

Maryland DNR
Tidal Fisheries Advisory Commission
Meeting

Thursday,
July 25, 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***

July 25, 2013

TFAC Members Present:

Bill Rice, Chair

Robert T. Brown

Dale Dawson

Gilbert Dean

Rachel Dean

Noreen Eberly

Robert Gilmer

Bill Goldsborough

Jacob Holtz

Ken Jeffries *(proxy for Greg Jetton)*

Mike Luisi

John Martin

Rick Morin

Bill Sieling

Gail Sindorf

John Van Alstine

Steve Vilnit

Lee Wilson

Art Windemuth

Richard Young

TFAC Members Absent:

Mike Benjamin

Greg Jetton

Charles R. Manley

Maryland DNR Fisheries Service

Gina Hunt

Tom O'Connell

***Maryland DNR
Tidal Fisheries Advisory Commission Meeting***

July 25, 2013

I N D E X

| | <u>Page</u> |
|--|-------------|
| <i>Welcome and Announcements</i> | |
| by Tom O'Connell MD DNR Fisheries Service | 4 |
| <i>Review of Tidal Fisheries Advisory Commission Operating Guidelines</i> | |
| by Tom O'Connell MD DNR Fisheries Service | 10 |
| <i>Election of Chair and Vice Chair</i> | |
| by Tom O'Connell MD DNR Fisheries Service | 13 |
| <i>Discussion of Wait Listed Commercial Fishing Licenses</i> | |
| by Gina Hunt MD DNR Fisheries Service | 18 |
| <i>Seafood Marketing Update</i> | |
| by Steve Vilnit MD DNR Fisheries Service | 54 |
| <i>NRP Activity Report</i> | |
| by Lt. Art Windemuth National Resources Police | 62 |
| <i>Regulatory Update & Scoping</i> | |
| by Jacob Holtz MD DNR Fisheries Service | 76 |
| <i>Fishery Management Plan (FMP) Review Update</i> | |
| by Rick Morin MD DNR Fisheries Service | 116 |

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

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

(3:10 p.m.)

Call to Order

by Bill Rice, Chair, TFAC

MR. RICE: All right. If everybody is here, we are starting out just a few minutes late. But we will make that up. I will call the meeting to order. I would like to welcome everybody. And I would like to call on Tom for a few opening remarks, please.

Welcome and Announcements

by Tom O'Connell, Maryland DNR Fisheries Service

MR. O'CONNELL: Well, I would also just like to welcome everybody. And we do have four new Tidal Fisheries Advisory Commissioners. Charles Richard Manley is not here right now. And Greg Jetton could not make it. Ken Jeffries is here as his proxy. And in a couple minutes we will go around and let you guys introduce yourselves. And appreciate those that came a little bit early just to take a little time to know each other.

I think we have had a really good working Tidal Fisheries Advisory Commission, and that reflects the fact that we did not have a lot of turnover on this commission. Looking forward to the next couple years solving a lot of problems and maintaining that good working relationship.

I would also like to recognize one of our former

1 Fisheries Service Directors, Howard King, behind us. He is
2 one of Maryland's representatives on the Mid-Atlantic
3 Fisheries Management Council that provides advice for federal
4 management, for the National Marine Fisheries Service. So we
5 appreciate Howard coming tonight.

6 Another thing is Marty Gary, for some of you who may
7 not have heard, Marty accepted a great opportunity to advance
8 his career. He is now the Executive Secretary for the Potomac
9 River Fisheries Commission. He replaces A.C. Carpenter, who
10 was there for almost 40 years. A.C. finally retired. And it
11 is a greater opportunity for Marty, and it is a great
12 opportunity for Maryland to have a friend amongst the Potomac
13 River Fisheries Commission. So those of us, like Billy Rice
14 is the longest-serving member of the Potomac River Commission,
15 look forward to continuing working with Marty. And I am sure
16 there will be opportunities for you guys to maintain
17 communication with him. We wish him the best of luck.

18 In regards to the agenda, we have one modification,
19 unless you have others. Gina Hunt's agenda item on the Wait
20 List for Commercial Licenses is going to be moved up to after
21 the Operating Guideline discussion.

22 Other than that, are there any other changes to the
23 agenda that the Commission would like to put out there for
24 consideration?

25 (No response.)

1 MR. O'CONNELL: All right. Seeing that, the agenda
2 will stand.

3 I think we will just get right into it,
4 Mr. Chairman, and --

5 MR. RICE: All right. Thank you, Tom.

6 MR. O'CONNELL: We thought it would be worthwhile to
7 have the Commission just go around and introduce yourself. We
8 will try to do this briefly. But state your name and what are
9 the Fisheries, what is the region of the state that you
10 represent. And why don't we start with Richard?

11 MR. YOUNG: Hey, you all. I am Richard Young for
12 those that don't know. I talk a lot at these meetings. I am
13 a crab potter, commercial crabber. And I am out of Dundalk,
14 Maryland. And according to the Tidal Fisheries Advisory
15 Commission website, I represent the whole bay. I don't know.
16 That is what it says now, bay-wide. That's me.

17 MR. GOLDSBOROUGH: I am Bill Goldsborough. I am
18 kind of bay-wide, too, I guess. I don't know. But I am
19 actually here as the liaison from the Sport Fish Advisory
20 Commission. So that is my world.

21 MR. O'CONNELL: And Bill was voted in as the new
22 Chairperson for the Sport Fish Advisory Commission on Tuesday
23 night earlier this week.

24 MS. DEAN: I am Rachel Dean. I am from Calvert
25 County. I am the Secretary of the Calvert County Watermen's

1 Association there. I am also a harvester.

2 MR. BROWN: Robert T. Brown, President of the
3 Maryland Watermen's Association. And we represent commercial
4 watermen all throughout the state.

5 MR. O'CONNELL: And one thing I forgot to mention in
6 regards to Marty moving on, we have asked Noreen Eberly to
7 take over as the Department's liaison with the two
8 Commissions. Many of you may know Noreen. She has been with
9 state government for over 25 years, was formerly with the
10 Department of Agriculture and was the coordinator of the
11 Seafood Marketing Advisory Commission. So I know many of you,
12 including Bill Sieling, worked with her. And those of you
13 that have, I guarantee they will speak very highly of Noreen.
14 She has been a great asset to our team here in Fisheries and I
15 know will do a great job. So we will be looking for her to
16 work with you guys as we go forward here.

17 MR. RICE: Are you going to introduce yourself?

18 MR. O'CONNELL: No.

19 MR. RICE: Okay. Everybody knows you are then.

20 MR. O'CONNELL: I don't want people to find me.

21 MR. RICE: Bill Rice, Southern Maryland. I
22 mainly -- well, I have done a little bit of everything on the
23 water, but right now I am pretty down to, like a lot of other
24 people, mainly crab potting and fishing for striped bass in
25 the wintertime. And as Tom said, I also serve on the Potomac

1 River Fisheries Commission. And I am not the longest serving
2 commissioner; I am the longest serving living one. And I
3 would like to keep it that way for a while. Senator Parens
4 got me beat by a number of years.

5 MR. JEFFRIES: I am Ken Jeffries, President of the
6 Upper Bay Charter Boat Association and the Vice President of
7 the Maryland Charter Boat Association. Obviously I run a
8 charter boat. I own a seafood business. And I am sitting in
9 from Greg Jetton.

10 MR. WILSON: I am Lee Wilson. I am from the lower
11 Eastern Shore, mainly Somerset County. I have worked on the
12 water full time for 32 years, done about everything, I guess.
13 But right now I mainly --- fish and oyster. And I sit on the
14 Striped Bass Advisory Board and here on the TFAC now.

15 MR. DEAN: Gibby Dean. I am President of the
16 Chesapeake Bay Commercial Fishermen's Association.

17 MR. GILMER: Moochie Gilmer, President of Queen
18 Anne's County Watermen's Association. My main business is
19 clamming. And I sit on other state boards. But that is
20 basically what I do.

21 MS. SINDORF: Hi. I am Gail Sindorf. I own Canal
22 Crab Company. We are entering into our thirtieth year. I
23 dabble in all sorts of seafood, but primarily I retail blue
24 crab.

25 MR. MARTIN: John Martin from Ocean City, Maryland,

1 Martin Fish Company. I grew up fourth generation fisherman.
2 Martin Fish Company has been there since the forties. And we
3 deal with trawlers and gill netters. We have a dockside
4 unloading. And we own some of our own boats and gill netters
5 and represent the fishermen down there. So that is why I am
6 here.

7 MR. DAWSON: Dale Dawson, Talbot County Watermen.
8 We have owned a retail seafood outlet store for 22 years. I
9 gill net oyster and trout line.

10 MR. SIELING: Bill Sieling, Chesapeake Bay Seafood
11 Industries Association. And I want take just a second just to
12 recognize Noreen, also. Having been associated with Noreen
13 for many, many years, I can guarantee she will do a fantastic
14 job of working with us here on the Tidal Fisheries Advisory
15 Commission. So I want to welcome Noreen.

16 MS. EBERLY: Thank you, Bill.

17 MR. O'CONNELL: Thanks, Bill. Appreciate that. And
18 I think a lot of you already know each other, but I imagine
19 those relationships will grow over the next couple of years.
20 Hopefully they will grow closer together than further apart.

21 With that, Mr. Chairman, I think we can move forward
22 with the agenda.

23 MR. RICE: All right. We are moving right along. I
24 think you said you wanted to move Gina up to this slot, but
25 actually I am going to turn the meeting back over to you and

1 you can hold the elections. And then we will move on with
2 Gina.

3 MR. O'CONNELL: Before we get to the elections, we
4 were going to just review the operating guidelines.

5 MR. RICE: Oh, sorry. Okay. I apologize for that.
6 Okay.

7 MR. O'CONNELL: No problem.

8 ***Review of Tidal Fisheries Advisory Commission Operating Guidelines***

9 ***By Tom O'Connell, Maryland DNR Fisheries Service***

10 MR. O'CONNELL: So for the reappointed
11 commissioners, you will recall that we have operating
12 guidelines that we use to manage our commissions. It has been
13 a few years since we established those, so we took a look at
14 them. And there were a couple things that needed to be
15 updated. So I just wanted to highlight those to you and see
16 if you have any problem. We did this the other night with
17 Sport Fishing, and they were okay with them all.

18 Four areas -- and the operating guidelines are
19 located in tab three of your folders.

20 Just under the background section, a couple years
21 ago the number of commissioners increased from 12 to 15. And
22 so that was just -- that change was just to reflect the
23 current statute, that this Commission has 15 members. And
24 they serve two-year terms.

25 The second thing I wanted to point out was in

1 regards to, on page two on the agenda in meeting support
2 information. And the change is just reflect the way we have
3 been doing business. Prior to this change, it just said that
4 agenda items are developed by the Tidal Fish Advisory
5 Commission members. I inserted that it is also in
6 consultation with the Department of Natural Resources
7 Fisheries Service.

8 We reach out to you to get agenda items. I work
9 with my staff to identify things that we are looking for
10 guidance on. And we work with a chairperson to finalize those
11 agenda items.

12 On page three under communication ground rules,
13 just, again, clarification of our operating practices under
14 number seven, just making it more clear. And it is consistent
15 with how ASMFC runs their meetings. That the public comment
16 period at the of the meeting is really intended for items that
17 are not on the agenda. And that is the opportunity for the
18 public to bring issues to this Commission's attention for
19 future consideration at meetings.

20 For items that are on the agenda, our practice has
21 been that if the Commission decides to take some action,
22 whether it is a motion or a sign in the department to do
23 something, particularly with motions, after the motion is put
24 on the table and seconded and deliberated, as time allows, the
25 Chairperson can provide an opportunity for the public to

1 provide input prior to the Commission taking final action.

2 In regards to the motions, again, it is just a
3 clarification of our practice. The prior operating guidelines
4 had that after a motion is made, the Commission would go out
5 to get public comment. But actually, consistent with Robert's
6 Rules of Orders, you need to have a motion seconded before you
7 get public comments. And that was a change that was made. A
8 motion needs to be made, motion needs to be seconded before it
9 is deliberated. It is then deliberated by the Commission and
10 then, as time allows, get some public input before taking
11 final action.

12 So those were the four changes I just wanted to
13 bring to the Commission's attention.

14 Are there any questions or other concerns with the
15 operating guidelines?

16 (No response.)

17 MR. O'CONNELL: All right. Seeing none, we will
18 move these forward. And we will post them on the website and
19 utilize them. And we will adapt as needed, if issues arise.

20 MR. RICE: Okay. So now I am good.

21 MR. O'CONNELL: Yes.

22 MR. RICE: All right. So continue on, Tom, if you
23 would, with the election of officers.

24

25

Election of Officers

by Tom O'Connell, Maryland DNR Fisheries Service

MR. O'CONNELL: Consistent with our operating guidelines, this Commission has the opportunity to elect a Chair and a Vice Chair. Those that are elected serve a two-year term. And they can be considered for reappointment.

So with our new appointments, we wanted to provide that opportunity tonight. Knowing that there are few new Commissioners, the agenda does state that action does not have to be taken today. If the three Commissioners are uncomfortable and want to take some more time to get to know everybody, you guys should state that. But I have a sense that most of you know each other. And the Commission may want to take some action tonight.

So how we wanted to begin this discussion is just to find out which Commissioners would be interested in serving as chair. And then we will go through another discussion for vice chair. And we will do that by a nomination process. So if somebody wants to make a nomination of somebody to be chairperson, we will then ask that person if they are interested and have a discussion, if the Commission is willing to take action on that this evening. All right?

We have Moochie and then Bill. Moochie? We have three hands.

MR. GILMER: Yes. I nominate that Billy Rice stay

1 as chair.

2 MR. YOUNG: Second it.

3 MR. O'CONNELL: All right. So we have a motion to
4 nominate Billy Rice. The motion was made by Moochie Gilmer
5 and seconded by Richard Young.

6 So we will open it up for deliberations, have an
7 opportunity for other suggestions to be considered through a
8 substitute motion. So any discussion on the motion?

9 (No response.)

10 MR. O'CONNELL: All right. It sounds like three
11 hands may have had the same idea in mind.

12 MR. GILMER: We should ask him if he wants to do it.

13 MR. O'CONNELL: Yes. So Mr. Chairman, would you be
14 willing to serve another couple of years?

15 MR. RICE: I will be glad to stumble along for two
16 more years, if you all want to put up with me.

17 MR. O'CONNELL: All right. So with no further
18 deliberation amongst the Commissioners, is there anybody in
19 the public that would like to provide some comment on the
20 Commission before they act on this motion?

21 (No response.)

22 MR. O'CONNELL: All right. Seeing none, is there
23 any objection from the Commission to take action tonight?

24 (No response.)

25 MR. O'CONNELL: All right. Seeing none. So let's

1 got ahead and vote. All those in favor say aye.

2 (A chorus of "aye.")

3 MR. O'CONNELL: Any opposition, say aye.

4 (No response.)

5 MR. O'CONNELL: Any abstentions?

6 (No response.)

7 MR. O'CONNELL: All right. The motion carries.

8 Commissioner Rice will continue serving as chair.

9 MR. RICE: Thank you.

10 MR. O'CONNELL: You have been doing a great job.

11 And it is obvious that you have the respect of the Commission
12 for the job you have been doing.

13 MR. RICE: Sometimes you don't know really it is
14 that or they just figure they cannot find anybody any better.
15 So --

16 MR. O'CONNELL: That's how I feel about my job
17 sometimes.

18 MR. RICE: No. Thank you all very much. I
19 appreciate the support.

20 MR. O'CONNELL: And we are going to move to the vice
21 chair in a second. But as Noreen is typing down the motions
22 and the actions, I just want to take a minute. The meeting is
23 being recorded. And we do provide a verbatim transcript in a
24 couple weeks. But recognizing that does take a little time,
25 we work to put all the motions and actions on the screen. And

1 we ask that you pay close attention to them, because after the
2 meeting we will quickly turn around and send them to you the
3 next day. So we are putting them on the screen to leave with
4 everyone's recognition that they accurately reflect the motion
5 and actions. And then tomorrow all of you have that, so we
6 can be consistent in communicating to our constituents as to
7 what took place at the meeting.

8 All right. So we will move on to consideration of a
9 vice chairman. Are there any nominations?

10 Robert T.?

11 MR. BROWN: I would like to nominate Moochie Gilmer.

12 MS. SINDORF: I would like to second that.

13 MR. O'CONNELL: Okay. So we have a motion to
14 nominate Moochie Gilmer as vice chairman made by Commissioner
15 Brown and seconded by Commissioner Sindorf. Deliberation on
16 the motion?

17 (No response.)

18 MR. O'CONNELL: All right.

19 MR. YOUNG: Does he want to serve?

20 MR. O'CONNELL: Thank you, Richard.

21 Moochie, would you be willing to serve the
22 Commission as vice chair and fill in for Billy as needed?

23 MR. GILMER: I will accept the nomination, yes.

24 MR. O'CONNELL: Thank you.

25 All right. Anybody from the public that would like

1 to comment on the motion?

2 (No response.)

3 MR. O'CONNELL: All right. Seeing none, we will
4 move on. All those in favor say aye.

5 (A chorus of "aye.")

6 MR. O'CONNELL: Those in opposition say aye.

7 (No response.)

8 MR. O'CONNELL: Any abstentions, raise your hand.

9 MR. GOLDSBOROUGH: This is really more of a
10 question. Does the group think that I should abstain from
11 these votes? I am not even sure, to tell you the truth, as
12 far as being a Sport Fish representative. I almost abstained
13 the first time, but I figure Billy's a likeable guy, so what
14 the heck.

15 MR. RICE: I really think they sent you here to
16 vote, and that is what you should do. So --

17 MR. GOLDSBOROUGH: That's good enough for me.

18 MR. GILMER: I agree.

19 MR. O'CONNELL: Everybody comfortable with Bill
20 voting on -- okay. Great.

21 MR. GOLDSBOROUGH: Moochie's another matter.

22 MR. GILMER: We will debate that later.

23 MR. O'CONNELL: All right. Both motions carried
24 unanimously with no abstentions.

25 Congratulations, Moochie. And I think you and

1 Commissioner Rice will do a great job.

2 MR. RICE: Thank you very much. And I look forward
3 to two more years of hopefully working in harmony and making
4 some headway.

5 MR. GILMER: And if my job is to run the meeting if
6 Billy's not here, I will make sure he is here.

7 MR. RICE: Well, this is very off the agenda a
8 little teeny bit, but I had only been on the Fisheries
9 Commission for a very brief time. And I was elected vice
10 chairman at the very next meeting. The chairman had a
11 toothache. And he didn't fake it. He did honestly have a
12 toothache. And I will be honest with you, it could not have
13 been a normal meeting. There was some real controversial
14 stuff. And I am so glad I didn't know I was going to run the
15 meeting until ten minutes before the meeting. I can tell you
16 that.

17 So Moochie, if I am not going to show up, I won't
18 let you know about it.

19 MR. GILMER: Don't tell me.

20 MR. RICE: Thank you.

21 Moving right along, Gina, you are up.

22 ***Wait Listed Commercial Fishing Licenses***

23 ***by Gina Hunt, Maryland DNR Fisheries Service***

24 MS. HUNT: Just since I didn't meet some of the new
25 Commissioners -- I apologize I missed the meet and greet,

1 because I was in another meeting. But I am Gina Hunt, Deputy
2 Director of Fisheries Services. And I am further down the
3 agenda. We are just going to move it up.

4 The issue, the discussion today is actually one that
5 we had at the last Commission meeting. And I am going to
6 provide just a little more background, since we have some new
7 commissioners.

8 There are targets, caps, for every license or
9 authorization that we have for commercial fishing. And the
10 handout that you have -- I think, Noreen, is this a tab, by
11 the way?

12 MS. EBERLY: Yes.

13 MS. HUNT: Do you know what number? Eight. Okay.

14 MR. RICE: Seven.

15 MS. HUNT: Seven? Okay.

16 So there is a handout here that I am going to
17 reference under tab seven of your book. The very top of this
18 handout gives you the current targets, and these are the
19 number of licenses or authorizations we can issue for each of
20 these categories. These are set in regulation. They can be
21 adjusted every year after talking to Tidal Fish, but they are
22 usually only adjusted for any conversions and the unlimited
23 Tidal Fish license.

24 So what happens now is that an unlimited Tidal Fish
25 license, as of last August, last September actually, an

1 unlimited Tidal Fish license can be converted down to its
2 component parts.

3 So also in your binder is a sheet that shows you the
4 form that a person would fill out, if they wanted to convert
5 their license down. So that you understand what are the
6 components of an unlimited TFL, it is a fishing guide, a fin
7 fish license, either unlimited fin fish or hook and line. It
8 is a crab harvester license of 300 pots, but if you wanted to,
9 you could get an LCC, a 50 pot, instead of that. There are
10 clams, oysters, both the oyster harvester and the oyster
11 dredge boat -- the oyster dredge boat license, by the way, is
12 the sail dredge -- and conch/turtle/lobster harvester.

13 Those are all components of an unlimited TFL. So
14 when a person, if a person chooses to take their license and
15 just get the components, and not the whole unlimited TFL, they
16 can choose some or all of those components. Now, it is more
17 expensive to have the components than it is to have the \$300
18 TFL, so you may wonder why in the world would anybody ever do
19 this. Because a nonresident cannot hold an unlimited Tidal
20 Fish license. A nonresident cannot hold it because it
21 includes oysters, and nonresidents are not allowed to oyster.

22 So if you wanted to transfer the license or wanted
23 to give part of your -- maybe you wanted to give the crabbing
24 authorization to a nonresident, you cannot do that as its
25 consolidated form. You would have to break it down to its

1 component parts.

2 So whatever the reasons people did this, last year
3 during license renewal we had four conversions of an unlimited
4 TFL. So the chart below, the block one that says, you know,
5 has purple and orange, when these for individuals converted
6 their license down from its unlimited TFL, they did not choose
7 all the components. What they did choose is marked here. And
8 again, like I said, they could have chosen either an HLI or an
9 FIN, or they could have chosen an LCC or CB3. They cannot
10 have both, but they could have chose one of those.

11 So what they did not choose that used to be an
12 authorization under an unlimited TFL, what we want to know is,
13 do we raise the target for that authorization by one, and
14 thereby somebody could come off the waiting list for it?
15 Because when that conversion happened, that unlimited Tidal
16 Fish license, we took the target of that and dropped it by
17 four. So now you have four less of those. And for everything
18 they did choose, we raised that target by one.

19 But that unlimited TFL used to have other
20 authorizations. They probably were not being used. Obviously
21 the guy did not choose to keep them. But because the
22 unlimited TFL had that opportunity, do we still keep that
23 opportunity and raise the target and those authorizations?

24 I brought this up at the last Commission meeting,
25 and they had like the same kind of look you do right now, like

1 wow, I am not really sure, that's a lot to take in. And so we
2 brought it back today. And the reason we need to make a
3 decision is because what you do with that target means how we
4 can pull people off the wait list right now and issue them a
5 license.

6 So if you say do not raise that target number by
7 one, that's fine. If you say do raise it by one in each of
8 those categories, then we would be pulling off the wait list
9 and giving that authorization to a person.

10 There are hands. Can I -- should I stop and can you
11 call on them?

12 MR. RICE: Well, I have Richard first.

13 MS. HUNT: Okay.

14 MR. YOUNG: Moochie was before me.

15 MR. RICE: He was?

16 MR. YOUNG: Yes.

17 MR. RICE: Well, I will tell you what, you sit over
18 there, and I never have ignored you. But I naturally look to
19 my left. So now since they have moved you over here, boy, you
20 are in good shape.

21 So, all right. Moochie, go ahead.

22 MR. GILMER: Okay, Gina. In this, if we choose to
23 make this available and this person, then somebody comes off
24 the waiting list, they would also have to pay that \$215 --

25 MS. HUNT: If they are not already a harvester.

1 MR. GILMER: If they are not already a --

2 MS. HUNT: If you are not already a licensed
3 harvester, if there was a guy that had a CB3 and he came off
4 and got this FIN, well, he is already paying the \$215.

5 MR. GILMER: Okay. All right. But a new person --

6 MS. HUNT: But otherwise, yes, a new person would
7 certainly.

8 MR. GILMER: Okay.

9 MR. RICE: All right, Richard. You are up.

10 MR. YOUNG: So, now, make sure I got this right,
11 hypothetically, I had an unlimited DFL, I decided to break it
12 down, that reduces the target for the unlimited TFLs by one.

13 MS. HUNT: Yes.

14 MR. YOUNG: Then, say, I decided I am going to have
15 a hook and line, and I am going to keep the crab pot. That
16 increases the target for each of those.

17 MS. HUNT: Yes.

18 MR. YOUNG: Then the other ones I dropped, I just
19 did not do anything with. So we want to know what to do with
20 those.

21 MS. HUNT: Exactly. You said that better.

22 MR. YOUNG: Well, if I get -- if I have the option
23 to go ahead and -- what I think is, if I break it down, all
24 the targets should be increased, not just the ones that I
25 choose, but all of them. Because I let it go, somebody else

1 can use it, if they choose to. That's my opinion.

2 MR. RICE: Robert T.

3 MR. BROWN: If somebody was to downgrade their TFL,
4 then all of a sudden two years later they decided, you know,
5 that was stupid for me to do it, and I want to go ahead and
6 upgrade it back again, what kind of problems do they run into?
7 Do they run into problems? Since they gave it up, they cannot
8 get it back?

9 MS. HUNT: I hereby acknowledge that any component
10 authorizations not checked and initialed above indicates any
11 and all privileges, rights, and interests under this are
12 permanently released and relinquished to the department. They
13 cannot go back up.

14 MR. RICE: Yes. There are no --

15 MR. YOUNG: I was just asking the question.

16 MS. HUNT: No. I read this to you because this is
17 exactly what will happen, is that somebody thinks this is a
18 good idea one day, and then a couple years later says never
19 mind, I did not get to sell it. I mean, one of the other
20 reasons folks would do this is that I really only crab, I am
21 just going to keep my CB3 and sell off the other parts. Okay?
22 And that's perfectly legal and possible. But then if you did
23 not find a buyer, well, never mind, now I want my unlimited
24 TFL back. You cannot go back.

25 So that is why this is here, and you sign off that I

1 understand I am not going back, and these are -- only what I
2 chose is what I get. If you only choose two things and then
3 you say, oh, you know, I wanted to keep that FGR, that fishing
4 guide, you cannot go back and get that either. Because we
5 either drop the target, the target is not there, or we have
6 given it to somebody else already. So you cannot come back
7 in.

8 MR. BROWN: Only if it would be one that was
9 available.

10 MS. HUNT: Sure. Yes.

11 MR. BROWN: Okay.

12 MR. RICE: John?

13 MR. MARTIN: I don't quite understand all these
14 things yet, but if you raise the one, all the others up
15 because he dropped out, and then you added an unlimited back,
16 wouldn't it really raise it by two?

17 MS. HUNT: We are not adding the unlimited back.

18 MR. MARTIN: Oh, I thought that's what you said,
19 should you -- okay.

20 MS. HUNT: No, no, no. The unlimited drops by one.
21 The things that that person chose go up by one.

22 MR. MARTIN: Oh. So the only waiting list is for
23 those things that were open.

24 MS. HUNT: Well, there is a waiting list for an
25 unlimited TFL, but this will not change that because --

1 MR. MARTIN: Oh, I got you. Okay.

2 MS. HUNT: Yes.

3 MR. RICE: Lee, did you have something?

4 MR. WILSON: No. That answered my question. But I
5 believe it is right, you ought to add one back in, like you
6 say, for everything else, too. If you took that out, you
7 actually did open up a space for the things he did not choose.
8 So I believe that should be added back in. Now, like I say,
9 if you added the TFL in, you had to take one off of the other
10 ones and leave the other spaces closed then. You could do it
11 that way.

12 MS. HUNT: Well, you cannot -- you cannot go up to a
13 TFL anymore.

14 MR. WILSON: Right. Right.

15 MS. HUNT: Right. But back when you could, we took
16 the three authorizations you had, dropped that target by one,
17 and raised the TFL by one. But that program ended last year.

18 MR. RICE: Right. Gail?

19 MS. SINDORF: I just want to clarify. The only
20 thing that is on wait list that has been given up here is the
21 fin fish. Correct?

22 MS. HUNT: No.

23 MS. SINDORF: There is a wait list for something
24 else in here?

25 MS. HUNT: Well, there is a wait list for an LCC, a

1 CB3 --

2 MS. SINDORF: But they are not offered anyway.

3 MS. HUNT: They are what?

4 MS. SINDORF: They are not being offered out anyway.
5 We are not upping their number.

6 MS. HUNT: Oh. Of this four, no. But --

7 MS. SINDORF: But the ones that we are deciding on,
8 there is no wait list.

9 MS. HUNT: Correct. But my assumption was that the
10 decision you made is the decision you would stick with for
11 next year, too, when there are, say, two more unlimited TFLs
12 that choose not all the component parts, that we would be
13 consistent in how we apply this. So maybe next year there is
14 a CB3. I don't know. But, you know, you are right, some of
15 these things do not have wait lists as it is.

16 MS. SINDORF: Okay.

17 MR. RICE: Ready for a motion?

18 MR. YOUNG: I would like to make a motion that the
19 Department up the target for all categories of a broken down,
20 unlimited TFL and not just the ones that the person chose.
21 Does that make sense?

22 MR. RICE: Do we have a second on Richard's motion?

23 MR. SIELING: Second.

24 MR. RICE: Second by Bill. Discussion from the
25 Committee? Rachel?

1 MS. DEAN: I agree with it. I think if the TFL is
2 broken down into its components, whether the person takes it
3 or not, we have waiting lists. It is on DNR's website, the
4 number of people that are waiting. And we know that LCCs are
5 not going to be the things that are turned back in. But there
6 are 143 people. If we are upping these license fees, I don't
7 think we should move to reduce the fishery.

8 MR. RICE: Okay. Do we have any -- no further
9 discussion from the Committee, I would ask
10 for --

11 MS. HUNT: There's Bill.

12 MR. : Bill has his hand up, Bill
13 Goldsborough.

14 MR. RICE: Oh. Bill. Okay.

15 MR. GOLDSBOROUGH: First off, a question. Is there
16 anybody with a TFL that uses all the categories?

17 MR. RICE: Gina?

18 MS. HUNT: No. I think the most we really have is
19 three. You might do three things under your unlimited TFL.

20 MR. GOLDSBOROUGH: So when somebody turns it in and
21 breaks it down into component categories, they choose the ones
22 that they will use, that they will be able to use, you know.
23 Nobody is superman, superwoman, use them all at one time.
24 Right? So by passing this motion, you are basically adding
25 more than one person's work back in. So you are expanding the

1 pool of -- okay. So as long as everybody knows that. I mean,
2 from my standpoint one of the issues we have is too much
3 effort in some of our fisheries. And the people that suffer
4 are the people that are in it, which is you all. So as long
5 as you all know what you may be doing to yourself, albeit in a
6 small way, you know. And I know there are positive
7 motivations, too, to, you know, give someone else an
8 opportunity. But that is a tradeoff, as far as I can see.

9 MR. RICE: Good point for bringing that out.

10 Gail?

11 MS. SINDORF: I probably would have to agree that
12 they get put -- if the numbers increased, I think the
13 permanence of it is my reason, just that you are making a
14 decision every time they get turned in to get rid of them
15 versus doing it every year on, you know, a case by case,
16 depending on the wait list every year. So being the
17 permanence, I have to agree that we put them all back out
18 there.

19 MS. HUNT: Well, I mean, we can -- we bring the
20 target discussion back to the Commission every year. So you
21 don't have to make the decision this year for next year. But
22 the consistency will be an issue, if one year we raise the
23 targets, the next years we don't, the next year we do.

24 And so, I mean -- but in order for the Department to
25 manage the targets by regulation, we do have to bring that

1 idea and the target discussion to this Commission. So you
2 will hear this every year. And you may just nod along and
3 say, yes, I agree with what we did last year, but I do not
4 want you to think it has to be this way. I just brought that
5 up because it would be difficult to go back and forth.

6 MR. GILMER: So we will have an option to review it
7 every year.

8 MS. HUNT: Sure. Because maybe you would change
9 your mind, if there was 50 of them. I don't know.

10 MR. RICE: Basically, there lies somewhat of a
11 safety net, that you can only get one a year of activity
12 before we get to look at the situation again. Is that
13 correct?

14 MS. HUNT: We will only change the targets, yes.

15 MR. RICE: That is what I mean. Right. Okay.

16 Any further questions, comments, from the Committee?

17 (No response.)

18 MR. RICE: None from the Committee. Anybody from
19 the public who would like to make comment before we vote?

20 MR. VAN ALSTINE: Good afternoon, ladies and
21 gentlemen. I have a few concerns with this since --

22 MR. RICE: Can you state your name for the record,
23 John?

24 MR. VAN ALSTINE: My name is John Van Alstine. I am
25 a TFL holder 2436. Gina, may I ask, the four individuals that

1 gave up their license, what did they give them up for? What
2 positions did they take?

3 MS. HUNT: What did they get out of them?

4 MR. VAN ALSTINE: What did they get out of them?

5 MS. HUNT: What is marked here is what they chose.
6 So each row is a different person. So then if you go across
7 the row, you see what they took.

8 MR. VAN ALSTINE: The X is what they took or the X
9 is what they took?

10 MS. HUNT: The X is what they took. And the one is
11 what would be available. That's why at the bottom you see
12 them summed up.

13 MR. VAN ALSTINE: Okay. So what -- what is ET?

14 MS. HUNT: Well, the unlimited TFL is what they had.

15 MR. VAN ALSTINE: Okay.

16 MS. HUNT: These were all unlimited TFLs. So the
17 first --

18 MR. VAN ALSTINE: So they gave up that? They
19 kept --

20 MS. HUNT: So only one out of that four took the FGR
21 that was part of his unlimited TFL.

22 MR. VAN ALSTINE: What is the FGR?

23 MS. HUNT: The fishing guide resident.

24 MR. VAN ALSTINE: Okay. And how much does a fishing
25 guide resident cost?

1 MS. HUNT: It was \$50, now \$100.

2 MR. VAN ALSTINE: And they gave up a \$350 license
3 for a \$100 license.

4 MS. HUNT: No. He gave up his \$300 license, took an
5 FGR. Actually, he only took one of these, hook and line or
6 fin, probably the CB3 out of that. He did not take the oyster
7 harvester, the oyster dredge boat, the clam, or the
8 conch/turtle/lobster.

9 MR. VAN ALSTINE: Under last year's prices, what was
10 his total bill for what he kept?

11 MS. HUNT: When he kept those pieces?

12 MR. VAN ALSTINE: Uh-huh. Over 350 or 350?

13 MS. HUNT: Assuming he took the higher categories of
14 fish and crab, he had a \$50 FGR, \$100 fin, and a \$100 CB3, I
15 think, so \$250.

16 MR. VAN ALSTINE: So he gave up a \$350 license for a
17 \$250 license.

18 MS. HUNT: He gave up a \$300 for \$250.

19 MR. VAN ALSTINE: For \$250? The next individual,
20 can you give me the same breakdown?

21 MS. HUNT: Oh, boy. Okay.

22 MR. VAN ALSTINE: And the rationale that I am asking
23 her to do this is we have people that are buying a TFL
24 license, a license that is out there for an individual to make
25 a year-round living off of, giving up due to cost, what it is

1 actually costing him money to provide us a license, when our
2 cost on our license just exceeded exponentially. We are going
3 to see this again and again. And unfortunately what is being
4 given up is our future children's and other people that are
5 going to be 12-month out of the year employees on the
6 Chesapeake, we are giving up a continuous license.

7 I would have less problem with this if we were
8 allowed to take our piece of our license and rebuild them.
9 But as of last year, we can no longer rebuild a TFL; we can
10 only take one apart. And as long as we can only take it
11 apart, as a commercial fisherman in the Chesapeake Bay, I
12 totally disagree with being able to take it apart. The
13 individual bought the license knowing what the fees were. He
14 only wanted to use one portion of them. He should still be
15 held accountable to pay all the fees associated with that TFL
16 license, not just the components he chooses to use, until such
17 time we can rebuild a license, as well as tear it apart. If
18 we can only tear it down and not rebuild, so an individual
19 that may want to fin fish, may want to guide, may want to
20 oyster, may want to hook and line, all of these things which
21 is not that far out of the realm of a commercial fisherman
22 that provides his living off of the Chesapeake Bay three
23 months out of the year -- I mean, 12 months out of the year.

24 So that is what my concern is with changing this,
25 that our license fees with all the cost recovery just went

1 through the roof. To be able to lose some of those, I think
2 next year we are going to see a bigger problem. But at the
3 end of the day, an individual that is trying to go into this
4 business will not be able to buy a one-stop license, a TFL,
5 because it would be one less on the market. So you would have
6 fewer people being able to access the entire commercial
7 fishing industry as a full-time waterman. He would be
8 piecemealing what he does. And in this industry, I don't
9 believe there is a full-time waterman in this room that
10 believes that they can catch a crab and pay their bills for
11 the year, an oyster and pay their bills for the year, or any
12 other one component. We have to be multifaceted and to do all
13 of it.

14 That's about all I have to say.

15 MR. RICE: Thank you.

16 MS. DEAN: Can I add? John, I didn't think that
17 that was the question that was on the table. And I don't know
18 where that came from. I think it was before I was a
19 commissioner. I agree completely. And I don't think it
20 should have ever been on the table. But now that -- I don't
21 even know that we can do anything about that.

22 MS. HUNT: If that's a question, I can just tell you
23 that the ability to convert component authorizations up into
24 an unlimited TFL by law went away, by law went away, September
25 1, 2012.

1 MS. DEAN: Okay. We got the option to break it
2 down. Can we --

3 MS. HUNT: It went into law last July 1 of 2012.

4 MS. DEAN: Okay. So what -- how do you feel about
5 making sure the other licenses are put back out there, knowing
6 that --

7 MR. VAN ALSTINE: I believe that this Committee
8 should not do anything with this at this point. I believe
9 that this Committee should advocate to either allow the
10 licenses to be broken apart and rebuilt or allow them to stay
11 as they are. I believe that they should not have the ability
12 to break it apart, if they are not allowed to rebuild it. If
13 this Committee does not -- if the ability is not there for the
14 fishing community to rebuild a building, then they should not
15 be given a license to take it apart, because --

16 MS. DEAN: And I agree with you.

17 MR. VAN ALSTINE: Because that is going to affect
18 our future generations of watermen in this state. It -- what
19 may sound good to somebody today that has that TFL in his
20 hands may not necessarily be what is in the best interests of
21 the fishing community. Bill brought up a point, that you
22 potentially are putting more hands in the pot. They are
23 limited hands. The TFL has got a full-fledged this individual
24 is either going to go at it or he is not, because he has the
25 other abilities to go throughout the rest of the industry and

1 make a living. There is no God-given way I can make a living
2 on the water 12 months out of the year for one, two, or three
3 fisheries. It has to be as a whole piece.

4 Gina, how many TFLs are in the state's license,
5 2,000-ish?

6 MS HUNT: Unlimited TFLs or --

7 MR. VAN ALSTINE: Yes.

8 MS. HUNT: -- how many watermen do we have?

9 MR. VAN ALSTINE: No. TFL licenses.

10 MS. HUNT: Unlimited TFLs, 2,128.

11 MR. VAN ALSTINE: You have 2,128 license out of a
12 general pool of, I believe it is, 6,800 licenses total for the
13 state.

14 MS. HUNT: People.

15 MR. VAN ALSTINE: Licenses.

16 MS. HUNT: Yes -- no.

17 MR. VAN ALSTINE: How many --

18 MS. HUNT: Oh, oh, oh. How many authorizations?

19 Gee.

20 MR. VAN ALSTINE: You have 2,000-ish TFLs and
21 about --

22 MS. HUNT: Yes, it is probably about 6,000.

23 MR. VAN ALSTINE: -- 6,800 license total for
24 harvesting. Out of those 6,000 licenses, you have roughly
25 4,000 LCCs, a glorified recreational harvester for the most

1 part. You have a lot of people that are using them to catch
2 that two bushel instead of the one bushel. You have now got
3 TFLs that you have got 2,000 of them. So you just lost a
4 large pool of your full-time watermen just under the TFL
5 portion of that. What is remaining is 2,000 TFLs. If we
6 diminish that pool, out of that 2,000 I would hazard to say
7 there is less than 1,200 that are actively working 12 months
8 out of the year. My wife may have one, my father may have
9 one, my grandfather may have one that are sitting off to the
10 side.

11 So you have a very small pool of commercial
12 fishermen in this state supplying the seafood, as best they
13 can 12 months out of the year, with the ability to move across
14 the lines, to continue to harvest to provide a product to this
15 state. If we are allowed to disassemble them, then we need to
16 be allowed to assemble them. And if we cannot assemble them,
17 I believe this should be set-off to the side.

18 MR. RICE: All right. Thank you.

19 MR. VAN ALSTINE: Thank you.

20 MR. RICE: Would you have a motion on the floor to
21 deal with? Richard, you are making the motion. I will give
22 you an opportunity to speak.

23 MR. YOUNG: Can I ask a question?

24 MR. RICE: Yes.

25 MR. YOUNG: Okay. John, what are you -- so what you

1 are thinking then -- you can stay over there. What you are
2 thinking is that we shouldn't do anything with this? Because
3 the problem here is that, you know, we have no say whatsoever
4 about rebuilding TFLs, because that was taken away by the law.

5 MR. VAN ALSTINE: You have the ability as a
6 Committee to recommend to the governor to impose a law change.
7 This Committee has the ability to present your feelings on
8 this topic similar or dissimilar to mine to the governor of
9 this state saying that we need to change the law either back
10 or modify it. But by making action on this at this state, you
11 are setting a precedence in my opinion on how these licenses
12 will be dealt with in the future.

13 And if we cannot rebuild, we should not be able to
14 build. Because if this precedence is set, next year you are
15 going to have 50 people with these law changes that come out
16 that only want the LCC portion of it. They are going to be
17 sitting in front of you or turn it in. And we have lost that
18 portion of the licenses because the precedence was set that we
19 can do that. It has happened in the past. Here it has
20 happened; now it is just a matter of how it is going to be
21 redistributed. I would hold how you redistribute this until
22 you can get laws or regulations changed.

23 MR. YOUNG: But the horse is out of the barn
24 already.

25 MR. VAN ALSTINE: It is. And this Committee has all

1 the reins to it.

2 MR. YOUNG: Well, I don't know how. I mean, we had
3 no reins. We could not control any reins about these people
4 that have already broken it down.

5 MR. VAN ALSTINE: If this Committee does not have
6 the control or the reins on what is going to move forward from
7 here, then we have no right sitting in this building. This
8 Committee has the reins on what is going to happen with the
9 commercial fishermen of this state from the industry side.
10 And if this Committee does not act either for or against what
11 is in the best interest of the commercial fishing industry, I
12 don't know who else would.

13 MR. YOUNG: Well, I know. And I agree. But I just
14 do not understand. These things need to be -- I mean, they
15 are broken down already. They are just out there flopping in
16 the wind.

17 MR. VAN ALSTINE: Well, they are flopping in breeze.

18 Gina, you had some 50 LCC licenses turned back into
19 the state recently that do not have a female harvest attached
20 with them.

21 MR. YOUNG: Male only, yes.

22 MR. VAN ALSTINE: Is that correct? That is a male
23 only.

24 MR. YOUNG: Male only.

25 MS. HUNT: I think it is 38 or 40.

1 MR. VAN ALSTINE: Thirty-eight licenses that were
2 turned back into the State of Maryland over the past two
3 years, three years?

4 MS. HUNT: It was --

5 MR. YOUNG: It was this past year.

6 MS. HUNG: -- just last year. And this Commission
7 recommended to table those and not take action on those
8 licenses for a year.

9 MR. VAN ALSTINE: So this Committee opted to table
10 commercial fishing licenses when there are people on a waiting
11 list expecting to receive those licenses on a limited capacity
12 of no female harvest. They could have gone right down the
13 line and said: Do you want this without a female harvest?

14 MR. YOUNG: I agree. I pushed that.

15 MR. VAN ALSTINE: Wait, wait. Wait a minute.

16 So when you are suggesting that this Committee does
17 not have the ability to table this item, when we already have
18 35 commercial fishing licenses sitting over in the office
19 door, that in my opinion should have gone right back out the
20 door as fast as they came in.

21 MR. YOUNG: I agree with that, too.

22 MR. VAN ALSTINE: We are providing to do the exact
23 same thing right here with these licenses. And that is my
24 concern for this Committee on our commercial fishing future.
25 If we are not able to rebuild them, we should not be able to

1 unbuild them. And if we are sitting on licenses as a State of
2 Maryland, the state can simply go: Are you interest in an LCC
3 without a female harvest? If you aren't, then we will move to
4 the next man down the line. That would have put those
5 licenses back out harvesting for this state.

6 MR. YOUNG: And I agree with that. That's what I
7 pushed for. That's why --

8 MR. VAN ALSTINE: And right now, and right now, if
9 the state and this Committee last meeting did just that, they
10 shelved those until they could come up with a better plan for
11 those licenses, I think they should do the same here. Because
12 if you don't, you have set a precedence for what will happen
13 next year when we have a flood of people that are going to
14 have to spend \$2,000 to \$3,000 for their TFL licenses this
15 year. They are going to opt to go cheap. And when they go
16 cheap, we are going to be sitting back here again next season.

17 And I don't mean to take the Committee's whole
18 afternoon, but this is the future of our commercial fishing
19 industry, is that TFL license, not its pieces. And if its
20 pieces are not rebuildable back into a license, then we need
21 to make legislature through this body to be able to change
22 that. And the only way you can do that at this point, you
23 cannot push those back out on the street, because next year it
24 is even going to be worse.

25 MR. YOUNG: How did we get to the point where you

1 could not rebuild these things? Did that come to this
2 Commission?

3 MS. HUNT: The bill in 2012 did come to this
4 Commission. But let me just say, because I think the motion
5 at the table is about whether or not we do with these
6 authorizations what you wanted to do with the male-only LCC,
7 and that is to reissue it so somebody could come off a wait
8 list and go fishing. That's what the motion is.

9 The argument is that they should not have been able
10 to come down to this point to begin with. And that is already
11 set in law. These folks have signed the form that say, yes, I
12 want to do this. The horse is out of the barn for these four
13 folks. Okay? I don't think taking action on this motion will
14 have any relevance on whether or not there is a law change
15 next year.

16 If there is a law change next year, that would
17 affect those folks that do it from the time that bill went
18 into place. But no action here on the Commission with these
19 authorizations means that we will be not issuing any new
20 authorizations to those folks on the wait list. It will not
21 affect whether or not a conversion down to its component parts
22 can happen, because that is already in place. And it can
23 happen, this license renewal. In fact, it does not have to
24 happen at license renewal; it can happen at any time during
25 your license year.

1 So the motion, whether it is favorable or
2 unfavorable, has no effect on whether or not that is going to
3 continue to happen before there may be a possible bill.

4 MR. RICE: Okay. Thank you. That kind of explains
5 it, as far as I was concerned, pretty good.

6 MR. VAN ALSTINE: Other than setting the precedence.

7 MR. RICE: John?

8 MR. MARTIN: I mean, again I am new, so I just have
9 one question. Is there -- there is a waiting list for
10 unlimited TFLs, isn't there?

11 MS. HUNT: Yes.

12 MR. MARTIN: Well, I agree with this man that if
13 people can continue to do that, they will continue to do that.
14 And those people might as well walk away from that waiting
15 list, because there will never be a TFL. They will slowly
16 disappear.

17 MS. HUNT: Well --

18 MR. VAN ALSTINE: And with that being said, the same
19 thing just happened with the cost recovery with rock quotas.
20 When a man was holding five rock quotas, under the new cost
21 recovery, he only has to pay for one of those licenses, if he
22 so chooses to take all the poundage to bring it down to one.
23 We just diluted that pool. The concern is diluting the pool
24 of commercial fishermen and the potential of harvester gear
25 that's out there.

1 MR. MARTIN: So I know we don't have an ability to
2 talk about something that was already done or cannot be fixed
3 and put back the way it was. Because I can see that, that
4 little by little everybody will -- and there will be no TFLs
5 left. I mean, I have a TFL. I would not want to break it
6 down.

7 MR. RICE: I think the option would be that we can
8 deal -- correct me, if I am wrong, Tom -- deal with the
9 question at hand and then request that we have legislation put
10 in effect to take care of the problem that we see, you know,
11 down the road.

12 MR. VAN ALSTINE: Mr. Chairman, with this one
13 mindset to it, if you act on these four licenses, knowing that
14 at this point the state has already held licenses in reserve,
15 the LCCs without the female harvest, if you set a precedent
16 saying that this group of licenses that are broken apart can
17 move forward, as a person in the fishing fleet out there can
18 see, has this happened before, have we broken these down
19 before, and have we been able to move them. The answer would
20 be yes, that individual through the course of this oncoming
21 year may try to break his license down to get what is cost
22 effective to him, as opposed to him coming to the state and
23 saying is there a problem breaking this down. And the state
24 can say at this point that, yes, there has been a problem and
25 that the Commission has decided to hold action until such time

1 things can be reinforced.

2 MS. HUNT: Let me just clear up. This Commission
3 could tell the Department that we don't like this and we don't
4 want you to continue doing it, but we will continue to
5 implement the law. So you may not like the conversion down to
6 its component parts, but regardless what happens with this
7 particular authorizations, or if you tell us unanimously you
8 don't like it, it will not affect the fact that there is a law
9 right now that tells us to do it.

10 MR. RICE: All right. Well, we have had a lot of
11 discussion back and forth. And I think we have probably
12 discussed this enough.

13 MR. VAN ALSTINE: Thank you.

14 MR. RICE: Need to call for the question at hand.

15 Richard, do you stand by your motion?

16 MR. YOUNG: Yes. I still think because the law --
17 until we get the law changed -- and I think that we need, as a
18 Commission, to go to the legislature and try to get the
19 ability to upgrade TFLs, because if -- it only makes sense.
20 If you can break it down, you ought to be able to build one
21 up, too.

22 MR. RICE: Absolutely.

23 MR. YOUNG: And I don't know how that got into law.
24 I don't remember talking about it here. But I am over 50; my
25 memory is fading. So --

1 MR. RICE: Okay. Rachel?

2 MS. DEAN: I just want to add to that, and this is
3 for future discussion. That if we move forward, that if
4 somebody takes an unlimited and breaks it down, then that can
5 be their choice. But that stays reserved, so that if they
6 choose to the following year, kind of like our oyster
7 harvester right now, you can choose to pay the \$300 to become
8 active, that would be an option we could look at.

9 MR. RICE: Right. You seconded the motion. Is that
10 correct, Rachel?

11 MS. DEAN: I didn't, no.

12 MR. RICE: Who seconded --

13 MS. DEAN: Bill seconded the motion, I believe.

14 MR. RICE: Gail?

15 MS. DEAN: Bill.

16 MR. RICE: Bill did. Okay. I should be reading the
17 board.

18 All right. Well, with no further ado, we need to
19 vote this motion up or down.

20 MR. SIELING: Can I ask more questions?

21 MR. RICE: This is it. This is the last one.

22 MR. SIELING: Okay. In the future, if more people
23 wanted to do this, would we have to, as a Commission, vote on
24 them, as well, like we are today?

25 MS. HUNT: You are not voting on these people. They

1 have made their personal choice, and they choice to convert
2 their license to its component parts. What you are voting on
3 is what to do with the rest of the parts that they did not
4 choose. The people made their choice, and this Commission
5 cannot undo that.

6 MR. RICE: So to me, this is how I see it. And I am
7 just going to use -- there are three oyster harvesters that
8 have become available. Is that correct?

9 MS. HUNT: Yes, but we have over 100 already
10 available.

11 MR. RICE: Oh, okay. All right. Well, that would
12 have been a bad point. But anyway, what you are doing is
13 taking the unused portion of these TFLs and making them
14 available for somebody else to use. And right now, that's the
15 system that we are dealing with at the present time.

16 All those in favor of Richard's motion, I think we
17 had better raise your right hand.

18 Nine?

19 Oppose?

20 Two.

21 Abstentions?

22 MR. MARTIN: I just don't understand quite that much
23 yet.

24 MR. RICE: Okay. The motion carries. I guess I
25 have to say I was an abstention, because I reserve my vote as

1 chairman in case there was a tie. So I would have been the
2 bad guy, if necessary. But the motion passes without my vote.

3

4 MS. HUNT: Thank you.

5 MR. RICE: Richard?

6 MR. YOUNG: Can I make one quick motion? I am going
7 to just -- I think we can just take a vote on it. I don't
8 know if we can either discuss it or not.

9 MR. RICE: Well, do we need a motion or do we need
10 just to make a recommendation for an agenda item at our next
11 meeting?

12 MR. YOUNG: Exactly, an agenda item to discuss
13 getting the ability to upgrade to an unlimited TFL.

14 MR. O'CONNELL: So we will capture that as an action
15 option, unless there is objection. It does not look like
16 there is.

17 MR. RICE: I see everybody -- I just see plain
18 faces, so we are in good shape.

19 MR. O'CONNELL: All right.

20 MR. RICE: All right.

21 MR. MARTIN: Can I ask Gina how we got to that? Do
22 you know? So I can just understand how we even got that law.
23 After you finish your cookie.

24 MS. HUNT: Thanks, John. Well --

25 MR. MARTIN: Just the Reader's Digest version.

1 MS. HUNT: The bill, House Bill 1372 that was part
2 of the 2012 legislative session, that is when this changed.
3 And that bill did a lot of things. It was originally going to
4 be a fee bill, and then we postponed that aspect of it. And
5 it did other structural changes to the license system.

6 I think this part of all of those changes came in
7 because at the time there were a lot of discussions about
8 latent effort. And what you have with an unlimited TFL is,
9 like I said, mostly three activities going on, and the rest of
10 them are latent effort. And in order to manage any of those
11 fisheries -- and I don't just mean crabs, but any of those
12 fisheries -- you have to assume that those people that are
13 licensed and authorized to be doing it could be doing it and
14 will start doing it at any time.

15 So the problem with the way this was structured
16 before was that you had three authorizations. One of them had
17 to be crabbing. But it could have been just an LCC. Okay?
18 It could have been a 50 pot license. And you had three of
19 those, and then you got to convert up to an unlimited TFL that
20 included seven or eight authorizations. You added effort to
21 those fisheries, and you went from 50 pots to 300 pots in
22 crabs. And then of all of those things you may still only
23 doing three, but we don't know. We have to assume you are
24 doing more.

25 So from a management perspective, the unlimited TFL

1 is difficult. And we were making problem worse by upgrading
2 folks into that category.

3 Then the downgrade, so it could have just been that
4 you did not allow upgrades. That was an option. However, we
5 get a lot of complaints at the Department from folks that
6 wanted to be able to transfer their license to a nonresident,
7 or they only wanted to do one of those activities. I don't
8 want to have to fill out a fin fish report, if all I do is
9 crab. Well, you have a fin fish authorization, so we expect a
10 report from you.

11 So there were folks that wanted to be able to sell
12 off parts of their license. I have a guy waiting for my rock
13 fish, but I want to keep crabbing. Well, he needs a fin fish
14 license to be rock fishing. Well, you cannot give it to him
15 without him having a fishing license. You need to give him
16 the whole TFL. Well, then you are not going to get to crab.

17 So we get these situations all the time, complaints
18 and concerns from folks that wanted to be able to break down
19 their unlimited TFL for selling purposes or for nonresident
20 issues. So that was thrown in there for those folks. Not
21 because we wanted to lower the number of unlimited TFLs, but
22 because we wanted to address the concerns that we had had from
23 fishermen. But it is separate from why is there no more of an
24 upgrade.

25 MR. MARTIN: Okay.

1 MS. DEAN: Can I ask a question real quick? Did you
2 understand what I was saying when I said that, okay, I take my
3 TFL and I say I am only crabbing this year when I renew in
4 August. So I would only pay on my crab. And then the
5 following year I would have that decision again. So that
6 would not reduce the number of TFLs. It would put that in
7 reserve. Would that work?

8 MS. HUNT: Basically, you are saying you pay your
9 TFL fee, but at the time --

10 MS. DEAN: I pay only my crab fee.

11 MS. HUNT: Pardon?

12 MS. DEAN: I pay only my crab fee and my \$215
13 harvester.

14 MS. HUNT: Oh, You would just pay \$150 of your \$300
15 license?

16 MS. DEAN: And my \$215 harvester, because I am only
17 going --

18 MS. HUNT: Right, but I am just saying --

19 MS. DEAN: -- into that fishery.

20 MS. HUNT: But say the CB3 part of that is \$150 and
21 your license, your TFL, is \$300. So you are only going to pay
22 that part and basically just pay for the part that you have,
23 and then we would know that is all you are allowed to do.

24 MS. DEAN: Yes.

25 MS. HUNT: Well, that would be a whole other agenda

1 topic and discussion and certainly a big legislative change.
2 Because we are in no way structured right now to only sell you
3 a piece of what you have. That is what you would be doing.
4 You would be buying a piece of what you actually own, which is
5 unlimited. And we are not structured that way. But that is
6 really something that would have to go into a -- that takes
7 care of the effort. You would know that year that that person
8 is not going. But that is not the way the license system is
9 set up in law. So it is -- like I said, it kind of blows up
10 the current system. And you would have to restructure that.

11 MR. O'CONNELL: It is a possibility, but it has
12 ramifications. And that is something we can add to the
13 discussion as one option.

14 MS. HUNT: Right. But I am glad you brought it up,
15 because I understand it better now that you say it that way
16 than when you -- yes. I get it now.

17 MR. RICE: Gibby? You are way back in the corner,
18 and I can't see you.

19 MR. DEAN: I like it that way.

20 MR. RICE: I am sorry. Go ahead.

21 MR. DEAN: Just one quick comment. I do not
22 disagree with anything John said, but in defense of this
23 Commission, if I remember correctly, the decision made on the
24 male only crab licenses was kicked back to the Blue Crab
25 Design Team for their recommendation on how to handle it. Is

1 that --

2 MR. RICE: It was kicked back to the Blue Crab
3 Committee.

4 MR. DEAN: I mean committee, yes, advisory
5 committee. And --

6 MS. HUNT: It was kicked to the Committee --

7 MR. DEAN: And I have always supported the decisions
8 of those advisory groups. And that is how that came about on
9 that. I mean, you have to remember now that -- I know that
10 this is a very knowledgeable and credible commission, but that
11 is made up of nothing but crabbers who do it every day. And I
12 put a lot of faith in their decision. And that is why we went
13 in that direction.

14 Another thing that we need to consider is the fact
15 that -- and I have used this oftentimes. And hopefully to
16 alleviate John's concern about the unlimited TFL -- just
17 through attrition alone, you are going to see probably 1,000
18 or more in the next several years being either sold,
19 transferred, or turned back into the state just because of the
20 age of the people that currently hold them, of which 60-some
21 percent are over 50, and 30-some percent of those are over 60.

22 So, I mean, I personally do not see any reason to be
23 concerned about TFLs being available just from that fact
24 alone. So --

25 MS. HUNT: The wait list is small, too.

1 MR. DEAN: And there are going to be available in
2 the next several years.

3 MR. RICE: Yes, sad but true. That's a fact of
4 life.

5 MR. DEAN: Pardon me?

6 MR. RICE: I say it is sad but true. It happens to
7 be a fact of life.

8 Moving right along, we would like to call on Steve
9 Vilnit to give us his report to the Commission, please.

10 ***Seafood Marketing Update***

11 ***by Steve Vilnit, Maryland DNR Fisheries Service***

12 MR. VILNIT: I arranged to pull up the presentation.
13 I put a -- we just did a couple new things to the True Blue
14 Program, which I will talk about in a minute. But you guys
15 all have them. I don't know if anybody has ever seen the
16 Monterey Bay Aquarium. They do a little pocket guide for
17 green, yellow, red for seafoods. So we kind of did the -- we
18 had a lot of people go online, and I get a lot of e-mails from
19 the public. And one of the things they said was, well, if we
20 cannot get on line from our phone or on a computer, how do we
21 know where the True Blue places are? So for \$12.50 we printed
22 up these handy-dandy little pocket guides so people know where
23 to go. We will give those out at the seafood shows and things
24 like that.

25 Go ahead.

1 (Slide)

2 MR. VILNIT: So I am just going to give you a quick
3 update on what is going on with some of the programs that we
4 are working on. You know, True Blue is the big one we have
5 been working on this past year. This date last year, we had 9
6 restaurants on board. Today we have 168. It is growing
7 quickly. Last year we focused on getting restaurants, retail
8 stores, caterers, hospitals, schools, everything on board so
9 that people had a place to go to find Maryland crabmeat.

10 This year we are focusing more -- we have plenty of
11 places on board now, and it is continuing to grow every day.
12 This year we are changing the focus a little bit and trying to
13 get people, the public, more aware of the programs. So we
14 have done a lot of live news spots. This was -- a couple
15 weeks ago we did three live news spots throughout the morning
16 on a Sunday morning with Chef Spike from Woodberry Kitchen
17 cooking up some Maryland crab products. We actually did an
18 interview this morning for Fox 45, as well, talking about the
19 True Blue Program, trying to get the word out there to the
20 consumers, getting them looking for this, when we are going
21 into restaurants. We are actually doing contests on like the
22 Facebook page and things like that, where if a consumer goes
23 into a restaurant and they see this on the menu, take a
24 picture of it and send it in. And they can possibly win some
25 prizes.

1 Just getting people looking for this now and
2 realizing that not every restaurant is using Maryland crabmeat
3 and to really help support the ones that are, because it is
4 supporting you guys in turn.

5 (Slide)

6 MR. VILNIT: On that note, we actually participated
7 in the American Food and Wine Institute crab cake competition.
8 They do an East Coast crab cake competition. For the past 12
9 years the competition was done, but it was using Indonesian
10 crabmeat. So we actually supported the crab cake competition
11 this year.

12 We had 12 chefs from the region competing, and they
13 all used Maryland crabmeat. It was a great competition. If
14 anybody gets a chance to go down there, it is down in
15 Washington, D.C. We had 370 people packed into that little
16 restaurant, trying crab cakes. So it was a good opportunity.
17 The chefs loved the product.

18 In fact, three of them now that were not using
19 Maryland crabmeat before are now using Maryland crabmeat. So
20 just by going there and them trying the product and them
21 seeing the product, it worked out well.

22 (Slide)

23 MR. VILNIT: We continue to do chef education trips.
24 We did a couple this past week. We are doing a couple next
25 week. These are one of our big focus. We really think

1 provides a great value in terms of getting people out there on
2 the water. Chefs, like many of you have heard me say before,
3 chefs have the opportunity to get out there and go see their
4 corn or go see their cow or go see their pig. It is very rare
5 that they actually get to see their seafood. It always comes
6 across as a price list, and they order it, and it comes in the
7 next day. And that is all they know of their seafood supply
8 chain. They know the person they buy it from being a
9 wholesaler. They don't know the watermen.

10 So what we do is we get them out on the water. We
11 go to -- this past Monday we went out and these chefs learned
12 about wild oysters, farm-raised oysters. They did some
13 trotlining. They learned about peeler crabs. They learned
14 about a pound net.

15 So four hours on the water, four-and-a-half hours in
16 the water, they learned a great deal of stuff. They all came
17 away extremely excited. I got e-mails from a bunch of these
18 chefs. And it was a good group of people. We had two chefs
19 there that do the House of Representatives in D.C., two chefs
20 from USA Today that do that building. We had George Mason
21 University chefs, University of Richmond chefs. So there was
22 a great mix of guys out there. And it is like this every
23 time. We have a group coming down from Philadelphia next
24 week. So hopefully we get them going on some Maryland
25 seafood.

1 (Slide)

2 MR. VILNIT: Upcoming projects, one of the big
3 things we want to do this year is a community supported
4 fishery. I have been saying that, and we are starting to get
5 it kicked off. We have the preliminary okays to do this.
6 They are popping up, up and down the coast, but you can see
7 there is a big gap there in the Mid-Atlantic where there is
8 nothing. We hope to do this as a pilot project.

9 The Department is going to run it the first year,
10 try to get all the kinks out of the system, and then present
11 this as a package to each of the watermen associations
12 throughout the area or even, you know, individuals, if they
13 want to take the ball and run with it. Hopefully we can get
14 all the kinks out. We can figure out how it works, what works
15 best, percentages, pickup times, what people are looking for,
16 price, everything. And then we hand it off to you. And it is
17 something that in the second year we could have a few of them
18 going on around the state.

19 So we are meeting with the people from the Walking
20 Fish down in North Carolina tomorrow to hopefully get some
21 insights from them and see what they are doing.

22 (Slide)

23 MR. VILNIT: We are going to be participating in the
24 Maryland Seafood Festival again this year. And I think the
25 watermen are actually -- Robert T., you guys are going to be

1 doing some stuff this year, too. Right?

2 MR. BROWN: Yes, we are.

3 MR. VILNIT: Great. It is a great festival. We
4 have a lot of people show up there. Again, we usually do a
5 chef demo tent to show the general public -- one of the big
6 reasons they say they don't eat seafood is they don't know how
7 to cook it. So they go out to the restaurants and they eat
8 it, but they rarely make it at home. It is not something
9 where you see a lot of people just bringing fish home.

10 So we get out there and we have the chefs walk right
11 through a recipe, explain every step to them, show them how
12 easy it is to cook seafood, get them excited about it. They
13 get to take the recipes home. And they get to try the
14 product.

15 So last year we did 1,500 samples in 2 days with
16 about 12 different chefs. I have told them to gear up for
17 even more. We ran out every single session. So we are going
18 to gear them up even bigger this year. And hopefully we can
19 get that over 2,000, 2,100.

20 MR. : What is the date of that?

21 MR. VILNIT: It is September 8 and 9 at Sandy Point
22 State Park.

23 (Slide)

24 MR. VILNIT: We are working with a group called
25 Chefs on Bikes. They do a charity ride, and it is all chefs.

1 They get out there. And basically we are working with the
2 Department of Ag. And they are going to be visiting a few
3 farms. And then we are going to do some seafood at the end.
4 We are going to -- they are riding from Washington, D.C. They
5 are going to come up through Howard County, Anne Arundel
6 County, and meeting down in Annapolis. They are going to tour
7 three or four farms on the way, meeting in Annapolis. And we
8 are going to have some of the oyster growers there, some
9 watermen there at Cantler's at the end. So they are going to
10 have crabs and oysters, kind of end it with seafood.

11 But this year we had, I think we had 70 chefs out
12 there. And these are all D.C. guys, Baltimore guys. So it is
13 a pretty powerful group. It is a really fun event. So we are
14 going to help sponsor it. It costs us virtually nothing, and
15 we get a lot of exposure.

16 (Slide)

17 MR. VILNIT: One of the things I am really excited
18 about this year is that we got Jay Fleming on for the summer
19 to work with us. And some of you may know him. These are all
20 -- I just pulled a few of his shots, but he is an excellent
21 photographer, really knows the watermen community. He is out
22 there all the time with the guys. On his days off, he is
23 waking up at 3:00 o'clock in the morning to go out and take
24 pictures of watermen stuff. If you get *National Fishermen*
25 *Magazine*, his shot was actually on the cover this month. So

1 he does some great work.

2 I think it is a opportunity for us to get some great
3 pictures that he takes. Pictures tell stories. That is what
4 it comes down. We do our Facebook posts, and I just put up
5 some words, I get a couple hundred people looking at it. I
6 put up one of Jay's pictures, I get 15,000 people looking at
7 it. So he does -- just his shots are great. They tell a
8 great story. And it is going to be -- you know, we have him
9 on here for a few months here.

10 It is going to be an opportunity to get some great
11 stock photography that we can use in advertisements, anything
12 going into the future and not have to pay for it into the
13 future. So he is a good guy. He is not afraid to get out
14 there and work hard. He is out there again today after we put
15 him through a 14-hour day yesterday. So I am excited to have
16 him on.

17 So that's it. That is what is going on right now.
18 Just kind of ramping up the current programs and trying to get
19 some new ones going, always looking for ideas or questions
20 that we can help out with or any way we can help any
21 individuals.

22 MR. RICE: Anybody have any questions for Steve?

23 (No response)

24 MR. RICE: Steve, that was a very nice report.

25 Thank you very much for your hard work.

1 And from what I have been able to observe I think
2 that the restaurants have kind of gone to the local seafood,
3 that's the best advertisement that they have going for them.
4 I know one restaurant in particular that is in my area, he
5 used to get a lot of crabs from outside sources, let's say.
6 And they have pretty much gone to sometimes a short supply,
7 but they get more money, and they have way more business
8 because they are dealing with 100 percent local. And that
9 really does make a difference.

10 I would like to have Lt. Art -- and I am not going
11 to gamble with your last name. That is why I called you
12 Lt. Art -- to give the DNR Natural Resource Police report.
13 Thank you.

14 ***NRP Activity Report***

15 ***by Lt. Art Windemuth, Natural Resource Police***

16 LT. WINDEMUTH: First of all, I am taking over for
17 Lt. Nick Powell. Again, I am Art Windemuth. I am Commander
18 for the upper eastern region, Kent, Caroline, Dorchester,
19 Talbot, and Queen Anne Counties.

20 What I did when I looked at the report that Nick
21 submitted to you, you will see that some of the outstanding
22 cases or some of the cases that were made. I also put in your
23 packet sort of like a table. And I am not sure exactly what
24 the Commission is looking for from us.

25 So what I did was, this added table just basically

1 is a three-month synopsis of NRP and what our activities were
2 for the preceding three months, dealing strictly with the
3 tidal environment.

4 So what I will do is I will just real briefly go
5 over that. As you can see, it is broken down. And each one
6 of our -- there are five areas that are with the tidal
7 environment. And you will see that under each one of those
8 areas it lists the number of recreational fishermen we
9 checked, commercial fisherman, fin fish, the number of fin
10 fish violations in general that we came into contact with, the
11 amount of hours that we at NRP spend out during our
12 enforcement, and then also the same thing with crabbing,
13 recreational crabbers, the number of crabbers that we checked,
14 the number of hours we spent doing that particular activity,
15 and the number of crabbing violations. And then shellfish,
16 oysters, and clams, and other associated shellfish that we
17 spend and the number of violations.

18 Again, when you look at the report, it will -- then
19 also at the end, let me also say that when we talk about
20 effort by NRP, you have to take a look at the amount of
21 manhours that are out there. So on the very last column on
22 the right, you will notice personnel differences. So what I
23 am doing, again, is comparing the last three months of this
24 year with the three months of last year. So you can see the
25 differences that have transpired.

1 So as you notice, for instance, the number of
2 recreational fishermen, we checked four percent more fishermen
3 this year, 32,000 over the last 3 months. As you go across,
4 you will see commercial fishermen, 1,500 fin fish violations
5 in general, 2,100 fin fish violations this year versus last
6 year. We are up 29 percent.

7 So again, that sort of gives you an idea of where we
8 are as an enforcement agency, where our effort is this year
9 compared to last year. One thing that you will notice is that
10 a commercial crabbing activity, the number of commercial
11 crabbers that we have checked over the past three months, is
12 down. And also, our crabbing violations are down. Well, we
13 all know why. The season started out cold. We had, you
14 know -- the activity just did not pick up. It started late.
15 So it is reflected in the number of watermen that we checked,
16 both watermen and also recreational crabbers, and also the
17 number of violations.

18 Also to let you know, this information is presented
19 every month to our colonel. We as a -- myself as an area
20 commander, along with the other area commanders, we have to
21 stand up in front of him and explain why the differences are
22 occurring, what our objectives are each month going forward,
23 and explain the results from last month. So we are held
24 accountable each month.

25 One thing we are doing, and we just started at the

1 end of June when we noticed that the crabbing, well, that the
2 crab harvest was low, and we were getting some reports of some
3 violations, some illegal harvests taking place, we have now
4 implemented a 20-percent mandatory enforcement for each of our
5 officers focused solely on crabbing. So now 20 percent of
6 every officer's time out in the field is going to be spent on
7 crabbing.

8 So that's it. Again, if that is something that you
9 would like to see each month, I can continue with that and
10 also with some highlights, or I can just forget that. It is
11 up to the Commission, whatever you all would like to see each
12 month.

13 MR. RICE: Tom?

14 MR. O'CONNELL: I noticed that those columns are
15 kind of dark to read. And we will try to lighten that up.

16 LT. WINDEMUTH: Oh, I can do that.

17 MR. O'CONNELL: We will lighten it up and put it on
18 the Tidal Fish website, if you guys want to look at it in more
19 detail.

20 LT. WINDEMUTH: Yes. And I will send that out to
21 you, so you have a chance before the meetings to see that.

22 MR. RICE: Art, that's great.

23 Gibby, did you have a comment?

24 MR. DEAN: Yes, sir. I appreciate your report, and
25 it is very useful. Just to clarify a couple things here, am I

1 reading this correctly that statewide the number of
2 recreational fishermen inspected is up four percent?

3 LT. WINDEMUTH: That's correct.

4 MR. DEAN: And the number of commercial fishermen
5 inspected is 43 percent.

6 LT. WINDEMUTH: That's correct, over the same
7 period.

8 MR. DEAN: Is up 43 percent.

9 LT. WINDEMUTH: That's correct.

10 MR. DEAN: Unlike the other papers we had, you do
11 not break down the violations by recreational or commercial.

12 LT. WINDEMUTH: The problem with that is our -- we
13 had antiquated electronic system. So for us to look back
14 three months, it actually would not be up to date. It takes
15 so long for citations to get in to our record system --

16 MR. DEAN: Right.

17 LT. WINDEMUTH: -- and then we have clerks that are
18 entering them manually into the computer. Sometimes it is six
19 months behind. So it is sort of hard to sync that up to give
20 you real-time information.

21 Now, this other sheet is sort of -- you know, we
22 went through and just kind of picked out some of the
23 highlights, if you will. And we will continue to do that from
24 the different areas of the state. But to give you a true and
25 accurate number of citations and warnings that are issued from

1 the previous three months, we just would not be able to do it
2 because of the time lag. Sometimes it takes, again, six
3 months to get those tickets in because of the volume of them.

4 MR. DEAN: Well, lord knows I am not trying to stir
5 the pot here. But the scrutiny that the commercial fishing
6 industry has been under, not only for enforcement reasons, for
7 accountability reasons, for sustainable fishery reasons, the
8 information that we have in front of us, again, shows us, if
9 my numbers are correct, there were 153 recreational citations
10 issued compared to 13 commercial. And I just think that needs
11 notice here.

12 LT. WINDEMUTH: Are you checking by the information
13 that I provided you?

14 MR. DEAN: The ones that the handout, the other one,
15 when I counted the number of citations issued.

16 LT. WINDEMUTH: Oh, but that is by no means even
17 anywhere close to the full and accurate picture. Those --

18 MR. DEAN: Well, I would rather not have it then.

19 LT. WINDEMUTH: Okay. That's fine. That is why,
20 when I saw that, I thought -- you are talking about this.

21 MR. DEAN: Yes, sir.

22 LT. WINDEMUTH: Okay. When I saw that, I thought
23 the same thing. That is why I wanted to present this to you.
24 I did not put this in and send this to you. That is what they
25 were putting together. My predecessor did on a monthly basis.

1 And I did not think it presented a fair and accurate portrayal
2 of everything.

3 MR. DEAN: Well, you know that we fully support you
4 in your efforts.

5 LT. WINDEMUTH: Oh, I --

6 MR. DEAN: I mean, you know we sponsor bills and
7 everything --

8 LT. WINDEMUTH: Certainly.

9 MR. DEAN: -- to increase funding to your department
10 and everything. But I cannot help but question why a 43-
11 percent increase on commercial side, as opposed to a 4-percent
12 on a recreational in enforcement -- I mean, as far as fin fish
13 goes, they are allowed as big a quota as we are.

14 LT. WINDEMUTH: Well -- okay.

15 MR. DEAN: And they have probably 30, I think it is
16 35 or 36 times the number of fishermen than we do. But your
17 enforcement efforts is increased by 43 percent on the
18 commercial. I am not -- it is just an observation. And there
19 is nobody in this room or anywhere else that supports your
20 efforts more than me.

21 LT. WINDEMUTH: Well, I think when you see that,
22 again, that number is statewide. If you go down and look, it
23 is -- and again, we will take area three, where they have
24 checked 7,000 recreational versus 400 commercial.

25 So it is sort of all relative where that just

1 because there is an increase over last year, there is a lot of
2 other factors to add into that, such as -- whereas officers
3 will -- normally when they go out on patrol, and they are in
4 the boat, they end up checking a lot more, I don't want to say
5 numbers-wise, but they check boats.

6 And depending upon where they are at in the state, I
7 will use Dorchester County, there is a higher number of --
8 because I am familiar with Dorchester County.

9 MR. DEAN: Me, too.

10 LT. WINDEMUTH: So there is probably a higher number
11 of commercial vessels, that they spend more time checking
12 those than recreational. Whereas in P.G. County or maybe Anne
13 Arundel County, there is a higher volume of recreational.

14 MR. DEAN: And I agree with you, sir. But those
15 same situations and circumstances existed last year, as well.
16 I mean, the number of commercial boats versus recreational has
17 not changed in Dorchester County since 2012 to 2013.

18 So just an observation. Thank you very much. I am
19 not trying to put you on the spot.

20 LT. WINDEMUTH: No, no. And as an area commander,
21 we do emphasize for our officers to check both recreational
22 and commercial. But to be honest, we get a lot of information
23 from our commercial watermen that they don't see us out
24 enough. And they want to see us more.

25 So I know on my watch on this last year, I have

1 emphasized to my officers to get out, to make those contacts,
2 and to build those relationships. So we are trying to
3 strengthen those ties by making those contacts.

4 MR. DEAN: Well, we appreciate that very much. We
5 really do. Thank you.

6 MR. RICE: Okay. We have Richard and then Bill.

7 MR. YOUNG: Yes. You know, your comment about the
8 larger percentage of commercial boats in an area with respect
9 to recreational, I am looking at Anne Arundel County. Forty-
10 eight-percent increase in checking recreational, but a 79-
11 percent increase in checking commercial.

12 Now, also, I am a big supporter of NRP. And, you
13 know, the guys are welcome alongside the boat anytime. You
14 know, they can have a drink of water, if they need it. But,
15 you know, 48-percent increase to 79-percent increase on the
16 commercial side, and there are way more recreational boats
17 than there are commercial boats in Anne Arundel County. I
18 will guarantee it.

19 LT. WINDEMUTH: And you can see that number, 7,000
20 versus 4,000.

21 MR. YOUNG: Yes, but look at the percent --

22 LT. WINDEMUTH: I mean 7,000 versus 400.

23 MR. YOUNG: -- over the year.

24 LT. WINDEMUTH: Yes. Sure.

25 MR. YOUNG: Okay. Now, also, building the

1 relationship and getting, like you say, getting out there and
2 make a presence does not necessarily mean inspecting the guy.
3 You can drive alongside and wave to him. Just let us know. I
4 have not seen -- I saw one two weeks ago. And that was the
5 first time since the first week I was out there, when they did
6 the safety inspection that they do every year. I had not seen
7 them since until two weeks ago. And that is like ten weeks.
8 You know what I mean?

9 So they are -- and they can just come by, you know.
10 And that lets me know that, hey, somebody is out there maybe
11 looking after whether the pots that I am pulling that are
12 empty have been robbed or whether there is just no crabs. It
13 would just be nice to see more of a presence but less of a
14 hassle. And that is what it comes down to.

15 LT. WINDEMUTH: Well, what we instruct, when our
16 officers make contact, it is -- we count that as an
17 inspection.

18 MR. DEAN: An inspection?

19 LT. WINDEMUTH: Yes. When they come up and they
20 come up, whether they are talking or inspecting, that is a
21 contact for us. And we want them to record that.

22 MR. DEAN: So that is put down as an inspection?

23 LT. WINDEMUTH: Yes, most definitely, most
24 definitely.

25 MR. DEAN: Okay.

1 LT. WINDEMUTH: Yes.

2 MR. DEAN: All right. That is fine, then.

3 MR. RICE: Bill

4 MR. GOLDSBOROUGH: Yes. I just want to say I think
5 this is very valuable. I often wondered how to interpret what
6 we have been getting --

7 LT. WINDEMUTH: Okay.

8 MR. GOLDSBOROUGH: -- from both Commissions. And it
9 seemed like highlights or something that somebody thought
10 might be of interest to this group. But this, I mean, I think
11 this group is a lot more analytical than that, and they really
12 want facts in a comprehensive way. So that is what this is.
13 And I think it is really good. I think sport fish would like
14 to receive this, too, if you are going to continue it.

15 LT. WINDEMUTH: Oh, this will be the same thing. I
16 can send it to both.

17 MR. GOLDSBOROUGH: Yes. And I would also say that
18 what you have here is two specific years, 2012 and 2013, the
19 change between those two, that I don't think there is any
20 conclusion you can reach on change from that one to that one,
21 that if we are able to see this data over a long term and see
22 trends and stuff, that would be more meaningful. And then
23 maybe we can have some discussion about priorities or whatever
24 it is we are interested in at that point.

25 Thanks.

1 MR. RICE: John?

2 MR. MARTIN: Well, we don't have the problem of not
3 seeing the DNR, because they are right next door where we are
4 at. But I would be interested -- who does area one? Because
5 I would be interested in -- it has Worcester, Wicomico, and
6 Somerset. And Wicomico and Somerset are definitely bay. Is
7 there any way to break out the numbers for our coastal
8 Worcester County?

9 LT. WINDEMUTH: It is -- the only way to break out,
10 we could break out the numbers on citations and warnings,
11 because every citation and warning, the officer has to code
12 each as to where that violation occurred. But in the general
13 patrol, we just don't do it. It is too -- we don't have the
14 computer capabilities to collect all that data.

15 So this is sort of a general -- like, for instance,
16 if an officer working down in area one might be in Ocean City
17 for the morning and down in Pocomoke Sound or Deal Island in
18 the afternoon, depending upon how things work, and we don't
19 differentiate the hours they spend in one area versus another
20 area.

21 And hopefully, maybe as we move forward in this
22 computerized world, but we did just get computers six months
23 ago for everybody. That is how far behind we are. So that is
24 something that, you know, as we go forward --

25 MR. : -- citations and violations? I

1 mean, we don't have to do it in this. It can just be
2 something we get down there.

3 LT. WINDEMUTH: Yes. I certainly --

4 MR. : I would be interested in it.

5 LT. WINDEMUTH: Yes. We certainly could do that,
6 but also take note that citations and warnings can be anywhere
7 from three to six months time lag, depending on -- because
8 they are getting -- so they are not going to be current and
9 relevant. They might be months behind.

10 MR. : Well, okay. I just mean we are so
11 separate, really, from --

12 LT. WINDEMUTH: No. I agree. Yes.

13 MR. : -- the bay and what we do in a
14 small, little group of us.

15 LT. WINDEMUTH: I will check into that.

16 MR. : Great. Thanks.

17 MR. RICE: Rachel, you had your hand up awhile back.

18 MS. DEAN: Yes --- look at it, and I see this is
19 only covering April through June. And actually I was going to
20 comment that there was a big increase. But I thought that
21 might have been because of the number of fishermen that were
22 out last year. And obviously there are not many recreational
23 people on the water in the winter, but I am seeing now that
24 that must be clam or something else being harvested for the
25 shellfish?

1 LT. WINDEMUTH: Well, it is clam, and also we had
2 the aquaculture starting to bloom in many parts of the state.
3 So, you know, our officers are spending some time in that
4 regard, also.

5 MS. DEAN: I am going to assume that that is not
6 where the violations are coming from, though.

7 LT. WINDEMUTH: Well, I cannot tell you exactly
8 where the --

9 MS. DEAN: Okay.

10 LT. WINDEMUTH: I would imagine, and this is just a
11 guess on me, this time of the year those would be majority of
12 clams, but we do get aquaculture violations. I mean, we had
13 some here yesterday. So that's not uncommon.

14 MR. RICE: Thanks.

15 Gibby?

16 MR. DEAN: Tom, don't kill me for saying this, but
17 what is so damning about this report is that in today's age of
18 cost recovery, we are going to be charged for that higher
19 percentage from here on out. The manhours -- I mean, let's
20 even it up a little bit, if you don't mind, because we just
21 went through I don't know how many months of who should pay
22 for what and all that.

23 LT. WINDEMUTH: Actually, it does not really reflect
24 manhours.

25 MR. DEAN: Well --

1 LT. WINDEMUTH: And that could probably be a totally
2 different --

3 MR. DEAN: It has to have some influence on it.

4 LT. WINDEMUTH: Well, again, that does not -- those
5 numbers are numbers of individuals checked.

6 MR. DEAN: Right.

7 LT. WINDEMUTH: So I cannot speak to manhours. I am
8 not sure how I would be able to obtain that, but I think there
9 is probably a way we could do that.

10 MR. DEAN: Well, you know my point here is you are
11 costing us money.

12 Thank you.

13 LT. WINDEMUTH: Sure.

14 MR. RICE: Thanks a lot. It was very informative.
15 We appreciate the hard work.

16 Okay. Next up, if we could have a regulatory update
17 and scoping from Sara Widman.

18 MR. HOLTZ: Sarah is not here, so I am filling in
19 for her.

20 MR. RICE: Okay.

21 ***Regulatory Update and Scoping***

22 ***By Jacob Holtz, Maryland DNR Fisheries Service***

23 MR. HOLTZ: I am Jacob Holtz. I work in our
24 regulations group. Just for those of you who are new to the
25 Commission, what we do with this update is we just let you all

1 know what we have done as far as public notices and
2 regulations, as well as -- that is the first document that we
3 are going to go over. And then we are also going to do a
4 little bit of scoping.

5 What scoping is, before we propose any kind of
6 regulation, we come to our Advisory Commissions and just give
7 you the ideas that we are kicking around. Some of them we are
8 more committed to than others. Some of them are suggestions
9 from one of the Advisory Commissions. Some of them are
10 suggestions from the public. We want to get your feedback as
11 far as should we do more than what we are doing for public
12 feedback for these ideas.

13 So first off is our regulatory update. The first
14 two pages are the public notices that we have done. Most of
15 those have aquaculture notices, as far as leases that have
16 been -- applications for leases. As far as items particular
17 to the commercial fisheries, we have some -- we modified the
18 horseshoe crab harvest. We raised the daily catch from 100 to
19 150 horseshoe crabs starting in June, on June 24.

20 We issued the menhaden regulations and the bicatch
21 fishery, which we have discussed before. And then we had some
22 hook and line opening and closures.

23 The regulations that became effective since our last
24 meeting was a shark regulation adding species, shark species,
25 to the recreational catch card. That does not have any effect

1 on the commercial harvest of sharks. And then it also dated
2 the public notice provision to let us do our public notices
3 online just to get that out in a more cost-effective manner.

4 There are a number of regulations which have been
5 proposed and are following the process. The process is we
6 submit those to ALR, which is an oversight committee from the
7 legislature that basically just makes sure that we actually
8 have the authority to issue the regulation that we are going
9 to propose. We then publish it in the *Maryland Register*. We
10 open it up for public comment. After the comment period, we
11 may make adjustments to the regulation based on that comment,
12 or we may just move ahead as proposed, at which point then we
13 will issue a final regulation. The whole process usually
14 takes around 90 days, sometimes a little more, just depending
15 on different factors.

16 Current regulations that are somewhere in that
17 process start on page three. And so that is the proposed
18 version of the menhaden regulation. We are moving the
19 recreational summer flounder and black sea bass size, season,
20 and krill limits to be issued by public notice rather than in
21 regulation, because those change every year and because
22 usually we have a short time to turn those around. We did the
23 same with horseshoe crabs.

24 And then we also proposed the striped bass
25 regulations, which will create both the dual fishery, the

1 individual transferable --- and the common pool fishery, which
2 we have spent a lot of time on both in this Commission, the
3 Striped Bass Workgroup, and elsewhere.

4 There are currently four emergency regulations in
5 effect. An emergency regulation does not follow that process
6 I described before. We send it to AELR. And once they
7 approve it, the regulation is effective. So usually we can
8 get that turned around in about a month. We do that when
9 there is some sort of circumstance that we need to get a
10 regulation in place faster than the normal process.

11 Right now, the most recent ones that were issued
12 were the recreational gear regulation. We issued the oyster
13 tags as an emergency. It will allow oyster harvesters to use
14 a dealer tag instead of using Department-issued tags. We did
15 that as an emergency, just so that way, when people are going
16 to renewal, they will know that they can do this. They will
17 not have to buy their tags ahead of time from the Department.
18 And then also finally, the menhaden regulation.

19 That covers what we have done since our last meeting
20 with regulations and public notices. So I am going to move to
21 the scoping document. It is titled "Fisheries Regulatory
22 Scoping for July 2013."

23 So this is -- for each one of these issues, I am
24 going to pause after each one. And I just want to know if we
25 should be doing anything more than what I am telling you we

1 have already done. If you think we need to go and get public
2 comment in another way to get more feedback from a specific
3 group, we would like the Commission's advice on that regard.

4 So first we have snapping turtles. We have used our
5 recommendations that we got from the Snapping Turtle
6 Workgroup. They would like a declaration period for snapping
7 turtles and to have more clear penalties, as far as snapping
8 turtle violations.

9 Part of the reason for the declaration period is now
10 the Department can charge a fee for the snapping turtle
11 permit. And so they just wanted to have the process a little
12 more clear, because right now you can ask for a snapping
13 turtle permit at any time. They just wanted to have it more
14 clear for everybody involved, what is expected of them.

15 So we have discussed this at the Snapping Turtle
16 Workgroup. And we also have it posted on our scoping website.
17 Does the Commission feel that there is any additional
18 necessary steps that you would like us to take to get feedback
19 on that?

20 (No response.)

21 MR. HOLTZ: Seeing none, I will move to yellow perch
22 and horseshoe crabs, creates a declaration period for the same
23 reason. Currently we are scoping that on our website. Is
24 there anything else that you all would like us to do with
25 that?

1 (No response.)

2 MR. HOLTZ: Seeing none, we will move to the bait
3 harvester permit. We are going to add, we would like to add
4 mole crabs to the list of species that bait harvesters are
5 allowed to harvest. Currently it is mostly just basically
6 minnows that bait harvesters are allowed to harvest. But we
7 have had a number of requests by people who would like to
8 harvest mole crabs on the coast.

9 Then we are also going to be charging a fee, because
10 that was also allowed. Currently it is going to be posted on
11 the website. Is there anything else we should do with that?

12 MR. YOUNG: I have some questions.

13 MR. HOLTZ: Yes, sir.

14 MR. YOUNG: I did not even know there was a bait
15 harvester permit.

16 MR. HOLTZ: It is a bait harvester license, I think
17 is what it is.

18 MR. YOUNG: And is that a Tidal Fish license?

19 MR. HOLTZ: It is not.

20 MR. YOUNG: It is not.

21 MR. HOLTZ: No.

22 MR. YOUNG: So even though he is a bait harvester,
23 he does not have to pay the harvester's registration fee.

24 MR. HOLTZ: I don't believe so. I can double check
25 that.

1 MR. YOUNG: Okay. I don't know. Is anybody who
2 harvests bait and sells it supposedly to have this bait
3 harvester's permit? I mean, you say that only minnows are on
4 that list.

5 MR. HOLTZ: Right.

6 MR. YOUNG: And you want to add mole crabs.

7 MR. HOLTZ: So what it is, it is basically for
8 people who want to be harvesting these minnows, and then there
9 will be mole crabs. Rather than have a full commercial
10 license, they can use a very limited amount of gear. Offhand,
11 I do not know what that is, but it is like cast nets and some
12 other things. But it is used to catch minnows to sell as
13 bait. It is not -- for instance, if you are going down -- can
14 they catch spot for bait? No, they can't. It is just those
15 listed species in our bait regulation. And the last I
16 checked, I think it is mostly just minnows.

17 MR. GOLDSBOROUGH: Is that list online?

18 MR. HOLTZ: Yes. We have a bait regulation. We can
19 send that list to the Commission, I am sure.

20 MR. YOUNG: I would like to see it.

21 MR. HOLTZ: Okay.

22 MR. YOUNG: Thank you.

23 MR. DAWSON: What about grass shrimp? Is it
24 included in that or --

25 MR. HOLTZ: Honestly, I don't know. I don't -- I

1 honestly don't know. I am not going to hazard a guess.

2 MR. DAWSON: Because we used to have a lot of
3 people, when there as grass around, that got them by the
4 gallon, net them up, and sell them to bait shops.

5 MR. YOUNG: There are still people who do that,
6 specially in the wintertime. They get them old Christmas
7 trees and throw them off, tie them off, and then pick them up
8 and shake them, and the grass shrimp fall out.

9 MR. HOLTZ: If they are on the list, then someone
10 with a bait harvester permit would be -- they would be able to
11 harvest those with just a bait harvester permit. If they are
12 not, then they should not be. But again, I will get that list
13 of species out to you.

14 But is there any other avenue that the Commission
15 believes we should take to get public feedback on that?

16 MR. YOUNG: I don't know. I am not sure that spot
17 shouldn't be put on there.

18 MR. HOLTZ: Add it to the --

19 MR. YOUNG: I don't know, because I don't know what
20 kind of restrictions the bait harvester has. I know nothing
21 about the permit. So --

22 MR. HOLTZ: When I send out the list, I can -- it is
23 not a very long reg. I think it is just a one-sheet
24 regulation. I can send the whole regulation.

25 MR. YOUNG: I am just -- I am thinking we are having

1 an issue with the spot pots, which we were going to have a
2 meeting today, but it got postponed. And I don't know. But
3 to have that listed on the bait harvesters permit, it might
4 benefit the creation of a specific type pot to use to catch
5 spot. Because as it stands now, they are talking about inch-
6 and-a-half mesh for a fish pot. And a spot pot will be a fish
7 pot. And if you want to catch a spot this big for live
8 lining, you are not going to catch him in inch-and-a-half
9 mesh.

10 And so -- and in this day and age when everything is
11 tight, there is hardly any crabs, there are no clams for the
12 clammers, you know, oysters are really bad, this is an
13 opportunity for a few watermen to be entrepreneurs and get
14 into the bait business and catch spot and sell it to tackle
15 shops and whatnot and have additional income. But we will not
16 be able to do it if they have that inch and a half -- and then
17 a two-inch cull panel in the thing, you will never catch a
18 bait-sized spot with a two-inch cull panel.

19 So I don't know whether, you know, we should maybe
20 look into putting spot on there. But before I could make that
21 call, I would want to see what the regulations are on it.

22 MR. HOLTZ: Okay. Tom just gave me the list of
23 species. They are all small fin fish. So it is mummichogs,
24 striped killifish, banded killifish, spot tail shiner, golden
25 shiner, rough silverside, silverside, anchovy, and silvery

1 minnow. Those are the species that you can harvest with a
2 bait harvester.

3 MR. O'CONNELL: And the gears are listed under that.

4 MR. HOLTZ: It is the cast net, dip net, minnow
5 seine, hook and line, and minnow trap.

6 MR. GOLDSBOROUGH: What was that last species,
7 minnow --

8 MR. HOLTZ: Silvery minnow.

9 MR. GOLDSBOROUGH: Silvery minnow?

10 MR. HOLTZ: Yes. I can give you the scientific
11 name.

12 MR. GOLDSBOROUGH: That's okay.

13 MR. YOUNG: So if spot was put on there, we could
14 also have gear put on there specifically for a spot pot. And
15 then we define that.

16 MR. RICE: Bill? Okay. I saw Bill first. Did you
17 have something?

18 MR. SIELING: Well, go ahead and finish this
19 discussion about this first. I have something else.

20 MR. RICE: Okay. Gibby?

21 MR. DEAN: I think the difference is none of the
22 species that he mentioned is for human consumption, whereas
23 spot is. So, I mean, I think the workgroup that we have
24 developed can take care of the spot issue. I don't personally
25 see where it needs any regulation, but that is up for the

1 workgroup. But I think it would be a conflict to include it
2 on this, because it is some call for human consumption.

3 MR. RICE: Okay.

4 MR. HOLTZ: He had a question.

5 MR. RICE: Go ahead, Bill.

6 MR. SIELING: Well, this is something a lit bit
7 different. I don't know if this is the right place to bring
8 this up or not. But I have been asked to bring up the issue
9 of having some kind of a point system for violations for
10 dealers or processors.

11 MR. HOLTZ: I was going to get to that.

12 MR. SIELING: Oh, you were. Okay. Good.

13 MR. HOLTZ: Yes. So moving on to nontidal, we only
14 have a couple little changes for our nontidal regulations this
15 year. We are moving in Swan Creeks, from a couple
16 restrictions from there. I think it is use of net, like dip
17 net, there. And then are changing the upper boundary for a
18 put and take, catch and release area in Owens Creek.
19 Currently, it is scheduled for web feedback. Is there any
20 reason to do anything more than that?

21 (No response.)

22 MR. HOLTZ: Okay. Striped bass. We have already
23 proposed the regulations, and they are not effective. They
24 are going to be effective on August 4 for the ITQ and common
25 pool fisheries. But we are working on the rules for those

1 fisheries right now. We met with the Striped Bass Workgroup.
2 And some of this is what we talked about there. We are going
3 to have a -- just so you know what we already have planned
4 before I go through what the suggestions are.

5 We already have planned a question and answer. I
6 think it is this coming Tuesday. It will be here in the Tawes
7 Building from 8:00 until noon. And that is open to the public
8 just for any of the striped bass permit holders to come and --
9 or even just members of the public to come, and if they have
10 any questions about how the common pool and ITQ fisheries work
11 and what transfer options are available in that fisheries,
12 things like that, we are doing that on Tuesday.

13 And then for the scoping of the ideas that I am
14 going to talk about, we are going to do an open house in
15 August. We do not have a date set yet. But that would be
16 before we proposed any regulations. We would be doing an open
17 house and getting feedback from everybody who attends that.
18 We will also have it posted on our website.

19 So some of the ideas, as far as adjustments to the
20 rules in the striped bass fishery, one was allowing everybody
21 in the striped bass fishery to tag striped bass before they
22 are landed, but not specific, because currently hook and
23 liners have to tag their fish immediately.

24 Gill netters, I think, it is within a couple hundred
25 yards of their gill net. And then pound netters just to have

1 to tag their fish before they get back to the dock. This
2 would let everybody in both the common pool and ITQ to just
3 tag their fish before they got back to the dock.

4 There is also the suggestion from the Striped Bass
5 Workgroup that the ITQ fishery, meaning both -- anybody in the
6 ITQ fishery can use both hook and line and pound net. They
7 can use any gear in the gear season. Currently the pound net
8 season opens on June 1 and the hook and line opens on June 7.
9 The suggestion was that anybody in the ITQ fishery would be
10 able to start fishing on the first with both hook and line and
11 pound net. So it would add basically a week at the front end
12 of the season for hook and liners and ITQ fishery.

13 Also to add another an extra hour of fishing for
14 hook and liners and ITQ fishery, so it would be all the way to
15 sunset instead of an hour before sunset would be the cutoff
16 time. Everybody in the ITQ fishery would be allowed to check
17 their fish in by 9:00 a.m. the following day. This includes
18 gill netters, who currently have to check their fish by 9:00
19 p.m. the day of harvest.

20 There was a request by the workgroup to add a cap on
21 an individual's quotas. Currently there is no -- in the regs
22 that we proposed and are scheduled to be effective, there is
23 no cap on how much a commercial license holder in the striped
24 bass fishery can accumulate as far as quota goes.

25 The request was that we set it at a one-percent cap

1 so nobody can get too much of the fishery. We were not as
2 concerned about it as the workgroup, because currently you
3 cannot do a permanent transfer of quota to someone. It is
4 only a temporary thing.

5 So we figured that there did not need to be a cap.
6 But the workgroup, because there -- the reason we thought
7 there didn't need to be a cap was because, since it is a
8 temporary for the rest of the year, at the end of the year all
9 the allocation just goes back to where it came from.

10 So nobody is permanently acquiring a chunk of the
11 fishery. The workgroup was a little more concerned about it,
12 and so they would like a cap. That is why that is there.

13 There also was discussion about tolerances, as far
14 as -- right now it is a 50-pound tolerance a week and then a
15 50-pound overage tolerance for the season. The suggestion was
16 that anything over that would be paid back the following year.

17 MR. GOLDSBOROUGH: Anything over that or anything,
18 any overage?

19 MR. HOLTZ: I think the idea was that any overage
20 would be paid back the following year, but that up to 50
21 pounds would -- there would not be a penalty. Thank you.

22 And then additionally, the common pool fishery, as
23 far as transfer dates, the recommendation was that we just
24 maintain the same transfer dates as right now. There is a --
25 you could transfer your permit in August at renewal or you

1 could transfer it in March after gill net.

2 So currently we have talked about it with the
3 workgroup. The one issue that we have not figured out yet is
4 as far as how to work a penalty system in the ITQ fishery, the
5 problem being that currently if someone accumulates a certain
6 amount of points, say they accumulate 15 points, that is 60
7 days of a suspension.

8 If they are in an ITQ fishery, they are not really
9 missing any fishing, because they can just harvest their
10 allocation after their suspension. So we are working on the
11 workgroup with that. We are going to meet again in August is
12 my understanding to figure that out.

13 Gibby left the room, but he had asked us to look at
14 how Virginia handles their ITQ fishery and the way they work
15 their penalty system. We are going to have that meeting/open
16 house in August. And we have it posted on the website.

17 Is there anything else that this Commission thinks
18 we should do to reach out to get public feedback on this?

19 MR. BROWN: Yes. I see here where you are opening
20 the hook and line and the pound net on the first of June. Is
21 that correct?

22 MR. HOLTZ: That was the idea that we had gotten
23 from the workgroup, yes.

24 MR. BROWN: Well, I was against it then. I am
25 against it now. And especially with no limits. It is very

1 easy that the first part of the season, if everybody goes the
2 first day with no limits -- I don't even want to see a pound
3 at a start the first of the season without a limit. You are
4 going to crush the market overnight. And once you get it
5 down, it is hard to get it back up.

6 And the whole thing is everybody needs some type of
7 a quota, especially in this first year, at the first part of
8 the season, to keep it slow the first two or three weeks, a
9 minimum of two weeks. So everything the market can stabilize
10 and we can see where we are going. The industry could lose
11 hundreds of thousands of dollars in two or three days. And
12 that is something I don't want to see happen.

13 The reason is, when we went to the rock fish group,
14 one fellow said -- he was a pound netter -- he said, "I'm
15 allowed," I think he said 50-some, 100 pounds, or something
16 like that. He said, "I'm going to have mine. I'm going to
17 catch mine on the first day, so I'm not worried about it.
18 I'll have mine on the market and gone."

19 Well, if he catches 5,000 pounds, and I say, well,
20 you know, I have my quota, I could go catch 5,000 pounds the
21 first day, seven, eight more go catch 5,000 pounds the first
22 day, and then a bunch of hook and liners go the first day and
23 they all catch some, the market is going to -- it cannot stand
24 that many fish at one time. The fish will be down to \$1,
25 \$1.50 a pound, \$1.50. And that is one thing I don't want to

1 see.

2 I think the first year, I don't care who it is,
3 there should be a limit on anybody for the first couple weeks.
4 We need to go slow the very first. You open it up for the
5 pound net like they have in the past for the first week, it
6 helps set the market. But they were --- limit. If you open
7 it up for pound netters and hook and liners at the same time,
8 all the limits would have to be lowered. For a pound netter,
9 if he has all his quotas, he is allowed 1,600. And if you
10 open hook and liners the same day, the 1,600 pounds is going
11 to have to come down, and the hook and liners are going to
12 have to come down.

13 Just look what the hook and liners did in two or
14 three days up the bay. I am glad they caught the fish. That
15 means there is a lot of fish there. But the market, when they
16 stopped them in three days and they had caught it, the market
17 was gone then. And if you open everybody up at the same time,
18 the fish -- I am pretty sure it should be because there is
19 plenty. There is more small fish now, and there is going to
20 be more fish next year than there was this year, if nothing
21 happens to them.

22 And the last thing we need to do is lose a lot of
23 money just for inexperience with a lot of people dealing with
24 the market to start with. Now, if a person sells to -- has a
25 restaurant and has it sold, that's fine. But when you go into

1 places like Jessup, and when you throw a load of fish on
2 Jessup and it is a load of big fish going to Jessup, they are
3 going to ship them to New York. How is the market going to
4 stand it?

5 And then a couple days you throw on 100,000 pounds
6 of fish or 70,000 pounds of fish that goes on the market the
7 first day, everybody is going to the second day. And then all
8 that hits the market? I think everybody needs to be very
9 cautious about it.

10 MR. RICE: Okay. Thank you.

11 Rachel?

12 MS. DEAN: I was at the Striped Bass Workgroup with
13 Robert T., and I know that we have agreed to disagree on this
14 one. I am a hook and liner. And I was one of the ones that
15 agreed with the idea that both should open at the same time.
16 And one of the rationale or reasons behind that was that if I
17 have a restaurant in my local area and I tell them that June
18 1, you know, I know I am opening it up, I know Robert T. is
19 opening up, they can go to him, they can go to me. But it
20 sets the market at a fair playing level, at least. That way I
21 can get my foot in the door at the same time that he does.

22 Now, I have a lot of faith in our industry, that
23 they are smart enough to know that if they go out there on an
24 ITQ system, that they should not all run out there at the same
25 time. In fact, I hope they do, because I am going to wait

1 until November. And people are going to have -- you know, the
2 market price will come back up as the demand goes up, because
3 people have already filled their quota.

4 I do agree with Robert T. on the derby system, that
5 that should not be opening up at the same time for that
6 reason. I didn't think that at the Striped Bass Workgroup we
7 decided to go with both the common pool and the ITQ opening up
8 on June 1.

9 MR. HOLTZ: That's correct.

10 MS. DEAN: But that is what you said.

11 MR. HOLTZ: No, just the ITQ.

12 MS. DEAN: All striped bass fisheries, common pool,
13 and ITQ. Okay. So -- but that is what I thought I heard you
14 say.

15 MR. HOLTZ: No. Just the ITQ fishery would have
16 those.

17 MS. DEAN: Okay.

18 MR. HOLTZ: Other than the tagging before landing,
19 that is the only thing that applied to both.

20 MS. DEAN: Okay. But I think that is what we heard,
21 and that is why Robert T. might have reacted. I don't know.
22 But I do believe that in the ITQ system the idea is that we
23 kind of level that playing field, everybody gets to go to
24 their markets, establish their markets. But I don't think
25 that our fishermen are going to go out there in an ITQ system

1 and not be smart enough to play the market. This is putting
2 the power in our hands. And as a hook and liner, I would like
3 to have that opportunity to manage my own fishery.

4 MR. BROWN: Well, the only think I have to say is I
5 have been in the fishing business a long time. And pretty
6 much everybody is going to be going the same day. If you are
7 going to do it like that, you need to have some type of limit
8 per person at least the first couple weeks.

9 For one year anyhow is what I am saying, because --
10 and if you are going to open it up for ITQ, open it up for the
11 common pool, too. If you are going to open it up, open it up
12 for all at the same time. Don't hold nobody back, because
13 they have the same type of limit that you have.

14 MS. DEAN: Well, no. They are going to race out
15 there. That's the idea. The idea is that it is a derby
16 style, and I know I have to go on day one. And right now,
17 that is where it is set up. And unfortunately, I had to do
18 that this year. And it sucked. And you didn't get to come
19 back in, even if you got a hook in the face.

20 But in this system, that is not how it is designed.
21 I am not going out there June 1. If my restaurant calls and
22 says, you know, I want seafood, then, yes, I am going to do
23 that, but I am only going to catch the amount that I know I
24 have market for.

25 But I do not believe that the current system, the

1 common pool, should be allowed to do that. Because you are
2 right, it is a race, and they have to go out there. Because
3 if they want their piece of pie, they have to do it then and
4 there.

5 MR. BROWN: I believe it is going to be more people
6 into quota, especially the ones that have large numbers of
7 fish to catch. I also believe that the common pool is being
8 treated unfairly on a number of different things, on the way
9 they have to tag fish. And there was some discussion on that.
10 Plus they don't have all the benefits at the workgroup that
11 the individual quota did. I don't think they are being
12 treated fairly on that.

13 But what I am saying is there is enough commercial
14 fishermen, not only in the -- and you are going to have people
15 in the pound net industry that have got other people who are
16 coming to them. And the main thing is there is no quota at
17 all. That is the main thing. Not quota. There is no limit
18 at all the very first part of it. You get a few people and,
19 hey, you can call Jessup, you can call New York, and they will
20 tell you, yes, bring it to me. What are you going to pay?

21 Well, I don't know, but, you know, we are going to
22 treat you right. Because they are not going to quote you a
23 price the first day of the season. And I think we need to be
24 cautious just this first year. That is the only thing I am
25 asking.

1 MS. DEAN: Well, he was asking about how we go about
2 this. You know, do we need to inform or do other things.
3 Would that be something? I mean, what is the pound net quota
4 for the first day? What is the --

5 MR. BROWN: Like 1,600 pounds.

6 MS. DEAN: 1,600 pounds. And I am assuming you
7 don't run out there and catch all 1,600 pounds.

8 MR. BROWN: Oh, you usually get 1,600 the first day.
9 I mean, just about all of them. And some of them have two or
10 three head on the boat.

11 MS. DEAN: No. I am asking in the pound net.

12 MR. BROWN: In the pound net, yes, 1,600. That is
13 not uncommon.

14 MS. DEAN: And you want to take that back to market,
15 all of it?

16 MR. BROWN: Well, yes. But that's the way we have
17 done it for years. But we have some right now who have
18 already said the first day of the season comes in, that they
19 think that they can beat the market. And they are going to
20 throw 4,000 or 5,000 pounds it. And it only takes a few
21 fishermen to do it. And the only thing I am saying is, the
22 first year I think they should have some type -- everybody
23 should, the first two weeks, should have -- it is a new
24 fishery that we are going into. I think we should err on the
25 side of being cautious and have some type of limit just the

1 first couple weeks to let things level out.

2 MS. DEAN: Would 1,600 pounds be appropriate for the
3 hook and liners, too?

4 MR. BROWN: Well, I mean, you can decide whatever
5 you want. If you want to give them 1,600, that would really
6 do it. Because at 400 pounds a day, when most of them rush
7 out there, because they don't have to rush. But the first day
8 of the season it is going to be very hard for people not to
9 go, and especially when they think -- I mean, it is just my
10 opinion. Let somebody else speak about it.

11 MR. RICE: Tom, if you could summarize where we are
12 at.

13 MR. O'CONNELL: Yes. Trying to move this along,
14 where we are in this process is discussing an idea. And I
15 think what is before the Commission today is, one, what you
16 have seen has been the recommendations of the Striped Bass
17 Workgroup. Right?

18 MR. RICE: Yes.

19 MR. O'CONNELL: And the question to this Commission
20 is: Do you think that something should be modified, removed,
21 or added? And two, are you comfortable with the plan for
22 gaining more public discussion, like we are today, before we
23 decide on what the regulatory idea is. As Jacob mentioned, we
24 have some meetings scheduled through August to have more of
25 this discussion. So do you want something else added,

1 removed, and are you comfortable with the scope and plan that
2 lies ahead?

3 MR. RICE: Richard?

4 MR. YOUNG: What I am hearing here is that this was
5 all the recommendation of the Striped Bass Workgroup. Was ITQ
6 the recommendation of the Striped Bass Workgroup?

7 MR. : I don't think so.

8 MR. O'CONNELL: No. So if this pertains to an ITQ,
9 how can this be the recommendation of the Striped Bass
10 Workgroup when they didn't want the ITQ to begin with?

11 MR. O'CONNELL: Because the Department has taken the
12 advice and moved forward with an ITQ. And now the workgroup
13 is advising us on the regulation.

14 MR. YOUNG: Whose advice?

15 MR. O'CONNELL: What?

16 MR. YOUNG: Whose advice was it to move forward with
17 the ITQ?

18 MR. O'CONNELL: I said based upon the advice, which
19 they did not support it, we decided to move forward with the
20 ITQ.

21 MR. YOUNG: That you were going to do it anyway.

22 MR. O'CONNELL: Based upon the management principles
23 and the goals of the industry. And we were able to reach an
24 agreement. You know, we came up with a dual approach to kind
25 of evaluate it over the next couple years. But the fact is

1 the Department did advance the regulatory package. And now we
2 are working with the workgroup on the rules behind that. And
3 based upon that, these ideas are the ones that have come out
4 from the Striped Bass Workgroup.

5 MR. YOUNG: Okay.

6 MR. RICE: Rachel, you had your hand up. Okay. Go
7 ahead.

8 MS. DEAN: I just have one other thing. The Striped
9 Bass Workgroup ran out of time last time. And I know that
10 these were the recommendations that came from it. I do not
11 sit on that committee, but I was there. I would like it to at
12 least be kicked back to the committee, that the idea behind
13 the ITQ was that some of the regulations would be pulled back,
14 that we would be given ownership of the fishery.

15 And two of the things that did not come out of this,
16 that we did not get to, that nobody brought up, but I wanted
17 to know if it was option, hook and liners have crew limits.
18 You are only allowed to have four people on the boat, and that
19 is if you have two licensees on the boat. And the second one
20 was the number of permit holders. You are only allowed to
21 have two permit holders on the boat.

22 And the reason that I bring this up is some of the
23 guys were given around about 312 pounds, which was the base.
24 And if they have those 312 pounds, it would be more cost
25 effective if they were able to get on the boat together and go

1 harvest their poundage no matter what time of the year it is.
2 If they decide that, hey, I have market lined up, I want to go
3 today, then, you know, three of us can get on and we go out
4 for our 900 and --

5 MR. RICE: Thirty-six.

6 MS. DEAN: Thanks -- pounds. And we can split the
7 fuel costs. But I don't think that we necessarily need to
8 have the crew restrictions anymore or the permit restriction
9 anymore.

10 MR. RICE: Thank you.

11 I am sorry. Gibby is the only one who has been
12 raising his hand in that corner. Moochie?

13 MR. GILMER: Since everybody is going to have some
14 type of quota, this is from what I understand, on the overage
15 part that would be paid back the following year, would that be
16 paid by the individual or the whole fishery?

17 MR. HOLTZ: The individual.

18 MR. GILMER: Okay.

19 MR. RICE: Mike, do you have a comment? Are you
20 sure you want --

21 MR. LUISI: I am only going to stay for one second.

22 Mike Luisi, for those of you who I don't know. I
23 just -- I want to clarify the scoping and kind of where we are
24 going as far as bringing the workgroup back together again.
25 And these are the ideas that Jacob presented that we discussed

1 at the last workgroup meeting.

2 What I am planning is to have another workgroup
3 meeting at the end of August where we finalize the rest of the
4 ideas, things that Rachel just brought up and other ideas
5 regarding penalties and such. And then I think from there
6 what we would do is have a formal scoping meeting or hearing
7 where all of the ideas generated from the two workgroup
8 meetings would be brought back together before we propose
9 those regulations.

10 So I just wanted to be clear to everybody that these
11 other issues that are kind of lingering, you know, we didn't
12 get to them yet. But we are planning to complete that process
13 and then have a formal public scoping hearing or meeting or
14 whatever they call it, whatever we call it, before we
15 actually -- so we will not be able to report back to the
16 Commission at a formal meeting, I don't think, because I doubt
17 there will be another Commission meeting before then. But we
18 can certainly provide you with the final list of all the
19 action items that we are going to put forth for the 2014
20 fishery.

21 MR. RICE: Okay. Thank you, Mike.

22 MR. LUISI: Sorry. There is no backing out.

23 MR. O'CONNELL: Another question?

24 MR. JEFFRIES: A real quick one. I am not talking
25 about the policy but getting stuff out to the public. The

1 biggest thing I get on the complaints from my people is the
2 Department sends your quota out, say it is 400 pounds, well,
3 they never really explained except in one letter, and if you
4 didn't read it closely, that you also get, everybody is
5 getting, 300 pounds.

6 So before we do this renewal on August 1, I think
7 there needs to be some clarification to the permit holders
8 that say if you have 400 in the mail, you are really signing
9 up for 700. They are losing the fact that everybody gets 300.

10 Am I right or wrong, Mike?

11 MR. LUISI: No. The share report that all of you
12 with striped bass permits have received, the share report, it
13 broke down for you the percentage share that you received for
14 each gear type that you had history in. But the 300 pounds is
15 included in to the final calculation of your share. So there
16 is a baseline amount that is already built into that.

17 So the final share that you have on that report,
18 what we did was we multiplied that final share by this year's
19 quota to give you an idea of what your share relates to as far
20 as poundage based on this year's quota.

21 Now, if next year's quota is a little higher or a
22 little lower, that pound value that you see is going to be
23 either a little higher or a little lower from what it is you
24 are looking at right there.

25 MR. JEFFRIES: So for the person that has zero on

1 their form, they get zero.

2 MR. LUISI: There is nobody that has zero on their
3 form.

4 MR. JEFFRIES: They always have a minimum of what?

5 MR. LUISI: There is a minimum -- the minimum amount
6 based on this year was 312 pounds.

7 MR. JEFFRIES: No. I am getting the calls. I know
8 what mine is, but I don't think the form is accurate. I have
9 talked to you personally about mine, so I know what mine is.
10 But when you are saying you break that down, say you send that
11 out to someone, and it has 386 on it, just a random number.

12 MR. LUISI: Right.

13 MR. JEFFRIES: There is not an additional 300 pounds
14 added to that for each licensee?

15 MR. LUISI: There were two reports that went out.
16 One was your catch history --

17 MR. JEFFRIES: Right.

18 MR. LUISI: -- which shows you all your landings and
19 your average.

20 MR. JEFFRIES: Right.

21 MR. LUISI: And the other one was now your share
22 report, which is your final number as the final share that you
23 received, depending on what report you are talking about. If
24 you are looking at the share report, that is your -- 386 means
25 that you got 312 as a baseline. And then the additional

1 pounds were based on history. And that is just how it
2 calculated out.

3 MR. JEFFRIES: Well, that is when you do this public
4 form. I think that is something that needs to be explained,
5 because I am telling you everybody is calling and asking,
6 well, I get 300 extra pounds added to this. And I am like no,
7 you don't. I don't think it is really clear in any of those
8 forms.

9 MR. LUISI: Tell them to look in where it drops the
10 calculation down.

11 MR. JEFFRIES: Yes, when every week you are getting
12 three forms in the mail and they all say --

13 MR. LUISI: It is in there. It is in that block.
14 It is in the table. It says it right in there. It says
15 baseline plus history, and it tells you your percentage.

16 MS. DEAN: I just want to ask a question. Are the
17 service centers ready for us? I mean, do they know what is
18 going on? Because it is hard enough sometimes renewing
19 licenses. And when I go in and say I need this many tags for
20 this many pounds, is that what we are doing already? Not yet.
21 Okay.

22 MR. LUISI: What you are going to do when you go
23 into your service center, just like every other year you have
24 ever gone in to renew your permit, you are going to have a
25 form there waiting for you. And it is going to be

1 personalized to you. And it is going to have the options on
2 it based on what you are allowed to do.

3 So guys from the Atlantic are not going to have ITQ
4 and common pool as part of what they can check. Pound netters
5 are not going to have common pool. They are just going to
6 have an ITQ box. Any gill netter or hook and liner is going
7 to have a choice, and that is -- so the only thing you are
8 going to do at the service center is to check your box of
9 which one you want.

10 MS. DEAN: Okay.

11 MR. LUISI: And what they are going to ask you at
12 the end of that process, when you renew your permit and your
13 licenses, they are going to say: Do you have any intention of
14 doing a preseason transfer or any pounds or permits to anyone
15 else or from anyone else? If you say yes, they will hand you
16 the transfer forms that will allow you to acquire more
17 temporary poundage or permits over the course of the next
18 month through the end of September. Those forms are also
19 available online, if you want to get those forms before you go
20 in. You can do that, too. But none of the -- all of the
21 transfer documents and paperwork is going to moved through
22 fisheries. It is not going to be dealt with at the service
23 centers.

24 But the form is the most important thing. When you
25 guys check the box, whether it is common pool or ITQ, and sign

1 it, we are going to be basing all of it, everything we do, off
2 of that form. The computer system will gather the
3 information, but the form is really important.

4 MR. RICE: Gibby?

5 MR. DEAN: Mike, weren't these recommendations as
6 the Striped Bass Group to be considered?

7 MR. LUISI: These right here?

8 MR. DEAN: Yes.

9 MR. LUISI: Yes.

10 MR. DEAN: I mean, I agree with Rachel. I mean, I
11 don't think it is for us to debate these right here. This has
12 been recommended already by the Striped Bass Workgroup. There
13 were a couple things that she mentioned that still need to be
14 addressed that we did not have time for.

15 MR. LUISI: Sure.

16 MR. DEAN: And before the scoping or something,
17 don't we need to have another meeting to get those other items
18 on that agenda?

19 MR. LUISI: Absolutely.

20 MR. DEAN: Okay.

21 MR. LUISI: And we just didn't have time to pull
22 that meeting together this week and next week. And then I am
23 not vacation. I am taking my kids Disney World for a couple
24 days to try to enjoy myself a little bit.

25 MR. DEAN: Like the opening date and stuff, didn't

1 we decide on that, whether it is June 1 for the -- and go with
2 the ITQ and not the common pool? Wasn't that a
3 recommendation?

4 MR. LUISI: That was your recommendation. And that
5 is what we are going to move forward with as far as the
6 scoping process.

7 MR. DEAN: Okay. Thanks.

8 MR. LUISI: We can have those debates at another
9 time.

10 MR. DEAN: Right.

11 MR. LUISI: Today was about whether or not you need
12 us to do more --

13 MR. DEAN: Yes.

14 MR. LUISI: -- than to do the public outreach that
15 we are planning. That was the question.

16 MR. DEAN: All right. Well, I just -- I heard -- I
17 was out of the room, and I heard the debate. I just wanted to
18 clarify that.

19 MR. RICE: Robert T.

20 MR. BROWN: When this goes back to the rock fish, I
21 would like for the Rockfish Committee to at least look at --
22 if everything opens up the same day, that's fine. I don't
23 have no problem with that. But at least for the first week or
24 two weeks in the season we have the same limits we have had
25 this past year, just for the first year, for the simple

1 reason, if you don't want to go, you think you will get more
2 money later on, that's fine. But I would like to have some
3 type of safeguard in there.

4 Because if people start dropping big numbers of fish
5 on the market, because there is no daily limit now -- if you
6 were giving 5,000 pounds, if you want to, you can catch it all
7 the first day, if you can catch it. But we should have some
8 type of limit at least the first week or two weeks. I don't
9 care. I prefer two weeks, but if you can get just one week,
10 and everybody have the same limit that you had this year -- I
11 mean, just look at what happened this year with the -- if
12 everybody went like the first day -- I don't know whether they
13 catch hook and line the first day. Because I know it was a
14 derby style, but, I mean, they did large numbers.

15 MR. LUISI: They were catching 20,000-something
16 pounds a day.

17 MR. BROWN: Yes.

18 MR. RICE: Robert T., we are going to have another
19 striped bass meeting. And you all are on the committee, so
20 you can bring that forward.

21 MR. BROWN: I just want to make sure that it is on
22 the agenda. And I think that we are just -- I am just saying
23 I think we are better off to go slow the first week.

24 MR. RICE: Okay. Well, Richard, are you still out
25 there.

1 MR. YOUNG: No. I am going to withdraw raising my
2 hand.

3 MR. RICE: That's good at this present time. Thank
4 you.

5 MR. : Mark that one down.

6 MR. RICE: Right.

7 MR. YOUNG: The first time in history.

8 MR. RICE: Are you pretty much wrapped up?

9 MR. HOLTZ: I just have a couple more things I have
10 to run through real quick. I will not be long unless we have
11 to be longer for some reason.

12 MR. RICE: All right.

13 MR. HOLTZ: So license to harvest, Gina already
14 talked to you about. Is there any reason to do more than web
15 feedback?

16 (No response)

17 MR. HOLTZ: Seeing none. Penalties, we met with the
18 joint Tidal Fish/Sport Fish Penalty Workgroup in June. We
19 made a couple of adjustments. We have those listed. And then
20 we also added penalties for new regulations and new laws.

21 One issue that has been brought to our attention,
22 which Bill mentioned before, there has been a request for us
23 to consider a separate penalty schedule for dealers. Right
24 now we have a separate schedule for all commercial license
25 holders, then recreational fishermen, and then charter

1 fishermen.

2 There has been a request, because dealers handle so
3 many more fish in other circumstances, that we have a fourth
4 schedule, and that is just for dealer violations, which this
5 will give me the opportunity for me to bring up the Penalty
6 Workgroup.

7 Penalty Workgroup is a joint workgroup with Sport
8 Fish and Tidal Fish Advisory Commissions. We meet. There is
9 generally a meeting in late May, early June, to go over the
10 annual changes. And then it kind of meets as needed.
11 Currently we have three current members that are still on the
12 Tidal Fish Advisory Commission. Richard, you are one; Robert
13 T.; and then Billy Rice.

14 We need -- we would like to have four individuals
15 from each advisory commission. So if the three of you would
16 like to remain, maybe we can someone else from Tidal Fish on
17 the workgroup.

18 Mr. Chairman, I don't know if you have a way to
19 solicit people who would like to joint or --

20 MR. RICE: Well, we have actually given you --
21 aren't you already on the Striped Bass Group?

22 MR. HOLTZ: It is the Penalty Workgroup.

23 MR. RICE: Penalty Workgroup. I am sorry. I am
24 sorry. Okay. There are three of us?

25 MR. HOLTZ: Right now, currently, Richard, Robert

1 T., and yourself.

2 MR. RICE: Okay. Do we have a volunteer? Bill?

3 Okay. I am sorry. I got lost in the -- I knew we were
4 talking about striped bass and workgroups. I was just on the
5 wrong group.

6 MR. HOLTZ: Okay. So at some point this fall
7 probably we will have a meeting. And we will discuss the
8 possibility of adding a dealer schedule to the penalty system.
9 After that meeting, we will report back to the Tidal Fish
10 Advisory Commission to let you know how that discussion went
11 and if you would like to move forward with that.

12 MR. SIELING: Can I ask you a question?

13 MR. HOLTZ: Yes, sir.

14 MR. SIELING: Should we come prepared with a
15 proposal of some schedule or something that would be good? I
16 mean, where do you want to start from on this?

17 MR. HOLTZ: I am not entirely sure. We will be in
18 contact with you beforehand. Sarah Widman will schedule that.
19 And she will let you know what the plan is for that.

20 So switching back to the regulation for these
21 penalties, right now we have talked to the Penalty Workgroup
22 about it. And it is on the web for feedback. Is there any
23 reason to do anything more?

24 (No response)

25 MR. HOLTZ: All right. Seeing none.

1 Sharks, we have some required federal changes. Fin
2 to carcass ratio for smooth dog fish, and then were changing
3 the size limits for a number of species for possession. ASMFC
4 made these changes. That is on web feedback. Is there any
5 reason to do anything more?

6 (No response)

7 MR. HOLTZ: St. Mary's River leasing criteria, this
8 had been proposed, or not officially proposed, but we had put
9 the package together this past winter, but it got tabled.
10 What it would be would be setting criteria for aquaculture
11 leasing in the St. Mary's River. If the area of the lease had
12 an oyster density of 15 oysters per square meter or more, the
13 lease would not be approved. That is in addition to the other
14 current restrictions that we have on oyster leases and
15 sanctuaries.

16 We have scoped it at an open house back in December.
17 And we have also brought it to both this Commission and the
18 Sport Fish Commission before. Is there anything else this
19 Commission would like us to do with getting public feedback in
20 this?

21 MR. BROWN: The only thing I have to say is I am
22 glad to see you all moving ahead on it. And also, that when
23 these people put in for these leases in the sanctuary, the
24 only instructions that they were given was -- well, there were
25 two of them. One of them they could not lease more than ten

1 percent of the bottom. And they had to stay off the ---.

2 And when these people put in for some of these
3 leases, I know it is probably more than 15 oysters per square
4 meter. And they did not know about that density was going to
5 be put on until when they put it in. And I think that if
6 somebody has a piece of ground and the density is way more
7 than the state will let them have, and they say there are too
8 many oysters on it, that since they didn't have that
9 information when they applied for the lease, that they should
10 be refunded their money that they put in for it, because you
11 have changed the criteria on it, and they did not know about
12 it.

13 MR. VAN ALSTINE: Mr. Chairman?

14 MR. RICE: Yes.

15 MR. VAN ALSTINE: May an outsider comment briefly on
16 this? It is a brief question.

17 MR. RICE: Okay.

18 MR. VAN ALSTINE: In some of the other rivers -- I
19 have sat since the conception on the Aquaculture Coordinating
20 Council up until a few years ago. And one of the problems we
21 ran across was a lease that was a past lease that now fell
22 under the new criteria. There are oysters on it. But it was
23 a lease. There was no active harvest on it or planning on it
24 or public resource. But prior to that point, it was a lease.

25 Is there any compensation or notable about that that

1 would allow that to circumvent the density? If it has too
2 many oysters on it, well, there is a reason there were too
3 many oysters on it. If it was a lease two years ago, somebody
4 had planted it, or if they can show that it was an active
5 lease in the past.

6 Those are concerns in some of the leasing
7 parameters. One of my leases that I have was turned down
8 initially because it had shell on it before they put a density
9 on it. Well, it was a lease. Of course it had shell on it.
10 But the first time, it was actually turned down.

11 So has some of those criteria been applied to what
12 you are looking for right now? And that is my comment.

13 MR. HOLTZ: If what you are asking is, is there a
14 workaround based on oysters, I don't believe so.

15 MR. VAN ALSTINE: You say if it shows a density of
16 oysters in this area, it is no longer leasable.

17 MR. HOLTZ: Correct. Yes.

18 MR. VAN ALSTINE: If that area was a lease last year
19 that was given up, and that lease had been planted, there is a
20 reason that there were oysters on there.

21 MR. HOLTZ: Right.

22 MR. VAN ALSTINE: That should still allow that
23 particular bottom to continue in the leasing. So there should
24 be other scrutiny to the amount of oysters that are on there,
25 other than saying there is a percentage of oysters, it can no

1 longer be leased. I am looking for that scrutiny of that
2 quantity of oysters.

3 MR. HOLTZ: Okay.

4 MR. O'CONNELL: John, I think that is something that
5 we would take under advisement. I think, based upon our
6 current knowledge of lease applications in the St. Mary's
7 sanctuary, these are not former lease areas in recent times.
8 But I understand your point. That is something we will have
9 to take a look at to make sure that is not the reason why the
10 criteria doesn't get met.

11 MR. VAN ALSTINE: Thank you.

12 MR. HOLTZ: And lastly, there is the issue of
13 regulatory reform. Every eight years by statute the
14 Department is required to look at the regulations that we have
15 not amended and then explain why they do not need to be
16 updated further. We have those listed on the last page.
17 Basically, they are just things that we have not gone into.
18 And that is just an update that is required by statute.

19 That is all I have.

20 MR. RICE: All right. Thank you.

21 Rick, could you give us your report on Fishery
22 Management Plan Review and Update, please?

23 ***Fishery Management Plan Review Update***

24 ***By Rick Morin, Maryland DNR Fisheries Service***

25 MR. MORIN: Thank you, Mr. Chairman.

1 I gave this talk also Tuesday to the Sport Fish
2 Advisory Commission. And like a lot of people, when I give a
3 talk, I always think I could do a better job after the fact.
4 And so I value the input from my supervisors. And Gina came
5 up afterwards and said I did a really lousy job of passing
6 around the cookies. So naturally she is not here, so somebody
7 please tell Gina that I did a better job today.

8 MR. : Very good.

9 MR. MORIN: There is no quota on this.

10 MR. : Wonderful.

11 MR. MORIN: It is totally a derby style. They are
12 all stuck together? Boss, we need your hammer.

13 MR. : I got two pieces of ones. That's
14 okay.

15 MR. MORIN: Sorry for that.

16 MS. : Lousy job, Rick.

17 MR. : Do you know he delegated up? Talk
18 to your supervisor about delegating it up.

19 MR. MORIN: And I also apologize, this is a very
20 minor fishery, may be of very little interest to this group.
21 Yellow perch have always gotten a lot of attention in the
22 State of Maryland because recreational fisherman love Yellow
23 Perch. And so we have made a disproportion amount of effort
24 into managing this fishery actively.

25 The Fisheries Task Force a couple of years ago

1 recommended in their final report that we received input from
2 these commissions on the Fishery Management Plans. And their
3 intent was clearly that this input be in excess of the usual
4 public comment on something that has already been produced and
5 is out there.

6 So while this group may not have interest in the
7 yellow perch, this process applies to other fisheries
8 management plans, as well. In October you will be hearing
9 about Striped Bass Fishery Management Plan changes and blue
10 crab. You may want to keep this talk in mind for that at that
11 time, if you are not interested in input into the yellow
12 perch.

13 If you are, this is my contact information line here.

14 Next slide, please.

15 (Slide)

16 MR. MORIN: Where we are, we have a fisheries
17 service plan review team. We have a schedule. We use that.
18 And the plan review team meets, writes a report. That is the
19 report you have in your handouts. The slides that you are
20 going to see here are not duplicated in your handouts. This
21 is all new. And in many cases, this has not been seen by
22 anyone except the sport fish people on Tuesday. And this is
23 to complement and further explain the material that you have
24 in your handout. Where we are is here, and it is because we
25 are at the point where we are seeking input from this

1 Commission.

2 Okay.

3 (Slide)

4 MR. MORIN: Once we receive that input, we would
5 then use it to create an amendment. And then there is
6 additional time for input in the form of public comment. And
7 we would be recommending -- we would be submitting that to Tom
8 and the Management Team.

9 This is the review schedule I was talking about.
10 And at the last meeting we talked about shad and spotted sea
11 trout. Down here you can see blue crabs coming up in October.
12 And I think the meeting is the first week of October. And
13 striped bass right here.

14 Next slide, please.

15 (Slide)

16 MR. MORIN: Just a brief history, because we are
17 really running late. We were forced to take new management
18 actions in 2007. The Department has always managed yellow
19 perch pretty actively. In the old days it was mostly by
20 stocking.

21 You know, I try to look at the bright side of
22 things. One of the few bright sides of bad budgets is that
23 you prioritize and you don't do things that were marginal to
24 begin with. And stocking certainly falls under that category.
25 We are not stocking yellow perch any longer. We have not

1 ruled it out for a couple of specific instances.

2 For example, if there is a fish kill and we want to
3 repopulate the area, we will consider stocking. Or if we want
4 to stock marked fish to come up with a population estimate, we
5 would consider stocking. But for restoration purposes, we are
6 not considering stocking.

7 This Senate bill in 2007 forced us to have
8 stakeholder meetings. I don't know if any of you attended
9 these meetings here in 2008. And it led to new management
10 strategies that went into effect for the first time with the
11 commercial season in the winter of 2009, so January 2009.

12 Our Fishery Management Plan is updated annually and
13 reviewed according to a schedule. The difference between an
14 update, the update we look at the management plan and we see
15 how it is being implemented. The review is we look at it in
16 its entirety to see if the goals and objectives are still
17 relevant. And that is what we just did with the Fishery
18 Service Plan Review Team.

19 (Slide)

20 MR. MORIN: We manage yellow perch by controlling
21 fishing mortality. We have a new model that is being used.
22 Paul Piavis supplies this model. It is an integrated analysis
23 model. And it is the most modern model for managing
24 fisheries. We use this to calculate what we call a total
25 allowable catch. You will also see in the literature total

1 allowable landings. At this point, I don't think you should
2 consider the two terms to be synonymous. We have been
3 consistent with calling it total allowable catch, TAC.

4 This is a tiny fishery. These total allowable
5 catches have been in the high 30,000- to high 40,000-pound
6 range since 2009. By comparison, the only other agency that I
7 know of that actively manages yellow perch is the Great Lakes
8 Fishery Management Council, I believe, or Commission, Great
9 Lakes Fishery Commission. Their Lake Erie Committee
10 calculates a TAC, just as we do, using very similar methods.
11 Their TAC for 2013, this year, is 12.2 million pounds. So
12 ours is in the 40,000-pound range.

13 The changes to the commercial fishery, the TAC
14 applied. When the TAC is met, the fishery is closed. So it
15 can be closed early, before the March 10 ending of the season.
16 This year for the first year, the season was extended because
17 yellow perch was scarce.

18 We have three management units. Lake Erie has four
19 management units amongst those 12.2 million pounds. Our
20 largest management unit is the Upper Bay, followed by the
21 Chester River and the Patuxent River. The allowable catch,
22 the quota, is determined by the stock assessment in the Upper
23 Bay and by direct proportion in the Patuxent River, which only
24 gets a 2,500-pound quota.

25 There are net line restrictions that are online on

1 the yellow perch page. We probably have the best yellow perch
2 page of any state. You can access it by going to management
3 on the fisheries, the management tab, click on the yellow
4 perch page, and it will bring up everything you could possibly
5 want to know on yellow perch.

6 We have a slot limit, eight-and-a-half to eleven
7 inches. And there is no individual quotas. The recreational
8 fishery was -- all the river systems were opened. And the bag
9 limit was increased, because we don't feel the recreacionals
10 with a 50-50 quota can come close to meeting their quota.

11 Next slide, please.

12 (Slide)

13 MR. MORIN: You have in your handout -- I think it
14 is maybe somewhere between page 10 and 12. I have not seen
15 the thing since it was printed -- the 2012 yellow perch
16 harvest and the total allowable catch. This is for the most
17 recent year, 2013, that just ended. March 16 was the last day
18 of the season. And you can see that in no area was the total
19 allowable catch reached. And this is the third year in a row
20 that we have not been able to reach what was allowed.

21 The way you interpret this, we have three management
22 units. These three add up to this fourth one here. You can
23 compare this to the 2012 chart that is in your handout and see
24 that the numbers are all different because the total allowable
25 catch is recalculated every year based upon every year's new

1 stock assessment.

2 Okay. Next slide, please.

3 (Slide)

4 MR. MORIN: To show -- this has never appeared
5 anywhere. I just scribbled out these calculations recently to
6 show how close the TAC has been met by the commercial
7 fishermen, how compliant they have been. This is a percentage
8 of catch relative to what is allowed. In the very worst case
9 here for the Upper Bay, in one year it was 24 percent over
10 what was allowed. That is very close. I put the five-year
11 average at the bottom. You can see in the Upper Bay 101.8
12 percent of the total allowable catch. This is the envy of any
13 fisheries management system, most of which go way over in
14 other states and for federally managed species. The Patuxent,
15 we can never get close to that 2,500 pounds, averaging about
16 half the total allowable catch.

17 We notices these first few years that we were going
18 over the total allowable catch. So we made a regulatory
19 change that allows us to close the fishery upon us projecting
20 when the total allowable catch will be reached with only 24
21 hours notice. In these years up here, it required 72 hours
22 notice. So we would have to guess in advance when the total
23 allowable catch would be reached and then announce that the
24 season will close in three or more days. That allowed a sort
25 of derby fishery at a time when the water was warming up and

1 when the catches were highest. So we went to a 24-hour
2 notice, and there have been no problems with that notice
3 because the watermen find out about it when they call in to
4 report their catch. They get the recorded message. And they
5 hear that fishery is going to close in 24 hours.

6 Okay. Next slide.

7 (Slide)

8 MR. MORIN: Status of the stocks, they are highly
9 variable. They are not over fished, and we do not believe
10 that over fishing is occurring. We are doing stock
11 assessments every year. The Upper Bay population estimate is
12 632,000 fish age 2 and older.

13 We also know that reproduction is a problem in some
14 areas and that the recruitments correspond to poor year class
15 years.

16 Next slide, please.

17 (Slide)

18 MR. MORIN: The status of the current fishery TAC
19 has not been reached for the past three years. And similarly,
20 in the recreational fishery, the first two years were very
21 good, 2009 and 2010. And since then, the quality of the
22 fishing has declined. We have had some bad winters that we
23 think were responsible for that.

24 The compliance with the FMP, we have very
25 accountability. Everyone who is in the fishery has declared

1 for the fishery, and they report on a phone line every day.
2 And they also have to tag every fish. We calculate the
3 balance of the total allowable catch every day. And then we
4 record that on the phone line, so that when people come up
5 with their daily catch, they can find out what is left out
6 there. So they can plan whether or not to pull their gear,
7 especially in consideration of other factors like weather,
8 upcoming storms, and things.

9 Next slide, please.

10 (Slide)

11 MR. MORIN: This has been one of the major areas of
12 contention. This was implemented for compliance purposes, and
13 it is a burden on the commercial watermen who fish for yellow
14 perch. Every fish has to be tagged. And these are small
15 fish. And they average 2.25 fish to the pound. And in a year
16 when the fish are running small, like this year, some people
17 were saying it took 3 fish to make a pound. And that is, you
18 know, 3 tags for a pound of fish, as compared to, you know,
19 larger striped bass with one tag.

20 So we are hoping to have a -- we plan to have a
21 meeting, an additional meeting. We met in May with the
22 participants of this fishery to talk about box tagging to
23 eliminate this burden. The goal was that this would assure
24 compliance. It was not supposed to punish watermen who were
25 harvesting yellow perch. And so we are hopeful that we can

1 reach a way to tag a box. And that meeting, Mike Luisi will
2 do that, unless he gets a job at Disney in the next couple of
3 weeks.

4 (Slide)

5 MR. MORIN: So the Fisheries Service Plan Review
6 Team identified some issues. We manage this fishery by
7 controlling fishing mortality, but we recognize that what is
8 determining how many yellow perch we have is not fishing
9 mortality. It is habitat quality. So we want to emphasize
10 land conservation. And we have a habitat biologist who told
11 me that they would be willing to come and speak to this
12 Commission at a future meeting, if you wish, about you can
13 influence habitat-determining decisions. The battle is not,
14 you know, as much in my view between recreational and
15 commercial fishermen as it is, you know, we are losing the
16 battle on species like this at zoning hearings and planning
17 commission meetings. And we have very limited -- that is not
18 something that Fishery Service does. So if that is something
19 that is of interest to you, you can hear from a habitat
20 biologist.

21 We were also interested, concerned, about species
22 interactions with invasive species, snakeheads and catfish,
23 invasive catfish. The invasive catfish, the concern was that
24 they might eat yellow perch because they are big enough to do
25 it. So far we have not found yellow perch in the few food

1 studies of these blue cats and flatheads. We have not found
2 them in the bellies.

3 Snakeheads is a different concern. With snakeheads
4 we believe the problem is competition for available food.
5 Snakeheads that we have opened up have been full of killifish.
6 And that is a prey item that is important, as well, to yellow
7 perch.

8 Climate change, we are required to consider climate
9 change. Maryland is one of the five most vulnerable states to
10 climate change, both sea level rise and temperature
11 components. Maryland, Virginia, Delaware, Florida, and
12 Louisiana are the five states.

13 And zooplankton monitoring, we have used zooplankton
14 as fish food. Our monitoring program for zooplankton was
15 discontinued for lack of funds in 2002.

16 So those were our concerns. Our recommendations all
17 follow those concerns. We would like to see a discussion
18 about how vulnerable yellow perch are to climate change at
19 different life stages.

20 Okay. Next slide.

21 (Slide)

22 MR. MORIN: Okay. I have been told that the yellow
23 perch fishery spends more time tagging than on catching. So I
24 thought it was fitting to end with this.

25 I hope I made up a little bit of time.

1 MR. RICE: All right. Thank you very much.

2 If anybody on the Committee has any questions or
3 concerns, they should contact the Department within the next
4 three weeks on how this fishery is being managed.

5 Tom, do you have anything else?

6 MR. O'CONNELL: No. Just if you would get back to
7 us within three weeks. Send your comments to Rick. I suggest
8 you copy Billy so he is aware of the conversations. And we
9 will be putting together an amendment for the yellow perch
10 plan.

11 MR. RICE: Okay. Thank you.

12 All right. Well, that leads us to the public
13 comment period. If anybody has anything from the public that
14 we have more to discuss?

15 (No response.)

16 MR. RICE: Okay. I see no comments from the public.
17 But we have Robert T. and then Tom.

18 MR. BROWN: Yes. I would like at our next meeting
19 that we have somebody maybe from the Department of the
20 Environment here. I see a concern where we need to emphasize
21 something I think we all can agree on, our sea grasses. Down
22 in our area it is almost not -- it doesn't exist in a lot of
23 places anymore. And that is where the crabs get to hide from
24 some of the predators. I mean, it oxygenates the water. And
25 I think we need to emphasize and try to do some stuff to get

1 the sea grasses back. And I would like to have someone from
2 the Maryland Department of the Environment or somebody,
3 whoever the Department sees fit, so we can look at that.

4 MR. O'CONNELL: We will follow up and work with
5 Robert T. on making sure we get the right people here. We do
6 have SAV specialists within the Department and VINS. And
7 obviously water quality issues relate to MDE. So I will work
8 with Robert T., if you want.

9 MR. RICE: Okay. Thank you. That will work good.
10 Tom, did you have a couple things?

11 MR. O'CONNELL: Yes. Just four things real quick.

12 Proxies. You are allowed a proxy to represent you
13 in your absence. Knowing that you do have an attendance
14 policy of 75 percent a year. If you would forward to Noreen
15 by August 15 your proxy's name and contact information, we
16 will get them on the distribution, so they stay in the
17 communication. And if you cannot make the meeting, it is your
18 responsibility to notify Noreen and work with your proxy.

19 On the table over here there is a frequently asked
20 questions sheet on the new commercial license fees. I suggest
21 you pick one up, take a couple, if you want. If you need
22 more, contact Gina Hunt. And it will help answer some of the
23 common questions that we are hearing as people come in for
24 their new license.

25 Expense forms, if you could provide those to Noreen

1 before you leave or send them after the meeting to Noreen.

2 And lastly, we would really like to get a photo of
3 the Commission to put on our website so your constituents know
4 who you are. So immediately following the meeting, if we
5 could get you guys for like five minutes to just go across the
6 way. We are going to step outside and take a quick photo.
7 All right?

8 MR. : A group photo?

9 MR. O'CONNELL: Yes. And that's it.

10 MR. RICE: Thank you all very much. And the meeting
11 is adjourned.

12 (Whereupon, the meeting adjourned at 5:55 p.m.)
13
14
15
16
17
18
19
20
21
22
23
24
25