

Maryland DNR
Tidal Fisheries Advisory
Commission Meeting

*Thursday,
May 16, 2013*

Held at the
Maryland Department of Natural Resources
Tawes State Office Building
C-1 Conference Room
Annapolis, Maryland

Maryland DNR
Tidal Fisheries Advisory Commission Meeting

May 16, 2013

TFAC Members Present:

Bill Rice, Chair

Mike Benjamin
Gail Sindorf
Dale Dawson
Danny Webster
Robert T. Brown
Stephen Gordon
Richard Young
Robert Gilmer
Gilbert Dean
Bill Goldsborough
Gina Hunt
Rachel Dean
Bill Sieling
Kelly Barnes
Sarah Widman
Eric Durrell
Karen Cappasola
Erik Zlokovitz
Rick Morin
Lynn Fegley
Scott Todd

TFAC Members Absent:

Tom Ireland (proxy for Brian Keehn)
Mike Benjamin
Russell Dize (proxy for Larry Simms)
Nick Powell

Maryland DNR Fisheries Service

Marty Gary
Tom O'Connell

**Maryland DNR
Sport Fish Advisory Commission Meeting**

May 16, 2013

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Keynote: "---" indicates 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

MR. RICE: It's slightly after 2:00 o'clock. I think everybody's here that's going to be here on the committee, so I'd call the meeting to order and turn it over to Marty for a minute.

MR. GARY: Thank you, Chairman Rice. Commissioners, members of the public welcome to the Spring 2013 meeting of the Tidal Fisheries Advisory Commission. This is meeting is being recorded to produce a verbatim transcript, so please silence your cell phones if you have not already.

Just as a matter of protocol so everyone understands, for commission discussion, we'd like to have full acknowledgement of the chairman before you speak and please don't cut each other off so we can -- again, the goal is to make sure we have a clear transcript that's discernible by the public for those who (buzzing sound, microphone interference) here and would like to read it.

So please, when you want to make a comment be acknowledged first by Chairman Rice, and I'll keep an eye out also to make sure he doesn't miss you.

For the public there are two opportunities to provide comment if time permits. One is, after a motion has been made but before the commission votes on it, and the other

1 time is at the end of the meeting. We have 15 minutes set
2 aside and again, that is if time permits. So those are the
3 only two times we'll allow public comments.

4 So we've asked the public to refrain from their
5 objecting or commenting out loud while the discussion is going
6 on with the commission. Part of my job is to make sure we
7 produce that good transcript and so I'll pursue that with
8 vigor to make sure that there aren't any interruptions.

9 Changes to the agenda. Everyone here with the
10 commission and the handouts, if you've gotten one from Diane
11 when you came in, we do have an adjusted agenda. We actually
12 -- there's no new information but we moved things along. The
13 Blue Crab discussion is now at the end of the meeting and
14 we've moved up the Estuarine and Marine there to 2:45. So
15 content remains the same, just the timing is different.

16 For commissioners today, we've obviously,
17 unfortunately, have lost one of our commissioners, Larry
18 Simms, so we have a vacancy there. Russell Dize is his proxy.
19 I did leave messages for Russell and I don't know if he's on
20 his way. We may or may not have him today but we did extend
21 the opportunity for Russell to proxy for Larry, who was Vice
22 Chairman.

23 Brian Keehn is not going to be here and his proxy,
24 Tom Ireland, disclosed he would also not be able to be here.
25 Other than that, we expected everybody else but we're missing

1 Bill Goldsborough and Mike Benjamin. So hopefully, we'll get
2 them before too long.

3 Then the last announcement I have on behalf of the
4 department, Commissioner Webster lost his wife and we'd like
5 to extend our condolences to him. I don't know that words can
6 really be found that can really tell us how we feel but Danny,
7 our hearts and prayers go out to you and we appreciate your
8 commitment in coming up here for this meeting. So with that,
9 Mr. Chairman, this meeting is yours.

10 MR. RICE: Thank you, Marty. I guess this is
11 somewhat of an announcement too to start things off. First,
12 I'd like to say that this group in particular is probably one
13 of the most professional groups that I've ever been associated
14 with in the past I guess almost -- yes, 40 years of dealing
15 with Fisheries Management.

16 This year has been a very tough and trying year.
17 We've dealt with cost recovery. We've dealt with new striped
18 bass issues. We've dealt with crab issues. We've dealt with
19 the menhaden issues. But yet, like the song says, here we
20 are.

21 This has never ever come up in this -- had an issue
22 in this group with anything like this but I feel I need to
23 disclose how I feel about the situation. There's been several
24 instances on other committees where most of the time it wasn't
25 the committee, and I don't know but it would be someone, let's

1 say, from the public that veered off the path and took their
2 comments from the issue we were dealing with and made it
3 personal.

4 One instance was when a striped bass ad, it was done
5 very distasteful and it gets the person nowhere except it
6 makes them look extremely bad. The staff from DNR is here to
7 help assist me run this meeting, providing me with information
8 and doing the best job that they can. At no time would I
9 tolerate any personal derogatory comments towards anybody on
10 my staff because right now, they are my staff because the
11 meeting's been turned over to me.

12 On the same token, I feel the same way about my
13 committee members. Everybody's entitled to their opinion. We
14 all have different opinions and views. That's why we're
15 sitting here, and same thing applies. Same thing applies for
16 the people from the public that take time to come to the
17 meeting and devote their time. They're entitled to their
18 views too.

19 I guess the long and the short of it is, there's
20 zero tolerance for anything that's directed to any individual
21 person at Tidal Fish as long as I'm chairman. The door says
22 enter on the backside. It's says exit on this side, and
23 that's exactly how we would use that door. Sorry about that.
24 I didn't mean to get off but it's good for y'all to know how I
25 am on certain things, and we're a very professional group and

1 I think we deserve to be treated as such. So that being said,
2 the first thing on our agenda is the DNR activity report ---.

3 MR. GARY: Actually, Mr. Chairman, Lieutenant Nick
4 Powell was unable to join us today. He had a commitment for
5 training he could not get out of and unfortunately couldn't
6 get a substitute to come in.

7 However, if y'all have had a chance to look at the
8 NRP Activity Report, what Lieutenant Powell would like is if
9 there aren't any concerns or questions, to pass them along.
10 I'll record those for him and he'll reply to all as
11 expediently as possible.

12 So I don't know if you've had a chance to look at it
13 but if you have, we'll let take a quick glance at it now,
14 please pass on any questions or concerns that you have. I'll
15 bring those to Lieutenant Powell's attention and we'll get an
16 email out to the entire commission to let him know it's been
17 addressed.

18 MR. RICE: Thank you. Everybody's been provided
19 with the information so feel free to read it over. It always
20 makes interesting reading. Next that we have on the agenda
21 would be Kelly Barnes from Seafood Marketing. Kelly, do you
22 have a report for us today, please?

23 MS. BARNES: I do.

24

25

1 *Seafood Marketing Update*

2 *by Kelly Barnes,*

3 *MD DNR Fisheries Service*

4 MS. BARNES: I think you all have this in your
5 packet so I'll just briefly go over it with you, and this is
6 just a review of what we've done these last few months since
7 the last meeting.

8 The late winter/early spring is a busy time for us.
9 We do a lot of the seafood shows and regional conferences
10 around the area. We were in Ocean City for the Ocean City
11 Hotel and Restaurant Association Show.

12 Regional chefs provide demonstrations of the various
13 Maryland Seafood items to restaurant owners and chefs from
14 Maryland, Virginia, D.C., Pennsylvania and Delaware, and
15 that's a good show. It's an industry show and a lot of the --
16 it provides a lot of exposure for some of the underutilized
17 species; dogfish, blue cat, snakehead that kind of thing.

18 Also, we did Boston again this year and the Boston
19 Seafood Show, I -- the Seafood Marketing Program has been
20 doing that for many, many years, and this year, I think Bill
21 Sieling was out here. He'd probably agree was one of the best
22 years that we've had.

23 We did a whole new booth space. It was fantastic.
24 We had what? 500 feet square -- 500 feet. We had six vendors
25 in the booth with us. A lot of exposure, 50,000 people walked

1 through those doors over the course of two and a half days.

2 We had two aquaculture companies. We had J.M.
3 Clayton and then two other seafood companies with us. Then
4 Steve went to the European Seafood Show in Brussels, Belgium,
5 which is one of the largest seafood shows in the world again
6 showcasing Maryland products over there.

7 We attended the Aquaculture Conference here in
8 Annapolis and helped coordinate that. We set up a panel
9 discussion with wholesalers and restaurant tours so they could
10 let the people know coming into the industry what exactly it
11 is that they're looking for when they're preparing their
12 product for market.

13 We are working with MPT on a three part series.
14 That will show the general public the work that goes into
15 getting fish harvested to their plate. The first episode will
16 show a lineman harvesting striped bass from a pound net, and
17 then the second show, the product being delivered and then
18 processed by a wholesaler, and then the third will feature a
19 chef preparing for dinner service.

20 Another thing that we're working on is with Oceania
21 and lately there's been a lot of talk about seafood fraud and
22 what exactly you're getting, the mislabeling. So we're
23 working with them in the Jessup markets and focusing on that.

24 So upcoming projects that we're working on, CSF,
25 Community Supportive Fishery. So Community Supportive Fishery

1 is a way for watermen to sell directly to the end-user and
2 potentially realize more profit for their catch.

3 So what we're going to do is we're going to start
4 off with a pilot project here at DNR this year, see how that
5 works out and then potentially -- it's easier to do it here,
6 just iron out the kinks and then the thought process being
7 give it to the watermen and to the communities and the
8 counties and then they could develop their own CSFs in their
9 various areas.

10 We're still continuing to work on our website. It's
11 always a work in progress, promotion of Maryland seafood
12 products at other food shows coming up, and then public
13 outreach through various social media platforms. We've got a
14 very strong presence on Facebook, Twitter and that is a huge
15 part in getting the word out there about what we're doing.

16 MR. RICE: Anybody might have questions for
17 Kelly ---?

18 *Questions and Answers*

19 MR. DEAN: I know you're going to get tired of me
20 asking the same question, and I've had pretty lengthy
21 discussions with Steve and we appreciate everything you're
22 doing. The correlation I'd like to see in some of your graphs
23 and such are -- and you've done a great job of showing how the
24 current retail price of crab meat, for example, has gone up.

25 Our industry is just as concerned about the price,

1 dockside prices, and we'd like to hopefully see a correlation
2 between the two, which to us would be a testament of how well
3 this marketing program is working.

4 MS. BARNES: Right. Absolutely.

5 MR. DEAN: So I'm -- and I've talked, like I said,
6 to Steve quite a bit about this. I'm going to keep asking
7 until we get it, and then I think he's in the process of
8 putting something together but --

9 MS. BARNES: Yes.

10 MR. DEAN: -- I know that --

11 MS. BARNES: I mean last year --

12 MR. DEAN: -- that is a big concern of ours.

13 MS. BARNES: Yes. Last year, we had just tried to
14 start
15 in-house keeping track of some numbers like from the various
16 watermen in different areas, like what they're getting say
17 proportional or whatever, and that's selling to a wholesaler
18 and then selling outright to the public.

19 So I mean it's going to vary across the board, but
20 we don't have any numbers, real numbers. We just, like I
21 said, started so we're trying to get a grasp on that, and I
22 know that you've talked to him extensively about it and I know
23 he's trying to get something for you.

24 MR. DEAN: Okay. Thank you.

25 MR. RICE: Tom?

1 MR. O'CONNELL: Just on that subject, a lot of our
2 discussions recently have focused on economics, whether it be
3 striped bass or menhaden or blue crabs and, you know, it's a
4 piece of information that we don't have very good information,
5 and I, you know, I think it'd be worth having some time over
6 the next year talking with Tidal Fish on whether or not there
7 is a way to begin collecting that information either through
8 regular reports or through some survey that will allow us to
9 look at the economics as we're looking at different management
10 strategies, and we have a pretty good economic team here in
11 Maryland leading with Doug Lipton and Jorge Holzer and I think
12 it's something that we should think about because it comes up
13 very often and that's a weak point in regards to the data that
14 we have to assess management options.

15 MR. RICE: Anybody else? If not, Kelly, thank you
16 for your report.

17 MS. SINDORF: ---.

18 MR. RICE: Sorry. Gail.

19 MS. SINDORF: Just one more question. With this
20 Community Supportive Fishery, what --- internet thing or
21 what --

22 MS. BARNES: (Away from microphone) No, it's very
23 selective --- so I mean they're familiar with --- like where
24 you're buying to -- like vegetables, for instance. It's
25 probably easier to do that right now.

1 So you pay your \$20.00 a week or whatever and then
2 you either go pickup your share for that week, whatever it is
3 the farmer has for you, so then you would go that week and
4 pick it up, and it would be the same principle here, and the
5 pilot -- the trial and error part is trying to figure out, you
6 know, the seasonality of things, what do you charge for things
7 and fish and crabs and all that kind of stuff.

8 So it's a little bit different because you have -- I
9 mean obviously farming, you have outside factors but there's a
10 lot of outside factors that could go wrong where, you know,
11 one week you might not get your delivery or, you know, there
12 might be no crabs because the crabs, they were not catching
13 crabs or, you know, your boat broke down so you couldn't go
14 out.

15 So those are the things. Like you would pay your
16 share and then get whatever it is that you're going to get for
17 that assigned week, so -- and that's selling directly to the
18 public --

19 MS. SINDORF: Okay.

20 MS. BARNES: If that makes sense.

21 MR. RICE: Thank you, Kelly.

22 MS. BARNES: Yes.

23 MR. RICE: Okay. Next we have the Regulatory and
24 Scoping Update from Sarah and Gina. Sarah?

25

Regulatory and Scoping Update

by Sarah Widman and Gina Hunt,

MD DNR Fisheries Service

MS. WIDMAN: So you guys got a couple of handouts from us. First is just our normal regulatory update of what we've been up to on the reg and public notice front. It's pretty much the usual type of stuff.

We did have the striped bass, commercial striped bass, overhaul beginning regulation that went in and we're going to start taking comment on that on the 31st of this month. We're likely to be having a hearing on that. Still in the works planning that so we'll let you know. I think that's probably the most -- they just --- on that.

Did anyone have questions on anything on the rank update? I won't go through each and everything but --

MS. : (Away from microphone) ---.

MS. WIDMAN: I'll move on to scoping then.

MR. GARY: There's an updated scoping document that we placed in the folders. It's --- I'd previously disseminated.

MS. WIDMAN: They're pretty much the same. I just want to point out some of the stuff for -- part was scoping and some of it -- again, a reminder. We're coming to you guys when we start coming up with regulatory ideas, we always put all of these ideas up on our website but we'd love feedback

1 from you as far as open houses or public meetings or some
2 other outreach that you want us to try to do with them.

3 So I'll go through the list and then if you have any
4 suggestions or changes to what we've come up with please let
5 me know. We're going to have a housekeeping package this
6 summer that will be removing references to the apprenticeship
7 program. Remember, that went away with the commercial fee
8 bill this spring, so we had to make those matching corrections
9 in the reg, as well as any corrections related to the fees.

10 Clams, we have SAV lines. We've had them. They've
11 been in public notice. A lot of those, they're getting
12 reviewed every three years so we'd like to move them into
13 regulation so they're there in the regulation and more
14 formatted in that manner. So it's more of a kind of a
15 housekeeping thing.

16 Nuisance species. Asian horseshoe crabs --- been
17 talking about this species. They're concerned about it
18 getting introduced here in the Chesapeake, not so much that it
19 may become invasive but that it might carry diseases or
20 parasites that could become invasive and harm our native
21 horseshoe crabs.

22 So we're looking to ban that from the state under
23 our nuisance species authority. That's already been taken out
24 to the Maryland Invasive Species Council, which is a joint
25 agency and stakeholder council on invasive species and they

1 were okay with that. Both of the -- everything so far has
2 just been web only. I'll note if we have any other
3 suggestions for scoping.

4 Oysters, we kind of have a combined tagging overhaul
5 we need to do for both the aquaculture industry and the wild
6 harvest, and that's related again to the National Shellfish
7 Sanitation Program. So basically, to be in compliance with
8 the FDA, there was some issues with TAG, so some of it would
9 be moving to more of a system where you guys could bring your
10 own tags instead of always waiting on us to get you the tags.
11 So that would be done under those regs.

12 We've gone out to the county oyster committees on
13 that, as well as the Aquaculture Coordinating Council, but if
14 you think any other scoping needs to be done, please let me
15 know.

16 Additionally, in the wild harvest there's been some
17 corrections that need to be made as far as diving areas versus
18 power dredge areas and just fixing some line errors that we
19 found and more of a housekeeping thing to make sure the lines
20 don't go over each other where they shouldn't.

21 Then additionally, bushel prices. We'd like to be
22 able to do that in a public notice format just because the
23 market fluctuates instead of always having to try to go back
24 in and manipulate the regulation. So that's the oyster front.

25 On the aquaculture front, we'd also have nursery

1 permits. There was a bill during the session that passed so
2 that we can have the nursery permits for growing shellfish as
3 sort of a, sorry, separate permit system for a regular
4 aquaculture permit because of some differences in that
5 industry.

6 So that passed and now we have to implement the
7 regulations. Again, that's going out with the Aquaculture
8 Coordinating Council as additional scoping, as well. Spiny
9 dogfish. That fishery's been meeting.

10 We've been meeting with them for a number of months
11 now on the coast trying to look at their industry and how they
12 want it set up and they would like to setup a limited entry
13 system, which we have out there already for summer flounder
14 and black sea bass.

15 As far as scoping for it, we do have feedback but we
16 also want to setup, and it went out the workgroup out there
17 and they had their meetings, but we'd also like to set up some
18 kind of public meeting later this month or early next month so
19 that we can get more feedback on that.

20 Then summer flounder, we had a request from the
21 coast to consider changing size limits for the commercial hook
22 and line. Right now, they have to catch the same as the
23 recreational hook and liners at 16 inches and they would like
24 to catch it at 14, which is what the rest of the industry,
25 commercial industry, size limit is.

1 Again, we'd be looking at taking that down to a
2 scoping meeting on the coast for consideration in addition to
3 the web feedback. Does anyone want to add any scoping ideas
4 to any of those that I mentioned? If you -- you don't have to
5 give it to me now.

6 If you want to think about it in the next week or
7 so, shoot me an email or call me. I'd be happy to consider
8 any additional stuff.

9 *Questions and Answers*

10 MR. RICE: Moochie?

11 MR. GILMER: Okay. Sarah, on the -- on the
12 submerged aquatic vegetation on the clam lines --

13 MS. WIDMAN: Yes.

14 MR. GILMER: -- has that been posted? Or I mean
15 what is actually our -- is it -- have you drawn new lines or
16 what is it --

17 MS. WIDMAN: We have lines. If you go to our public
18 notice website, in accordance with the law we issued a public
19 notice. Right now, so we issued a public notice a couple of
20 weeks ago. That's what they currently are. It was just part
21 of, I think, the normal three year review of making sure the
22 lines are where they're supposed to be.

23 So that's what's up there now and that's basically
24 what would be moved over to the regulation, and then we go
25 through the changing process on their -- I think it's a three

1 year review they do.

2 MR. GILMER: So what your scoping here is whether it
3 gets moved to regulation or actually where the lines are going
4 to be?

5 MS. WIDMAN: Well, you can certainly comment on the
6 coordinates that we would have up there but it would be about
7 putting it into regulation essentially. So kind of a quasi, I
8 guess, but we would, you know -- if you want to take comments
9 or talk with our staff about where they are that would be a
10 venue where you could do that.

11 MR. GILMER: Okay. I won't take any time here.
12 Maybe I'll call you and talk to you about this a little bit --

13 MS. WIDMAN: Okay. That's fine.

14 MR. GILMER: Okay.

15 MR. DEAN: Gibby. Two quick questions, if I could.
16 Where are we on the speaking of oysters, the two inch oyster
17 for aquaculture industry --- year round, where does that
18 stand?

19 MS. WIDMAN: So that's currently at -- last I heard
20 was that discussions with Aquaculture Coordinating Council,
21 and then we're waiting for call Carl Roche's group to talk
22 with my reg staff to figure out what and when that process
23 would move forward. They did do -- I'm sorry. I've been out
24 of the country.

25 MS. HUNT: They had the Coordinating Council --

1 MS. WIDMAN: Did they have -- did they move any rate
2 forward while I was gone, Gina?

3 MS. HUNT: ---.

4 MS. WIDMAN: Okay.

5 MS. HUNT: But the Coordinating Council met last
6 week, so I'm not sure what that -- happened at that meeting
7 but that's who Carl would've talked to first before he comes
8 to talk to Sarah to put in the reg.

9 MR. DEAN: I mean is it a done deal? Is it going to
10 go through or --

11 MS. WIDMAN: I'm not aware of it being a done deal
12 yet, no, because if it was at that point, I would've heard
13 about it and been writing something so ---.

14 MR. DEAN: But I mean what's the next step? I mean
15 is --

16 MS. WIDMAN: So they spoke. I don't know what
17 they've said yet. If they want to -- if they'll be a
18 proponent of doing that action, then it would come back to the
19 department and we would go out and do our normal scoping
20 process with it.

21 MR. DEAN: Okay. I mean all right, it's not that --

22 MS. WIDMAN: So you guys would hear about it before
23 it went in, yes --

24 MR. DEAN: Okay.

25 MS. WIDMAN: -- as a proposed.

1 MR. DEAN: Will that ever -- anything like that
2 reach here?

3 MS. WIDMAN: Yes.

4 MR. DEAN: Okay.

5 MS. HUNT: This this same venue.

6 MS. WIDMAN: Yes.

7 MS. HUNT: -- where we take ideas --

8 MS. WIDMAN: Yes.

9 MS. HUNT: -- that's what she's asking you about,
10 other ideas.

11 MR. DEAN: Okay.

12 MS. HUNT: That's when you're going to hear it.

13 MR. DEAN: All right.

14 MS. WIDMAN: Right. So either we would send you an
15 email if it was before your July meeting or at your July
16 meeting when I go through this again, it would be on there.

17 MR. DEAN: Well don't misunderstand me. I'm not
18 opposed to aquaculture by any means but I had a lot of
19 questions about that particular issue that, you know, I want
20 to be able to clarify so --

21 MS. WIDMAN: Okay.

22 MR. DEAN: -- and then the last one, I know maybe
23 Tom would have to comment on this is about the -- I see it's
24 listed in here under gear. I know you've had some
25 conversations with a very small minority of people about the

1 regulation of spot pots.

2 Can you enlighten us on what your decision has been
3 to date on that?

4 MR. O'CONNELL: Sure. I'll give you a brief update
5 on our review of spot and let Gina answer the geared questions
6 on gear that we're currently scoping. We've had some charter
7 boat captains express concerns about the biological status's
8 spot and, you know, this is spot reviewed annual by ASMFC and
9 there was a series of triggers along the Atlantic Coast that
10 if triggered result in management action consideration.

11 They were reviewed last year and the triggers were
12 not triggers, so no management action is warranted. It'll be
13 reviewed again this summer and reported out in August. I
14 think one of the things that charter boat captains are
15 experiencing is a short-lived species that's very cyclic in
16 its population.

17 If you look at the letter I sent and copies you guys
18 on, in the reference material you'll see that the juvenile
19 recruitment is highly variable and it correlates very well
20 with the landings of recreational and charter and commercial
21 fisherman, and we had a big recruitment in 2010.

22 We had some winterkill, and the last couple of years
23 of recruitment have been very low. So the availability of
24 spot obviously has reduced, and some are concerned about the
25 biological status of that situation.

1 The scientists along the coast, as well our
2 technical staff are not concerned at this point in time but we
3 will be reviewing it carefully. We do believe that some of
4 this concern is more of a user conflict than biological
5 concern.

6 Charter fishermen, I think, are concerned and it was
7 stated Tuesday night that they're concerned that there's too
8 many commercial hook and liners and there's competition on the
9 fishing grounds for striped bass. So I think there's a little
10 bit of user conflict issue that's coming into play.

11 In regards to spots pot gear situation, I'll defer
12 to Gina who can explain where we are on that please.

13 MS. HUNT: Okay. So there is some confusion on the
14 regs that are already out for scoping. They are not proposed.
15 They're out to be scoped right now. It has gear definitions
16 both commercial and recreational.

17 So the bill passed two years ago just to go
18 backwards so you guys understand how we got to here. Two
19 years ago, the bill passed that gave the department the
20 authority to define gear broadly for recreational but only for
21 four gear types for commercial.

22 Do you remember this Bill? So the two -- four gear
23 types were fish pot, bank trap, fyke net, hoop net. So we can
24 write definitions for those gears that says these are the ways
25 that -- this is the dimensions. This is what that gear has to

1 look like.

2 So we could not move forward with that authority
3 until this session when we had to basically remove some
4 conflicts in law with some of the other gears that were
5 recreational. So in other words the gear package never moved
6 from two years ago because there were other existing problems
7 and statutes.

8 So our housekeeping bill this year passed. So we
9 got rid of those conflicts and now we are scoping these gear
10 definitions. There was a gear workgroup made up of Tidal Fish
11 and Sport Fish that talked about all of these definitions.

12 So in regards to fish pots, which really -- spot pot
13 is a fish pot. There is a definition that is being scoped
14 right now. It does have mesh sizes. It has an escapement
15 panel.

16 This is in part what we had heard from the folks
17 were concerned about spot was that there was gear out there
18 that had no really, really small mesh for juveniles to escape.
19 So there is no definition for spot pot. There is a definition
20 for fish pot, which fish pots will have to comply with this
21 definition.

22 If somebody sets a pot out there that has smaller
23 mesh, does not have escapement, something like that, they will
24 be violating this gear definition and therefore would be
25 getting a citation.

1 So if, I think where we had also before was there
2 was going to be this workgroup to talk about is there a
3 special definition for spot pots because people have a variety
4 of different pots out there. They look very different.

5 The last time everybody had some kind of different
6 contraption, and should there be a separate definition for a
7 spot pot itself besides the one that's in there now for fish
8 pot. That's not in the gear package that's being scoped but
9 so you understand, what is being scoped would affect fish pots
10 that catch spot. Does that make it more confusing?

11 MR. DEAN: I was put on that spot pot committee two
12 years ago and we've never met.

13 MS. HUNT: Because we didn't have the authority to
14 move forward.

15 MR. DEAN: Well I don't know who this other
16 committee is that's --

17 MS. HUNT: The gear workgroup?

18 MR. DEAN: Yes.

19 MS. WIDMAN: The gear workgroup we formed last
20 February or April, one of your meetings last year -- it met
21 last May 8th and it was to look at just those four commercial
22 gears and then all the recreational gear. We had a draft reg.
23 I could pull who's on that. I can't remember who all was on
24 there.

25 MR. DEAN: Who was on there from --

1 MS. WIDMAN: Richard, you were on it.

2 MR. YOUNG: I can't remember who else ---.

3 MR. DEAN: You were on it, Richard?

4 MR. YOUNG: Yes.

5 MS. WIDMAN: So they met and we basically took what
6 our staff had gone over and took their comments on it, and
7 then we were prepared to go out scoping and send it up to both
8 you guys and Sport Fish, and that's when our IG said, "Well
9 really, we need to clean these things up if everyone wants to
10 move forward with these requirements" so we kind of had to put
11 it on hold.

12 MS. HUNT: So you might forget about it because the
13 workgroup didn't meet over a year ago.

14 MS. WIDMAN: Yes.

15 MS. HUNT: It was over a year ago that they met.

16 MR. BROWN: What is size -- do you know what the
17 size limits are on the fish pot now, which is --

18 MS. HUNT: The dimensions?

19 MR. BROWN: Yes. The mesh and the escape panel.

20 MS. HUNT: ---.

21 MR. O'CONNELL: One and a half inch mesh with two
22 and a half inch escape vents that have to be in the holding
23 chamber, and our data shows that a two and a half inch escape
24 vent will allow the escapement of a spot up to eight inches
25 and they mature at six inches.

1 So the question in my mind is are there gears out
2 there that are being used for spot that NRP cannot enforce as
3 a fish pot because -- fish pot is not defined by a certain
4 dimensions. It's a gear that's used -- a pot that's used to
5 catch fish and if so, it has to have a one and a half inch
6 mesh and a two and a half inch escape vent.

7 So I don't know if anybody knows of any fish spot
8 pots that NRP may be having difficulty enforcing as a fish pot
9 and if anybody comes across that, if they could bring it to
10 our attention and help us determine if the definition of a
11 spot is warranted.

12 MS. HUNT: So just to be clear, there is a
13 definition currently in reg, and I think this is also what had
14 confused some folks. There was already a definition of what a
15 fish pot was in regulation.

16 The difference is until this regulation passes, NRP
17 cannot enforce that this is what a fish pot has to look like
18 because the current regs just say this is the definition. It
19 does not say this is the only way a fish pot can look.

20 This package would say this is what a fish pot is.
21 These are the dimensions of the fish pot. Anything else is
22 not a fish pot and is not legal gear. So that's the
23 difference between what we currently have as a definition of a
24 fish pot in reg and what this does.

25 This means yes, this is something you can now write

1 a citation. So if NRP was out there right now and they saw a
2 guy catching spot in a pot and they did not have two and a
3 half inch mesh in an escapement area, that's fine because the
4 reg is not in place yet. It doesn't have to be that way
5 unless this passes.

6 MR. YOUNG: ---. Now if you're putting cull rings
7 in the fish pot, what difference does it make what size the
8 mesh is? So if a fisherman's got one by mesh right now and
9 he's got 150 fish pots that are run by and he puts the cull
10 rings in them, two and a half inch cull rings, what's he got
11 to throw those pots away because they don't comply with the
12 1.5 mesh?

13 MS. HUNT: Let me read you the draft definition,
14 okay?

15 MR. YOUNG: Okay.

16 MS. HUNT: So fish pot means "a single, finfish
17 entrapment net device, without associated wings or leads,
18 consisting of: (a) An enclosure of various shapes covered with
19 mesh webbing of not less than 1.5 inch stretched mesh size,
20 (b) one or more conical entrance funnels; and (c) one or more
21 unobstructed escape vents in the holding chamber, of at least
22 two and a half inches in diameter, if circular or square."

23 So what it requires is an obstructed escape vent
24 that is at least two and a half inches.

25 MR. YOUNG: I understand that --

1 MS. HUNT: So that will be your cull --

2 MR. YOUNG: That's your cull ring.

3 MS. HUNT: Yes.

4 MR. YOUNG: That's fine but it requires 1.5 mesh?

5 MS. HUNT: Yes.

6 MR. YOUNG: If a fisherman already has one inch
7 square mesh, 100 pots made of it, does have to throw that
8 away?

9 MS. HUNT: Yes.

10 MR. YOUNG: Why are we doing that? I mean you've
11 got the two and a half inch cull ring in, so you're allowing
12 the smaller -- I mean the smaller fish to escape through the
13 cull -- the cull panel that you put in there. So if they're
14 smaller and they get caught they could get out.

15 MS. HUNT: I understand.

16 MR. YOUNG: But he's got a dramatic expense of ---
17 that he's got to throw away because we're changing the mesh
18 size.

19 MR. RICE: Tom?

20 MR. O'CONNELL: So in the -- no, that's is the
21 purpose why we scope before we purpose regulations and if
22 there are gear out there that are being utilized and they fall
23 in this situation, you know, this is a good opportunity to
24 bring it to our attention than going back and see if there is
25 a biological need for a one and a half inch when there is no

1 | escape panel. So you speculating that, Richard, or you -- or
2 | do you know --

3 | MR. YOUNG: No. A little birdie whispered in my
4 | ear.

5 | MR. O'CONNELL: All right. So that's something we
6 | should look into then. All right.

7 | MR. YOUNG: Now is there --

8 | MR. : Is there a list they use --- is this
9 | relevant?

10 | MR. YOUNG: -- what I was going to talk about was
11 | the spot --

12 | MR. : Gibby mentioned, you know, we've
13 | been talking about those but that is commercial gear only,
14 | correct? So the recreational people aren't going to be going
15 | out there and setting spot bots to catch their bait.

16 | MS. HUNT: Are you referring to charter?

17 | MR. YOUNG: It doesn't matter. Recreational or
18 | charter.

19 | MS. HUNT: Right. Well, I'm just saying it could be
20 | somebody a charter boat captain catching spot for bait, that
21 | he has a license to do both --

22 | MR. YOUNG: Right.

23 | MS. HUNT: -- to be charter and commercial fishing.

24 | MR. YOUNG: Right.

25 | MS. HUNT: So yes, that can happen and that --

1 MR. YOUNG: But I'm talking about --

2 MS. HUNT: -- a lot of captains don't have that
3 commercial license though.

4 MR. YOUNG: I'm talking about Johnny Homeowner.

5 MS. HUNT: We're scoping --

6 MS. WIDMAN: No.

7 MS. HUNT: -- a smaller like minnow trap, a little
8 mini trap for them, but not a fish pot.

9 MR. YOUNG: I know what -- in our gear meeting, we
10 had a long discussion about what would happen if every
11 recreational angler --- go out and set a spot pot in the
12 middle of the bay and then I'm glad that we're going strictly
13 as a commercial gear.

14 MR. RICE: Okay. I've got Rachel then Rob will take
15 one.

16 MS. DEAN: I just had a question on top of that.
17 Would a charter boat captain that is setting the spot pots be
18 required a 215 harvester at that point?

19 MS. HUNT: Yes. Every commercial harvester is
20 required to buy the harvester's registration. So yes, if you
21 are just a fishing guy, you don't buy a harvester's
22 registration but then you're also not catching fish out of a
23 spot pot.

24 MR. BROWN: Also, if a person had some spot pots
25 that was made out of inch and a half wire, could they possibly

1 say put some type of a grandfather into it that he could use
2 those pots if he had the cull ring in it for say three or four
3 years before he went to an inch and half wire total because if
4 he's already had these pots made up and he's got an investment
5 into it and not we come back and say -- and at the time he
6 didn't know he had -- they had to be inch and a half, could he
7 possibly use that say if it's inch wire for say -- put a --
8 putting a time on it, two or three years, whatever you think
9 you know the pots would last, you know, but he would have to
10 have the escape patch into it so he wouldn't lose his
11 investment.

12 MS. HUNT: Well, I think that's back to what Tom
13 said. If we're going to take this -- this is why we're
14 scoping. We take this as public comment. Go back and ask the
15 biologist if that mesh size is necessary at one and a half,
16 and that's what really decides that.

17 If it's -- it would be a really good idea, strongly
18 encourage it but know it probably doesn't have to happen this
19 year then sure, you can write reg to set one in place the next
20 year and then they would know that this year it's something
21 different than next year. But it really just comes down to
22 that discussion.

23 So, you know, this isn't what we had at the --
24 what's written here is literally just what the gear worker
25 gave us, so -- and then we went and took that and worked

1 through with the biologist. So I think we just need to go
2 back and have that discussion with them again.

3 MR. RICE: Gibby?

4 MR. DEAN: I agree 100 percent with Richard, and I
5 think Robert T. that -- I think what you're referring to is a
6 fish pot because a spot pot, the way I understand that been
7 defined. So there is no limit or restrictions on spot pot --

8 MS. HUNT: No.

9 MR. DEAN: -- per se right now.

10 MS. HUNT: Right now.

11 MR. DEAN: According to Tom, there's no reason to
12 make any restrictions on them because the bottom mass hasn't
13 triggered any reason for any reductions.

14 MS. HUNT: However, if you set a pot out there after
15 this reg is effective and it doesn't fit this definition, I
16 don't care what fish you catch in it, it would be illegal.

17 MR. YOUNG: Because of the fish pot?

18 MR. DEAN: Yes, but you're not eliminating spot
19 pots.

20 MS. HUNT: As long as they meet this definition, no.

21 MS. WIDMAN: With those numbers, you are.

22 MR. DEAN: Well, where did that come from?

23 MS. HUNT: The gear workgroup.

24 MR. RICE: I've got a question then.

25 MR. DEAN: Well -- go ahead. I'm sorry.

1 MR. RICE: That's all right. --- on spot correct?
2 Is spot a liberal bycatch in a half by one inch --- pots, Tom?

3 MR. O'CONNELL: Yes, it's kind of a sport fish so if
4 you have a commercial license, you can harvest spot. There's
5 no minimum size on an eel pot and it came up as that kind of a
6 loophole in this, and we looked at the commercial layers of
7 spot and over the last like ten years, the harvests spot out
8 of eel pots have not exceeded like 3,000 pounds.

9 So currently, at least, few people are utilizing eel
10 pots to catch small pot and one of the -- kind of tying onto a
11 response to Gibby's question is well, there is not currently
12 any triggers for further management action for spot.

13 Both the Chesapeake Bay plan for spot, as well as
14 the Atlantic States Marine Fisheries Commissions for spot, has
15 clear objectives to protect juvenile spot and that is one of
16 the reasons why a two and a half inch escape vent is being
17 included as a fish pot definition.

18 If there are other gears out there that begin to
19 take a large quantity of spot, we may see ourself in a
20 situation, and that's what we're trying to gather information
21 on.

22 Are there spot gears that would not met this fish
23 pot definition and if so, you know, do we need to define them
24 or not. I don't know. At this point, it doesn't seem like
25 the harvest is of significance to be causing concern.

1 MR. DEAN: Thanks Tom. I just -- you know, we've
2 got to get away from this micromanaging everything and if
3 people knew how much trouble they can cause just by making one
4 complaint. I mean you want to put a mesh size or you're
5 considering or whatever a mesh size on spot pots, these same
6 people didn't even know Robert T. kept his spot in his pound
7 net.

8 You're going to put a -- that kind of mesh size on
9 his pound net? How about how many come from --- pots and
10 other gear? What are you going to do there? I mean this --
11 we've got to draw the line here somewhere. This is getting
12 almost on a ridiculous side.

13 I'm very disappointed that where I was placed on a
14 -- the committee to define a spot pot, which I said it needs
15 no definition, has not even met and here's proposed
16 regulations of a definition of whether you call it a fish pot
17 or a spot pot.

18 If it's a spot pot, you're saying it's going to have
19 to follow the regulations of a fish pot. Good Lord. I mean
20 where do we stop? Do we all need attorneys?

21 MR. : Pretty much.

22 MR. O'CONNELL: There's an opportunity right now to
23 provide the feedback to that workgroup.

24 MR. DEAN: Well the feedback is, as far as I'm
25 concerned, a spot pot does not need defining. It's set up the

1 way it should be set up. That commercial people that hold
2 commercial licenses can harvest them until you see some reason
3 that, from a management standpoint, that they need to be cut
4 back or restricted, leave it alone please.

5 MR. O'CONNELL: Is it worth defining what a spot pot
6 is so there is a distinction between a fish pot and a spot
7 pot?

8 MR. DEAN: Absolutely.

9 MR. BROWN: Yes, I think that's what we need to do
10 is define what a spot pot is so when they come to it, this is
11 a spot pot, this is an eel pot and this is a fish pot, have a
12 separate category for it. You know, sit down and get on the
13 committee. I'll get on there with -- and we'd say hey, this
14 is what a spot pot's going to be. Have a definition for it,
15 and I think that that would probably be the easiest way to
16 clear it up.

17 MR. DEAN: That's fine but I don't see --- potter or
18 pound netters. I mean anybody that catches -- and even as a
19 by catch will be paralyzed by this.

20 MR. RICE: Well, I think it would be a good idea to
21 maybe direct Gina to get this group to become active in
22 distinguishing. It sounds like to me we've got a fish pot
23 that's used for possibly food fish and then we've got a pot
24 that's used to capture bait and they should be clearly defined
25 so they can be treated at such a time regulations could be --

1 need to be in place, which right now we don't have the need
2 to, so Gina, by morning we need to move on.

3 MS. HUNT: Well, I was just going to ask that if
4 we're going to go back and define -- revisit the definitions
5 for gear, so we had this come out of the workgroup. It
6 appears that, you know, either that was too long ago or we
7 just need more members from the commercial side to discuss
8 gear.

9 So I was just going to ask if we're going to go back
10 and do that, could we -- can I have a show of hands who wants
11 to be on the gear workgroup now that we could go back and ---.
12 This is Sport Fish and Tidal Fish Gear Workgroup though, isn't
13 that correct? It's only commissioners.

14 MR. O'CONNELL: That's correct.

15 MS. HUNT: Okay

16 MR. O'CONNELL: The focus right now would be on the
17 spot pot.

18 MS. HUNT: Correct. I just want to make sure that
19 we're going back and we have the people that want to be
20 included on the group on the group because --

21 (Simultaneous talking away from the microphone.)

22 MS. HUNT: So Gibby, Robert T. and Richard?

23 MR. GARY: Show of hands?

24 (Show of hands)

25 MR. DEAN: Well, I mean regarding that group, I mean

1 I -- does it have to come off the tidal fish or sport fish?
2 Shouldn't it be somebody that, I mean Robert T.'s certainly
3 qualified to be on there, but have somebody that, you know --
4 like John Aston that he's part of the Striped Bass Workgroup
5 that, you know, does this for a living that would have some --
6 you know, somebody that's very knowledgeable and doesn't --
7 well, I won't go there.

8 MR. BROWN: So --- that you need people who are
9 doing this as a business --

10 MR. DEAN: Right. Right.

11 MR. BROWN: -- because that's their livelihood and
12 it's a new business that has just came in over the past
13 several years --

14 MR. DEAN: Right. Right.

15 MR. BROWN: -- and we need to protect those people
16 who are into it.

17 MR. RICE: Yes, why don't we -- how many people
18 would be ideally on that group, Gina, in a number?

19 MR. : Half dozen?

20 MS. HUNT: Ideally?

21 MR. RICE: Yes.

22 MS. HUNT: ---.

23 MR. RICE: About a half dozen? We have at least
24 three --

25 MS. HUNT: Yes. There were three and three. It was

1 three sport and three commercial.

2 MR. : We can take a couple of weeks and --

3 MR. RICE: I have no idea ---. How about I get some
4 additional names to serve on this group, Richard?

5 MR. YOUNG: Why is sport fish involved in this?

6 MS. WIDMAN: Because the gear --

7 MR. : It is a commercial gear.

8 MS. WIDMAN: Well, no. Because the chapter that we
9 created was number regulated in all recreational gear and then
10 there's four types of commercial gears, so we had members from
11 both sitting on it.

12 MS. HUNT: So if you look at the scoping document
13 that's online and the open houses that we had on this
14 material, it covers a lot of recreational gear, so that's
15 where the sport fish members came in.

16 MR. O'CONNELL: Okay.

17 MS. HUNT: There's a lot in there on rec.

18 MR. O'CONNELL: And why -- it's probably ---
19 workgroup is a focus on a much broader suite of gear
20 regulations, including recreational --

21 MS. HUNT: Right.

22 MR. O'CONNELL: But I'm hearing from what we're
23 currently scoping is there's a specific focus on spot pots.
24 So if we're going to get a group together, I don't see any
25 reason why it needs to be broader than the commercial. We're

1 looking at define -- coming up with some definition for a spot
2 pot.

3 We need to work with the guys that utilize this gear
4 and then through our public scoping process, there'll be an
5 opportunity for sport fish and the public to comment. So I
6 would think that we just try to get a half dozen group of
7 guys, some commissioners, some guys that use spot pots and
8 let's come up with a definition. Then we'll take it through
9 our process.

10 MS. HUNT: Take it back out through scoping?

11 MR. O'CONNELL: Yes or delay this package on the
12 commercial side to add it or we need to go forward with ---.

13 MS. HUNT: We have to go forward with the req
14 package, emergency regs. That was the other point I was going
15 to make is that this package is taking comment until May 24th.
16 It needs to be an emergency package because the emergency --
17 the recreational provisions come out of law as of July 1 and
18 they need to be back -- put in by regulation. So we can't
19 delay the reg side.

20 MS. DEAN: Guess we can hold the commercial ---.

21 MS. : We can pull the commercial --

22 MS. HUNT: Yes.

23 MS. : -- reg out of the chapter.

24 MR. RICE: Rachel?

25 MS. DEAN: Sorry. One more question just to be

1 clear. With the changes that's coming in the striped bass
2 fishery, you said you need to move forward with this. If I am
3 hook and lining and my -- the majority of my bait comes from a
4 spot pot, am I going to get my bait this year?

5 MS. HUNT: What I said was that the recreational has
6 to move forward. This isn't recreational. This is spot pots.

7 MS. DEAN: It sounded like it was tied together.
8 That's why you --

9 MS. HUNT: It is currently. That's what -- so right
10 now there is this big regulation, this big scoping document
11 all tied together. That's why there was a sport fish and
12 tidal fish all tied together talking about recreational or
13 commercial.

14 What Tom was saying is that if you just want to talk
15 about the commercial gear, the fish pots, then we convene
16 commercial people, talk about that, send the recreational part
17 of the package off by itself while this group is still
18 talking.

19 After that group comes up with another definition,
20 then you scope that part again and then send that off by
21 regulation by itself.

22 MS. DEAN: So it won't move forward until we --

23 MS. HUNT: No.

24 MS. DEAN: Okay.

25 MR. RICE: --- considering that.

1 MS. HUNT: Right.

2 MR. RICE: Okay. If everybody's having to come
3 here, that'll work. We've gotten a few minutes behind on that
4 issue.

5 MR. GILMER: Can I ask one more question?

6 MR. : One more question, Rachel.

7 MR. GILMER: Just on the oysters --- are we still
8 looking at one tag per boat?

9 MS. HUNT: No. No. The regulations that are being
10 scoped are what was discussed during session, which is that
11 watermen would be making their own tags.

12 MR. GILMER: I understand that but it was also --

13 MS. HUNT: If they want.

14 MR. GILMER: -- this also talked about that you'll
15 need one tag for your --- or whatever.

16 MS. HUNT: No. No.

17 MS. WIDMAN: We're also currently scoping, just
18 quickly, recreational crabbing, new regulations for 2014 and
19 charter crabbing two optional decals that we came up with
20 after meeting with the industry a few weeks ago, so --

21 MS. HUNT: That also is open for comment until May
22 24th.

23 MS. WIDMAN: That's all in our website, as well.

24 MR. BROWN: Gina, didn't we talk about one --
25 because you said you have to get some plans from the Health

1 Department but we were talking about if you were selling it in
2 bulk, the possibility of one tag per load, if you were selling
3 it to one person in bulk, that's the way I would number it.

4 MS. HUNT: So we had made an exception --

5 MR. BROWN: We talked about it and it --

6 MS. HUNT: Right.

7 MR. BROWN: Yes, and it --

8 MS. HUNT: To Gibby, and we talked about the issue
9 of not having enough tags for the industry.

10 MR. BROWN: That's right.

11 MS. HUNT: The first answer was have the industry be
12 able to make their own. So it's not upon the Department to
13 always have enough when we don't know how many people are
14 going to go oystering in a year. That was the first answer
15 and that addressed the problem.

16 Then there was the request for -- to allow folks to
17 use one tag per boat, and what we told you was that there was
18 risk involved in that and that we could go back and talk to
19 FDA and the Health Department about doing so, but we were
20 inclined to move that direction without a problem and putting
21 the name -- putting the watermen in charge of getting the tags
22 addressed the mediate problem.

23 So there is a risk to be involved if you're going to
24 only put one tag on a boat.

25 MR. BROWN: What risk is that again may I ask?

1 MS. HUNT: It's the trackability. It's the
2 accountability of the oysters to get back to that bar. The
3 actual bar that those oysters were taken from or close enough
4 so that if there was a closure, you didn't have to shut down
5 the majority of the Chesapeake Bay.

6 MR. BROWN: Did you tell the, when you were in
7 discussions with the Department of Health, that say if a truck
8 was in Patuxent, it was getting oysters out of the St. Mary's
9 River. It was getting oysters out of the Wicomico River, out
10 of the Patuxent River and the bay, and even possibly across
11 the bay over to the eastern side and they all went into one
12 truck on a conveyer all in one pile.

13 MS. HUNT: Right. It's not about the Department of
14 Health. It's not -- if you're referring to RDHMH. I mean
15 they're one of the agencies that sit with DNR and MDE up for
16 the NSSP but it comes down to whether or not that is
17 permissible by FDA, and if it is, what are the ramifications
18 though if something goes wrong.

19 So you have to weigh what do you get from it against
20 what would happen if -- the whole point of having the tag at
21 all, the only reason for having that tag is the accountability
22 to not have to shut down the whole industry in Maryland, and
23 so you've just got to weigh the pros and cons of what you get
24 for what you risk, and I mean we can come back and talk about
25 this again because I think, you know, that's -- that is

1 obviously something the industry still wants to pursue but I
2 want to be clear. This is package was to address the
3 immediate tagging problem.

4 MR. BROWN: Okay.

5 MS. HUNT: Okay? Like we assume -- we have to fix
6 to fix that.

7 MR. BROWN: I understand, and that you for that.
8 The only one thing I'm saying is when -- if they find a
9 problem with the oyster that came off of a truck or a sample
10 came off of a truck and the man says, "Where'd you catch them
11 at" and they came -- comes back and he hands them a bunch of
12 tags like this and --

13 MS. HUNT: Right.

14 MR. BROWN: -- it says, "This is from the St. Mary's
15 River. This is from down on St. Jerome's. This is out of
16 Patuxent" you've still got the same areas all --- together,
17 okay?

18 MS. HUNT: So in what we told you then was is if you
19 want one tag per boat, then you can't go to all three of those
20 areas.

21 MR. BROWN: Okay.

22 MS. HUNT: Remember you're container has to be your
23 boat and you won't have that flexibility. You would give that
24 up, as well.

25 MR. BROWN: Okay.

1 MR. RICE: Gibby?

2 MR. DEAN: I mean I'm agreeing with you, Gina, and
3 I'm agreeing with Robert T. but what we offered, if you
4 remember, as a solution to that was that if you work one bar a
5 day, you can have one tag per boat. If for some reason you
6 move to another bar, all you do is separate the oysters and
7 you have two tags.

8 Each bar would have to have -- that's what ask, that
9 you ask the Department of Health. All we asked was to have
10 one tag per boat or per bar if necessary and we thought that
11 was a pretty reasonable solution, you know, to that problem
12 and we'd still like to see that if we could.

13 I mean like you said, the skipjacks are allowed one
14 tag for 150 bushels regardless.

15 MR. RICE: Okay. Tom?

16 MR. O'CONNELL: I mean what I'm hearing today, and I
17 thought -- I had thought that the -- we had worked some
18 agreement out with the industry and it sounds to me today
19 that's not the case so I'm going to ask Gina and Mike to
20 follow-up with a few of you and provide the opportunity that
21 we try to reach a better endpoint, or at least an
22 understanding of why we can't.

23 MR. BROWN: Thank you.

24 MR. O'CONNELL: All right.

25 MR. RICE: Thank you very much. Marty, do you have

1 something to add?

2 MR. GARY: Another comment or question.

3 MS. DEAN: Was it about the scoping ---? About the
4 scoping that we're ---? I just wanted to make a comment about
5 the proposed -- the blue crab, the recreational and the
6 charter. I know that I sent out my public comment to a couple
7 of you.

8 I apologize if you didn't get it too but if you get
9 into the meat of it and you click on the links, you'll find
10 out that those of us that went through the Waterman's Heritage
11 Training Program or were trying to kind of move forward with
12 that to supplement income as it was touted to be, it's got a
13 hefty fee of \$150.00 on it and whereas the charter crabbing
14 has a lesser fee.

15 So if you get a chance to look at that or if you
16 want me to send you the public comment that I submitted on it,
17 I think that we're right back to where we were with fees and
18 one more fee tacked on to a budding kind of part of our
19 industry is kind of excessive.

20 MR. RICE: Thank you, Rachel.

21 MR. O'CONNELL: Yes. I appreciate the comment you
22 sent in. You know, when we put out the regulatory idea, we
23 were --- what the appropriate fee would be and we kind of
24 tried to align it with other fees and, you know, we're trying
25 to look at it from a perspective of cost recovery.

1 You know, we're looking to try to come up with a
2 more efficient way of sampling the recreational fisherman which
3 is would be categories in to get better harvest estimates and,
4 you know, we appreciate your feedback and if there are any
5 recommendations on what that fee should be, if any at all, but
6 we believe we need to have some decal system to allow
7 enforcement and allow us to potentially require some log book
8 reports to get the crab harvest.

9 So if anybody has recommendations that are going
10 through the scoping process, we'd like to hear them before we
11 go forward with the regulatory proposal.

12 MR. RICE: Thank you. Richard?

13 MR. YOUNG: I'll try to be real quick. This is
14 pretty long and drawn out. I think it's a big thing is a
15 Crabbing Charter A and Crabbing Charter B decals. The biggest
16 thing that I have issue that I have with it is also with the
17 fees and, you know, the Charter Crabbing A is going to allow
18 somebody who's not authorized, presently authorized, to
19 harvest crabs to enter into the fishery, and that would be
20 somebody with simply a guides license, fishing guides license.

21 If that's all they have is the guides license and
22 the Coast Guard license, they can give this Charter Crabbing A
23 decal and that authorizes them to enter into the crabbing
24 fishery. The problem, the biggest problem that I have is that
25 with just a fish guide license, they're exempt from their \$215

1 harvester's fee.

2 However, if they get this crabbing thing now they're
3 not just a fishing guide. They're a crabber also. Fishing
4 guide license is for finfish. Crabs aren't finfish.
5 Therefore, they go through for this we have to figure out some
6 kind of way to make them pay the harvester's fee because
7 they're no longer just a fishing guy but now they're a
8 harvester.

9 So I think that maybe charging them \$315.00 for
10 their Crabbing Charter A would be a more appropriate fee, but
11 Crabbing Charter B was already somebody's that's authorized to
12 crab not putting any more pressure on them the fishery. We
13 have a minimum fee for permits.

14 I think it's \$25.00. can we agree on -- isn't that
15 we agreed on?

16 MS. HUNT: Those were for those species permits ---.

17 MR. YOUNG: Yes. Well, why can't we make this be
18 one?

19 (Simultaneous talking)

20 MR. YOUNG: (Away from microphone) --- if you want to
21 carry --- you know, pay the \$25.00 fee because we've already
22 got -- let's face it. If I have a commercial -- say I've got
23 a TFL. If I want to -- I've got a TFL and I've got my Coast
24 Guard license. Now if I want to carry fishing charters, don't
25 I have to -- I have to get a guide's license also, a charter

1 boat license.

2 MS. HUNT: If you want to take --- parties fishing,
3 anything. If you want to take money and take people on your
4 boat, you have to get a fishing guide's license.

5 MR. YOUNG: Which is \$300.00.

6 MS. HUNT: No.

7 MR. YOUNG: No. How much is it?

8 MS. HUNT: Right now, it was \$50.00 for a resident,
9 \$100.00 for a non-resident. It just went up to \$100.00 and
10 \$150.00 I think. Okay. Those are the people that do not buy
11 that harvester's registration. However, the Decal A that
12 you're describing does not allow you to use commercial gear.

13 MR. YOUNG: No, but it'll ask you --

14 MS. HUNT: Right.

15 MR. YOUNG: -- to enter ---.

16 MS. HUNT: It allows you to take people out crabbing
17 recreationally.

18 MR. YOUNG: Right.

19 MS. HUNT: That's why they don't pay the harvester's
20 registration because they're not commercially fishing.
21 They're not using commercial gear.

22 MR. YOUNG: ---.

23 MS. HUNT: That's why Decal A was cheaper was
24 because there's no commercial gear. It's going out with
25 recreational gear.

1 MS. DEAN: So can we agree that there's more
2 pressure on the fishery?

3 MR. YOUNG: --- somebody who is not authorized to
4 crab actually crabbed?

5 MS. HUNT: Pardon me?

6 (Simultaneous talking)

7 MR. YOUNG: Somebody was not authorized to enter
8 into the crabbing fishery who are now authorized.

9 MS. HUNT: (Away from microphone) --- not authorized
10 for the crabbing --- crabbing license ---.

11 MR. YOUNG: Recreational.

12 MS. HUNT: ---.

13 MR. YOUNG: But they're commercially doing it.

14 MS. HUNT: Okay.

15 MR. YOUNG: Even though they're not commercially
16 harvesting the crabs, they are making money by taking somebody
17 crabbing

18 MS. HUNT: That's why they have NGR. Exactly why
19 they have an FGR license. It's the same reason why somebody
20 that has an FGR license is making money taking somebody
21 fishing. He doesn't have to buy that \$240.00 decal, you know.
22 He could require everybody on board his boat to get a fishing
23 license. Just like this charter boat captain could require
24 everybody on board.

25 The decal is designed to cover that license fee so

1 everybody on board your boat is not inconvenienced by having
2 to get a recreational and so the Department gets better catch
3 records because it's better to get an actual log book report
4 than an estimate, and it's so that NRP can actually visually
5 see the decal on the boat and know that that's what activities
6 you're allowed to be engaged in.

7 That's the point of the decal system and that's what
8 it's meant to cover. It's very, very similar to what finfish
9 is.

10 MR. YOUNG: So we let people that just have a
11 fishing guide license get out of paying the \$215.00
12 harvester's fee, and now that we'll let them get into crabs
13 and not pay the \$215.00 harvester's fee.

14 MS. HUNT: If they want to use commercial gear, they
15 pay that fee. If they don't, you're right.

16 MR. YOUNG: It just doesn't seem right. I mean the
17 fishing guide license is for what? For finfish.

18 MS. HUNT: That's not what the law says. it just
19 says to take ---.

20 MR. YOUNG: Sarah, if we could talk about this at
21 the open house?

22 MS. WIDMAN: I think the difference that may be we
23 keep going circling around, right now, you have the two ways
24 you could go out with people on your vessel. It's either
25 you're a fishing guide and you get a boat decal or a

1 recreational license, and when you're out finfishing with them
2 you're taking them crabbing too under the recreational
3 licenses you have.

4 Or you're doing educational tours and you're pulling
5 your pots but you can't keep anything that you pulled in from
6 those educational tours. It all has to go back overboard. So
7 this would be -- this creates two more options, one of which
8 would allow you to basically do what you're doing now as a
9 charter or guide but you're allowed to not have all the -- all
10 the people don't have to go get their own recreational
11 crabbing license to catch your two bushels.

12 You could just get covered. The other option then
13 was to cover the requests that Grant had that was, you know, I
14 want people to be able to keep that crab out of the crab pot
15 that I pulled up and showed them on the educational tour and
16 that would let you do that with your crab pots that you're
17 already authorized to use.

18 MR. YOUNG: I understand that but if I have a fish -
19 - if I was -- forget that I'm what I am with the TFL. All I
20 have is a fishing license and a Coast Guard license, now I
21 don't have to take \$215.00 harvester's fees and what you're
22 telling me then, Gina, is that it's not a finfishing license.
23 It's just a fishing license. So I can go out there and I can
24 fish for crabs.

25 MS. WIDMAN: It's a fishing guide license.

1 MR. YOUNG: Yes. Right.

2 MS. WIDMAN: Right.

3 MR. YOUNG: But my understanding is that the fishing
4 -- the definition of a fishing guide license is finfishing
5 license.

6 (Chorus of "No.")

7 MS. HUNT: No. That's not what the law says. It
8 says to take --

9 MS. WIDMAN: It covers everything.

10 MS. HUNT: It doesn't specify.

11 MS. WIDMAN: I think the difference is there's kind
12 of a difference between your chartering in that people don't
13 need to go get the license, which is what I thought you were
14 talking about versus you're guiding and you're just guiding
15 the people. They have their own license.

16 MS. HUNT: Yes.

17 MS. WIDMAN: So the guiding license is the guiding
18 license. We don't have a charter license though right now for
19 crabs.

20 MR. YOUNG: Understand.

21 MS. WIDMAN: Does that make sense? Okay.

22 MR. YOUNG: But does the guide license presently
23 allow you to harvest crabs?

24 MS. WIDMAN: (Away from microphone) If you have ---
25 crabbing license on top of it.

1 MR. YOUNG: Right.

2 MS. HUNT: Again, same as with fishing. You could
3 put people on board your boat that have the recreational
4 crabbing license. They pay you to take them out and you can
5 accept that money because you have an FGR. You are licensed
6 to be taking money and paid parties out.

7 That's what you're licensed to do whether it's
8 fishing, crabbing or whatever. They have to meet their own
9 license requirements, which could be covered by a decal or by
10 their own individual license.

11 MR. YOUNG: I just have a problem they're either
12 fishing or they're into crabbing and they're paying a
13 harvester's fee.

14 MS. HUNT: I know.

15 MR. YOUNG: That's --

16 MS. HUNT: I got you.

17 MR. YOUNG: They should've been never exempted for -
18 - from it to begin with and I don't know what kind of pressure
19 was applied to the Department to make them do that, to let
20 them get away with that but if they're out there working that
21 bay, they should be paying the harvester's fee.

22 As far as the crabbing charters, if they take this
23 they have to take recreational amounts, and the recreational
24 limit is a bushel per person maximum two per day per boat. So
25 they can't take -- if they've got six people on a boat, they

1 can't take six bushels of crabs. They take two. Okay.

2 MR. RICE: (Away from microphone) Tom ---.

3 MR. O'CONNELL: (Away from microphone) Yes. Just,
4 you know, the way they're questioning this is just like these
5 are already proposed and final. Again, we're scoping. You
6 know, we did have some charter guys, you know, kind of put
7 this in this category.

8 It's like and do they have to license all crabbers
9 so, you know -- so I think the options on the issue that
10 Richard's been talking about, and I appreciate your comments,
11 Richard, is one, these fishing guides. If they're going to
12 take crabbers out fishing, should they be required to have
13 those passengers all be licensed or should there be a decal
14 that exempts them from being licensed, and if so, what fee.

15 At least from what I hear from Richard is that there
16 should be a license and it should be \$300.00 if we're going to
17 do it. So if others have -- others feel that same way or feel
18 differently, if you want to provide comments during the
19 scoping period that would be really good information for us to
20 determine how to proceed with this because they're really
21 valid points, Richard.

22 MR. RICE: Thank you, Tom. On that, we need to move
23 along. Would Mike Luisi, we need your report please. Bring s
24 up to date.

25

Estuarine & Marine Update

by Mike Luisi, MD DNR Fisheries Service

MR. LUISI: Good afternoon everyone. I have a presentation here for you. Again, my name is Mike Luisi, the director our Estuarine & Marine Fisheries Division here at DNR.

I have an update on a number of different things and Mr. Chairman, I took it upon myself to make some adjustments to the structure of the bullets but given your statement at the beginning of the meeting of your enter on the way in and exit on the way out, I just want to make sure that's okay before I do that.

MR. RICE: You're cool.

(Slide)

MR. LUISI: All right. Okay. So starting with pound net reporting requirements, a new regulation became effective on April 15th, which requires all pound nets that are going to be set were taken down just requires notification to the Department.

We sent out letters to all registered pound net site owners and we've been receiving those forms back indicating the nets have been set and that there's plans to set new nets or additional nets this summer.

I can't report to you what we've learned at this point so far about the number of nets set on the bay because

1 the staff that are dealing with this are involved in other
2 things right now and just haven't been able to process the
3 paperwork. So that's in effect right now.

4 There's also, as part of this regulation, a soak
5 time provision. This soak time provision was something that
6 we need to work more closely with the industry on when we get
7 through a few other items that I personally have been dealing
8 with, you know, with other management issues.

9 I think it will call together some industry folks in
10 the pound net business and talk to them about what a
11 reasonable soak time provision would be for the future but,
12 you know, that's in the works. That's to come.

13 (Slide)

14 MR. LUISI: This might be a little far, Marty, to
15 reach me here. Okay. Next topic, Atlantic menhaden. I was
16 asked to give you an update on where we are on with ASMFC
17 compliance. The new requirements from the approved amendment
18 recently require that the fishery be managed under a new quota
19 and the quota's about 5 million pounds.

20 So because of that and because of the previous
21 year's harvest, we're projecting that that quota could be met
22 on or around June 15th. So right now, what we're planning to
23 do, what's being projected, is that we would close the
24 non-regulated fisheries, so the fishery that's happening right
25 now, which is, you know, there aren't any limits to what can

1 be taken would be closed as of June 15th.

2 But as part of the new plan, we are working on
3 establishing a menhaden bycatch permit and that menhaden
4 bycatch permit would be given to those individuals who are
5 fishing with stationary gears, multispecies gears and we've
6 determined that the pound net fishery fits that criteria

7 So pound net fisherman, anybody who has a pound site
8 registered with the state by I believe it was February 18th of
9 2013 was eligible to receive one of these bycatch permits.
10 The menhaden permit will allow those who have it to land up to
11 6,000 pounds per vessel per day after a non-regulated fishery
12 closes on June 15th.

13 We are still working through the ASMFC on the idea
14 that with two permits on a vessel there might be a potential
15 to land 12,000 pounds on that vessel for that day. That's
16 something that the Atlantic State's Commission needs to
17 approve. The ASMFC meets next week and we'll be discussing
18 that at the board meeting next week.

19 With the menhaden permit there will be -- there will
20 come additional reporting requirements in order for us to be
21 able to gather information they -- you know, with the response
22 time that we need in order to evaluate what's being landed
23 after the closure.

24 So we're working on establishing an electronic
25 reporting system. There will be two methods that we're

1 working. One will be an online reporting system. The other
2 will be a text message reporting system similar to the crab
3 text messaging system that's -- that is available right now.

4 We're working this week to get out an informational
5 letter, which will provide all those who are eligible to
6 receive this permit. It'll give them information about the
7 application process for the permit and then as a follow-up to
8 that application, it's an online application so you can either
9 get online and apply for the permit or you can call the
10 Department and one of our staff will get back to you and
11 gather the necessary information in order for you to obtain
12 that permit.

13 We're working to try to figure out with the new
14 reporting requirements working on some training opportunity so
15 that those who are going to need to use this new daily
16 reporting system will have some opportunity to work with staff
17 at the Department to, you know, work on just the method of
18 getting that information to us whether it be text message or
19 online. That letter should go out.

20 MR. YOUNG: Michael?

21 MR. LUISI: It'll probably most likely go out early
22 next week. Mr. Chairman, I have a question coming.

23 MR. RICE: Richard?

24 MR. YOUNG: On the electronic reporting, will you
25 have a provision for a call center type thing for people that

1 don't use a computer or they don't text?

2 MR. LUISI: No, there won't be all calls. We're not
3 working right now to develop any type of call center. It's
4 going to be either online or text message. That's all we have
5 right now.

6 MR. YOUNG: Kind of puts some people at a
7 disadvantage I think. Some people don't (microphone
8 interference) --- computer.

9 MR. LUISI: All I can offer is that there, you know
10 -- we have a limited of people in this pool that are qualified
11 for this. There's about 300 of which about 100 actual
12 individuals are the ones who are out pound netting -- 120
13 maybe.

14 If there is somebody, who just doesn't have the
15 technological knowhow to do this, I mean we'll try to work
16 with them the best we can but we do not have a call center set
17 up. We're just not going to do that.

18 We'll try to work with them the best we can to
19 either teach them how to do what they need or provide some
20 means for them to get the information to us.

21 MR. YOUNG: Okay. After the non-regulated fishery
22 closes approximately maybe as early as June 15th, is there
23 going to be enough bait for crabbers? That is the question.
24 There's very few razor clams. The clams are practically non-
25 existent and very exuberant in price and concerned is there

1 going to be enough bait?

2 MR. LUISI: I realize that's a concern. I can't
3 answer that question. I would hope so. I mean, you know, the
4 limit of 6,000 pounds I certainly understand how that is
5 confining. We're really going to be working hard next week to
6 have the commission look at that 12,000 pound limit on a
7 vessel as something, you know, that really is needed not only
8 for the efficiency of the fisherman instead of having two
9 boats operating at once, guys can hop on boats together and go
10 fishing but, you know, with the 12,000 pounds, we're -- you
11 know, we expect that they're -- there will be bait available.

12 (Slide)

13 MR. LUISI: Okay. Moving on to the next topic, the
14 Yellow Perch Fishery was asked to provide you just a brief
15 update on where we were and then where we're moving, what
16 we're doing for next year. It's a little typical to see the
17 numbers, and I apologize for that, but maybe just look at the
18 bars.

19 The orange bars are the landings and the blue bars
20 are the quota. As you can see, the Chester River came very
21 close to its quota from 2013 but, however, in the upper bay
22 there was a -- it just came in a little under. They caught
23 about two-thirds of what quota was available.

24 We did extend the season for an additional week in
25 order to allow for more fish to be landed but the closer,

1 | instead of on May 10th it was on May 16th, I believe, just
2 | fell a little bit short.

3 | (Slide)

4 | MR. LUISI: Now one of the things that was brought
5 | up this year in the Yellow Perch Fishery was the cost of the
6 | tags associated with that fishery and originally, we had
7 | proposed that the tags would be, I believe, I think it was
8 | \$0.09 per tag.

9 | However, through discussions with folks fishing in
10 | this fishery, we realized that the economic hardship because
11 | you sometimes needed to use a couple -- two or three tags in
12 | order to catch a pound of fish and that added up.

13 | So we reduced the price of tags but the industry
14 | still showed, you know, is asking for additional
15 | considerations as to whether or not we can do something more
16 | like a box tag or a crate tag, something that doesn't require
17 | each fish in this fishery to have a tag placed in it.

18 | So we have a schedule. We scheduled a meeting on
19 | June 29th over at Matapeake and we're inviting all yellow
20 | perch permit holders to attend and offer some ideas and advice
21 | on how we may provide for a new tagging system with the
22 | understanding that the same level of accountability needs --
23 | and enforceability of the rules needs to apply.

24 | So as long as we can come up with a system is as
25 | accountable as an individual tag and is enforceable, we will

1 consider that for the 2014 fishery. Mr. Chairman, I have a
2 question.

3 MR. RICE: Moochie?

4 MR. GILMER: Is the uncaught portion of the yellow
5 perch fishery rolled over to the following year?

6 MR. LUISI: It is not.

7 (Slide)

8 MR. LUISI: Moving on. The next topic is the Spiny
9 Dogfish Fishery. Sarah's briefly mentioned this so I will be
10 as brief as possible here. There are going to be changes
11 coming for next season. The next season of dogfish I believe
12 opens on November 1st.

13 This was an industry request. Folks on the coast
14 wanted us to consider some changes to provide more stability
15 in their fishery and so therefore, Kerry Kennedy, who heads up
16 our coastal program here in the division, worked to establish
17 a work group. They met a number of -- monthly over the course
18 of a few months and, you know, came up with new ideas and a
19 plan to provide some stability for that fishery.

20 I have to say, you know -- I want to go on record by
21 saying that, you know, we talk a lot around this table and
22 amongst, you know, our -- you know internally here about the
23 process of co-management, you know, the Department working
24 with industry and other groups, you know, to come up with a
25 management plan for a particular fishery, and this was, I have

1 to say, an absolute model example of the co-management
2 process.

3 The workgroup that came together, they didn't always
4 agree on everything but they were able to compromise and in
5 the end, I think, we're going to have a good set of rules
6 that's going to help those folks on the coast to secure their
7 businesses.

8 There is going to be a permit. I think Sarah
9 mentioned that this is going to be a limited access permit.
10 There were certain qualifying criteria for fishermen to obtain
11 that permit. Not everybody was happy about what those
12 criteria were but in the end they're going to -- they're
13 planning to move.

14 Annual landings are going to be needed in order to
15 maintain the permit. Therefore, somebody can't have one and
16 just sit on it. They're going to need to fish or go out with
17 somebody who's fishing in order to maintain that permit.

18 The permit owner needs to have an -- has to own a
19 vessel and has to be federally permitted in order to carry
20 that permit, and like I said these regulations will be
21 effective in October just in time for the start of the new
22 spiny dogfish season.

23 (Slide)

24 MR. LUISI: Okay. Best for last. So lastly, the
25 last point I want to talk about are the management changes

1 that have been proposed for the Striped Bass Fishery.
2 Regulations were proposed and what I thought I would do is
3 spend a few minutes just going through some of the details.
4 I'm not going to get down into the weeds of all this.

5 If any of you have any additional questions on top
6 of what I cover, I'm certainly happy to discuss that with you
7 but I wanted to give you a general sense of where these
8 changes are going for the 2014 fishery.

9 So as far as individual allocation, what these new
10 regulations propose is that all striped bass fisherman,
11 everybody who has a striped bass permit, will receive -- will
12 get an individual allocation for the 2014 fishery. Currently,
13 the way things are, we have our Atlantic fisherman and our ---
14 fisherman and our pound net fisherman, they already receive an
15 individual allocation.

16 So for the last 15 years, 20 years, they've always
17 received an individual allocation. They've shared that
18 equally amongst the users of that fishery. So depending on
19 the quota amount that each one of those fisheries received,
20 they've divided that quota up and we plan to continue to use
21 the same methods in giving them their 2014 quota, as well.

22 (Slide)

23 MR. LUISI: The gillnet and hook and liners on the
24 other hand have always fished in a derby style fishery where
25 there was a large pie -- a large pool of quota, and that pool

1 of quota was divided up by the months of the year from, you
2 know, January then June through the rest of the year based on
3 which gear was eligible to be used during the year.

4 So in order for these individuals now to be given an
5 individual allocation for 2014 we had to come up with a way of
6 allocating the quota and we decided that we would use what we
7 called our hybrid model to provide each one of those
8 individuals in that fishery and allocation.

9 So essentially the way that it works is that every
10 single permit holder in the gillnet hook and line fishery will
11 receive a baseline quota amount which is the equal
12 distribution of 25 percent of the entire pie that is available
13 to them.

14 If this year was the year that we would've provided
15 that allocation, the baseline quota amount would be about 300
16 pounds which means that -- okay, well the additional 75
17 percent, the leftover, the remaining 75 percent of the quota
18 amount for that fishery is now -- is then going to be based
19 and distributed based on the -- it's going to be based on
20 catch history.

21 So what that means is that those folks that don't
22 have any catch history, they haven't, they've held a permit
23 but haven't used it, are all going to receive this baseline
24 amount. It could be around 300 pounds. That's kind of what
25 we're -- that's what we're using when we talk with the

1 fisherman.

2 Anyone who has catch history is going to be
3 evaluated based on how they perform within each of those
4 gears. So gillnetters over time, we're going to take an
5 average of a gillnetters landings and compare his average with
6 all the other gillnetters over a time period and come up with
7 a tier -- you know, a top to bottom view of who's the highest
8 -- who's had the highest average landings to the lowest
9 average landings, and those individuals will receive a portion
10 of that quota based relatively on where they fall in that
11 line, and so whatever their contribution was to the fishery,
12 they're going to get back a relative proportion of the quota
13 based on their history.

14 So the way you want to -- the blue line in the
15 middle of that graph is the line, that's the way the
16 distribution of the quota will somewhat look where a lot of
17 people will get the baseline amount.

18 You can see right here, you know, there's a lot of
19 people that will get this baseline amount and then as
20 individuals with history show up on the graph, you can see
21 that some individuals will receive more than others. So with
22 that said, at the end of the summer every single person in
23 this fishery is going to have a share.

24 They're all going to be -- they're all going to have
25 some amount of quota that is going to be available to them.

1 We decided recently, before these regulations were proposed
2 obviously, that instead of just expecting these fishermen to
3 just take the individual transferable quota that we're giving
4 them and using it as such, based on working on, you know --
5 we've worked with the industry.

6 There was a lot of pushback for making everybody do
7 this. So ultimately, we decided to give fishermen a choice,
8 okay? So each person in the gillnet and hook and line fishery
9 now will have a choice. The pound netters, the Atlantic guys,
10 the ---, they're already an individual transferable quota.

11 So they're not going to be given the same choice,
12 but the gillnetters and hook and liners that are receiving
13 this allocation based on that hybrid model are going to be
14 able to take their quota that we give them and go into the ITQ
15 fishery or they're going to be able to enter that fish --
16 those pounds that they receive into what we're going to
17 consider a common pool.

18 So the way that works is that each fisherman will
19 come to the declaration of intent in August and they'll have
20 in front of them some sense, some idea of what to expect as
21 their quota in 2014.

22 We're not going to know the exact number of pounds
23 that they'll receive because the quota for 2014 won't be
24 calculated yet, but we're going to give them a range of what
25 they could expect to get in 2014 and they'll make -- they'll

1 have a choice.

2 They'll be able to decide whether or not they're
3 going to put their fish into -- I'm not going to be able to
4 hit this screen -- into the ITQ or the common pool.

5 (Slide)

6 MR. LUISI: So depending on what they decide, okay,
7 fishermen will -- some fishermen will take the ITQ. They'll
8 take their individual quota and they'll walk away with that
9 and by doing so, they'll be able to fish under the flexible
10 rules of an individual quota which will mean that they'll be
11 able to fish during the open time period with the gears that
12 they choose to fish with.

13 There won't be any openings or closings of their
14 fishery. They'll be, you know -- they'll have some
15 flexibilities afforded to them. Those folks that want to stay
16 fishing like they currently do and make that decision, what
17 they would have to do, like this guy here with the 4,000
18 pounds.

19 He might say, you know, what? I think I'll have a
20 better chance at catching more than 4,000 pounds if I put my
21 fish into the common pool and fish under the derby style that
22 I'm comfortable with, and he'll have that -- he'll be able to
23 make that choice if he chooses to.

24 So if he throws his fish into the common pool and
25 this guy throws his fish into the common pool, the common pool

1 will become a warehouse for all of the people who put their
2 quota into the common pool, and whatever is in the common pool
3 at the end of the declaration period will be divided up and
4 into the months of the year that we -- like we currently do,
5 and those people who have thrown their quota into that common
6 pool will be able to fish on that quota without being limited
7 to their amount that they started with, yet they'll be fishing
8 in the same derby mentality that is currently the way the
9 practice that we have.

10 So we'll monitor each month when the quota for each
11 month gets caught, we'll be -- we'll have to close that
12 fishery so that the next will open with some quota available
13 to it.

14 (Slide)

15 MR. LUISI: There are some other provisions in the
16 new -- in the proposed regs. I won't go into too much detail
17 about this but basically what the -- what these regulations do
18 is they provide both preseason and in season transfers of
19 quota and permits.

20 Those folks that go into the individual quota system
21 will be allowed to transfer both permits and allocation. What
22 you want to think of it is as, you know, you have this card
23 that has a quota on it and you're going to be able to move the
24 pounds or take the -- give the card to somebody.

25 There's going to be all -- there are going to be

1 flexible options for you to divide up what you have at the
2 start to different people. We're going to get information out
3 to everybody about what they're allowed to do given the new
4 rules but essentially fishermen in the fishery will be able to
5 work with one another to either temporarily transfer or lease
6 quota in order to establish what they need on their own permit
7 to make their business meet their business demands.

8 One thing that's going to be a little bit different
9 this year is that there are some people -- there are a number
10 of people in this fishery that have multiple permits. They
11 have multiple pound net permits. They have stacked gillnet
12 permits.

13 There won't be any need any more for each one of
14 those permits to be renewed. The permit essentially now is
15 just a ticket into the fishery. The allocation itself and the
16 shares are assigned to the individual.

17 So the individual that has 4,000 pounds but four
18 gillnet permits won't need to renew all four of those gillnet
19 permits. He'll just need to renew one of them in order to
20 gain access to fish on those 4,000 pounds.

21 So that's something that's a bit different, and
22 permanent transfers of shares that somebody owns is going to
23 be prohibited initially. The only way that a pound -- a
24 permit can be transferred permanently is in the event that
25 it's transferred with a tidal fish license or a fishing

1 license of some kind which would mean that the person selling
2 it is getting out of the business entirely.

3 They're selling both their TFL or their finfish
4 license with the permit. That will be allowed. Again with
5 the individual -- the ITQ system, when you get within the
6 season, okay.

7 So now we start, January 1 comes around (microphone
8 interference) what we're going to be allowing for is transfer
9 of allocation or permits, but the transfer will be an all or
10 nothing or essentially whatever's remaining.

11 So if you start fishing in January and you have a
12 5,000 pound quota and you catch 2,500 pounds of that but
13 something happens, you're going to be able to transfer the
14 remaining portion of that quota to someone else or give your
15 permit to someone else with that allocation for them to finish
16 out the year for you.

17 That will be able to happen at any time during the
18 year. Those transfers will be -- they may take a few days
19 because of the process that we'll have to go through
20 internally to approve it but they'll be able to happen all --
21 any time during the year, which will be a flexibility for that
22 system.

23 In the common pool, we're going to offer the same
24 type of transfer provisions that we currently have, so if you
25 select the common pool fishery, you'll be able to transfer

1 your permit to another individual but that individual would
2 need to be somebody who currently doesn't have a permit at
3 all.

4 There's no -- because there's no need now to stack
5 permits in order to gain greater access to the fishery,
6 permits can be transferred but they'll have to go to somebody
7 who is a non-permit holder, and the in season transfers within
8 the common pool are going to be just like they currently are
9 now.

10 We tried to keep the common pool as close to
11 representative of the way we operate now, so after the gillnet
12 season there will be an opportunity for folks that want to
13 transfer their permit to someone else for the hook line season
14 to do so in March.

15 (Slide)

16 MR. LUISI: Okay, the next steps. We're preparing
17 right now a harvest history letter that we're going to try to
18 get out. Our goal is to get it out before Memorial Day
19 weekend. What that harvest history letter is, it's going to
20 go out to the gillnet hook and liners.

21 Because they're gillnet and hook and liners are --
22 who are we're evaluating their harvest history in giving their
23 allocation with the letter's essentially going to show them
24 all of the data, all of the information that we have on their
25 harvest.

1 So it's going to be an opportunity for them to see
2 what it is we've collected over the course of the -- since
3 2001 on their -- what their harvest is, and it'll give them
4 their average.

5 Now it's -- we're not -- there's no -- there's not
6 going to be any quota or any -- there's not going to be any
7 share amount or any final allocation given with this because
8 we still have a process to go through, but it will provide
9 them an opportunity to see what it is we have for each person
10 individually, and with that harvest history letter, we're
11 going to be addressing our appeals process.

12 We decided that we need to have an appeals process
13 based on the information that people are giving as far as
14 their history. So I do -- what I'd like to say to you, and if
15 you can pass this word on to as many people as you can.

16 When the harvest history letter goes out, and it's
17 going to have all the information necessary for the appeals
18 process, I'm asking that you guys explain to people that there
19 is no reason to call us. We can't do anything about what it
20 is they have on their form initially.

21 If they feel that there's something wrong with what
22 they're seeing as far as the history, they'll have an
23 opportunity with the appeals to bring that up to us. They'll
24 be able to -- one of the appeals would be that there's
25 inaccurate data and that the data that we have is not what

1 they think it should be and they'll need to prove that and
2 it's all -- it'll be explained in the letter.

3 What I fear is that when this letter goes out, we're
4 going to get 1,200 phone calls or 800 phone calls, you know,
5 with people telling us their story about why they may have
6 missed a year or two. They don't have landings.

7 It really, really bogs down the efficiency of our
8 unit that's working on this, and so if you can pass the word
9 on that the letter will contain all the information necessary,
10 the appeals will have a process associated with it. It'll
11 have some deadlines and timelines to follow, and they
12 certainly can go forward with the appeal if they feel they
13 need certain criteria.

14 We'll calculate allocations in July and provide each
15 person with an informational packet and what we expect their
16 allocation to be -- closely resemble for 2014 prior to the
17 declaration of intent, which will be in August. All along the
18 same while, we have another regulation we need to work on
19 which will be dealing with the fishing rules for 2014.

20 That's something that we'll be working with the
21 workgroup, the striped bass workgroup on. Once we get into
22 June, I think we're going to have a meeting or two to talk
23 about some new fishing rules. Mr. Chairman, that concludes my
24 report.

25

Questions and Answers

MR. RICE: Thank you, Mike. Richard?

MR. YOUNG: A couple of questions. When you said when you're not going to allow permanent transfers except if somebody sells their entire license and gets out of the fishery?

MR. LUISI: Yes.

MR. YOUNG: Why is that?

MR. LUISI: There were concerns raised by the industry that when we -- there's a historical distribution of the quota. Certain part -- a certain part of the -- a certain percentage of the quota has gone to the pound net industry, and the other percent of that quota goes to the gillnet hook and line fishermen, and there's a concern within the workgroup and the industry members that if we allow for permanent transfers of shares that that historical distribution will be grossly adjust -- will be impacted immediately and so, for instance, if 600 people get 300 pounds of quota and they all sell it to pound netters, you're going to see a large shift in the historical distribution of the quota from those gears into the pound net fishery.

So by eliminating permanent transfers and only allowing for temporary transfers we can evaluate what happens over a course of a couple years, a year or two, and because each year we've reset -- we hit the reset button and

1 everything goes back to the way it was.

2 Everybody gets their shares that they had, so each
3 person essentially owns a share and those shares won't be able
4 to change with the different gears that they could flip-flop
5 to.

6 So what I expect is that after a year or two of
7 evaluation on this and we work with the workgroup and we -- if
8 they determine that these shifts aren't as a big a deal as
9 they thought or there's no reason why we shouldn't allow for
10 some of these deviations from the historical distribution to
11 happen, then we could ultimately allow for business, permanent
12 business transfers of these shares.

13 But we decided to just take it one step at a time at
14 this point and so that we could go back and hit -- and reset
15 the clock.

16 MR. YOUNG: Now you had said -- talked about stacked
17 authorizations. You said there's no need to renew all of them
18 because it only takes one to get into the fishery. If I've
19 got five stacked, does that mean I have five ---?

20 MR. LUISI: You'll be getting -- your allocation
21 will come to you as one large allocation based on all of those
22 permits. Each one of those permits is going to receive a
23 certain percentage of the total -- of the quota, and it'll be
24 lumped together and it'll be given to you as a person not --
25 it's not going to come on each one of those permits.

1 If you have five, you're not going to get 1,000,
2 1,000, 500, 500, 500. You're going to get 3,500 to fish with,
3 and if you want -- so the thing with the stacked permits is if
4 you want to renew all of them, you can and you could lease the
5 ones you don't need to other people if you'd like.

6 You know, there will be a way that you could renew
7 them all and lease them out.

8 MR. YOUNG: But they've got no quota with them.

9 MR. LUISI: What you could do is you could put 200
10 pounds on each one and lease them if you choose to do that.
11 You're going to be able to, at the declaration period, divide
12 up what it is you have into your stacked permits and do
13 whatever you want to do with those permits.

14 If you only want to renew one of them, that's fine
15 but what happens, as you know, if you don't renew a permit
16 over two years, the Department reabsorbs that permit. So what
17 we're going to face in a couple of years are people who have
18 decided not to renew them.

19 We're likely to have a large pool or pot of permits
20 available without any quota associated with them, and it'll be
21 up to the industry to decide what they want to do with those
22 permits. Do they want them to go to the people on the waiting
23 list?

24 Do they want to lower the cap on the permits and
25 just consolidate the fishery, and that's all something we're

1 going to need to talk about over the next couple of years.

2 MR. RICE: Yes, sir?

3 MR. GORDON: I guess is this ---? Have you guys
4 considered with this type of ITQ system or catch shares or
5 whatever you want to call it, some kind of use it or lose it
6 clause in the industry that I participate the offshore surf
7 clam --- which went into a quota ITQ system in 1990.

8 There have been an enormous amount of fishermen who
9 have required, okay, and are no longer active in the fishery
10 but yet are able to generate incredible incomes for
11 themselves, okay, for the rest of their lives, it was a
12 property right, and it's costing -- it's a whole other profit
13 level in the track of the protein from the ocean to the
14 consumer and it's not totally a bad thing.

15 I mean a lot of these, you know, there's some -- I
16 have some respect for that but it's an incredible tax on the
17 protein.

18 MR. LUISI: Yes, you know, we certainly have --
19 we've discussed it, having some type of use it or lose it
20 provision in the -- for this ITQ. However, given the detail
21 that would be needed and that the industry wasn't interested
22 in providing for any type of immediate use it or lose it, we
23 decided to kind of put a hold on moving forward with the
24 details of that, but that'll certainly be something we'll be
25 discussing within this year into the coming years whether --

1 MR. GORDON: Could use it be qualified as leasing it
2 to someone else each year?

3 MR. LUISI: It may be. Sure.

4 MR. GORDON: So that defeats the purpose.

5 MR. RICE: Moochie ---.

6 MR. GILMER: So if you have five permits and you put
7 them all together, do you pay one permit figure or do you
8 pay --

9 MR. LUISI: If you have five permits, which a lot of
10 people do --

11 MR. GILMER: Right.

12 MR. LUISI: -- this year you'll have to decide --
13 there won't be any need to renew them all, and you're not
14 going to be able to squish them together and consolidate them
15 to one. So if you do decide to renew all five of them, you
16 will have to pay the permit fee for each -- all five but the
17 only reason I could see, and what I would recommend to people,
18 is if you do decide to renew them all, you should have some
19 intention for what you're going to use them for.

20 You're not going to need them yourself so if you
21 decide you're going to give it to someone else or maybe you're
22 going to move a certain proportion of your quota to it and try
23 to lease it to someone else, that's what you would have to do.

24 MR. GILMER: But then you're saying a --- 1,000
25 pounds of fish can re-permit for \$100.00 and the man who has

1 got 300 is \$100.00.

2 MR. LUISI: That's correct. The permit itself is
3 the entry -- is the ticket into the fishery and so each person
4 will pay the same fee for the permit. Their share amount will
5 be different but they won't be paying any different fee.

6 MR. GILMER: But -- but --

7 MR. LUISI: I understand. You're saying -- I think
8 that was something that was discussed and, you know, I wasn't
9 involved in the discussion on the recent bill to adjust permit
10 fees, but I think that was something that was brought up
11 whether or not you would prorate the permit fee based on the
12 amount of quota that you had and it was decided that it --
13 just to keep it at a flat rate at this point.

14 Now in the future maybe there'd be another time to
15 discuss whether or not you'd prorate the fee based on the
16 share amount that you own, but this year it will be the same
17 fee for everyone.

18 MR. GILMER: But like in our cost recovery thing,
19 didn't your -- you know, I don't understand where it's going
20 to put us in our -- in meeting in our goal of having to pay
21 for our part of the fishery every time through the Department.

22 You're, you know, you're making a little man pay as
23 much as the big man.

24 MR. LUISI: All right, well we will lose some
25 revenue based on permits that won't be renewed. However, I

1 think maybe there are probably nine out of the 1,200 people
2 that out of the 1,200 permits I think that there are only a
3 few couple hundred -- I want to say maybe 150 of them that are
4 stacked that are an enormous amount of people that just have
5 one permit.

6 MR. GILMER: I understand that, sir. He should -- I
7 don't think that's right in the ---. I really don't.

8 MR. BROWN: I didn't hear you say anything --- quota
9 that anyone could have. Didn't we have a ceiling on it or a
10 cap on it?

11 MR. LUISI: Because we decided -- we had talked
12 about a ceiling if we were going to allow the permanent
13 transfers because they were only doing temporary transfers at
14 this point.

15 We decided and we felt that it would be -- it would
16 be good to see how much quota someone will accumulate to use
17 that as an indicator of what a ceiling might be in the future
18 when we have permanent transfers because each year, that's --
19 whatever somebody accumulates in one year, they're all going
20 to go back to what they had the previous year.

21 The first year that we're going to be in place in
22 effect here, there is no ceiling amount. It's something we
23 could put in for the second year if we decide to but the first
24 year there will be no ceiling.

25 MR. BROWN: All right. One more question I got -- I

1 had a person ask me about history that he had a license and he
2 bought probably back about 2005 which had a lot of history on
3 it.

4 Then he didn't use it for a couple of years and then
5 he let another man use it and now he's saying he -- according
6 to what --- he doesn't have no history at all.

7 MR. LUISI: That's correct. Since 2009, the history
8 that a permit took on was based on the individual who was
9 fishing and not the owner of the permit. When regulations
10 changed in 2009, that was something that was part of that
11 regulation change.

12 So if I borrowed -- if I got your permit leased and
13 I went out fishing, when I went to the check station it used
14 to be that Robert T. looked like he was fishing but now it was
15 Mike Luisi's fishing, and there is -- and the workgroup
16 determined or decided that they wanted all of that recent --
17 all of that history since 2009 to be applied to the fishermen
18 and not the owner of the permit.

19 So the individual you're just referring -- you know,
20 if he owned it since 2009 and had never gone fishing himself,
21 he has no history.

22 MR. BROWN: Will he have a chance to appeal this
23 process?

24 MR. LUISI: Yes. Briefly, I can mention the few
25 points of the appeal. One of them is going to be data

1 inaccuracies. If you feel that your data that you're seeing
2 on your catch history report is wrong, you'll have an
3 opportunity to appeal.

4 Now the appeal won't be to call us and tell us it's
5 wrong. The appeal process will indicate that you need to
6 provide us written documentation on why it's wrong. Where are
7 the errors? You'll have to submit that information to us with
8 a form that will be provided.

9 The second part of an appeal will be for military
10 leave. So let's say somebody owned a permit for seven years
11 but they were on military leave for two of those years, if
12 they can provide us documentation on that we won't divide
13 their catch record by seven years.

14 We'll divide it by five years. So the years that
15 they were on military -- they were military service, they
16 won't be included in the averaging of their catch history.

17 The third appeal is what we're talking about right
18 now as a business -- it's a new business appeal, developing a
19 new business. It's for people who have recently bought a
20 permit.

21 Right now, we're thinking of drawing the line at
22 January 1st of 2011. So anybody that bought a permit from
23 January 1st of 2011 until now would be able to appeal that
24 they haven't had an opportunity to gain any history based on
25 the control date that was set for February 29th of 2012 as

1 history.

2 So the appeal would basically -- they would be
3 saying could you please include 2012's hook and line fishery
4 and the 2014 gillnet fishery as part of that appeal, and we
5 looked at the data.

6 There are about 115 people that fit that criteria
7 and few of them have landings that are significant as, you
8 know, we've heard from a few of them that said, you know, I've
9 tried to develop a business out of this and you're pulling the
10 rug out from under my feet because they would not have history
11 at all if we went forward with our proposed plan.

12 So I guess what I could say is there -- those are
13 the appeals that will be allowed. Regular, just hardship
14 appeals are something that we're not going to allow for. Just
15 bad luck, bad timing whatever, the boat breakdowns, health
16 problems are things that we're not going to consider as part
17 of the appeal.

18 MR. RICE: Thank you, Mike. Gail?

19 MS. SINDORF: Is it typical for somebody that has an
20 allocation above the baseline to ever get into the pool? What
21 would be the incentive to do that? I mean --

22 MR. LUISI: It's --

23 MS. SINDORF: You showed a 4,000 guy jump in. I was
24 wondering just --

25 MR. LUISI: You know, I have no idea. I have no

1 idea what people will think. You know by going to the pool,
2 you're taking -- well, first of all, you don't know how many
3 people are going to go to the pool.

4 If only a few people go into the pool, the quota's
5 going to be very small for the months that you'll be fishing
6 through the year. You know, the mentality of the pool is I
7 think I can catch more than what the Department's going to
8 give me, so I'm going to just take my chances.

9 There's more of a risk in going to the pool but
10 fishermen could benefit from that if they're 100 guys that are
11 in the pool and 98 of them don't go fishing on the first and
12 the quota's small while two guys go out and catch the whole
13 quota, they just made out.

14 So there is risk -- we don't know what's going to
15 happen. Really, to be honest, I have no idea what people will
16 pay.

17 MR. RICE: Rachel?

18 MS. DEAN: I have two questions. One kind of goes
19 on what Moochie was -- if somebody has five permits, they
20 choose to keep that poundage because it came to them. they
21 have four permits that they're not intending to renew that
22 carry zero that goes to people on the waiting list?

23 MR. LUISI: No. No.

24 MS. DEAN: You're not going to move forward with
25 that yet.

1 MR. LUISI: You would -- you only would lose those
2 permits over the course of a couple of years if you didn't
3 renew them. You're not --

4 MS. DEAN: No, if they chose not to renew.

5 MR. LUISI: They would have to choose not to renew
6 over two years' time --

7 08. Two years. Okay.

8 MR. LUISI: -- and then they would be -- we have to
9 decide. The industry will be working to decide what we do
10 with all those permits --

11 MS. DEAN: Okay.

12 MR. LUISI: -- because it's likely to be hundreds of
13 them.

14 MS. DEAN: So it won't be automatic.

15 MR. LUISI: It won't be automatic, no.

16 MS. DEAN: Then my second one, I know I talked to
17 Lynn briefly about this. I'm sorry I'm going back to the
18 menhaden. If somebody is gillnetting targeting Crocker,
19 targeting perch and they have a bycatch of menhaden, are we
20 picking our --- out and throwing them back because they're now
21 a protected species gillnet?

22 MR. LUISI: No, I can handle that. It's after the
23 closure of the non-regulated fishery, we have in our plan to
24 ASMFC to allow for up to 1,500 pounds of menhaden by gears
25 other than pound nets. So if a gillnetter gets into some

1 menhaden, they would be allowed to keep that.

2 Now, that's a provision that's not part of the
3 amendment. That's part of our plan so that has to be
4 approved.

5 MS. DEAN: Okay. Approved.

6 MR. LUISI: ASMFC could tell us that's not going to
7 happen, and therefore we wouldn't allow for it. So it's all
8 part of the plan approval process that'll be taking place next
9 week.

10 MR. RICE: Go ahead.

11 MR. DAWSON: Would that 1,500 pounds be per day
12 or --

13 MR. LUISI: Yes, sir, per day.

14 MR. RICE: Okay. Gibby?

15 MR. DEAN: I may have missed something somewhere
16 along the line but in all these discussions over the past 18
17 months or whatever it's been -- we felt a need to put a cap in
18 there on how much somebody could own for many reasons. We
19 felt a need and a safeguard to put a use it or lose it clause
20 in there.

21 I mean we can go through all the details of that, as
22 well but am I just learning now that that's no longer the case
23 or at least for another year?

24 MR. LUISI: It's going to be --

25 MR. DEAN: What kind of precedent do we set for

1 somebody that comes in and whether they acquire licenses or
2 not whether it's a corporation or whatever, you're not going
3 to get them out the second year.

4 I think that -- I think as safeguard, we need to
5 revisit at least those two subjects for implementation right
6 away, and the use it or lose it thing, if we're going to be
7 confident in the numbers, whether its ASMFC's numbers or the
8 state's on total allowable catch, we want every one of those
9 fish caught.

10 We don't want somebody sitting there on permits
11 holding the fish for whatever reason and they're not being
12 caught. So I think we need to -- well, I'm asking you to
13 reconsider the cap in the use it or lose it clause, and also I
14 don't know. I guess it's official or not official.

15 The former secretary or the current one -- what's it
16 official June 1. Secretary Griffin anyhow stated that the
17 Department would consider relaxing some of the regulations
18 such as anchor nets for the ITQ system and I think when
19 somebody goes to make a decision whether they go into ITQ or
20 community pool, we need to know what the status of that is.

21 That would make a big difference in a lot of
22 people's lives.

23 MR. LUISI: If I can, Mr. Chairman, just I'll be
24 brief, as brief as possible. As far as corporations and
25 individuals go, there's only an individual can hold the permit

1 so we're not dealing with large corporations of any kind with
2 this case.

3 I think you said -- I think you stated in your point
4 about caps that we did discuss that the ownership of a certain
5 amount of shares was going to be the consideration for the
6 cap, not -- so a leasing quota is an ownership of a share.
7 The share amounts will be established and will be set.

8 So the leasing -- even though somebody's leasing a
9 large amount, let's say a large amount of quota, they're only
10 going to have that for that one year. So we can certainly
11 revisit that in year two. I don't -- there's no way we can
12 get into revisiting that for year one.

13 Anchor nets is a discussion that we had with the
14 Office of the Secretary and we're working right now on a white
15 paper looking at anchor nets in the bay and whether or not
16 they would be a viable option for gillnetters. I can't
17 promise that there isn't -- we're not going to have that
18 decision made by August.

19 I can't -- there'd be no way by the time we get to
20 declaration that folks would know about whether or not anchor
21 nets would be allowed, and I -- you had one more point and
22 I'm --

23 MR. DEAN: That's it.

24 MR. O'CONNELL: Hey, Mike?

25 MR. LUISI: Yes.

1 MR. O'CONNELL: I mean the next step of this second
2 regulatory package will include discussion of what regulatory
3 flexibility may be allowed, and while that regulation would
4 not be filed at the time of renewal, we should be at a point
5 that outlines how we're going to go forward and that should
6 help inform people's decisions on what they should select,
7 right?

8 MR. LUISI: Yes.

9 MR. O'CONNELL: Okay.

10 MR. LUISI: Yes. We're going to work with you guys
11 --- fishing rules for next year, and if I just -- I should say
12 we're working to set up a public hearing, which will be held
13 -- what month is this? Sometime in June, let's say. A couple
14 of weeks from now.

15 We're trying to set up a public hearing to go over
16 all these new regs. It'll likely be here in Annapolis
17 probably in the church across the street.

18 MR. RICE: Thank you, Mike.

19 MR. LUISI: Thank you.

20 MR. O'CONNELL: Let me ask. We accidentally skipped
21 over one item on the regulatory updates ---. Gina, do you
22 want to cover that now or should we cover it under the other
23 crab item? I show --- availability is?

24 MS. HUNT: I'm going to do that.

25 MR. O'CONNELL: Are you going to be -- do you want

1 to do it now or under the other --

2 MS. HUNT: Because it's not just crabbing.

3 MR. O'CONNELL: Okay. You want to do it -- okay if
4 we do it now?

5 MR. RICE: Yes, just go ahead.

6 MR. O'CONNELL: It's time sensitive.

7 MR. RICE: Right.

8 MS. HUNT: Okay. there's two issues. One is the
9 male only LCC licenses that came to this commission last year.
10 We have 35 licenses that are currently available but again,
11 the issues was we can't issue them back out as full LCCs. We
12 have a waiting list. Do we retire those licenses and
13 basically drop the target down or do we issue them as male
14 only LCCs?

15 The issue went to the Blue Crab Advisory Committee
16 last year. They came back and said, "Get rid of them." At
17 the time, we were going through cost recovery and the
18 commission said, worried about losing all that money, "Go
19 back, think about it now in the context of cost recovery."

20 They did that in January or February of this year.
21 So the issue went back to them. the recommendation now back
22 to the commission is could you sit on them and basically not
23 issue them and not drop the target. Just sit on them for at
24 least another year to see what happens with the cost recovery
25 license fees.

1 So I think the context being that they assume that
2 we will lose some people's licenses just because of the higher
3 fees and what will that mean into cost recovery or does that
4 really get people on a wait list and the revenue's not such a
5 big deal.

6 So this was the recommendation back to the
7 commission. We will be, you know, putting in a target package
8 soon so I just need to know whether or not we are going to
9 drop the target on LCCs, sit on them or reissue them?

10 MR. RICE: What is your pleasure Commission?

11 MS. HUNT: Richard?

12 MR. YOUNG: All right. I'm sorry.

13 MS. HUNT: Richard?

14 MR. YOUNG: It's me again.

15 MR. RICE: I need to just sit over there.

16 (Laughter)

17 MR. YOUNG: You know the concern was that we are
18 going to need some people and I think we all think that we're
19 going to lose some license holders and we're going to lose
20 some revenue, and for each person that we lose that means that
21 each of us is going to have to -- the Department is going to
22 come back for more money from us to make up for that loss and
23 if we eliminate -- this year it's 38 licenses.

24 There's a total though in the fishery of 400 -- I
25 think it's 400 and 40 some male only licenses and if every

1 year 15 or 20 or 25 of them come back and we set this
2 precedent that they're going to get retired when they come
3 back, we're not going to hear about them anymore.

4 They're just going to get retired and eventually,
5 and the Department has said this at meetings before, that
6 eventually all 440 of them will come back and they'll all get
7 retired and that reduces the number of commercial fishermen in
8 Maryland by that many people. That reduces that much revenue
9 into the license fees for cost recovery.

10 (Simultaneous talking.)

11 MR. YOUNG: You know, the Crab Committee decided at
12 the last minute that we wanted to just wait and see what
13 happens with this first year of recovery and see how much we
14 actually lose money and how much we're going to have to come
15 up. I would like to make a motion. Is that what we're
16 looking for is a motion, Gina, from this --

17 MS. HUNT: I'd love a motion.

18 MR. YOUNG: I'd like to make a motion that we just
19 -- that the Department just hold those licenses, do not reduce
20 the target and just wait and see for one more year to see what
21 happens.

22 MS. SINDORF: I'd like to second that.

23 MR. RICE: Second.

24 MR. DEAN: Isn't that the same recommendation then
25 you --

1 MR. : Yes.

2 MR. RICE: That the Blue Crab Advisory has?

3 MR. : Yes.

4 MR. RICE: Yes.

5 MR. DEAN: Okay.

6 (Simultaneous talking.)

7 MR. YOUNG: I can't hear. Third. Fourth.

8 MR. GARY: (Away from the microphone) Richard,
9 before you do that can you just, you know --- state the motion
10 again ---?

11 MR. YOUNG: Motion to -- that the Department sit on
12 the male only LCCs, don't reissue them and don't retire them
13 and maintain current target until we see what happens with the
14 cost recovery and the loss of licenses.

15 MR. GARY: Review after a year.

16 MR. RICE: Right.

17 MR. GARY: Let the Department sit on the male only
18 LCCs, do not retire them and --

19 MR. YOUNG: Do not reduce the target.

20 MR. GARY: For a time period of one year?

21 MR. YOUNG: Yes. We'll revisit after -- really, it
22 doesn't even have to be a year. We can -- we'll know
23 something in --

24 MR. GARY: This fall.

25 MR. YOUNG: -- in winter.

1 MR. GARY: Yes.

2 MR. GILMER: (Away from microphone) --- March 1 ---.

3 MR. YOUNG: Okay.

4 MR. GARY: Okay.

5 MR. YOUNG: It's gotta be a year then.

6 MS. HUNT: We'll come back in a year.

7 MR. YOUNG: Yes.

8 MR. RICE: Motion by Richard Young, second by Gail

9 Sindorf to let the Department sit on the male only LCCs, do

10 not retire them and do not reduce the target for one. Does

11 that capture your motion?

12 MR. YOUNG: Yes.

13 MR. RICE: Tom, is that acceptable?

14 MR. O'CONNELL: Okay

15 MR. RICE: Any further discussion?

16 (No response)

17 MR. RICE: Amongst the committee? Seeing --- from

18 the public, go ahead. Please identify yourself for the

19 record.

20 MR. VAN ALSTINE: John Van Alstine.

21 MR. RICE: Come up to the microphone all the way

22 around here and identify yourself.

23 MR. VAN ALSTINE: --- microphone?

24 MR. RICE: All the way down.

25 MR. VAN ALSTINE: I could use ---.

1 (Laughter)

2 MR. VAN ALSTINE: Ladies and gentlemen, my name's
3 John Van Alstine and I believe that that is a valid license
4 that was reclaimed by the state, whether it be a male only or
5 a male and a female license.

6 I want to see it put back out there for those
7 gentlemen on the waiting list so our children have the ability
8 to get ahold of a license so they continue to fish. It's
9 still a valid license. We're just now taking with the
10 Rockfish Fishery we're condensing quotas on 14 years on a
11 rockfish quota waiting list. We're losing those.

12 I don't want to see the same with our LCCs. We've
13 got 400 licenses out there that are male only. Put them back
14 in circulation. If the state got them back, the original
15 agreement was they're going to get pushed right back out to
16 the people on the waiting list.

17 I don't believe it's fair for those gentlemen if
18 they desire to take one on their seat in the waiting list
19 that's male only, not a male and a female, issue it. It's a
20 valid license.

21 The folks that originally when we had to give up
22 female with those people that had female no harvest on those
23 LCCs that license was converted at that point with that user.
24 So that license, and we accepted that as a management team.
25 That license is now still a valid male only license.

1 Put it back in circulation is my concern.

2 Otherwise, all of our fisheries that are sitting on waiting
3 lists are going to go away and we're going to have a reduced
4 commercial fishermen. Those LCCs male only is a stepping
5 stone for someone's child that's in the commercial fishing
6 industry.

7 If we keep sitting on them, we're setting a
8 precedent that those licenses won't be revolving back out the
9 door.

10 MR. RICE: Thank you. Seeing no further comment, I
11 call for the question. All those in favor of the motion,
12 signify by raising your right hand please. Raise your hand
13 and hold it please.

14 (Show of hands)

15 MR. : 10?

16 MR. RICE: Yes. 11. 11 in favor. Oppose?

17 (Show of hand)

18 MR. RICE: Sir, you're opposed?

19 (Show of hand)

20 MR. RICE: Motion carries. Thank you.

21 MR. O'CONNELL: Abstentions?

22 MR. RICE: Any abstentions?

23 (Show of hand)

24 MR. RICE: Bill.

25 MR. O'CONNELL: One abstention.

1 MR. RICE: Okay. One.

2 MS. HUNT: Okay. There's one more target issue on
3 the agenda.

4 MR. RICE: Okay.

5 MS. HUNT: So in the, you know, before 2012's
6 legislation you were able to take pieces of authorizations and
7 upgrade to an unlimited TFL, and then when 2012 came in it was
8 that's the last year for doing that but you could convert your
9 license down to its component parts if you wanted to.

10 The main benefit of doing that is to be able to
11 transfer its parts if you wanted to give somebody you're
12 crabbing while you oystered, something like that. So we had
13 four licenses converted last year into their component
14 authorizations.

15 When people did that, two of the four did transfer
16 some of the parts away but none of the four took all of the
17 authorizations that they have had with an unlimited TFL. So
18 the question is four licenses that went down to their
19 component parts but they only took say, for example, three of
20 the seven authorizations they could've had what do we, do with
21 the other four? Do we reduce the target of those four?

22 Do we issue those to people on wait lists for those
23 four individual authorizations. Note that it's likely that
24 that person that had it who had an unlimited TFL didn't do all
25 seven things any time, right? So there was not that level of

1 effort at the time but when you divide them up, if you reissue
2 them you're probably increasing effort. Just keep that in
3 mind.

4 So we had four incenses do this. For the parts that
5 did not get renewed really, what does the Department do with
6 those?

7 MR. RICE: Discussion from the commission? Rachel?

8 MS. DEAN: My question would be are we talking like
9 a lobster license here?

10 MS. HUNT: Sometimes, yes.

11 MS. DEAN: Okay.

12 MS. HUNT: (Away from microphone) There's one, two,
13 three, four -- yes.

14 MS. DEAN: Can you break them down for us?

15 MS. HUNT: (Away from microphone) Let's see. There
16 was four that's conch, turtle, lobster is that license type.
17 One, two, three, four clam, three oyster, one finfish, three
18 FGRs.

19 (Simultaneous talking)

20 MS. HUNT: (Away from microphone) --- sorry.

21 (No response.)

22 MS. HUNT: (Away from microphone) We can come back
23 to this if you would like to table it because I don't want to
24 force you to make a decision and I know we're late in the
25 agenda. If that's where you are because I'm -- but if you

1 have a motion, it's great. If you don't I --

2 MS. SINDORF: That's a good question. How many of
3 those are on wait list? I honestly don't remember.

4 MS. HUNT: What do we have wait lists for?

5 MS. SINDORF: Of the ones that are --

6 MS. HUNT: Yes. there's no wait list for oysters.

7 MS. : ---.

8 MS. HUNT: Clam?

9 MS. : ---.

10 MS. HUNT: Is there a wait list for clam?

11 MS. : Yes.

12 MS. HUNT: Yes. So fishing guides and oysters, no
13 wait list. So if you tried to reissue them, there's nobody
14 that would actually get them.

15 MS. : On any of those?

16 MS. HUNT: No. For oysters or clams. That's what
17 I'm saying. Of those four, we already have over 100 oyster
18 licenses available. We have no wait.

19 MR. RICE: So right now, those pieces are just kind
20 of like in outer space so to speak?

21 MS. HUNT: Their sitting here right now, right.
22 We're -- after license renewal, we always go through this
23 process of talking about targets. Our question is what do we
24 do with those targets now?

25 We'll put in a regulation package to adjust the

1 number depending on what the recommendation is from the
2 commission. So every year and up until this point, you used
3 to hear me come here and say hey, we're going to adjust
4 targets because people upgraded to an unlimited TFL and we had
5 to drop the other authorizations down and the raise the TFL by
6 one.

7 This is different because you took something that
8 had the opportunity for seven authorizations. They may not
9 have used it but they had the opportunity, and then when they
10 converted it down they literally took the pieces they wanted.

11 So now what do you do with those rest. It's a much
12 different question going backwards.

13 MR. : Richard?

14 MR. RICE: I make a motion we table this until you
15 can give us a little more -- I don't know because this is just
16 a hard one to decide, you know?

17 MS. SINDORF: Can I just?

18 MR. : (Away from the microphone) It
19 deserves a little bit more consideration ---.

20 MR. RICE: Yes. Yes.

21 MR. : You know you've got a license
22 become available and you're -- my first gut instinct was well
23 there's people waiting for them to come available, so now
24 we're going to get rid of them?

25 MR. RICE: Yes.

1 MR. : You know?

2 MS. HUNT: (Away from microphone) So that's my next
3 question. So we can get rid of the ones that don't have wait
4 lists and release the ones that do? I'm just asking. I mean
5 we can wait -- make whatever motion it is but you're right.
6 some of these do have a wait so --

7 MR. : (Away from microphone) Well then my
8 direction would be maybe we could further this along to our
9 next meeting where we can discuss it in greater detail --

10 MS. HUNT: Okay.

11 MR. : (Away from microphone) --- you
12 know, more reasonable decision.

13 MR. O'CONNELL: Okay.

14 MR. : (Away from microphone) Get your
15 information just as --- making us aware of the situation.

16 MS. HUNT: All right.

17 MR. : (Away from microphone) ---.

18 MS. HUNT: You know.

19 MR. SIELING: Can I ask a question?

20 MR. : (Away from microphone) Yes, sir.

21 MR. SIELING: The ones that you actually have a wait
22 list, why can't they be issued?

23 MS. HUNT: Because the target doesn't allow for it
24 right now. What has to happen for those to be issued is we're
25 going to have to adjust the target to basically up all those

1 | authorizations by one and drop the TFL down by one, all right?

2 | MR. SIELING: Okay.

3 | MS. HUNT: Once you do that then you can issue it
4 | but I can't do that without a motion from the commission.

5 | MR. SIELING: My only problem was if we're going to
6 | --- I mean some of these people may be getting a little
7 | impatient I guess would --

8 | MS. HUNT: That's true.

9 | MR. SIELING: -- be a ---. Yes.

10 | MR. YOUNG: So as it stands right now, Gina, then if
11 | I understand it, you can't -- in order for you to issue these
12 | licenses, you have to drop the target on the TFLs and increase
13 | the target. So does that mean as it stands right now there
14 | are TFLs that are available?

15 | MS. HUNT: No.

16 | MR. YOUNG: You're saying to give out this piece of
17 | a TFL --

18 | MS. HUNT: No because it was there and now it's
19 | gone. It's down to its component parts. Sure, the target
20 | number is one higher than what I have --

21 | MR. YOUNG: Yes.

22 | MS. HUNT: -- but we're not going to issue it
23 | because it's technically not there.

24 | MR. YOUNG: Because there's a part of it -- it's
25 | missing.

1 MS. HUNT: Because it converted down, yes.

2 MR. YOUNG: Okay.

3 MS. HUNT: Yes.

4 MR. RICE: All right. Since this motion is made,
5 move along. Marty?

6 MR. GARY: Mr. Chairman, so we have several items
7 have been submitted by the commissioners for discussion but
8 we're already more than 30 minutes behind. Even with the 30
9 minutes, I will afford five minutes per item. So I would just
10 advise you, Mr. Chairman, as we proceed is you identify each
11 one of the commissioners who introduced each topic --

12 MR. RICE: Okay.

13 MR. GARY: -- to provide their questions and
14 concerns as expeditiously as possible.

15 MR. RICE: All right.

16 MR. GARY: Just one final comment. So these items
17 that you brought to our attention, we've tried to invite the
18 appropriate staff to listen and address any of the concerns
19 and questions but we're in primary listening mode.

20 MR. RICE: Right.

21 MR. GARY: So don't expect a full resolution to
22 these. So that -- all yours.

23 ***Commission Requested Discussions***

24 MR. RICE: Robert T. on the issue of the Rangia
25 clams or bait, could you enlighten us?

1 MR. BROWN: Yes. This has to do with up the bay in
2 --- in Maryland up there where -- when you get way up in there
3 there's places that it's not legal to clam at this time and
4 we're wondering where that was at. Moochie, I'll defer to
5 you. You're the clam man.

6 MR. GILMER: (Away microphone) ---. Yes, on this
7 Rangia clam, they're located in the upper bay and I want to --
8 my request to the Department is to find out what actually is
9 charted clam bottom in the upper bay and what isn't charted.
10 Is there a way that we can harvest these clams?

11 MR. GARY: (Away from microphone) --- so you're
12 primarily interested in whether those are currently
13 accessible?

14 MR. GILMER: Yes, with the ---. Yes.

15 MR. GARY: Okay.

16 MR. GILMER: (Away from microphone) Then those ---
17 aren't open is there a method of harvest that we can use?

18 MR. GARY: Okay. One of the staff members we were
19 hoping to get here is Mike Miller from shellfish and he may
20 have had something come up. I don't know. I didn't see him
21 come in. So we don't --

22 MR. O'CONNELL: I can answer.

23 MR. GARY: Can you? Did you?

24 MR. O'CONNELL: I'll do my best, Moochie. Mike
25 Miller who's in the field today and was supposed to be back

1 but got tied up. We're hoping to consider this further and if
2 -- I think it would be worthwhile gathering some individuals
3 like yourself that might be interested together with Mike
4 Miller and staff and try to evaluate.

5 We don't have a management plan. This is a non-
6 native species though for some of you who may not know. It is
7 non-native -- and to assess whether or not a viable fishery
8 could exist and where and how and all that.

9 So if it's something the commission would like us to
10 consider pursuing, we'll try to set up a time to meet with
11 Moochie and others and establish a process to have that
12 conversation.

13 MR. RICE: Thank you, Tom. Next on the list, Robert
14 T. You're up again on the Young-of-the-Year.

15 MR. BROWN: Yes. It had to do with Young-of-the-
16 Year survey and how it's done and wondering if we could have
17 some people go on and volunteer to help observe and even help
18 with it because we've got so many reports that sometimes it's
19 done when it's -- you've had a northwest wind and a really low
20 tide and they do it the same time everywhere at the same
21 places every day at the same time pretty much, and even if
22 it's not even an inch of water there, they're walking that
23 around and pull it in and we've heard reports of that.

24 I've had people tell me they've seen them do it. I
25 don't know but hearing that information, I want to -- was

1 wondering if we could have some observers go along and if so,
2 that we even possibly have it done where it's at least a half
3 tide or a third tide so you've got -- you're not going to
4 catch no fish if you don't have no water.

5 MR. RICE: We do have Eric here today, so if you can
6 briefly bring us up on the survey please? I appreciate it.

7 MR. DURRELL: Sure. Thanks --- Rice. My name is
8 Eric Durrell and I'm from the Young-of-the-Year Striped Bass
9 same survey since 1998. I worked on it for a few years prior
10 to that, as well. In a nutshell, you have 100 foot beach
11 sand, quarter inch mesh.

12 July, August, September we visit 22 permanent sites
13 throughout four major nursery areas in the bay. We visit the
14 site one time per month. We do not control for the tide stage
15 when we're there. There are times when I avoid a dead high or
16 a dead low tide because I know it's impossible to work at that
17 spot.

18 The question in a simpler form was relayed to me
19 previously. I look today back in the day for the past four
20 years and only six percent of the time I think it was did we
21 actually see them on a low tide. Pretty rare. Since 1954,
22 the survey's been done the same way. A lot of the sites are
23 still the same sites.

24 A few have moved due to piers or development or
25 whatever. Tide stage has never been controlled for. I have

1 no doubt that Commissioner Brown could direct me on how to
2 catch more fish. He's --- I would venture many times than I
3 have but what I would respectfully remind everyone is that's
4 not my goal.

5 I'm not going to go out and try to catch as many
6 fish as possible. I'm looking for a representative sample.
7 If I were to target a particular tide stage so they never get
8 done in the summer before the water turned cold and all the
9 fish moved a little offshore, with that being the case, I have
10 never seen what your description was an inch of water.

11 That's never happened unless I've been demonstrating
12 for someone else, demonstrating for a new person or something.
13 That has never gone on. We do have sights that get shallow on
14 a blowout tide.

15 As I said, we try to avoid that site in that
16 circumstance because it's sometimes not possible to work there
17 but for us to sand on a dead low tide is in fact a pretty
18 event. I'd be open to some demonstration --- at some point
19 for commissioners if they would be interested in that.

20 Pretty difficult to take along observers and that
21 sort of thing. We have access issues with military bases and
22 a lot of other things. I couldn't even promise you when
23 exactly I'm going to be at a particular site on those days. I
24 don't know if that answers your question or not.

25 MR. O'CONNELL: Well, what I'm saying is if some

1 people gave you their phone numbers and said look, if you're
2 in the Patuxent in this area would it be okay if we were to
3 observe you?

4 If they were to come up in their boat, came in the
5 field with you. We don't want to bother anything -- because I
6 just want to clarify this and want to have it where look, you
7 know, it's not being done wrong and just have somebody, you
8 know, observe what's going on. Let you do your thing.

9 MR. DURRELL: Sure. I wouldn't object to that at
10 all. I would say that it's a lot more reasonable to make that
11 happen on a day that's not an actual survey date. I could
12 come on some other day to a place on the Patuxent. We sand at
13 Milltown Landing, for one. That's state property.

14 We sand at Selby Landing. That's a pretty tough
15 site to demonstrate because that's often a mud hole. I don't
16 know if you're familiar with any of those beaches.

17 MR. O'CONNELL: No. No. No. We don't want --

18 MR. : --- watch him work.

19 MR. O'CONNELL: We just want to watch you. That's
20 all.

21 MR. DURRELL: Right. I understand but what I'm
22 saying is I could make it -- I could make a demonstration
23 happen at a given time a whole lot easier if it wasn't an
24 actual survey date.

25 MR. O'CONNELL: (Away from microphone) No. What

1 they're looking for is if you give us a date you're going to
2 be here --- I mean if something happens and you're not there
3 on a certain date, we understand but we want to be able to
4 come and we will stand off.

5 We're not going to get in your way at all. We're
6 going to stand off --- let you do your thing so we can just
7 observe what's happening.

8 MR. DURRELL: We can certainly attempt it. I'm not
9 the least bit opposed to that. It's just difficult to make
10 happen because, as I say, sometimes the tide stage when we get
11 to a river determines whether we start downstream.

12 In the case of the Patuxent, that might be all the
13 way down to the Jefferson Patterson Park. Or if we start
14 upstream, which is all the way up at Jug Bay. So we can
15 certainly attempt to work that out.

16 MR. O'CONNELL: Okay.

17 MR. DURRELL: That's fine.

18 MR. O'CONNELL: Because what we're just asking for
19 is the opportunity.

20 MR. DURRELL: Sure.

21 MR. RICE: Well, I think this came from --

22 MR. DURRELL: Understand.

23 MR. RICE: -- the fishing community and if that's
24 the question, then there has to be some constraints of -- it's
25 one thing to have a person come over. It's another thing to

1 have a busload of people wanting to come out and observe you
2 and disrupt you.

3 So, you know, I think that it's -- just to say, for
4 instance, that you brought this matter to our attention,
5 Robert T., you and/or your -- a designee of yours could work
6 that out with Eric and the Department to send one person along
7 on a certain survey day or whatever, then that would be
8 workable possibly. All right.

9 MR. DURRELL: (Away from microphone) We can -- I'm
10 perfectly open to working out something ---.

11 MR. : That sounds real reasonable to me.

12 MR. O'CONNELL: (Away from microphone) That's fine.
13 I mean we don't want a busload of people here like you said.
14 We just -- because it interferes. We don't want a lot of
15 traffic going in to there where --

16 MR. DURRELL: Sure.

17 MR. O'CONNELL: --- where you've got 100 sand and it
18 doesn't take much to spook the few fish in a small area ---.

19 MR. : ---.

20 MR. O'CONNELL: That's right.

21 MR. DURRELL: If I may, we have demonstrated for a
22 busload of people before and it is difficult, so I appreciate
23 that. Mr. Chairman, I have one other announcement if I
24 could --

25 MR. RICE: Please.

1 MR. DURRELL: -- if you don't mind. Very brief. I
2 wanted to make everybody aware of some of the commercial
3 monitoring work we do beginning with opening of the pound net
4 season here in the coming months. We visit check stations
5 randomly throughout the year.

6 This is every commercial season so pound net hook
7 and line, gillnet. There seems to be a little
8 misunderstanding when we show up at the check stations as to
9 what we're actually doing, and understandably at times some
10 people are worried about us being there.

11 I've been to Commissioner Brown's check station
12 several years ago and I would hope he would vouch for me that
13 it's a relatively painless process. In fact, I'd like to
14 visit again sometime if I could, Commissioner Brown. We don't
15 show up unannounced.

16 We call ahead. We say hey, is there a good day or a
17 good time, perhaps Tuesday or Thursday for example. All we're
18 doing is measuring fish, weighing fish, removing scales so we
19 can determine the age of that fish later.

20 It all plays into mandatory reporting that Maryland
21 has to submit to ASMFC, which in a nutshell is I have to
22 estimate how many fish at each age were harvested by each
23 fishery. So there's a lot of measuring lengths, weighing fish
24 and taking scale samples.

25 We try to be neat. We try to be clean. We try to

1 leave the place cleaner than we found it and we try to be as
2 unobtrusive as possible. So I just wanted to lay that out
3 there in case any of the other members in the room are check
4 station operators or striped bass harvesters that you may see
5 us out there.

6 I don't care anything about permit cards. I don't
7 care anything about the harvest tag number in the fish. None
8 of that's my concern. I don't have time to worry about that
9 when we're there. We'd like to measure, you know, a minimum
10 of 300 fish in a visit if we can.

11 If there's 10,000 pounds of fish there, I take a
12 representative subsample. If there's only a 1,000 pounds, I
13 may measure all 1,000 pounds of fish if I'm allowed to go
14 through them all.

15 Again, we try to work it out with everybody's
16 schedule. It's not a surprise visit by any means but we do
17 appreciate everybody's cooperation and understanding in that.
18 So that's all I have, Mr. Commissioner.

19 MR. RICE: All right. Thank you.

20 MR. BROWN: (Away from microphone) --- as he came
21 down to my ---. I rolled him some fish head on a pallet, put
22 them on the pier. I said, "Here's an extra tub of ice. Make
23 sure that they're put back in the appropriate boxes because I
24 had them marked with the weights and re-ice them" and he came
25 back in little bit and said, "I'm done" and that was it.

1 You know, I never even hardly saw him the whole time
2 he was there.

3 MS. DEAN: Out loud, I appreciate your bringing at
4 least three people because it makes it go a little faster.

5 MR. DURRELL: (Away from microphone) Well, we do and
6 every time I can -- I'll be honest with you. Sometimes ---
7 only bring two but we do try to take three people at every
8 turn and we don't typically bother anybody more than once a
9 month.

10 If your check station is harvesting more than three
11 percent of the landings in a given month, you can expect a
12 call from us often. If you're harvesting over eight percent,
13 you'll certainly hear from us but between three and eight
14 percent, you may hear from us, as well. Less than that, you
15 might even know we do the survey.

16 So that's everything. I appreciate your
17 understanding and maybe if you're check station operator's a
18 fishermen, we'll see you out there this summer.

19 MR. RICE: Thank you.

20 MR. DURRELL: Thank you guys.

21 MR. RICE: Next on the list is ---. Quite frankly,
22 I want to know if trot line for catfish --- was an illegal
23 fishing method and what rules govern that, and the reason
24 being that with the invasion of the blue catfish, you know, I
25 think if it's not or whatever we find out about it, it should

1 be.

2 It's an inexpensive way to catch catfish and use it
3 on the Potomac very efficiently and that's the reason I
4 brought it to your attention.

5 MR. O'CONNELL: Sarah Widman.

6 MR. RICE: Sarah.

7 MS. WIDMAN: All right. I'm back. Yes. We don't
8 have a lot of rules for that so the only thing we have on the
9 books right now is the definition of finfish trot line which,
10 as Gina alluded to, only applies if we actually are talking
11 about finfish trot line in a regulation which we don't have
12 anything other than don't catch snapping turtles with them.

13 MR. RICE: Don't catch what?

14 MS. WIDMAN: Snapping turtles. Not allowed to be
15 caught with finfish trot lines, and other than that -- I mean
16 the definition reads that it should not exceed 300 feet, not
17 more than 75 hooks, not be made of metal and not baited with
18 scale bait but again, that's applicable only where we have
19 rules pertaining to trot line so --

20 MR. RICE: That answers my question then basically.

21 MS. WIDMAN: Yes.

22 MR. RICE: Thank you.

23 MS. WIDMAN: Yes.

24 MR. RICE: Yes, Moochie?

25 MR. GILMER: (Away from microphone) On that subject,

1 a gentleman called me the other day --- fish with ---. He's
2 looking for catfish over 15 pounds down in Pennsylvania ---.
3 If anybody needs that number, I can tell you ---.

4 MR. RICE: Okay ---.

5 MR. GILMER: ---.

6 MR. RICE: Okay. Bill Sieling concerns of --- of
7 new crabs by juvenile fish.

8 MR. SIELING: I'm here.

9 MR. RICE: Okay.

10 MR. SIELING: I don't know what the Department can
11 do in this regard but, you know, it's -- a lot of these things
12 that I have been reading and also hearing there's a huge
13 amount of gradation on blue crabs by drum and some other
14 species of fish, striped bass and so forth, and that's
15 certainly going to be reflected in the crab totals that
16 everybody's so concerned about.

17 So I don't know if there's any way that the
18 Department can make some kind of analysis of what this
19 gradation is --- to, if there's any ways to maybe modify it by
20 if, for example, with the ---, is there any way to, you know,
21 allow some kind of a fishery for these fish so that we don't
22 have maybe quite as much of an overbalance of one species as
23 opposed to another?

24 It's kind of an open-ended question but that's my
25 question.

1 MR. O'CONNELL: (Away from microphone) Nothing
2 established. I hadn't grabbed --- blue crab --- recognize
3 that --- great loss to juvenile crabs from last year and
4 trying to understand what may have happened. It's probably
5 not any one single event but we believe that it could've been
6 some predatory impacts.

7 There was an abundance of red drum, which was pretty
8 unusual, and they do prefer blue crabs. Probably some
9 cannibalism. When you've got super abundance of juveniles and
10 the lack of habitat, the problem is some cannibalistic going
11 on and possibly striped bass.

12 You had that strong 2011 year class so they may have
13 been consuming some, as well. To actually get at the
14 magnitude of it would require a pretty significant investment
15 of resources to do a diet throughout the year. in regards to
16 what we do about it, I don't -- the answer is not to relax
17 restrictions of red drum.

18 One is that red drum are managed through the
19 Atlantic States Marine Fisheries Commission, and even if we
20 wanted to pursue that, I doubt that it could be achieved
21 through the ASMFC process because the south Atlantic states
22 are really trying to rebuilt drum populations.

23 I think it comes down to, you know, it's the
24 ecosystem management and, you know, you do get affects when
25 you focus on one versus another but, you know, one of the

1 limited factors with blue crabs is habitat. There's a
2 significant loss of oyster habitat, which is essential for
3 blue crabs.

4 It provides protection in play and also with some
5 merge aquatic vegetation, which was also down this year. So I
6 think we need to focus on doing the things necessary to bring
7 that habitat back so that crabs have some greater protection
8 and cannot be impacted as substantially in those years when we
9 have an abundance of other species like red drum and striped
10 bass.

11 MR. SIELING: (Away from microphone) I think the
12 issue they expressed to me was a concern that, you know, we're
13 overprotecting certain species at the expense of other species
14 and when you keep trying to, you know, because some, you know,
15 species are "popular" or, you know, in the public's favor, we
16 sort of overemphasize their liability and at the sacrifice of
17 others, and that's just something.

18 Maybe there's a longer-range view here that we could
19 look at that, you know, would kind of try to bring some of
20 these things back into more equilibrium.

21 MR. O'CONNELL: (Away from microphone) Yes, it's
22 kind of like trying to move towards ecosystem management of
23 all type species management. I mean the spiny dogfish is one
24 that was protected, you know, came back pretty strong and now
25 it's had a predatory impact on other --- so it's something

1 that managers are trying to do on a closer perspective but the
2 timing of the species as opportunity arises are not often
3 interconnected in order to understand how they're all
4 interrelated, so it's a good observation though and something
5 that we have to continue to, you know, try to address.

6 MR. SIELING: Can that be incorporated into some
7 kind of future management plan? I mean is there a way to sort
8 factor that into future, you know, strategies for management -
9 -- and so forth? I'm just saying, you know, it's all good to
10 say something about it but how do we actually try to, you
11 know, accomplish something.

12 MR. O'CONNELL: (Away from microphone) You know
13 these issues I've discussed and all sent them to be reviewed,
14 it's just a lot of information on how all the species
15 interact. I don't know if. Bill, you're very involved in the
16 --- species issues.

17 The --- you know there's an ecosystem model trying
18 to look at the orders being so for species and how they
19 interrelate is very, very --- energy to try to do the best
20 they can. That's when you go please. I don't know, Bill, do
21 you have any observations or thoughts on this issue?

22 MR. SIELING: Yes. I think I have a few thoughts.
23 One, it's a key objective. It's a major objective, in my
24 opinion, trying to get on more of a consistent based
25 management that takes into account these concerns other time.

1 It's also a huge challenge.

2 There is a lot of work going on to try and gather
3 the data to develop the models necessary, the Maryland Sea
4 Grant is huge in that they're doing a lot of work on it. At
5 ASMFC, the stuff we're doing on menhaden right now that folks
6 would have some concern about is partly a result of doing that
7 kind of work.

8 They actually estimated with a model that took seven
9 years to build the menhaden, striped bass, blue fish and
10 weakfish depend on it and eat on a regular basis and
11 incorporated that into the menhaden model and so starting to
12 factor that in.

13 Now menhaden, the last benchmark assessment they did
14 was at the lowest point on record and so it's kind of flipside
15 of what you're talking about, Bill. Stuff that would normally
16 eat those peanut bunker in the bay don't have so many and our
17 recruitment's been terrible for 20 years --- so we don't have
18 what we used have of that, so they're going to eat something
19 else.

20 So that kind of an imbalance is happening, as well,
21 and I think what we had last year really was -- it was kind of
22 a perfect storm circumstance and it's not liable to repeat
23 itself on a regular basis, and we had a really good year class
24 of red drum.

25 We had a dry year that tends to make fish like that

1 | come up the bay further. We saw the speckle trout too, right?
2 | we had the fourth best rockfish juvenile index the year before
3 | that on record, so we had a whole slew of one year old rock in
4 | the bay too.

5 | We've had Hurricane Irene and (microphone
6 | interference) --- that dropped as they (microphone
7 | interference) --- about 12 percent of its full coverage and
8 | that's, of course, where crabs --- as predators.

9 | So we had all this -- and we had that big crab year
10 | class in the year before, so a lot of juvenile crabs, and all
11 | that together, man you, you know, you're going to get a lot of
12 | predation and I think what you're going to do is look at the
13 | long term and what you can control and for each of those
14 | species, you've got to manage them throughout the range and
15 | that's why ASMFC is involved and try to develop these models
16 | that are taking into account those interactions. It just is a
17 | big challenge and it's going to happen overtime.

18 | MR. RICE: Thanks, Bill.

19 | MR. SIELING: Yes. Very good explanation. Do you
20 | want me to go ahead to my next one?

21 | MR. RICE: --- just go to the next one.

22 | MR. SIELING: Okay. I've got my -- I guess my
23 | corollary to all this is I've heard a lot of reports from
24 | pound netters and Robert T., I don't know what it's like over
25 | in your neck of the woods but on the Eastern Shore side, that

1 their nets have been so full this spring of American shad in
2 many cases that they, you know, were having difficulty fishing
3 for the species that they could catch.

4 American Shad is illegal to possess in Maryland at
5 now -- at the present time, but it's not apparently in
6 Virginia or Delaware where they do catch them and sell them,
7 and in fact, seafood places in Maryland will see you shadow
8 (sic) or shad that they have caught or been caught in other
9 states, so I guess my question is, you know, is an appropriate
10 time to re-examine the prohibition on the harvest of American
11 shad in Maryland?

12 Certainly, it would indicate in these pound nets
13 that people are fishing that there is certainly an abundance
14 of these fish and, you know, are we there yet or what is the
15 status?

16 MR. O'CONNELL: We've got our shad technical
17 committee representative. Thank you --- Karen Cappasola.

18 MS. CAPPASOLA: Hi.

19 MR. O'CONNELL: I asked her to kind of explain what
20 the plan --- seeing why there's some differences between the
21 states that Bill referenced.

22 MS. CAPPASOLA: So the recent amendment that was
23 passed by ASMFC for American shad required that any states
24 that had an open fishery had to submit a sustainable fishing
25 plan to show that they could sustain their fisheries and not

1 influence recruitment or reproduction, and so Maryland has
2 been closed, as you know for quite a while and so we submitted
3 a recovery plan, and in some of the states I think that you
4 were mentioning that had taken -- had bycatch allowance, I can
5 go over some of those with you. Delaware, was that one of
6 them?

7 MR. SIELING: Yes. Delaware and Virginia.

8 MS. CAPPASOLA: Yes. Delaware, they actually -- the
9 only fishery that's open is in the Delaware River basin and
10 that was never closed and that would -- they submitted a
11 sustainable fishing plan and so ASMFC, the technically
12 committee at the time, approved that.

13 They showed that they were not harming the stock.
14 They have some benchmarks set up. They have four, in fact, I
15 think, and they are monitoring that and have to report back,
16 and if they cross one of those benchmarks, then they have to
17 close their fishery. So it's not the whole state of Delaware
18 and it is monitored.

19 Virginia, they have three rivers that have a bycatch
20 allowance and it's only in certain sections. So it's the
21 James, the Rappahannock and the York, and it has to be above
22 the first bridge to ensure that they're taking out Virginia
23 stock only and it can't be up in the spotting reaches.

24 There were some other restrictions, as well. They
25 had a ten fish per vessel limit with a max of 500 fish a year

1 and they are only 30 annual permits. So there are several
2 restrictions on that and they do have surveys in those rivers,
3 fishery, independent and dependent surveys to monitor the
4 stocks.

5 Then PRFC, they allow a two bushel -- was it two
6 bushel per day per licensee but that river, relatively
7 speaking, is doing pretty well compared to the rest of
8 Maryland and Virginia. They have a restoration target that
9 was set based on commercial fisheries before the stock crashed
10 and they've exceeded that in the past couple of years.

11 So Maryland, I think the challenge for Maryland
12 would be to get that by ASMFC, and as a biologist, I think the
13 challenges would be that the surveys that we do have, we have
14 a couple of surveys, one in the Susquehanna River and one in
15 the Nanticoke, and we haven't seen any stable increase over
16 time.

17 In fact, there's a restoration goal in the
18 Susquehanna set by SRAFC of two million fish above York Haven
19 Dam and we're nowhere near that. We're like less than one
20 percent of that target, so that doesn't look good.

21 The other thing to know is that these species, which
22 you probably know, are river specific. A lot of them go back
23 to the same river, and so if you're removing fish from the bay
24 then the concern might be that you don't know where those fish
25 would've been going to and, you know, if they would've been

1 going to the Susquehanna then people there are going to be
2 like oh, we're not reaching our target and now we might be
3 limiting the number of fish that can come back.

4 So there are just a lot of questions that Maryland
5 has right now about that, and if you have information on where
6 you're seeing a lot of American shad, that's, you know, very
7 useful because we do only sample in two rivers and we would
8 like to hear where they're being seen.

9 MR. SIELING: (Away from microphone) --- but it does
10 seem, I mean it just seems unusual from what I've heard for
11 these shad to turn up in such large numbers in these pound
12 nets at this particular time. this was a very uncommon
13 occurrence and, you know, maybe people were just kind of
14 wondering, you know, what, you know, why are we suddenly
15 seeing all these American shad and, you know, does this mean
16 that, you know, this fishery is, you know, a lot more abundant
17 and maybe they have been, you know, thinking about it for
18 quite a few years.

19 MS. CAPPASOLA: That's interesting that you've seen
20 so many there because this year in the Susquehanna we've seen
21 very few. Like they've only passed about 11,000 fish at the
22 dam so where are they going? Where are these fish going?
23 It's rather interesting.

24 MR. RICE: Well, Tom, if you could follow-up?

25 MR. O'CONNELL: (Away from microphone) Yes. I think

1 it would be good, Bill, to maybe follow-up with your --

2 MR. SIELING: Yes.

3 MR. O'CONNELL: -- explain where specifically
4 fishermen are seeing this --

5 MR. SIELING: Yes.

6 MR. O'CONNELL: -- and Karen did a great job, and
7 one point I wanted to add was are these sustainable fisheries
8 manned or planned? Each state is required to submit one in
9 order to have their fishery be allowed and the Sustainable
10 Fisheries Management Plan requires states develop triggers for
11 opening and closing which requires monitoring and, you know,
12 the cost associated with that are funds that we do not have
13 right now.

14 That's what Delaware and Virginia have been to do
15 this in a very river specific area. You know, if there are
16 areas that we start to believe that there's, you know,
17 rebuilding occurring, you know, we can look at what the cost
18 would be but, you know, the budget situation is still not
19 where we'd like it.

20 MR. SIELING: If I may say --- in Virginia, I gather
21 from what you just said that you are only allowed to catch
22 some and keep them on a bycatch basis but you're not allowed
23 to target them as a fishery but in Delaware, the upper
24 Delaware River, they actually do have a targeted fishery. Is
25 that what you said?

1 MS. CAPPASOLA: In the river, there's a small
2 directed fishery and I know that in bay, it's more of a
3 bycatch so to speak because it's the striped bass gillnet
4 fishery and they can keep American shad. Although apparently
5 they haven't been seeing very many there since they increased
6 the mesh size.

7 MR. SIELING: But there's no bycatch allowed in
8 Maryland is what I understand?

9 MS. CAPPASOLA: There's the two dead discard per --

10 MR. : For personal use.

11 MS. CAPPASOLA: -- for personal use per day.

12 MR. SIELING: Okay.

13 MS. CAPPASOLA: Yes.

14 MR. SIELING: (Away from microphone) If you caught
15 ten fish in a bycatch, you couldn't take samples ---.

16 MR. RICE: All right. Thank you, all. Bill
17 Goldsborough.

18 MR. GOLDSBOROUGH: Yes, and I'll say a few things
19 and Eric, who's local, just might want to chime in from the
20 Artificial Reef Program. So as I think y'all know, the
21 Chesapeake Bay Foundation has been one of the partners in
22 oyster restoration work for a number of years now, and we have
23 an oyster center down in Shadyside at the old Johns Hopkins
24 lab where we lease some space.

25 (Audio interference) has some setting tags and we

1 produce, I don't know, from 15 to 20 million --- a year. It
2 pretty much goes to sanctuaries. We make one tank available
3 in the state's program.

4 This will be the third year for leaseholders to use
5 (microphone interference) produce sea oysters for their
6 program, and we produce about 250 reef balls, two concrete
7 reef balls --- igloos and I think y'all are familiar with
8 them.

9 I've talked about them to you guys before and
10 they're about two feet tall, and we put them in our setting
11 tanks and set spat on them and put them out in sanctuary sites
12 in some cases too.

13 Now, for the last -- I want to say for the last five
14 years, just about all that we produced to them we put on the
15 Choptank River or Cooks Point, I mean, Sanctuary in the
16 Choptank River and that -- each year we've done it or changed
17 the particular location right there.

18 We've brought that to you guys. I let you know what
19 we're doing and make sure everything was all right with that.
20 Because we're aware that they are potential gear conflicts,
21 especially with trot lining sometimes in places, so we want to
22 be sensitive to that and so what we've done at the Cooks Point
23 side we're pretty well done with that over eight acres.

24 We've got I think over 1,000 of them now and you
25 might've seen some of those underwater shots that were taken a

1 couple of years ago. Those that really look productive, lots
2 of life on them, and we're done at that sight. We've got the
3 densities we want so we wanted to move out of there.

4 Another thing that's going on right now, as you
5 know, in oyster restoration is that all the different
6 agencies, state and federal and organizations like us and
7 oyster recovery partnership, are trying to work together to
8 focus our resources on target tributaries, and this is
9 pursuant to a federal strategy, and the initial one in
10 Maryland is Harris Creek in Talbot County, I think y'all know,
11 and so we've thrown our lot in with that effort and we're
12 trying to put whatever production we come up with as part of
13 it, and that includes reef balls.

14 Now it turns out, of course, as I think y'all know,
15 Harris Creek is a big trot lining area so there's a lot of
16 concerns about those conflicts there. So we are working with
17 the Department.

18 We decided it'd be better to do that at least this
19 year somewhere else until we can come up with a better, you
20 know, amenable circumstance and we've found another site that
21 we like and this is what we're running by you today, and
22 that's up at the Choptank River Bridge, the Bill Burton
23 Fishing Pier.

24 You know the old bridge that they retained a section
25 of on both sides of the river for public fishing. You know, I

1 | guess they're bringing it up there, and the idea would be to -
2 | - as part of the Maryland Artificial Reef initiative, which
3 | all the work we do on this is in collaboration with Maury to
4 | establish a field of reef balls by the fishing pier, and the
5 | idea would be not just to create oyster habitat and habitat
6 | for stuff that use oyster reefs sort of in altruistic sense,
7 | but to do it in a place where there's direct public benefit
8 | and that's the fishing pier, and that's something we've done a
9 | little of before.

10 | We've worked for the last couple of years at the
11 | Jonas Green Park in the Severn River, which is across the road
12 | from Annapolis, the old Severn River Bridge. They retained a
13 | section of that for a public fishing pier right at this Jonas
14 | Green Park and it put some of the concrete from dismantling
15 | the bridge around that and we planned a bunch of --- shell
16 | around there just to improve benthic habitat and attract fish
17 | and so forth, and so far the fishermen that use that bridge
18 | are really appreciative of that.

19 | So it's starting to do the same sort of thing on
20 | this site and I guess I'll let Erik comment now about the
21 | particulars that we're proposing.

22 | MR. ZLOKOVITZ: (Away from microphone) Thanks a lot
23 | Bill. My name is Erik Zlokovitz. I'm the Artificial Reef
24 | Coordinator for the Department of Natural Resources and I
25 | think really the most important thing right now is for me

1 to point out exactly where the site is located so
2 everybody knows exactly what we're talking about, and I'm
3 going to have to walk up there.

4 I'd like to walk up there and just point it out
5 and then I'll come back here to the microphone. Scott's
6 got it. (Away from microphone) We have a 300 foot by 100
7 foot rectangle on the -- on the, sorry, the
8 Dorchester/Cambridge side of the bridge and a 500 by 100
9 foot rectangle here (indicating) on the Talbot County
10 side, and both of these boxes are located sandwiched
11 in-between the main Route 50 highway bridge and the old
12 bridge, which is now a fishing pier.

13 So there's one rectangle box here (indicating)
14 --- and one here (indicating) in-between the fishing piers
15 and the bridge. That's the permitted site. It's not
16 outside the bridges. It's not upstream. It's not
17 downstream. It's in-between the fishing pier and the
18 bridge.

19 So that's our reef space that we have permitted.
20 Once again, 300 by 100 foot rectangle on the Cambridge
21 side and 100 foot by 300 rectangle on the Talbot County
22 side of the channel in-between the fishing pier and the
23 Route 50 bridge. That's the site.

24 We have an Army Corps and MD permit for that site
25 which is good through August 31st, 2015, which we are

1 considering renewing, but at least we have that amount of
2 time to work there. So I think this could be potentially
3 a two or three year project.

4 We have about 200 reef balls built already, Bill,
5 right, roughly that are just sort of waiting and sort of
6 in storage right now, and I think what we've been thinking
7 about doing with the Maryland Artificial Reef Initiative
8 is bringing in some school groups to help get involved and
9 build reef balls for future reef ball construction for
10 this site.

11 It's a popular site with the Maryland Solar
12 Sportsman's Association locally in Dorchester County and
13 all the other groups, and just think. It could be good
14 for youth fishing groups too, good projects. So does
15 anybody have any questions about the specs on the site?

16 MR. DEAN: I live right there and if you had to
17 put one, you probably couldn't get a better place than
18 between the bridges. Wouldn't you agree, Scott, because
19 he had trot liners lined up on both sides of that bridge.

20 MR. TODD: (Away from microphone) ---.

21 MR. ZLOKOVITZ: That's exactly why I just through
22 all this.

23 MR. DEAN: Yes, but to my knowledge nobody lays
24 in-between those two bridges. It's --

25 MR. : I don't think you're allowed to.

1 MR. DEAN: I don't even know but it's -- is there
2 a minimum depth that you set these reef balls?

3 MR. ZLOKOVITZ: Well generally in the
4 tributaries, we have to main -- under Coast Guard rules,
5 we have to maintain 12 feet of clearance over the top of
6 the reef balls. That's generally how it's worded in the
7 permits. Does that answer your question?

8 MR. DEAN: Yes. Yes.

9 MR. ZLOKOVITZ: In the main stem, we have to
10 typically maintain 15 feet of vertical clearance unless
11 it's like a shallow water oyster site, which might have
12 only eight feet of clearance or a special condition.

13 MR. DEAN: Well, the only other recommendation
14 I'd have is don't tell all those people fishing on that
15 bridge how many bottom rigs they're going to lose --

16 (Laughter)

17 MR. DEAN: -- or you will get some resistance.
18 No, that's a great spot.

19 MR. : ---.

20 MR. ZLOKOVITZ: Yes. You know, there's going to
21 be some snagging issues, I think, but we might be able to
22 strategically scatter them so it's not too much of an
23 issue

24 MR. DEAN: Right.

25 MR. ZLOKOVITZ: But it'll definitely, I think --

1 (Laughter)

2 MR. ZLOKOVITZ: Yes. That's always an --
3 something that we think about but I think we've already
4 gotten some feedback from the commercial community that
5 there isn't a lot of boat traffic or commercial fishing
6 activity in there which is, I think, a good reason to try
7 to pursue it as a project.

8 MR. DEAN: Thank you.

9 MR. RICE: ---. Does anybody have anything on
10 the negative side? If not, we're going to give this
11 project our blessings and move forward.

12 MR. ZLOKOVITZ: Okay. Do you want me to come
13 back here next year and give you an update or ---?

14 MR. RICE: That would be fine.

15 MR. ZLOKOVITZ: Why don't we just stay inside the
16 confines and just give you an update on the progress?

17 MR. RICE: That would be very good. All right.
18 Thanks. Next item on the agenda is the Fisheries
19 Management Plan Review. Rick?

20 ***Fishery Management Plan***

21 ***by Rick Morin, MD DNR Fisheries Service***

22 MR. MORIN: My name is Rick Morin. I'm with the
23 Fishery Service FMP Program. Nancy Butowski gave this
24 presentation on Tuesday. These are her slides. She had a
25 conflict today so I volunteered to take her place.

1 (Slide)

2 MR. MORIN: We're going to talk about two different
3 FMP reviews. The shad and herring, which we sometimes call
4 the Alosa (sic) Plan because all four close --- species are
5 within the same ginasalosa (sic), and we're going to talk
6 about weak-fish and spotted sea trout.

7 I'm going to really breeze through the shad because
8 we've already spoken a little bit about it. We have a process
9 to reviewing fishery management plans. We use a plan review
10 team to review the plans periodically. We have a schedule.
11 Where we are right now is where those yellow arrows are.

12 We're at the stage where we're gathering input on
13 our reviews of the plants and that's where this commission
14 comes in. Next slide.

15 (Slide)

16 MR. MORIN: Here is the review schedule that I
17 mentioned. We're going to talk about the two, weakfish,
18 spotted sea trout, American chad river herring. Okay, next
19 slide.

20 (Slide)

21 MR. MORIN: Very briefly, the shad and herring FMP
22 is an old plan. I'm not going to read everything on these
23 slides. I hate that when people do that in a PowerPoint. It
24 is a Chesapeake Bay Plan and it's been reviewed periodically.
25 We also update.

1 We produce updates and they're on our website. If
2 people don't have access to the internet and they want to see
3 the updates, just give us a call. We'll print one out and
4 we'll send it to you.

5 The updates different from the reviews in that they
6 review is more and the Plan Review Team goes to the very
7 beginning and examines the goals and objectives to see if
8 they're still valid.

9 The updates look at how the state or jurisdictions
10 in the case with the Chesapeake Bay plants are progressing in
11 implementing the Fishery Management Plan. So we're looking at
12 changes in regulations, changes in laws, new data and trends
13 in abundance. Okay.

14 (Slide)

15 MR. MORIN: We don't have targets for the Chesapeake
16 Bay because we have a moratorium in place. We have some
17 restoration targets. Karen already mentioned some of our
18 targets. We have for these species stocking programs in some
19 tributaries.

20 So in those tributaries, we have a target of three
21 consecutive years with 80 percent wild composition. The fish
22 that we stock from the hatchery are all marked and it's very
23 easy to tell a hatchery origin fish. They're marked with
24 tetracycline that glows under UV light under the microscope.
25 I've marked millions of them.

1 MR. : Hey Rick?

2 MR. MORIN: Yes.

3 MR. : Is that what you marked, the otolith
4 ear bone?

5 MR. MORIN: Yes. The inner ear bone is the otolith.
6 When you collect these juvenile fish in the summer and fall,
7 you freeze them. You dissect out the inner ear bones. You
8 look at them under -- you prepare the -- you mount them to a
9 slide. You prepare them.

10 You look for fluorescent rings that were applied on
11 certain days and you can distinguish your stockings that way.
12 A fish that's wild or that is an offspring of a previously
13 stocked fish will not have any marks. So you can easily see
14 what the composition is of your stocked fish versus the wild
15 fish. Okay. Next slide.

16 (Slide)

17 MR. MORIN: Briefly, the status of the stocks.
18 American shad in Maryland tributaries, excluding the Potomac,
19 is low. When we spoke about the unusual situation in the
20 Potomac, the hatchery American shad that we produce come from
21 brood stock that we collect in the Potomac and we collect them
22 in the Potomac because they're so abundant in the Potomac.

23 So we have field crews that go out at night with
24 gillnets, collect them, do the spawning in the boat, bring the
25 eggs back to the hatchery. We've been doing that for 15

1 years.

2 Hickory shad, we stock those offspring at various
3 sizes. Larvae and as small juveniles and larger juveniles.
4 Hickory shad we also produce in the hatchery. We can stock
5 these in much higher numbers because these fish produce many
6 eggs but when we stock the larvae of these, we can't feed them
7 in the hatchery.

8 We don't have the facilities or the personnel or the
9 sterile culture to grow out rotifers. We could do it, you
10 know, technically. It's not very hard to do but it would
11 require a much larger staff and different facilities. So we
12 stock those before they begin feeding and I was very fortunate
13 to be allowed to stock the first hickory shad larvae in the
14 state about 15 years ago.

15 I volunteered for it. Nobody else wanted to do it
16 because I insisted that it be done at midnight to avoid visual
17 predation or to minimize predation and I got to the location
18 in the Patuxent River at Queen Anne's Bridge where I was
19 confronted by a couple of drug dealers as I was stocking the
20 fish at gunpoint.

21 I convinced them to put their guns away and they
22 actually helped me stock the fish. I had a one-ton van full
23 of fish and they actually put their guns away and helped me.

24 (Slide)

25 MR. MORIN: The alewife herring/blue back herring

1 are -- yes. We'll take help wherever we can get it.

2 (Laughter)

3 MR. MORIN: Are classified as depleted and the
4 fishery has been closed. We are producing them, as well, in
5 the hatchery and we're stocking them in the -- 15 years ago,
6 we developed techniques for rearing these and at the time, we
7 had no plans to stock them in Maryland.

8 We were doing this for restoration for the Anacostia
9 River, but it was good that we did it because we refined our
10 techniques. They're very difficult to raise. The eggs are
11 very adhesive, and now we're stocking these fish, you know,
12 like now in the Patapsco. Next slide please.

13 (Slide)

14 MR. MORIN: So the current management, the
15 moratorium remains in effect and basically, we're trying to
16 restore by stocking and monitor. We monitor for adults during
17 the spawning migration and we monitor the juveniles as they
18 grow out and they move downstream during the summer and fall,
19 and in addition we were connected to the fish passage program
20 under the same umbrella and fishery service now wisely, as its
21 first priority, agrees with the biologist to remove these
22 blockages to these upstream migrating fish, and we're
23 continuing the restoration efforts.

24 So the Plan Review Team is that the goals and
25 objectives are appropriate and we're not making any immediate

1 changes until we see some improvements. I think that's it for
2 shad and herring.

3 MR. YOUNG: Can I ask a question?

4 MR. MORIN: Yes, please.

5 MR. YOUNG: When Karen was speaking earlier, she had
6 said that one of the targets for a successful recovery is two
7 weigh-in fish at some dam, and I didn't catch the name of it.
8 Is it Susquehanna?

9 MR. MORIN: The rivers are treated separately.

10 MR. YOUNG: Is that upstream of Conowingo?

11 MR. MORIN: Yes. Yes, sir.

12 MR. YOUNG: Is it possible that fish passage through
13 Conowingo and up over Conowingo is not enough to allow for two
14 million fish to be up there?

15 MR. MORIN: I think it's very possible.

16 MR. YOUNG: Okay. So we may never reach that
17 because the fish passage is not --

18 MR. MORIN: For that river.

19 MR. YOUNG: Yes.

20 MR. MORIN: That is a SFRAC requirement. That's not
21 a state of Maryland requirement.

22 MR. GOLDSBOROUGH: (Away from microphone) If I may,
23 for that river --- changes and there are -- like --- dam right
24 now in which they may add some conditions, their license
25 requirement, make some changes and improvements. It's an

1 iterative thing right?

2 MR. MORIN: Yes, it is and the made the requirement
3 physical change. These thins require, you know, attract and
4 flow into the elevators and in some cases that attract and
5 flow probably hasn't been sufficient in certain years and
6 under certain flow conditions.

7 It depends upon which gates are opened sometimes.
8 You know, and this is where we used the licensing to try to
9 accomplish restoration goals.

10 MR. SIELING: Historically there was a large fishery
11 for American shad after the dam was built.

12 MR. MORIN: Yes.

13 MR. SIELING: I mean if fish were able to migrate up
14 and spawn very successfully and sustain a sizeable fishery, so
15 is this two million fish at this -- above the damn? Is that
16 really a realistic criterion to use to measure this? Do you
17 Karen?

18 MS. CAPPASOLA: It was developed by Dick St. Pierre
19 --- attribute to that develop of the two million fish, and it
20 was based on like how many fish they expected per square area
21 based on the study. I'm not very familiar with it. That's
22 been in a place for a while.

23 That's been I place before me and that --- that's
24 what they stick to.

25 MR. SIELING: I'm sorry. I didn't really understand

1 ---. I didn't hear what you said.

2 MR. RICE: Karen, why don't you come up?

3 MS. CAPPASOLA: Sure. That was developed a while
4 ago. Dick St. Pierre, who used to be on SRFRAC as the chair,
5 I think, he contributed to that. There was -- I'm not very
6 familiar with it but there was a study that showed like how
7 many shad were expected per square area in a certain region
8 above the dams, and that's how they calculated that number,
9 and that's the number that has been in place for a while.

10 MR. MORIN: The last thing I wanted to say about the
11 shad and herring is that we're cooperating to try to reduce
12 the offshore source of mortality in the herring fishery
13 because there's no fishery in the -- in short waters
14 cooperating with those programs.

15 (Slide)

16 MR. MORIN: The weak-fish and spotted sea trout FMP
17 review, this is one where we did receive a comment and -- from
18 CCA which is included as an attachment to this draft of the
19 review that you should all have copies of.

20 On page two of this draft there is either a typo or
21 a mistake that somebody made on line seven that begins
22 "Maryland requires a 13 inch minimum size limit for the
23 commercial." That, of course, is 12 inches not 13 inches so
24 you might want to cross off the 13 and replace it with a 12.

25 The weakfish and spotted sea trout were combined

1 into a Chesapeake Bay plan in 1990. The Plan Review Team,
2 when it met in 2003, decided to remove spotted sea trout from
3 the plan and focus only weakfish. So the weakfish plan is a
4 new plan that was revised in 2003.

5 The spotted sea trout plan is the old plan that was
6 in effect when it was combined with weakfish. These things
7 have been reviewed several years and they're updated every
8 year. Next slide please.

9 (Slide)

10 MR. MORIN: We don't have Chesapeake Bay targets.
11 These things are managed as a coastal stock from Florida to
12 Delaware. We have no biological reference points in the state
13 of Maryland. There are ASMFC reference points and they're
14 here for weakfish.

15 We don't have sufficient data for spotted sea trout.
16 Spotted sea trout are problematic. Next, slide please.

17 (Slide)

18 MR. MORIN: The stock status, weakfish are depleted
19 but we don't believe that overfishing is occurring. The stock
20 is at a very low level, three percent of an un-fished stock.
21 The spotted sea trout is largely unknown. There have been
22 some state assessments but there -- like I said, there's a
23 lack of biological and fisheries data for spotted sea trout.

24 (Slide)

25 MR. MORIN: Along the Atlantic Coast, we've got --

1 I'm not going to go through all these numbers except to say
2 that the numbers today are much lower than the average of the
3 past 20 years.

4 (Slide)

5 MR. MORIN: The status of the fishery in Maryland is
6 similar. We used to have a reasonable commercial fishery for
7 weakfish. It's very low today. It's -- and also the
8 recreational is very low. Overfishing was believed to be an
9 issue in the 1990s when more stringent management measures
10 reduced fishing mortality.

11 We have high natural mortality. In some states, we
12 have a lot of bycatch mortality. We don't believe bycatch
13 mortality is high in the state of Maryland. Next slide
14 please.

15 (Slide)

16 MR. MORIN: For spotted sea trout, similarly they're
17 low but they're more sporadic. Spotted sea trout have high,
18 very high natural mortality in some years when the Gulf Stream
19 comes close to the coast, and the literature on the cold
20 stunning and cold mortality of spotted sea trout goes back to
21 1709 when John Lawson published a book on the fun and flora of
22 North Carolina and described Indians going out in their dugout
23 canoes in the fall when the spotted sea trout would get
24 stunned and filling up their dugout canoes.

25 This was happening -- and this was common knowledge

1 among the Native Americans before 1709. This is the largest
2 source of mortality for spotted sea trout. The recreational
3 landings have varied quite a bit. Occasionally, we have years
4 that are better than others.

5 Last year, 2012, was an excellent year.
6 Commissioner Goldsborough mentioned that it was a dry year and
7 the salinity was up. The temperature was also up and some
8 people have thought that there was a reasonable prey abundance
9 that attracted speckled trout into some of these waters in the
10 southeast part of the state. Okay, next slide.

11 (Slide)

12 MR. MORIN: Like I said, it's highly variable from
13 year to year but we're a fringe state at the -- close to the
14 limit of this species distribution. They are not resident to
15 the state of Maryland. They are visitors from Virginia and
16 North Carolina, you know, but we have had commercial landings
17 and recreational landings.

18 Mostly the interest in spotted sea trout is
19 recreational and it's mostly catch and release. That catch
20 and release has been increasing every year. The percentage of
21 catch and release on this fishery is very high. Okay, next
22 slide please.

23 (Slide)

24 MR. MORIN: The current Chesapeake Bay Management
25 Plan called for reductions in fishing mortality, which we

1 have, and also we've implemented gillnet mesh restrictions to
2 allow small sea trout and weak-fish to pass through. We have
3 monitoring.

4 It's very limited because you don't often come
5 across spotted sea trout in the markets. Next slide please.

6 (Slide)

7 MR. MORIN: We received one comment for the
8 stakeholder, comment period for allocation issues, and that
9 was by CCA and so Nancy summarized the CCA comments. The
10 entire recommendation is in the back of this thing that you
11 received. The major recommendation was to manage the spotted
12 sea trout as a recreational fishery with conservative
13 reference points.

14 Our response follows the summary of their
15 suggestion. The response that we have is that their
16 occurrence is occasional in Maryland waters. It's also
17 regionally limited, and the abundance is influenced more by
18 environmental factors than by our management scenario but we
19 acknowledge that is primarily a recreational fishery. Okay,
20 next slide.

21 (Slide)

22 MR. MORIN: The other comment was -- the summary of
23 the comments was that the commercial fishery needs more
24 conservative restrictions and a fishing threshold. Our
25 response is that it's a very small commercial harvest, less

1 | than 10,000 pounds, and it's a timing percentage of the
2 | coastal harvest.

3 | The combined harvest of spotted sea trout by
4 | commercial and recreational fishermen in the state of Maryland
5 | is 0.33 percent of the coast-wide landings. So it's one-third
6 | of one percent of the coast-wide landings. We don't have data
7 | because of that. We don't have data to honestly define any
8 | threshold.

9 | (Slide)

10 | MR. MORIN: However, you could use a bycatch limit
11 | if you wish to be consistent with what other states are doing.
12 | The way this species is being managed commercially in other
13 | states is to treat the fisheries as bycatch fisheries, either
14 | by the number of pounds or by the number of fish.

15 | North Carolina, for example, has a 14 inch size
16 | limit, higher than our 12 inch limit. ASMFC only requires a
17 | 12 inch limit. They have a 14 inch limit and a bag limit of
18 | 75 fish, which will almost certainly be reduced to 25 fish in
19 | February of 2014.

20 | We don't have limits on the number for commercial
21 | hook and line whereas many other jurisdictions limit the
22 | number often making the hook -- commercial hook and line
23 | consistent with the recreational hook and line which would be
24 | -- and currently ten fish 14 inches or larger. Okay, next
25 | slide.

1 (Slide)

2 MR. MORIN: This comment was that the regulations
3 should be changed to a 16 minimum size for the recreational
4 fishery with a four fish creole limit, and a 100 pound bycatch
5 limit for the commercial fishery. The 16 inch limit is not
6 exactly what other states have been going to. They've been
7 sticking to a 14 inch.

8 North Carolina does have a four fish recreational
9 catch limit. The 100 pound per day bycatch limit for the
10 commercial fishery is similar to what other states are doing.
11 Unfortunately, no two states manage spotted sea trout in the
12 same way and I've got very limited time so I can't go into the
13 differences. Okay, next slide.

14 (Slide)

15 MR. MORIN: The PRT recommendations from the Fishery
16 Service was that we already have more conservative
17 restrictions than required by ASMFC, so we're not recommending
18 any changes in allocation as required for conservation
19 purposes at this time but we wish to collect additional
20 economic data, and also we wish to track the abundance of
21 spotted sea trout over the next three to five years in case
22 this increase that we saw in 2012 is part of a response to
23 climate change.

24 There's some evidence, pretty good evidence, that
25 Atlantic croaker are moving further north and into the bay

1 increasing in numbers as a response to climate change. If
2 this is occurring with spotted sea trout, then we will have to
3 revisit our management plan and accommodate that change. Next
4 slide please.

5 (Slide)

6 MR. MORIN: Recommendations are to consider
7 adjusting the recreational fishing requirements if the entire
8 recreational fishing community agrees to specific objectives,
9 and also to consider, based upon input from the commercial
10 fishery, a bycatch limit for spotted sea trout.

11 I think that's it. Hopefully I didn't -- hopefully
12 I made up a little bit of time. Is that the last slide,
13 Marty?

14 MR. GARY: That is.

15 MR. MORIN: Okay, and if there's any -- if there's
16 time for questions.

17 MR. RICE: Any questions?

18 (No response)

19 MR. RICE: Seeing none, thank you for your report.

20 MR. O'CONNELL: Thank you.

21 MR. MORIN: Thank you.

22 MR. RICE: Tom?

23 MR. O'CONNELL: (Away from microphone) So, you know,
24 where we are in the --- process is our staff has done a review
25 and commissions are part of the review team, so we're asking

1 for your input as to what do you think of our staff's
2 recommendations? Are they good? Do you have other
3 viewpoints?

4 We took this to Sport Fish Advisory Commission's.
5 They didn't recommend any changes to our recommendations for
6 the herring plans. In regards to the spotted sea trout plan,
7 there was two motions passed from Sport Fish Advisory
8 Commission.

9 One was to recommend that the Department go through
10 public scoping on a recreational change, which would be a 16
11 inch new in size, no four --- limit, and also to scope the 100
12 pound daily bycatch limit for the commercial fishery, and the
13 third -- and the second thing was to try to move towards
14 conducting -- collect more socioeconomic information that
15 could support a more thorough allocation review in the future.
16 So, you know, we're very interested in the tidal fish's input
17 as to whether or not you see concerns or support for going
18 forward with 100 pound bycatch allowance to go through a
19 scoping process to get more input or if you see a lot of
20 concerns with that, we're very interested so we can then make
21 a decision on how to proceed with these FMP reviews. So
22 that's kind of at the point we're at looking for your input.

23 MR. SIELING: At present, there's no bycatch ---?

24 MR. MORIN: No, not in Maryland.

25 MR. YOUNG: There's a commercial fishery -- or

1 | there's the potential for a commercial fishery and it is
2 | legal.

3 | MR. O'CONNELL: That's right. Yes.

4 | MR. YOUNG: Okay, and there's no maximum amount of
5 | bycatch you can take. If a school swims in your pound net,
6 | you can take every fish that comes in there?

7 | MR. O'CONNELL: The only requirement by ASMFC right
8 | now is 12 inches. You know, the thoughts behind the one
9 | comment we got, as well as sport fish, is that if Maryland
10 | takes a more conservative approach, we might see an
11 | accelerated level of recovery.

12 | It may be able to achieve some greater benefits, you
13 | know, based upon the lifecycle of this species and it's
14 | largely driven from environmental factors and things that go
15 | on in southern states is what the fringe.

16 | I'm not sure how much of those benefits we would
17 | accrue but, you know, it could. So that's where the feedback
18 | comes from.

19 | MR. YOUNG: I've got a -- I read this thing that
20 | this -- the comment CCA submitted and it says, "Unfortunately,
21 | most anglers don't remember those days and most have forgotten
22 | the world class fishery that existed in Maryland waters for
23 | these fish."

24 | The world-class fishery? We take one-third of one
25 | percent of the population but this is a world-class fishery?

1 I thought he said it was --

2 MR. O'CONNELL: Isn't that one-third of one percent
3 to commercial capture?

4 MR. RICE: No, the one-third of one percent was
5 collectively but that's present daytime. We did, at one time
6 years ago, have a much larger fishery.

7 MR. YOUNG: Okay.

8 MR. RICE: But still a fracture of what it --

9 MR. YOUNG: I'm not sure that it was a -- could be
10 considered a world-class fishery. We've got -- we had a
11 world-class fishery for striped bass and I would think that
12 we're close to that still but -- anyway, that's not my point.
13 I think that we should just leave it the way it is with no
14 limit on bycatch.

15 MR. RICE: Well this no limit is not about catches
16 because whatever you --

17 MR. BROWN: ---.

18 MR. RICE: ---.

19 MR. BROWN: Yes, I don't see no sense in us going to
20 any type of bycatch. Leave the season as it is now with these
21 fish and when they become available, they'll all available.

22 MR. BROWN: That's correct. They're not a fish that
23 stays here. They is -- the good Lord seems to give us a few
24 of them and we're kind of on the end of the spectrum.

25 MR. RICE: Okay.

1 MR. BROWN: We need to take advantage of them.

2 MR. RICE: So we don't need a motion. Our
3 recommendation is that leave well enough alone.

4 MR. O'CONNELL: Now, so that, you know, sport's fish
5 recommendation, as well as tidal fish, will be taken under
6 consideration by the Department as how we go forward to make
7 any changes or not. If we do, it will be through a public
8 scoping process first. So we'll get back to the commissions
9 on that as we complete this plan review process.

10 MR. RICE: Okay. Tom, you're still up.

11 *ASMFC Update*

12 *by Tom O'Connell,*

13 *MD DNR Fisheries Services*

14 MR. O'CONNELL: All right. ASMFC. Next week is
15 their spring meeting down in Alexandria, Virginia. Two issues
16 that I want to bring to your attention. One is American eels.
17 The Management Board has a decision point next week to take
18 action on an addendum to respond to the depleted status of
19 American eels.

20 The depleted status is based upon a review of about
21 20 relative abundance indices along the Atlantic Coast. The
22 board is looking at a series of options that did go out for
23 public review. We had hearings in Maryland. We had really
24 good attendance from the commercial fishermen. There's a
25 series of options under consideration.

1 We met with Russell Dize and Bill Goldsborough
2 yesterday who go to ASMFC with us. The thing that's difficult
3 for the Management Board is that the Technical Committee's
4 recommendation is to reduce harvest across all life classes
5 from the glass eel to the yellow and silver eel but they don't
6 know what that level of reduction should be.

7 So, you know, that's the situation that the board is
8 going to be in next week is what level of reduction, if any,
9 do we take at this time? Some of the environmental groups are
10 going to be advocating for a 50 percent reduction and I think
11 there's some states that feel like we should just maintain
12 status quo.

13 So it's going to be an interesting conversation next
14 week. Our fishery is pretty much a yellow eel fishery. Some
15 of the ideas that are on the table are minimum size limit.
16 Right now, it's six inches. There was some industry
17 supporting to go to eight inches.

18 That would not impact Maryland because we currently,
19 based upon our escape vents, don't catch a lot of eels less
20 than eight inches but it would be some benefits along the
21 coast.

22 There's was the discussion about fall closure dates
23 and the industry was opposed to those and a discussion about
24 quotas and there was opposition to that and there was the
25 modification of the escape vents.

1 Right now, it is half inch by half inch and there
2 would be some savings if Maryland went to like a half inch by
3 three-quarter inch. The industry felt like if we had to do
4 something that was probably the area where they would be most
5 less the -- you know, most least opposed to.

6 Going to a half inch by three-quarter inch would
7 probably result in about a 10 to 15 percent reduction in
8 Maryland's eel fishery. There was a recommendation to reduce
9 the recreational possession of eels from 50 to 25.

10 Maryland already is at 25, so in regards to glass
11 eels, Maine and -- I think Maine and maybe New Hampshire are
12 the only two states they're allowed to catch glass eels and
13 there seems to be a developing fishery from the true glass eel
14 look of less than three inches to like a three to six inch
15 pigmented eel, and there's an option in the plan to prohibit
16 the possession or take pigmented eels.

17 They're probably going to be faced with a lot of
18 opposition in New England recognizing the economic value of
19 that. So Russell is very engaged, as well as Bill. In
20 regards to menhaden, the board will be reviewing the state
21 compliance plans to implement the amendment to reduce harvest
22 by 20 percent.

23 So we will have a better sense of -- we will have a
24 good sense of how Maryland will be proceeding this year after
25 next year's meeting and we'll be following -- well, we can

1 provide an update following that meeting. Lynn will be
2 representing us at the board.

3 So those are the two big issues next week. If there
4 are any questions, I'd be happy to try to address those.

5 MR. RICE: Gibby?

6 MR. DEAN: Is got a question -- I mean a problem
7 with eels in the state of Maryland?

8 MR. O'CONNELL: Is there a problem? (Away from
9 microphone) Well, one is that American eel is the golden
10 stock, all right? So you --- coast. If you look at the
11 relative abundance indices, and there's about 20 of them,
12 several show increasing trends and some show stable trends.

13 In regards to Maryland, we see one of the ones that
14 are more stable and maybe seeing some increases, and whether
15 or not that's attributed to some of our proactive management
16 with the minimum mesh sizes, I don't know but it's one of
17 those challenges next week because each region is kind of in a
18 little different condition but it is treated as a coastal
19 stock.

20 MR. DEAN: I'm sure the consideration would be given
21 to predatory status regarding small rockfish eggs and stuff
22 like that, right?

23 MR. O'CONNELL: --- of that?

24 MR. DEAN: Well, I don't know but it is an issue,
25 isn't it?

1 MR. O'CONNELL: Yes. That gets back to, you know,
2 the difficulty of how you deal with and how you recognize it.

3 MR. DEAN: Right. Yes.

4 MR. O'CONNELL: Yes.

5 MR. DEAN: Thank you.

6 MR. O'CONNELL: Okay.

7 MR. RICE: Thank you, Tom. All right. Lynn, can
8 you bring us up to where we're at following up on the sponge
9 crab importation question we dealt with at the (microphone
10 interference)?

11 ***Sponge Crabs and Blue Crabs***

12 ***by Lynn Fegley,***

13 ***MD DNR Fisheries Services***

14 MS. FEGLEY: Yes. I believe that the Crab Committee
15 has discussed this issue and the recommendation from the Crab
16 Committee was that the current window for importing sponge
17 crabs is April 25th through July 5th.

18 It's in regulation and I believe that the crab
19 community's decision was that it would be perfectly fine to
20 move that window around to accommodate industry but not extend
21 the number of days, and so for this year, you know, we're well
22 into the window.

23 It's something that we need to do through
24 regulation. We can't do it by public notice so, you know, I
25 would suppose that it's something that the committee should

1 take back up late fall/early spring and discuss whether we
2 need to implement a regulation to have the flexibility to move
3 the window.

4 MR. RICE: Anybody have any questions ---?

5 (No response)

6 MR. RICE: All right.

7 MR. GARY: Mr. Chairman, just one mention.
8 Commissioner did -- has exercised his privilege to allow his
9 proxy to resume his presence at the commission table. Scott
10 Todd is now seated.

11 MR. RICE: All right. Scott?

12 MR. TODD: Thank you.

13 MR. RICE: Tom, before we get into the discussion of
14 the female limits, would you just kind of like set the
15 parameters of we'd like this discussion to --

16 MR. O'CONNELL: Yes.

17 MR. RICE: -- go please?

18 MR. O'CONNELL: So there's been a lot of -- well,
19 not a lot. There's been a lot of localized feedback on the
20 bushel limits that we went forward with for the female crabs
21 and, you know, there was some discussion as putting something
22 on the agenda.

23 There's some confusion over the calculations on how
24 the ten percent was achieved. So, you know, working with
25 Commissioner Rice, we have agreed to include on the agenda an

1 explanation as to how the bushel limits are calculated.

2 We are not at a point in time that we're open to
3 conversation at this commission meeting as to changing the
4 bushel limits. There has been an issue that came up last
5 weekend and what our response was is that there are localized
6 concerns or broader concerns.

7 They should bring those to the attention of the Blue
8 Crab Advisory Committee, and if the Blue Crab Advisory
9 Committee by at least two-thirds vote would like to have
10 another meeting to reconsider the bushel limits for this year,
11 we will consider pulling that committee back together, but
12 recognizing that we have an established process through the
13 Blue Crab Advisory Committee, fostering co-management and
14 giving the industry an opportunity to advise us on management,
15 we feel it's important to honor that process for long term
16 integrity of management.

17 So we don't expect that today's meeting should focus
18 on rehashing and bringing up changes for the bushel limits.
19 If we have those concerns, you should reach out to the
20 committee members, and if two-thirds or more of them would
21 like to reconsider through a meeting, we could then consider
22 that.

23 So today's meeting should focus on understanding how
24 the ten percent bushel limit is calculated, all right?

25 MR. RICE: All right. Thank you, Lynn. If you

1 could proceed? I mean thank you, Tom --

2 MS. FEGLEY: Sure.

3 MR. RICE: -- and Lynn, if you could proceed?

4 ***Review of 2014 Female Bushel Limits***

5 ***by Lynn Fegley,***

6 ***MD DNR Fisheries Service***

7 MS. FEGLEY: You know, my presentation is a little
8 long and it's detailed and it's late, so I apologize for that
9 but I do feel that it's very important that people in this
10 room understand how we arrive at these calculations.

11 I think that one of the things that we're dealing
12 with in particular is a confusion as to why a ten percent
13 reduction in harvest is different than what the reduction
14 bushel limits needs to be.

15 So my intent is just to go over first where did the
16 ten percent number come from and then how do we achieve that
17 ten percent. So go ahead, Marty.

18 MR. GARY: ---.

19 MS. FEGLEY: I have it?

20 MR. GARY: Yes.

21 MS. FEGLEY: Look at that. Good. Okay.

22 (Slide)

23 MS. FEGLEY: So one of the questions that we've had
24 is why do we need to reduce by ten percent. We were below the
25 fishing target in 2012. So in 2012, the crabbing fishery did

1 not achieve the full target.

2 So the question is if we left crabs in the water
3 last year, why are we being asked to bring our harvest down
4 this year? the reason is that because with crabs, every year
5 we basically reset. This is a short-lived animal, so you're
6 not getting to stockpile animals through the years like
7 striped bass.

8 Where a juvenile comes into the bay, you've probably
9 got about two years of fishing on that animal before it's just
10 gone and you're moving on to the next year class. So our
11 harvest target, each year we estimate the number of crabs in
12 the bay.

13 At the start of the crabbing season, we know what
14 you're pool is that you're fishing on. We know the number,
15 the total number of females, and we know that you can harvest
16 25.5 percent of that number. It's very simple math, and we do
17 assume that all of those juveniles that we measure in the
18 winter will be vulnerable to the fishery sometime in that
19 subsequent year, especially in the fall.

20 So in 2013, we had a very low number of juveniles.
21 We had one of the lowest recruitments in the time series, and
22 that caused the total number of females to decrease by
23 approximately 65 percent. So I'm just going to repeat. This
24 pool of animals that you're fishing on this year is 65 percent
25 lower than it was last year.

1 It's because of anything the fishery did. This is
2 an unfortunate hand that we've been dealt.

3 (Slide)

4 MS. FEGLEY: So just to backup this point with a
5 picture, this is the time series of female abundance over the
6 time of the winter dredge survey. So if I can use the light.
7 That's not the light.

8 Well, so what you're seeing is this is important is
9 that this decline in 2013 is very similar to this decline we
10 saw between the years of 1997 and 1998. Our management system
11 with these output controls of bushel limits and closures, if
12 we choose to use them, is designed to be quickly adaptive to
13 make sure that we can keep this harvest in line with
14 abundance, and the reason is this.

15 This graph just got complicated. What I overlaid in
16 green is the fraction. It's the fishing rate. It's what's
17 taken out of the population each year. Look at 1993. The
18 population dropped.

19 We did not have any mechanism to back off harvest
20 and so what happened was the fishing rate rocketed up because
21 there were so many fewer crabs and we got pushed into this
22 long time period of high fishing rates, too high, and low
23 abundance.

24 It wasn't until 2008 -- the X is hard to see how it
25 lines up.

1 MR. RICE: There's a little button in the middle.

2 MS. FEGLEY: It's the red one? There it is. So
3 2008 is right there (indicating) with my shaky hand. 2008 is
4 when we took action and started to bring that exploitation
5 fraction down and abundance went up. So what we want to avoid
6 is letting this pattern here happen again, which means we need
7 to constrain that fishery.

8 (Slide)

9 MS. FEGLEY: So here it is in tighter and sharper
10 relief. This is a complicated bar graph but we can make it
11 simple. The right blue bars are the abundance of females in
12 the bay. This bay wide.

13 All of these numbers now are bay wide and this year,
14 abundance decreased 65 percent. These green bars are the
15 target fishing. This is the target harvest for the abundance.
16 So this bar is 25 percent of this bar (indicating), and this
17 bar is 25 percent of this bar.

18 There's a 25.5 percent -- there's a 60 percent
19 decrease -- 65 percent decrease between this (indicating)
20 target harvest and this (indicating) target harvest. However,
21 the fishery last year only caught this many crabs in part
22 that's because we had that big recruitment that was never
23 accessible to the fishery.

24 We had that mortality we've been talking about, but
25 it's also because we held the line on some regulations last

1 year, if you remember, because of that low spawning stock
2 abundance.

3 As a result, we only have to reduce harvest here by
4 ten percent to get to here (indicating). Okay? Did everybody
5 get that? This is our target harvest right here. It's based
6 solely on this year's abundance but it is also ten percent
7 lower than last year's harvest, okay?

8 So now we know we need this year, in 2013, we need
9 ten percent fewer crabs to come out of the water than last
10 year. How do we get there?

11 (Slide)

12 MS. FEGLEY: So the question that I've had over and
13 over again is why can we not reduce bushel limits by ten
14 percent? Does that not get us a ten percent reduction? The
15 bushel limits that you see are more than ten percent lower
16 than they were last year and it's important to understand that
17 the bushel limits are based on daily crabbing data for all of
18 our crabbers.

19 There's a few thousand of them. They are based on
20 daily crabbing data for crabbers, they're behavior on average
21 between 2004 and 2007. I'm going to show you how we walk
22 through it but there's the main reason why a ten percent
23 reduction does not, in bushel limits, does not achieve a ten
24 percent reduction in harvest is because of these three things,
25 and this is really a typo here.

1 This should really say that the limits that we have,
2 in the baseline years that we're using, we don't have any
3 crabbers that achieved those limits every day. We just don't.
4 They're not there. The limits are -- they're just -- and
5 you'll see why.

6 Many crabbers never achieve the limit at all.
7 There's lots of crabbers out there who never get there and we
8 do treat crabbers the same within a licensed category. So I'm
9 going to walk through it with three types of crabbers.

10 We have Joe, he's a high liner. Catches his limit
11 every single day. I told you that we don't have any Joe's but
12 I'm going to show you how Joe impacts the calculations. We
13 have Max. He's pretty typical of our crabbers. He's a high
14 liner but he catches his limit only about a third of the time.

15 That's actually what we see in the data. Crabbers
16 get their limit a third of the time. We have some of them
17 that might get up between 40 and 50 percent of their trips
18 they hit their limit.

19 Sam, he's a really good crabber but he's never seen
20 the limit. He doesn't get there, okay? So this chart is an
21 example of catch reports, daily catch reports, for a three day
22 season for Joe, Max and Sam, okay?

23 During this season, they harvested 246 bushels.
24 That's the number at the bottom, okay? So now, we have
25 realized that we have to reduce this harvest, 246 bushels, by

1 ten percent. We've got to get it down to 221 bushels.

2 The simplest way to do that would be to just ask
3 every crabber to catch ten percent less every day and then
4 bam, you have it. That would work. But that's un-
5 implementable. We cannot do that.

6 It would also work reasonably well to take each of
7 these guys' average catches, so you average within the colors,
8 and reduce their average catch by ten percent and give them a
9 bushel limit. That would get us pretty close.

10 That's actually what we did in 2008 but you treat
11 each crabber differently because you have to use their
12 history. So now, what we do is we treat every crabbers within
13 a licensed type the same regardless of their crabbing
14 behavior. So how do we reduce ten percent?

15 (Slide)

16 MS. FEGLEY: Let's look at Max. His top end is 40
17 bushels. So we're going to with setting a bushel limit of 35,
18 okay? Here's the bushel limit right here (indicating) and a
19 35 bushel limit is -- that's a 13 percent reduction off Max's
20 top end, and what you see is when we set a 35 bushel limit,
21 remember we're trying to get to 221 bushels. We don't really
22 come close. We're not getting there and each crabber is
23 affected quite differently.

24 We have Joe, our high liner, who has an average
25 reduction -- if you average his three days, this is his

1 percent reduction. He has an average reduction over his three
2 days of four percent.

3 Max also has an average reduction of four percent
4 because he had this one big day, but he didn't hit the limit
5 on his other two days so his reduction on those two days is
6 zero. So his average is four but his maximum reduction is 13
7 percent.

8 Sam doesn't see a reduction at all. How low do we
9 have to go? 31 bushels is going to get us -- it's going to
10 get us to our target, 221 but look at our crabbers. Here's
11 Joe. Joe has an average reduction of 15 percent.

12 Max, his average reduction is eight percent because
13 he didn't hit limit these two days, but on his good day, he's
14 reduced 23 percent. Sam, no reduction at all, okay?

15 (Slide)

16 MS. FEGLEY: So here we are working at 221 bushels.
17 Now we need to go down another ten percent. We have a new
18 target of 200. Can we just reduce that 31 bushels by ten
19 percent to 21 bushels?

20 Here's what's happening. You guys are probably
21 catching on by this point. So here we set -- now here's their
22 catch. Joe and Max, they're tapped out at 31 on those days.
23 Here's their new limit ten percent lower. We only get about
24 halfway there.

25 It's a five percent reduction and here's the reason

1 why. Joe, who hits his limit every day, he's ten percent.
2 Max, who only hits his limit one day, is ten percent in one
3 day.

4 But if you average all those days together, it's
5 only a three percent reduction, and Sam has no reduction at
6 all, and I'll just take this time to point out that the more
7 Sams you have, the deeper you've got to go with Max, and we
8 have a lot of Sams in the Chesapeake Bay Fishery.

9 So in order to get to our new harvest target almost
10 all the way there, we have to take it down to 26 bushels and
11 we don't quite get there and look at how our guys pan out.
12 Joe's sitting at a 16 percent reduction. Max, he's on an
13 average of five percent.

14 His average catch over his season is five percent --
15 his average reduction over his season is five percent, 16
16 divided by his three days, but his top production is 16
17 percent. Sam has not reduction at all.

18 (Slide)

19 MS. FEGLEY: So in summary, this is just a tiny
20 example of how we calculate the bushel limits. When we
21 calculate these bushel limits, we use harvest data from 2004
22 to 2007. We take every single crabber's daily catch. We put
23 a limit on it. We subtract it and we figure out how to get to
24 the target harvest.

25 (Slide)

1 MS. FEGLEY: So you can imagine when we have a lot
2 of these crabbers who aren't hitting the bushel limits every
3 day, this is what happens and it is true that those
4 individuals how are max, you know the max crabbers, these high
5 liners who hit the bushel limits a third of the time, a third
6 of the time those guys are going to be taking a pretty steep
7 cut.

8 It's true. They're pulling the weight because we
9 don't have any Joes. So it's really on these guys and, you
10 know, I'm not going to say that's, you know, this is the
11 difficulty of how we do this.

12 This is sort of the price we pay for, you know,
13 treating everybody the same within a licensed tier, within a
14 licensed category but when you look at the bushel limits on
15 paper, although those bushel limits look deep, a lot of people
16 won't feel them and you will see ten percent crabber -- ten
17 percent less coming out of the bay.

18 But I just said a lot of people won't feel them.
19 There is this group who will feel them -- who will. This
20 group right here (indicating). So I don't want to trivialize
21 that. I don't want to minimize that at all. So that is
22 really -- that's really the main reason why, you know, the
23 difference.

24 Why you can't just reduce bushel limits ten percent
25 under our system and realize a ten percent reduction in

1 harvest. I have a little thing in here for this baseline data
2 that we use.

3 You know, we actually assume because this is how our
4 baseline works, in order for our bushel limits to hold, we
5 expect, and this is just for October this assumption, that 75
6 to 80 percent of the crabbers will not achieve their limits.

7 (Slide)

8 MS. FEGLEY: So, you know, the dangerous part is
9 that if Sam, if one of our Sams starts to become a Max, you
10 know, we're going to start to fall apart a little bit and we
11 would fall apart because our limits would be too high, will be
12 less conservative than we should because we've got more high
13 liner crabbers out there.

14 We don't have any evidence now to see that this is
15 happening. The people who function like Sam seem to be
16 ticking along like Sam but, you know, everybody should know
17 that we do make an assumption through the years that general
18 behavior doesn't change but if we get a big influx of effort,
19 new people, people really change their behavior, you know,
20 we're at risk.

21 (Slide)

22 MS. FEGLEY: I also want to explain a little bit
23 because this is, you know, this is always contentious because
24 this is a fishery, as we all know, that has different sectors
25 who rely very heavily on different seasons and different parts

1 of this fishery, and one of the problems is here.

2 (Slide)

3 MS. FEGLEY: This along the X-axis is every day of
4 the fishery back in the old days, and we can go to December.
5 So it starts at April 1st and it goes all the way out to
6 December, and then this is the percentage of females captured.
7 This is Maryland only. This is the percentage of the females
8 captured.

9 So basically, what's amazing is this is real data
10 from harvest reports in these years, and the reason these
11 years are in here and the abundance of crabs is next to them.
12 Abundance was really different.

13 We had a high of 680 and a low of 280 million crabs,
14 but no matter how many crabs are in the bay, the pattern of
15 harvest through the year is always the same, and we harvest,
16 you know, 60 percent -- more than 60 percent of our crabs come
17 out of that time period after September 1st.

18 So if you wanted to reduce the harvest by ten
19 percent, you could close the fishery until July 1st. I mean
20 that's how hard it is to get a cut up here. So in this time
21 period in the summer, crabs are a little -- the female crabs
22 are a little more rare and a little harder to catch, so we
23 have to dig a little deeper.

24 You know, more people look like Sam than Max here
25 because the crabs -- the catches are more sporadic, and last

1 year, the crab community made a conscious decision. It set a
2 goal and said A) we want to get rid of the June closure and we
3 want to actually try to keep these limits up a little bit here
4 because this is when the prices are good.

5 In order to make that choice, the bushel limits were
6 lowered later. So it's that sort of step on sausage and the
7 stuff moves. You know, you have to kind of -- you know
8 there's a lot of things that we need to balance here, so
9 that's it.

10 That is really it in a nutshell. That's how we got
11 to where we got. Any questions?

12 MR. RICE: On the two things --- to the point they
13 can't even ---.

14 (Laughter)

15 MR. TODD: I've got to admit, of all the things I've
16 done in my life and as terrible of times that I have seen,
17 I've had bones sticking through skin and everything else,
18 there's no place on earth I've ever been any more frustrated
19 than I have been the past two years when I come here and come
20 into this room.

21 This -- it just -- it's not right what's being done
22 here. I know we weren't going to talk about raising our
23 limits and we worked all winter. We came here twice but any
24 way you look at this, I still don't -- I don't see ten
25 percent. I go from 18 to 11. That's not ten percent.

1 A man with only a CV3, he's going to nearly nothing.
2 I had an 87 year old man call me Friday night, Crawford
3 Windsor from --- and can you imagine how long this man's been
4 doing this job. He's four bushels a day.

5 However, whatever kind of science or math we use to
6 get to this point, it's not right. Everything that's on that
7 board up there right, and I don't mean no disrespect to Lynn
8 or Brenda or for anybody, but it -- this isn't the only way to
9 measure what's there.

10 The limit that I'm left with today, I had it by 8:00
11 o'clock. I worked two hours. My diesel fuel bill last year
12 was \$30,000.00 and just what we're left here, it's just --
13 it's just not enough and the only reason I'm going against
14 what Tom said about not asking for more bushel because we
15 honestly don't feel like the resources are anywhere near the
16 danger of collapse, these ten percent reductions and
17 thresholds and all of this falls under.

18 It's just not there. You know, it's just I'm sorry
19 that I'm so frustrated but I was about \$400.00 short today as
20 what I was yesterday and the price of crabs is really good
21 right now.

22 It's the highest I think I've ever seen, and two
23 more weeks it's going to be down to nothing and in two more
24 weeks, I'll get one more bushel to compensate for that, and
25 then the following week I'll get one more over that.

1 It's not so much a problem for me because I have two
2 900 pot licenses. I'm probably what most people would
3 consider is the problem of the bay but there are an awful lot
4 of people that I know and that I'm very close to, including
5 the gentleman that called me Friday night, and he doesn't have
6 that capability.

7 There's just too much difference between what we do
8 in Maryland and what we do in Virginia and a man with one
9 person on his boat in Maryland today was allowed six bushels.
10 A man with one person on his boat in Virginia was allowed 45.

11 Now I've also been told we'll target male crabs.
12 Well from Kent Island to the Bay Bridge tunnel, there are no
13 male crabs to target. It's not that big of a deal as it is up
14 here.

15 The only place I've got to go target male crabs is
16 up the headed creeks and rivers and the ditches. Now if you
17 want to open up crab potting in the creeks and rivers and
18 ditches like they do in Virginia, I'll get in my truck and go
19 home and I won't argue with you about the low bushel limits,
20 but we're not going to do that.

21 It's just like I said. I've just never been any
22 more frustrated than what I am now. I'm shaking. There are
23 people home today. On the radio this morning, they were
24 screaming.

25 I mean they were -- everybody is just furious over

1 this and I know we had time to get it back to them, the word,
2 which we did and I also don't feel that it's really fair to
3 the Chesapeake Bay Commercial Fisherman's Association or the
4 Dorchester County's Seafood Harvest Association, which I'm
5 president of.

6 It seems like we've had the lion's share of having
7 to get the message back to every single crabber, it is on the
8 bay, and I just can't do that even though I did try. I don't
9 know what else to say. I think I'm just going to stop. I
10 just -- people home are really upset over this.

11 Dorchester and Somerset County are once again taking
12 the brunt of all the bad regulations. Everything that comes
13 down the pike, it always seems like it falls on us but
14 Dorchester and Somerset County are the two counties that make
15 the money.

16 That's -- we make the money there and we have to
17 struggle for every single and I just hope that this
18 commission, even though they said they weren't going to do it
19 tonight, we set something up real soon so that we can add a
20 few bushel, especially some of these lower limits.

21 We can't take anything away from the CV9s. I don't
22 really feel like it's any use to go back to the Blue Crab
23 Advisory Committee, of which I'm a member, because all we're
24 doing in that committee is robbing from Peter to pay Paul.

25 As Brenda said, here's your pie. You can slice it

1 up any way you want. Well, we just need a little bit more
2 pie. I mean it's not -- I'm not asking for an arm and a leg
3 here. Just enough of something that I can take back and say
4 you don't have to starve.

5 I mean like I said, it was \$450.00 less today in
6 what it was yesterday and that's a lot to take away from
7 anybody. That's a truck payment. I lost a truck payment
8 today. I'm going to lose one again tomorrow. I don't even
9 know if I'm going to go Saturday.

10 The way I feel right now, I just feel like quitting.
11 I can't live with this. I can't live with these numbers and I
12 especially can't live with an 87 year old man calling me in
13 what's the middle of the night for us is 8:30 at night how in
14 the hell he's going to work off four bushel. This just wasn't
15 right.

16 I know we tried to get this message across in
17 February and again in March when we were here and it just fell
18 on deaf ears.

19 MR. O'CONNELL: I guess my response would be is that
20 I hear a couple of things. One is that Dorchester County in
21 particular is not supportive of what the Crab Advisory
22 Committee recommended and when you have such a diverse
23 industry and you're faced with reductions, it's really
24 difficult to accommodate everybody the same way and, you know,
25 I think the Crab Advisory Committee, you know, took all these

1 issues into consideration and was faced with a very difficult
2 recommendation and they put forth the recommendation that they
3 thought was best suited.

4 As I mentioned over the weekend through Brenda and I
5 mentioned earlier today that one, if people are -- if people
6 continue to be unhappy with where we ended up, that they
7 should make sure that the committee members understand the
8 concerns that you express so eloquently tonight and Bill
9 through his emails over the last couple days.

10 It is difficult decision. If there's a better
11 solution and the Crab Committee, by two-thirds of the
12 majority, there's no reason of getting them together if
13 they're not going to be open to another method but if the Crab
14 Advisory Committee is open, we'll consider bringing them back
15 together.

16 That said, the second point is that what I hear is
17 that you're not too confident that getting the Crab Advisory
18 Committee back together would reach a different endpoint, and
19 it gets back to if people are not happy with the current
20 process that we've established in coordination with the other
21 fisheries advisory commission, there should be a discussion as
22 to does that process need to change?

23 Either through the Tidal Fish Advisory Committee,
24 through the Crab Advisory Committee or the Blue Crab Design
25 Team which is a longer, you know, bigger thing. You know

1 prior to the Blue Crab Advisory Committee, the Department made
2 decisions, you know, probably with less than inclusion of the
3 oyster -- with the crab industry.

4 The Blue Crab Advisory Committee was supposed to
5 provide the industry more opportunity to get involved and try
6 to hammer out these difficult issues. So one I think is that
7 these concerns need to be raised to the Crab Advisory
8 Committee, if they haven't already, and if people aren't happy
9 with the current process, then we should be having a
10 discussion as to what's a better process for the industry to
11 advise the Department on making these decisions.

12 MR. O'CONNELL: Thank you.

13 MR. RICE: Robert T?

14 MR. BROWN: Yes. The main problem that we had,
15 especially within the Crab Advisory Committee just I started
16 into here this last couple meetings or so, is that the pie is
17 not big enough to divide up. We'll all agree with that. It
18 is -- we couldn't make any other decision but something as bad
19 as it was.

20 If you took any of the four options, it's terrible.
21 It's pretty much the same thing. I think this is
22 micromanagement at it's worse and the reason I'm saying that
23 is we don't have good enough data to micromanage the crab
24 industry at this time.

25 As far as it goes with the winter dredge survey, I

1 believe everything that -- the counts and everything on that.
2 There's nobody disputing what they counted. We believe
3 they've done a, you know, whatever they saw and whatever they
4 quote. That's what it was.

5 However, we had climatic events. We had Hurricane
6 Sandy, which sometimes when you have a hurricane late in the
7 season, crabs, maybe they bury in a different place. Maybe
8 they went -- some of them went out into the ocean. Who knows.
9 Mother Nature isn't something that you can mark down.

10 If I go to the store and I pick up something and it
11 cost me \$0.51 and I hand him a dollar, I get \$0.49 back. I
12 can count the dollar. I can see the price and I can see this.
13 When you look out in the bay or in the ocean, you can't see
14 the bottom. You cannot count what's there.

15 We've had a lot easterly winds. What determines our
16 juvenile crabs for this summer, I've heard many times, is the
17 winds and the tides, whether they are flushed into the bay or
18 whether they're flushed out into the ocean.

19 If they're flushed out into the ocean, the majority
20 of them, that'll be down in Delaware -- or up in Delaware and
21 down in maybe North Carolina/South Carolina or further. If
22 they're flushed into the bay, we could still have a good
23 season there the later part of the season.

24 That part of the environment and the unknown is
25 where we're getting no data at all. Similar reports we get

1 from what I can have, the reporting system has got a lot of
2 flaws into it. So we're still in the unknown part.

3 The only thing I can say is, and Brenda correct me
4 if I'm wrong on these numbers, two years ago our spoiler mass
5 was like at 90 million. This last year was like at 140
6 million. Is that correct? Or close to it?

7 MS. DAVIS: 95 and 147.

8 MR. BROWN: Okay. Thank you very much. Okay. That
9 shows that our spoiling mass has improved, and with that
10 improving like that at -- which is a large amount from 95 to
11 147 million, I think we should -- we have to take into
12 consideration all the data and stuff you have but that still
13 gives me enough reason to believe that we are headed in the
14 right direction with what we've had on the books so far, and I
15 believe that this ten percent we've got is too harsh on the
16 crabbers that are crabbing up and down the bay and I think
17 there comes a time, you've got to keep the men in business but
18 you've also got to look for resource and, you know, protect
19 that, and if I'm the farmer and we're still with that dock
20 we've got over there onto the right, even though it was way up
21 there and it fell way down this past year, it's still not at
22 the lowest part that we've ever been and we got all the way
23 back up to that high peak by what we already had on our
24 regulations and our cuts that we have taken over the years and
25 I think that this is too much at this time.

1 I would much rather prefer say a five percent cut
2 this year, which would give them some crabs back, and if it
3 remains the same, we take another -- we would take five
4 percent next year, which would still give you your ten percent
5 but would give us some leeway, would help the commercial
6 waterman to make it through the summer and with the spoiling
7 mass improving as it did, I do not think that it would hurt
8 the crab. I would like for the Department to take it into
9 consideration.

10 MR. : It's like you said, it's very
11 depressing place when you come up here a lot of times.

12 MR. TODD: We just don't know.

13 MR. : My phone won't stop ringing then.

14 MR. TODD: It's just, like I said, I'm sorry for if
15 I've come on too strong here tonight but you've got to
16 understand that, you know, I've met -- I can't keep saying
17 enough about Crawford.

18 It doesn't really matter to me the limits because
19 like I said, I've got 900 pot licenses but listening to that
20 man talk Friday night, it was on my mind all weekend long. I
21 never forgot about it, and I saw him yesterday at the Snow
22 Storm Market and I says, "Okay if I bring your name up and
23 tell this committee what you told me Friday night?"

24 He said, "Honey, if I knew how to get there I'd go
25 right with you." He said, "But I don't like to go out of

1 | Dorchester County," so I had to leave him home but it -- and
2 | as I say, I don't think it's going to do any good to go back
3 | to the Blue Crab Advisory Committee because all they're going
4 | to do is take away -- to give Crawford more crabs, we're going
5 | to have to take it from the 900 pot license and they're
6 | strapped enough as it is. Everybody is.

7 | We just need a little bit bigger slice of the pie
8 | that'll probably go along with what Mr. Brown is saying and
9 | the -- and do the five percent. Like I said, I'm not asking
10 | for an arm and a leg. We just want to bring these numbers up
11 | a little bit.

12 | You've just got to look at these numbers and see
13 | here are four bushels. You just cannot ask a man to sit --
14 | possibly think he's going to survive on four bushels.

15 | MR. RICE: Richard and then Lynn.

16 | MR. YOUNG: I've got -- I can sympathize with where
17 | you're at but I've got to tell you that I've crabbed. I've
18 | had my pot from the water almost a month. There is times the
19 | water was cold and I knew I wasn't going to catch anything. I
20 | let them sit for nine days.

21 | I went out there and I caught a half a bushel of
22 | crabs. I waited another ten days, fresh bait. I went and I
23 | got three-quarter bushel ones and a quarter bushel twos and a
24 | dozen threes. I let them sit another ten days. Now this was
25 | just yesterday, and more days of soaking fresh bait.

1 I got three-quarter bushel ones, a half a bushel of
2 twos and 18 females. This is the worst May that I have ever
3 seen, okay? The worst. I've lost hundreds -- I've probably
4 \$1,000.00 already this year crabbing three times and when I
5 hear you asking for more females, more baby makers, when what
6 I see is a fishery that I don't know if it's going to come
7 back because I'm not seeing any crabs at all to speak of.

8 I'm seeing very few little crabs. I'm seeing no
9 male crabs to speak of and, you know, and then you're asking
10 for more and I can sympathize with what you've got because you
11 just in one day, you took a big cut but the females are about
12 147 million females.

13 Mature males, there's only 90 in the bay, okay? If
14 we continue to take baby makers more and more and more, what's
15 going to replenish the fishery? And it doesn't take much,
16 like Robert T. said. You know, I mean it could be the
17 currents could be right this spring and everything -- all the
18 eggs that go out might wash right back in again.

19 All the eggs from North Carolina might wash up the
20 coast and come in here. All from Delaware might come in there
21 and we might get a bounty of them. We might not, and the more
22 eggs that are down there and the more potential for a
23 recruitment of -- a successful recruitment of small crabs into
24 this bay, the better off we're all going to be and I'm not
25 looking at today and I'm looking at tomorrow because as far as

1 I can tell, I'm going to be living off my savings this year.

2 I'm not going to make a dime. I'm going to lose
3 money but I've got to keep trying because this is what I do.
4 So, you know, I'm just banking on what my wife said is we need
5 to cut our losses and get out and keep our money, and I'm
6 saying no, let's see if we can get through this year and maybe
7 it'll be better next year.

8 Maybe we'll be able to put money back in the bank
9 next year. This year just -- it looks terrible. You guys
10 might have crabs down there. You've got some Sooks. That
11 ain't gonna last because there isn't all that many of them of
12 them and they're going to be going south.

13 They're going to be going down and putting those
14 sponges but it just doesn't look good for me up in my end of
15 the bay and it scares the hell out of me and I think -- that's
16 my opinion. We need to save the crabs.

17 MR. RICE: All right. Thank you for your comments.
18 Lynn?

19 MS. FEGLEY: Yes. Thank you, Mr. Chairman. I just
20 want to -- and this really highlights the difficulty of this
21 but I just want to high light what I feel is a success of the
22 Crab Committee.

23 I haven't been to the last couple but I've certainly
24 sat through some of those meetings where there has been some
25 incredibly thoughtful conversations about this tradeoff that

1 we're talking about between the two ends of the bay, and I'll
2 just say that last year in May, our bushel limits were set.

3 A CV3 license last year during May had a bushel
4 limit of five. The first option that the Crab Committee voted
5 on put the CV3s down to three. So it was a two bushel
6 reduction for CV3s, and when the Crab Committee
7 representatives went back out and started soliciting opinions,
8 they realized that the feedback they got was that perhaps the
9 reductions were too big on a CV3 as opposed to the CV9.

10 So the committee went back and voted. They re-
11 voted. You all got the email. You got the note that said
12 wait, we're going to have a re-vote, and then you got another
13 email, and I would encourage you to go back and look at that
14 because after a discussion, they picked those CV3s back up a
15 bushel in a compromise.

16 So I just want to highlight that. This is
17 incredibly difficult but the committee did good work there.
18 Thank you.

19 MR. RICE: Thank you. Moochie?

20 MR. GILMER: I sit on that committee. One mistake,
21 I mean yes, you're not going to change a whole lot because if
22 you're going to have the same amount of pie, you're going to
23 have the same amount pie but I think a mistake we made in that
24 committee is that we didn't -- in January, when we talked --
25 or February.

1 I don't know when the meeting was but it was -- we
2 were asked after, we went over the 400 million option, did we
3 want to discuss other options and the committee said no, and I
4 think that was a big mistake.

5 So my recommendation to the Crab Committee, we can
6 do it through a vote here or however we want to do it, but in
7 January we need to discuss all our options to give us a better
8 chance to look at what we're dealing with instead of putting
9 this in a -- we came back.

10 After we found out that we were in the 300 million
11 range, we had to come back and to get it implemented as part
12 of May. We were just rushed up against the wall. So my
13 recommendation from this committee to the Crab Committee would
14 be when you meet in January next year, look at the multiple
15 options, take them back to your community to your people and
16 give them time to discuss what they think they can do for all
17 license types.

18 You know it's -- that's how, you know -- that's one
19 thing I think can help, you know, if we're dealing with the
20 same percentage, we're dealing with the same percentage but at
21 least it gives you a little more time than the rush period
22 that we went through to get this implemented in May.

23 MR. RICE: Thank you, Moochie. Rachel, did you have
24 anything?

25 MS. DEAN: Yes. I just had a question about the

1 data. What happened between '92 and '94 that the total female
2 abundance was so low, yet the fishing rate was high, yet we
3 had a spike?

4 MS. FEGLEY: So what you see is that in '92, the
5 abundance dropped and if I remember right, that was another
6 very low recruitment year and the -- and when the abundance
7 went down the fishing rate pops up. So you're right, we had
8 an elevated fishing rate but if you look at it -- if you look
9 at it here (indicating) we still had, you know, for whatever
10 reason we weren't in a fishing area that was quite up at this
11 level and we didn't -- and because we got this pulse back, we
12 didn't stay.

13 We didn't say at an elevated fishing level. We
14 already got in trouble was we stayed at this really high rate
15 of fishing for a long time. so there's this balance here.
16 Sorry.

17 MR. : ---.

18 MS. FEGLEY: I don't know what to do.

19 MR. : Hang on.

20 MS. FEGLEY: But yes, Rachel. It's a good question
21 and, you know, to explain the balance, you know, again, it's a
22 lot like this year, you know, there's a million reasons why
23 the (banging on the table) crabs could've --

24 MR. YOUNG: I have an idea why those are so low, the
25 Sooks.

1 MS. FEGLEY: In '92?

2 MR. YOUNG: Yes. I think that was the year when we
3 had like 17 or 18 inches of snow in early March and it went up
4 into upstate New York, and then it went to like 80 degrees the
5 next day and it all melted and Port Deposit flooded and Havre
6 de Grace flooded.

7 They opened all the gates and a wall of fresh water
8 went down the bay and that year, we didn't have any mature
9 males. They died in the upper bay and all the females, there
10 was a bunch of female -- or Sooks and I believe they went
11 barren because there weren't enough male crabs to do the job.

12 MS. DEAN: I only asked because I knew you say
13 you're selling everything and I'm looking at the long term
14 being that we're young and we're buying pots. So I kind of
15 want to look at the long picture and there's other things that
16 kind of dispute what the argument on the table is right now,
17 and that year being one of them.

18 MR. YOUNG: I'm ---.

19 MS. FEGLEY: Well, it did -- I mean it could -- I
20 mean so really the question you're asking and certainly, you
21 know, this is a good question. Why did we have this bounce
22 and this big variation in abundance but the question you're --
23 so really, the risk that we take is we can consciously crab to
24 have a fishing rate that's, you know, way above the target,
25 and the risk that we take when we do that is that we have set

1 ourself up for long term problems.

2 If we're lucky, it'll be a bounce and it'll go back
3 up and on we go, but to consciously fish, yes.

4 (Banging on table)

5 MR. RICE: All right. Robert T., you said you had
6 something else real quick?

7 MR. BROWN: Yes. At the last Crab Advisory
8 Committee meeting, I asked Brenda Davis if she could, at our
9 next meeting, to let us know exactly how all these figures are
10 put together and go and she did tell us that she that she
11 would -- it was two or three different ways where you come up
12 how you get your reductions and stuff.

13 You did say that you would come out and explain all
14 that to the Crab Committee, and the reason I ask for it is we
15 don't -- how do we know how to really manage it when we don't
16 know exactly how you get to these figures that are on the
17 charts, and she told us at that -- it would take them a couple
18 of meetings to do it because there's two or three different
19 things but she would be willing to do that and the committee
20 did decide to do it. Thank you.

21 MR. RICE: All right. Robert T., thank you. I've
22 got just a couple little short comments and then I'm going to
23 turn it over to Tom and wrap it up. First thing I'd like to
24 say is I really appreciate what you had to say, Todd -- I mean
25 Scott and I always heard that the easiest way to get a man

1 thinking, and this surprised me, is getting to his pocket book
2 and I think that this fall, I think the Crab Committee, when
3 it reconvenes, should probably try to think outside the box a
4 little bit because there's nothing any worse than not being
5 able to catch something you can get good money for, and I sit
6 on the Crab Committee, and correct me if you think I'm wrong,
7 but I felt that sometimes that maybe we got too wrapped up in
8 looking at the bushels instead of dollars, and I've always
9 been one that I like to count dollars and not bushels.

10 Right now, I'm -- I crab pot, been crab potting
11 since 1973, and never have I had to depend on female crabs to
12 make my living. I made my living off the male crabs but I
13 realized that there's people that go on the other side of the
14 fence, and right now I can get \$145.00 a bushel for male crabs
15 and it would really hurt me to stop fishing part of my rig and
16 go to shore because I was on a limit so low I couldn't
17 continue fishing my pots.

18 So I'm putting myself in your position and I can
19 really relate to how you feel but the challenge I also -- that
20 the Crab Committee is that we do need to stop always just
21 looking at bushels and looking at doing things that will
22 enhance our way to get the best possible dollar I guess for,
23 you might say, is the least amount of bushels that we're
24 allowed to work with, and maybe that's something we could
25 focus on and go from there.

1 Right now, we seem to be between a rock and a hard
2 place, so Tom, if you could wrap it up, I appreciate it.

3 MR. O'CONNELL: Sure. I just wanted to make a
4 closing comment on this issue that, you know, while I'm not in
5 the fishery and I'm not experiencing the financial burden that
6 these measures would put on you guys, my staff and myself do
7 not take these decision lightly.

8 You know, just like you got a call, Scott, the other
9 day, you know, myself, my staff get a lot of calls and hear
10 the stories like you heard, and it doesn't go without going to
11 bed at night thinking, waking up in the middle of the
12 night/morning with it on your mind.

13 You know, what we're -- what decisions we make
14 affect people's livelihoods and we take it seriously and we're
15 trying to find the best way to work together with the
16 industry. I think the Crab Advisory Committee has come a long
17 way and I'm sure there's improvements.

18 There's growing pains through this co-management and
19 I think Moochie had a really good suggestion that while we
20 don't know the winter dredge survey results until April each
21 year, there's no reason that you can't begin exploring options
22 to have the options in your pocket regardless of how the
23 winter dredge survey comes out.

24 So I just wanted to make that comment and also
25 wanted to, you know -- this commission has been a great

1 commission over the last several years. We've had some very
2 good conversations that are constructive and respectful given
3 the difficult issues that we've had to go over, and I thank
4 you for being professional and respectful on that.

5 MR. RICE: Thanks. Mr. Dean, are you -- you've got
6 your hand up. Are you getting ready to sit in your seat
7 again?

8 MR. DEAN: I'll stay another minute. Are you going
9 to allow for public comment? Because I know there's some
10 people that (microphone interference) --- make a little
11 comment myself but have we got time? I mean I see some guys
12 that travelled up here for that, if they'd like to?

13 MR. : Marty, can you help me on that?

14 MR. GARY: I think it's discretion only. How many
15 people want to -- may a show -- a raise of hands.

16 MR. : Can we have a show of hands of anybody
17 in the audience that would like to comment?

18 (Show of hands)

19 MR. : We've got one --

20 MR. : Some might say something.

21 MR. : -- two and three. All right.

22 MR. : A couple of minutes each.

23 MR. : I'll tell you what we'll do. We'll
24 start with Gibby and we'll work our way around but we'll be
25 done at 6:30. So two to three minutes apiece, please. Gibby,

1 can you come up to the microphone? You're using your minutes
2 up too (microphone interference).

3 (Laughter)

4 MR. : Try, Gibby. Try.

5 ***Public Comment Period***

6 MR. DEAN: First of all, I mean I'm disappointed
7 that the Crab Committee didn't meet prior to this. We asked
8 for that meeting and unlike -- I thought the email, the
9 request -- the meeting was a little misleading itself because
10 we didn't ask to discuss bushel limits.

11 We asked to discuss how we arrive at this ten
12 percent number. We weren't necessarily even disputing the ten
13 percent, per se. What we wanted to know is how we got there.
14 What numbers were used to come up with that ten percent, and I
15 mean when I look at this presentation, I mean it's -- I mean
16 it's certainly not as simple as we'd like to see but the
17 fallacy that I see, and I'm probably wrong about it, is that
18 the assumption was made that this year's harvest will be as
19 low as last year because the ten percent reduction came off
20 last year's numbers, correct? The harvest numbers.

21 If that harvest had reached its target, and that
22 harvest was well below our target, and it -- but if we had
23 caught our target number of crabs last year, you wouldn't have
24 seen as low a reduction this year.

25 So the fallacy I see is you're assuming, and please,

1 I'm sure I'm wrong, but you're assuming that the harvest for
2 this year will equal or be as low from the target as last
3 year, and that's not right. That's why I wanted to talk in
4 particular about how you arrived at this ten percent number.

5 The second thing, I'll just leave you to ponder on
6 that all night, but -- not that you will but the -- I hear
7 Richard Young's side of it and it's very valid. I hear
8 Scott's side of it. That's very valid.

9 Personal opinion, and I've expressed this before,
10 until we find out a way to change to some type of regional
11 management, because I don't care if you're talking about
12 crabs, rockfish, oysters. We're going to run into these two
13 conflicting -- and we need to -- somebody said think outside
14 the box.

15 I forget who it was. Billy? We need to start
16 looking at that or we're going to have these same issues year
17 after year after year. That's it. Thank you.

18 MR. RICE: Go ahead, Paul.

19 MR. KELLAM: (Away from microphone) Well, I
20 just ---.

21 MR. RICE: Please let us know who you are.

22 MR. KELLAM: My name is Paul Kellam. I'm also a
23 member of the Blue Crab Design Team and I fished in the
24 Chesapeake Bay from the bridge tunnel to the -- all the way by
25 Rock Hall in my 40 some years crabbing, and I'm just -- like

1 Scott said.

2 I mean you can't tell -- I'm not actually a fulltime
3 crabber anymore. I've tried to diversify to get away from it
4 because these restrictions that's slowly have been passed on
5 for the last -- I think the first ones came in with the 15
6 percent back in the 90s.

7 I think probably some of you guys remember me
8 because I was on those Blue Crab Advisory Committees and stuff
9 back in the 90s. We've put restrictions on for what's that --
10 for at least 15, maybe 20 years now with basically no benefit
11 from them.

12 I don't see where -- well just by your crab fair,
13 you can see where it hasn't really accomplished much but what
14 I was going to say was that -- just what Gibby said. I would
15 just like to know how you come up with the figures that you
16 use. I know what Lynn said.

17 I understand what she was saying but how can two
18 Departments of Natural Resources come up with completely
19 different numbers on crabs? I mean we're working in a fishery
20 that's also Maryland and Virginia.

21 That's why we need a multispecies management plan
22 and a fisheries management plan that covers the whole bay, not
23 just Maryland because I think it would be to everybody's
24 advantage because as it stands right now, they can use the
25 same numbers y'all are using from your winter dredge survey to

1 | come up with a whole different management plan. So just make
2 | it short, like you said. We want to get out of here at 6:30.

3 | I'll just carry it with Scott and Gibby said, and
4 | I'm standing right behind them and I'm all for having another
5 | meeting for them to come up and explain to us so we can take
6 | it back to the fishermen how you come up with these numbers
7 | that makes some sense because until we can figure out how
8 | you're coming to the conclusions you're coming to, we can't
9 | understand it and you certainly can't stay in business with a
10 | four bushel limit. Thank you, Mr. Chairman.

11 | MR. MORRIS: My name is John Morris and I would like
12 | to also understand how y'all come up with the numbers. I'm
13 | crabbing in Maryland -- I mean in Virginia and I can keep 55
14 | bushels a day from March the 17th until December 15th, and in
15 | Maryland and with a 900 pot license I'm allowed 11 bushels
16 | right now, and maybe for the committee, maybe y'all could
17 | explain the differences?

18 | Whether it's more crabbers in Maryland than Virginia
19 | or what the difference is because there's a drastic difference
20 | in catch and you could not survive on 11 bushels with two men
21 | on your boat.

22 | You can't do it, and there's a difference in the way
23 | they're figuring. It might not be the numbers but I just
24 | would like to understand the numbers and how they work, and
25 | that's all.

1 MR. RICE: Thank you. Are we done?

2 MR. O'CONNELL: Just that I said our theme amongst
3 the public comments was that people are seeking a better
4 understanding of, you know, the assessment and the numbers,
5 and as Robert T. mentioned earlier, this did come up in a Crab
6 Advisory Committee, and Brenda has agreed to arrange some
7 meetings so we can make that information available. When
8 those dates are scheduled then hopefully we can achieve, you
9 know, that desired endpoint from several of the people that
10 have that interest. Okay.

11 MR. RICE: All right. Before we adjourn, Marty
12 would you like to comment on the next meeting schedule or
13 anything?

14 MR. GARY: Yes. We do have -- well, the next
15 meeting is listed on the agenda. It's Tuesday -- I'm sorry,
16 that's Thursday the 27th, 3:00 to 6:00 p.m. and I'll be giving
17 y'all an update. We did push that back when we made the
18 switch to daytime meetings quarterly.

19 We did agree to that summer meeting to be a little
20 bit later. So it's going to start at 3:00 and run until 6:00.

21 MR. YOUNG: That's going to be on Thursday?

22 MR. GARY: Yes, Thursday.

23 (Simultaneous talking)

24 MR. GARY: I'm sorry. It's Thursday the 27th, I
25 believe. I'll send you it out.

1 MR. YOUNG: Marty, why does sport fish get Tuesdays
2 and we get Thursdays? Thursday is a market day for us ---.

3 MR. GARY: The short answer to that question,
4 Richard, would be that I think historically we had -- we had
5 the discussion. I can't recall specifically how we got you
6 guys on Thursdays and how we got them on Tuesday. I just know
7 that at some point we had a discussion.

8 We ran a couple of different options and those were
9 the ones that were chosen. I wish I could ---.

10 MR. : The 25th is Thursday.

11 MR. GARY: So it is the correct date. I thought ---
12 had that wrong.

13 MR. : Thursday. Okay.

14 MR. : Okay.

15 MR. : The date is right. The day was wrong.

16 MR. GARY: I was actually right.

17 MR. : So is it Thursday or Tuesday?

18 MR. GARY: It's a Thursday.

19 (Simultaneous talking)

20 MR. GARY: Okay. Yes. So we'll remind you. Just
21 something to put a place mark on it.

22 MR. : Thank you very much.

23 MR. : Can we make a motion to adjourn ---?

24 MR. RICE: We stand adjourned. Thank y'all.

25 (Whereupon the meeting was adjourned at 6:30 p.m.)