

***Maryland DNR***

***Tidal Fisheries Advisory Commission  
Meeting***

***Thursday,***

***February 7, 2013***

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

***Audio Associates***  
***301/577-5882***

*Maryland DNR*  
*Tidal Fisheries Advisory Commission Meeting*  
February 7, 2013

**TFAC Members Present:**

Bill Rice, Chair

Mike Benjamin  
Gail Sindorf  
Danny Webster  
Robert T. Brown  
Bill Sieling  
Lawrence Simms  
Stephen Gordon  
Richard Young  
Bill Goldsbrough  
Robert Gilmer  
William Rice  
Gilbert Dean  
Rachel Dean

**TFAC Members Absent**

Dale Dawson  
Brian Keehn

**Maryland DNR Fisheries Service:**

Marty Gary  
Tom O'Connell

**Maryland DNR Tidal Fisheries Advisory Commission**

February 7, 2013

**I N D E X**

	<u>Page</u>
<b><i>Call to Order</i></b>	
by Bill Rice, Chair	5
<b><i>Welcome and Announcements</i></b>	
by Martin Gary	
MD DNR Fisheries Service	5
<b><i>NRP Activity Report</i></b>	
by Lt. Nick Powell, MD DNR NRP	11
<b><i>Questions and Answers</i></b>	12
<b><i>Regulatory Update</i></b>	
by Sara Widman, MD DNR Fisheries Service	13
<b><i>Questions and Answers</i></b>	16
<b><i>Legislative Update</i></b>	
by Gina Hunt, Deputy Director	
MD DNR Fisheries Services	21
House Bill 16	21
House Bill 72	22
House Bill 96	22
House Bill 184	23
House Bill 241	23
House Bill 306	23
House Bill 357	24
House Bill 505	24
House Bill 514	25
House Bill 622	25
House Bill 708	26
Senate Bill 46	26
Senate Bill 59	26
Senate Bill 163	27
Senate Bill 208	27
Senate Bill 241	27
Senate Bill 261	27
Senate Bill 379	28
Senate Bill 464	28

Senate Bill 525	28
Senate Bill 528	32

**I N D E X (continued)**

	<u>Page</u>
<b><i>Legislative Update(continued)</i></b>	
Senate Bill 547	32
Senate Bill 592	32
Senate Bill 662	36
Senate Bill 795	44
<b><i>Seafood Marketing Update</i></b>	
by Steve Vilnit, MD DNR Fisheries Service	58
<b><i>Questions and Answers</i></b>	67
<b><i>Sponge Crab Importation Issue</i></b>	
by Brenda Davis, Blue Crab Program Manager MDNR Fisheries Services	69
<b><i>Update on Menhaden</i></b>	
by Lynn Fegley, Deputy Director Fishery Service	106
<b><i>Update on Commercial Reporting</i></b>	
by Mike Luisi, Director Estuarine & Marine Fisheries Division	105
<b><i>Update on Yellow Perch Tagging Requirements</i></b>	
by Mike Luisi, Director Estuarine & Marine Fisheries Division	115
<b><i>Update on February Gill Net</i></b>	
by Mike Luisi, Director Estuarine & Marine Fisheries Division	118
<b><i>Update on Striped Bass</i></b>	
by Mike Luisi, Director Estuarine & Marine Fisheries Division	119
<b><i>Assorted Issues</i></b>	
by Robert T. Brown, Commissioner Tidal Fisheries Advisory Committe	137

KEYNOTE: "---" Indicates inaudible in transcript.

**A F T E R N O N    S E S S I O N**

(2:14 p.m.)

***Call to Order***

***by Bill Rice, Chair, TFAC***

MR. RICE: Let's call the meeting to order please. Marty, if you could bring us up to date with your announcements and we will start moving forward.

***Welcome and Announcements***

***by Marty Gary***

MR. GARY: Thank you Chairman Rice, members of the Commission, members of the public staff welcome to the winter meeting of Tidal Fisheries Advisory Commission. We have a new Commissioner joining the Tidal Fisheries Advisory Commission today. Seated to my right is Ms. Rachel Dean from Calvert County. Rachel, welcome.

We have three Commissioners who were unable to join us today. One is Dale Dawson, Brian Keehn and our Vice Chairman Larry Simms, we will take about a little bit more in a moment. We have a proxy for Vice Chairman Simms, seated to my right is Russell Dize, long term member of previously entitled Fish Commission, thanks for coming back Russell and filling in for Larry, I appreciate that.

I want to make an announcement about terms, we had several inquiries. I think most of you know that have gone

through the process of being appointed to the Tidal Fisheries Advisory Commission that the term, the terms are for two years and a couple of years ago the Commission was expanded from 12 to 15 members.

At that time, when we expanded the membership of the term to 15, the Commission to 15, the attention was to allow a staggering effect so you would have at any given time some folks that would stay on the Commission, they would serve two years, stay on the Commission and provide institutional knowledge of the processes of the Commission and stewardship for new members that came on but also provide an opportunity for new members to enter.

As of June 30th of this year, all 15 slots are expected or will be expired, and I think several of you are aware of that but I want to make sure everybody is. So, a lot of folks are logically asking well what is going to happen? So, what we need to do, our staff, working with the Appointments Office over the next couple of months is resolve the issue of having everyone come off at one time and meet that statutory intent of getting a staggering effect there.

So, just to let you know that is what our intention is, so we will update you as we know more but our plan is to retain members of the Commission and then allow the opportunity for some new members to come aboard.

Some procedural announcements for today just so we

like to get everybody on board with how we operate here, most of you know this, this is redundant but my apologies I just want to make sure we have our best recording and best transcript available for the public.

Our meeting is being recorded by Audio Associates and our reporter today is Ms. Lisa seated to my right in the green sweater. At this time, please silence your cell phones to prohibit distractions and any interference with the recording and to ensure that Lisa is able to capture the most legible recording for the transcript we ask that only one person speak at a time in this meeting and have Chairman Rice acknowledge you before you speak, raise your hand.

Please don't cut off another Commissioner and certainly if you are staff members or members of the public, and I will address that in a moment, don't interfere with the discussion at the table.

Members of the public are afforded an opportunity to provide comment at two prescribed times. They are before the Commission votes on a motion, so the motion will be made, there will be a discussion by the Commission and then an opportunity for the public to offer comment if they desire and Chairman Rice will look and designate anyone at that time. Also, during the designated public comment period which is at the end of the meeting.

Okay, so there is a designated seat for DNR staff

members who are going to be presenting and also for the public when they speak, it is to the right of Commissioner Gordon here on this end of the horseshoe, so please go over to that mic to talk.

We also, if a staff member or somebody needs to address the Commission it also would work if they come to this corner of this table over here, as long as you are close enough to the mics Lisa should be able to pick you up.

There is a sign up sheet for public comment and it is a sign in sheet for the public in general that Diane Samuels, in the purple World Champion Baltimore Ravens shirt has on there, so if any member of the public has not signed that sheet, please see Diane and we are asking that you star your name if you would like to offer public comment.

It has been passed around, somebody has it? Okay. So, Lisa if you can pass that to Gibby and then move it around. So, please sign that and star it if you would like to speak during the designated public comment period.

So, a transcript of this meeting will be available 10 working days, two weeks from today, up on the Tidal Fisheries Advisory Commission website. We will also be producing a motion and action items document, that will be live today, you see up on the screen now. So, as a motion is made we will record those motions and votes and also record action items.



Just for the Commission's advocacy, for an action item to be recorded somebody needs to make sure on the Commission that you are actually making an action item. We are not going to report it unless we have consensus of the Commission and will list it at that time. If we don't get that, we won't list it as an action item.

The summary of motions and action items will be completed and sent out to the Commission by close of business tomorrow and then posted on our website. You will also have a follow up document, it is a living document, as action items are addressed. We will have it up on the Tidal Fish Commission website, so three action items are reported as they are addressed, we will have the status for each and that will be a living document that anybody can look up at any given time.

Before we begin the meeting, please keeping your thoughts and prayers Tidal Fish Advisory Commissioner Vice Chairman Larry Simms, Larry has been hospitalized, I think several of you were in contact with him and I just want to keep him and he and his family in your thoughts and prayers.

Also since the last time we met, Larry's proxy President of the Baltimore County Watermen's Association Danny Beck passed away, so please keep Joyce, the family, Danny in your thoughts and prayers.

One last mention is for our Sport Fish Advisory

Commission Vice Chairman Bill Wenley who has also been hospitalized for the last three weeks. A lot of folks struggling with some things and it is always good to have a few prayers and thoughts with them.

Lastly, some updates to the agenda, everything in your folders today should now be updated, I think Jacob had just put in a couple new, put in a regulatory scoping document update. But, we have a Sponge Crab importation, actually that is not a handout and I will take that off, but there is an updated Legislative handout, one for Atlantic Menhaden, there is a map of St. Mary's River drudge boundaries.

Finally, and the meeting will be yours Chairman Rice, there was a question that came up about the commercial regulations for Red Drum and Red Drum had a slot limit of a minimum of 18 inches and a maximum of 25 inches, so the fish has to be between that and the possession limit for the commercial fishery is five per day permitted and the season is open year round, so I am not sure who would ask that question but I wanted to make sure that got out there.

I don't have any other announcements. Chairman Rice the meeting is yours.

MR. RICE: All right, thank you sir. Well, the first thing on the agenda is the Natural Resource Police Activity Report which is in our handout. So, if Lieutenant

Nick Powell, if you could maybe give us an overview.

***NRP Activity Report***

***by Lt. Nick Powell, MD DNR NRP***

LT. POWELL: Since last, before it started, October 9th through the 24th, January 24th, is the reporting period, we had 21 citations for undersized Tautog in Oyster County and a couple Red Drums down the lower shore also undersized and the charge of subject in Montgomery County was possession of Snakehead fish, he was raising them in his backyard tank to sell to the Asian community.

MR. RICE: Hey Nick, I am sorry, if you could just speak up just a hair, sorry.

LT. POWELL: The stripe bass down in Hoopers Island several times the officers went down there and wrote 26 citations and three warnings to seize 66 fish who is Striped Bass and Red Drum. Had an undersized Striped Bass at the Bill Burton fishing pier, four citations for undersized and there is a limit of possession at Fishing Creek Pier and a citation for undersized and two for over the limit Striped Bass in Golden Hill.

Romancoke Pier and Talbot County two citations each for undersized. I had an old Gill Net found near Love Point in the Chester River back in October, that was a Striped Bass Gill Net and it had a Gill Netter in possession, an undersized Striped Bass.

And for oysters had a oyster seller cited for selling oysters without a DNR and Health Department license and we had somebody steal some oysters off of Lease Bottom in Patuxent River.

Down in Dorchester they had a saturation patrol that resulted in six citations for oystering for four hours and they had untagged oysters at J&J Seafood in Kent County, six bushels seized and Talbot and Somerset they have had some undersized oyster cases, four citations between them and for crabs in Kent County had 12 citations to recreational licensed crabbers selling crabs to J&J Seafood in Rock Hall. Of non-title I had undersized Walla in Northern Pike.

MR. RICE: Thank you for your report. Richard?

***Questions and Answers***

MR. YOUNG: Thanks Bill. Nick?

LT. POWELL: Yes.

MR. YOUNG: On the crabs, 12 citations for recreational crabbers selling crabs to J&J Seafood. Was J&J Seafood cited for buying recreational crabs because the law says it is unlawful to sell or attempt to sell and buy or attempt to buy both ways?

LT. POWELL: I don't know for sure, but I believe that it was one day, I think they cited both of them, the recreational crabber and J&J.

MR. YOUNG: Okay, because I think that as much as a

deterrent as citing recreational crabbers it is citing the buyer so that the buyer realizes he is going to get penalized if he buys from them. So, okay, thank you.

MR. RICE: Okay, thank you for the report. Next on the agenda we have Gina, can you bring us up-to-date on the regulatory -- is Gina here? Okay, well we will go onto the next item and then back back up to her. Is that okay Tom? Okay, Sara Widman.

### ***Regulatory Update***

***by Sara Widman, MD DNR Fisheries Services***

MS. WIDMAN: Hello, Sara Widman, Assistant Director of Policy and Planning. I am just going to go over you guys had in your packets the little --- report, so I will just kind of summarize that real quick and answer any questions you had on that.

We had a slew of public notices since your last meeting, a lot of shellfish leases. We had a public meeting on some lobster eggs back in the fall. We had your normal Stripe bass catch them at changes going on throughout that time period and several notices based on that.

We did extend the female crab season by a few days and the season closed on November 17th in the fall. We did the notice that we do most years for when the federal Spiny Dog fish season closes. We had some recreational black Sea Bass changes that went on public notice and I think that sums

up the public notices. Did you guys have any questions on those? (No response.)

On the regs front, we had a couple of regs that became effective. The Summer Flounder, the regulation which was largely just recreational size and season was trying to restructure a little bit of the clarity in the commercial fishing regs that no, I don't believe there are substantive changes in there.

The Black Bass Tournament permit went into effect for Black Bass Tournaments. Black Sea Bass were similar changes as Summer Flounder for this coming year. The fishing and non-title waters, we had two --- ponds that we changed over the parks so disabled people can go there. Non-title changes for 2013 went into effect.

We had some shellfish, lobster regulations for V-notching and releasing egg bearing females and some closure periods for those through the interstate management and we just changed the notices for Yellow Perch to appear on the website which we have been doing and instead of in the newspaper. Questions on the regs that went effective?

MR. RICE: Do you have any questions for Sara? Sara, you did an excellent job I see no questions.

MS. WIDMAN: I am moving on there is more, don't kick me out yet. We had a couple that are still in the hopper, Billfish, we are just listing this as a spear fish in

need of conservation to be consistent with National Fisheries Management on it and then we had our annual penalties changes that went into effect from the Penalty Work Group processed this past year, I think I presented on that in your July meeting, so that went into effect, or sorry, that went into a proposal and then pound nets, there were two provisions there.

One is going to require the pound net fisherman to notify DNR prior to studying that and prior to taking the nets down, so we can get more information about the number of pound nets actively being fished. The second part was you had to fish pound nets more frequently during the Striped Bass period and that information would be put out in a public notice during the season. So, that is currently out for public comment as well.

We have one emergency reg for Aquaculture in place for the two inch size limit outside of the wild fishing and some fees for water column leases from a bill last year as well as one inch sea oyster sizes.

I just wanted to on the regs front, before I do your scoping and stuff really quick, we have been working on crab charter regs that we had talked about at your July meeting and we want to take that to the Crab Work Group for more input on that some time in March or April, so I just wanted to give you a heads up that it stops working on that

and we will be asking for input on that in the coming months.  
Questions on current regs?

***Questions and Answers***

MR. RICE: Bob T.

MR. BROWN: On these pound nets, number 2, fish pound nets more frequently during the Striped Bass season and release in trapped Striped Bass. How far has that went? You said you would possibly be putting something in there. Has a decision been made on what they are going to do or what is the status of it?

MS. WIDMAN: I would have to defer to Mike Luisi if he has any updates on what they have decided on that.

MR. LUISI: Mike Luisi, Director Estuarine and Marine Fisheries. Robert T., can you just say that question again?

MR. BROWN: Well, of course you are sleeping huh?

(Laughter.)

MR. LUISI: I wasn't sleeping. I couldn't read the back of your head. I want to make sure I answer it correctly that is all.

MR. BROWN: Okay, on these pound nets being fish more actively during the Striped Bass season. Has there been any, I haven't heard a whole lot about it, is there any decision made yet?

MR. LUISI: No, we haven't made a decision on what



the soak time would. I think that, and you are going to hear a little later from Lynn, we are going to need to get together with pound netters to talk about a few things, Menhaden being one of them.

But it would be a good opportunity for us to discuss with you guys in the industry, you know, what an acceptable appropriate soak time provision would be as far as how many hours, how many days a week does the net need to be emptied. So, just stay tuned for further communication on that but we don't have anything set at this point.

MS. WIDMAN: I just have scoping if there are no other questions.

MR. RICE: Moochie.

MR. GILMER: Yes before we get too far, back on the fisheries regulation update on the leases, what is the amount of time, I see the one here for Eastern Bay, what is the amount of time for comment on those lease applications?

MS. WIDMAN: I am trying to remember to the change.

MR. GILMER: On page 2.

MS. WIDMAN: I want to say it is 30 days, the comment period, I am pretty sure it is 30. I can follow back up and check.

MR. GILMER: All right, I thought our Shell Committee made a comment on that but I don't know, I will have to check on that this weekend.

MS. WIDMAN: So, scoping. So, we have a couple of regs to bring to you guys, hopefully you got the updated version of this. I tried to lay out what our current scoping ideas on each of these and now that we are coming to you to ask if you have other ideas as far as public meetings or things other than putting them for what feedback that we haven't already thought of to let us know today or as soon as possible.

The first two, Summer Flounder and Black Sea Bass are largely related to the fact that every February-ish we get rule changes mostly on the recreational end through ASMFC and because the season starts so fast we usually end up putting that on public notice and then turning around and changing it because we have had them in reg as well.

We would like to just put in the reg that we are going to issue that by public notice so it can be consistent in both places throughout the whole year instead of keep having to change one and the other. So those would both be web feedback unless you guys had any other thoughts on further scoping that.

The next one Menhaden, obviously web feedback and we are going to have some public meetings on this as well. This is the Amendment 2 that came through ASFMC for the fishery management plan for Menhaden. We are going to be declaring it in need and regulating for trip limits and quota

under that in need authority.

Mike will touch on this a bit more in his presentation, but I just wanted to give you a heads up if you want to think about that and you can either let me know if you have other thoughts on specifics with scoping this or you can bring it up when Mike talks about it or let us know after the meeting.

Striped Bass, Industry Work Group had met at the end of January, we are still looking at some fishery changes for 2014 and whatever we would come up with again we would want to do web feedback on public meetings on that and so if you have any other thoughts or ideas on the public meetings and even, you know, if you have concerns in certain areas about that you can again let Mike or myself know today or as soon as possible.

Aquaculture, I mentioned a minute ago in the reg update that we had the emergency in place this summer to allow the aquaculture industry to have the two inch minimum oysters outside the public fishery. That emergency will be expiring, so we need to put in a regular proposal.

The Aquaculture Coordinating Council has had some meetings on this in 2012 and what has come out of those meetings was that they wanted to have the water column leases, have the two inch minimum year round and the submerged land leases would maintain the two inch minimum

outside of the public fishery.

And then there is some tag issues as far as some more flexibility on using dealer tags for some of the agriculture folks. This one I have for web feedback because it has been on the Aquaculture Coordinating Council meetings in 2012 but if you guys have other thoughts on that just let me know.

Horseshoe Crabs, sort of a similar situation to Summer Flounder and Black Sea Bass. As far as the public notices contradicting stuff sometimes it is in the regulation and again we want to make sure they are consistent and everyone understands what the rules are, so we would again propose a similar set up of Summer Flounder and Black Sea Bass for Horseshoe Crabs and I have that listed as web feedback right now.

And then the last one is recreational Sharks, it is just the reporting cards that the regs use now for Bluefin Tuna and Swordfish and what not will also include Sharks from now. So, I had that as web feedback as well.

MR. RICE: Okay, if that completes your report does anybody have any questions? (No response.) Like I said before, you did a real good job.

If we could back up to Gina, can you give us the legislative update please.

*Legislative Update*

*by Gina Hunt, Deputy Director, MD DNR Fisheries Service*

MS. HUNT: Good afternoon, Gina Hunt, Deputy Director of Fishery Service. Sorry I missed you, I wasn't hiding from you I swear, but I guess I didn't realize how quick I was on the agenda.

MR. RICE: That is okay, we didn't hold the show, we kept moving.

MS. HUNT: I know and I appreciate that. You guys more quick here. This is the first meetings of Tidal Fish since sessions have been in, so I am just going to go over these bills. There are handouts back there, for some reason on the trash can, for anybody in the public that wants them, but also I just wanted to point out that fisheries does post this summary online, things change daily so if you want to go back and track these you can do it on the General Assemblies website but you could also just track these particular bills that are related to fisheries off of our website.

And throughout here it will also tell you what the hearing date is, most of these Bills have a hearing coming up soon in the next couple weeks, so pay close attention to the hearing dates. Stop me at any time if you have a question about a bill or if you would like to take a position on one of the bills, if the Commission would like to take a position.

**House Bill 16**

MS. HUNT: So, the first one House Bill 16 is an administrative, it simply tells the State agencies that we can only write regulations four times a year which for fishery service would be a big problem because we write regulations four times a year which for fishery service would be a big problem because we write a lot of regulations, some of them are ASMFC mandated and bottom line this was going to cause us to write more emergency regulations and it would reduce your public scoping and comment.

**House Bill 72**

MS. HUNT: House Bill 72 is actually a Bill that come out at Aquaculture Coordinating Council, it is just related to what their legislative reporting date is and time to time that better with when agencies put in their budget requests for the next year, so that if the Council has any fiscal requests that they can time their report to that.

**House Bill 96**

MS. HUNT: House Bill 96 is actually a Department of Environment Bill, it does affect fisheries because MDE is just trying to remove the requirement to test more frequently in certain restricted waters and that would relate to Aquaculture. It should not be a problem for Aquaculture to test last because MDE would still be complying with the NSSP Shellfish Sanitation Program requirements and the testing

dates for that.

***House Bill 184***

MS. HUNT: House Bill 184 is cross filed over in the Senate. It is a tax credit for recycling oyster shell. It gives a \$1.00 tax credit for each bushel. It also requires the Department to develop regulations on how that would be implemented and how the Comptroller would have those oyster shell bushels verified.

***House Bill 241***

MS. HUNT: House Bill 241 is nuisance actions. This is a little bit different but it is kind of akin to the working waterfront bills you may have seen before in regards to commercial fishing operations and being able to have those in areas where other people might find them to be a nuisance.

So, I don't have a lot of information on this but you might want to track this Bill or have some comment at the Bill hearing. It does come up for hearing next week.

***House Bill 306***

MS. HUNT: House Bill 306, Aquaculture Shellfish Nursery Permits. This is actually a departmental Bill. It would establish a nursery permit where right now for somebody to do shellfish nursery operations, so seed, just seed operations you have to get a water column lease, very much longer process than what you might want to just do for a nursery operation.

So, this establishes a permit and basically takes you kind of around those other processes that are already in law for a water column lease. We already have probably five to six people, I think, waiting to try and get one of these without going through a water column lease.

***House Bill 357***

MS. HUNT: House Bill 357 is a bill regarding the PRFC, Potomac River Fisheries Commission Compact, so in order to change the compact a bill has to be passed in both Virginia and Maryland but as identical and then PRFC would have the authority to do what that legislation says.

In this case, the legislation is to increase the inspection tax, the bushel tax, on oysters to \$2.00, you know our tax right now is \$1.00 and Virginia's is 50 cents. PRFC wants to charge \$2.00 for oysters harvested out of the Potomac River and it also increases the maximum penalty for a violation to \$3,000. So, that is the max that you could get out of a Natural Resources violation for the Potomac River Commission.

***House Bill 505***

MS. HUNT: House bill 505 doesn't really affect this Commission but I will just mention it because it is actually the second year for something like this to go in. We asked for social security numbers on commercial license applications, well last year we started asking for them on



recreational fishing license applications because we were required to do that by law and recreational anglers did not like providing that personal information.

This Bill actually tells us that we are not allowed to do that, that we can only give requests part of the social security number. Social security number is used as a unique identifier obviously, so it is a problem for our license system but it is a bigger problem because that requirement is to meet some Federal grant requirements for welfare and in short the state will lose a couple million dollars if we do not collect social security numbers on recreational fishing licenses.

DNR won't lose that money, welfare systems will. So, we are just kind of like a byproduct of this but it is something that would affect certainly at least our computer database collection.

#### ***House Bill 514***

MS. HUNT: The same thing is true with House Bill 514, again it is just about social security numbers and how that information is obtained for this Federal grant for child support.

#### ***House Bill 622***

MS. HUNT: House Bill 622 Oyster Harvesting, Distribution of Oyster Tags. This Bill requires the Department to provide at least a 30 day supply of oyster tags

whenever we distribute tags. I probably don't have anything more to say about that, that is what it does unless you want to make a comment.

***House Bill 708***

MS. HUNT: House Bill 708, again this is just cross filed the nuisance organism, 21 is the cross file.

***Senate Bill 46***

MS. HUNT: Senate Bill 46 Shark Fin Bill. This is -- there is actually three Shark Fin Bills. This one is actually I think just like the one last year plus it prohibits a person from selling and consuming Shark Fin soup. I will get into the differences with the other ones as we get to those, but this is the one that was very much like the bill that came in last year but did not pass.

***Senate Bill 59***

MS. HUNT: Senate Bill 59 is a departmental bill, this is a housekeeping bill. You could read the general description here but it is really a variety of different laws that would be removed because they are already something that we write regulations on and not with stand that law.

So there is conflicting information and the regulation is what prevails right now or it is something that prevents us from writing regulations that we were already allowed to do but there is this other rule already in law. So, we ca

***Senate Bill 163***

MS. HUNT: Senate Bill 163, again that is commercial cross file or the commercial fishing nuisance actions.

***Senate Bill 208***

MS. HUNT: Senate Bill 208, this isn't a bill for fishery service but I thought we would just add it in here, sport fish was interested in it. It is a bill that is I think in for its third year. It basically mandates the number of officers that NRP would have to have and it was just heard yesterday.

***Senate Bill 241***

MS. HUNT: Senate Bill 241, again an administrative procedures law that basically says that ALR requires ALR to have a public hearing regarding a regulation if at least five of its members request one. So, it changes the rules basically for ALR on when they would have to have a public hearing and the rules for schedule a meeting. ALR is the review committee that reviews all of the state's regulations, so fisheries regulations certainly go before that body.

***Senate Bill 261***

MS. HUNT: Again, cross filed, 344 is the cross file.

***Senate Bill 379***

MS. HUNT: 379 is an interesting bill because it basically says if there was ever a bill ever, ever in the

General Assembly that did not pass either side, House or Senate, then the Department cannot write a regulation that is substantially similar to whatever that bill was and it is a little unclear because ever in the General Assembly could have been a rule, a bill from the 1800's, we don't really know how we would ever track any of these things but it is also not clear whether or not it was the amended version of the bill.

It is problematic certainly because there is a possibility that you could put in a bill and make it so ridiculous you knew it was going to fail and only for the effort of trying to make sure that then the Agency couldn't write a reg on it. So again, it has a lot of ambiguity to it and I am not sure who it was directed at but it would certainly be problematic for fisheries to write regulations.

***Senate Bill 464***

MS. HUNT: Senate Bill 464, again the cross file of the nursery permit bill.

***Senate Bill 525***

MS. HUNT: Senate Bill 525, sustainable fisheries enforcement fund. This is going to be heard on the 26th. It establishes a special fund for Natural Resources Police because currently they do not have their own revenue source and the money that would be paid into that fund would be a \$10.00 surcharge on certain angler licenses.

So, most recreational fishing licenses except the senior consolidated and commercial fishing licenses and then that money would go to the NRP fund to supplement the existing revenue not to be in place of other revenue but actually to be in addition to that revenue.

MR. RICE: Richard.

MR. YOUNG: I didn't read that bill completely, but someone that I know did read it and they said that all the recreational fishing licenses are included except crabs.

MS. HUNT: No.

MR. YOUNG: Okay.

MS. HUNT: That is because that person probably only read Subtitle VI and Subtitle VII of the Code and didn't read Subtitle II where the senior consolidated applies. So, Title II is not in the bill.

MR. YOUNG: No, I am talking about the \$10.00.

MS. HUNT: See, Subtitle II is not in the bill so you wouldn't see it.

MR. YOUNG: Will the \$10.00 be charged to the crab licenses also?

MS. HUNT: No.

MR. YOUNG: No, it won't?

MS. HUNT: No.

MR. YOUNG: Why not?

MS. HUNT: Because the crabs is in regulation.

Recreational crabbing licenses in regulation, it is not even in the Code and this is not a departmental bill so I couldn't tell you why anything is the way any of it is other than to say that that is how it reads. This is only fishing. So, no crabbing is not included.

It is fishing, commercial fishermen, so any commercial tidal fish license holder and any recreational fishing license except the senior consolidating fishing and anything that was free like we have some blind complimentary licenses, you know things like that it doesn't charge \$10.00 to recreational. So, crabbing is not in the Code and then Subtitle II where the senior is not in those.

MR. YOUNG: Okay. I just think the recreational crabbers should have to depend on the thing too. That is all.

MS. HUNT: Chairman.

MR. RICE: Gibby.

MR. DEAN: In response to Richard's question, NWA and CBCFA had this bill sponsored and I agree with Richard, it may have been an oversight on our part. Is it something that we can amend for the bill, well I mean --

MS. HUNT: Well, you would have to ask the sponsors.

MR. DEAN: But, I mean legally can we do that? That put an amendment to include recreational crabbers --

MS. HUNT: Yeah, I mean I am sure you can, it would just have to be something that cites the regulation where the recreational crabbing licenses are. Recreational crabbing licenses is the only fee the Department charges, fishing fee, crabbing fee, fisheries related fee I should say that the Department charges by regulation. Otherwise, we have no fee authority.

So, it is just unique in the sense that it doesn't even show up in the Code for a drafter to have seen and picked on because it is over in regulation. But you can cite those regulations and the drafter could cite those regulations and say it is \$10.00 on top on that.

MR. DEAN: Could I meet with you later about the best way to put the language of that or --

MS. HUNT: Sure.

MR. DEAN: I am assuming Robert T. -- I don't think it was their intent to leave the recreational crabbers out of it.

MR. BROWN: Well, we were under the assumption when he went through every LCC licensed crabber, every --

MR. DEAN: Well, that is what I am talking about.

MR. BROWN: -- you know all the crabbers we never thought about recreational crabbers, we though since they had to buy a license it all came under it.

MR. DEAN: Right, that was the assumption on my

part as well.

MR. RICE: I think that is why it fell through the cracks because you didn't realize it was the way it was.

MR. DEAN: Yeah, good point Richard, I mean because that is certainly part of the problem for sure, so --

MR. YOUNG: And that increases a good bit of money.

MR. RICE: Thank you very much Richard.

***Senate Bill 528***

MS. HUNT: Senate Bill 528, this is the second of the Shark Fin bills and this one simply prohibits somebody from consuming Shark Fin soup. It prevents a restaurant or grocery store from selling it; it prevents a person from consuming it.

***Senate Bill 547***

MS. HUNT: Senate Bill 547, nuisance organism penalty. I don't think I talked about this on the cross file, maybe I did, it is a long list. Anyway, this is a bill that would create a separate offense for introducing a nuisance organism.

So, right now there is a fine, \$2,500, for the offense. This would actually \$2,500 per organism, so it is meant as a deterrent. So, I mean if you had a blatant intent to stalking something that is a nuisance organism and you dumped a hundred of them in the Bay, that would be a much more significant fine than if there was just one of them.



But, the really interesting point of this bill is that it establishes that for any person that provides information to enforcement that leads to a conviction of nuisance organisms, that person could receive up to half of the penalty that is paid by that individual.

So, it is kind of a reward system because it is very difficult to track and find individuals that could be importing or introducing nuisance organisms and so this actually provides some incentive for people to contact law enforcement.

***Senate Bill 592***

MS. HUNT: Senate Bill 592, the last of the shark fin bills and probably the one with the most elaborate at this point. This one actually takes off from where last years legislation was, removes some of the controversy for the commercial industry by allowing a person to use rays and skates as bait.

But, it still affects our shark harvesters and what they would be able to sell and so I realize that there is not many folks on this Commission that are representing the Coast, you know the Atlantic Coast. But since this impacts the commercial industry, if you wanted to have further discussion about this bill or position on it because there is no TFAC for the Coast.

MR. RICE: That would be the pleasure of the

Commission. Moochie.

MR. GILMER: Okay, Gina now is this -- on the rays because I know the rays are an issue in the Bay here. So, does this say that you cannot possess a ray or I mean what does --

MS. HUNT: No, this actually -- the last years legislation said sharks included rays and skates. This year it does not, it says you can have that for use as bait.

MR. GILMER: Okay, all right.

MS. HUNT: But that is it. I mean, there is still Dog Fish and other sharks that are harvested down off the Coast that it does impact.

MR. RICE: Tom.

MR. O'CONNELL: Maybe just a couple of minutes for the background because this is a very important issue for our coastal fishermen who are not here. I think it is worth spending a little bit of time, so if you have the opportunity to talk to a legislator on this bill.

The issue that some organizations are concerned about is not the United States Shark Fisheries. They agree that the United States Shark Fisheries are well managed, they are consistent with the International Shark Conservation Act which prohibits shark finning.

The issue is that there is shark finning occurring in other countries and those shark fins are brought into Hong

Kong an China for the fin processing and then brought in back to the United States.

In these other countries, they are not complying with the International Shark Conservation Act and because these organizations are concerned about those non-United States fisheries but are not able to address it, they are trying to indirectly affect it by controlling the market within the United States and by doing in the manner that the legislation has proposed it is going to have a substantial economic impact on the U.S. Shark Fisheries who are determined sustainable and being rebuilt.

We have worked through I guess --- the past year several states are experiencing this. We have not been able to come up with a solution to the problem, it is pretty complex because international matters a lot of states are facing with this. I was down in Ocean City a week ago talking to our fishermen on possible compromises, but they told me that they really need smooth and spiny Dog Fish exempt from the shark finning.

There are about five or six other shark fisheries fish that they harvest that they may be willing to do some tagging of those fin products because ultimately what I believe is the answer is a chain of custody through the marketplace so you can determine where the product came from, whether it was the United States or a country that is not

compliant with the International Shark Conservation Act. This is a small fishery but a very significant to the individuals on the Atlantic Coast.

MR. RICE: Thank you, Tom. Gina.

MS. HUNT: Okay.

***Senate Bill 662***

MS. HUNT: Senate Bill 662, this is the bill that was born out of the cost recovery report. I should stress it is not identical to the report because there were further discussions by the industry after that report was submitted but it is pretty much, pretty darn close to it.

It raises certain fees but most significantly establishes the harvester's registration fee at \$215.00. That applies to all tidal fish holders except for fishing guides that only have an FGR and FGN.

It requires anybody that purchases Maryland seafood for resale to either be a dealer or to have purchased it from a dealer. That is a discussion we had here with tidal fish and it is in the report and it repeals the section of law that authorizes the apprenticeship program.

So, without the apprenticeship program the waitlist, it would just go back to a simple waitlist and you would no longer have to log hours with another waterman to try and verify that you spent two years on the water before you could get a license and that bill is going to be heard at

the end of the month. Questions, comments?

MR. RICE: Gibby.

MR. DEAN: As Gina said this bill, you know we worked on this for what a year? And just for the record because one of the sponsors that asked, we certainly want to be able to tell them that it is endorsed by the tidal fish. The concept was endorsed, Bill as you know, by the sport fish.

Of course, the CBCFA and MWA are at least four organizations that have endorsed it and we have actually gone to CCA and MMSA for their support as well. No word on that, they wanted to actually see the bill but unless anybody has any problem, I mean we are going to list the tidal fish as a supporter of it.

MS. HUNT: Could we get -- I mean, we never had a motion at a Tidal Fish that was at a meeting on this bill.

MR. RICE: So, we would be looking for a motion on this matter, if we could have to send our support.

MR. DEAN: Then I would move that the Tidal Fisheries Advisory Commission support Senate Bill 662 as ---.

MR. RICE: I need a second.

MR. GILMER: I will second.

MR. RICE: Second by Moochie. I will approve the discussion by the Commission.

MR. BROWN: Can I amend that motion?

MR. RICE: That would be up to --

MR. BROWN: The amendment is that it has -- we have a couple little problems that the amendments be included as we have discussed it.

MR. DEAN: That is what I say with the amendments.

MR. BROWN: Oh okay, I didn't hear that part, I am sorry.

MR. : Does anybody know what those are?

MR. RICE: Okay, what will the amendments be if you could tell us?

MR. DEAN: Two amendments as I recall are just language issues to clarify particular points, and 2) there was two typos on a 900 pot license fee, it say 200, it should be 150 and there is another one -- what was that about the dealer's license?

MS. HUNT: So that a 900 pot authorization it said \$200.00 it should be \$150.00. The landing permit it left it at its current rate and it was supposed to go up to 350. There is language under the dealer requirement that needs to be struck because it requires that a person not just bought from a dealer but bought from a dealer that had a TFL and a harvester's registration in order to be exempt.

But as I just described it to you, it was either that you are a dealer and you are selling it or you are buying it from a dealer. So, there was just some language

that is in there and it basically left out, it left out a seafood dealer business that is not otherwise also a harvester.

That is what it didn't exempt, so we just need to change that and I think there was a part in there where it said in regards to registering your pound nets, notifying us that you were going to set your pound net and it said a \$20.00 fee for that and it said you had to notify us on a piece of paper that we gave you and we don't think we need the piece of paper.

We think it should either be able to be electronic, be a piece of paper, you don't have to walk into licensing to tell us to set a net. So, theirs are just, they are small clarifications. Other than the two fees, that 150 and 350, it is otherwise just not substantial but just needs to be cleaned up.

MR. DEAN: They were all friendly amendments as we call them.

MR. RICE: Correct. Richard, do you have a question?

MR. YOUNG: Who did you -- did you say that resident fishing guide and non-resident fishing guide were exempt from the 215 harvester?

MS. HUNT: Correct.

MR. YOUNG: Why?

MR. DEAN: Because they don't harvest fish commercially to sell.

MR. YOUNG: But they are commercially fishing.

MR. DEAN: But they don't hold a tidal fish license or --

MR. YOUNG: How many are we talking about there?

MR. DEAN: It is a small number, wasn't it, but we had a big discussion with the charter boat industry about this as well and we were not willing to budge a bit on the charter boat operators that held TFLs, they are paying it.

MR. YOUNG: Okay, all right.

MR. DEAN: Because they still have the opportunity to commercially harvest and sell fish.

MR. YOUNG: You are just talking about people that strictly carry recreational fishermen --

MR. DEAN: The non license, yes sir.

MR. YOUNG: And they are stuck by the recreational limits and regulations?

MR. DEAN: Yes.

MS. HUNT: They also in this bill, their fee for an FGR and a FGN doubles, so they don't pay the 215 harvester's registration but they are paying more for their authorization that they have.

MR. RICE: They do have an increased license fee. We do have a motion on the floor, is everybody clear now on



the intent of the bill? We have no further questions from the Commission, do we have questions from the public?

MR. HASTINGS: My name is Ken Hastings, I am from Mechanicsville, Maryland. As I remember the sport fish boat at the joint meeting it involved a certain amount of general funds to supplement whatever bill came up was going to raise.

At this point there is no management fiscal note on the website, so I would like to know how close does this get you to your 2.7 million deficit and how much general funds are you expecting to supplement this with because if you change enough of the numbers, I tried to get information from the Department about how it is being done and I failed to do that, things like protect --- so I am asking now how much money does this really raise? If I knew the categories and how much it was before, I could probably figure that out myself but without that information I can't do it. Thank you.

MR. RICE: Gibby, correct me if I am wrong, but does this bill raise everything but has a deficit of \$800,000 that would be requested in general funds?

MR. DEAN: The bill provides just a hair over 1.6 million in the increase in license fees. It is also a request of 800,000 in matching funds from the Governor's office which would come to 2.4 and then I think the total is 2.7 and then you got a question in there about 300 and some

thousand on where the money from the crab survey comes from.

Is that correct?

MS. HUNT: It was 2.4 million dollars, getting from 2.4 to 2.7 was those crab surveys that were not otherwise funded in Fiscal Year 13's budget. So that was if you were to include those surveys then it was 2.7, so that is the difference between those two numbers, but right it is 1.6 and a request in general funds.

MR. DEAN: And Ken if you need I will email you a copy of the latest sheet on what the actual license fees are and all that.

MR. HASTINGS: Great, thank you.

MR. RICE: All right, thank you. Robert T.

MR. BROWN: There is also a savings of like \$70,000 because you don't have the apprenticeship program anymore.

MS. HUNT: Correct.

MR. BROWN: Which is, will be included because the apprenticeship program we are not going to have it anymore.

MR. RICE: All right, I will get --

MR. DEAN: If I can, there is one other thing that, I think it is obvious that the Striped Bass industry is going to an IFQ system and it will take probably a year or two or more to determine how much cost savings involved in that as a result of supposedly better and more efficient management techniques. So, hopefully they will be additional ones that

you have to be realize.

MR. RICE: Correct. This has been a long painful endeavor to get this bill to where it is at and a lot of hard work has gone into it. It basically is a good bill, it is the best we could do and call for the question, no further discussion, all those in favor of the motion --

MR. GARY: Wait one minute Billy, I just want to make sure I have got the motion captured properly, let me know if I don't. So, the motion was made by Commissioner Gibby Dean, seconded by Moochie Gilmer for the TFAC to support Senate Bill 662 as written with proposed amendments as discussed by the Commission. I didn't expand on exactly what the amendments were, but does that capture --

MR. RICE: Does that suit the making of the motion and the seconding?

MR. DEAN: Yes.

MR. RICE: With that being said, all those in favor signify by raising your right hand.

MR. GARY: Hold your hand up high please.

(Show of Hands)

MR. GARY: All in favor.

MR. RICE: All those opposed. Abstentions?

MR. GARY: Twelve in favor, none opposed, one abstention. Motion passed.

MR. RICE: Thank you. Motion passes.

MS. HUNT: Okay, there is just one more bill.

MR. RICE: Okay.

MS. HUNT: Sorry Bill.

MR. RICE: No, I was going to wait until the end,  
go ahead.

MS. HUNT: Okay, yeah sorry, I just have one more.

***Senate Bill 795***

MS. HUNT: There is a bill also that just came in,  
Senate Bill 795 that is really strangely worded. We are  
trying to figure out exactly who it is meant to apply to,  
power dredgers, sail dredgers. But basically it is trying to  
delineate any waters north of the Bay Bridge, again it  
doesn't say how far north to where it would go, but anything  
north of the Bay Bridge as oyster dredging, an area for  
oyster dredging.

MR. BROWN: Does that include Chester River?

MS. HUNT: Everything north of the Bay Bridge,  
presumably under non-title waters because it never stops.

MR. BROWN: That is everything.

MS. HUNT: It just goes, it never -- I guess I  
would try --

MR. O'CONNELL: Those patent tong areas, hand tong  
areas would be open to power dredging, right?

MS. HUNT: Yes.

MR. RICE: Does anybody else want to back up, have

any questions for Gina on any of these bills she has discussed?

MR. SIELING: I just had one Bill, just a curiosity question on the very first one, House Bill 16, that you all said you were basically opposed to because it takes away some of your flexibility and so forth. What was the purpose of having this bill introduced in the first place? Why is it being done, in other words?

MS. HUNT: The Department met with the sponsor and basically I think his problem was that as small businesses have a hard time tracking all the changes in regulations that happen in a state, not particularly fishing regulations but just overall the regulation changes. So, it requires a small business really to go look at the Maryland Register for every addition to see if anything applies to them.

So, he thought it would be easier if the regulations could only come out four times a year and they would only have to look four times. The problem is is that only means that proposed permanent regulations that follow the normal track come out four times a year.

Emergency regulations would still happen all the time, so you would still be checking the book all the time. In the case of fisheries, we would be writing a lot of emergency regulations.

MR. SIELING: Do you think this bill has any

traction or is this just one of those things that is not going to get passed?

MS. HUNT: Well, our discussion with him was hoping that he would exempt DNR out of the bill, but I can't say whether or not he will do that or not.

MR. SIELING: Who is the sponsor?

MS. HUNT: Who?

MR. : Aurora.

MS. HUNT: Yeah, there you go, yeah.

MR. RICE: Moochie?

MR. GILMER: A couple things Gina. On the hunting and fishing license with the social security number, the best set up that I have seen so far as far as that is anglers have, they have a touch pad there just like you put your keypad in for your number, anything, and you put your own social security number in so it is not asked in public. So, if you speak to somebody --

MS. HUNT: Yeah, there is a number of options for this. The thing is is that it has been required since, I want to say 2005 or 2007 is when the law went in requiring social security numbers. But the Department had a very antiquated license system and only this year were we able to replace that system with this new online computer system, Compass.

When we did that, of course, it was built to comply

with the law. So, though it has been required for years, anglers never saw that requirement. Well now they see it and the options are they could just buy a fishing license from their house and type it into a computer or we have an 800 number that goes to a call center that is manned from 7:00 a.m. to 7:00 p.m. and they can call that call center or yes they could go into a store or a DNR service center.

In any case, all you have to do is provide your social security number once. This is not every year because you are going to get a DNR ID number and commercial watermen this is going to rolling out with you as well next license renewal where you are going to get a DNR ID number.

So, this DNR ID number is what identifies you if you wanted to go buy a park pass or a hunting license or whatever, this is your identification for the Department so you never have to type in your social security number again or give us all that personal information again.

But the problem really is for the people that have to enroll the first time, that is where they are having their angst and so if you walk into anglers most people probably don't even have to do it anymore.

MR. RICE: Just kind of follow up on that Moochie, that is how Virginia already does theirs and my commercial registration number is the same. My license number might be different but that registration file is on my commercial

license.

MR. GILMER: Right, and the point that I was making was like at Angler's Sport Center here because I also hang out some at Chesapeake Outdoors and people have come in there and verbally give their number and it becomes an issue. But if these places that sold licenses actually had where you could type your own in, it would seem to be the thing that worked the best from what I have seen.

My other question was on allowing the two inch oyster year round from the oyster leases with the column is that how --

MS. HUNT: Under the regulation update you mean?

MR. GILMER: No, I thought you said something on the

MR. RICE: That was in the report that Sara gave us.

MR. GILMER: Okay, I am sorry. But, what determines if a person has a bottom lease and a column lease of where the oysters come from?

MS. HUNT: Oh, if a person has both?

MR. GILMER: Yes.

MS. HUNT: I mean it could have only come out of the cages of the floats.

MR. GILMER: Yeah, but how are you going to regulate that?



MS. HUNT: Well they are, the bushels are currently marked just like commercial fishing, your bushels have tags. So, those bushels would have to be tagged as well. I mean, you are not going to have a bottom lease and then water column above it, directly above it, because you are not going to be able to get to the bottom. But you could have certainly a bottom lease over here and a water column lease over here.

That would be hard to track. I would say, I mean visually water column oysters do look different than bottom oysters but I don't know if that would hold up in court.

MR. GILMER: That is my main problem with that.

MR. RICE: Russell, did you have something?

MR. DIZE: Yeah, I want to go back to 795 Senate Bill. Gina, do you know who put that in?

MR. RICE: I think --- was going to put that in is what I heard, I think that was --

MR. DIZE: To clarify, what you are saying is all the waters in the Bay above the Bay Bridge where the sail dredgers could work and wanted to open it up for power dredging for anyone, that clarifies it?

MS. HUNT: Well, it is written in sail dredge law.

MR. DIZE: I know, but they wanted to use that bottom, that is why it was written like that. They want to use the bottom --

MS. HUNT: That would be the wrong place to tell power dredges what to do in sail dredge law.

MR. DIZE: That is why -- well, it exempts the Chester River or Swan Point. The only way you can work with -- where the sail dredgers work with a dredge according to what I read.

MS. HUNT: No, that is not what it does.

MR. DIZE: It says here, above the Bay Bridge and the Kent Narrows Bridge north, the areas of the waters in the Chesapeake Bay where a person may catch oysters by dredge. The only people who can dredge oysters by a dredge above the Bay Bridge are the sail dredgers, period. Unless you got that small place on Swan Point that is open for a power dredge. No other places in the upper Bay that is patent tong and sail dredgers.

MS. HUNT: Okay, but let's just be clear. What this says is that in sail dredge law that the only place that you can dredge is where you can already dredge.

MR. DIZE: That may be but that is not what this is saying.

MS. HUNT: I am telling you what the bill says.

MR. O'CONNELL: It may not be intent.

MS. HUNT: So now that you have told me that, now I at least know what the intent was because I can tell you reading it I couldn't figure out who was supposed to be where

because again it wasn't in power dredge law.

MR. DIZE: Don't get me wrong, I am not against it, I am just saying what it meant.

MS. HUNT: No, I appreciate you clearing it up, I do.

MR. DIZE: That is what they are asking for.

MS. HUNT: Okay, now I know what they want. Is there anybody who had a recommendation or a position or that was it?

MR. DIZE: I actually don't think it is a bad idea because we got all those bottom, all that bottom in the upper Bay that isn't being touched now because it got silted over from the hurricanes or it has a spawn or a fresh water killed them. It might be a good idea to turn that bottom over.

MR. GILMER: And Russell on that, I mean the call that I got from Chuckie White on this was that the intent was I think the original intent from our standpoint was that all that bottom that got silted over was to turn it over.

The conflict with the sail dredger, I totally understand.

MR. DIZE: I am not sure there is a conflict, but anyway.

MR. GILMER: Right, I mean but that --

MS. HUNT: But Moochie, did you think it also was just allowing power dredging where sail dredging already is,

is that how --

MR. GILMER: No. I don't think that was the intention, well I don't know because all I know is I got a call from Chuckie on turning the bottom over up there that got silted over and I thought his intent was the patent tong bottom and stuff like that.

MR. DIZE: But it clears it up Moochie because it says you can catch oyster by dredge. The only person you can catch oyster by dredge in the upper Bay --

MR. GILMER: Right, is on --

MR. DIZE: -- is on the bottom that is existing there for dredgers.

MR. GILMER: I mean, but do you think the sail dredgers would oppose it?

MR. DIZE: To be honest with you, I don't think there is enough sail dredgers to worry about it. They probably might oppose it but I think it would be a good idea because you clean the bottom of it. That is the main thing you want to do to get oysters up there.

MR. GILMER: Right, that was the intention of the --

MR. DIZE: They would benefit in the long run.

MR. GILMER: Right, that was the intention on the bill.

MR. DIZE: Sail dredgers can't afford to go there

with a crew of four to six men and do it for nothing.

MR. GILMER: Right, and unless that bottom gets turned over up there I don't think there is a chance of --

MR. DIZE: Right, and a power dredger might catch two or three bushel and make a days work out of it or something but you would turn the bottom over.

MR. GILMER: Right. When Chuckie called me, I mean I think that was the intent of the bill.

MR. RICE: Thank you Russell for your clarification. Tom, can you make a comment please?

MR. O'CONNELL: Yeah, just on House Bill 622 the distribution of oyster tags. This has been a lot of conversation between our shellfish distribution director, myself and the oyster fishermen. I think it is important for this Commission to understand that we are very aware of the challenges that this year faced due to some unpredictable circumstances and we have committed to working with the industry this summer to address the problem next year.

I think handling it outside of the legislature will provide us the flexibility to determine the best program to address the inconveniences and be adaptable as new challenges can be faced versus legislation that will lock this into a very specific requirement.

So, as you hear about that I just want to make everybody aware of that. We are committed to working and

solving this problem by next season.

MR. RICE: Thank you, Tom. Gibby.

MR. DEAN: Just a quick comment on Tom's words there. We have had these conversations before and I don't want to get off the subject but it is pertinent to this. There are several bills on here that regard the oyster industry.

Our County Shell Committees are just not working, I mean there is so much dissension between the counties themselves, to my knowledge there is no unified voice between the Shell Committees. What we are lacking in my opinion here is an Oyster Advisory Commission similar to the Striped Bass or the Blue Crab and I agree with Tom, a lot of these things could be taken care of, and don't get me wrong I have a lot of respect for our legislators that is looking out for our concerns here and everything.

But suppose for example we got the State to work with us on instead of having to tag every bushel, you give one tag per day per boat per license. In my opinion, that takes care of the whole thing unless you are selling direct to a restaurant or something like that.

But there are things like this that we can, I mean we are just getting run over with bill after bill after bill and there may become a point where you don't have to do what we are doing right now and I think that if we had an Oyster

Advisory Commission that we could go to and get their input made up of not only people representing all gear types in the oyster industry, but also Aquaculture on the same committee we could work all these things out without having to go there.

I don't want to wear out our welcome to all our legislators every time we have an issue that we have been able to take care of ourselves. So, I am not sure what an action request is, but I would like to see, I mean something done immediately on setting up an Oyster Advisory Commission and try and let us work some of these things out.

MR. RICE: Tom?

MR. O'CONNELL: Gibby and I spoke a little bit about this idea and I think it makes a lot of sense. Right now, the County Oyster Committee are establishing a statute and to change that structure we would have to change the law, but in the interim there may be ways to gain some consensus from the County Oyster Committees to establish a body to work in the interim.

It is very -- it is a challenge for us to meet with so many county committees. They are struggling, getting the adequate representation that the law requires and if there is no objections from this Commission, it is something that we can bring up to the County Oyster Committees. I think Mike Naylor is beginning to meet with them this spring and to try

to move in that direction and then maybe we end up something that we could go into legislature next year and put in place with the industry's support.

MR. RICE: Just to follow-up on that, thank you Tom, I agree 100 percent with that Gibby has said because we sort of went downhill with the County Oyster Committees when the oysters sort of went downhill. It really was a sore subject with me because I was elected at the age of 17 on our county committee and I got kicked off three or four years ago because I didn't pay my surcharge. I was still qualified to mark off bottoms as much as anybody ever was, but because I was --- rock fishing and crabbing and didn't pay my surcharge I no longer qualified, I forgot what I knew about oysters.

(Laughter.)

MR. RICE: But anyway, I think that that is something that we need to move forward with because Lord knows one person from each oyster producing county could do the job of what supposedly five people were doing on each one of these committees and this is something that would streamline a lot of things and we could move a lot faster on issues like this. So, we appreciate whatever we can get done. Thank you. Robert T.

MR. BROWN: One question. Is there any possible way that if all the committees would send one person from each county up to try to start the committee, you know, if



each committee said look I am from St. Mary's, I am from Charles, you know right on around there, say look each county will send one representative.

They could have their meeting within their county what they wanted to do amongst themselves and then they could send a representative to a larger committee to start with until we could get a full fledged plan into effect and that would probably make it easier on the Department and make it a little easier on us because the whole thing has changed completely because before the state used to, we would have to tell the state where we wanted the seed planted which you know we still do that.

But what we did was, look you got so many boat loads of seed coming to you, so many bushels, where do you want to put them at? Well, now it is just the opposite. We have got to go find the seed, get the seed and then we send the bill to the state. As to where it has done that, they tell us how much money we can spend in the --- if we don't use exactly all of it, it rolls over to the next year. Just a suggestion.

MR. RICE: Thank you. If everybody is satisfied on the legislative update we thank Gina. Steve, can you tell us what you have got going on.

***Seafood Marketing Update***

***by Steve Vilnit, MD DNR Fisheries Service***

MR. VILNIT: I am going to do a quick presentation here on just some of the activities we have done in the past, oh I would say six, eight months or so, probably since the last time I have talked to you. So, go ahead and hit that.

(Slide)

MR. VILNIT: We have continued doing the chef education trips that we have done in the past. We took about 375 people this year. This was going to crab picking houses, going to agriculture farms, going out trout lining, going out and doing some oyster dredging a little bit and trying to get a good range of activities for the chefs to get out there.

These are chefs, retail stores, people in the industry, you know just trying to get everybody out there in terms of food service so we can get out there and just experience the fishery. Having these guys trout lining or dredging an oyster has always been entertaining as well for us and we have tried to get it on film and put it out there whenever possible. But it has been a good thing. Go ahead Mike.

(Slide)

MR. VILNIT: So, with a lot of these new agriculture farms opening up, we are trying to get them some exposure. One of the things we did this past year was go on Fox 5 News. We did five live spots or six live spots from Hollywood Oyster's dock down there. Just getting some

exposure to these new opening farms. We did this for this farm and then we did another spot on the Kojo Nnamdi Show for another farm.

(Slide)

Mr. VILNIT: We did From the Bay, For the Bay promotion again this past year. We cut down on a number of people that were involved only because getting money from everybody turned out to be a headache. So, we kind of cut out the people that were, we will say, slow pay and focused on the ones that were more into the promotion and it turned out actually better this year. So far we have about 50 percent of the donations in. We had about \$15,000.

We also did a kick off party at the National Aquarium which after expenses, we bought out the entire aquarium for the night and we had oysters there. We had 13 restaurants providing Maryland seafood. We had about 280 people there and after expenses we raised about \$10,000. All of these promotions are getting a lot of publicity in the local news, both on TV, newspapers and magazines which is not costing us anything.

(Slide)

MR. VILNIT: The True Blue Program was launched this year on Memorial Day. It has been working out extremely well. We have over 140 restaurants, I think it is 153 as of this morning, involved and those restaurants and retail

stores are committing to using over 12,000 pounds a week of Maryland crabmeat.

We have had news stories in over 40 media outlets including The Washington Post, Baltimore Sun, The Capital Gazette, Delmarva newspapers and then the processors are reporting an increased business due to this and just before you go on, some of the menus as I go around to visit these restaurants you can see they put the True Blue logo on there or they are putting True Blue jumbo lump crabcakes on their menu.

We are getting a lot of emails from the public and phone calls from the public as well saying that they won't go to a restaurant that is not True Blue certified anymore which is great. It is getting the word out there and we are getting more restaurants. We had four more applications come in this week, so we are checking their invoices to make sure they are using Maryland products and hopefully it is making a difference.

(Slide)

MR. VILNIT: So, doing a quick survey from some of the processors, this is not all of the processors, I think four of the guys got back to us. Hit it one more time.

(Slide)

MR. VILNIT: You can see the total pounds processed over the past few years has gone up. The total value of

those processed crabs has gone up and the average price per pound, which I think is the most important thing, has gone up and hopefully we are going to try to get more numbers from the industry in terms of the average price that the bushel has been in October. That is our goal to see hopefully as the processors are getting more business and getting higher price for the crab, it is translating to the bushel prices going up for the crabbers. Go ahead Marty hit it once.

(Slide)

MR. VILNIT: As you can see, 14 percent, 24 or 15, a pretty good increase. For the Boston Seafood Show this year they are actually doing a story on the True Blue Program and so they give out a magazine to every person that comes into the Boston Seafood Show which is about 50,000 people every year and there is going to be a story on the True Blue Program in there.

(Slide)

MR. VILNIT: Just some of the quotes from some of the wholesalers just basically saying that for the first time in years they have people coming to them and asking for Maryland products which is good. This is what we wanted to happen with this program. A lot of this program is based on social pressure.

If you have Maryland crabmeat on your menu and your neighbor doesn't, hopefully your customers are coming to you

because you have Maryland crabmeat on the menu and it forces that restaurant next door to get on board.

One of the applications that just came across my desk today, actually, it was really funny, it was a person that said hey I can't afford these Maryland crab meats, I can't use it, it is just too much money for me and I believe they are buying directly, at least that is what they said. A day like this in DC, they have four restaurants which is going to be great.

(Slide)

MR. VILNIT: We got the website up and going. This is one of the projects for this year. You can go on there. It is constantly changing which is good. You can go on there and you can click on find a place near you it will pull up a map where you can zoom into your neighborhood and all the restaurants and retail stores that are certified True Blue, you can see them.

We actually have not only restaurants and retail stores, we also have schools, hospitals for when I get injured and I need a place to go it has real crabmeat and caterers, things like that and we have more people coming on all the time. Starting to do some video clips, we got how to cook a blue catfish with a local chef here in town just giving you a recipe and showing you how to best prepare the catfish and there is going to be more stuff coming along with

that too.

(Slide)

MR. VILNIT: Doing a lot more social media. Again, this is a free avenue of advertising. This is numbers from this morning, you know on our Facebook page, our Twitter account they are getting some pretty good popularity. Numbers that are important is our total likes but friends of people that like the page which is a number where if a picture comes up on their account and they hit like, that is how many people are seeing this. So, almost a quarter million people are seeing this whenever someone hits like or comments on one of our pictures or one of our posts. Go ahead.

(Slide)

MR. VILNIT: This year, hopefully we can get some different kind of innovative projects off the ground in terms of a community supported fishery. This is one of the things I would like to try to get going. They are doing this down in North Carolina, Massachusetts, New York City, basically where the general consumers can buy in a share to the fishery. It is prepaid and if you are one of the watermen that are involved in the supplying of this fishery, you are paid in advance for your product that you would deliver each week.

So, we are looking at different ways to get this

going. We want to get a pilot program going here at DNR so we can knock out all the kinks in the system in case there is any issues in terms of supply or the weather or whatever the case may be.

I think the people in this building understand the troubles that you go through better than the general public, so we will kind of work that out internally and hopefully we can release a program to each of the county associations where you guys can kind of take this and run with it on your own and how to be another avenue for selling your seafood. Go ahead.

(Slide)

MR. VILNIT: I am just putting it out there, this is what we spent for the year in terms of our projects that we have done, in terms of the income we brought in, that has changed a little bit in terms of the income from the cookbooks and hats. It seems like the more cookbooks we give away for free the more we sell.

It has been kind of funny, I give away probably 100 of those a week on the Facebook page and then all of a sudden we are selling more and more. So, I have to update those income numbers.

But just doing some -- we are going to continue doing more of what we did this year, just basically trying to do as much as we can with as little as possible.



(Slide)

MR. VILNIT: Two of the things we might not do next year, we are just going to see, we are going to cut back our expenses on is some of the festival promotions. Just trying to get the biggest bang for our buck.

The Maryland Seafood Festival here at Sandy Point is a huge festival and they allow us to come in for free and do that. So, I think just trying to find out where we get the biggest bang for our buck, looking at doing more of these festivals and shows where we are almost considered an attraction and they provide the space for us for free I think is a much better way of doing that.

(Slide)

MR. VILNIT: Coming up in terms of attractions is the Boston Seafood Show. Like I mentioned before, it is a very, very large show that we have that goes on every year, international show. Historically, we haven't had much more than some tables like this (indicating) that are covered with a black tablecloth and just some information put out there.

We really need to step up and compete in terms of, you have been to the show, you know how it is and Jack comes to the show every year. These are some of our competition, Louisiana Seafood, we got a couple pictures of their booth; Alaska, Oregon. They have some very nice booths up there and I think in order for us to come off as nicely as they do we

need to step up.

(Slide)

MR. VILNIT: This year we are working on a booth design for the show. This is one of the initial concepts, we are in the bid process right now. We have a 50 foot booth at the Boston Seafood Show, so it would be broken up into three segments; two 20 foot segments and then a stand alone 10 foot segment.

Basically, the whole message being the history and tradition of the Chesapeake Bay going from historic pictures as old as I could find or ones that looked as old as I could find all the way through modern day pictures, just kind of transition. Some pictures of some watermen in the middle, just kind of bringing in the whole history and tradition of what we have going on here.

That 10 foot section in the middle would actually be a stand alone section, so if we do any additional shows we could use that as our booth space there. So, there would be no additional cost incurred.

(Slide)

MR. VILNIT: Also, this year we raised the fee to \$1,500 from \$1,000. Two years ago we had no fee for participating in the show and the Department Seafood Marketing Program incurred all the cost. We did a \$1,000 fee two years ago or last year I mean and the company has paid

it.

We raised it to \$1,500 this year and we actually had more companies than we could accommodate in the show apply to be in the booth this year. Fifteen hundred dollars is actually extremely cheap to participate in the show. The cost of the booth alone is about \$20,000.

So, like I said we had six companies come in this year which would be great. Hopefully next year if we have as much competition for it and we will go from there. That is the last one.

### *Questions and Answers*

MR. RICE: Gibby?

MR. DEAN: You know what I am going to ask. Jack, do you want to leave the room a minute?

(Laughter.)

MR. DEAN: But which of the graphs you showed up there and when you get all the bushel prices to the --- recorded, would you expect us to see the same gradual increase?

MR. VILNIT: I think, yeah there is definitely going to be a gradual increase. The problem is, is that most of the crab industry currently sells to the processors or a good percentage of the crab industry sells to the processors. The only way we can really help those guys out is to push more volume through the processors.

This was the first year of this, so I want to see how it impacts the industry next year. This is just a pilot program, again this year.

MR. DEAN: My point is that we want to see everybody profit by this.

MR. VILNIT: Exactly.

MR. DEAN: I mean right up and down the line and that is as much our concern as anything else. The second thing, and just a quick comment I don't know if I mentioned it to the Commission that we are putting together a waterman's symposium in conjunction with the Comptroller's Office on April 18th which we hope to utilize Steve and your staff on the marketing end.

But it is basically about the economic impact the commercial industry has to the State of Maryland and it is all the legislators will be invited, quite a bit of media and things of that nature. So, I will bring you more up-to-date some as we get along. But, we certainly hope that you will be a big part of that Steve.

MR. RICE: Thank you, Gibby. Moochie.

MR. GILMER: Steve, my guys have been concerned about as good an oyster year as it was or has been so far that there wasn't more information on the wild oyster publicized?

MR. VILNIT: We did put, I mean, we did if you go

on our social media and things like that we did put out a lot about the wild oysters and we have been promoting those wherever we can in terms of getting them out there to the restaurants.

We just used a bunch of them at our summit a couple weeks ago, but we are putting it out there. We are mentioning it whenever we do the media stuff like when we were on Fox 5 we did mention wild oysters are in season and this is the best year these guys have had in a long time.

We have been mentioning it wherever we can and getting the restaurants to use it and I actually started talking to some of the harvesters about just changing the way that they present the product. Unfortunately, the way that the wild product is a lot of times presented it is just not good for the restaurants.

MR. GILMER: I know what you are talking about. It doesn't seem to have been the push that everybody thought it should have been.

MR. VILNIT: Yeah, it is tough and without the processors to have to absorb all of that product that was coming in there is just not a lot of additional market to absorb that kind of quantity.

MR. GILMER: That was just a concern that I have heard.

MR. RICE: Keep up the good work. Mike Luisi, can

you give us your report.

MR. LUISI: Mr. Chairman what we are going to do, Brenda Davis and Lynn Fegley and I are going to split up all these actions. So, I think Brenda is up next.

MR. RICE: Okay, well --

MR. LUISI: So, this is just a heading for all the next --

MR. RICE: Okay, all right I am with you.

MR. LUISI: We are going to share duties.

MR. RICE: Okay, well Brenda can you talk to us about the Sponge Crab issue? Oh, I am sorry, I jumped ahead of myself, yes the LCC male only first.

### ***Sponge Crab Importation Issue***

#### ***by Brenda Davis, Blue Crab Program Manager, MD DNR Fisheries Service***

MS. DAVIS: Brenda Davis, I am Blue Crab Program Manager. This Commission at an earlier meeting asked for input from the Blue Crab Industry Advisory Committee on how to handle male only LCCs when that issue came up before this Commission.

The question is that currently there is no set number of male only licenses within the licensing structure that falls under the regular LCCs. So, when those licenses are not renewed there were several options on how that could be handled. We could split it up and come up with a target number of those licenses or they could be retired as they

were not renewed, it came back to the state.

The Crab Committee took on that question and voted to have those licenses retired if they are no longer renewed. So, eventually there would no longer be any of those licenses at some point in the far future.

MR. RICE: Richard.

MR. YOUNG: For those of you who don't know, I am here, but I am also on that Crab Advisory Committee and I was in on this discussion and I still feel that, and traditionally when a subgroup in a particular fishery is created to discuss the management at a fishery I usually go along with that.

I am on that subgroup and I don't go along with it and my reasoning is, and I heard Larry talk about at many, many meetings, at a few meetings, more than a few meetings, about not reducing the target number of licenses in the fishery.

I know that we had a problem with latent effort for years and years and years but available licenses that have been turned back into the Department, especially when there is a waiting list for licenses in that category, they are not latent effort, they are just licenses that somebody decided not to renew.

I feel that those male only LCCs would be snatched up by people on the waiting list at their full price knowing

that they remain as male only. My concern especially with this cost recovery issue is that if we remove what was it 30, how many was it this year 44, 38, something like that licensed males only that were turned back?

MS. DAVIS: How many were not renewed?

MR. YOUNG: This year, 38 or 44 --

MR. GILMER: It was in the 30's, I can't remember what the number was.

MR. YOUNG: So, this year it is whatever that number is. As Brenda just said eventually it is going to be all 488 of them and that is 488 people that eventually will not be paying into the pot for our license fees. As we lose licensees, license holders, is less money that goes into that pot which means that the Department is going to have to come back for money from us and more money from us and more money from us.

Aside from that, if we remove licenses from the fishery it reduces our strength, our strength in numbers, we don't have a whole lot of us and every license that we lose is one less person that is on our side. That is my feeling.

MR. RICE: Thank you, Richard. Further discussion? Go ahead Russell.

MR. DIZE: If a person holds a LCC for male only, under the new proposals if they go into effect they will have to pay \$215.00 before they get a right to renew that license?



MR. RICE: If that is the only license they have.

MR. DIZE: Well, I would say you are going to have a significant reduction. I agree with Richard. I think they should be allowed to be bought up.

MR. RICE: Tom.

MR. O'CONNELL: If you could just describe what we are looking for in the tidal fish today? What is the end point we would like to have today? This is going to require regulatory change? We need to resolve how we are going to handle --

MS. DAVIS: Yeah, depending on what the resolution is on how to handle the license, some regulatory change could be required if you need to develop target numbers.

MR. O'CONNELL: So, we went to the Blue Crab Work Group for your recommendation and now we are looking for guidance on how to address these going forward if you are able to make a recommendation today.

MR. RICE: There is one other thing that might need to be considered is when the recommendation came from the Blue Crab Committee we had not moved as far along with the cost recovery and I think a lot of that wasn't necessarily considered at that time with their recommendation for the retirement to these license. Rachel?

MS. DEAN: I also say that I was at the meeting I sat in as a proxy that day and I also didn't agree with it

especially when the first time it went to vote it was so close and I didn't feel comfortable for the same reasons that Richard said we are losing our numbers to begin with and we had not moved on with our cost recovery and it is going to do a significant amount of reduction. So, I do think that we need to reconsider or send it back to the --

MR. RICE: Rob Tate.

MR. TATE: It is \$335.00 for every one of these licenses that we don't get renewed every year. That \$335.00 will probably, some will drop out as we start just because the price of it and with the way our cost recovery plan is working we need to keep our licenses up and our numbers up. If there are other people on the lines on a waiting list for a crab pot license as these come I don't think they should be retired. I think that they should be implemented to the people who are on the waiting list.

MR. O'CONNELL: So, Gina just helped clarify and bring us back in kind of context. So, we have some male only LCCs that are available, we are trying to determine how to make them available and whether they are going to retire them or make them available to people on the waiting list.

So, we brought this to you, you guys went back to the Blue Crab Work Group, they have come back, there has been some cost recovery discussions, but in order for us to change the targets and to either move or remove these available LCC

licenses, we need the recommendations from the Tidal Fisheries Advisory Commission.

MR. RICE: Then I want to make sure I am clear on this. What we got from the Blue Crab Committee was they were sort of in an advisory mode to us and if we don't really like the advice then we need to move forward with our own opinion.

MR. O'CONNELL: What we do to you guys all the time.

MR. RICE: That would be correct.

(Laughter.)

MR. RICE: We have had some discussion around the table and if somebody feels strongly we could certainly ---. Gail?

MS. SINDORF: I think, I don't know where we are going to be a year as far as licensing goes. This time next year we could be in a situation where we have licenses being transferred and we have a decreased in latent effort. We could have a situation next year where there is no waiting list at all because so many people have given their licenses.

So, I think at this point I almost feel uncomfortable with voting on this at all with this uncertainty. I think is there a possibility of us tabling this for a year so that in a year we know better where we are. We don't retire any and we don't renew any for a year and we just sit on this and wait and see where licenses are

in a year. I think that we are heading into a lot of uncertainty right now. It is just a though.

MR. O'CONNELL: It can be tabled for as long as you guys want. There are just licenses there that will be held.

MS. HUNT: How do you guys feel about that.

MR. O'CONNELL: I mean we really think this is your choice. Gina just said there are people on the waiting list that would likely take this license because right now they cannot crab. So, even though it is male only they may still ---.

MS. SINDORF: But, there could also be a lot more licenses available in a few months that are female and male LCCs that would be available, so they wouldn't be interested in them at the same time. I mean, we just --- for a certain territory that is all.

MR. RICE: All right, well we have some good discussion on this issue. Let's pleasure the Commission.

MR. DIZE: Do you want to motion on it?

MR. RICE: Yes.

MR. DIZE: I make a motion that we let the licenses back into use, that we don't retire them because I am afraid of what is going to happen when we lose -- how much was that Robert T. we lose?

MR. BROWN: Three hundred and thirty-five dollars.

MR. DIZE: We lose \$335.00 per license and we have

to come up with these numbers year after year. I think it is valuable to have that license in use.

MR. RICE: Gibby?

MR. DEAN: I am a big fan of these Commissions, I mean they are there for a reason. They are made up of crabbers from all parts of the state representing every ear type. If we feel this strongly about it and your suggestion of tabling it, I can't remember if I was at that whole meeting or not but I would rather, if we have time, I would rather send it back to them tell them the concerns we have had, make sure the cost recovery issue is brought up and how important that is to us because we are going to lose some licenses, not necessarily just because the increase in fees but through attrition alone and like Gail said, we are going in unchartered territory now.

Give them the option of tabling, I mean why have these Commissions if we are not going to support them. I mean, that is what we have them for and I think in every case I have lent to the advice of the Commission that maybe we can send it back for that reason.

MR. RICE: All right, well right now we have got a motion on the floor. I am usually in need in a second or the lack of that the motion dies.

MR. BROWN: I will second it.

MR. RICE: Second by Robert T. Now, we can have a

discussion. Rachel?

MS. DEAN: Can I get some clarification? I thought at that meeting we felt a sense of urgency that we needed an answer for the Department.

MS. DAVIS: If we wanted regulatory -- if there was a new target number that needed to be developed, that needed to be written up for this legislative session. I believe it was the urgency at that time.

MS. DEAN: So, they felt that a decision needed to be made?

MS. DAVIS: Yeah.

MS. HUNT: We just have a draft package to change targets from the last time the TFLs were upgraded and so we had a package to move forward and if we were going to change the target -- basically we have been holding the regulatory package waiting for some advice on what to do with LCCs.

The only other urgency to that was that it was when we first came to the Commission it was before crabbing season and the interest was, of course, that we have these folks on a waiting list and if they could come in now and get a male only while the season was open rather than waiting a whole other year, it was in the interest of those folks on the waiting list.

MR. O'CONNELL: Just to be clear because there was legislation regulation. It is a regulatory action and the

urgency would be people that would like to use these. It is not an urgency on our side and if you went with Robert's license, I mean Russell, when it says go back to use, does that mean go back to use as a male only or a male/female?

MR. DIZE: Male only.

MR. O'CONNELL: Do you need to clarify that in the motion?

MR. RICE: I think the male only would coincide more with the feelings of the Committee.

MR. GARY: Is that accurately stated?

MR. RICE: Yes. Any further discussion? Richard?

MR. YOUNG: Brenda, there is no way that these licenses can back to full LCCs, is that correct? They have to stay male only?

MS. DAVIS: And stick with the intent of being able to reduce female harvest, they cannot go back to both male and female.

MR. YOUNG: Would it be possible to get this on as Gibby suggested if we took it back to the Committee, could we get it on the agenda for the meeting on the 21st so we can get a quick decision?

MR. O'CONNELL: Just a point of clarity, they can get back to a male or a female LCC but the concern is that would go against the current, the recent action to reduce effort into the female fishery. But if the industry wanted,

if the industry was willing to allow more effort into that fishery knowing that that may come back to hurt the people that had been in it, it could.

MR. YOUNG: Leave it as male only I think.

MR. RICE: I think the feeling of the Committee was that anybody that accepted this license was going to accept it under the terms that it was a male only license and they would know going in that yes you are restricted to male crabs only.

MR. YOUNG: And it is the full amount of money.

MR. RICE: Correct. Bill?

MR. GOLDSBROUGH: I just wanted to chime in that I don't think because they are male only that it is not an impact on the resource because we are in the process of developing male based reference points now too because sex ratio among crabs is an important part of having sufficient spawn potential.

So, the degree to which we put inordinate pressure on males or females can be an issue and I do think we have, we have to be cognizant of the amount of total effort in the fishery because cash per unit effort is still down over what it was historically in the number of crabs in pots, the average size of the crab you catch so that the value of your catch is down and that is a direct relationship to the amount of total effort.



So, these do represent latent effort that were basically turning into active effort. So, it is not going in the right direction. I understand the interest of people on the waiting list that you want to support, but that is just another viewpoint I think everybody ought to be aware of.

MR. RICE: Thank you, Bill. If we have any further discussion from the Committee. Richard?

MR. YOUNG: Though they are not necessarily latent efforts, some may well have been latent but some also may have been, and maybe all of them, are people that just decided that they are not going to crab anymore. They crabbled last year, they reported last year and this year they are not going to.

MR. RICE: Bill.

MR. GOLDSBROUGH: And that is -- from an upper management standpoint that is even better, you reduce the effort in that case just for what that is worth.

MR. RICE: Before a vote is taken we need to ask for public comment. Seeing no public comment the call for question, Marty would you read us the motion so everybody is clear before we vote please.

MR. GARY: Motion by Russell Dize, second by Robert T. Brown to let the male only LCC licenses go back into use as a male only LCC.

MR. RICE: Thank you. All those in favor of the

motion as presented signify by raising your right hand.

(Show of hands)

MR. GARY: Nine in favor.

MR. RICE: All oppose.

(Show of hands)

MR. GARY: Four opposed.

MR. RICE: Abstentions.

MR. GARY: Zero. Nine in favor, four opposed,  
motion passed.

MR. RICE: Motion passes. Okay, so that takes care of that issue. Brenda, can you walk us through the next one you have got please.

MS. DAVIS: The Department has received a request to extend the amount of time for the importation of Sponge Crabs which is currently allowed right now April 25th to July 5th and Jack or Bill, do you want to -- the request came from the Chesapeake Bay Seafood Industries Association. Do you want to --

MR. BROOKS: I would be happy to Mr. Chairman if that is all right?

MR. RICE: I tell you what --

MR. BROOKS: Where do you want me to sit?

MR. RICE: You can take my seat because I have to step out. I heard your presentation the other night so ---.

MR. BROOKS: Okay, well thank you. Members of the

Commission I appreciate the opportunity to talk to you about this issue tonight.

MR. GARY: Please identify yourself.

MR. BROOKS: Jack Brooks, President of the Chesapeake Bay Seafood Industries Association. A brief history, and I will try not to take too much time, a brief history on the possession of Sponge Crabs in Maryland.

I think up until sometime in the mid and late 90's we could always import them for processing if we couldn't find enough of the local crabs here to do that. In the 90's, during the bi-state Blue Crab Advisory Commission existence and the 15 percent reduction mandated by that body for all the jurisdictions.

I think the state of Maryland, as I recall, was maybe one or two percent short on what they needed for that 15 percent, not one or two but one or two tenths of a percent short. So, I don't know how it happened but this came in play and they said okay and then I guess it was a feel good thing, no --- of Sponge Crabs in the state of Maryland, period.

So, okay that sounded real good and everything. Basically, what happened following that the very next year, the very next crab season following that decision, we had basically I think it was in May, mid May, we were not able to import Sponge Crabs. We had a lull, a cycle in our local

crabs, clean crabs that we did not have enough to process. It was just a very, very slow time.

Now, this is just one example this happens frequently and we were picking, I say we, the Maryland industry was picking probably about two or three hours a week, had all of our laborers up here from Mexico to work and we didn't have any work to provide for them. We would pick everybody just to clean up and generated very, very little bit of crabmeat.

Our customers would call and say, hey we need 100 pounds of crabmeat can you ship it to us? We said, no but we said we could probably get you maybe 20 at the end of the week, but that is all we can do.

A couple of examples kind of stick out and a couple of folks independently said, our customers said, well you know why? So, I am getting all these calls from Virginia and North Carolina and they were all from --- pounds of crabmeat and why do they have all of this crabmeat and you don't have it?

We said, well we told them about the new action and the restriction on being able to possess them in the state and actually two of them said, well I think that is a good idea, I think that is a real good idea, I support that and we said okay we respect that for sure and so we ask them where are you going to get your crabmeat? These are Maryland

customers and they said Virginia, we will go to Virginia and buy the crabmeat, we said okay.

So, do you know that you are getting crabmeat from these crabs so it didn't matter, they needed crabmeat, we couldn't satisfy the demand, we lost customers, we lost market share.

So what happened and what continued to happen was when that type of thing happens we lose our market share, our customers say restaurants say, you know I can't depend on you guys, I am going to Virginia, I am going to North Carolina, I am going to Venezuela or Southeast Asia to get the product because I can't depend on you.

So, back in the late 90's when this happened there were 53 companies that processed crabs in the state of Maryland, now there are less than 15 or about 15. This is not the reason that that big purge in the capacity but the numbers have gone down.

Then later on I think in the early 2000's the Department says, okay well you can have Sponge Crabs, we understand your dilemma you can have Sponge Crabs to process in Maryland from April 25th to July 5th and that was a big help. It really helps us in those periods of time.

There are times before that date and after that date that these crabs are available and the other crabs are not. Don't get me wrong, when we have a choice we would

rather pick the clean crabs or local crabs.

There is many times when there is enough local crabs available, these crabs, these Sponge Crabs don't end up in the basket or on a boat, they stay overboard. But there are other times when local crabs just aren't available to pick and this is all we have to work on or we don't work.

Now, a couple of new things that have happened to our industry appeared just in the last several months. As I mentioned, most of the industry gets their workers from Mexico on H2B seasonal non-agricultural work visa.

The U.S. Department of Labor while there have been no regulation or rule changes yet are kind of changing the way they are interpreting the current rule and they say okay you guys instead of bringing in the workers, some in April when the beginning of the season comes on and then you bring in some more at the end of May or early June when the first shed goes and then you bring in the last of them in late August, early September for the fall run, you can't do that anymore.

You bring in all the workers you need for the entire season within the first 30 days of your date of need. So, our date of need being the Maryland season of April 1st, we have to bring in enough workers to, what we anticipate, working for the entire season by April 30th in the fall run and everything.

So we have got all these people here looking at us for work and then the Department of Labor says, okay well the rules had not changed yet either but we are changing the way we look at it and you have to guarantee each one of these workers 35 hours of work a week.

So, okay so let's say the year that I mentioned, that sticks in my mind we were working three hours a week. We have our full staff there for the entire season, we are staffed up and we don't have work, we got to send them home. You send them home, you are under penalty, you get sued and it presents all sorts of problems. Then, when the Maryland crabs come along the capacity is gone. All your capacity is going to be in North Carolina and Virginia to pick crabs.

So, we as Maryland buyers or dealers or Maryland watermen will be depending on these states with capacity to take these crabs and pick them. So, that is going to decrease the demand for the Maryland crabs. It is going to lower the economy of Maryland crabbing. I know Gibby mentioned that earlier, we all want to elevate from dockside all the way through. We see this as a way to do that.

Some people say, hey with the presence of these crabs that drives our price down. We would rather have the local crabs. If I have a choice, any of our colleagues have a choice, they buy the local crabs. They would rather have the clean crabs, the Sponge Crabs slow the production down.

You want to sell local stuff, you want to buy local stuff, your production is better, the crabmeat looks better and there is every reason to use local clean crabs if available. But sometimes they are just not.

So, we have these issues that are firmly mandated that we are trying to fight but we are that big in a great big sea, ocean of regulations over there in Washington and actually I think the Department of Agriculture has acquired you guys about this because we brought it up with the Department of Labor saying that this is just not going to work.

You are going to put a lot of us out of business and the ones who are left you take the oyster fishery and what happened this year, that fishery came back for a while there the market tanked because you didn't have the capacity to shuck them anymore and this is what is going to happen with crabs and the picking houses, it is going to continue to erode and hurt the overall economy of the Maryland crab industry. So, I don't want to rant on but I will certainly answer any questions.

MR. O'CONNELL: Thanks Jack. Any questions for Jack?

MR. DIZE: When were you allowed in for Sponge Crabs now?

MR. BROOKS: April 25th through July 5th and there



are some years Russell we don't want them, we don't get them, we don't need them, we don't even use them and there are other years that if we don't have them we are just in trouble.

If we were to get more time like the beginning of the season April 1st through the end of August, that would be great or even at minimum got four extra weeks and have a sliding season, so you don't need them early, you don't know if you are going to need them later or not. You never know when you are going to need them, you never know if they are even going to show up, but it kind of levels the playing field and we want to be there to provide market.

We have not missed market for Maryland crabs I would say, our company in particular, probably 15, 20 years since we missed a day buying crabs. But, if we don't have a little help here, it is real with these Federal mandates, it is going to change and we don't want that.

MR. O'CONNELL: So, Bill and Jack sent us a letter around the holidays and we suggested it go to the Blue Crab Work Group that reports to Tidal Fish and they discussed it in their last meeting and they had some really discussions there.

I went to the Chesapeake Bay Seafood Industry Association a week or two ago and it was to talk about their -- we looked at it from a biological standpoint and because

we do have targets of harvesting female crabs, it is something that can be managed around, it could potentially resolve in some increased female harvest in Virginia as the supply need increases in Maryland.

It would be accounted for in the overall harvest targets but it is a potential increase in female harvest. We also went to NRP, Natural Resources Police, and their only main concern was that individuals that hold both a Maryland and Virginia crab license have the potential to abuse it.

Someone in that category could take Sponge Crabs from Maryland and come in and say they took them from Virginia waters. One work around is that with the pilot reporting project with the halen that maybe individuals that would like to possess Sponge Crabs that has both a Maryland and Virginia license would have to participate in that program because then NRP would know where they are going.

But, those are, I don't know if those are issues that are unresolvable. The only other one is that with the potential of putting some increased effort on female crabs and the desire to allow this earlier in April, the only way we could do it this year was through an emergency regulation and that would have to occur prior to the resolve from the winter dredge survey looking at the removals from last year and what the results of that survey and harvest removals are going to be and whether or not we are going to be in a

position to maintain, increase or drop back.

So, I encouraged Bill and Jack to come here today and it may be something you guys asked to go back to the Blue Crab Work Group but if we are going to do something this year, for April at least, it would have to move very quickly.

MR. BROOKS: Could I speak to the effort comment for a moment? These crabs historically if Maryland is out of that market, the crabs for the most part it is rare that they don't get harvested anyway and they were kept in either Virginia or North Carolina.

The action of us not being able to bring them in typically I think the cost of the resource is minimal and I think you can probably VMRC and try to verify any sort of thing like that.

Also, I think there had been some studies by VIMS that measure the mortality of caged or potted Sponge Crabs and I think mortality is pretty high for the crabs that go in the pots anyway even though they are released and I don't know how they did it or when they did it but it has been a couple of years ago.

But, believe me and again if Virginia and North Carolina says, hey we are not going to take them anymore, I am all for that but presently we are heading down a path here that is going to be detrimental to the Maryland crab industry, everybody.

MR. O'CONNELL: And my comments were not to say that the Department wouldn't necessarily oppose it, just trying to provide the Commission with the different perspectives that we have heard to date.

MR. RICE: Rob T.?

MR. BROWN: Well, I was at the Crab Advisory Board the other night, I was on it for Larry, and some testimony and a lot of the crabbers were worrying about they wouldn't be getting market price when they were getting these female crabs shipped in and it might hurt their market and they wanted a guarantee.

Well, that is one side of the sword but the other side of it is if we don't keep these crab houses in business it is going to hurt us later on in the year and you got to keep the crab picking houses going and we have to find a medium between that and what we are doing now.

MR. RICE: Gibby?

MR. DEAN: I was there for a while too and one comment I heard that I thought at least deserved some merit was, and I guess from Jack, if the number of days were kept where they are now, how about the flexibility of when to use them, would that help you?

MR. BROOKS: That would be a help, a few extra weeks, two would probably work but flexibility to slide the season in the event that they were getting a lot of local

crabs here, we don't need those Sponge Crabs or in the event that Sponge Crabs had not shown up, that certainly would be a benefit.

MR. DEAN: I would think that that wouldn't be putting any more pressure on our female harvest.

MR. RICE: Moochie?

MR. GILMER: Brenda, correct me if I am wrong, but at that meeting and I was one of the ones that said the two week time slot of a change -- if the Sponge Crab run didn't start early or wasn't needed early that it would be a two week slide.

I think it was sort of the general consensus of the group and there is a few people here from that group that it was, the two weeks was okay and you didn't really want to extend it any more time. Is that sort of how our meeting come out, Brenda, I mean is that what you got out of it or Robert T. or Billy or Richard?

MR. BROWN: That is what I heard, yeah.

MS. DAVIS: Yeah, I think generally like mid July, mid to late July, was as late as anybody wanted it to go.

MR. GILMER: I mean, I just is that how --

MR. RICE: That is kind of how I conceived the consensus of the Committee.

MR. GILMER: Yeah, that was sort of what come out of the Crab Committee if I can speak for us.

MR. BROWN: But if they could have a slot where they could adjust it some if they needed to.

MR. O'CONNELL: So, if we did that approach we would probably do a regulation that allowed us to establish by public notice so we could be responsive if the crabs are early or not.

MR. RICE: You might have to look at from the standpoint is they can import them from such and such a day to such and such a day but not to exceed a certain number of days within that window.

MS. SINDORF: Could you even split it into two sessions, two times that they use Sponge females? I mean, they use it for half at a time during --- season and then maybe they stop it and pick it up again later.

MR. GILMER: Gail, the consensus of the group was they didn't want it going any later than some time in July is what --

MS. SINDORF: What is the rationale for that?

MR. RICE: I think they felt that it would hurt their markets worse if it wouldn't fall in the season, the local market.

MR. GILMER: That is what I thought, I mean is that sort of what you got Richard?

MR. YOUNG: Uh-huh.

MS. SINDORF: Okay, so they just have a deadline on

the tail end of this thing?

MR. GILMER: Yes, uh-huh.

MR. RICE: We need a motion.

MR. O'CONNELL: So, I think from our perspective that this is something that the Commission would like us to consider pursuing this year, it would be helpful to have some action or motion today. With no guarantees that we can do it for the beginning parts is going to take emergency action.

I think it is important for us to look at the winter dredge survey results but if we have a general sense that it is not going to result in any significant affect of the harvest, it may be something that the Department would want to do. But, the first step is to hear it from you guys. Do you think this is something that the Department should consider moving forward with this year?

MS. DAVIS: And I will tell you there was discussion within the Crab Committee but they chose not to make a formal motion or decision because they felt like they had not had an opportunity to talk with the crabbers that they represent.

MR. GILMER: Right, that is true.

MR. O'CONNELL: When does the work group meet again?

MS. DAVIS: February 21st.

MR. RICE: Bill, is the motion in order? Rob T.?

MR. BROWN: What is the season on it right now?

MS. DAVIS: April 25th to July 5th.

MR. BROWN: Until July 5th?

MS. SINDORF: So, in the best case scenario you guys will only be willing to push it until the middle of July anyway, so we would only be looking at an extra week or two being at maximum, two weeks?

MR. GILMER: Yes. I think that was the general feeling --

MR. RICE: That was the Committee consensus of the group. Bill, you have got the floor now.

MR. SIELING: Okay, well I was just going to say you need a motion to instruct the Department to proceed with a plan to try to institute a flexible system, is that what I am --

MR. RICE: It can be, yes.

MR. SIELING: Is that the gist of what I am hearing?

MR. RICE: Correct.

MR. SIELING: Okay, then I am going to make a motion to that effect.

MR. RICE: Okay.

MR. GARY: Bill, can you state that again?

MR. SIELING: That the Department proceed with the implementation of a plan to create a flexible harvest or



importation season for Sponge Crabs to meet the market demand in Maryland when they are harvested out of state but unavailable otherwise.

MR. O'CONNELL: Do you want to specify how flexible it is under the two week idea or --

MR. SIELING: You mean extending it two weeks?

MR. O'CONNELL: Yeah, it is the flexibility that has been talked here today is about two weeks in the front end or the back end.

MR. DIZE: Right, exactly.

MR. YOUNG: So, lengthen it for two weeks not necessarily extend it.

MR. GILMER: Still the same amount of days is the flexibility of two weeks.

MR. O'CONNELL: --- Sponge Crabs to maintain the same amount of days but begin or end two weeks earlier or later.

MR. GARY: Two weeks earlier?

MR. O'CONNELL: Or later.

MR. SIELING: Or later.

MR. O'CONNELL: Does that sound good Bill?

MR. SIELING: Yes.

MR. GARY: Would you like me to read it?

MR. RICE: Yes.

MR. GARY: Motion by Bill Sieling, for the

Department to proceed with the implementation of a flexible system to allow the importation of Sponge Crabs to maintain the same amount of days but begin or end two weeks earlier or later.

MR. RICE: Gibby, I know you had your hands up. I am going to ask for a second on the motion and then we will move forward with the discussion. Do we have a second on the motion? Do we have a second on the motion?

MR. YOUNG: I will second.

MR. RICE: Second by Richard. Okay, now we can have some discussion. Gibby?

MR. DEAN: Brenda, did not the Blue Crab Advisory Group ask to have time to go back and talk to people about it?

MS. DAVIS: If the Department wanted a formal decision or input from the Committee, they wanted the ability to get input from the people they represent.

MR. DEAN: Doesn't the Department want one from the Blue Crab? I mean, are we putting the cart before the horse here, I mean shouldn't we let the Blue Crab -- I know Dorchester County and I know the CBCFA is meeting on the 18th to discuss this issue as well as others.

I think the Commission by making a decision now, why are we having these advisory groups if we are not going to pay attention to them?

MR. O'CONNELL: Regardless of this, I mean through our scoping process we will go back to the Blue Crab Work Group if the Commission passes this today and we decide to pursue it further.

MR. RICE: Okay, Richard?

MR. YOUNG: Gibby, you guys are meeting on the 18th?

MR. DEAN: Yes.

MR. YOUNG: So, that is before we are coming back for the Blue Crab because they need the time to move forward, they need at least the month of March in order to be able to possibly do something for April.

But, can I withdraw my second because I think it should go back to those people?

MR. RICE: Yes, you can withdraw your second, yes.

MR. YOUNG: I withdraw my second.

MR. RICE: Do we have -- well, now I must ask do we have another person that would like to second the motion?

MR. GORDON: Can you just put the words at the end, that pending work group update? That would solve us a problem or pending feedback from the upcoming work group.

MR. O'CONNELL: So, it sounds like we are offering an amendment to the motion.

MR. RICE: Right, so then that amendment would have to be accepted by the maker of the motion which would be you

Bill.

MR. SIELING: I would accept that.

MR. O'CONNELL: So, pending feedback or you want pending support from the work group?

MR. GORDON: Support.

MR. O'CONNELL: Pending support from the work group.

MR. RICE: And that might accomplish two things, it might accomplish what Gibby wants to do and it would also give a position up front where we wouldn't have to refer back to this issue again.

MR. O'CONNELL: All right, change feedback back to support.

MR. RICE: You choose support, correct.

MR. O'CONNELL: So I guess we would have to ask is the maker of the motion willing to accept that amendment or not?

MR. SIELING: Yes.

MR. O'CONNELL: And then do we have a second?

MR. RICE: Now, we need a second for this motion.

MR. YOUNG: Is that okay with you?

MR. DEAN: Yes, sir.

MR. RICE: Okay, well Richard seconds it again.

(Laughter.)

MR. RICE: Comments on the motion Bill?

MR. GOLDBROUGH: Yeah, I just got a question for the Department about the biological implications of this. Given that we have female baits reference points presumably this catch that coming out of Virginia would be counted in that process, so there are no biological implications. Is that fair to say?

MS. DAVIS: Correct.

MR. GOLDBROUGH: As long as they are caught legal in Virginia?

MS. DAVIS: Right.

MR. GOLDBROUGH: And do you have any reason to think that this demand from out of state would stimulate an illegal catch because the main way they protect females is with their sanctuary, so if somebody were to catch me in the sanctuary.

MR. O'CONNELL: All right, the only thing would be I think is what NRP mentioned is that if you have a Maryland Virginia license holder who is harvesting up from Maryland waters, if he doesn't report them under his Virginia harvest they are not going to be reported and that may be an area that we --

MR. GOLDBROUGH: We have that issue right now with the dates you have now, right?

MR. RICE: That is true.

MR. GOLDBROUGH: But we feel reasonably comfortable

dealing with that.

MR. RICE: Richard?

MR. YOUNG: On that subject, what is involved in the landing of a Sponge Crab caught in Virginia? Can a Maryland boat running from Maryland crab in Virginia and bring that crab back into Maryland or does he have to land it in Virginia?

MR. RICE: I can't answer it from Maryland's perspective but I crab in Virginia and anything that I legally can catch in Virginia, I can legally transport through the jurisdiction waters of Potomac River Fisheries Commission. I cannot stop and re-engage in fisheries activities within the Potomac River. That makes me in violation of the law of the Potomac River. That is how the law works there.

Mr. GILMER: Let me ask Jack, say when Roger is crabbing in Virginia then does he bring his Sponge Crabs to you?

MR. BROOKS: Yeah, he sails out of Virginia, he lands in Virginia and then hauls them up.

MR. GILMER: Okay, but he has gotten them in Virginia?

MR. BROOKS: He is docking his boat in Virginia, so he sails out of Virginia in the morning, he lands in Virginia in the afternoon or whenever he gets in --

MR. GILMER: That doesn't help me with my question though.

MR. BROOKS: You want to know if he is sailing through Maryland waters with the crabs?

MR. GILMER: Right.

MS. DAVIS: The regulation reads that imported Sponge Crabs must be accompanied by bill of sale and I did ask NRP for clarification and there is, Maryland crabbers can actually possess them on the boat if they have a Virginia license and are coming into Maryland according to NRP and that is part of their concern.

MR. RICE: I know it does not affect myself because I have never kept a Sponge Crab in my life, but it does affect me because I am dealing with two different separate size limits.

So, what I have to do is crab my rig in the Potomac because we have a larger size and then go into Virginia waters because my crabs are all legal naturally because Virginia has got a smaller size limit, crab the pots in Virginia and then transport my catch back to Maryland which is legal. I can't stop and go back to ---.

MR. GILMER: I just didn't know what the thing was because I know would sail across the line and I didn't know what the --

MS. DAVIS: I mean if a Maryland crabber has Sponge

Crabs in his possession he cannot stop and pull pots in Maryland, he cannot be fishing with gear in Maryland, yeah.

MR. DEAN: It is the same way with Rockfish.

MR. GILMER: I thought that is how it was but I wanted clarification for everybody when we were talking about the NRP questions.

MR. RICE: Okay, well we had a lot of discussion. Is there any more discussion from the Committee? If we don't have any discussion from the Committee, I ask do we have any discussion from the public? We do have one? Okay, Jack.

MR. BROOKS: I just want to thank you all for taking it up and considering this. Thank you.

MR. RICE: Thank you, Jack. Okay, for one last time Marty would you read the motion so everybody is clear on what we are voting on?

MR. GARY: Sure. Motion was made by Bill Sieling, second by Richard Young for the Department to proceed with the implementation of a flexible system to allow the importation of Sponge Crabs, to maintain the same amount of days but begin or end two weeks earlier or later. The second was withdrawn by Richard Young. An amendment was made by Commissioner Steve Gordon, pending support from the work group. Confirmed by Bill Sieling, second by Richard Young.

MR. RICE: All those in favor of the motion as amended and presented signify by raising your right hand



please.

(Show of hands)

MR. GARY: Thirteen votes in favor.

MR. RICE: Opposed?

(No response)

MR. GARY: Zero.

MR. RICE: Abstentions?

(No response)

MR. GARY: Zero.

MR. RICE: Motion passes unanimous, thank you.

Okay, who is going to talk about the Menhaden?

MR. GILMER: I got one more question before we get out of here. Brenda, we are waiting for, I know Virginia has gone to individual license limits this year, correct?

MS. DAVIS: You mean bushel limits?

MR. GILMER: Yeah, bushel limits, harvest limits.

MS. DAVIS: They have changed their bushel limit set up to be by license type where previously it was just one bushel limit for everybody.

MR. GILMER: And their bushel limit is male/female combined, correct?

MS. DAVIS: Correct.

MR. GILMER: After we get the results from the winter dredge survey, and this is probably ending up in Tom's lap anyway, if for some reason there is a change in where we

have to come back and reconsider our limits depending on the survey, is Virginia required to do the same or -- how are their status with us that says this is a bay wide fishery?

MR. O'CONNELL: You mean, how much worked very well since 2008 given the new partnership between the three bay jurisdictions is if the winter dredge survey results or the fishery removals indicate that there needs to be an adjustment then all states will be working together to make that adjustment. No guarantees but we have done well the last four years, that is the intention and my conversations as they have gone through those changes this winter that is what they told me they would do too.

MR. GILMER: Okay, I just know we are probably going to start the season with something until the winter dredge survey is over and then ours could possibly change. I just didn't know whether theirs would be in line.

MR. RICE: And kind of to follow up on what Moochie had to say and if it comes to later we have to tighten up something I would suggest like I suggested at the meeting if we try to raise meetings as a group, as in Maryland, Virginia and PRFC where we sit down and talk together like we did when we first started entering in this crab reduction. Thank you. Lynn, can you talk to us about the Menhaden?

*Update on Menhaden*

*by Lynn Fegley, Deputy Director Fishery Service*

MS. FEGLEY: Lynn Fegley, Deputy Director Fishery Service. I have got to try to catch us up to time here. The main input needed from the Commission here is a recommendation on any additional scoping that may be required because we are going to implement regulations for the Menhaden Fishery in 2013.

(Slide)

MS. FEGLEY: So what I have here is just a quick background for everybody. It is in your handouts and most of you know what has happened on December 14th the Commission adopted a 20 percent reduction from a coast wide commercial Menhaden landings.

What that results in is a coast wide quota of 171,000 metric tons with equates to about 377,000,000 pounds. The other piece of this is that we are also going to be asked to acquire Menhaden harvest data much more rapidly in order to track quotas according to the overall coast wide quota.

(Slide)

MS. FEGLEY: Maryland is given a percentage of that coastal quota and what we get is a whopping 1.37 percent. That is based on our three year average harvest between 2009 and 2011. So in other words, 2009, 2010 and 2011 we harvested 1.37 percent of the coast wide landings, that

includes the reduction fishery which is why it is so small.

That equates to a quota of about 1.2 million pounds for the state of Maryland. It is going to be -- that number may adjust slightly by about 70,000 pounds less because of the provision that the Commission adopted saying they wanted to take a little bit of the quota and set it aside for episodic events in New England. If New England doesn't have access to the fish they give it back. It is very weird, very odd, the Commission we are going to have some work to do this month to figure out how that is all going to play.

But the reality is, is that when this was all calculated, the data available were 2009 through 2011. Our average at that point was about 6.4 million pounds but in 2012 we are going to exceed 10,000,000 pounds of Menhaden harvest. There were a lot of Menhaden out there, the fish were available so that is going to make it a little more challenging.

What the Commission did which is very unusual and outside the box is they granted non-directed fisheries which includes pound nets a 6,000 pound daily bycatch allowance, that does not count against the quota. I would just stress here that this is a real gift, this is particularly designed to avoid the unintended and cascading consequences of ratcheting back a bait fishery on which so many things depend and it is not likely to be permanent. So, the Commission is

going to be re-evaluating this.

So, the biggest point here is that once our quota is achieved, the State will have to close the fishery and then implement the 6,000 pound bycatch allowance. So, when we reach that 5.2 million pounds, the fishery closes and watermen will be limited to 6,000 pounds on their boat.

(Slide)

MS. FEGLEY: And one of the biggest issues here is that we are going to need to implement that faster reporting because really what we are trying to understand here is how the fishery performs and what that bycatch allowance results in relative to harvest. Like, will we harvest twice the quota or not much more than the quota.

So there are really two management priorities, we need to get this more rapid reporting in place and we also need to implement that regulation that allows us to close the fishery and then implement the 6,000 pound bycatch allowance and we want to do that by June 1st because last year we actually achieved that quota some time in the middle of June.

(Slide)

MS. FEGLEY: So we want to make sure we have our ducks in a row by June 1st because if we go over the quota before we implement the 6,000 pound bycatch allowance, we will have to pay back whatever we catch in that window between when we close the fishery and when the 6,000 pounds

goes into effect.

So we have a lot of details to work out. We are, we have just scheduled a meeting with Gibby and his group down in Dorchester Day President's Day, February 18th, Robert T. we will catch up with you. We are going to be getting out talking to netters particularly to try to work out details on how we are going to handle this.

I put some examples in there talking about doing a little set aside for the minor gears like gill nets, spike nets, fish pots that may harvest Menhaden. The majority of our harvest is coming out of pound nets. We may want to think about some regulations to make sure we are not shifting effort to those minor gears to target Menhaden.

(Slide)

MS. FEGLEY: We also need to work out the bycatch allowance. I did have a long conversation with Commission staff yesterday, they are finalizing the amendment. Go ahead Marty.

(Slide)

MS. FEGLEY: In terms of the bycatch allowance, they have clarified for me now that that is a daily, the 6,000 pounds, is a daily limit but we still have other issues such as do we need to have other species on board the boat? It is a bycatch allowance, probably not and how are we going to handle -- we need to talk about things like landing

permits.

So, there is a lot of details. We are going to be meeting with the netters over the next few weeks to go over this. We meet with the Commission on the 20th where things will be further clarified and again once these regulations are crafted we will go through our standard scoping process.

But, if the Commission feels we need to do something more extensive like an open house, this is the time to let us know but we will be working closely with commercial netters. Thank you.

MR. RICE: Thank you, Lynn. Does anybody have any suggestions like Lynn asked for or if not we would say continue as moving along.

MR. BROWN: I have one comment. I would like to thank Lynn and all the Department for getting us that 6,000 pounds bycatch because without that we would be out of ---.

MR. RICE: Bill?

Mr. GOLDBROUGH: Yeah, I would just follow up with Robert and make sure everybody knows that Lynn is the one that made the motion for that 6,000 pounds.

MR. DIZE: Matter of fact we want to thank Lynn for a lot. She was good -- I happened to be sitting alongside her at that meeting and I was tickled to death the way Maryland came in and for her advanced thought on the whole situation because to most people they weren't tied up in the

individual meetings like we went through with Atlantic States Marine Fishery, it was quite a bit of work to do on it and quite a lot of thought went into it. So thank you, Lynn.

MR. RICE: Richard?

MR. YOUNG: And just a point of clarification, that is 6,000 pound bycatch per licensee?

MS. FEGLEY: Well, right now what I am understanding is it is per vessel per day. So in other words, so if you have two licensees on a vessel I don't know that 12,000 pounds, six for each licensee, is going to fly.

Now, I will say that these are details we have not discussed. There is some, we do have fishermen who share vessels, it does happen so those are some of the details that we will have to work out first through the Commission but I also need the netters input on that.

MR. YOUNG: My concern was that it would go the other way and they would say no that is a fishery wide 6,000 pounds.

MR. DIZE: No. If you look back at what you are talking about and 180 or 78 million metric tons, this is not even a drop into anything the 6,000 pound bycatch. It is great the we got it but I don't think as far as affecting the fishery it is going to affect the fishery.

MR. RICE: It is not going to affect the fishery but what it does help out is if I need crab bait from Robert



T., he can catch up to 6,000 pounds a day it is going to help crabbers and it is going to help ---. That is where we need to thank Lynn looking out for us.

MR. DIZE: Right.

MR. RICE: And we appreciate it. And avoid shoveling a bunch of dead fish overboard. Thank you, Lynn. Okay, Mike you are up now, you are not going to weasel out of it now.

(Laughter.)

***Update on Commercial Reporting***

***by Mike Luisi, Director, Estuarine & Marine Fisheries Division***

MR. LUISI: Mike Luisi, Director, Estuarine & Marine Fisheries Division. I don't know how it always works out this way but no one ever thanks me.

(Laughter.)

MR. LUISI: When I get done talking I usually have to run out of the room.

MR. GILMER: Today should be no different.

(Laughter.)

MR. LUISI: Believe me, no expectation, no expectation. I have a few updates for you guys today, pretty quick updates and hopefully will catch up on time a little bit here.

The first subject has to do with commercial reporting, hopefully this isn't news to any of you but it may

be news to some of those folks who you represent. Starting this upcoming crab season we will no longer be sending out the log books as we had in the past, the full log book with all the pages and with all the information all over the covers.

We are doing that in an effort to try to save the multiple tens of thousands of dollars that those books cost each year to send out. When half of them that we send, we get one person to rip the first page out says I will not be crabbing and they send it back to us.

So, in an effort to do that what we are planning to do, and you guys might get some phone calls, but we are going to be sending a letter out next week, we are sending it to everybody who has the ability to catch crabs commercially in Maryland and it is going to provide them some instructions on how -- they still need to report and it is going to give them some options as to how they can complete their reporting requirements. After that letter goes out, we are expecting to answer, we will have to answer some questions.

But another packet of materials will be sent to them. We are going to probably send one or two of the actual sheets, you know a copy of the form to them that they can either photocopy and continue to use throughout the season or they can get online, do the online reporting, there are a number of different options listed here on this letter. So,

you will be seeing that from us in the next few weeks and just note that you might get some calls about that. Any questions about the crab reporting before I move on?

MR. RICE: No, I think everybody is pretty much knows what is coming around.

MR. YOUNG: Can I just say something real quick?

MR. RICE: Yes.

MR. YOUNG: Okay, I will be real quick. A design team is going to run for those of you don't know, we are doing an extension of the last pilot project for 2013. We are going to run it from April 1st right straight through until December the 15th and if you guys know anybody they don't want to have to run to the post office and drop this off, they don't want to go to the library and make copies of this paper, they can get involved in this pilot project and electronically report.

We are trying to get -- we had I think just shy of 50 people last year. We would like to get 500 people this year to see if this thing is really going to work for a large number of people. So, that is it.

MR. RICE: Thank you, Richard. The system does work really well enough just like Richard did and very smooth. Okay, Mike.

***Update on Yellow Perch Tagging Requirements***

*by Mike Luisi, Director, Estuarine & Marine Fisheries Division*

MR. LUISI: Okay, moving on Yellow Perch Tag Requirements. As you know, all the Yellow Perch harvested commercially need to be tagged individually before they are brought to shore and due to the -- in an effort to try to recoup some of the costs of that, we were charging fishermen for the use of those tags as we do for the Striped Bass fishermen this year.

There were some issues about the costs, we initially had the price for what it cost us to produce each tag, maybe not thinking through it clearly enough but realizing that you needed to use over three tags sometimes to get a pound a fish. So, the cost per pound was dramatic and it was really going to be a factor for the fishermen.

So, we came to an agreement, we lowered the price for the tag and we will be subsidizing the remainder of the cost to help keep that cost to the fishermen low.

But this has brought up a number of issues regarding tagging and although we don't have the ability to do anything about it today, ideas such as box tags and crate tags for these fish is something that has been discussed and it is my intention to convene the fishermen, you almost can get all of them if you ask for a meeting because there are so few fishermen for Yellow Perch.

To get them together after this season is over and

come up with some options that deal with box tagging or crate tagging such that the accountability measures that we have now are the same, we can't lessen the accountability or reduce the accountability on the fishermen but we have some ideas, I am sure the fishermen have some ideas but we are working on that to resolve that problem.

MR. RICE: Tom?

MR. O'CONNELL: Yeah, just one point of clarity on the subsidy. What we did was we tried to look at what the cost per take per pounds per bass was and we tried to adjust the Yellow Perch tags to come in line with that --- figure that was more acceptable and the way we were able to subsidize because subsidize we are looking at other ways of the commercial dollar.

So you heard earlier that Mike is looking to no longer print and distribute the Blue Crab law books. So, by those cost savings is allowing us to do some of these things this year.

The one other point is the cost of Yellow Perch tags is, I forget what the amount is but it is -

MR. LUISI: We lowered it to two cents per tag.

MR. O'CONNELL: And what is the total cost for Yellow Perch tags?

MR. LUISI: To buy them? Twelve thousand, \$15,000.

MR. O'CONNELL: It is like \$12,000 on Striped Bass

tags and it was like \$150,000. So, the amount of subsidy to offset this price is small and can be recovered by some of the other cost savings we are doing with the law books.

MR. RICE: Thank you, Tom.

MR. LUISI: And I can update you as well, the fishery has not yet done its thing. There has only been about 3,000 pounds landed so far of a 37,000 bay wide quota.

MR. GILMER: Mike, as far as your follow up group, I talked to Steve Lay about this and are you the person that he needs to contact to set up the meeting that you would like to have with the Yellow Perch fishermen?

MR. LUISI: Yeah, I have spoken with Steve, he is aware of the fact we are going to get the group together. We will send a letter, Yellow Perch are permitted fishermen, so we have a list, we know all the people who are permitted. We are just going to send a letter to them and not to the entire commercial industry.

MR. GILMER: Okay, I mean him and I have talked about it on and off.

MR. LUISI: Well, yeah Steve can call me any time, that is fine he has probably got me on speed dial.

MR. GILMER: Yeah, okay but he is aware that you want to set up a group?

MR. LUISI: Sure, that is me.

MR. RICE: Okay, Striped Bass work group.

*Update on February Gill Net*

*by Mike Luisi, Director, Estuarine & Marine Fisheries Division*

MR. LUISI: Striped Bass. Before I jump into the work group I thought I would take this opportunity very quickly to fill you guys in on the February Gill Net Fishery.

The February quota was approximately 340,000 pounds. Of that 340,000 pounds, 125,000 of those pounds are reserved for the end of the month to provide opportunity for fishermen that didn't have the availability of fish or they were iced in or for whatever reason, it gives an opportunity at the end of the month for folks to get out and catch fish.

So, 340 we take the 125 off between Tuesday, Wednesday and Thursday of this week we have landed 55,000, 61,000 and we are expecting another 60,000 or so today based on what we have heard from activity out there. So, there isn't enough quota left for any more days until the end of the month.

There is only enough for about a half days of fishing and the Department we typically do not like to open a weak fishery on for just one day because it forces people to go even if the weather is bad and it is just not something that we like to do.

So, we are going to take whatever is remaining at the end of this week and lay it on top of that 125 for the end of February and our plan right now is to open up the

Tuesday, Wednesday and Thursday, the last three days of February.

MR. BROWN: What would the dates be, do you know?

MR. LUISI: Yeah, the 26th, the 27th and the 28th. There have been in times past we have the regulatory authority or it could be a law that allows us to open up on a weekend, the last weekend of the month but that is only in the event that there is enough quota remaining and there might not even be enough quota for those three days.

MR. RICE: But there would be an option to add another day or whatever if the quota wasn't ---.

MR. LUISI: There won't be because February 28th is the last day of the month.

MR. RICE: Oh, no it won't because the 28th, I got you.

MR. LUISI: And we won't be able to close it during those three days either, so we are kind of just let it ride.

MR. O'CONNELL: Any overages under could go to December?

MR. LUISI: It will go into December and that is how that will be dealt with.



## *Update on Striped Bass*

*by Mike Luisi, Director, Estuarine & Marine Fisheries Division*

MR. LUISI: Moving on from that little bit of fun news to the Striped Bass Work Group update. For the last, it has probably been a year, year and a half now I have been updating this Commission about the project that we are working on to come up with alternative management solutions for the Striped Bass, the commercial Striped Bass fishery.

We are at the point in our timeline where we are continuing to work on the system design trying to figure out how we can take the fishery as it is and apply an individual fishing quota system to it. The system design is complicated, it requires a lot of time not only on the Department's end but working with the committees which we have convened out of more than a dozen times in the last year.

We are at the point in our timeline right now where some really difficult and hard decisions are going to need to be made about how we are going to divvy up that quota to individuals that have permits.

We had a meeting just, it was a week or a week and a half ago, with the Striped Bass Work Group and coming into that meeting and leaving that meeting there was really no absolute advice, we got some advice but it wasn't anything as a group that they were providing advice for.

So, we are going to reconvene the group one more time. The plan right now is to have the meeting on Monday the 25th of February. We are going to do I think a morning, start it in the morning and just see how long it takes us to get to where we need to go.

The purpose of the meeting -- the hardest part of all of this is the individual allocation part. The initial granting of the quota to the permit holders, who gets what, how much is right, what is fair, what is equitable and we are going to get this group back together. It is our goal between now and that meeting to communicate as effectively as we can to the committee members because what we need to start doing is narrowing the scope for which we are going to be discussing.

Right now we have every option up there from equal allocation across the fishery to an all history based allocation and we need to begin focusing the options down to something that we truly feel is fair and equitable to the fishermen and we hope we will be communicating with the committee members over the next week to set that meeting up and get the agenda out there for them.

So, I am sure the next time we get together I hope to be able to explain to you all the details of the new system. We are also planning once when we get into March we are going to do another kind of round of formal scoping of

the system of the details of the system, meaning talking about how license or permits and quotas can be transferred. How we are going to allocate the quota to the individuals, whether or not we are going to have gear specific requirements for fishing, other tagging requirements and flexibilities that could be associated with a system like this.

So, that will be happening in March and I will be reporting back to you guys as soon as you get back together. I can answer any questions that you have about it.

MR. RICE: Thank you, Mike. Any questions?  
Richard.

MR. YOUNG: I got questions on, I got a couple of questions, but I guess right now on my mind is when an authorization is sold it is my understanding that harvest does not transfer with that authorization.

MR. LUISI: Currently, that is how we are viewing the use of history. So, to explain the harvest data that we have for history, for the use of history, it goes back to 2001, that is when our data sat in our database have the most information that we are most confident with.

So, if somebody fished for four or five years and then sold their permit to someone else in 2006, the individual that bought that permit in 2006 began the course of their history after that purchase. But, the prior owner's

history if they were fishing does not transfer over to the new individual. That is how we are viewing history at this point.

So, if someone bought a permit in the last couple of years their history only begins at the point for where they bought it.

MR. YOUNG: Okay, so now let's carry this out, and that has been historically that is what happens with it? I mean, in 2006 if I sold my authorization, the guy who bought it didn't get -- but it didn't matter at that time. But, he didn't get that harvest, didn't go with the authorization, it went into limbo.

MR. LUISI: It stayed with him. That history, that prior history just it dissolved, it is not part of the equation anymore and one of the reasons for it is that we in 2006 never, when we were designing the way we collected information for this fishery, it wasn't designed in a way to allow us to make those connections because the permit numbers changed every year. The data do not allow us to put those two pieces together, so it is almost impossible for us to do.

MR. YOUNG: All right, well here is my concern. Two years I sold my authorization, I got a good bunch of money for it but if as I have heard people are talking about, and I understand that this isn't firm, but people are talking that the basic license is going to get 300 pounds and then

based on catch history, which is a whole other ball game that I want talk about in a minute but not right at the moment, catch history is not attached to an authorization that is sold.

So, that authorization has no history which means when I sell, if I sell my authorization after this program goes through, all I am selling is that person's right to catch 300 pounds if that is what is settled. Three hundred pounds figure average \$2.00 a pound is \$600.00.

The Rockfish authorization, the intent to harvest is I don't know what it is going to be when we do this new price thing. I know that the Gill Net permit has gone up at least a third of that \$600.00 that I am going to get from catching the fish that me selling my license for, my authorization for, is going to allow the buyee, the buyer, to catch at least a third of the money that he is going to get from his catch is going to go license fees.

So, basically what it is going to do is devalue the authorization. I got five grand for mine. If you get \$400.00 a year, if you could recoup \$400.00 a year without the cost of nets, without the cost of fuel it is going to take 35 years to recoup that \$5,000. There is nobody in the world going to pay that kind of money for an authorization. It is just going to devalue the authorizations.

MR. LUISI: You are right in that, I mean the --

let's just use it for the 300 pounds is just an example because that is not anything that has been determined at this point. It could be 300 pounds. But you having that 300 pounds doesn't mean that you would be limited to just having 300 pounds.

You would have the ability to increase that by either permanently purchasing additional shares from another person or adding to your 300 pounds with other people's quota to build up to the point for what you need to operate your business.

So, you are not limited by that. Now, initially the granting of the quota could put you in that position or if you had that permit that you would only have 300 pounds and that is just part of the decision making process that we have to go through about how much impact because by giving all of the inactive individuals 300 pounds you are taking away from what the active people have had in the past.

So, we have to find that fine line, we have to find that balance between the economic loss or let's say the poundage loss from the active fisherman and the gain from the inactive folks.

And yeah there will be people that get a small quota and they will either -- it might not be worth it to them to go fishing. It might be better off just leasing that to someone else.

MR. YOUNG: But it will be devalued so much that it won't be worth --

MR. LUISI: But the permit itself, the paper, there is only 1,200 of them in the state, so they are going to retain some value because they are going to be sought after even if it doesn't have any quota with it, even if it has zero quota just having the permit will allow you to obtain quota.

So there is going to be a value. Now, is it going to be worth \$5,000? Well, that is for the market, that is what the market will determine, I have no idea what to expect.

MR. YOUNG: So now I am really confused. If you sell your authorization to harvest, okay, no harvest history goes with that?

MR. LUISI: Correct.

MR. YOUNG: But there is somewhere in there is harvest that I can buy or I can lease from somebody else?

MR. LUISI: You lease an individual -- at some day and time between now and 2014 there is going to be a spreadsheet on my computer that is going to have everybody's name and all of what their quotas are for next year based on a percentage of the total and once you get your quota, once you receive it, then you have the option to transfer that whole thing to somebody and let them go use it.

You have the option to take the pounds on that quota and shift it to someone else and keep your permit so that you can end up getting more from someone else if you want to.

MR. YOUNG: But if I permanently transfer it, my quota doesn't go with it.

MR. LUISI: Sure it does. There is a difference between history --

MR. YOUNG: But hypothetically if the thing has 300 pounds basic amount and no history because I sold it, so there is no history that goes with it, okay?

MR. LUISI: Right.

MR. YOUNG: Then there is nothing else that I can give him?

MR. LUISI: No. We only do the initial allocation one time. It is not every year we go back and re-initially allocate the quota. The initial allocation happens once, then history is done. Then all the history is gone from the equation and now each person around the table has a quota and a permit. So, each and every year, what you do that year it doesn't continually add to your history in the fishery.

MR. YOUNG: I see --

MR. LUISI: So, it is just a one time deal and that is why it is so hard because you don't have the chance to go back and redo it again. So, you have to make the right



decision the first time, you have to be on point when it happens and that is why it is such a challenging thing.

MR. YOUNG: So if I have got 10 years of history and I get say 2,000 pounds of quota and then after that first initial presentation of the quota then if I sell it the next year that quota goes with it?

MR. LUISI: Yes. You will have 2,000 pounds and you will just -- and it is a share, so if the quota goes up in the Bay your 2,000 pounds will be 2,500 pounds and you wouldn't even have to do anything, the quota just went up and it will go down with the quota going down as well.

MR. RICE: Your quota will be based on a percentage on the overall quota.

MR. YOUNG: I see. Okay, now my next question and I really don't want to drag this out too much longer but I guess it is just a statement. I am concerned in 2008 in the Blue Crab Fishery, your department decided that they were going to manage the fishery based on catch history. It is turning into a nightmare for the fishery.

We just recently as recently as last year secured a letter from Secretary Griffin saying that unless the industry approves it, the Department will not manage the fishery based solely on catch history.

Now, I understand if the work group comes up with the idea then that is essentially the industry approving it.

However, I am concerned about a precedent being set, and I am just making a statement now, I am just concerned that once history is used in one fishery that they are going to want to use history in every fishery and it just scares the heck out of me. But I don't have a dog in the fight of the Striped Bass anymore.

MR. LUISI: And other people share your same concern. We have circumstances in a situation with Striped Bass that it is not -- we have to move in a different direction because of some mandates that are coming down through the Atlantic States Commission.

So we are faced with having to make this choice without a full industry support. It is the choice that we feel is the best thing for the fishery and it allows us to comply with the rules and requirements that we have to comply with.

Now, in a fishery like Yellow Perch, I am not so sure that we would have any reason to go to a full catch history IFQ for Yellow Perch unless the fishermen themselves really came to the table and said this is what we want and we could consider it.

But unless another issue comes up where we have to do something -- and you are saying this is the nightmare of my existence, this is it right here for the last two years, last year and a half. So, we are working hard, I promise you

that, we are not taking this lightly it has not been easy for any of us and we are going to get it right.

MR. RICE: Russell?

MR. DIZE: Mike, I heard you say that because of mandates from Atlantic States Marine Fishery Commission all the Atlantic States Marine Fishery Commission told Maryland was that they had to be accountable for their tags. They never said how you had to do it but don't use that as -- because I called Bob Beall and he went back in Amendment 2 and Bob, for everyone who doesn't know Bob is the Chairman of the Atlantic States Marine Fishery Commission, and he said all we would tell any state was be accountable for your tags, period.

MR. LUISI: That is correct and they did not tell us we had to do individual fishing quotes. But based on what the accountability measures for those tags are, we feel that individual fishing quota system is the way to address the issue in that amendment without there being unnecessary risks to the fishery and that is the decision we made.

MR. RICE: Tom?

MR. O'CONNELL: Because this has been out there, outside of these meetings, what ASMFC plan requires is each state only distribute the amount of tags that is basically their quota divided by the average weight of fish the previous year, maybe with about 10 percent buffer.

When you look at all the options, the IFQ seems to be the best. Otherwise, we are going to be in the situation like we were this year with oysters where we are out of tags but unlike oysters we can't order anymore. Otherwise, we are going to be out of compliance and out of the thread of NIMS shutting down our fishery.

So, we only have a certain amount of tags which is about a third of what we normally have and we got to figure out the best way to utilize it so the tags are used and get caught and we catch our quota and we don't have people just sitting on tags and we don't have people not having tags and still having a lot of quota out there. That is the big issue.

MR. LUISI: Any thank yous?

(Laughter.)

Mr. GILMER: Great job Mike.

MR. RICE: Lynn, can you give us the status on the oyster tagging requirements please?

MS. FEGLEY: Yeah. Mr. Chairman, I think I can save us some time. The point of this was just to go over the situation that we have this year with oyster tags and also to point out some of the inherent difficulties with tag distribution.

I would just encourage everybody, there is a handout in your packages that goes over the situation, it

goes over what happened, it goes over the problems we have in the fishery and I just want to reiterate Tom's commitment. This is something that we really are committed to working through with the industry this year to ensure that this doesn't happen.

We have handed out over 500,000 oyster tags this year for a harvest that will not likely be half that. So, it is a big cost, it is an issue. But it is all described here. If there is any questions, anybody feel free to call me anytime unless there are questions now I think that is all for me Mr. Chairman.

MR. RICE: Rachel, do you have a question?

MS. DEAN: Yeah, I do. Do you know what the harvest was last year, the number?

MR. LUISI: I do. (Away from the microphone) It is 127,780 bushels.

MS. DEAN: My question is that in the letter that I read it said that the Department allowed for an increase based on a false survey. So, if I take 135 and I add what the Department was claiming was the 90,000 extra tags, what amount of tags were distributed last year because it seems to me like there wasn't an allowance and then the additional. It seems like the Department was claiming the additional tags. Can you go down the DNR anticipated and increased demand for tags?

MS. FEGLEY: So just to answer that question straight up, and I don't know, I don't know the answer to exactly how many, Mike might, how many tags we distributed but we ordered 90,000 tags above and beyond what we ordered last year. So, we took last years tag order and added 90,000 to that.

MS. DEAN: Then the math, either I am missing something because that means 135 plus 90,000 but it says you guys ordered 225,000 off the bat. So, you shouldn't have taken what you harvested last year, you should have taken the total number of tags that you ordered and then done an increase. There should have been three numbers in the equation and there was only two so we come up with a tag shortage.

MS. FEGLEY: Well, we can get you those numbers.

MS. DEAN: Okay.

MS. FEGLEY: It doesn't change the situation.

MS. DEAN: Well, I don't think that we would have had the panic of we are out of tags, let's all go get tags now.

MR. RICE: Moochie?

MR. GILMER: Do you have an idea of whether next year the Department will supply the tags or we will have to purchase tags?

MS. FEGLEY: That is something that we really want

to talk to the industry about and we are talking about that and we are reviewing the requirements from the shellfish FDA, shellfish sanitation program but I think that has been an option that we are going to put on the table.

We are going to ask watermen to pay for their tags next year, but whether or not the Department issues them or the watermen can buy them themselves, that is if we go to a system where the watermen can just buy their own tags that meet our criteria then there is going to have to be a regulatory change because right now the regulatory language is written that it is a DNR issued tag, so there would have to be some work done there.

MR. GILMER: Okay, well yesterday Gail and I were on the phone one of many times, but anyway and we were talking about whether we were going to have purchased tags or whatever and I talked to Mike a little bit about this also, one other time, about having the tags if you purchase them they can be for more than one year and I am not sure year wise how you would do that.

But one thing that Gail and I talked about is, okay just take my license number and I start with zero and say I order a thousand tags, on my tag it would have my license number and the tag number.

So that way that tag is yours and only yours and then if I don't use them all this year wherever I cut off

this year I continue on with there from the following year. That was just an option that we thought about. That way that tag is yours, that way if somebody else doesn't have your tag then your numbers are, you are accountable for your numbers.

MS. FEGLEY: Right, yeah I mean keep that thought, I mean these are the kind of conversations we are going to need to have and again we have to worry about this FDA compliance as well, but certainly --

MR. GILMER: Right, right, that way if you guys ordered the tags, if we done it through you we could do it by license number and then each individual would have his tags.

MS. FEGLEY: Right, right, okay.

MR. WEBSTER: I got one question about the tags is that does the Health Department know whether the oysters are going? Well my point is, the same oysters that goes in back of the truck might be from a 25 mile radius and then they go into a shucking house coupled with oysters out of state.

The guys down home there are wondering can we have one tag per day like Gibby said, I agree with Gibby on that, one tag, the date would be the lot number of that tag for your 12 bushel or 15 bushel or so. Can't you account for that a lot easier as far as the health department and less tags are being issued because I know that Skip Jacks down home they got a thousand tags and they only need 150, the work two days a week, that is all they need.



They do one tag per load, per day because they can't put the bushels of oysters on the boat, I understand all of that. That situation could be the same way with what we are doing as far as power dredging and --- there is now way to find those oysters if any of them bad. There is no way to find those oysters if any of them bad, there is no way in the world they can find it.

MS. FEGLEY: Right, I think these are issues that we need to work through again with the FDA. It is my understanding, and Mike knows a lot more about this than I do, but when the oysters are combined, they are combined in lots so there is a series of tags that remains with those oysters.

So that even though the oysters are, they are not all maintained separation from each individual bar as those oysters traveled, if those oysters came from several different areas and there is a sickness in California then it could be that all seven areas will be shut down until they resolve it.

The more we loosen up, the greater the risk is that all areas get shut down if there is a problem. I mean, it is important to understand an illness does happen and no one likes to think about it, we have been pretty lucky but we just need to keep that risk factor in mind and understand what these compliances --

MR. WEBSTER: But it is almost impossible to do that because those tags we give that buyer he puts them in a bag and keeps them for 90 days and throws them away. In order for him, he would have to sift out, I don't know how they can tell what batch of oysters were bad by the time they got to the consumer.

Now, if we sold the oysters in the basket to the individual or to the restaurant, the tags should stay with the basket permanent, you know, so the oysters consume them. We are handing the buyer the tags, we are dumping them in a conveyor to go in the back of truck with 200, 300 more bushels of oysters. How can you account for any of the tags or any of the oysters being bad?

You want to save money is what I am saying just do one tag per day per catch and then you use the date as the lot number for that day.

MS. FEGLEY: Yeah, I think again you know this is something we are going to be working pretty close, I mean you are going to be hearing from us again on this.

MR. WEBSTER: I am pretty sure you will be hearing a lot from us too.

(Laughter.)

MR. RICE: Thank you. Robert T. you are up.

*Assorted Issues*

*by Robert T. Brown, Commissioner, Tidal Fisheries Advisory Commission*

MR. BROWN: All right, I will be as quick as I can. Oyster harvest reserves, something that we used to have a number of years ago. We have got one down in -- well, we used to have big ones out in the Bay, Old Rock, Coopers Hollow and places like that I would like to see us be able to possibly maybe get some places like that re-seeded and planted again.

Also, we have an oyster reserve down in Wicomico River down in St. Mary's/Charles County that two county associations are planning on putting some seed on it and having to redo that reserve at Bramley Creek and we were wondering if it was possible that maybe since we were putting the reserve in, if there was any funds that they could help match us with on it if possible.

MR. O'CONNELL: These are some of the issues that I think would be beneficial to have talked by the County Oyster Committee this spring and we can look at that.

MR. BROWN: But like I say, the ones we had in the Bay like Old Rock, Pop Island, we should try to get one of those started in any way possible get a series of them set up so we can -- we used to open them up like the 1st of December or the end of the first week in December every year.

MR. DIZE: Virginia is working at it now pretty

successful and it was success in Maryland when we did it.

MR. WEBSTER: One opposition to the reserve areas is the sanctuaries where they took so much area of the sanctuary, now you finally take a set of reserves aside. I know Somerset County has a reserve area --- we hear a lot of flack about that. They don't want to --- anything anymore because it is a sanctuary situation.

MR. BROWN: Maybe there could be a possibility since if we were going to take a portion of say one of these, I am trying to think where the oyster sanctuaries are Bay Shore is, Holland Point is part of that a sanctuary now?

But I mean also could it possibly if we take a part of a sanctuary that has a good oyster bar on it and we go in and plant it and redo it even though it is a sanctuary, it would be something where if you go there let it sit there for four years and then come in and harvest it.

If you put the stuff there and then harvest, by the time that gets four years if a sanctuary is going to work like it is supposed to that would be more oyster lot and everything in that area.

MR. O'CONNELL: I don't see the state supporting that. What I would suggest it sounds like we just explain was a lease within a sanctuary and that is available right now for somebody.

MR. RICE: Wouldn't the reserve system sort of work

on a county by county basis and I have worked on the reserve that Robert T. is talking about. As far as I am concerned I wish the whole river was a reserve because those oysters got an opportunity to stay there, they got about that big (indicating), they were high, high quality, the best I have ever seen in my life and the seed that I saw getting planted on the natural rocks every day is getting beat and banged on and it don't amount to a fizzle because it gets caught one year too early just like it always has. Anyway, Bob T. continue.

MR. BROWN: Okay, well that is pretty much it. We would like to have some help if possible with this one down in St. Mary's and Charles County. And also all the counties could speak about maybe a place in the Bay we could take it so the place in the Bay aside, it could be patent tong dredges or whatever and the chips forward to me.

Okay, that was one thing. The one is the dredge line, the power dredge line in the mouth of the St. Mary's River. When we applied four years ago, bring it down, that is it or bring it up, that is it, keep on coming all the way down, keep on going, keep on going, keep on a little further if you can. Now, go to your left a little bit, no the other way. Okay.

That is the line of the river. Now, we requested it to be to the mouth of the river. What we believed in when

we asked for the mouth of the river years ago to have that line there was the Potomac River line is what we were referring to which is it goes right to the end of St. George's arm where it is now and it comes down through where it says the State of Maryland on that side, it is a point down there called, I got it here somewhere, Lorton Point and it is just down below that hollow.

As a matter of fact, we were dredging down there when dredging first came in and the Marine Police came by and they issued tickets to two or three people and they said that you are working illegally. Well, we have been working there for two years.

Well, they had sat down and finally read the law long enough that they found out that the mouth of the river was from St. George's Island to Kitts Point. So, that left that one little area that we can't work and we would like to have that --

MR. : Where is it on here?

MR. BROWN: It comes down right about through here, it is a point that comes around, a hollow. It includes --

MR. : Hey Robert T., would it be too much trouble for you to go up and actually point it out to us?

MR. BROWN: Well, it is right down in the very lower corner, right corner of the map.

MR. : Down here?

MR. BROWN: Yeah, it goes right down, see how that hollow goes down, it goes down around --

MR. : While moving the cursor?

MR. BROWN: Yeah, keep on down some, down --

MR. : You mean here?

MR. BROWN: Yeah, now all the way to the right, it goes in, the map won't go far enough to carry it in.

MR. RICE: But does it go like to the jurisdictional marker?

MR. BROWN: To the jurisdictional line of the Potomac River.

MR. RICE: Well that would make total sense.

MR. BROWN: And when we said the mouth of the river, we always considered the mouth of the river the Potomac River line because you add the tributaries and that was, well we worked there, we dredged there a couple of years and then we stopped, a couple of people got tickets because they said they weren't working in line, then they moved the line back up there but we would like to have that area opened.

MR. RICE: Richard, do you have a question?

MR. YOUNG: Yeah, so the Potomac River line is down here, but they are saying the mouth of the river is up here?

MR. BROWN: Yeah.

MR. YOUNG: So what is that there (indicating) in

between? That is not the bay, it is not the river.

MR. BROWN: That is the tributaries of the Potomac, part of a tributary to the Potomac, it is not St. Mary's River --

MR. YOUNG: But what tributary?

MR. BROWN: It is a tributary of the Potomac that is in Maryland jurisdiction. That is you got Smith's Creek and Calvert's Bay.

MR. : The Potomac River line starts right here where the shell is.

MS. HUNT: This is the power dredge line, it is not the river line. This is the line lineated as a power dredge area, so you want to change the regulation and draw the line to a different point. It doesn't change where the river is, it changes where the power dredge area is.

MR. BROWN: But according to the law, not according to the law, according to the Marine Police that is where they say the mouth of the river is. Is everybody following this?

MR. O'CONNELL: (Away from the microphone) So the power dredging line --- the Potomac River line is separating Potomac River Fisheries fish from Maryland jurisdiction runs from here all the way down to here (indicating). So, there is this area that is Maryland jurisdiction that --- that is the area that Robert T. ---.

MR. RICE: Basically the original intent was to go



to include the whole river but when the line got joined, it was joined from the two closest points and not following the jurisdictional markers.

MR. BROWN: That is right.

MR. O'CONNELL: I don't know if you want to take this to the County Committee or do you guys want to take a motion?

MR. : Yeah, let's do a motion.

MR. O'CONNELL: Who oysters there now?

MR. BROWN: Hardly nobody, just a few hand tongers work there, that is it.

MR. O'CONNELL: So, how would the hand tongers feel about it?

MR. BROWN: They are all dredgers, they are not working right there now. They moved back up to --- Creek, they all work the same area.

MR. O'CONNELL: So, I mean there is not going to be anything we can do for the remainder of this oyster season. The County Oyster Committees are meeting in a couple months, a month or so. It may be something worth taking to the County Oyster Committees.

MR. RICE: Would we be in order to make a motion to recommend this change to the County Committees?

MR. O'CONNELL: You can do it if you want. I recommend that we change it.

MR. BROWN: I will make that motion.

MR. RICE: Thank you Robert T. The Chair is looking for a second.

MR. GARY: Can we go ahead and scratch that motion again?

MR. BROWN: Request that St. Mary's County Oyster Committee request that the line be moved from St. George's arm to Kitts Point down to the jurisdictional Potomac River line where it was intended to start with.

MR. GARY: Okay.

MR. O'CONNELL: I will help you Marty.

MR. GARY: Okay, go ahead.

MR. O'CONNELL: Request that St. Mary's County Oyster Committee to review the current power dredge line at the mouth of St. Mary's River. Are you okay with review?

MR. BROWN: Yes, sir that is fine.

MR. RICE: Now, Moochie you did second that?

MR. GILMER: I second it, yeah.

MR. RICE: Okay. Any further discussion on the motion while it is being typed? Everybody clear on the intent of the motion? Is there anybody in the public have any comment? (No response.)

MR. LUISI: I would just like to make sure everyone realizes that is in law, the areas..

MR. O'CONNELL: It is in law.

MR. LUISI: Just to let you know there is nothing the Department can do to change it.

MR. GILMER: We are not calling you tomorrow on it Mike, the next day.

MR. RICE: All right, so everybody clear on the motion that is at hand? Everybody raise your right hand in favor of the motion.

(Show of hands)

Mr. GARY: Ten in favor.

MR. RICE: All those in opposition of the motion.

(Show of hands)

MR. RICE: All those that abstain? Point of abstention.

MR. GARY: Ten in favor, no on opposition, one abstention.

MR. RICE: Motion passes. Robert T., next item.

MR. BROWN: Okay, additional leased bottom areas being annual oyster closure book, leased bottoms. The way it is now, if ice gets bad, it wasn't real bad this year but you have your ground stuck off and your stakes get down and anything then a person can go work on that piece of ground until you go put your stakes back out because it is not marked, it is not allowed, they can't enforce it.

However, if it was in this book people would be aware that it is leased bottom.

MR. O'CONNELL: What I would suggest we do is we take the issue to the Aquaculture Coordinating Council to see if they have any reservation. Some lease holders don't like their leases to be advertised, but there is, by adding the information to the booklets like we do with sanctuaries it provides the courts with some evidence that they were knowledgeable of the area being leased therein.

MR. RICE: Rachel?

MS. DEAN: It was our lease on the --- that they oysters were taken off of and before they did they took all four of our buoys at a total of \$900.00.

MR. RICE: They drug your buoys off before they dredged the oysters.

MS. DEAN: Huh?

MR. RICE: They drug your buoys off then they dredged the oysters.

MS. DEAN: Oh, the buoys are gone, I would assume they are and yeah I mean it took a lot to move what we had there, those buoys. So, it matters and they know, somebody knows that that is how this is the marks.

MR. RICE: Is this something we would like to send to advisement to --

MR. O'CONNELL: If you guys want us to pursue it, we will take it to the Aquaculture Coordinating Council. We will be printing the booklets out by next late summer before

the oyster season, so there is that time to determine to add them or not.

MR. RICE: All right, well the consensus of the Committee looks like that is what we would like to do Tom. All right, Robert T. last item.

MR. BROWN: Okay, this is going to be very short. It is the lower Patuxent River below the bridge, drift gill netting. For mainly what it wanted for was Perch, however I found out the last couple of days that it has got to be changed by legislature. So, that kind of kills it for this year.

MR. RICE: That is true. Is that all you got Robert T.?

MR. BROWN: That is all I got.

MR. RICE: Okay, we have got a slide here for anybody from the public that has got anything to bring forward other than what we have already discussed. You are jumping up --

MS. HUNT: No, goodness no.

MR. RICE: All right, you have got a comment?

MR. O'CONNELL: Yeah. I will just make it quick. I just want to applaud the Tidal Fisheries Advisory Commission and the working groups. You guys are one of the best groups we have working as an advisory body right now. You guys are taking on a lot of good issues and keep coming

here prepared to provide the diverse perspective of viewpoints and work through those issues and I just want to thank everybody for their time and commitment.

MR. RICE: Thank you, Tom. Before we adjourn, we do need to firm up this next meeting and time. Is that agreeable with everybody?

MR. WEBSTER: I am glad you brought that up. I would like you to move that meeting a week early if you could because that is in the middle of my peeler season, the 16th and I will probably most likely be here for that.

MR. DIZE: I would like to see it moved up also.

MR. WEBSTER: May 9th.

MR. RICE: Move back, I mean as in closer, up early in the month. Would it alleviate anybody's problem if we rearranged the time and day?

MR. GARY: Could I just mention something to everybody, and I am not saying this to dispute what you, you are certainly entitled to go ahead and bring an option for a change forward, but just bear in mind that I vetted this and gave -- I thought a fair amount of notice to everybody by sinking last years schedule and remember it is tenuous, there are two things that come into play here.

One of which is getting this room physically. So, that may be a challenge because I was booking this several months ahead of time. The other one is trying to dance

around the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fishery Commission and any of the other work group meetings and that was all considered.

So, I am not trying to derail you Danny from what you are suggesting, but I just want everybody to understand that if we make a change it could affect a whole lot of other things. I don't have it at my fingertips.

MR. RICE: Right, and really to kind of reiterate what you said, a lot of thought process went into the dates on these meetings, how they fit in with the other advisory groups. How they fit in with --- so it is not something we are setting up a meeting like one meeting to the next, this has been done a year in advance.

MR. WEBSTER: Could you check on it, I mean if it is a problem we have the same day, it wasn't a problem if we have it earlier.

MR. O'CONNELL: So we got ASMFC is the week of the 20th and there is no Council meeting, so we could do the 9th if you wanted.

MR. GARY: I don't know about room availability.

MR. RICE: Well, we could leave it at that and everybody could be dually notified if there is a date change.

MR. O'CONNELL: If there is no objection to the 9th we can see if there is a room available.

MR. RICE: Okay.

MR. GILMER: For May 9th, is that what you are saying?

MR. GARY: 2 to 5 on the 9th.

MR. O'CONNELL: We will follow up by email to confirm.

MR. GARY: Okay, so we will make that an action item. We will look up and see whether the room is available. If it is, that is the Commission's desire to move it to the 9th. If it is not, it will stay where it is.

MR. RICE: Correct. All right. Okay, fair enough. I declare this meeting adjourned. Everybody have a safe trip home.

(Whereupon, the meeting adjourned at 5:40 p.m.)