

Maryland DNR
Sport Fisheries Advisory Commission
Meeting

Tuesday,
May 14, 2013

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Sport Fisheries Advisory Commission Meeting

May 14, 2013

SFAC Members Present:

Jim Gracie, Chair
Bill Goldsborough
Greg Jetton
Val Lynch
Dr. Ray P. Morgan II
Ed O'Brien
David Sikorski
David Smith
Herb Smith
Carol Stevenson
Roger Trageser
James Wommack

SFAC Members Absent:

Larry Coburn
Brandon White
Bill Windley

Maryland DNR Fisheries Service

Tom O'Connell
Marty Gary

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

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

(2:10 p.m.)

Welcome and Announcements

by Jim Gracie, Chair, SFAC

and Marty Gary, MD DNR Fisheries Service

MR. GRACIE: I need to call the meeting to order.
Can I call the meeting to order, please?

MR. GARY: Members of the public, if you could have a seat. Welcome, commissioners and the public, to the spring Sport Fisheries Advisory Commission meeting. Before we get into our formal announcements, we are very fortunate, and I think you all are aware, that there have been several leadership changes here at the department. And we have with us today our new Secretary, Joe Gill.

He is not new to the department. Certainly he is a face you are all familiar with but I can tell you our staff is delighted that we have him as the leader of our agency. And we would like to turn it over to Joe at this moment for some welcoming announcements.

Comments

by Joseph P. Gill, Secretary, Maryland Department of Natural Resources

MR. GILL: Well, Jim asked me to say a few words, and I know the longer I talk, the longer the meeting so I will make it very short.

First of all, I would like to thank all of you for

1 your public service. You take your time out of your jobs and
2 out of your day to come in here to think about the issues that
3 are very important to all Marylanders, that are sometimes
4 controversial and sometimes have us butt heads with one
5 another and among the various constituent stakeholder groups.

6 Having said that, this is a strong group, and I am
7 impressed with your passion and I am impressed with your
8 dedication to this wonderful fishery that we have. I look
9 forward to learning more about it from Tom and the staff, and
10 working with all of you to preserve and conserve it and keep
11 it as it is right now, the best fishery in all of Maryland,
12 all of the country.

13 So thank you for your time and effort. Enjoy the
14 afternoon. Keep it short, Jim. Get them out of here.
15 Thanks, everybody.

16 MR. GARY: Mr. Chairman, just a few basic
17 announcements involving our standard protocol just so we could
18 let everybody know how things run here. I know most folks are
19 familiar. Our meeting is being recorded. This is Laura
20 Jackson seated up here at the front. So she will be producing
21 a transcript that will be later available on our Website. At
22 this time, because of the court recording, please silence your
23 cell phones, any of the members of the commission and members
24 of the public.

25 And then, as a matter of protocol, during the

1 commission discussions, we will be recording any action items
2 and motions, and please defer to the chairman to be
3 acknowledged to speak so we can keep our recordings legible.

4 And also for the public, there are two opportunities
5 to provide comment. One is after a motion but before a vote
6 by the commission, which the chairman will request if anybody
7 from the public has an interest in providing comment. And
8 then there is a designated comment period at the end of the
9 meeting.

10 Today we do have a regulatory and scoping part of
11 the agenda, and during the scoping, we will ask the public,
12 after the commission has had some discussion on the items that
13 are being presented for scoping, so Chairman Gracie, if at
14 that time when Sarah is up, if you want to ask if there are
15 any questions on those items.

16 MR. GRACIE: Okay.

17 MR. GARY: And then finally, for today's meeting we
18 have a couple of commissioners who are not able to join us
19 today. Vice Chairman Bill Windley is not feeling well, so he
20 out. Brandon White contacted me shortly before the meeting to
21 say he had a conflict. He is not able to attend. And it was
22 my understanding that Brian Hunt was going to be here for
23 Larry Coburn but it looks like Brian has not arrived. Perhaps
24 he will get here.

25 Sitting in for Beth Mauk for NRP is Sergeant Aaron

1 Parker, who is seated right behind Mr. Trageser. And he will
2 be providing the NRP update. And those are all the basic
3 items. I just want to go ahead and reiterate, so that we have
4 a legible transcript to provide to the public, please let each
5 commissioner -- let the other one finish and then be
6 acknowledged by Chairman Gracie.

7 Also, members of the public, please do not interrupt
8 when someone is talking. We will acknowledge you during the
9 designated period. The only other item, Mr. Chairman, is we
10 have a small addition to the agenda. Karen Knotts, our
11 communications division manager, would like to update the
12 commission on some Spanish language signage. So Karen, if you
13 would like to, you can sit up here --

14 ***Comments***

15 ***by Karen Knotts, MDNR Fisheries Service***

16 MS. KNOTTS: I am Karen Knotts, and I am the
17 division manager for communications and outreach, division for
18 fisheries service. And I just wanted to give you a brief
19 update on some progress that we have made, which follows
20 discussion that you folks had at your October meeting
21 regarding Spanish language, the need for signage.

22 So we are in the process of posting these signs
23 from -- all the way from Garrett County down to Worcester
24 County. Basically the areas that we have identified to post
25 them at, we worked with Natural Resources Police and our

1 regional staff to identify hot spots where they thought there
2 was a real need for outreach to Latino anglers.

3 So we prepared a sign that is very basic but gets to
4 the core message, which is you need to have a fishing license
5 if you are over 16. There are fishing laws that you are
6 responsible for following, and we give the location for them
7 to be able to reach them. So NRP recommended a very, very
8 general message that would just catch their attention. They
9 felt that would help them do their enforcement activities,
10 education activities.

11 You may not be able to see it here, but the sign has
12 on it a very small code. These are called QR codes. For
13 those of you who aren't familiar with them, if you have a
14 smart phone, you have a scanning app. Most people have it on
15 their phones already. You scan over these codes and it will
16 take you to information that is valuable, pertains to the
17 general message.

18 In our case on this sign, it leads to a new
19 Spanish-language Web page that we have. It is a single page
20 where we intend to put all of our Spanish-language outreach.
21 So for right now the information that is on there is the same
22 information that is here on the sign. We have also included
23 messages from MDE on fish consumption that they already have
24 translated so the links are there for those.

25 And it includes some information which, I am not

1 sure if this is in your packet, but we prepared -- we couldn't
2 translate the whole guide, and I don't know that we will ever
3 do that, but we prepared a flier that is pulled from the
4 guide. It has sort of key information: cost of licenses,
5 contact information, and a number of other really key things.

6 This flier, it is a two-page flier, Spanish on one
7 side, English on the other. Same identical information. This
8 is something that we will be able to provide to tackle shops,
9 to our regional service centers, all kinds of various areas
10 that might need to just be able to do some basic
11 communications to folks that aren't English proficient.

12 This information is posted on this Website. When
13 they scan this QR code when they see the sign, they will link
14 to this Web page. Right now it has some information.

15 In the future, when we need to get messages to
16 Latino anglers, which we will hear about via the Natural
17 Resources Police, via our own staff, via perhaps the
18 commission, that information can be posted on this Web page,
19 and whenever somebody sees the sign and scans it, they will
20 jump to the Web page. They will get that message.

21 So it can change. It can be targeted into something
22 that can be very dynamic. Rather than having to produce new
23 signs, we will have one that continue to leap to that.

24 *Questions and Answers*

25 MR. GRACIE: Quick question: If a Spanish-speaking

1 person comes up on that sign and is able to scan that, will
2 they find the regulations in Spanish anywhere?

3 MS. KNOTTS: The regulations -- we are in the
4 process right now of converting the seasons, size limits and
5 creel limit tables. So that information will be up. We hope
6 it will be up by the end of this month.

7 MR. GRACIE: One of the problems that we have
8 witnessed is people using cast nets on designated trout
9 streams right after they are stocked.

10 MS. KNOTTS: That is one message that NRP has
11 already made us aware of, so what we intend to do is get
12 something written up -- we have already started the process
13 with our regulatory folks to get a message -- that message
14 will be posted on this Website as soon as it is ready.

15 The seasons, those tables are in the process -- we
16 have actually been very fortunate that a gentleman from the
17 Governor's Commission on Hispanic Affairs has, free of charge,
18 been working with me directly to translate stuff for us so it
19 has been, it is not something that is inexpensive but we have
20 been able to get it free of charge so far and we hope to
21 continue that relationship.

22 MR. GRACIE: Dr. Morgan?

23 DR. MORGAN: Karen, with the increasing Hispanic
24 population between Baltimore and Washington, going on in
25 Montgomery County, Frederick County, how many DNR enforcement

1 officers have Spanish as a second language? Do we have any
2 that have that ability?

3 MS. KNOTTS: I don't know the answer to that. I
4 don't know if NRP can answer that.

5 SGT. PARKER: Not very many, about two or three.

6 DR. MORGAN: Okay, but you have at least a couple
7 that can.

8 MS. KNOTTS: And one thing that we would to continue
9 to do is work with the Natural Resources Police to find out
10 when they need information -- a card that they might need to
11 translate. There is a specific issue. We can get that
12 information translated. They can have it, they can hand it
13 out to people.

14 So we have gotten the ball rolling. We have got a
15 nice framework here for getting information out. We will
16 continue to work it and use it as our primary tool. I think
17 it will be very effective. So far the feedback we have gotten
18 is very positive. Again these signs have gone up from Garrett
19 County all the way down to Worcester County, and we will
20 continue to use this as our primary tool. So that is about
21 where I will leave it unless there are any other questions?

22 MR. O'BRIEN: I appreciate the response. I have
23 been asking for this for several meetings, and this is good.
24 Just two questions: How many of these did you print up?

25 MS. KNOTTS: The first round -- they cost about

1 \$8.25 a sign, so as our first cut we went with a targeted
2 approach. So we printed up almost 400. And so what we will
3 do is we will keep an eye on how those go. We will find out
4 what the response is, if it seemed to be effective. And if we
5 need more, we can certainly order more.

6 MR. O'BRIEN: Okay, I would request that you make
7 sure that you do locate them at launch ramps --

8 MS. KNOTTS: Yep.

9 MR. O'BRIEN: -- around the bay. I think that would
10 be a good place to put them.

11 MS. KNOTTS: That has been one of our primary areas
12 because that is the highest contact rate. Again, if you
13 guys -- if there are areas that you feel like need to be
14 posted that you aren't seeing these, we would love to continue
15 hearing from you.

16 MR. GRACIE: Any other comments or questions?

17 (No response)

18 MR. GRACIE: Well, on behalf of the whole
19 commission, I want to thank you. I think we are very
20 appreciative of the response and how quickly you turned it
21 around.

22 MR. GARY: One last item, Mr. Chairman. If there is
23 any input from staff today answering questions or providing
24 presentations, we will need you up at the table. So there are
25 two microphones: one next to Mr. Sikorski and one next to

1 Mr. Trageser. Also during the public comment period, we will
2 need the public to come up to either one of those microphones,
3 identify themselves and provide comment.

4 MR. GRACIE: Do we have an NRP Report?

5 ***NRP Report***

6 ***by Sgt. Aaron Parker, MDNR NRP***

7 SGT. PARKER: Good afternoon. I am Sergeant Aaron
8 Parker with the Maryland Natural Resources Police. I am
9 currently assigned as a supervisor in Anne Arundel County. I
10 was informed that the report has been handed to everybody so
11 if anybody has any questions, I would be glad to see if I
12 could answer it. Or if anyone has any concerns in a
13 particular area or any questions in general.

14 (Pause)

15 MR. GARY: I also have it up on the screen if there
16 are any items you want to refer to.

17 ***Questions and Answers***

18 MR. GRACIE: Yes?

19 MR. GOLDSBOROUGH: Thanks, Mr. Chairman. Sergeant
20 Parker, I am just wondering about the violation for moving
21 oysters from the oyster sanctuary. It is on the second page.
22 And it is listed as recreational. So these are recreational
23 folks, noncommercial folks, that were poaching oysters out of
24 a sanctuary?

25 SGT. PARKER: Yes.

1 MR. GOLDSBOROUGH: There are several violations like
2 that. That is interesting. I wonder if you could comment on
3 to what extent we continue to see commercial violations in
4 oyster sanctuaries. I know that was a big problem a few years
5 ago and a lot of steps were taken to try to deal with that.

6 SGT. PARKER: A lot of steps have been taken. There
7 is still some going on. It is not as frequent as it was but
8 it is still happening. We are still, you know, trying to
9 address it.

10 Part of what has happened is over the past couple of
11 years, as far as up in the upper part of the bay, the oysters
12 have basically been decimated so again a lot of times we
13 didn't see much oyster activity at all this year. The ones
14 that came out, they weren't catching -- they were only
15 catching like three bushels. So it is more down in southern
16 Maryland.

17 But what we do is we send people TDY over there,
18 send extra officers over there to saturate the area and that
19 way they can watch it more around the clock.

20 MR. GOLDSBOROUGH: So you feel like that is a
21 problem we are starting to get a handle on.

22 SGT. PARKER: Yes, we are starting to get a handle
23 on it, yes.

24 MR. GOLDSBOROUGH: Thank you.

25 SGT. PARKER: You are welcome.

1 MS. STEVENSON: I have a question about the striped
2 bass under commercial. It mentioned 58 citations, 78
3 warnings. Is this an increase or is that pretty standard?
4 Does that indicate more enforcement activity or is that
5 just --

6 SGT. PARKER: It is pretty much standard. A lot of
7 people don't realize how many citations we do write for
8 striped bass. I mean it is -- actually, it might have
9 actually went down some from past years, but it is pretty
10 standard. When we are out there, what we are trying to do is
11 keep them honest. We are still finding a lot of violations.

12 MR. GRACIE: Is there a pattern to what the
13 violations were, the pound net violations?

14 SGT. PARKER: For those, a lot of them are the size
15 of the fish that they are keeping. For commercial, they are
16 only allowed to keep up to a certain size and not over that,
17 so we found some, you know, they get the big ones and they try
18 to keep them anyway. They try to hide them down at the
19 bottom.

20 And some of it is them being too small. Also we do
21 run into that. But it is mainly size that we run into most of
22 the time.

23 MR. O'CONNELL: We also thought that this was
24 associated with some of the abandoned nets where the poles
25 were left in the water. We heard there was a lot of that this

1 spring.

2 SGT. PARKER: Yes, because they were supposed to
3 attend to the nets also. We try to monitor that and try to
4 keep control of that also.

5 MR. GRACIE: Any other questions?

6 MR. O'BRIEN: Yes, we have had -- we have got a
7 current conversation going on about fish pots and spot pots.
8 And again I don't expect you to be on top of it right now, but
9 it is going to come up again as to what we are doing and what
10 the regulations are. What activity is going on right now when
11 it comes to fish pots and spot pots?

12 SGT. PARKER: As far as -- I can only speak for Anne
13 Arundel County -- as far as there we haven't seen any in Anne
14 Arundel County. As far as ---, I haven't heard, you know,
15 anything but right now in Anne Arundel County we haven't been
16 seeing any.

17 MR. O'BRIEN: Okay. Well, make a note of it because
18 it will be coming up.

19 SGT. PARKER: Okay.

20 MR. GRACIE: I may have lost track on where we stand
21 on the issue but when that issue was brought to this
22 commission some time ago, I think I left you with the
23 understanding that because of the wording in the regulations,
24 you know, unfortunately it wasn't effective. Has that
25 changed? I mean, with spot pots.

1 MR. O'CONNELL: We have a definition for fish pots.
2 That is what NRP enforces.

3 MR. GRACIE: Okay.

4 MR. O'CONNELL: We acquired authority to define
5 certain gears. --- use fish pots in 2010. There was a
6 housekeeping legislative authority that we got this year. We
7 have a reg proposal right now that is going through scoping
8 right now before -- commercial fish gear. One of them is fish
9 pots.

10 One of the areas that we are trying to learn more is
11 are there gears that people are calling spot pots that NRP
12 cannot enforce as a fish pot.

13 MR. GRACIE: That was the concern.

14 MR. O'CONNELL: As a fish pot, it is required to
15 have 2 1/2 inch escape vents, and I think it is 1 1/2 inch
16 mesh. Then with those escape vents, they can allow for the
17 escapement of juvenile spot. One thing we are looking to
18 follow up with NRP on is to see are people using gear that
19 they call spot pots, that NRP feels uncomfortable enforcing as
20 a fish pot.

21 And if that is the case, we need to find out if we
22 need to go back to the legislature and get the authority to
23 define a spot pot.

24 MR. O'BRIEN: One thing that concerns me, recently I
25 heard that the industry that is selling spot pots, and I

1 wondered what kind of regulation they were adhering to, if
2 any. I doubt if any but it is a marketing thing right now.

3 MR. O'CONNELL: Well, if we can get some examples of
4 those, we can evaluate them to see if they can be enforced as
5 a fish pot or not.

6 MR. JETTON: But what I understand is what they are
7 using as a pot spot is also a square eel pot, which has a
8 smaller size and a smaller cull ring. I guess my question
9 might be to you or to you, I am not sure who could answer it,
10 if they are using that to catch spot, is it legal then for
11 them to keep that spot as a by-catch if it is caught in an eel
12 pot? I don't know the answer to that.

13 MR. O'CONNELL: Yes.

14 MR. JETTON: It is? So basically they are legal
15 using that, that eel pot, to catch spots in.

16 MR. O'CONNELL: Because there is no minimum size for
17 spot.

18 MR. JETTON: Okay.

19 MR. O'CONNELL: And it is a legal gear.

20 MR. JETTON: Okay, because you recently had sent us
21 a letter about spot and what the process is and what we are
22 going through, and a summer study kind of thing, and we want
23 to stay on top of that. It is really important to us and we
24 want to make sure that this juvenile spot fishery is not
25 affecting our overall sustainable fishery.

1 MR. O'CONNELL: And the summer study is ASMFC's
2 annual review of spot pot relations that will be conducted
3 this summer again. They have triggers to determine whether or
4 not management action is warranted, and the triggers were not
5 triggered last year. And if they are triggered this summer,
6 we will go into a discussion as to what strategies should be
7 implemented.

8 But based upon last week's assessment, ASMFC and our
9 staff don't believe any further action on spot are warranted
10 at this time.

11 MR. JETTON: Well, I don't want to lose track of
12 this in summer study. I want to be kept on top of this, is
13 what I am asking.

14 MR. GRACIE: Any other questions or comments?

15 MR. : I have a comment.

16 MR. GRACIE: If it is brief. Ordinarily we
17 don't --- . Go to the microphone. It has to do with
18 enforcement, I hope.

19 MR. SWEET: My name is Howard Sweet. This issue did
20 come up two years ago. The issue came up two years ago and
21 there was a committee that was appointed to address this. And
22 to my knowledge the committee -- I was on that committee, and
23 it never did meet. And there is a problem with the spot that
24 are being caught.

25 They are being overfished and the commercial

1 industry, the bottom-fishing boats, are just about wiped out
2 because the size of the mesh of the pot are keeping the
3 juvenile spot. They are not allowing them to grow up, so
4 therefore it is wiping out the charter industry for the ones
5 that go on the head boats.

6 MR. GRACIE: Can you and I get together on this and
7 I will follow up with Tom and see how we stand, how we are
8 doing with this? You are correct, there was a committee. And
9 I think you are also correct that it never met.

10 MR. JETTON: Can I ask one more thing --

11 MR. GRACIE: Go ahead.

12 MR. JETTON: -- and maybe Tom can work on this for
13 me somewhere down the road. I would like to get a record of
14 let's say the last five years or however far back we go of how
15 many targeted landings on spot, what the poundage is. I am
16 curious about that. And if it has gone down or if it has gone
17 up or kind of remained static.

18 MR. O'CONNELL: I can get it to you before we leave
19 today if you want. I already got it.

20 MR. JETTON: That would be great.

21 MR. O'CONNELL: It is few hundred thousand pounds.

22 MR. WOMMACK: I wanted to ask the officer. I am
23 kind of curious about something. In Somerset County, I kind
24 of know a little bit about it, but I do know about some things
25 that occurred in recreational and sport fishermen, crimes, and

1 I am curious why they never show up on these NR reports.

2 Maybe you can check on that and find out what is going on.

3 SGT. PARKER: That is something I can definitely
4 check on.

5 MR. GRACIE: Is there something specific this time?

6 MR. WOMMACK: Well, I know of some guys on an oyster
7 sanctuary that were fined and they went to court and they got
8 fined of a slap on the wrist but I am just surprised how come
9 they never show up on here.

10 SGT. PARKER: You are talking about the fine amount
11 themselves?

12 MR. WOMMACK: No, just the actual -- that tickets
13 were written and, you know, I think the guy had the --- and
14 everything and they went to court. I am just surprised that
15 nothing shows up.

16 SGT. PARKER: There are two people in the agency who
17 compile this. And what they are going by is just our system
18 that shows that there were charges placed. It is not hooked
19 in with the court system on what happened afterward.

20 MR. WOMMACK: No, I am just saying charges were
21 placed but it never shows up for some reason in that
22 particular county. I am just wondering what is going on.

23 SGT. PARKER: Unless they are not entering that into
24 the -- our system, which catches all of that. That could be
25 it. That is something I can look into.

1 MR. GRACIE: If you get any information on that,
2 would you get it to Tidal Fisheries? Thank you. Okay, Sarah?
3 Sarah is here. Regulatory update and scoping.

4 ***Regulatory Update and Scoping***

5 ***by Sarah Widman, MDNR Fisheries Service***

6 MS. WIDMAN: I will start with -- if anyone has any
7 questions on the fisheries' regulatory update, see if there is
8 anything --

9 We recently, just to highlight a couple things on
10 this, for those of you who are shark fishermen, there is a
11 federal rule now that you have to report your recreational
12 catches on your catch cards similar to tuna. So we have
13 mirrored those regs and have submitted them.

14 The usual annual changes, going down to summer
15 flounder and black sea bass, went in. Does anyone have any
16 questions on anything is the fisheries' regulatory update?

17 (No response)

18 MS. WIDMAN: At the normal scoping -- stuff that I
19 will go through -- so again we are coming to you with some
20 regulatory ideas or things we need to be working on.

21 All of this will obviously be up on our scoping
22 Website but in addition to that we are looking for feedback
23 from you guys today as far as if you think we should have open
24 houses or other types of scoping other than what is on here on
25 the handout.

1 So the first one is a housekeeping package. We had
2 a commercial fee bill pass this year that removed the
3 apprenticeship program and changes some fees around so we just
4 need to clean up our regulations to make sure that is properly
5 reflected.

6 Right now we just have that one down as Web feedback
7 only since it is only in statute. And I am going to hold a
8 couple of these until the end because we are already in the
9 middle. We previously brought them to you.

10 Clams is another new one. That one is sort of a
11 housekeeping. We already have these proposed through public
12 notice process as per the law but we actually want to put them
13 into the regulation for submerged aquatic vegetation areas
14 that have a lot of issues with clammers. So we would be doing
15 that feedback by Web as well.

16 Nuisance species: There has been some concern at
17 ASMFC about an Asian horseshoe crab that could potentially
18 bring parasites or disease to our native horseshoe crabs so
19 there is a place to propose that as aquatic nuisance species
20 and prohibit that from the state.

21 We have discussed that with the Maryland Invasive
22 Species Council as well as the Invasive Species Matrix Team
23 here at DNR. But right now we just have it as Web feedback.
24 If you think there is other feedback needed, let me know.
25 Again you don't have to come up with it today. If you want to

1 think about it and get back to me by e-mail or phone this
2 week, that is fine too.

3 Oysters and aquaculture both, we are trying to align
4 with the National Shellfish Sanitation Program, so FDA
5 requirements for those fisheries, part of that is tagging, and
6 we need to update our tagging to meet those requirements. So
7 we are working on that.

8 Within oysters, we are also working on cleaning up
9 some of our diving area lines, just generally housekeeping,
10 fixing coordinates for the lines. And then looking at bushel
11 prices -- fair market value that we pay for the fresh oyster
12 shells we transport.

13 These change annually so we would like to propose to
14 remove the actual amounts from the regs and just say they
15 would be established by public notice every year to help
16 expedite that process.

17 For the oyster stuff right now, we went out to the
18 oyster, County Oyster Committees and had a lot of feedback for
19 that, but if you think there is other, again, options, that we
20 should consider for scoping --

21 And then shellfish, the other part of shellfish
22 aquaculture would be moving ahead with regulations for the
23 nursery permits. The bill passed during session to allow us
24 to issue nursery permits --- the shells, and again that has
25 been scoped through the Aquaculture Coordinating Council,

1 their May 9th meeting. Again Web feedback, and we are looking
2 for any other scoping ideas on that.

3 Spiny Dogfish: That commercial fishery would like
4 to implement a limited entry program permit for it, and there
5 have been some meetings with the industry down on the coast on
6 that, another meeting upcoming in the next few weeks where we
7 will discuss it further. And we will be doing Web feedback on
8 that as well.

9 And then summer flounder, we are looking to right
10 now be on the coast. The hook and liners commercially have to
11 catch the same size as recreational hook and liners. The rest
12 of the commercial fishery has a 14-inch size limit, a
13 different size limit.

14 We are looking to align the commercial hook-and-line
15 fishery in the Atlantic outside of the first mile, so it would
16 be a mile, three miles out, to be the same as the rest of the
17 commercial fishery rather than the same as the recreational
18 fishery. We are going to have a scoping meeting on this one
19 near the coast to discuss it and want feedback as well. So
20 let us know if you think we need anything further on that one.

21 And then there has been quite a bit of dialogue
22 because I think Gina wanted to come up and talk a bit
23 about -- right now we are also in the process of scoping blue
24 crab recreational, blue crab changes for next year, crabbing
25 charter changes as well as a gear, a new gear chapter.

Questions and Answers

1
2 MR. LYNCH: Regarding the summer flounder
3 initiative, what generated that initiative?

4 MS. WIDMAN: That one has been a constituency that
5 has come to us for a couple of years asking for -- the
6 commercial hook-and-line industry, they are asking for that
7 change, that they don't think there should be a different size
8 limit from their other commercial counterparts for their
9 harvest. So we said we would take it under consideration and
10 scope it.

11 MR. LYNCH: But that is only as to hook and line.

12 MS. WIDMAN: Yes.

13 MR. LYNCH: Do you anticipate that maybe this will
14 come up in the scoping meetings, I imagine it will, some
15 issues because you have got a window there. You have got
16 gutters on each side of that one-to-three mile limit, and I
17 would think that might be difficult to enforce, No. 1.

18 And if the fish are caught inside that limit, they
19 are supposed to be 16 inches. If they are within that limit,
20 one to three, 14 inches. I can anticipate a problem with
21 that, and certainly some resistance from the recreationals in
22 that regard.

23 MS. WIDMAN: Yes, and that is some of -- why we are
24 going out there to scope it, to find out all the nuances from
25 everyone about whether this is -- what it should like if we go

1 forward with the proposals.

2 MR. LYNCH: I think it is important to find out how
3 many people might be involved in the commercial hook-and-line
4 fishery to begin with. Do we know that?

5 MR. O'CONNELL: Yes, we do. There has been one
6 individual that has come forth with this issue for a number of
7 years, has come before the tidal fish commission and maybe
8 even the Sport Fish Advisory Commission a couple years ago.

9 We really don't see this developing into a
10 substantial number of people, even if it is more than a
11 couple. If you look at the economics associated with the
12 amount of gas and crew time and boat use to catch that level
13 of flounder, it is not economically viable.

14 We ultimate wanted to do this in the coastal bays
15 and we went down and met with the leaders of MSSA down
16 there, --- and other, some head boat captains, with this
17 individual, to let him hear personally the pushback, and where
18 the agreement was. Let's give it a chance out in one to three
19 miles.

20 We evaluate if there is an enforcement issue. We
21 talk to NRP, and if we need to modify it, we will. But we are
22 trying to provide this opportunity and see how it works out.
23 I expect it is going to be a pretty limited number of
24 individuals.

25 MR. LYNCH: Is it fair to say that you are trying to

1 accommodate one person with this?

2 MR. O'CONNELL: I think that is fair to say per
3 legislative request.

4 MR. LYNCH: Okay.

5 MR. GRACIE: Any other comments or questions? Ed?

6 MR. O'BRIEN: Yes, I think it is appropriate. We
7 have been, in the bay we have been fighting for a better
8 situation on flounder for some time, the charter boat industry
9 has. And Tom, I want to thank you for the work you have done
10 at ASMFC on that. Mike Luisi is here from the council. I
11 mean, you all really represented us well on that. I just
12 wanted to express my appreciation.

13 Now while I have still got the floor, on invasive
14 species I want to bring something up. I have heard about the
15 examples and we have talked a lot about snakeheads. But this
16 blue channel cat situation is something that can really blow
17 us away.

18 And Catfish Nation, you know, that is a very
19 organized situation over there in Virginia. There is a
20 commercial connotation to it, aspiration to it. And I think
21 it has got to be watched very closely. I know you are
22 watching it, Tom, but has there been any evidence in the
23 Choptank that some blue channel cats have been released over
24 there?

25 MR. O'CONNELL: Yes, earlier this spring we had a

1 report in the Choptank at the mouth of the Tuckahoe River.
2 Some commercial guys made us aware of it. They started
3 catching a pretty substantial --- of fish. They recall seeing
4 some individuals offloading fish in the area. It is all
5 speculative but that is one of our concerns that we hear
6 about, introductions to create these sport fisheries.

7 We have garnered a lot of support from the
8 Sustainable Fisheries Goal Implementation team that Jim served
9 on and I vice chair. We established a policy a year ago. We
10 also brought it up to ASMFC, and ASMFC adopted a resolution
11 because these are giant predators at the mouth of our
12 anadromous rivers that are waiting for the intercept of river
13 herring, shad, striped bass, yellow perch, white perch, et
14 cetera.

15 And I see significant problems. The only
16 organization, the only agency that seems to be reluctant to
17 take action right now is the Virginia Department of Game and
18 Inland Fisheries, which is benefiting from the economics
19 associated with this fishery. And they are pushing for more
20 study. My response has been what is the scientific
21 information that is going to lead us to believe that this is a
22 good thing?

23 I don't think there is. You know, we spend a lot of
24 money that could be redirected elsewhere. There is an
25 Invasive Catfish Task Force through the Fisheries Goal

1 Implementation Team that is working this winter and will be
2 providing the goal implementation team with their
3 recommendations to mitigate and control their spread, and that
4 is going to be presented at the June meeting.

5 Jim typically attends as well as Billy Rice from the
6 Tidal Fish Advisory Commission and we are looking for some
7 final action. We are pursuing that through a bay
8 jurisdictional agreement. In the meantime we have been
9 focusing on marketing strategy. We have gone from having just
10 like hardly any harvest to about 400,000 to 500,000 pounds.

11 There are some contaminant issues related to the
12 bigger fish. We are trying to get more testing on the smaller
13 fish to find a safe size range that we could market
14 aggressively. That is picking up. And so that is kind of
15 where we stand but we are definitely recommending that people
16 who catch these things to kill them.

17 MR. GRACIE: Tom, the GIT doesn't have any
18 regulatory authority, does it?

19 MR. O'CONNELL: No.

20 MR. GRACIE: You alluded to commercial implications.
21 You mean the commercial benefits of a large recreational
22 fishery. I was led to believe that --

23 MR. O'BRIEN: Catfish Nation seem to have that
24 aspiration, to be able to market.

25 MR. GRACIE: I was led to believe these fish tend

1 bioaccumulate toxins and are probably not safe to eat.

2 MR. O'CONNELL: The larger ones in the Potomac River
3 are not safe to eat but we still encourage people to remove
4 them from the waters. Unfortunately because the Potomac has a
5 --- population that has --- , we are seeing about a 10-pound
6 increase every year. And last year it was 84 pounds, a state
7 record. And it likely that we will see another one this year.
8 Just in the angler's log last week we saw like a 78-pounder or
9 a 74-pounder caught.

10 And when they catch these things, they release them
11 hoping that they will catch it again next year.

12 MR. O'BRIEN: But I can see for a catfish that long
13 in the Washington seafood market anywhere there certainly
14 could be an item for sale, somebody could make some money on
15 that.

16 MR. O'CONNELL: The idea is to try to fish them down
17 from the small size up and, you know, less than like 24 inches
18 is probably safe to consume, several meals per month. They
19 are trying to market that.

20 MR. GRACIE: Any other comments or questions on the regulatory
21 and scoping? Oh, I am sorry.

22 *Comments*

23 *by Gina Hunt, MDNR Fisheries Service*

24 MS. HUNT: The first -- Sarah's part was to ask the
25 commission if they had anything in regard to those draft ideas

1 that we should do in addition to Web scoping. So if there
2 were any of those ideas that you thought should go beyond Web
3 scoping, we would need to hear back from you within a week.

4 The two packages I was going to talk about are two
5 that we already brought to you and we took out for additional
6 scoping. One is recreational crabs, recreational and charter
7 crabbing proposal, and both -- this package is taking public
8 comment until May 24.

9 We have had two open houses already on that
10 proposal. It significantly modifies the recreational licenses
11 and creates a charter decal for crabbing. So this online, the
12 proposal. The slides that were at the open house are online
13 if you want to review them. Like I said, that package is
14 taking comment until the 24th.

15 The other one is the gear proposal that was listed
16 in the handout but it is not something that we are asking for
17 your feedback on does it need additional scoping because we
18 already have additional scoping. That one already had one
19 open house and there is another open house tomorrow. That one
20 is up in Greenbriar.

21 And we are taking comments on that proposal also
22 until the 24th. That proposal I just wanted to comment on
23 because there has some discussion already about the spot pots,
24 and I want to clarify what this proposal does and does not do.

25 It does address recreational gear, and it took a lot

1 of the rules that were previously in law and put them in reg
2 and it expanded some of those rules. Those rules that were in
3 law are basically removed as of July 1 based on the
4 housekeeping bill that went into place this year.

5 So because some of the recreational rules will be
6 repealed in law by July 1, this package must go emergency reg
7 to be effective July 1 so that some of those rules go back
8 into place.

9 So you will see this proposal go emergency, a
10 different track, not 94 days, and its scheduled effective date
11 is July 1. Again comment until the 24th of this month. So
12 that is -- the recreational does some gear restrictions, some
13 expansion of gear.

14 Commercial: We got authority two years ago to
15 define four commercial gear types. Only four and not
16 everything. Under that we were going to proceed with
17 definitions for those four gears, but there were conflicts in
18 the law on some of the other gears. Again that is what go
19 cleaned up this session.

20 So we never pursued having a spot workgroup and
21 going down the spot pot road until we got -- cleared up our
22 authority. So here we are now. Our authority is cleared up
23 effective July 1. So now we are going forward with this reg
24 package. The reg package does define fish trap. So what you
25 currently see -- fish pot, fish trap.

1 What you currently see in our regulation is a
2 definition for fish pot, but it does not mean that it is the
3 only kind of fish pot you can use because the way our rules
4 are currently written, it is just a definition. It doesn't
5 restrict a thing.

6 This package sets a definition for fish trap and
7 fish pot, and that is the way the gear has to comply. If you
8 set something out there that does not meet that
9 definition -- in other words, those mesh sizes, then NRP can
10 ticket you. And if you think it is something other than that,
11 if you don't think it is fish trap, then you would have to
12 argue your case to a judge.

13 So what happens effective July 1 if this regulation
14 goes through is some of the issues about spot pot gear are
15 addressed by the fish pot definition. However, if you think,
16 and we could find this out as we move forward through the spot
17 process that Tom laid out in an e-mail to you earlier, that
18 there needs to be a separate definition for spot pot,
19 something that is unique to that gear alone, we can define
20 that as well.

21 We don't have to go ask the general assembly for
22 more authority. We will define it. It is basically a version
23 of a fish pot. But I don't think we know that yet so until we
24 go down the rest of this process and find out whether or not
25 we have issues with spot, we would have this definition, which

1 is restrictive effective July 1.

2 I hope that clears up what the proposal does and
3 doesn't do. It doesn't define spot pots but it certainly
4 affect your use of catching spot in a fish trap.

5 *Questions and Answers*

6 MR. JETTON: So I just want to clarify here because
7 I am a little confused. If a square eel pot, which is not
8 always used in the bay but it has been used to catch spot, if
9 a square eel pot is still an eel pot, they can still catch
10 spot in that but it is up to the user to convince whoever has
11 decided that maybe that is a fish pot -- is that, who makes
12 that definition? Who decides that?

13 MS. HUNT: There is a definition for eel pot. So a
14 fish pot, our fish pot definition would include the three
15 types of pots we already have defined: a crab pot essentially
16 is like a fish pot; an eel pot, which is already defined --

17 MR. JETTON: So you are calling that a fish pot.

18 MS. HUNT: Yes, it is a type of fish pot or a fish
19 pot which is slightly different than eel.

20 MR. JETTON: So an eel pot would need the cull ring
21 or not, because that kind of defeats the purpose of an eel pot
22 if you put the 2 inch cull ring --

23 MS. HUNT: Well, the eel pot, whatever is currently
24 a legal eel pot, that is not going to change.

25 MR. JETTON: That is what I was getting at.

1 MS. HUNT: Right.

2 MR. O'CONNELL: Hey, Greg, just to follow up on this
3 eel pot issue, I just had the landing in front of me for spot,
4 and since 2003, we haven't seen any harvest reports
5 commercially from eel pots that exceed like 3,500 pounds of
6 spot. So basically if the harvest reports are accurate, it
7 seems like eel pots are a very small component of the spot
8 harvest, assuming they are accurate.

9 MR. JETTON: You have charter boats out there. It
10 is how much we catch as a -- what we are going to take home
11 and eat kind of thing. I am curious what your harvest
12 report --

13 MR. O'CONNELL: Charter boat seems to be averaging
14 like 100,000 to 300,000 pounds. Commercial 100,000 to 600,000
15 pounds. I can e-mail this to anybody who wants it.

16 MR. JETTON: Yes, I would like a copy of that.

17 MS. HUNT: Were there any questions on what I tried
18 to clarify?

19 MR. JETTON: So when we get to this process down the
20 road, if we decide -- I am not sure what I am getting at here.
21 The fish pot has got to have the cull ring as defined. The
22 eel pot can stay as it is as long as it is an eel pot. Okay,
23 but it doesn't --

24 MS. HUNT: And if you think you need another one
25 called spot pot, we can address that later but this proposal

1 does not do that.

2 MR. JETTON: I don't see where that would change
3 anything because they could still use an eel pot so I don't
4 see where that would change anything at this point.

5 MR. GRACIE: Where would we find these documents,
6 the regulations? They are not --

7 MS. HUNT: No there are -- like I said, first of
8 all, gear is getting scoped again tomorrow, but on our scoping
9 Web page all of the slides that are in the open house
10 documents and all the definitions are up there.

11 MR. GRACIE: --- emergency regs.

12 MS. HUNT: That is them. This is a scoping. It is
13 a scoping. It is not proposed yet. Once it is proposed, you
14 will be able to see the register version up on our Website but
15 this is still before that.

16 MR. GRACIE: Thank you. Anybody else, anybody? No,
17 we are not going to have all these participations throughout
18 the meeting. I am sorry, we will never get through if we do
19 that. Don Cosden, fresh water?

20 ***Inland Fisheries Update***

21 ***by Don Cosden, MDNR Fisheries Service***

22 MR. COSDEN: I will try to speed through this.
23 Basically I just wanted to address the smallmouth bass issue.
24 I think you folks saw the report that was put out by --- of
25 the Chesapeake Bay Foundation.

1 MR. : Very scary report.

2 MR. COSDEN: Yes, I wanted to cover some things it
3 didn't cover and clarify a few things. I am not here to
4 critique the report although, yes, as you say, the cover is
5 very scary. And there have been a few very scary fish come
6 out of the river --- .

7 I think in general if you have read the report it is
8 pretty accurate, pretty fair, but there are some statements
9 that might lead you to jump to conclusions and there
10 really -- my concern is that we not jump to conclusions about
11 what is going on.

12 I wanted to point out some differences in what has
13 occurred in the various watersheds and the various populations
14 in the Chesapeake. To start with, this all started in 2002
15 with the south branch. There was a major fish kill that just
16 happened. It was pretty acute, it was fast. There were
17 estimates of heavy mortalities of adult bass and other
18 species, and this occurred over 80 miles of the river, the
19 south branch.

20 Following that, '03 and '04, there were sort of
21 drawn-out, low-level mortality on that same reach of the river
22 followed by another major fish kill in 2005, and it
23 significantly impacted population --- . Since then the
24 population has rebounded somewhat, and we have not -- there
25 haven't been major fish kills or even noticeable mortality

1 | noted.

2 | This really got a lot of the research going that led
3 | to our understanding of how widespread the intersex condition
4 | is. The USGS health lab up in Leetown got involved and they
5 | have done some great work for us.

6 | The Shenandoah was the next system that seemed to
7 | experience this problem. That started in 2004 and again in
8 | 2005. What was interesting in the Shenandoah was that the
9 | kills were not as focused in time. They occurred generally
10 | longer over the spring and they appeared to occur in a
11 | different major --- to the Shenandoah each spring, and they
12 | occurred for a number of years.

13 | Once again mostly adult bass and other species, game
14 | fish as well as some suckers and other species. During this
15 | time the researchers were looking at the fish, identifying
16 | lots of different stuff. Water quality was being looked at.
17 | There was a lot of work being done.

18 | And every spring we would cross our fingers and hold
19 | our breath until 2009. In 2009 in Maryland we did experience
20 | a fairly major kill on the Monocacy River. That kill
21 | occurred -- we got a report of it at the same time that a
22 | major storm occurred and we had almost flood conditions.

23 | By the time we got on the river, it was tough to do
24 | any real investigation. Our guys were counting dead bass and
25 | other fish up in the bushes and back in the flood plan, all of

1 | which looked like they had been dead for a week or more. It
2 | was tough for them to determine whether there were a lot of
3 | lesions or not but that was one-time event. We have not seen
4 | that again.

5 | We went out and electrofished the following season
6 | and estimated we lost about 65 percent of the adult population
7 | there. But that population has rebounded somewhat and we have
8 | not seen a major kill there. We did have about 25 percent
9 | lesions follow up the electrofishing of adult fish.

10 | The contrast with the Susquehanna, what is going on
11 | there? There was never a major fish kill noted on adult fish
12 | but early in the 2000s, Pennsylvania was mentioning that they
13 | had not seen good reproduction for a bunch of years of the
14 | smallmouth population. And this was leading them to be
15 | concerned about what the future of the population was.

16 | In 2005 they had very good spawning conditions.
17 | People were noting a lot of small fry and young bass in the
18 | river and then that summer they had a major kill. This kill
19 | was entirely on young of the year bass, almost entirely young
20 | of the year bass and nothing else. In fact, I think they had
21 | identified columnaris, a bacteria that is in the wild anyhow.

22 | Typically it is not a primary --- of fish. They
23 | typically have to be stressed by other things before they
24 | would succumb to those kinds of bacteria.

25 | Once again recruitment was lousy that year, and

1 since then they have had poor recruitment that is either just
2 due to natural conditions, bad timing of high water, or they
3 have had some reasonable, a couple years of reasonable
4 reproduction but once again they saw mortality on the young
5 fish and they are seeing lesions on these young fish.

6 They estimate their population has dropped by 80
7 percent since 2001, and that led them to close the fishery
8 entirely this spring, which was a major step. Not even catch
9 and release, no targeted fishing. And the recent report of
10 the American Sportfish Association, funded by the U.S. Fish
11 and Wildlife Service, reported that the smallmouth population
12 across the bay is worth \$630 million just in retail sales
13 annually with multipliers applied.

14 So this is a big deal, and it particularly was a big
15 deal in Pennsylvania. So where that leaves Pennsylvania right
16 now, they are mounting a serious effort to study everything
17 that is going on. They have reason to believe that in the
18 shallow eddies and back channels, which are the major nursery
19 areas for young bass, that water-quality conditions are pretty
20 poor, and they believe it is due in large part to phosphorous,
21 high levels of phosphorus.

22 A lot of this is pointed out in the report but I
23 have got to say that we are not there yet. This is still just
24 a theory that is being looked into. So I wouldn't jump to
25 that conclusion. Certainly any amount of stress that comes

1 from low DO, which comes from high nutrients, phosphorous and
2 high nutrient levels in general, can only add to the problem.

3 So I applaud this report for pointing out the fact
4 that we need to continue to reduce nutrients and look at water
5 quality on our upland rivers and bring us some attention to
6 this problem. We don't tend to get a lot of attention on
7 these fisheries if they are not in the bay themselves but this
8 is a pretty big fishery regionally as I said.

9 So where are we on the Potomac? What is the status
10 of Maryland's fishery? Well, on the Potomac main stem we have
11 seen no fish kills, no adult fish kills, no young of year fish
12 kills. In fact, their population has remained pretty stable.
13 According to our electrofishing CQE, it is about as good as it
14 has ever been and that goes back as far as 1975.

15 We did a small creel survey this past season and it
16 compared favorably to what was done back in the '80s when the
17 fishing was considered pretty good. I will say that we have
18 not had a good year class on the Potomac since 2007, and those
19 fish have been supporting a pretty quality size fish on the
20 Potomac, so we expect to see the fishing decline a little bit
21 on those larger fish.

22 If we don't get good recruitment in the next couple
23 of years, the fishing could suffer. Unfortunately the bass
24 may have just been coming out of their beds last week. We are
25 hoping that maybe we dodged a bullet and with it being cold

1 | this year, the bass were holding off, but this would have been
2 | prime spawning time for them these past couple of weeks, and
3 | we just don't know yet what we will get this year.

4 | I should mention that while our indicies show that
5 | the populations have remained pretty stable, we are not
6 | without our problems on the Potomac too. In fact, we have
7 | been receiving some reports of poor fishing from folks like
8 | Lefty Kreh, --- people who are well-known anglers who have
9 | fished the river for many years. When Lefty says the fishing
10 | is bad, you don't tend to argue with him too much.

11 | This is particularly during their favorite time of
12 | year to fish, which is the summer and fall. They also
13 | reported -- we did a series of interviews with guides, with
14 | longtime fishermen like Lefty and a bunch of folks, and in
15 | general we got some reports of -- the fishing reports were
16 | mixed, anywhere from, "As good as I can remember" to "Yes,
17 | pretty lousy."

18 | There were consistent reports of loss of the white
19 | miller mayfly hatch, which appears to be something, there may
20 | be something to that and we are not sure what is going on. We
21 | have noted that there are periods of really poor habitat
22 | conditions in the river, typically as you get into late spring
23 | into June, there is a good phytoplankton bloom. The river is
24 | kind of green. It is pretty decent visibility but the fishing
25 | at that time of year has been pretty good.

1 But then at the end, toward late June when it get
2 hot enough, the phytoplankton dies off and it goes into this
3 blue-green algae in some areas, particularly Harper's Ferry,
4 Pointer Rocks area, the real heart of the really good fishery.
5 That algae at times can blanket the bottom almost back to
6 back, and that may persist for weeks.

7 At that time the water is crystal clear, and then
8 that goes through a period when that stuff is disintegrating,
9 coming off the bottom, mixing with the water and creating a
10 rather noxious, really smelly condition even.

11 And at that time, we are told by anglers and guides
12 that you might as well go fish somewhere else. The fishing is
13 lousy. Oftentimes, most years, that is followed by a period
14 that when it goes to just solid SAV when that is done and
15 really heavy growth of SAV. And that will typically last
16 until the fall.

17 We have a theory that through this entire period
18 when the river is making these changes that it is disrupting
19 the fishing and particularly the methods that folks like Lefty
20 and I have traditionally used in the summer and fall because
21 it appears that at times -- at other times the fishing remains
22 relatively good. What we don't know is are these changes
23 impacting the resource at all? It appears that it is
24 changing, it is affecting the fishery.

25 So we are going to do some pretty focused studies

1 | this spring as well. We are going to do some focused
2 | water-quality work, looking at DO and Ph swings that might
3 | occur when these heavy blooms are in the river.

4 | We are going to assess the algae itself: What is
5 | the range and how dense is it. We have instituted some more
6 | consistent benthic sampling but unfortunately we don't have
7 | enough benthic samples to make real good judgments as to have
8 | there been changes in the benthic community itself?

9 | The resource assessment division, the group that
10 | does the Eyes on the Bay and all the water quality monitoring,
11 | they are helping us out as well. We are setting some samplers
12 | to see if we are getting any of the --- that can occur with
13 | blue green algae that can kill fish.

14 | We don't have evidence that has occurred on the
15 | Potomac but it can occur. So that is where we stand right
16 | now. And as I mentioned before, we know this intersex
17 | condition is occurring in smallmouth. We don't have evidence
18 | that has created population effects but it has
19 | certainly -- the Potomac has one of the higher rates of
20 | intersex in smallmouth bass in the whole region.

21 | So USGS is continuing to look at that. I will take
22 | any questions.

23 | ***Questions and Answers***

24 | MR. GRACIE: I have one. In your assessment of the
25 | Potomac and population being stable, are you including the

1 section above Blackout Flats? My experience there is the
2 fishing has declined.

3 MR. COSDEN: The north branch is a different
4 critter. This sampling goes up to about Paw Paw, a little
5 beyond Paw Paw.

6 MR. GRACIE: Oh, okay.

7 MR. COSDEN: The north branch --

8 MR. GRACIE: So it is below ---

9 MR. COSDEN: With the south branch, yes.

10 MR. GRACIE: The blue-green algae I am seeing is all
11 coming -- it starts where the Shenandoah comes in.

12 MR. COSDEN: The Shenandoah has traditionally been
13 where we have noted it the worst, and it continues sometimes
14 right on down to Virginia. But several years ago when it was
15 really bad, the mouth of the --- , the mouth of Antietam were
16 pretty heavy areas of growth too.

17 It is something that we are trying to get a handle
18 on. I am not a water-quality person, and I won't speak for
19 our water-quality folks, but in general the overall nutrient
20 trends have been decreasing, have been looking better. But
21 there are some theories about the balance between nitrogen and
22 phosphorus.

23 And we know the water temperatures have been higher
24 in recent years than we have ever noted so we don't know how
25 all of this is feeding into this whole problem.

1 MR. GRACIE: Any other questions or comments?

2 DR. MORGAN: I want to make a comment. Don, I think
3 you are looking at the wrong things in the water column.
4 Standard water quality analyses are not your answer. You need
5 to be focusing on chemicals that are endocrine or
6 immune-system disrupting chemicals, and you are not doing
7 that.

8 I realize the people at Leetown are probably working
9 some with that, but when you have historically changes in
10 small mouth bass where you have intersexes, that has nothing
11 at all to do with nutrients. That has to do with specific
12 kinds of chemicals present in the water column.

13 And if you look at the array of chemicals that are
14 now being produced from pharmaceuticals and personal care
15 products that are entering our water bodies, it is a problem
16 that I don't know how anyone could ever address in the future
17 because of the complexity of all these chemicals.

18 And looking at synergistic and antagonistic effects,
19 I mean it would take a billion dollars probably to start
20 addressing a problem like this. You know, your standard water
21 quality might be able to give you some ideas of what is going
22 on with the system, but you have got to start looking at some
23 of these other chemicals because they are effective in very,
24 very low concentrations.

25 They are actually effective at the levels of

1 analytical detection. So you know that is something that I
2 think DNR has to work with MDE perhaps or the department of
3 health within the state, health and mental hygiene and, you
4 know, work with them to, you know, start looking at some of
5 these systems.

6 Because the water that is flowing down the Potomac
7 eventually enters the tidal freshwater and then goes all down
8 all the way through the Potomac and then those disruptive
9 chemicals can have effects on a lot of other groups of
10 organisms. So you know it is a very wide perspective that I
11 think you need to start working with on this problem.

12 MR. COSDEN: Well, I will reply. We are working, we
13 have been working every year very closely with Leetown Labs,
14 USGS, Vickie Blazer. And that work continues.

15 In fact, this year we took samples of sediments in
16 the areas where small-mouth typically spawn because there is a
17 theory that some of these chemicals are actually in the
18 sediments and there is some indication that they are
19 developing this condition as young fish, young of the year,
20 and that perhaps they are being exposed right at that time
21 wherever the nursery areas are.

22 And then the plan was to go back and collect
23 juveniles laying in those very same areas where we took
24 samples of the sediments, and Leetown Lab is doing a lot of
25 that work. But I agree with you. It is just we can throw

1 | tons of money at it and still not know what is going on but we
2 | have to start somewhere. It is a serious situation.

3 | DR. MORGAN: I am sorry, Mr. Chairman. I got off on
4 | my endocrine disruptive soapbox.

5 | MR. GRACIE: Any other comments or questions? Yes?

6 | MR. GOLDSBOROUGH: I just want wanted everyone to
7 | know they can find our report on our Website if they want to
8 | see firsthand what it says and the different sources that are
9 | cited. It is not a peer-reviewed journal article itself but
10 | it cites a bunch of them. It cites state and federal agency
11 | reports and experts, and virtually all the major statements
12 | made in the report have attributions to those sources.

13 | So I would encourage you to go on our Website and
14 | check it out. The purpose is to pull together all that
15 | information to describe a circumstance that we feel is
16 | important for people to be aware of and sort of go beyond what
17 | a scientific journal synthesis paper would do in order to be a
18 | little more precautionary in outlook to cite warning signs of
19 | what might be a systemic problem.

20 | So we can act to avoid more serious problems rather
21 | than wait until we have proof on some scientific level that
22 | the system has gone to hell.

23 | MR. GRACIE: Anybody else?

24 | (No response)

25 | MR. GRACIE: Thank you, Don.

1 MR. GARY: Mr. Chairman, Nancy Butowski will present
2 from fisheries services on the fisheries management plan.

3 ***2013 FMP Reviews***

4 ***by Nancy Butowski, MDNR Fisheries Service***

5 MS. BUTOWSKI: I am Nancy Butowski. I am the
6 program manager for fisheries management plans and fish
7 passage. And I am here today to just go over some highlights
8 of two documents, draft documents, you should have received
9 and looked over.

10 If you thought it was going to be striped bass and
11 yellow perch, that is not correct. We are actually going to
12 be talking about shad and herring and the weakfish
13 and spotted sea trout. So it might have been a little
14 misleading on the agenda item.

15 (Slide)

16 I just wanted to remind you a little bit about the
17 fisheries management review process. What we have done to
18 date is to have a FMP staff group and the species biologist
19 come together and compile the information on each of these
20 plans and to review them.

21 And as part of the plan review team we wanted to
22 utilize the sport fish and tidal fish groups to be a part of
23 that review. So if you look at this diagram, you can see
24 where it says utilize the FMP review schedule, which is what
25 we have been doing. But we have evaluated some of the FMP

1 management strategies and actions. And we have developed this
2 draft status report.

3 And so now we are bringing it to you for some
4 additional input and comment. And you see where it is an
5 iterative approach, so we are hoping to get some of your
6 feedback and if we need to make some adjustments and changes
7 to the recommendations, then we will as we go along.

8 So I just wanted to remind you that we are in that
9 process, you are part of that process and we are moving
10 forward on it.

11 (Slide)

12 And just as a reminder of what our review schedule
13 is for 2013, these are the list of species we have designated
14 to review this year. You notice that menhaden and oysters
15 have been rescheduled based on current management activities
16 actually ongoing and stock assessments.

17 We are at the weakfish and spotted sea trout and
18 American shad and river herring for this time period, and we
19 will be talking striped bass and yellow perch beginning in
20 July.

21 The request for allocation material dates have
22 passed for each of the species I just mentioned. We only
23 received one comment from CCA on weakfish and spotted sea
24 trout, and we received one for striped bass from MSSA, which
25 we will be addressing when we talk about striped bass.

1 (Slide)

2 So shad and herring actually cover four species:
3 American shad and Hickory shad and then the two river herring
4 species, alewife and blueback herring. The first plan was
5 developed in 1989, and that is a Chesapeake Bay plan. It was
6 amended in 1998 and there have been several reviews, annual
7 reviews, from 1991 through '95 and then some additional
8 reviews as time went by.

9 Since 2007 it has been annually updated. And the
10 difference between the review and the update is a matter of
11 intensity. Our FMP staff annually updates all of the 24
12 species that are managed under fishery management plans
13 annually, and that is just like a one-pager and it is in house
14 basically.

15 An in-depth review is, again, we are using a formal
16 process of review where we are including you and the
17 stakeholders.

18 (Slide)

19 The current management targets for shad and herring
20 for the Chesapeake Bay, there are no targets in place, fishery
21 targets. We have a moratorium. The moratorium for shad was
22 placed in the early 1980s and the river herring moratorium was
23 just placed in 2012.

24 We do have a stock and restoration target for shad,
25 and that is based on a per tributary basis. Our restoration

1 group tags and stocks juvenile larval shad, and they have
2 developed this restoration target at finding 80 percent of the
3 shad of wild origin after three consecutive years. So in the
4 Patuxent we have reached that target and it is ongoing in the
5 Choptank.

6 We are going to be -- the restoration program is
7 going to be doing some additional stocking in the Patapsco in
8 relationship to the dam removals there. ASMFC has developed a
9 benchmark for shad as a total mortality, and normally -- you
10 are probably used to looking at just fishing mortality alone
11 but based on the stock assessment that was completed by ASMFC
12 in 2007, they realized that they could not really easily
13 define or make a difference between the fishing mortality and
14 natural mortality.

15 And so that human-induced mortality also includes
16 things like building of dams and blocking historic spawning
17 habitat.

18 (Slide)

19 So the status of these stocks, you probably are
20 pretty familiar with it: shad --- low levels. Hickory shad
21 seem to be recovering in some areas of the Chesapeake Bay. It
22 is unknown in other tributaries. And alewife and the blueback
23 have been depleted. They have been classified as depleted not
24 only in the Chesapeake Bay but along the entire coastal
25 Atlantic.

1 (Slide)

2 Our current management plan has again the moratorium
3 in effect. That is consistent and actually above and beyond
4 some of ASMFC's requirements. We conduct juvenile and adult
5 monitoring. We have got a fish passage project that is
6 actively trying to remove blockages and open up spawning
7 habitat for herring and shad. And we are considering the
8 stocking and restoration efforts.

9 (Slide)

10 So these draft plan review team recommendations
11 again are from the DNR staff. After reviewing of the goals
12 and the objectives and the strategies and actions, they felt
13 that they were still appropriate for managing the shad and
14 herring stocks.

15 They did not recommend any changes in resource
16 allocation. They suggested we continue to work with coastal
17 management to address ocean by-catch issues. That is one of
18 the issues with the shad stock, shad and herring stocks.

19 Any questions before we go on to spotted sea trout
20 and weakfish on shad and herring?

21 ***Questions and Answers***

22 MR. GRACIE: Anybody? I have one if no one else
23 does.

24 MS. BUTOWSKI: Yes?

25 MR. GRACIE: You talk about a restoration target of

1 80 percent wild fish. I am not sure I understand that. In
2 other words, if you found 10 fish and 8 of them are wild, it
3 is restored?

4 MS. BUTOWSKI: For three consecutive years. And
5 that is -- yes.

6 MR. GRACIE: No matter what the total population is.
7 That doesn't come into it at all? Just percentage of wild
8 versus nonwild fish?

9 MS. BUTOWSKI: Yes. That has been developed over
10 several years and I think that it is more than just a few fish
11 they are basing it on.

12 MR. GRACIE: I understand. It just seemed like a --

13 MS. BUTOWSKI: When you have a total number of fish
14 and you have got most of them as wild origin --

15 MR. GRACIE: Okay.

16 MS. BUTOWSKI: -- then they feel that the stocking
17 has been successful. Any other questions on shad and herring?

18 (No response)

19 MS. BUTOWSKI: Okay. So we will go on to weakfish
20 and spotted sea trout. The plan, the Chesapeake Bay plan, was
21 developed in 1990 and then as a result of a change with fish
22 status, the weakfish --- of the plan was totally revised and a
23 new plan for weakfish only was developed in 2003. It has gone
24 through the same type of review schedule that we have for shad
25 and herring, and again it is annually updated since 2007.

1 (Slide)

2 There are no Chesapeake Bay specific targets for
3 either weakfish or spotted sea trout at this time. ASMFC has
4 established biological reference points for weakfish. They
5 are based on spawning stock biomass. The target would be 30
6 percent of the unfished stock and the threshold is a level at
7 20 percent of the unfished stock.

8 The last assessment was completed in 2009. And
9 currently no stock assessment has been completed for the
10 spotted sea trout. ASMFC however does recommend a spawning
11 potential ratio, which is just a measure of fishing pressure
12 on the abundance of mature females.

13 They have been adopted by the southern Atlantic
14 states so when you look at the distribution of spotted sea
15 trout, it is really along the coast just from Florida to
16 Maryland because Maryland is the northern extension -- range,
17 thank you.

18 South Carolina has declared spotted sea trout as a
19 game fish only. Florida has adopted a 35 percent spawning
20 potential ratio, and then the other two states have adopted
21 the 20 percent.

22 (Slide)

23 The status of the stock: Weakfish is considered
24 depleted but fishing is not occurring. Again it is at about 3
25 percent of the unfished stock, which is significantly below

1 both the target and the threshold.

2 Spotted sea trout: There has been no coastal stock
3 assessment. North Carolina has done a state specific stock
4 assessment in 2005, and from that results they suggest that
5 spotted sea trout is probably at a stable level.

6 However, there is a lack of biological and fisheries
7 data to really do a complete stock assessment. That is
8 currently why we haven't had one and ASMFC, as far as I know,
9 does not have any plans to do one until we have additional
10 information.

11 (Slide)

12 The status of the fishery: You can see just by the
13 landings that there is a considerable range for weakfish. And
14 that -- I only did the average landings for the last decade or
15 so, and they have decreased significantly.

16 Recreational landings have kind of fallen into the
17 same category, and you notice that actually the total
18 coastwide landings for weakfish, both recreationally and
19 commercially, were the lowest that they have been on record.

20 (Slide)

21 You can see what the status of the fishery has been
22 for Maryland landings. I wanted to point that overfishing was
23 an issue in the 1990s, and that significant management
24 measures were put into effect, and that since then fishing
25 mortality has been reduced by 60 percent.

1 But there is currently natural, high natural,
2 mortality that has not been thoroughly explained. There are
3 issues with by-catch. But again -- and there are some
4 proposed reasons concerning like food web interactions but it
5 is not known for sure.

6 (Slide)

7 That moves on to the status of the spotted sea trout
8 fishery. You can see that a lot of the Atlantic coast, it
9 also has been somewhat variable. Average landings have
10 decreased over the last decade. Same thing with the
11 recreational fishery.

12 (Slide)

13 In Maryland, the harvest is highly variable from
14 year to year and you can see what the average commercial
15 landings have been, less than 10,000 pounds, and the
16 recreational landings have been around 26,000 pounds.

17 I have to note that these come from the MRIP
18 estimates and because we have a highly variable catch from
19 year to year, those numbers from the MRIP are highly
20 questionable and variable too. So I just wanted -- the last
21 bullet there is just to emphasize what percentage of the total
22 coastal catch that we actually are a part of, and you can see
23 that it is less than 1 percent.

24 (Slide)

25 Our current management strategies have to do with

1 reducing fishing mortality on weakfish. That is consistent
2 with ASMFC. There are no restrictions for spotted sea trout
3 at this point in time. There are gill net mesh restrictions
4 and again those are to reduce by-catch of juveniles and small
5 adults.

6 We continue to do fishery dependent and independent
7 monitoring, however, that is very limited. Again because we
8 don't see very many spotted sea trout. There are just general
9 habitat recommendations to protect habitat and water quality,
10 you can imagine, for aquatic resources in general. And there
11 is a section in the plan that is there just to address
12 potential user conflicts, which none have been really put
13 forth in Maryland.

14 When the plan was first developed there were some
15 issues between the recreational and commercial fishing areas
16 in Virginia.

17 (Slide)

18 So regarding allocation input from stakeholders, we
19 only received one comment again from CCA, and it was only on
20 spotted sea trout. We did not receive any comments on
21 weakfish. So I am just going to go through some of -- what I
22 summarize as the comments from CCA and what the DNR response
23 was.

24 (Slide)

25 So first of all one of the comments was to manage

1 the recreational spotted sea trout resource using conservative
2 reference points. And so the response was that again spotted
3 sea trout are only an occasional occurrence in Maryland. We
4 don't know exactly what the factors are that influence their
5 occurrence and distribution.

6 They may be expanding northward due to changes in
7 climate. Again that is not known for sure. So abundance is
8 influenced by those types of environmental factors. Maryland
9 landings have been highly variable from year to year and it is
10 already predominantly a recreational fishery, so we do not
11 really have the information to come up with putting together
12 reference points at this point.

13 (Slide)

14 One of the other comments was to -- that we need to
15 put on some commercial restrictions and determine a commercial
16 fishing threshold. Again Maryland commercial harvest has been
17 less than 10,000 pounds. It is a very small percentage of the
18 coastal harvest. Again, just like the recreational fishery,
19 it is highly variable from year to year.

20 We don't really have enough data at this point to
21 really define what an appropriate threshold would be. The
22 team did acknowledge that a by-catch limit could serve as a
23 conservation measure for spotted sea trout right now. There
24 is a 100 pound per catch, 100 pounds per day catch for the
25 weakfish commercial fishery, so that would be compatible with

1 | what we have for weakfish limits.

2 | There is currently no limit except on minimum size
3 | for the commercial hook and line or commercial fishery in
4 | general.

5 | (Slide)

6 | Another comment from CCA was that -- they suggested
7 | that we increase the minimum size limit for spotted sea trout:
8 | recreational size limit to 16 inches, and to lower the creel
9 | limit to a four fish per person per day. And again they
10 | suggested the 100 pounds per day by-catch limit for the
11 | commercial fishery.

12 | So currently ASMFC recommends a 12-inch minimum
13 | size. That was chosen to protect spotted sea trout from
14 | recruitment overfishing. An increase in the minimum size and
15 | a decrease in creel limit wouldn't necessarily biologically
16 | conserve the stock but it could be considered.

17 | Right now -- weakfish and spotted sea trout mature
18 | early and at a smaller size so that 12-inch limit really
19 | protects about 65 percent of the spawning stock. The team
20 | felt that changes in recreational limits should be really
21 | based on well-defined objectives by the recreational fishing
22 | sector and would recommend doing that.

23 | And again the 100-pound per day by-catch limit could
24 | serve as a conservation measure for the commercial fishery if
25 | the resource were to expand and rebound in Maryland.

1 (Slide)

2 The draft recommendations that the -- this is from
3 the DNR part of the plan review team, would be to continue the
4 management framework that exists for weakfish and spotted sea
5 trout as laid out in the 1990 and 2003 management plans.

6 We currently have more conservative restrictions
7 than required by ASMFC. Our minimum size limit is higher than
8 suggested except for the commercial fishery. The DNR PRT team
9 suggested that no changes be made in allocation at this time
10 but that we should continue to seek additional socio-economic
11 information and data to support more specific evaluation of
12 the fishery.

13 And they recommended to track abundance of the next
14 three to five years if there is a trend in expanding
15 distribution, then to come back and re-evaluate the current
16 management framework.

17 (Slide)

18 The team thought we should consider adjusting
19 recreational fishing requirements but base them on defined
20 objectives somewhat similar to what we have done for the
21 yellow perch fishery, where the recreational sector came
22 together and said, okay, what do we want to see? What are our
23 objectives for the fishing, for the resource?

24 And we could consider establishing the commercial
25 by-catch limit as similar to weakfish. That about sums up

1 | what is in those two draft reports. If you have had an
2 | opportunity to read them, we certainly are looking for
3 | feedback. And if anybody has any questions now?

4 | MR. WOMMACK: I think some of that data is really
5 | not too accurate because I know in the lower bay spotted sea
6 | trout has been really, really good but they are not -- they
7 | are more of a grassland, a shallow water marshland fish. You
8 | are not going to catch them too much out in open water as you
9 | would off the banks and all that.

10 | The last two or three years they have been doing
11 | really well in the spotted sea trout. But what I do find
12 | interesting is the weakfish -- and I think there needs to be
13 | more research because we get an awful lot of gray trout, small
14 | ones. But we don't see, I would say in the last 10 years,
15 | they haven't been able to go out, or wherever they are
16 | migrating to, to come back, they don't come back as
17 | tiderunners anymore.

18 | All the tiderunners are just gone and it is just a
19 | lot of little ones all over the place, especially in the late
20 | summer. So I am kind of curious to find out what is going on
21 | once they leave out of here.

22 | MS. BUTOWSKI: I think there are some issues
23 | regarding ocean by-catch, and the Mid-Atlantic Fishery
24 | Management Council kind of put together an amendment to
25 | address ways to really get a handle on the data and consider

1 additional management measures.

2 MR. GRACIE: Anybody else? Tom?

3 MR. O'CONNELL: Nancy, is predation an issue too off
4 shore? The spiny dogfish population is high, the striped bass
5 population.

6 MS. BUTOWSKI: Yes, they haven't mentioned that in
7 the things that we pulled together. By-catch though certainly
8 is an issue.

9 MR. GRACIE: I have a question. Did you say normal
10 population would be 65 percent of spawning stock would
11 be --- .

12 MS. BUTOWSKI: It is age 1 --

13 MR. GRACIE: Age 1 and younger. Is that by number
14 or by mass? Usually spawning stock is --

15 MS. BUTOWSKI: Biomass.

16 MR. GRACIE: Biomass. That sounds like a very high
17 number for --

18 MS. BUTOWSKI: Well, the females and -- the males
19 mature by age 1. They are 8 to 9 inches, so you have got 100
20 percent of the males there. And some of the females are
21 already mature by I think it is like 9 to 11 inches.

22 MR. SIKORSKI: The FMP data says from 1990 on specs
23 males mature 9.8 inches, on average of two years, and females
24 mature at 11.4 to 13.8 inches at 3 years. And that 11.4 to
25 13.8 number is where CCA said, all right, well, we are

1 currently fishing at 14 inches and if we increase to a 16-inch
2 limit like we recommended, that may help us conserve a lot of
3 those spawning fish and give them a chance to mature and spawn
4 almost 100 percent of the stock.

5 If we are keeping them at a 16-inch level. There is
6 a lot of anecdotal evidence of fishing, of what the fishermen
7 are catching are already above that 16-inch level, which we
8 recommended.

9 Therefore that recommendation wouldn't necessarily
10 change the catch of the fishermen. And a large portion of the
11 speckled trout fishermen in Maryland are catch-and-release
12 fishermen predominantly anyway, so a lot of those fish, when
13 using good angling techniques, are returned to continue to
14 live on to spawn.

15 And the FMP also notes that the longevity is
16 approximately 15 years for speckled trout in a healthy fishery
17 where they can continue on and avoid predators and whatnot.

18 MS. BUTOWSKI: And that information is a little
19 older but this is a little bit more recent. That information
20 came from the Virginia, some Virginia data.

21 MR. SMITH: Well, what is the Virginia size limit?

22 MR. SIKORSKI: 14 inches.

23 MR. SMITH: In Florida it is 15. Do you have any
24 idea what it is down the coast?

25 MR. SIKORSKI: North Carolina is 14.

1 MS. BUTOWSKI: Again, ASMFC only recommends the 12
2 but they are more conservative.

3 MR. SIKORSKI: And given that ASMFC
4 recommendations -- obviously they are a line or you may want
5 to say a benchmark, and we felt that it would be important,
6 given the northern extent of the fishery for the most part,
7 the recreational fishery, it would make sense to be more
8 conservative.

9 Considering we are getting an increase in abundance,
10 why not -- if it is not really going to negatively affect the
11 rec and commercial anglers, why not be more conservative, even
12 more conservative than some of our sister states to the south
13 to hopefully bolster this increase in specs?

14 And not forget that we also have an increase in red
15 drum, and they do tend to live in similar habitats, you know,
16 down the coast.

17 One thing, one questions I have about the FMPS:
18 They have been combined until 2003 when the weakfish were
19 pulled out for their own FMP. But in many references they
20 continue to stay together. Is that -- is it that the weakfish
21 FMP was updated more currently, more thoroughly in 2003 and
22 the specs have not been really studied? Are they separate
23 FMPs or are they the same?

24 MS. BUTOWSKI: They are separate, and there are
25 additional management measures of the 2003 that are weakfish

1 specific. So just for ease and clarity, it is easier to refer
2 to them as weakfish and spotted sea trout even though there is
3 that additional FMP in 2003 for just weakfish.

4 MR. SIKORSKI: Yes, because I think that leads to a
5 lot of confusion with some anglers, especially in the
6 Chesapeake Bay, that remember a very strong weakfish fishery.
7 And speckled trout have always been regionally specific to the
8 southeastern portion of the bay, so a lot of people who have
9 fished here for a number of years may not encounter them, and
10 they are the shallow grass flats and oyster rocks and
11 generally shallower than 12 feet.

12 MR. WOMMACK: They are not going to just be --

13 MR. SIKORSKI: Right. They weren't readily
14 available like the weakfish were in deeper water to jig and
15 catch quite a few of them. So there is that confusion there
16 and I think we have been blessed with our new abundance of
17 speckled trout in the southeastern portion of the state and a
18 large number of light tackle and shallow water boat-type
19 guides have been able to utilize those fish.

20 And I think a focus on the socio-economic benefit of
21 those fishermen and the clients that they are taking is a
22 proper approach to look at this fishery for conservative
23 measures. An important part of why we have taken the tact
24 that we have taken with our recommendations at CCA and I did
25 receive just a few e-mails from a couple guides, Dennis

1 Fleming, Rob Schou and Pete Dahlberg I just wanted to pass
2 out.

3 Just some brief little data that kind of gives some
4 of our commissioners an idea of what kind of fishing they are
5 doing and what kind of money is involved in it just to give us
6 a starting point of looking at the socio-economic status.

7 So we have on the commercial side very few
8 participants in the fishery and a relatively small catch. And
9 we look at our MRIP data or MRFSS data for the older stuff and
10 see that generally there has been more of a recreational catch
11 than commercial.

12 One thing MRFSS, at least the numbers that I have
13 seen and that have been reported to us take into account, are
14 the fish which are landed and kept. And like I have stated, a
15 large portion of the speck fishery is light tackle. It is not
16 really bait, it is plastics. Things where shallow hooking
17 does occur and mortality is very low for catch and release.

18 And that is a large portion of these fishermen's
19 style of fishing.

20 MS. BUTOWSKI: I forgot to mention that too. You
21 can -- you know, statistics can be misleading, and I should
22 have put a caveat on the recreational catch because that was
23 just what --- kept and did not include the release of fish.
24 But there is a table within the review that does include both.

25 MR. SIKORSKI: Yes, I did notice that.

1 MS. BUTOWSKI: And there is, there has been -- you
2 can see a trend

3 (Whereupon, Tape 1 ends and Tape 2 begins)

4 MR. GRACIE: Anyone else? Bill?

5 MR. GOLDSBOROUGH: A couple things. First I was
6 surprised that salinity wasn't mentioned as a factor that
7 influences these dynamics. Last year being a dry year, I
8 think that part of the reason why we have the increased
9 abundance of the higher salinity liking species like red drum
10 and speckled trout.

11 And therefore to an extent that was a factor, might
12 have been a factor, you can't expect those abundances every
13 year. But having said that, I think there is also plenty of
14 evidence that there may be warming, there may expansions
15 northward, a range. They caught red drum in Cape Cod last
16 summer, which is unprecedented. I don't think they have ever
17 seen it north of New Jersey.

18 So I think we can expect to see continued higher
19 abundances of those species in the Maryland part of the bay,
20 and the way I took the CCA's comments and proposals was kind
21 of, you know, let's be aware of this. Let's get out in front
22 of it.

23 Let's be conscious of the possibility that we might
24 end up with sort of a windfall, a commercial windfall that
25 might not be the highest use of the resource because it hasn't

1 | been a significant species in the commercial catch in the
2 | Maryland part of the bay in the past, and isn't really
3 | targeted.

4 | And there may be some other valuable uses. This may
5 | be potentially a really valuable fishery in the future if we
6 | manage it proactively. And just in general from a
7 | conservation standpoint be precautionary about it.

8 | So I think that is a worthwhile perspective to have.
9 | I am always one for avoiding a crisis rather than responding
10 | to it later. So just speaking as one commissioner, I think it
11 | would be worthwhile staying on top of this.

12 | MR. GRACIE: Ed.

13 | MR. O'BRIEN: I think you put together a very good
14 | scenario here. I want to complement you on that, Dave. But I
15 | caution, relative to the socio-economic thing, that the
16 | department, our council people, keep an eye on what other
17 | states are doing. I mean, we are in business, charter boats.
18 | And I was at a show recently at which right next to us was a
19 | Virginia booth.

20 | And this guy keep harping on how their regulations
21 | are much better than Maryland's. And so when you are talking
22 | about speckled trout, that might be a little different than a
23 | lot of things. But when you are talking about red drum,
24 | striped bass, sea trout, flounder, you know, please keep an
25 | eye on what the -- and I know you do.

1 But keep an eye on what the other states are doing
2 too because we don't want to be ultra-conservative in packages
3 of fish. You have got to look at all of them put together and
4 the effect that has on, you know, Maryland economy, our
5 business, et cetera.

6 MR. SIKORSKI: And you are stating whether or not I
7 guess the attractiveness for an angler to come and fish with a
8 charter boat or a guide --

9 MR. O'BRIEN: That is right.

10 MR. SIKORSKI: -- yes. And that has definitely been
11 taken into consideration, deeply into consideration. And it
12 is really the driving forces behind a lot of our efforts here
13 because with an abundance of fish we are able to have more
14 opportunity, more fishermen, more businesses that surround
15 that fishery, speckled trout specific.

16 A lot of these fishermen are seeing a decrease in
17 other species' availability across the board in the ranges in
18 which they would traditionally fish. A lot of these guys are
19 smaller boat guys that are leaving from one area and going to
20 a specific area.

21 And in one of the e-mails that I have, Mr. Fleming
22 mentioned he is focusing on a lot of speckled trout this year
23 because the striper abundance in his area is not what it used
24 to be and he doesn't have the ability to take these clients
25 for fish. So specks are the new attractive thing for them.

1 So that is one of the biggest reasons we are trying to get out
2 in front of this thing and be proactive rather than reactive.

3 We are definitely taking that into consideration,
4 into account, not trying to just say, let the fish exist and
5 not be able to fish them. We still want to be able to fish
6 them and fish them in a conservative and economically
7 beneficial fashion.

8 MS. BUTOWSKI: Are you aware what Virginia
9 regulations are?

10 MR. SIKORSKI: Yes.

11 MS. BUTOWSKI: Okay, because they have to have a
12 minimum size limit of 14 inches, especially -- I would think
13 that people, if they wanted to catch more spotted sea trout,
14 they might just go to Virginia.

15 MR. SIKORSKI: I think catch is a funny word there
16 because it is not necessarily -- that would be keeping. There
17 is no limit on what you catch. There is a limit on what you
18 can keep.

19 And in Virginia, speaking of Virginia, another thing
20 that is happening in Virginia, which brought up a concern in
21 Maryland, well, where these fish exist in Maryland is the
22 southeastern portion, generally Tangier Sound and the eastern
23 side and western side and some of those rivers.

24 Now they have expanded further north but that is
25 kind of an anomaly. These fish don't know where the state

1 line is. The fishermen do, and I have heard some stories
2 recently that brought me some concern. One of these being, we
3 will talk about the Virginia commercial fishery. And they do
4 have an annual catch limit of 51,000 pounds and change. I
5 think it is 51,104 pounds.

6 That quota was caught in 46 days last fall. So what
7 is given to them for a 365-day fishery, September 1 to August
8 31, was caught in 46 days. And that could be because of
9 abundance. It could be because of the gear type. I don't
10 know and frankly it doesn't matter.

11 But our concern is with Maryland not having
12 commercial regulations -- well, the 12-inch minimum, and that
13 is it. With that as our only regulation, the same exact thing
14 could happen just to the north. That fishery in Virginia
15 could be happening over there and active here in Maryland.

16 The fish are the same fish at least close to the
17 border. So the concern is that Maryland has just a wild west
18 fishery that is open. And again we all know our commercial
19 fishermen are up against crab regulations and various other
20 things, which may focus their attention on this.

21 The No. 1 reason that now is the time for us to get
22 out in front of this and be proactive.

23 MR. GRACIE: Anyone else? Go ahead, Tom.

24 MR. O'CONNELL: Just for clarity, I know we spoke
25 but in regard to CCA comments and their recommendations, there

1 | was no specific allocation recommended differently than we
2 | have now but there is concern about the potential for the
3 | commercial fishery to grow rapidly and impact the stock and
4 | the fishery.

5 | You know, if we did go forward with establishing a
6 | commercial by-catch limit at 100 pounds, which is recommended,
7 | do you see that staying fixed as the population expands or you
8 | see that being able to fluctuate up and down as the population
9 | expands so that not only the recreational guys benefit but
10 | also the commercial?

11 | MR. SIKORSKI: I think we should manage this fishery
12 | for abundance, and abundance being when there are enough fish,
13 | limits will change for both sectors to allow for an abundance
14 | of speckled trout to exist.

15 | Because we are lucky we have the abundance we have
16 | now, and in my eyes and in many eyes, many people's eyes, at
17 | least recreational fishermen's eyes, we do have an increasing
18 | abundance. So I want to get out in front of this and say,
19 | let's keep that increasing abundance, pull back a little bit.

20 | Hopefully that abundance continues to go up, and as
21 | it does we follow it. And if recreational fishermen want to
22 | increase their limits, that would be perfectly acceptable if
23 | abundance allows us to do that. Same thing with the
24 | commercial side.

25 | Especially given the lack of catch that has existed

1 on the commercial side. I don't think it is because of lack
2 of fish. I think it is either lack of effort and/or lack of
3 reporting.

4 **MOTION**

5 MR. SIKORSKI: You know, I think I would like to
6 make a motion for the department to scope and ultimately adopt
7 more conservative limits for both recreational anglers and
8 commercial anglers and manage for abundance.

9 MR. GRACIE: Is there a second?

10 MR. LYNCH: Second.

11 MR. GRACIE: Okay. Any discussion?

12 MR. WOMMACK: --- hurry up and get this straight.
13 You said make a motion to regulate the size limit here in
14 Maryland more and not -- well, I am looking at it a little bit
15 differently, and I am kind of following Ed on this because you
16 are putting a big squeeze on the commercial people who make a
17 living like this because a lot of guides and everything are
18 going to end up in Virginia.

19 We have to be on the same page, kind of close with
20 them, when it comes to this because you are connecting two
21 parts, two bodies that are together even though you are
22 divided by states but, you know, and I really think you need
23 to do more research on that lower half to see where we are
24 with the amount of fish that we have that we are dealing with.

25 Because if you keep squeezing this side, they are

1 going to run to this side because they can get a better deal.
2 It is just like, you know, it is the game Wal-Mart plays. I
3 will squeeze the little people out because I can give them a
4 better deal.

5 And that is where you are going to put the charter
6 boat captains and everybody. Even the Maryland fishermen will
7 say, you know, I might as well take another 20-minute ride and
8 go into Virginia and go fishing.

9 MR. SIKORSKI: We made our recommendations based on
10 facts that we have found and they are a recommendation. I am
11 not specifically asking to have that recommendation picked up.

12 I totally understand you comments. But asking for
13 more conservative limits to manage for abundance, we believe
14 that at 16 inches and four fish, and we have gotten the
15 support of five different light-tackle guys who fish in that
16 area and who depend on this for a large portion of their
17 income. One of which does go down to Virginia waters.

18 We also are concerned that squeezing people in
19 different directions, with Virginia's quota -- and now they
20 have a closed season -- are they going to be squeezed up into
21 Maryland's waters to catch the specs in Maryland waters and
22 further deplete the abundance that exists on that state line?

23 I just heard -- I was going down there fishing three
24 weeks ago and talked to a friend and I said, hey, what is
25 going on with the water temps, where are the fish, did you

1 catch any specs in the shallows? Water temps are right around
2 60 degrees, right when the specs start getting more active.

3 He said, yeah, man, my buddy caught 4,000 pounds in
4 his gill net the other day. Now I am not 100 percent certain
5 of the by-catch regulations in Virginia, but 4,000 is quite a
6 bit of fish in a closed fishery. Where were those fish sold?
7 We won't know.

8 But that is the squeeze that Maryland may see, and I
9 think it is a waste of our resource to squeeze Maryland's
10 fish. And it is not -- the intent is not to put any burden on
11 charter fishermen or even commercial fishermen but allow for
12 more opportunity in the future. And not take away opportunity
13 that exists today.

14 MR. GRACIE: Did I understand you clearly, you don't
15 want to make the motion more specific than that?

16 MR. SIKORSKI: I think that motion is specific
17 enough.

18 MR. JETTON: Just a minute here. Dave and I have
19 talked about this at length a little bit. In general I think
20 you have done your research and it is good. I like it. But
21 at this point in time as an association, I am not willing to
22 take a stand on it with my people either way because of my
23 geographical location.

24 I am in the northern bay and I am just not familiar
25 with this, and I need to talk to my people in the southern bay

1 and see what they think about this. The people that actually
2 would be in this area catching these fish. It is a little
3 premature for me to take a vote on this.

4 I kind of lean with Eddie on this too because I get
5 this at shows all the time. You know, I catch more here, I
6 catch smaller fish here in other states too. And I want to be
7 careful there and just not push our charter boats out of the
8 market.

9 I understand what you are saying about developing a
10 world-class fishery, and that is all fine and dandy. But what
11 it boils down to sometimes is what people can take home. And
12 I am just on the fence with this one right now, and I am
13 probably going to abstain just to be up front.

14 MR. SIKORSKI: I understand that, Greg, and that is
15 exactly why I have worded my motion the way I have, ask for
16 more conservative limits --

17 MR. JETTON: And I think it is well-worded. I just,
18 without talking to my people -- I need to do that.

19 MR. O'BRIEN: Could we repeat the motion?

20 MR. SIKORSKI: Yes. Ask the department to scope
21 and ultimately adopt more conservative commercial and
22 recreational regulations for the speckled sea trout to manage
23 for abundance.

24 MR. GRACIE: In other words, you are recommending
25 going through the process --

1 MR. SIKORSKI: Correct.

2 MR. GRACIE: I am kind of looking over Tom's
3 shoulder here. We are wondering if you want to say more
4 conservative regulations such as --

5 MR. SIKORSKI: Such as those recommended. Well, no.
6 The department has heard what CCA Maryland has to say. And I
7 would like to hear input from the Charter Boat Association,
8 various other stakeholder groups, to find that proper
9 regulation and then hash it out. Today without the
10 information, without talking to our various constituents, we
11 may not actually be ready to say this is exactly right.

12 CCA Maryland is ready to say that but I don't know
13 that the rest of you are.

14 MR. GRACIE: AS I understand the process now,
15 starting with scoping -- well actually starting with an
16 updated FMP -- and then scoping, it could very well be that
17 the department would go through the scoping step and not
18 propose anything as a result of feedback they get out of
19 scoping.

20 MR. JETTON: If we go through the scoping process
21 and the department comes back and says, hey, the science says
22 we are good where we are, if you can take out the more
23 conservative part and say let's go through the scoping process
24 and see where we stand to get the science behind us, well, I
25 could get behind that one easily, you know, because my people

1 would support that 100 percent.

2 MR. GRACIE: Tom, you want to say something?

3 MR. O'CONNELL: I mean, if we are going to scope a
4 regulatory idea, we need to provide the public with some
5 specificity for them to comment on. I don't know if we can
6 say, we are going to go out and spend a lot of resource time
7 scoping to proceed with more conservative limits.

8 When the public comes in they are going to say, what does more
9 conservative mean?

10 So I see two pathways: One is that today you can
11 recommend that we scope a regulatory idea, establishing more
12 conservative limits such as those recommended by CCA to put
13 some bounds on it. Or something else. And we can consider
14 scoping that and then bring that feedback back to you.

15 Or if people feel like they need to talk to their
16 constituents before voting on a motion to scope, then you
17 table this until the next meeting or sometime in between. We
18 also have to go to tidal fish on Thursday to talk about this
19 issue as well.

20 So my points are I think there needs to be some
21 bounds on what we go to scoping with if we are going to spend
22 the resources going to scoping because the public is going to
23 ask.

24 MR. SIKORSKI: Okay. I would like my motion to
25 include the recommendations from CCA Maryland.

1 MR. O'CONNELL: So what I have is -- and just check
2 me, Dave -- scope the regulatory idea of establishing more
3 conservative limits, such as those recommended by CCA
4 Maryland, for commercial and recreational spotted sea trout
5 fishery to manage for abundance.

6 MR. SIKORSKI: Yes.

7 MR. GRACIE: Second agree with that?

8 MR. LYNCH: Um hmm.

9 MR. GRACIE: Any further discussion? Ed?

10 MR. O'BRIEN: I think it might be a good idea if
11 you saved this for a while. I know you have got some very
12 professional recreational fishermen involved with this kind of
13 a fishery, and they target it and they are good at it.

14 And also our guides, our small-boat guides, you
15 know, love this fishery. But I would rather see a little bit
16 more of the scoping. I want to see an analysis of what other
17 states are doing. And I am back to where I was. Again I
18 think the spotted sea trout, there are some unique
19 circumstances here that don't apply to other species.

20 I would like to hear the discussion, you know. Take
21 it into consideration Maryland's competitive position. Now
22 you have heard me fight hard on flounder and also red drum.
23 Been unsuccessful. But I really am obsessed with this
24 competitive thing that we posture compared to our neighboring
25 states.

1 I mean, business is not really on an uptick when it
2 comes to the charter-boat business. So these kinds of
3 marketing flares people take about how Virginia striped
4 bass -- of course, this year wasn't as bad. But they really
5 had us at a disadvantage. So anyway.

6 MR. SIKORSKI: I think -- I understand that again.
7 I think what we have here is a -- essentially we have a
8 brand-new bridge. Everybody is driving over the bridge. We
9 call that bridge speckled trout. But because we have no
10 commercial regulations to speak of, we don't have any
11 guardrails. So we can sit here today and say, all right,
12 nobody has driven off the bridge yet. No big deal. We don't
13 need guardrails.

14 But today I think we need to say that we do need the
15 guardrails because somebody could drive off that bridge. And
16 that is why I am where I am.

17 MR. GRACIE: Any other discussion? Mack?

18 MR. WOMMACK: I just don't think that bridge is that
19 weak right now. The reason why I say this is because I know a
20 lot of the guys, Pete and all of them, that do and they make a
21 living at it, but they are not deep into that lower bay like
22 that.

23 A lot of them are coming out of Solomon's, and they
24 are not traveling on that Tangier, --- Island, and the limited
25 speckles, they have been catching them for the last three

1 weeks here if the wind lays down. And it is not that bad
2 there as it seems.

3 So I am very scared because just like, the fella
4 back here was talking about the thing with the spot fish and
5 the limit to that.

6 And if you keep limiting and limiting, you are going
7 to push the watermen I mean the charter boat captains out the
8 door and you are going to push a lot of the recreational
9 anglers who are saying, well, it ain't even worth owning a
10 boat no more to go fishing because you can't catch anything in
11 Maryland.

12 And I am hearing that already, a lot. And I just
13 think that maybe we should do a little more research on what
14 is hopping at these fish, where they are in the lower bay,
15 before we jump the gun and start saying we are going to keep
16 locking down and locking down Maryland because everything is
17 coming from the south up here.

18 So we are right at that limitation line anyhow
19 because just like Bill was saying about the salinity level,
20 you know. So it is going to stay on the lower bay. And like
21 he was saying, he is not going to see it up here if he is
22 fishing the northern part. And I fish kind of both and I have
23 even seen, like I said, --- I caught red drum up here this
24 year. And that is unusual.

25 So I don't really think it is as bad as you really

1 think it is yet but I would like to see some more research on
2 it personally.

3 MR. SIKORSKI: I will tell you that I don't think it
4 is bad. That is not the point here. I think it is good. I
5 think it is going in a better direction. What I am saying is
6 our regulations, as they stand today, will allow it to go bad
7 pretty quickly.

8 And then it may not be from the recreational
9 influence, but having an unbridled commercial fishery could
10 make it go bad very quickly. And that is my concern. Not
11 that it is bad. I know that there are a lot of fish out there
12 and I know they are on the way up. I want to protect them
13 because a lot of Maryland's fisheries, a lot of our
14 conversations, continue to be about what is going wrong with
15 the downward trend of fisheries, holding back the reins.

16 This one is one where if we protect it, we could
17 just go wide open.

18 MR. WOMMACK: And I don't argue against you 100
19 percent but I think both sides got to be on the same page when
20 they play this game in Virginia and Maryland because it is
21 so -- you know, you are sharing the same body of water. So I
22 mean what is good for them should be good for us.

23 And if it is bad for us then it should be bad for
24 them as well but I can't see just putting handcuffs so much on
25 Maryland and letting Virginia just have a -- I think it is

1 going to take a lot of business away. But I mean, everybody
2 has got their opinion.

3 MR. SIKORSKI: I am not recommending that we do
4 anything commercially any more --

5 MR. WOMMACK: No, I am just saying sport wise. If
6 we keep bringing our creel limit lower and our size limit
7 higher, most people are going to go where they get the best
8 bang for going fishing. I mean it is getting very expensive
9 just to go fishing today, and you are going to push them
10 further into Virginia where they get the best bang for their
11 buck I think personally.

12 MR. GRACIE: Dave, I read your e-mail and I guess my
13 concern is I am not sure there is any science behind what you
14 are recommending, and that bothers me a little bit.

15 MR. JETTON: I will say one more thing and then I am
16 done. How about that? Let's just say we all had a kumbaya
17 moment and decided that we are going to do this. No matter
18 what we did, it would be, it would be four months to a
19 regulatory process, so there is not a mad rush to do this.

20 I would like to see the scoping process go forward.
21 I am with him. I would like -- you know the reality of the
22 situation for me is the fact that people are, like he said,
23 are talking about other states where they can do things that
24 they can't do in Maryland. And I do get some of that. I
25 don't see the initial rush to do it. I see the concern.

1 MR. GRACIE: There is a pretty good fall season down
2 there too, Greg.

3 MR. JETTON: And I understand that too.

4 MR. SIKORSKI: I would again say the only rush -- it
5 is not a matter of rush. It is just a matter of taking
6 advantage of what we have and the increase we have and we have
7 been blessed with, to not squander it. That is it. It is not
8 a rush. If it were a rush, I would have pushed for it to be
9 already done.

10 MR. GRACIE: Any more discussion from the commission
11 on the motion?

12 (No response)

13 MR. GRACIE: Any noncommissioners want to speak to
14 the motion?

15 (No response)

16 MR. GRACIE: I will call the question then. Those
17 in favor of the motion, raise your hand.

18 (Show of hands)

19 MR. GRACIE: Opposed?

20 (Show of hands)

21 MR. GRACIE: Were there abstentions?

22 (Show of hands)

23 MR. GRACIE: Okay, two abstentions.

24 MR. O'BRIEN: Out of respect I am abstaining.

25 MR. SIKORSKI: I appreciate that.

1 MR. O'CONNELL: Motion carries: Six for, three
2 against, three abstentions. Just to clarify the process going
3 forward, as part of the iterative review process we have this
4 item on the agenda for the Tidal Fish Advisory Commission.

5 We will update them as to the motion approved here
6 today. Get their feedback and then we will finalize the
7 review. It will come to my attention to make a decision as to
8 whether or not we take this out for public scoping. If we do,
9 we will then come back to the commissions to let you know what
10 we heard from the public before we would consider advancing
11 regulations and go down that path.

12 MR. GRACIE: Okay.

13 MR. SIKORSKI: Before we move on I would also like
14 to make another motion.

15 ***MOTION***

16 MR. SIKORSKI: For the department to pursue an
17 economic study or economic impact study in order to properly
18 allocate this fishery moving forward, the speckled spotted sea
19 trout.

20 MR. GRACIE: Let me know when you got the motion.

21 MR. O'CONNELL: Motion to pursue an economic study
22 to determine how best to allocate this resource going forward.

23 MR. SIKORSKI: Yes, sir.

24 MR. GRACIE: Is there a second?

25 MR. LYNCH: Could I ask a question about that or do

1 you need a second for --

2 MR. GRACIE: We need a second before we discuss it.

3 MR. LYNCH: Okay, I will second it so we can discuss
4 it. Tom could you comment on how Dave's second motion and the
5 first motion tie in? Or if they tie in?

6 MR. O'CONNELL: What I sense is that Dave's motion
7 is not requesting an allocation change but to implement a more
8 conservative management framework that will hopefully provide
9 benefits to the stock and fishery.

10 MR. SIKORSKI: That is correct.

11 MR. O'CONNELL: There has been some -- CCA's letter
12 and some of guys' letters have suggested that there could be a
13 substantial socio-economic benefit, if this fishery rebounded,
14 for sport fishermen and guides, particularly in the lower
15 eastern shore.

16 And it would be worth conducting a study, perhaps
17 through our economists or the university of Maryland, to get
18 more information on the socio-economics pertaining to spotted
19 se trout. We could look at what is going on in the south
20 Atlantic. We could survey some of our guys so that when we
21 came back and looked at allocation we may be able to better
22 assess utilization of this resource.

23 And one of the FMP goals is to manage this resource
24 to optimize the benefits to the state of Maryland.

25 MR. LYNCH: And do you see those two moves,

1 | activities, being one contingent on the other or operating
2 | independent?

3 | MR. O'CONNELL: Independent.

4 | MR. SIKORSKI: My point on allocation as it
5 | currently stands is I would argue we don't have allocation.
6 | We have a fishery with no quotas and no limits on the
7 | commercial side and simply a daily creel and size limit on the
8 | recreational side. We do have historical activity and data
9 | but --

10 | MR. O'CONNELL: We don't have an explicit allocation
11 | but we have an allocation based upon --- framework.

12 | MR. SIKORSKI: Right.

13 | MR. GRACIE: Any discussion on the motion?

14 | MS. STEVENSON: I have one question. If there is a
15 | study, I don't have a sense of the impact that is going to
16 | prove from short staff already off of some other project and I
17 | wanted to ask Tom if that is going to be a substantial effort
18 | or an insubstantial effort or if it is going to impact other
19 | things you are doing.

20 | MR. O'CONNELL: I don't have an answer. It will be
21 | an additional resource and we are still facing about an
22 | \$800,000 budget deficit for FY14. But we do have a great
23 | partnership with the University of Maryland through our
24 | economist Jorge Holzer.

25 | And there may be some opportunities to work with

1 | some graduate students to explore this further, take advantage
2 | of some of the research that I expect is going on in North
3 | Carolina as they face game fish bills for spotted sea trout.
4 | And try to pull together through a literature search. But we
5 | would have to talk to our economist and the University of
6 | Maryland to get a better sense of what resources would be
7 | needed. But it would be more than we have right now.

8 | MR. GRACIE: Any other discussion on the motion?

9 | (No response)

10 | MR. GRACIE: Any comments from the public on the
11 | motion?

12 | (No response)

13 | MR. GRACIE: Call the question then. All in favor
14 | say aye -- or raise your hand, excuse me.

15 | (Show of hands)

16 | MR. GRACIE: Opposed? Any abstentions?

17 | MR. O'CONNELL: Motion carries.

18 | MR. GRACIE: Okay. Where are we on the agenda. Yes
19 | we are finished with everything in that. Okay, ASMFC report,
20 | Tom.

21 | ***ASMFC Update***

22 | ***by Tom O'Connell, Director, MDNR Fisheries Service***

23 | MR. O'CONNELL: So the spring meeting --

24 | MR. GRACIE: Just to let everybody know, we are
25 | running about 40 minutes behind.

1 MR. O'CONNELL: We will catch you up a little bit
2 here hopefully. ASMFC spring meeting is next week in
3 Alexandria, Virginia. Just to highlight a few of the more
4 important board meetings: American eel. There is a draft
5 amendment three for final approval in response to a depleted
6 status of American eel. So the board will be looking to take
7 action.

8 There are many options related to commercial fishing
9 from quotas to gear mesh size restrictions to glass eels,
10 yellow eels, silver eels. There are recreational rules
11 reducing the daily limit from 50 to 25 per day. We already
12 have that in Maryland.

13 But this potentially will have a substantial impact
14 on at least Maryland's commercial fishery if reductions are
15 approved. Atlantic Menhaden: The board will be reviewing and
16 taking action on the state implementation plans to implement
17 amendment two that was passed in December for states to
18 achieve a 20 percent reduction.

19 Our plan is available on our Website if you haven't
20 looked at it and you are interested. Tautog: We have a
21 recreational fishery proposal for Maryland that we are going
22 to put forth that Mike Luisi is going to cover in the next
23 agenda topic.

24 And for the south Atlantic state the Federal
25 Fisheries Management Board, the board is considering a new

1 fisheries management plan for black drum. Its objective are
2 to establish consistent management strategies and throughout
3 the mid-Atlantic through the south Atlantic, look at
4 protecting juveniles, some monitoring requirements to collect
5 more data to support a coastwide stock assessment. And to
6 develop a framework for management to assess future
7 challenges.

8 The recreational and commercial options in that plan
9 range from minimum size limits to slot size limits to
10 allowance of a trophy fish to vessel limits and bag limits,
11 limited entry for commercial.

12 Right now it also has diminimus status, and that is
13 for states to have a very small fishery. And if they qualify
14 for diminimus they are exempt from these types of
15 restrictions. And based upon the options for diminimus,
16 Maryland would be a diminimus state.

17 So it would not have to abide by the harvest rules
18 that are approved under the plan if it is adopted. So if you
19 want to look at more information on that, it is on the
20 commission's Website. And that is it, Jim.

21 MR. GRACIE: Thank you. Oh, it is Mike, Mike Luisi.

22 ***Estuarine and Marine Update***

23 ***by Mile Luisi, MDNR Fisheries Service***

24 MR. LUISI: I have a presentation. Give Marty just
25 a second. I am Mike Luisi, director of our estuarine and

1 marine fisheries division. And on the agenda there are a
2 couple topics that I am going to cover with you.

3 Tom just mentioned -- I am going to go over, I have
4 got just an update on our Tautog management. I will talk to
5 you about -- you know what I will do? If we can skip around
6 Mr. Chairman, on the agenda, I can discuss something that is
7 not on the presentation while Marty is getting it up.

8 ***Pound Net Reporting Requirements***

9 As you all know, we have been moving forward with
10 establishing new regulations for reporting requirements for
11 pound nets. Those requirements became effective back in the
12 middle of April, and what those requirements did was -- we now
13 must receive notification within seven days prior to the
14 setting of any pound net, and seven days prior to the removal
15 of any pound net from the bay.

16 So when those regulations became effective, we
17 contacted all of the registered pound net site holders in the
18 state and provided them with a list of all of their pound nets
19 that they have on file with us.

20 And asked that they return that file or return that
21 form indicating to use which nets they have already set and
22 the approximate date for which they set those nets.

23 And what we asked them to do was to take a second
24 copy of that form and send that back to us anytime they are
25 going to set a new net for the remainder of the year. So I

1 spoke with Matt Lawrence, who is in charge of those data, and
2 he said the forms are coming in faster than we are able to
3 process them.

4 He has probably received maybe 70 different forms
5 back from the fishermen indicating whether -- I can't give you
6 any data right now as to how many nets have been set. We have
7 been dealing with a lot of other issues in Matt's shop. But
8 we are receiving the data. We will have it for you at some
9 point soon and we will be able to report on that I would
10 expect sometime at our next meeting.

11 We will give you a better indication of how many
12 nets have been set throughout the course of the spring into
13 the summer given that new information.

14 MR. GRACIE: Do the forms tell you where the nets
15 are set?

16 MR. LUISI: The forms are specific to the actual
17 lat-long locations for each of the sites.

18 MR. GRACIE: You want to keep going?

19 MR. LUISI: I can keep going certainly. Marty, if
20 you could bring up the presentation. Tom mentioned that we
21 are -- we are working on possible regulatory action for Tautog
22 management, and I will just briefly describe where we are
23 here.

24 ***Tautog Management***

25 MR. LUISI: Back in 2012 we had to take a

1 significant reduction in the coastwide harvest on Tautog,
2 about 39 percent. So what we did in Maryland was we increased
3 our size limit from 14 to 16 inches. And since 2012 -- so if
4 it is 2012, we are not into 2013.

5 What we have been hearing from our stakeholders on
6 the coast is that although there was a reduction that was
7 needed and we did take the two-inch size limit increase, that
8 this is really playing a big factor in what they are catching
9 and what they are able to keep. So although a reduction was
10 needed, this is over and beyond any reduction that the
11 Atlantic states commission was asking us to take.

12 So they are telling us it isn't working and they
13 wanted us to go back and review the data. So based on the
14 stakeholder input, we went back and we are looking at the
15 recreational harvest estimate data. And what it is showing is
16 instead of a 39 percent reduction, it is looking like we are
17 about 82 percent as far as a reduction from the time period
18 for which the landings are being compared to, which is a 2008
19 and 2009 average harvest.

20 So the steps we took seem to be -- they are showing
21 that there is an impact to the fishermen, a little more so
22 than what we intended.

23 So what we have done is we have prepared a proposal
24 based on this work and sent it off to the technical committee,
25 the Tautog technical committee of the Atlantic states

1 | commission, asking them to review an analysis that would allow
2 | us to make an adjustment between addendums.

3 | Typically this isn't the case of how things work.
4 | Normally the addendum process through an assessment requires
5 | the entire coast to all work together to take a certain level
6 | of reduction. Well, we are going to, based on what we have
7 | heard, we are going to take this step, and we have proposed to
8 | the technical committee another plan.

9 | Now the plan uses all the same methods that we used
10 | before to try to figure out how we get a 39 percent reduction
11 | but it is new information now. It is new effort information.
12 | It is new harvest estimate information, and what we are going
13 | back to them with is a recommendation to reduce the minimum
14 | size from 16 to 15 inches.

15 | We are saying to the technical committee that this
16 | is going to be a little closer to what we were supposed to
17 | have done the first time, and we are asking them to give us
18 | some feedback or give the board feedback as to whether or not
19 | this has technical -- any technical concerns associated with
20 | it.

21 | Now the technical committee met. They were unable
22 | to reach a decision. There were e-mails all of last week that
23 | went back and forth between the committee members.

24 | And I just was -- Alexi Sharov, who works on this
25 | committee, reported to me this morning that they are having

1 have. We went up two inches, and Tautog don't grow very
2 quickly. So we have protected this group of fish for the last
3 year, year and a half, let's say. And if we were to go back,
4 we may see a much larger spike in landings because they may be
5 staging there right at 16 inches.

6 So there is a concern, and you are correct. I mean,
7 we may need to give it more time to see whether or not another
8 year or two still show reduced landings. And then we could
9 move forward then.

10 MR. GOLDSBOROUGH: As a follow-up to that, related,
11 as I recall from the Tautog board, there was -- I may be
12 getting this not quite right, but sort of an orientation
13 toward, at some point in the future, a 16-inch minimum size
14 coastwide from the standpoint of reproductive potential. Am I
15 wrong about that?

16 MR. LUISI: You are on the board.

17 MR. GOLDSBOROUGH: Well, then this is from ASMFC.

18 MR. LUISI: I haven't sat through a Tautog board
19 meeting in a while. It sounds right.

20 MR. GOLDSBOROUGH: Okay. I am just wondering about
21 maturing then, maturity schedules for length. Is there any
22 comment on that between 14 and 16?

23 MR. LUISI: I don't have any comment, no. Sorry.

24 MR. GRACIE: Wouldn't you expect that -- does this
25 go before scientific and technical committee?

1 MR. LUISI: That is who is reviewing it our proposal
2 right now.

3 MR. GRACIE: Wouldn't you expect them to come to the
4 same conclusion that maybe this is too quick and these fish
5 are growing slower than --

6 MR. LUISI: I think they are coming to that
7 conclusion but it is -- there are some, I can't speak for the
8 technical committee but I --

9 MR. GRACIE: They don't get the same pressure you
10 guys do from the fishermen.

11 MR. LUISI: They are looking at it strictly from a
12 technical standpoint.

13 MR. GRACIE: Any other comments or questions?

14 (No response)

15 MR. GRACIE: Go ahead.

16 ***Shark Catch Cards***

17 MR. LUISI: Moving on. Another recreational issue,
18 a coastal issue deals with the expansion -- currently we have
19 a billfish and tuna tagging program on the coast, and we are
20 in the process of expanding that to include coastal shark
21 landings as well.

22 There is a need for biological data for stock
23 assessments, and also, just like the billfish and tuna
24 landings data that we have received through the catch card
25 program, these data will be used to validate the MRIP and the

1 LPS harvest estimates on the coastal shark species.

2 Regulations proposed will be effective the end of
3 May, and there has been a tuna and billfish tagging program
4 for, I would like to say it is probably about 10 years now.
5 So we are going to work to just expand this effort. So
6 anglers are already used to the idea of coming in with tuna
7 and coming in with billfish and having to go and get a tag and
8 fill out biological information on these cards.

9 So we are going to be working to outreach and to,
10 you know, get out to the tackle shops, speak to the anglers
11 down there to see if they will get on board with participating
12 with the sharks as well. So it is just another thing that
13 will help us assess these populations.

14 *Questions and Answers*

15 MR. GRACIE: Dave?

16 MR. SIKORSKI: Is it that -- blue fin are required
17 to be tagged but not yellow fin. Is that because of the
18 population situations, would you say?

19 MR. LUISI: Right, it is only blue fin. It is what
20 we were asked by Natural Marine Fisheries Service to focus on,
21 and now they are saying, you know, you guys have this system.
22 We are one of the only states that has a catch card system
23 like this, but they are asking us to help get information for
24 them, and sharks need it more badly --

25 MR. SIKORSKI: Absolutely.

1 MR. GRACIE: Any other -- Ray?

2 DR. MORGAN: Do you have any way of assisting the
3 fishermen with identification of the sharks? I mean, you are
4 going to say I caught a shark. But are you going to have the
5 captains or someone there to help identify them? You know,
6 because we have a variety of species along the coast.

7 MR. LUISI: Shark identification is one of the
8 difficult things with any of this because there are so many
9 sharks that -- and I don't worry as much about the
10 professional captain. I worry a little bit more about the
11 average recreational angler, and that is all a part of what we
12 are planning to work with on outreach.

13 There are materials available that we have, that we
14 have available now, that deal with the species that we have
15 the most -- that are most common in Maryland. So, you know,
16 we need to work with Karen and Marty and get the word out to
17 anglers when these regulations become effective.

18 MR. GRACIE: I have a question. Mike, how will you
19 test the accuracy of the identifications you are getting? I
20 mean, will there be any way to evaluate that?

21 MR. LUISI: We are not going to validate any of
22 that. Unless --

23 MR. GRACIE: Just going to assume it is correct.

24 MR. LUISI: We are going to have to assume it is
25 correct. We don't have staff enough to do that. You know,

1 part of this is going to be validating what comes from the
2 MRIP and the large pelagic survey data.

3 So if the large pelagic survey data are seeing, you
4 know, a large number of species that are being misidentified
5 on the catch card, it may be an indication, I think they are
6 going to use a lot of it to just kind of compare between the
7 two systems just to see if the frequency of catch is close,
8 similar.

9 MR. SIKORSKI: Well, a lot of different shark
10 species may be caught. I think the main two at least slightly
11 off-shore category are threshers and mako that are kept.
12 Generally those aren't. Their tail quality is not quite as
13 good but that is not to say they wouldn't be caught and maybe
14 possibly kept because they can legally --

15 I think it will be a small percentage of sharks that
16 may be misidentified.

17 MR. LUISI: Hopefully.

18 MR. GRACIE: Val.

19 MR. LYNCH: Mike, have you had any interaction with
20 the shark tournament promoters regarding these regulations and
21 the reporting?

22 MR. LUISI: Personally I have not. My program
23 director for the coastal program, Carrie Kennedy, has likely
24 been in touch with them. We have always participated in the
25 shark tournaments and, you know, the events down there so I

1 | would expect she has but I can follow up.

2 | MR. LYNCH: Quite frankly I was not aware of this.
3 | I guess I should have been, but this didn't come on my screen
4 | and I haven't heard any conversation regarding it. But we
5 | have some shark tournaments coming up very quickly on the
6 | coast.

7 | And I would also look at south Jersey because they
8 | have a very participation rate shark tournament that fishes in
9 | Maryland.

10 | MR. : And Indian River and Lewes.

11 | MR. GRACIE: Any other comments or questions?

12 | (No response)

13 | MR. GRACIE: You got one other item, Mike?

14 | MR. LUISI: One other item.

15 | MR. GRACIE: Accountability?

16 | MR. LUISI: Accountability.

17 | MR. GRACIE: Okay.

18 | ***Mid-Atlantic Council Omnibus Amendment on Recreational Accountability***

19 | MR. LUISI: These are a couple slides. I will try
20 | to be as quick as I can with this.

21 | (Slide)

22 | MR. LUISI: I thought it was important that this
23 | commission understand that there is a, there is an omnibus
24 | amendment that deals with bluefish, summer flounder, black sea
25 | bass, it also includes mackerel and scup as part of the plan.

1 And it is dealing with recreational accountability
2 measures. At the last reauthorization of Magnuson,
3 accountability measures as part of a recreational fishery were
4 something that need to be incorporated into all council
5 management plans.

6 And so for a few years it was worked on and right
7 now there are -- accountability measures are in the form of
8 paybacks. So any time a recreational fishery exceed its
9 harvest limits, that fishery needs to be paid back in an
10 one-to-one ratio with the amount of overage for the following
11 year. And that is just the way that the accountability works.

12 And if you guys remember just last year, it has
13 happened twice over the last few years. The black sea bass
14 fishery estimates that have come out of the recreational
15 harvest for black sea bass on the coast have been incredibly
16 large compared to the harvest limit.

17 And due to the new omnibus amendment -- not this
18 omnibus amendment but the previous omnibus amendment that
19 incorporated the accountability measures into all those
20 plans -- there will be a very large knee-jerk reaction to that
21 harvest estimate from 2012 that could have devastating impacts
22 to the black sea bass fishery along the Atlantic coast in 2014
23 due to the size of the overage.

24 So the overage in 2012 is almost as large or if not
25 larger than the 2014 quota, which means that if the same

1 accountability measures hold, they will just -- there won't be
2 a fishery. There won't be anything at all. It will just be,
3 the whole year will go by without there being a black sea bass
4 fishery in federal waters.

5 And now in federal waters is where our black sea
6 bass fishery is prosecuted. So over the course of the last
7 year or so we have been working closely at the council to
8 initiate and get some ideas out there about how we can
9 reconsider our accountability measures on these plans to
10 lessen the impacts of these knee-jerk types of reactions. So,
11 Marty, if you can hit the --

12 (Slide)

13 Typically what happens is, and there is -- okay,
14 the red line at the bottom there, that is the recreational
15 harvest limit. And the black line above it is the
16 recreational landings. So that area where I circled there,
17 what would happen on an annual basis would be that because
18 those recreational, because the harvest limit was exceeded by
19 the recreational estimate, something happens.

20 There is a knee-jerk reaction on an annual basis to
21 make up, to account for that overage and do something in order
22 to change management to deal with that overage.

23 So that is how the current management design works,
24 and as you all know, there is a lot of variation in the
25 estimates that come out of the MRIP program or the MRFSS

1 program that you all are familiar with. That is okay, Marty.
2 You can hit it.

3 (Slide)

4 So this amendment kind of looks at recreational
5 management with a new philosophy, okay. There are -- if I
6 could spend an hour going through this entire amendment with
7 you, but that is not necessary at this point. What I wanted
8 to do is focus on a couple of the ideas that are new to the
9 philosophy for accountability.

10 So within the plan there are a number of different
11 proactive measures to take before and during the season. One
12 of them is how do you set the limits. How do you set your
13 limits on working with the scientific committees and the
14 advisors to set appropriate limits.

15 (Slide)

16 Other proactive measures involve the authority that
17 the National Marine Fisheries Service has to close the
18 fisheries. One of the options in this plan is to eliminate
19 their closure authority. So basically what would happen is a
20 fishery would be established; the season, size limit and creel
21 limit would be set; and it would run its course.

22 And you deal with it through management measures and
23 accountability of what happened after the fact. But those are
24 detailed in the document and I would be happy, if anyone is
25 interested, if you want to give me a call, we can talk through

1 it.

2 I thought a few of the reactive measures were things
3 that you would be more interested in and so the way this
4 document is outlined is for the reactive measures there are
5 these mechanisms that we refer to as triggers. So in order
6 for management action to happen, a certain trigger has to be
7 set off. And until that trigger is set off, there is no
8 change in management.

9 So the current way we look at it is when the
10 recreational harvest estimate exceeds the limit, that is the
11 trigger and something happens. And that recreational harvest
12 estimate is based on -- my hands are shaking a little
13 bit -- the blue line here would be the point estimate in any
14 given year for how we react to the estimate.

15 One of the triggers that is being discussed in this
16 amendment, which is a new way of thinking about it and looking
17 at it, is taking into consideration the confidence interval or
18 the variation around that estimate. So for every point
19 estimate you say have landed 1 million pounds of fish, there
20 is variation based on the statistics in formulating, in coming
21 up with that point estimate that provides a variance around
22 that estimate.

23 (Slide)

24 So one of the ways that we could start thinking
25 about this would be to include the upper and the lower

1 confidence interval as a management trigger. What the
2 amendment is saying is unless both the point estimate and the
3 lowest interval, confidence interval, is above the target,
4 there would be no management response.

5 (Slide)

6 So for this case here, in the year two, there would
7 have been a management response because the point estimate and
8 the lowest confidence interval is above the threshold or the
9 target. In years three, four and five, even though year four,
10 the point estimate was above the line, the variance around
11 that point estimate includes the line and what that is saying
12 is that there is just as much chance that point estimate was
13 down here as it was up here.

14 So let's not have any change. Let's not have any
15 response. One of the problems with something like this is
16 that for certain species where the estimate, the landings are
17 very close to and around the target, you end up with a
18 situation where you are probably doing more of the right
19 thing. Or you are able to use this method to keep from having
20 knee-jerk reactions.

21 In a situation like black sea bass, where you have
22 peaks and valleys, very highs and very lows, you don't have
23 any point along here where -- you are either all above or all
24 below, you know, based on where the point estimate is and the
25 confidence interval.

1 So we are talking about whether or not this would be
2 something that would be, that could work for all the species
3 in this plan, and thought it was an interesting point to make
4 you aware of.

5 (Slide)

6 Another trigger condition would be looking at having
7 to have multiple point estimate overages over the course of a
8 few years before anything were to happen. So that any one
9 single estimate that is over the limit wouldn't cause any
10 reactions.

11 Both of these trigger conditions are being proposed
12 to try to provide for a more long-term recreational plan that
13 doesn't bounce back and forth with changing seasons and size
14 limits and creel limits all due to one estimate that comes out
15 of the MRIP program.

16 So we will be talking about this more over the next
17 few weeks leading up to the next council meeting.

18 (Slide)

19 The management response is the last part of this
20 plan. So basically the response of management is what happens
21 when a trigger gets set. When a trigger gets set off, what
22 response do managers take? So in an attempt -- It is about 18
23 pages long, this part of it, with about 1,000 graphs in the
24 plan that are being considered but I have tried to boil it
25 down to just a graph, just a simple idea.

1 (Slide)

2 So what -- let me just say, the management reaction
3 now, like I mentioned earlier, is that no matter what happens,
4 if the harvest estimate is above the threshold level, there is
5 a payback, one-to-one payback. And a payback is considered
6 pretty drastic as far as impacts to next year's fishery.

7 So if this was a status quo graph, what this whole
8 thing would be is it would be all red, and it would just say
9 paybacks across the center. It wouldn't take into
10 consideration at all the stock health or the amount of overage
11 above that threshold.

12 So this is basically the second way of -- this is
13 another option. What it does is it provides for a gradient of
14 reaction, such that if the stock is completely healthy. There
15 is nothing wrong with the biomass of the stock. And even if
16 the overage level -- even if there is an overage, but it is
17 minimal -- then nothing happens. There is no management
18 reaction to that.

19 As the stock declines in health, and as the overage
20 level becomes so great that you have exceeded your
21 overfishing limit, okay, you get to the point where not only
22 do you do seasons, size limit and creel limit changes, but you
23 also incorporate paybacks as part of that.

24 (Slide)

25 So the way the plan works is one of the options, 4A,

1 | this is a conservative approach because once you get out of
2 | the no-action zone, okay, even when the stock is relatively
3 | healthy and the overage is not very large, you are still
4 | having season, size limit, creel limit and paybacks involved
5 | with the management response.

6 | As you move to the more liberal or less conservative
7 | parts of the plan, and I couldn't change the colors here very
8 | well, but you will see that no action is taken until you get
9 | to the point where the health of the stock is very low and the
10 | overage level is very high. And then something happens.

11 | So as a response to the changes in the -- this all
12 | stemmed from the black sea fishery over the last few years and
13 | the overages that have put people out of business, the council
14 | is taking action to consider alternative ways of looking at
15 | this in the recreational fishery and all of these options are
16 | part of this omnibus amendment, which will be finalized in
17 | June at the council meeting in New Jersey.

18 | We did have a public hearing here two weeks ago on
19 | the coast, and I have yet to get the information from that
20 | hearing. I wasn't able to attend but another council member
21 | from Maryland, Howard King, our previous director, was able to
22 | go. So with that -- those are all the slides I have. I would
23 | be happy to answer any questions.

24 | MR. GRACIE: I am going to try to cut the questions
25 | short. We have got about 20 minutes to finish an hour's worth

1 of work. If you have questions, please get to Mike separately
2 from this. Tom, you are next on the budget.

3 ***Commission Requested Discussions***

4 ***Status of the Reformatted Fisheries Service Budget***

5 MR. O'CONNELL: So it was requested that we provide
6 an update on the status of our reformatting the fisheries
7 service budget, a subject of conversation for at least the
8 last couple years.

9 We have completed what we mentioned that we were
10 going to do, which was to realign our budget with our
11 organization as we had reorganized a couple years ago. That
12 was complete last summer as we prepared the 2013 budget.

13 That allowed us to do a comprehensive cost recovery
14 analysis. And if you recall through those meetings last fall,
15 we were able to get very specific through the level 3 programs
16 to explore the different implications of the budget reduction
17 we are facing. What we continue to do is fine-tune the budget
18 as our funding source levels change.

19 For example, our general funds have dropped. We are
20 seeing an increase, we expect to see an increase, with the new
21 commercial license fee increase. That is going to bring in
22 more special funds. That will allow us to move some general
23 funds that were in the commercial fishery sector out and
24 replace them with the increased special funds.

25 And projects like the community-type projects, like

1 environmental review and water quality and monitoring, which
2 we were using our special-fund reserve, those general funds
3 now can come over and support those types of things.

4 So we continue to refinalize as our funding levels
5 change, and we are getting in a better situation to provide
6 the level of details that I know our stakeholders and the
7 commissioners want. We also, since our last meeting,
8 have -- I think it was since our last meeting -- brought on
9 Carl Simon, our new fiscal manager, who replaced George ---
10 who was with the department for 30-some years.

11 It was a very -- a position that had big shoes to
12 fill, and we were very fortunate that Carl Simon came from the
13 department of budget and management. He had the oversight and
14 review in the department's budget, and he is very familiar.
15 He has a very good relationship with the leadership here as
16 well as the fiscal team.

17 And that is working out really well. He is trying
18 to find time, working with the staff, to develop management
19 budget tools for the staff to be able to manage their budgets
20 at a finer level of detail. And so we are continuing to, you
21 know, it is kind of a step-wise approach to getting to the end
22 point that we all want to achieve.

23 So that is pretty much it on the budget, and we will
24 be having our next budget report, I guess it is October of
25 2014, share with you.

1 MR. GRACIE: Any questions or comments?

2 (No response)

3 MR. GRACIE: Feedback on yellow perch. Is somebody
4 handling that?

5 ***Feedback on the Yellow Perch Season***

6 MR. SIKSORSKI: It seems that the, if I am not
7 mistaken, the commercial quota was not met this year and the
8 recreational fishery seemed to be slightly down from what it
9 has been in the last couple years. And just wanted some
10 feedback from department as to whether or not they had any
11 kind of ideas as to why that occurred? I have heard some
12 things anecdotally but --

13 MR. O'CONNELL: I know we spoke to someone among
14 CCA. So we talked to our biologist Paul Piavis regarding
15 yellow perch and, you know, what anglers are observing this
16 year, which seems to be a reduced availability of yellow
17 perch, is what the biologists were forecasting for the last
18 several years.

19 We came off of some years of very high recruitment
20 and the fishery was outstanding. And following that, that
21 population got fished down. We entered a period for which we
22 had a few years of low recruitment. That is what we are
23 fishing on now so there is reduced availability. But we do
24 have a couple of above-average year classes that should be
25 entering the fishery again next year.

1 We have a very conservative management framework.
2 We are not exceeding the harvest targets set and we are
3 continuing to stay above the biomass targets. In regard to
4 the commercial fishery, it got off to a very slow start likely
5 because of the cold weather this winter. We did allow it to
6 go a few more days.

7 They didn't catch their quota but given another day
8 or two they probably would have. They started hitting that
9 spawning run and the daily catch really started to escalate.
10 So I think within a couple more days they would have been able
11 to catch it. But recreational anglers we are hearing, you
12 know, lower abundance. It is kind of what we expected, and we
13 hope that the next couple of years we will start seeing some
14 increase again.

15 MR. SIKORSKI: Thank you.

16 MR. GRACIE: Good. Bill, are you giving us feedback
17 on the --

18 MR. GOLDSBOROUGH: Yes, I guess I am with the -- I
19 wasn't sure if Erik Zlokovitz was going to be here for MARI or
20 not.

21 ***CBF/MARI Placement of Reef Balls at Bill Burton Pier***

22 MR. GOLDSBOROUGH: Just really this is pretty
23 straightforward. CBF has, as I think you all know from
24 previous presentations, produces about 250 concrete reef balls
25 a year. And MSSA has produced about another 60 or so on

1 average. And we take all 300 of them and set oysters on them
2 and place them at different places that I have brought before
3 you before.

4 In recent years, most have been at the Cook's Point
5 sanctuary in the lower Choptank, and under the guise of or the
6 umbrella of the artificial reef initiative, MARI. And so we
7 are continuing working with MARI this year, proposing to
8 continue but shift up river to a site that has already been
9 permitted for artificial reefs alongside the Bill Burton
10 Fishing Pier.

11 (Web shot of site)

12 And that is actually between the pier and the bridge
13 there on either side of the channel, as being indicated there.
14 And precisely where, I can't tell you right now because we are
15 still checking that out. The bay bottom survey suggests the
16 southern zone to be harder bottom. But the idea is to provide
17 fish habitat basically.

18 And fish habitat that is accessible to the fishing
19 public from that pier, and this is consistent with a similar
20 approach we took at the fishing pier at the Old Severn River
21 Bridge, Jonas Green Park across the river from Annapolis
22 where -- we didn't put reef balls there but concrete from the
23 bridge had been put there in the past and we had been planting
24 spat on shell there for a few years. And some signage.

25 And it has been much supported by the fishermen who

1 use the pier. So I just wanted to let you all know and see if
2 anybody had any questions about that or things they wanted to
3 bring up. But that is what we are proposing for this year.

4 MR. O'CONNELL: Well, just one other addition,
5 Mr. Chairman. Erik Zlokovitz had a presentation with an MSSA
6 chapter or else he would have been here but I think the one
7 thing Eric would add to that is I think there is an interest
8 and a potential to coordinate with the school districts, and
9 here it is unique because on one side you have Talbot County
10 and on the other side you have Dorchester County.

11 And integrate the kids into the project in terms of
12 placement, design, and also follow-up monitoring. So it is a
13 good opportunity to work with kids as well.

14 MR. GRACIE: Potomac River recreational license fee
15 discrepancy between Maryland and the Potomac River. Were you
16 bringing that up, Roger?

17 MR. TRAGESER: Yes, I was bringing that up.

18 ***Potomac River Recreational License Fee Discrepancy***

19 MR. TRAGESER: It actually came to my attention this
20 last September: The Potomac River Fishing Commission, you can
21 buy the boat decal for \$40 and your bay license or sport fish
22 license I think is \$10 down there, which is much, well, it is
23 cheaper than what Maryland charges for.

24 Our license fees went up when that was approved back
25 in '07. I didn't even realize that the Potomac River Fishing

1 Commission made those licenses available until, like I said,
2 last September when we were fishing our divisional tournament
3 up in Northeast and it came to my attention that just about
4 everybody from New Jersey had bought their license at a
5 cheaper cost than everybody else had.

6 Virginia was quite surprised too. Some of their
7 guys up there were a little set back by the fact that because
8 their regular licensing is more expensive again than the
9 Potomac River Commission.

10 So Gina had a look into it. We don't think the
11 overall license sales is that great; however, you know, people
12 may not know about it as of yet. They see something, an
13 opportunity to buy a cheaper license, there are no
14 restrictions, come out of the Potomac River and go all the way
15 up.

16 You are not restricted within the river itself. It
17 is wide open. So Tom is going to provide me with some
18 information about the sales -- not just Maryland, Virginia but
19 also other out-of-states sales and then setting, going to set
20 a meeting up hopefully in June to talk with the commission to
21 see if they would just bring their license prices in line with
22 Maryland.

23 I would hate to see a big defection, and it might be
24 limited to certain fishermen, like bass fishermen, but I don't
25 want to see a defection, Maryland license sales down there

1 | because they can get a decal \$10 cheaper or just get their
2 | individual license cheaper. And it doesn't take much for
3 | people to go get a bargain somewhere. They think it is a
4 | bargain.

5 | MR. GRACIE: Are you presenting this at one of their
6 | meetings?

7 | MR. O'CONNELL: Yes, I brought it up at the February
8 | commission meeting and asked that it be put on the agenda for
9 | June. Just in this past few days we got a license database
10 | from Potomac River. Gina and I and Donald will be sharing
11 | that with Roger, sitting down trying to assess the magnitude
12 | of the problem and come up with some solutions.

13 | And then A.C. Carpenter has invited me and Roger to
14 | come to come down and meet with him and --- and put it before
15 | the commission for some conversation in June.

16 | MR. JETTON: Can you buy that Potomac license
17 | online?

18 | MR. TRAGESER: Yes.

19 | MR. JETTON: See, I could see that being a major
20 | issue if people figure that out because you wouldn't even have
21 | to drive to get it.

22 | MS. HUNT: It is not online. You just do it through
23 | the mail.

24 | MR. JETTON: But you don't have to go down there to
25 | get it.

1 MR. TRAGESER: You do not have to go down there to
2 get it.

3 MR. JETTON: I can see that being an issue.

4 MR. GRACIE: Okay, so we are moving on that.
5 Predation of blue crabs by juvenile red drum. Was that you?
6 Who brought that up?

7 ***Predation of Blue Crabs by Juvenile Red Drum***

8 MR. SIKORSKI: You had talked about presenting MRIP
9 data with regard to red drum in Virginia versus Maryland? And
10 some more thoughts on that situation.

11 MR. O'CONNELL: So this issue came up from the blue
12 crab press release where we experienced a pretty significant
13 drop in juveniles from last year. And recognizing that we are
14 going to be faced with the questions of what happened, without
15 the ability to answer it specifically, so the press release
16 that Virginia and Maryland came up with identified several
17 factors: environmental predation, cannibalism.

18 Predation, we heard a lot of anecdotal information
19 about red drum last year so we looked at the MRIP data and we
20 saw a significant, even with the confidence intervals,
21 significant increase in red drum abundance. They have a
22 favored prey for blue crabs.

23 Not to say that they are the only reason but that
24 reference has led some of the commercial fishing industry to
25 say that we need to increase harvest levels on red drum now.

1 That is not our position. We need to kind of manage this as
2 an ecosystem and SAV was down as well, which provided
3 protection for blue crabs.

4 So I think the point was that be careful when you
5 cite these numbers because they are very uncertain. And we
6 have taken that into consideration and we will consider that
7 in the future.

8 MR. GRACIE: Bill, make it quick. I have got five
9 minutes left for public comment.

10 MR. GOLDSBOROUGH: Just a matter, hopefully a quick
11 matter of old business. At the last meeting we discussed a
12 number of pieces of pending legislation. It was in mid-
13 session, including a couple that had to do with NRP, and we
14 passed a motion on that.

15 One was -- I think there is a third year for the one
16 that would have set a minimum number of officers but without
17 providing any funding source and it has failed for a couple
18 years, I think mainly because of that.

19 And the other was something that sort of came out of
20 the blue this year that hadn't had much stakeholder
21 involvement that would have added a \$10 surcharge on both
22 commercial and recreational fishing licenses to establish a
23 special fund for NRP because we know they are way underfunded.

24 And I think the commission as a whole agreed with
25 all the concerns in both pieces of legislation and the overall

1 | problem. And recognized that those two bills provided two
2 | pieces of the puzzle that needed to be considered together.
3 | And we passed a motion recommending that there be summer study
4 | to consider both of those possible, those mechanisms. And I
5 | just wondered where that stood.

6 | MR. O'CONNELL: In regard to the summer study, there
7 | hasn't been any follow up since the end of session with the
8 | Secretary to determine if that action is warranted or not but
9 | I will be happy to bring it up and see what is our response.

10 | MR. GRACIE: But the legislature didn't pass that
11 | bill requiring summer study.

12 | MR. O'CONNELL: No.

13 | MR. GRACIE: I think that is what he --

14 | MR. O'CONNELL: Well, are you asking -- is there
15 | still an interest to do a summer study?

16 | MR. GOLDSBOROUGH: Yes. I mean the issue hasn't
17 | gone away and I think there is broad stakeholder support for
18 | solving the problem. And I don't think I can necessarily
19 | speak for the Sportsmans Foundation on this but I am quite
20 | sure that they would be willing to play a role in moving this
21 | ahead during the interval between the sessions.

22 | MR. O'CONNELL: I would be happy to go to the Office
23 | of the Secretary but I would like to know if that is the
24 | perspective from the majority of the commissioners if they
25 | think a summer study --

1 to be a spot. It could be a speckled trout, red drum, little
2 rockfish, anything.

3 Also reporting -- I would be interested to know like
4 the commercial reporting for the juvenile spot. Do they do
5 that by numbers or by pounds? Who is to say how much a little
6 spot weighs? Is it an ounce or two ounces? So if you have a
7 hundred pounds of spot, that could equate to be thousands of
8 fish. Also all the research I have done, I haven't seen any
9 indication in any of the ASMFC information regarding
10 commercial harvest or juvenile fish in Maryland.

11 I don't even know if anybody even realizes
12 commercial industry in our state. And I guess I got about 50
13 guys who agree with this. It is very divided in the state.
14 There are different user groups that don't agree with what we
15 are saying. But I think it is an important issue.

16 It has been four years or three years since anything
17 has happened and we would like to see a solution as quickly as
18 possible. Thank you.

19 MR. GRACIE: Are those just your notes or is that
20 something you want to give us?

21 MR. DANFORD: I want to give it to you and Tom.

22 MR. GRACIE: Thank you.

23 MR. RUPP: I am back. We are still talking about
24 juvenile spot.

25 MR. GRACIE: Sit down and give your name so we can

1 get you on the record.

2 MR. RUPP: Joe Rupp. I am a charter boat captain
3 from southern Maryland, Chesapeake Beach. And I am part of a
4 group that the DNR is calling concerned charter boat captains.

5 And what we are is we are the group of people who
6 are out there all the time. We spend more time in the
7 Chesapeake Bay than probably any other group -- commercial or
8 whatever. We are all in contact with each other because we
9 have cell phones, text messages, and we know what the problems
10 are. We discuss them among ourselves.

11 The real-world trigger for spot was in about 2005.
12 And we --- the 2010 meeting of this commission. It fell
13 through the cracks. We were here in February. We brought it
14 up again. And now it is May, three or four months from then.
15 We have been back and forth, back and forth. And the only
16 information we have got from the department is that the
17 trigger has not been reached. Close but not reached.

18 Wouldn't it be advisable to err on the side of
19 conservation in this issue and do something instead of waiting
20 another year or another three or four years until there are no
21 more spot? You are talking about money. Everybody is
22 worrying about how much money people are going to not make
23 about spotted trout.

24 The spot-catching industry, the head boats that fish
25 for spot from Kent Island and Deal's Island and Crisfield and

1 us, it is killing us. There are no large spot. There are no
2 large spot. I don't care what your studies say. There are
3 none.

4 And we have got a group of guys from Deal's Island,
5 a group of guys from Kent Island who are the best in the
6 business. If there are any of them around, they know how to
7 find them and they know how to catch them. And they can't.
8 There are none. Something has got to be done.

9 We feel that the main reason that there are none is
10 these spot traps. It is fueling this out-of-control
11 hook-and-line commercial fishery. Nobody is looking. It has
12 gotten to the point now where you can walk into West Marine
13 and buy a spot trap. I mean, that is just absolutely absurd.

14 I am hoping that the CCA, and the MSSA will please
15 help us with this and get on board and start doing something
16 because it is extremely frustrating. Nothing is happening.

17 In the meantime hundred of thousands of these little
18 spot are being caught and used in this commercial hook-and-
19 line fishery that is -- I am not going to go into all that
20 today, but the commercial hook-and-line fishing industry is
21 literally wiping out the resident population of striped bass.
22 They are wiping them out.

23 Something has got to be done, guys, and we thought
24 you were the people that do those things so that is why we are
25 here. Help us, please. We need help. We need your help big

1 time. That is it.

2 MR. GRACIE: Thank you, Joe. Tom O'Connell would
3 like to respond.

4 MR. O'CONNELL: For those of you who received my
5 e-mail earlier last week I think it was, I would strongly
6 encourage everyone to look at the references in that letter,
7 spend some time reading the ASMFC management framework, spend
8 some time looking at the management triggers. The life
9 history of this species.

10 We are dealing with a short-lived, very cyclic
11 species and we had a very high abundance of juvenile spot in
12 2010, which the fishery experienced. In the last couple years
13 we haven't had recruitment. So that is what the fishermen are
14 experiencing right now. It is a very low level of abundance
15 due to a couple years of poor recruitment.

16 If you look at the time series of data, it goes up
17 and down, up and down, up and down. So, you know, we have a
18 process. We have a management framework through ASMFC and
19 through our spot management plan in Maryland that went through
20 a scientific review, a public-review process. And neither
21 ASMFC nor my staff feel that we have to take a different
22 course of action right now.

23 We will be having another review this summer when
24 ASMFC reviews the management triggers. And if the triggers
25 are triggered, we will be looking at what action is needed.

1 MR. GRACIE: Any of the commissioners who go through
2 what Tom sent out and feel otherwise, please contact me and we
3 will talk about it.

4 MR. SWEET: My name is Howard Sweet. I am a charter
5 boat captain from Tilghman. Just briefly, when this problem
6 came up two years ago -- and I think, Marty, you can correct
7 me -- we left it as it stood at that time and a person setting
8 a spot pot had to have a TFL license in order to set them.
9 And they were required to, I believe, were required to fill
10 out a fish report.

11 So there should be some data if they are doing their
12 job.

13 MR. O'CONNELL: That is the information that Greg
14 asked for earlier. We do have commercial and charter boat
15 landings data on spot, and we can make that information
16 available -- we don't have it by size category but it is
17 reported as poundage. And we also have the MRIP estimates on
18 the recreational side.

19 And if you look at the landings -- you know, align
20 them one or two years past recruitment events -- they are very
21 closely aligned. You have a big recruitment event, landings
22 go up. You have a poor recruitment, landings go down. It is
23 very cyclic and they are intertwined pretty tightly. We can
24 make that information available. Just follow up with Marty.
25 We would be happy to share that with you.

1 MR. GRACIE: Can we put it on the Website?

2 MR. O'CONNELL: Sure.

3 MR. GRACIE: Put it on the Website too. Mack?

4 MR. WOMMACK: I understand what you charter boat
5 captains are going through and I will even start all the way
6 down at the Rappahannock running these spot all the way to the
7 Key Bridge when they come in. But I know everybody is talking
8 about these spot pots but what is the percentage of netting
9 that is going on off shore on these spots?

10 MR. O'CONNELL: If you go through the FMP material,
11 you will see that the biggest concern is by-catch off
12 shore in the south Atlantic, and shrimp trawls.

13 MR. WOMMACK: Because I can't see all this problem
14 just being just these spot traps alone. I think you got quite
15 a few other issues going on.

16 MR. RUPP: (away from microphone) Hundreds of
17 thousands of these fish are being caught by spot traps.
18 Hundred of thousands.

19 MR. WOMMACK: But they have been in the bay a long
20 time, and they didn't just --- show up at one time, these spot
21 traps.

22 MR. GRACIE: We are not going to keep this going
23 now. We are finished. Our next meeting is July 23, and that
24 is 3 p.m. to 6 p.m. not 2 p.m. to 5 p.m. Can I have a motion
25 to adjourn?

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MR. : So moved.
(Whereupon, the meeting adjourned at 5:10 p.m.)