was on that
17 committee or is on that committee. And he may be able to give
18 you some guidance but we work very well together and the stock
19 assessment was our key indicator as to what we could do, the
20 health of the stock.

21 MR. SUTHERLAND: I talked to Jim last night and he
22 said the same thing. And again it is a great process, and I
23 think everybody worked well together, and I would like to see
24 that continue.

25 MR. LAY: We worked very well with the sport fish

1 people on that committee.

2 MS. SINDORF: Just like Mike said, if you take those
3 words out, it doesn't allow the department flexibility to look
4 at the stock and make decisions. So just leaving it in allows
5 flexibility for the department as well as for the industry.
6 So I think the words should stay in as well.

7 MR. MANLEY: All this back and forth on this, Robert
8 T. had the best answer. If you are short this year, roll it
9 over next year. If you go over, take it off and then you
10 don't have to deal with any of this back and forth overages
11 and underages or whatever.

12 I mean, it is simple that way. This just makes it a
13 whole lot more complicated. I mean, if the stock assessment
14 said you are allowed 20,000 pounds of fish, and you catch
15 19,000, you shut it down, 18,000 or whatever. Give them the
16 2,000 pounds next year, put it on top of that quota that next
17 year's assessment says you are safe to catch.

18 This back and forth over "a portion of" and stuff,
19 it gets rid of it. To me, it just makes more sense and keeps
20 it simple.

21 MR. RICE: Thank you for your comments. We do have
22 motion on the floor that we need to vote on. Do we have any
23 more comments? Billy, go ahead.

24 MR. SCERBO: Basically I wanted to say what Gail
25 said. The word is the important part of the whole discussion.

1 And it probably ought to be added to more regulations down the
2 road because we need, like we saw in the sanctuary bill,
3 everybody needs more flexibility so loosening the language on
4 some of this stuff is the way to go.

5 MR. BLACKWELL: Forgive my ignorance. I am new here
6 at this table but do I understand that in this species, this
7 year there was an overage but the previous year there was an
8 overage. But the underage this year doesn't help offset the
9 overage from the previous year and therefore adjust the
10 overage penalty for next year?

11 MR. LUISI: I followed most of that.

12 (Laughter)

13 MR. BLACKWELL: The underage this year doesn't
14 offset the overage from the previous year?

15 MR. LUISI: The overage from the previous year is
16 addressed when the quota is set. And then the underage from
17 this year, we currently do not roll over underages into next
18 year.

19 So let's say we set a 50,000 pound quota next year.
20 We wouldn't take the 1,500 and make that 51,500. It is just
21 not the policy of how we have worked with quota underages in
22 the past.

23 There are differences there as far as when you go
24 over or when you go over. Catch in a given year is all based
25 on what is available that year. For instance, if the fishery

1 | did not operate one year, and you had a 50,000 pound underage,
2 | you would be saying that you have 100,000 pound quota the next
3 | year. And the fishery couldn't handle a 100,000 pound
4 | overage.

5 | But there is precedent for rolling over portions of
6 | an underage into another year's fishery. That is something
7 | that we need to sit down and talk about. But the language
8 | here, while it wasn't in the plan before, we made an exception
9 | to the plan in the case that we dealt with, which was kind of
10 | almost like an emergency situation where we had such a high
11 | overage, we needed to work on it. We needed to figure it out.

12 | This just sets the stage for what we have done but
13 | also provides the flexibility for future years so we don't
14 | have to have -- everyone knows that this is a possibility, and
15 | it doesn't have to come as a surprise to someone if we do a
16 | partial payback in a future year.

17 | So you can look at it both ways. Obviously that is
18 | what is happening, and depending on how the vote goes we will
19 | have to decide what to ultimately do, either leave the
20 | language in or take the language out.

21 | MR. JEFFRIES: I don't know who this question is
22 | for. How many people are actually in the yellow perch
23 | fishery?

24 | MR. LAY: Well, there are about 65 people who
25 | actually get a permit put there are probably only 25 who

1 | actually fish, that report catch.

2 | MR. JEFFRIES: When we are getting close to that
3 | 8,000 number, how can't we manage 25 people that are in the
4 | fishery. Isn't there a way to say, hey, you have 8,000 pounds
5 | you 25 people. You each catch 300 pounds or whatever and you
6 | are done.

7 | MR. LAY: The problem is not within the commercial
8 | industry. There are other user groups -- sport fishermen who
9 | also have a say in this process. And they feel the need to
10 | take that language out in this case. And as commercial
11 | fishermen, we do not want that language taken out.

12 | So our situation here is not within the commercial
13 | industry. It is our ideas of how this wording should be and
14 | the sport fish's.

15 | MR. LUISI: I guess your point, Ken, though, about
16 | managing to the quota with just 25 people, the hard part is
17 | there are no catch limits right now and it happens -- the fish
18 | literally in three days' time can go from being nowhere to all
19 | of a sudden being over the quota and so we have public notice
20 | authority.

21 | It is fast. We can do things very quickly but it is
22 | also challenging even with 25 people. This year I think we
23 | had 6 at the end of the year working and it was still a
24 | challenge.

25 | MR. DIZE: I would just like to ask a question.

1 Pardon my ignorance but is this a federal mandate that you
2 can't roll over anything to the next year? Is it a state --
3 is it written in a state mandate?

4 MR. LUISI: No. We have fisheries that --

5 MR. DIZE: Where does the mandate come from then?

6 MR. LUISI: There is no mandate that you can't do
7 it. We have fisheries where we roll over quota from one year
8 to the next.

9 MR. DIZE: Right. There are federal fisheries that
10 roll over. This looks like to me, and I have nothing to do
11 with yellow perch, but it looks like to me this would be a
12 model fishery to do something like that to really manage it,
13 where you could say, okay, you were under -- how much were you
14 under?

15 MR. LAY: 1,500.

16 MR. DIZE: You were under 1,500 pounds. It is not
17 going to be 100,000 pounds in this fishery over. You are
18 going to be close because like you said, you manage from day
19 to day. So if you did go under 1,500 pounds, what would be
20 the sin of rolling that to next year? Next year you go over
21 1,000, you knock it off.

22 It looks like to me this would be the fishery to
23 manage right to the point. And you could do it. The state
24 could manage this fishery being that it is so small.

25 MR. LUISI: You are right, the state has complete

1 authority over yellow perch. We do not have to ask the
2 Atlantic states commission for any type of approval. We do
3 not have to ask the Mid-Atlantic council or NOAA for any type
4 of approval. So yes, this is a fishery -- and that is what we
5 plan to do. We plan to have this discussion.

6 To your point on mandates, it is not that we are
7 mandated that you can't do it. It is that all of the other
8 species that we manage, we would have to fold that into a
9 coastal plan through ASMFC or NOAA. And they may not approve
10 that.

11 MR. DIZE: Oh, so you would have to --

12 MR. LUISI: So for striped bass, if we come in, we
13 would have to have an overage condition, an underage condition
14 rolled into the striped bass FMP. And that would be a
15 coastwide decision.

16 MR. DIZE: I understand on striped bass because --

17 MR. LUISI: Yellow perch is all us.

18 MR. DIZE: Yellow perch is something like white
19 perch. It is ours. And it looks like to me this would be a
20 model to be able to really handle it perfectly on.

21 MR. LUISI: We always strive for perfection.

22 MR. RICE: Okay at this time, is everybody familiar
23 with the motion we have got on the floor? Okay. That being
24 said, all those in favor, raise their hand, please?

25 (Show of hands)

1 MR. RICE: All those opposed?

2 (No response)

3 MR. RICE: All those who abstain?

4 (No response)

5 MR. RICE: I will take it, it is unanimous.

6 MR. LAY: Thank you, commissioners.

7 MR. LUISI: Coastal fisheries forum update, I will
8 be very brief.

9 ***Coastal Forum Update***

10 MR. LUISI: Coastal Fisheries Forum update, I will
11 be very brief. I just wanted to make sure everyone on the
12 commission is aware that a couple times a year, we plan kind
13 of an open dialogue with fishermen in Ocean City, our coastal
14 fishermen, both commercial -- so we have two meetings during a
15 day.

16 We meet with our commercial guys, and we talk about
17 anything they want to discuss. We go over with them any
18 updates that we have for them regarding ASMFC and actions that
19 are being considered. Things they need to keep on their
20 radar.

21 Then we meet with our recreational committee, or not
22 even a committee. It is an open forum for anyone who wants to
23 attend.

24 We met -- just a couple quick updates on the
25 commercial side. We met on March 27. There was staff from

1 | our coastal program, Dave and Lynn and I and George. We met
2 | with our commercial guys just to give them some updates, a few
3 | things to just point out.

4 | We recently distributed six new spiny dogfish
5 | permits that had been relinquished due to not meeting the
6 | minimum landings requirements during the -- so people
7 | qualified for permits for historical landings. They are no
8 | longer fishing so those permits were relinquished to the state
9 | and we reissued them back to six new applicants. It was
10 | something that we worked on last year.

11 | We were able to salvage the Jonah crab fishery.
12 | Probably some of you guys may not realize we have a small but
13 | viable claw fishery for Jonah crabs. A couple of the lobsters
14 | potters catch a lot of Jonah crabs as well and they break the
15 | claws off, come in and sell bags of -- 40-pound bags. They do
16 | pretty well.

17 | There was a threat by ASMFC that it would no longer
18 | be able to take place, and we worked really hard to keep that
19 | alive.

20 | The black sea bass quota, as I have mentioned to you
21 | before, was increased by about -- I think it was 40 percent,
22 | 50 percent this year based on the new assessment work.
23 | And we have been working really closely with those guys --
24 | they have an ITQ for black sea bass on the coast and we have
25 | been handing out portions of that quota as we were more

1 confident that the federal government was going to approve
2 those recommendations on that increase.

3 So we have got a lot of good feedback from our
4 permit holders there about us working with them to make sure
5 they had what they needed, even though there was a little risk
6 in giving out the quota before we actually had it written in
7 stone. They were awfully happy with how we have handled all
8 that stuff.

9 The one major issue that you may hear or read about
10 down there is a shoaling issue in the harbor. Boats are
11 having a really difficult time getting and out of the
12 commercial facilities down there. They are hitting ground,
13 and the shoaling comes as a result of just changes in the
14 surrounding area, tides and currents, and how the water coming
15 in and out of the inlet is moving sand around.

16 And so it is a really big issue. We hope -- we
17 don't have a whole lot that we can do about the issue but it
18 has been raised and we are working through boating services
19 now, not so much fisheries but the boating side of our unit is
20 working to try to help correct some of these actions.

21 It doesn't just have an effect on the commercial
22 boats that come in but some of the really large recreational
23 boats during the white marlin tournaments and the other
24 tournaments that they have in Ocean City. It would be
25 devastating to the town of Ocean City if those shallow areas

1 | could not be taken care of and dredged out because of the
2 | inability of bringing seafood across the docks so just
3 | something to put on your radar.

4 | ***Catch and Release Tournament Request***

5 | MR. LUISI: Catch and release tournament request:
6 | This is a pretty quick one. We had a request recently to
7 | approve a catch and release tournament prior to opening day of
8 | the season.

9 | As you guys know, we allow for catch and release
10 | prior to the season but this would be a tournament that we
11 | would approve as a tournament. We denied the request this go
12 | round but wanted to look to you guys to get feedback as to
13 | whether or not that request should be -- should we consider
14 | future requests, what should we be thinking about?

15 | ***Questions and Answers***

16 | MR. JEFFRIES: Not early catch and release, and I
17 | think I have stated it enough times. We need to do something
18 | with all of these tournaments. The catch and release
19 | tournaments, with the rate we are getting charged on
20 | mortality, the catch and release tournaments, they are not
21 | beneficial to anybody really.

22 | I mean, the recreational guys, I don't even know
23 | where they come from. There are little bars popping up
24 | everywhere having these catch and release tournaments. I
25 | would like to look at catch and release and I would also like

1 to look at the current tournaments we have now and see which
2 ones we could probably eliminate.

3 The whole tournament system is, especially when we
4 are under this reduction, is out of control. To me it is an
5 easy management ability we have if we just eliminate them.
6 It doesn't do good for anybody, would be my opinion.

7 MS. DEAN: Do you need a motion?

8 MR. BLAZER: Yes, we would appreciate one.

9 **MOTION**

10 MS. DEAN: I would like to make a motion that the
11 department not approve catch and release tournaments prior to
12 the opening of the striped bass season.

13 MR. JEFFRIES: I second it.

14 MR. RICE: Further discussion?

15 (No response)

16 MR. RICE: No further discussion, then call for the
17 question. All those in favor, raise your hand, please?

18 (Show of hands)

19 MR. RICE: Opposed?

20 (No response)

21 MR. RICE: Abstain?

22 (No response)

23 MR. RICE: Once again unanimous.

24 MR. JEFFRIES: I think you should note she and I
25 were in agreement.

1 (Laughter)

2 MR. SUTHERLAND: We voted unanimously at sport fish
3 too just so everybody knows.

4 MR. RICE: Thank you, Dave. We appreciate that
5 information.

6 MR. LUISI: Are there any other questions on what I
7 reported out before I turn it over to Lynn?

8 MR. JEFFRIES: Can I ask a question on tournaments?
9 How many do we have that are approved by the department for
10 the year.

11 MR. GENOVESE: I think we are at 43 right now.

12 MR. JEFFRIES: 43. I wouldn't say let's do a
13 workgroup but that is something we need -- especially during
14 this reduction. See how this Atlantic Marine Fisheries thing
15 goes but I never thought it was that high. I would have
16 guessed 15. I would never have guessed 43.

17 MR. BROWN: How many of those are during the
18 spawning season --

19 MR. BLAZER: During the trophy season, are they all
20 during May?

21 MR. GENOVESE: No, that is for the entire year.

22 MR. BLAZER: So it is not just May during the
23 trophy season. We didn't allow any before May 1. They are
24 all after May 1 but some of them are in the fall.

25 MR. GENOVESE: Yes, it is right up to December.

1 MS. DEAN: Can we get that number, how many are in
2 the spring?

3 MR. GENOVESE: Yes.

4 MR. LUISI: That is all I have. I am going to turn
5 it over to Lynn.

6 ***Eel Harvester Workgroup Update***

7 MS. FEGLEY: Hello, I am Lynn Fegley. I am the
8 division director for stock health and analysis. Good to see
9 you all.

10 I am just going to give you a really quick update on
11 the Commercial Eel Workgroup. Steve Lay and Troy Wilkins were
12 there, so they can chime in as well.

13 Commercial -- the eel harvest is now managed under
14 ASMFC. And the way that it is being managed is there is a
15 coastwide cap that is set at just under 908,000 pounds
16 coastwide.

17 And the way that this works is if the coastal
18 fishery, all the states together, exceed that cap, then if
19 they exceed it by less than 10 percent in 2 consecutive years
20 or if they -- if we exceed it by more than 10 percent in a
21 single year, then we have to go to state-by-state quotas, and
22 our quota in Maryland would result in a fairly substantial
23 reduction to the Maryland eel harvest.

24 So the first order of business at that workgroup was
25 to update the group on where the harvest for 2016 stands.

1 Right now, coastwide we have harvested something just under
2 900,000 pounds. So I will repeat, coastwide we have a 900,000
3 pound 2016 harvest. And a trigger level of 908,000 pounds.

4 So the bottom line is that it doesn't look like we
5 are going to have any immediate action on this. If we
6 exceeded the quota in 2016, or I should say the cap in 2016,
7 it will not be at that 10 percent level. So basically that
8 means we wait until next year.

9 We have learned that the eel board is not meeting at
10 this commission, so I just -- we are not anticipating that
11 there is going to be any action for the 2017 fishery.
12 However, we are still living under this albatross that this
13 quota could come down so we have been meeting with the
14 commercial representatives of the commercial eelers to figure
15 out if we have to manage a quota, how would we do that.

16 And the conversation is ongoing and the group has
17 been, I have to say, a pleasure to work with. And one of the
18 things that they have done is set up goals for their fishery.
19 And when you look at those goals, I think the group is
20 really -- so there are two ways you can approach the
21 management.

22 You can approach it thorough some sort of open
23 access, like yellow perch. Or you can limit the access of
24 people who can eel based on some criteria like harvest
25 history.

1 I think, and I am going to ask for you guys who were
2 there to weigh in when I am done, but I think as the
3 conversation unfolds, the group, the heart of the group is
4 really with open access.

5 One of the options that was discussed was to take a
6 quota and divide it into trimesters so that it is stretched
7 out as far as possible through the year, and most people who
8 wait to fall to go eeling will have some quota there waiting
9 for them.

10 But I have to caveat that by saying they are also
11 seriously examining an option that would include limited entry
12 to the fishery because there are a lot of people with the
13 potential to go eeling who have not eeled. So there is a
14 little bit of that desire to really make sure, you know, that
15 the harvest isn't diluted. That the people who have been
16 making a living at it can continue to make a living at it.

17 That is a very difficult issue to grapple with. We
18 are going to keep the conversation going but the most
19 important thing is that we appear to be, no pun intended, off
20 the hook for 2017. We are going to have to watch very closely
21 what happens in 2018 because, again, if the 2017 harvest, if
22 we exceeded the cap in 2016, and we exceed it again in 2017,
23 we are going to have to go to a quota in 2018.

24 It is a little bit confusing with all these years
25 and numbers but 2017, we are not going to have to worry about

1 but we are not off the hook for 2018 so it is really important
2 that we are going to continue this work.

3 And as the group gels on recommendations, all of
4 this, anything the group recommends would come through this
5 group, and go out through an intensive public process.

6 *Questions and Answers*

7 MR. DIZE: Question: Do you run a calendar year on
8 it?

9 MS. FEGLEY: Yes.

10 MR. DIZE: So we are under for '16.

11 MS. FEGLEY: Yes.

12 MR. DIZE: So we are not looking -- that is not
13 staring us in the eyes.

14 MS. FEGLEY: It is not staring us in the eyes, yes.
15 So we run a calendar year. So the year that we are looking at
16 now for all the states, because the harvest comes in late, so
17 we don't know what happened in 2016 until sometime in 2017.

18 And if we exceed the trigger in 2017, the way the
19 plan is written, it is like menhaden. Just go, which is not
20 idea. So for 2017 we are fine.

21 MR. LAY: I am on the eel commission, and I will
22 tell you a couple things that we are not in favor of, and that
23 is individual quotas. We were not in favor of just having
24 everybody jump into the fishery on January 1 and catch all
25 their quota up as quick as they can.

1 Those two options were out. The scary part, which
2 we have had discussion on, the closed entry, was primarily due
3 to DNR asking everybody last year in August, when they renewed
4 their license, that if they thought they may have an interest
5 in catching eels, they would get a free permit.

6 Well, statistics said that in 2016, there were 55
7 people in the state of Maryland who caught at least one eel.
8 And when we asked how many permits DNR had given out for this
9 free eel situation, the number was 455.

10 So that threw up a bit of an alarm to the eel
11 workgroup that if for some reason the price of eels went to
12 \$10 a pound, we would have a huge influx of eelers, and there
13 would really be nothing for anybody. Just a prime example of
14 how complex trying to figure this out has been. And we have
15 not come to any decisions.

16 MS. SINDORF: So if I remember this discussion
17 correctly, the amount that we would lose if this were to
18 trigger was substantial. Was that, right, like 50 percent?
19 It was substantial, right?

20 MS. FEGLEY: No, I don't -- It is substantial. I
21 don't think it is quite 50 percent. If you give me a minute
22 to shuffle through these papers I can tell you exactly what it
23 is.

24 So our quota, if we were to have to go to a quota,
25 where it is right now is just under -- it is about 466,000

1 pounds. That is what the Maryland quota would be. It would
2 be 466,000.

3 MS. SINDORF: What do they catch typically as of
4 now?

5 MS. FEGLEY: So in 2016, the harvest right now is
6 coming in -- it is just under 600, just looking at the bars.

7 MS. SINDORF: So they are losing 33 percent based on
8 the catch.

9 MS. FEGLEY: I don't know if anybody can see this.
10 This is a little graph to hold up but that blue, solid blue
11 line, is what our quota would be and the red bars are what we
12 have harvested recently. So you can kind of see the scale.

13 MS. SINDORF: So with that, I know that -- Mike had
14 brought this up maybe a couple years ago. We had said
15 something about you guys really being, you know, up on what
16 you had caught and where you were so you made sure you never
17 triggered because you could give up 200,000/300,000 pounds, is
18 that right? And still make an impact on not having that
19 trigger met, correct?

20 MS. FEGLEY: That is the game because we can
21 harvest, we can stay under that coastwide trigger and harvest
22 more. And because Maryland drives the bus, we are 60 some odd
23 percent, we are allocated 60 some odd percent of the coastwide
24 harvest. We are the big players on the field.

25 The state of Maryland could actually -- the answer

1 | would be to set ourselves an internal quota that would
2 | potentially buffer us from firing that coastwide trigger. And
3 | the workgroup has touched on this. I think we said our
4 | priority, because we didn't know what was going to happen for
5 | 2017 -- the harvest numbers were rolling in, were getting
6 | closer.

7 | But I think something we have talked at the
8 | workgroup and will continue to talk about is, is there a
9 | mechanism that we can use within the state to keep us from
10 | ever having this problem.

11 | And there is risk because, you know, any other state
12 | could -- like Steve said, if the market, if it is suddenly a
13 | \$10 a pound product, you know, Virginia or any other state
14 | could suddenly arrive. And then we have -- we thought we had
15 | control but we didn't. It is a really good point. We do have
16 | a little bit of that ability right now in the eel fishery.

17 | MS. SINDORF: So not that you shouldn't plan for it.
18 | I am not saying that but I just think that should be really
19 | paramount. I would never want to trigger. That is a lot of
20 | loss.

21 | MR. DIZE: I have a solution. Let Troy stay home.

22 | (Laughter)

23 | MR. RICE: Troy, you have got your card up. I am
24 | sure you have got something to say now.

25 | MR. WILKINS: I am on the workgroup too. I think we

1 | are making progress but one thing that, like Steve said, there
2 | were like 55/65 people who reported catching eel. At 65
3 | people, we are catching more than what Maryland's allotment is
4 | if it goes to a quota.

5 | If we have an open fishery, which we have already
6 | seen there are 450, possibly 500 we have been told, people who
7 | have applied for a permit. So, you know, we could really be
8 | in trouble if the market -- I mean, right now it doesn't seem
9 | like the market is there for this. But if it was there?

10 | If you are catching your share in a state with 65
11 | people, how can you let another 300/400 people in the fishery
12 | and not be over your limit? That was one of the concerns that
13 | was brought up there.

14 | But the group also wants not to deter someone, a
15 | young person who is getting into the business. How do
16 | you -- it is hard to manage, you know, letting people in and
17 | trying to control what you can catch. So I guess we keep
18 | working.

19 | MR. GILMER: I think I understood correctly even if
20 | we managed our fishery to where we stayed under our quota,
21 | another state could catch it, and it would still be triggered.
22 | Is that correct?

23 | MS. FEGLEY: Well, just to be clear -- I know I have
24 | mixed words up so I apologize for that. We don't have a quota
25 | right now.

1 MR. GILMER: Right, I know that.

2 MS. FEGLEY: So maybe what you are saying is, if we
3 were to set sort of our own internal, secret quota that we
4 would try to stick to, to prevent the whole coast from firing
5 that trigger, that is correct.

6 The risk is that another state could take up the
7 slack. I honestly can't tell you what the odds of that are.

8 MR. GILMER: But that is a possibility.

9 MR. DIZE: I would look like to me that the chance
10 of happening would be very slim --

11 MR. GILMER: Right.

12 MR. DIZE: -- for the simple reason Maryland gets 60
13 percent of the quota. No other state is near that so, for
14 instance, if you are talking about Virginia. They would just
15 have to have a massive amount of people to get into it to ever
16 trigger that.

17 The only thing that would bother me or you guys on
18 it is this is worldwide -- the product goes worldwide. So the
19 demand is overseas. If they had a die-off or a problem like
20 what happened before, where the price went really hot, we have
21 no control over that.

22 That would be the only thing I would be afraid of
23 but I think the industry can handle it themselves by keeping
24 themselves conscious of what we are allowed to catch and not
25 go over.

1 MR. RICE: Well, I don't have the numbers in front
2 of me but I would certainly guess the lion's share of the
3 coastal quota is in the bay jurisdictions. I would certainly
4 think so.

5 MR. DIZE: I am sure you are right.

6 MS. FEGLEY: It is, and just to that point, there
7 are two things that are upcoming.

8 One is there is going to be a stock assessment
9 update. So that could impact -- there could be a discussion
10 around the board table about changing that coastal trigger
11 depending on the results of that stock assessment. I don't
12 know what the odds of that are. There is not a lot of new
13 information for that analysis. It is an update, not a
14 benchmark.

15 The other thing is that the board has been kicking
16 around now for about a year the idea of revisiting the
17 allocation. There are some states that are extremely unhappy
18 with the way this thing was allocated. Virginia is one of
19 them. And, you know, New York wound up really getting nothing
20 because they hadn't reported any harvest.

21 So there are these sort of other two balls in the
22 air, which is what is the new stock analysis going to show and
23 what is and what is the board going to do about the actual
24 allocation. Any one of those would have to be done through an
25 addendum or an amendment so you all will hear about it but

1 that is just so you know that is also in play.

2 MR. RICE: But Russell, you are 100 percent right
3 about what you just said about the market driving the catch
4 because when the eel plant was in Montrose and it was going
5 good, we had a lot of fishermen who filled in between fishing
6 and crabbing or in the fall just for a month or two.

7 But now since the eel plant went away, all that has
8 gone away, and we have got a few -- Jimmy --- , who travels
9 all over the whole bay, he will come down and eel for two or
10 three weeks, a month or whatever. So without the market, our
11 eel catch should be way, way low.

12 MR. SCERBO: Are there any ideas or efforts on
13 trying to keep a closer tab on what is being caught, I guess
14 not in real time but is there any effort to look in that
15 direction.

16 MS. FEGLEY: Yes, and that one of the objectives of
17 the last meeting, to talk about getting better, faster data.
18 We did have an issue with eels this year where we had a
19 significant amount of harvest come in extremely late. It
20 didn't even arrive -- it was an entire year's worth of harvest
21 that didn't even arrive through our doors until February 2017,
22 and we weren't expecting it.

23 So we were -- Keith, who is our biologist, was
24 really trying to track the harvest relative to that trigger
25 and when this stuff landed, it kind of put us back on our

1 heels a little bit because it was -- it pushed a lot closer
2 than we really wanted to be.

3 So we did, and we talked about the e-reporting
4 system. We talked about the fax system, we talked about tools
5 that we could use to get a better handle on data. We did some
6 diagnostic work for the group about looking at the
7 differential between what the dealers are reporting and what
8 the harvesters are reporting.

9 So, yes, that is a big part of the conversation, and
10 it has got to be a big part of the conversation if the time
11 comes when we go -- if we have to manage a quota, it is an
12 essential part of the conversation. If we want to go down the
13 path of trying to manage ourselves internally, we are going to
14 have to figure out how to do that.

15 MR. SCERBO: This brings back memories of crab
16 reporting when, if you reported too much or you didn't report
17 anything, there was a penalty. So everybody reported
18 something. Well, it could be the opposite. Everybody is
19 going to underreport just to be on the safe side.

20 MS. FEGLEY: Well, the opposite happens as well.
21 When you are in a situation like we are with eels and the word
22 is on the street, you know, that a quota is coming, they will
23 actually -- you will get more reporting. People will over-
24 report because they want to get harvest on the books.

25 MR. SCERBO: Well, in this case, not, because I am

1 | sure the parties who are invested know their quota is going to
2 | be a lot smaller than what they were catching the year before.

3 | MR. WILKINS: Yes, but you take those 450 people who
4 | got a permit, they only have to put in 100 pounds, and boom,
5 | we are --

6 | MR. SCERBO: I mean, but that is pretty blatant.
7 | You picked that up in crab management. It went from X amount
8 | of people reporting to twice that number reporting all of
9 | sudden.

10 | MS. FEGLEY: You can see it happening but there is
11 | absolutely no mechanism to enforce that at all.

12 | MR. WILKINS: We could be under this management plan
13 | just by 450 people throwing something on a piece of paper and
14 | turning it in. And there we are. I mean, we have addressed
15 | it but they authority to do anything.

16 | MR. BLAZER: And I think that is our fear. If we
17 | get that then they click the triggers and then you end up with
18 | a mandatory quota and stuff so it is -- you want the actual so
19 | you know how to react appropriately. But if we get
20 | underreporting/over-reporting --

21 | MR. SCERBO: Whose idea was it to put free licenses
22 | on the table at the license center? Free -- everybody takes
23 | free stuff.

24 | MR. DIZE: The problem I see with this, and I see
25 | this classic, we have already done it in crabs. And like Troy

1 | said, if these 450 people or let's say 400 because we have got
2 | 50 or 60. If they put down 100 pounds, you are already
3 | putting it in jeopardy.

4 | I know if a waterman has any idea that he may ever
5 | want to do that, he is going to put it down. So in his mind
6 | he is going to say, if I put it down, I have got to have
7 | caught something or I won't ever get a quota. Right? Isn't
8 | that the way it works?

9 | MR. RICE: Pretty much.

10 | MR. DIZE: Okay. So we are asking for trouble by
11 | doing that. We are asking for trouble for the eeling
12 | industry.

13 | MR. WILKINS: Like I said, 65 people are catching
14 | more than what we should be. So if those other 400, 300,
15 | whatever, just put a little something down --

16 | MR. DIZE: I see the same thing that has happened it
17 | crabs.

18 | MR. WILKINS: It is going to be trouble. And not
19 | because we caught the fish. That is the worst part about it.

20 | MS. DEAN: I was just going to say I think the
21 | catch-22 came when we formed the workgroup. That is when the
22 | word went out. That is when it hit the street that something
23 | is happening, there is a reason we need a workgroup. And
24 | people started asking questions but we need that workgroup.
25 | We need you guys.

1 MR. RICE: No further questions? Lynn, are you
2 good? All right, thank you. Troy, thank you all because you
3 are doing a great job on that. We know it is a tough task.

4 All right, that brings us up to public comment, an
5 opportunity for anybody that is here in the public who would
6 like to address the tidal fish commission.

7 ***Public Comment***

8 MR. YOUNG: Hi. For those of you who don't know, my
9 name is Richard Young. I am a crab potter. I run out of
10 Dundalk, Maryland.

11 I asked to address you folks just to express my
12 concern about some of the management changes through the
13 Department of Natural Resources, especially in the blue crab
14 program. My big concern is that we will move away from best
15 available science management and we will move into the
16 political atmosphere and managing the fishery.

17 I see -- and you know, when this happened, I was
18 positive that dredge survey was going to be up straight across
19 the board. I mean, we had great conditions. It didn't get
20 cold this winter. We weren't going to have a dead loss. I
21 don't know what happened to them but the juveniles are very
22 scary.

23 Juveniles are down 54 percent to just over 100
24 million juveniles. Is that what it was? Something like that
25 but that is scary. Those crabs are the crabs we are going to

1 | be fishing on next year. We aren't going to have anything.
2 | It is reminiscent of 2013, which was a horrible year for me.
3 | I imagine it was horrible for just about everybody in this
4 | room.

5 | Very important that throughout the course of
6 | developing what we are going to do coming up for this year in
7 | all the regulations, that we be very conservative. We have to
8 | protect the crabs that we have in order to be able to get -- I
9 | am talking about the sooks, the spawning-age females, we need
10 | to be very careful that some of these are going to get down
11 | the bay to set their eggs so we have some juveniles next year.

12 | MR. RICE: Thank you very much for your comments.
13 | Do we have anyone else who would like to address the
14 | commission? Come up to mic, please, Bob.

15 | MR. WAKEMAN: Hi, my name is Bobby Wakeman. I am on
16 | the Blue Crab Advisory Committee. And like Richard said, we
17 | are -- we have looked at the survey too and understand that it
18 | is down but if you talk to any waterman from the lower bay
19 | clean up to Tilghman Island, these are the most little crabs
20 | we have ever seen in our life in the month of April.

21 | And they may not be up the bay but the lower bay is
22 | loaded with little crabs. I can give you the names of
23 | different watermen who will tell you the same thing. So it is
24 | not always the same in the lower bay and the upper bay. So
25 | how do you manage between what is in the lower bay and the

1 upper bay, that is anybody's guess.

2 I mean, you can be conservative all you want but the
3 proof is in what people are catching. And just like on the
4 crab reports, there is nothing on the crab reports that even
5 states of how many undersized crabs do you estimate you catch
6 a day? That should be on there. Why not? What would it
7 hurt?

8 I mean, at least that way you have got some kind of
9 documentation of how many crabs are in what areas other than
10 just hearsay of people saying it. Just my idea, my opinion.

11 MR. RICE: Thank you very much. Anyone else?

12 MR. POWLEY: I have been in contact with --- . We
13 have a problem in the pound net industry with the herring. We
14 are not allowed any herring at all. We need a bycatch so we
15 don't get in any trouble. I don't want any trouble with the
16 marine police. I don't want to lose my license.

17 But it is impossible to take 2 or 300 boxes of
18 alewives and keep every herring out of there. I can't do it.
19 So we need a bycatch of even 100 or 200 pounds. It is not
20 going to make me money. It is just going to keep us safe so
21 we can hold the license and don't get in any trouble.

22 Also the roe shad, the white shad. I pull into the
23 dock and I can't sell one. There is a truck coming in
24 from ---, which is the same place I am, to load them right up.
25 The Potomac has a two or three bushel limit.

1 MR. RICE: Two bushel.

2 MR. POWLEY: I don't get any in Maryland. We need a
3 bycatch on that so we don't get in any trouble. You are not
4 going to make a whole lot of money but it will help you pay
5 your fuel or something. When you don't get anything and you
6 got to pay a crew of three or four, it really hurts so we need
7 bycatches, just a small amount, on like the shad.

8 I threw 1,200 roe shad overboard one day last year.
9 This year I sat light because I didn't want to get into them
10 and herring. I usually sit in the middle of March. This year
11 I sat in the middle of April.

12 But you need to give us a little something on these
13 bycatches so we don't have any problems with the marine
14 police. It is just impossible for me to do so, and I don't
15 want to be in any trouble. And I have asked for help. George
16 will tell you I have called him and talked to him. It is a
17 really big problem.

18 The herring is pretty well gone now. They come up
19 early in February and spawn the same as your rockfish. Most
20 of them have spawned and gone on out of here. You watch what
21 you are gill netting for in Choptank River in February. It
22 was astronomical in that river. They come in early that year
23 for weather and now they have headed on out.

24 But we do need bycatches on things like this just to
25 help pay our expenses. When you don't get anything, it is

1 really hard to keep up. You take 20 percent of your rockfish,
2 you took 20 percent of our menhaden. But what it seems like
3 is to take 20 percent, we only give you back 10. You know, it
4 is awful slow coming back the other way. And that is not
5 right.

6 We are already hurting enough by the rockfish and
7 the alewives and menhaden. And then the roe shad and the
8 herring. I mean, you keeping taking a piece of the pie, you
9 don't have anything left.

10 And another thing, I am the public relations of
11 Dorchester County. It is like all these tickets that come
12 out. If one of would get picked up or caught for the rockfish
13 or anything it would be poachers. And that has got to stop.
14 All of are not poachers. A lot of us go to church, have
15 families and do everything else. We are not all poachers.
16 And we need to change that.

17 We have even talked about giving scholarships for
18 kids so we can change this image of being called poachers. If
19 you get caught with a fish, it is a waterman caught poaching.
20 But if a recreational person gets caught, you don't hear that.
21 It is a one-sided story here.

22 If they are going to report things, then if he has
23 got a recreational license, then you put a recreational
24 fisherman got caught with all these fish. You put it in the
25 paper, and it doesn't say that. It is all one-sided, and that

1 needs to be changed too. So thank you.

2 MR. RICE: Thank you very much.

3 MR. GILMER: I have got a question. What is the
4 value of the roe shad?

5 MR. POWLEY: \$1 and a half a pound. We used to get
6 \$3 a set just for the roe.

7 MR. WILKINS: But weren't you here last year asking
8 for the same thing and it got nowhere?

9 MR. POWLEY: Same way with the black drum. I had
10 20-something black drum in one net. You talk about a pain in
11 the butt trying to throw them out. And the sign said we
12 should have got those back. We tagged all those -- I tagged
13 300 in one day with the DNR. But then they just took it and
14 made it a gamefish, and I can't sell that fish.

15 Give us a little something. We don't want the whole
16 world. We just want a little bit of bycatch so you get
17 something to pay your expenses.

18 MR. RICE: Well, Mike, help us out here. If we work
19 toward trying to establish a bycatch provision, this has to be
20 worked out through the ASMFC? Because I can't quite remember
21 the process we went through to get the bycatch on those
22 American shad.

23 But I know when the herring went under moratorium, I
24 tried to get a bycatch for our fisherman and they said it
25 wasn't possible.

1 MR. LUISI: So the Atlantic states commission
2 mandated that we go into a moratorium on river herring.

3 MR. RICE: Correct.

4 MR. LUISI: Which would be your bluebacks and your
5 alewife herring. They also put a stipulation into that
6 mandate that if the state could show that harvest in that
7 state is a sustainable practice, if you have a sustainability
8 plan, you can have a commercial fishery.

9 And we at the time and even now, we do not
10 have -- the Chesapeake Bay is just too vast for us to come up
11 with a sustainability plan with the staff resources that we
12 have, and prove to the commission that we are able to manage a
13 sustainable level of harvest in our state.

14 So with all of that said, we don't have the ability
15 right now to increase our harvest of river herring outside of
16 what that mandate on the moratorium is.

17 Now I would be very interested in talking with you
18 and perhaps Marty --

19 (Asides)

20 MR. RICE: Mike, I will be honest with you. The
21 person you need to talk to is AC because Robert T. will tell
22 you, AC was into this, and this was before Marty's time. I
23 can give you his contact information if you don't have it. I
24 know he will be glad to talk to you.

25 MR. LUISI: It is absolutely something that we can

1 talk with the commission about and we can talk with AC about
2 because the of the provision of them --

3 So in the Potomac, just so I am clear, you can keep
4 aside, from mixed into the bait, you can keep two bushels of
5 river herring. Aside from the bait.

6 MR. RICE: No, we don't have a bycatch on river
7 herring. Just the shad.

8 MR. LUISI: So you cannot harvest river herring.

9 MR. RICE: No. We are under moratorium just like
10 you are in Maryland.

11 MR. LUISI: I thought I heard in the testimony there
12 were two bushels of river herring allowed.

13 MR. RICE: No, we can keep two bushes of shad.

14 MR. LUISI: So we are in the same position that
15 Potomac River is with the moratorium. With the shad, again
16 that is another issue. That is a completely separate issue
17 from the river herring, and we can certainly talk with the
18 commission to find out what would be required --

19 It was before my time, I believe, when the two fish
20 per person was implemented for American shad. I don't know if
21 at some point everything was frozen in time. I know that is
22 how black drum was.

23 MR. POWLEY: I invite any of you to come on boat and
24 I will show you -- anybody from DNR, scientists want to come
25 on board. I will show you what kind of problem we have got.

1 You are welcome to come.

2 MR. LUISI: Well, why don't we say this, and I will
3 work with Lynn and Dave, and perhaps at a future meeting we
4 can get a process that would have to be undertaken through the
5 commission, because it is all commission-based.

6 Let's just identify what that process is, steps from
7 now to when we might be able to have an additional fish or a
8 bushel or two, similar to the Potomac. I mean, we could maybe
9 justify that. Thinking out loud but let's -- why don't we
10 commit to reporting back at a future meeting.

11 MR. POWLEY: You know, it is hard as a commercial
12 fisherman when you pull into your fish unloading area and you
13 see another state dumping fish in there that you just threw
14 overboard. You know, it is kind of hard. Even if we just get
15 a few just to help out.

16 MR. RICE: Robert T., you have got a comment to make
17 but I have got a question before your comment. Do you use the
18 cull pounds in your pound net.

19 MR. BROWN: Yes, I have.

20 MR. RICE: Do they help keep the herring out?

21 MR. BROWN: Yes, they help keep the small herring
22 out. After herring gets a certain size, then he won't go
23 through it, you know, when he gets big. But the small ones it
24 helps. I mean, I have been right up beside my pound net and I
25 this you have six or eight in each net. And you got them on

1 the up river side and the downriver side, and you have got
2 them over near the corners.

3 And I was by the net and we were pulling it, you see
4 all the little herring, like about that long, you see them
5 going back and forth. I said, I know I have a --- .

6 You have a few big ones but most of the small ones
7 go by. But as these herring have gotten bigger, I mean, it is
8 a hard job. You know, you can't get them all out.

9 The thing I wanted to talk about was in the Potomac
10 where it is two bushel of shad. And one of the things that a
11 lot of people don't realize about shad, he is not a very hardy
12 fish. He dies very, very easily.

13 A number of them are going to die so if you got some
14 dead fish in when you throw them up on the culling board
15 trying to pick your other stuff up, you see one is dead,
16 especially in the pound net after you have bundled them up
17 tight enough to bale, some of them will die, especially when
18 you get to the end. It will let you save that product.

19 And when we did it in the Potomac, we had our
20 reports, and we were putting on our reports how many shad we
21 were turning loose a day. And we got so we were doing the
22 same thing on the rockfish, how many rockfish we were seeing
23 every day.

24 And I don't see any reason why the state of Maryland
25 should not be allowed to keep a couple bushel of shad a day,

1 especially with the mortality you have.

2 MR. RICE: It is not like a quick turnover process.
3 I know we had to establish quite a bit of data and everything
4 but it can be done.

5 MR. BROWN: The state of Maryland could probably use
6 some of the data that the Potomac has.

7 MR. RICE: I would think that would be a definite
8 possibility because that shad population is one of the best on
9 the East Coast right now so you can't say we are catching them
10 all.

11 MR. LAY: Talking about the shad in our area, it is
12 hard for us because the Susquehanna -- well, I guess of
13 Maryland probably -- has a catch and release recreational
14 season on shad. And those guys are lined up shoulder to
15 shoulder for as far as you can see catching shad and throwing
16 them back. I am not saying they are keeping them.

17 But like Robert was saying, they are such a soft
18 fish, they die easily. And we can't keep anything, basically
19 two fish. And to see them day after day catching hundreds and
20 hundreds of them and how many of them die. Something that we
21 should look into.

22 MR. DIZE: It is nothing new to us. Everyone knew
23 Bob Evans, and I have heard Bob Evans plead to us at the
24 Maryland Watermen's Association, to please try to get some
25 kind of bycatch, some kind of tolerance, when he has a load of

1 catfish. And he could have one catfish that wasn't the right
2 size and he would lose the whole load.

3 And he begged for that. This has been 20 years ago.
4 And we have never accomplished that, of getting a tolerance on
5 catching of fish and what you got on.

6 MR. RICE: Well, you know, I am glad you brought
7 that up, Russell, because this is how important it was to Bob
8 Evans. My son and I went to see him. It happened to be two
9 days before he died, and before I left out the room that day,
10 he was kind of like in and out, and he grabbed my arm and
11 said, don't forget what I told you. We need to get some
12 bycatch regulation on these fish.

13 So anytime a dying man has still got it on his mind,
14 he was pretty devoted to that. All right, if we don't have
15 anybody else from the public, I will kick it back to Dave. Do
16 you have any remarks, Dave.

17 ***Closing Comments***

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

19 MR. BLAZER: I think we have got a couple action
20 items here and things to follow up on. We will do that.
21 There is one thing that we haven't mentioned that is in your
22 packet today is some clarification on the Atlantic sturgeon
23 language that is in your handout today, so read that. If you
24 have any questions, give us a call. Let us know about that.

25 One other issue that came up recently, and I am

1 | sorry I didn't bring this up before. The beneficiaries for
2 | the commercial fishing license. You know, you can designate
3 | the beneficiary at the time you renew.

4 | We have actually had a request for somebody, after
5 | they renewed, during the nonrenewal time, wanted to change
6 | their beneficiary. We wrote the regulations that won't allow
7 | you to do that. But thinking about that, I wanted to kind of
8 | pose that question to you all to see your thoughts about the
9 | ability to change a beneficiary of that license.

10 | MR. GILMER: I think you should because that is
11 | really a personal choice. It has nothing to do with the
12 | license as far as I am concerned. I think you should be able
13 | to do it.

14 | MS. SINDORF: So you can change it during renewal
15 | time only, once a year.

16 | MR. BLAZER: Yes, and that was the way the
17 | regulations were written I guess way back when. And so when
18 | we went back to think -- because I know on my life insurance
19 | and all that other stuff, I can change my beneficiary any time
20 | I want.

21 | MR. GILMER: Because say the person you have as a
22 | beneficiary, something happens to that person. Is that
23 | license not --

24 | MR. MANLEY: And then you die too and then it goes
25 | nowhere.

1 MR. BLAZER: So we will look into that and look at
2 the regulation and probably scope that.

3 MR. YOUNG: Who are allowed to be beneficiaries now?
4 I can't remember exactly what it is, but there was something
5 that was wrong with that as far as I was concerned. Husband,
6 wife --

7 MR. JEFFRIES: It was written immediate family when
8 we had the little workgroup.

9 MR. BLAZER: Right, and then I think we had proposed
10 changing it to what MVA, motor vehicles had, because they had
11 a list of stepson, stepdaughter. They listed all the -- so it
12 wasn't like third cousin once removed type stuff. It didn't
13 get that far.

14 MR. YOUNG: But it got to stepson, stepdaughter.

15 MR. RICE: Nieces, nephews, that kind of stuff.

16 MR. BLAZER: So we specified that a little bit more,
17 I think.

18 MR. : Is there any age limit on that, on
19 the beneficiary?

20 MR. JEFFRIES: 13.

21 (Simultaneous conversation)

22 MR. JEFFRIES: The last time we did the workgroup,
23 unless it has changed since then.

24 MR. RICE: You have to be 14 to hold a license.
25 What would be wrong with somebody leaving it to somebody

1 younger than that? They just don't qualify for the license
2 until they get to be 14 years old.

3 (Asides)

4 MR. RICE: You got anything else, Dave?

5 MR. BLAZER: No, I think that is it.

6 MR. RICE: Well, before we adjourn I would just like
7 to thank everybody. I know it is a busy time of year. And it
8 looks like to me every seat is taken. I appreciate
9 everybody's time. I also very much appreciate the
10 constructive comments that people took time to come here today
11 and bring to us because that is the only way we find out what
12 is on folks' minds.

13 MR. BROWN: On this seagrasses in Baltimore up
14 there. There is a company going around. Can you make the
15 people aware of what is going on in there?

16 MR. BLAZER: Yes. There are a couple marinas up in
17 Baltimore -- Bird River, I think, or somewhere around the
18 Gunpowder, that the marinas are getting chockfull of submerged
19 aquatic vegetation.

20 So they are putting out an RFP, a request for
21 proposals, for people to come in and kind of mow the lawn, if
22 you will. That is legal under Maryland law that this practice
23 can be done but you are only allowed a certain swath.

24 You can go into a boat slip or in the channel and
25 you kind of cut it like a lawnmower. You don't dig it up.

1 So you are kind of trimming it so the boats can get
2 in and out.

3 MR. GILMER: Is there a height requirement left for
4 the grass to be?

5 MR. BLAZER: Yes. I can't remember. I just know
6 you can't take it all the way down to the mud. So that
7 process is going on right now. I think the RFP is out. And I
8 don't know all the details of exactly how that is working but
9 that is basically the issue.

10 MR. RICE: Because that is something we should be
11 protecting.

12 MR. BLAZER: Right, and the legislature, I think,
13 passed this law back in the late '80s, early '90s. It was
14 basically because of hydrilla, if you remember hydrilla on the
15 Potomac. But it was clogging a lot of the marinas and areas
16 up close to Washington, DC, so I think a bill was introduced
17 and passed to allow some of this what they call harvesting.

18 You can't dig it up but -- if you have ever seen one
19 of these, it is like a little pontoon boat or a barge. And
20 they have got scissors on the front and they just kind of cut
21 it off so that you can get your boat in and out.

22 MR. RICE: Well, who would be in charge of
23 controlling such activity?

24 MR. BLAZER: Our RAS group, Bruce Michael's unit,
25 takes care and comments on all of those proposals that come

1 in. And Bruce is well aware of this. I talked to him the
2 other day.

3 MR. RICE: Thank you for bringing that to our
4 attention, Robert T. All right, anyone else on the committee?

5 MR. BLACKWELL: Is it every species of SAV?

6 MR. BLAZER: I don't think the law clarifies or
7 specifies the type, but you have to meet a certain criteria of
8 density or thickness of that vegetation.

9 So Bruce's group will go and survey and say, yes,
10 they can get in here or, no, they can't. Doesn't quality in
11 this region.

12 MR. BROWN: Because you can't clam in SAV ground.
13 You can't -- if you got a leased bottom, you can't work that
14 if you got a SAV bottom. So I can see where the industry is
15 going to have problems with them coming in, to a certain
16 degree. You know, how is this going to -- you have got to
17 have a balance.

18 MR. BLAZER: And I understand that Robert T. but I
19 think the difference here is they have still got to keep a
20 certain amount of SAV. They are not going all the way down
21 into the bottom and kind of uprooting that SAV. Again, it is
22 kind of acting like a lawnmower. Just enough so the boats can
23 get in and out.

24 But you are right. It is something to be concerned
25 and keep an eye on.

1 MR. GILMER: Is it harbor specific? I mean, they
2 can't go out on the flats and just cut the grass.

3 MR. BLAZER: It has got to be around a marina or a
4 boat slip. There has got to be -- they can't just arbitrarily
5 go into Susquehanna Flats and just start mowing. There has
6 got to be a harbor, a marina or channel or something.

7 MR. JEFFRIES: Dave, can you wave your sword and get
8 the hatchery person here at the next meeting? I have got
9 about an hour's worth of questions for them.

10 MR. BLAZER: We will hook you up with them. That is
11 on our list to do, and that came up at the sport fish the
12 other day.

13 MR. RICE: All right. If nothing further, we stand
14 adjourned.

15 (Whereupon, the meeting concluded at 5:19 p.m.)

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