

Maryland DNR  
Tidal Fisheries Advisory  
Commission Meeting

*Thursday,  
October 3, 2013*

*Held at the*  
Maryland Department of Natural Resources  
Tawes State Office Building  
Annapolis, Maryland

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

October 3, 2013

**TFAC Members Present:**

Billy Rice, Chair

Robert T. Brown  
Dale Dawson  
Gilbert Dean  
Rachel Dean  
Robert Gilmer  
Bill Goldsborough  
Greg Jetton  
Charles R. Manley  
John Martin  
Bill Sieling  
Gail Sindorf  
Richard Young

**TFAC Members Absent:**

Mike Benjamin  
Lee Wilson

**Maryland DNR Fisheries Service**

Tom O'Connell  
Noreen Eberly

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

October 3, 2013

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KEYNOTE: "---" denotes inaudible in the transcript.  
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A F T E R N O O N S E S S I O N

(2:10 p.m.)

***Welcome and Announcements******by Billy Rice, Chair, TFAC******and Tom O'Connell, Director, MD DNR Fisheries Service***

MR. RICE: All right, let's try to get this show on the road if we could. I want to thank everybody for being here. It looks like we have got 100 percent attendance. It is hard going to a meeting on a beautiful day like today. We ought to try on windy days if we could, but anyhow.

Tom, can you get us going here with your introduction and announcements, please?

MR. O'CONNELL: Sure. Thanks, and welcome everybody to our fall meeting. We have had a beautiful string of weather. Just a couple announcements.

One is with the new commission and reappointments, we ask that those of you who have not already done so to e-mail Noreen and just let her know who your proxy is. Even if you had a proxy before, just confirm it is the same person. That would be great. We will get that information updated.

Secondly is many of you are familiar with Diane Samuels sitting over in the blue there. She has been helping with the commission for a number of years. She has been with the department I think close to 40 years. This will be her last commission meeting. She is retiring at the end of the

1 year. So I just wanted to mention that to you in case you --  
2 well, I think she has done a great job over the years, helping  
3 our commissions.

4 And on that note also, and Gibby may not want me to  
5 say this but I am going to, is this may be Gibby Dean's last  
6 meeting as a commissioner as he is planning to step down as  
7 president of the Chesapeake Bay Commercial Fishermen's  
8 Association. On a personal note, on behalf of my team, I  
9 would just want to recognize Gibby for the work he has done  
10 over the years as president of that organization.

11 We probably disagreed more likely than we agreed but  
12 we had a good working relationship, and I appreciate that and  
13 my team did, and I wish you the best if you do go forward with  
14 your retirement plans.

15 MR. DEAN: Thank you very much.

16 MR. O'CONNELL: You are welcome. And with that, I  
17 will turn it back to you.

18 MR. RICE: All right. Thank you, Tom. Before we  
19 get to the first agenda item, I would just like to thank the  
20 committee for everybody. One hundred percent of our committee  
21 weighed in on the issue that we had to deal with in between  
22 last meeting and this meeting pertaining to the Menhaden.

23 Thank you all very much for your time and your  
24 consideration. I guess everybody knows the outcome so we  
25 won't dwell on that. But it is very much appreciated when we

1 have issues come up, that we can deal with them in that manner  
2 and get things settled and move them forward. And everybody  
3 really came in great on that. So thanks again.

4 ***NRP Activity Report***

5 MR. RICE: The first item on the agenda would be the  
6 NRP report, and all of our Natural Resource Police are out in  
7 the field so I just recommend to everybody to look over that  
8 report. It is in your pamphlet, and if you have any  
9 questions, we will be glad to address those if necessary. But  
10 if not, we will accept that report as written.

11 Next we have the report on the Submerged Aquatic  
12 Vegetation, and we have someone here to give that report.  
13 Lee, please?

14 MR. O'CONNELL: While Lee is coming up, the  
15 monitoring of SAV is through another unit in the department  
16 called Resource Assessment Service, and Lee Karrh has been for  
17 a long time the department's lead on SAV so we appreciate Lee  
18 coming. This was largely due to a request from Robert T. on  
19 trying to understand some of these habitat issues that are  
20 affecting our fisheries.

21 ***Submerged Aquatic Vegetation***

22 ***by Lee Karrh, MD DNR Resource Assessment Service***

23 MR. KARRH: Thank you very much. I am glad to be  
24 here. This is basically the same talk I gave to a workshop we  
25 did in April of last year in Easton that was looking at how to

1 design restoration projects, looking at the whole suite of  
2 things that go in estuaries -- you know, looking at wetlands  
3 creation, some oyster work, stream restoration, and then what  
4 do we do about submerged aquatic vegetation. So I am going to  
5 go over four different topics. Noreen, you can go ahead.

6 (Slide)

7 First is just what are SAV and why do we care? It  
8 is a background on it. Patterns and SAV distribution over  
9 time and space, then persistence of SAV in certain areas, why  
10 are some areas better than others. And challenges and  
11 opportunities going forward in how to restore SAV.

12 (Slide)

13 What is SAV, and why do we care? Well, there are at  
14 least 17 different species of vascular plants that live part,  
15 if not all, their lives completely submerged in the Chesapeake  
16 Bay.

17 Why do we care? Well, SAV does things for us that  
18 we care about such as food for water fowl and other things  
19 that live in the bay. Habitat -- blue crabs hang out a lot in  
20 SAV. There was a paper that came out recently that shows that  
21 juvenile blue crabs are much more abundant within the grass  
22 than they are in the adjacent, unvegetated areas.

23 Also it improves water quality by taking up  
24 nutrients out of the water. You have heard a lot about the  
25 TMDL process. Well, this is kind of a natural system that



1 removes these nutrients from the water. In addition to that,  
2 they put dissolved oxygen in the water, reduce turbidity, make  
3 the water clear.

4 And they also protect our shorelines from erosion.  
5 Waves hit the SAV bed and they lose some of their energy so  
6 they don't hit the shore as hard as they would otherwise. And  
7 lastly it is an indicator for water quality. The places that  
8 have SAV, it tells you a lot about the quality of the water.  
9 You usually have fairly good water where grass is growing.

10 If you have a grass bed that suddenly disappears, it  
11 tells you that you may have a water-quality issue coming into  
12 that area. So we pay a lot of attention to what these grass  
13 beds do year to year. Go ahead.

14 (Slide)

15 Okay. This is a little hard to explain, but this  
16 map shows where we know grass has occurred at some point in  
17 time in the more distant past using aerial photography from as  
18 early as the 1930s up to the year 2000. This kind of shows  
19 that there was a lot of grass basically throughout the bay. I  
20 want you to pay attention to the eastern bay and the Choptank  
21 River area. Go ahead, Noreen.

22 If you look at it now -- the point of this is there  
23 is a lot less. Particularly there is a lot less in the  
24 eastern bay, the Choptank and then Tangier Sound is much  
25 reduced from what we knew was there at one point in time. All

1 right, Noreen.

2 (Slide)

3 This shows graphically -- grasses tend to increase  
4 from a low point in 1984-ish up through about 2002. Then we  
5 are noisy and have declines. This is baywide, Maryland and  
6 Virginia, that have declined since -- I think 2009 was the  
7 last time we had a really good SAV year.

8 (Slide)

9 But when we look at things, just looking at the  
10 whole bay, we kind of lose some of the picture of what is  
11 going on in the bay. Thank you. You need to kind of break  
12 the bay up into little chunks because the bay behaves  
13 differently in different areas. You know that because you are  
14 out on the water all the time.

15 But the one way we divide the way we look at SAV is  
16 by salinity zone. Now we have four different ways we break  
17 the bay up: with tidal fresh -- it has almost no salt in it.  
18 Oligohaline means there is a little bit of salt. Meso is a  
19 moderate amount of salt, and poly means there is a lot of  
20 salt. Just real basically.

21 And, you know, Susquehanna Flats would be tidal  
22 fresh area, upper part of the Potomac. And then as you get  
23 down toward the mouth of the bay, it gets saltier. A little  
24 hard to see. I will come back later but each of these areas,  
25 there are little lines that separate some of these. They are

1 called segments. I use that term again. The bay has been  
2 broken up into these different segments that we use to get  
3 little bite-size chunks to analyze data with.

4 (Slide)

5 All right, so first I am going to start with the  
6 saltiest areas, way down by the mouth of the bay. This is all  
7 Virginia water. If you look at how SAV has performed over  
8 time, again '85, '84 time period, there wasn't a whole lot  
9 there. It increased pretty steadily until 1993 and then since  
10 then has been on a downward trajectory with some events that  
11 occurred.

12 The summer of 2005 and again the summer of 2010  
13 where -- the primary species that grows here is eel grass. We  
14 had tremendously hot waters those years, and eel grass can't  
15 tolerate hot water, particularly if it is turbid. So in 2005  
16 we had both, hot water and very turbid water. So the eel  
17 grass took it on the chin with that. All right, we will go  
18 on.

19 (Slide)

20 This area, the middle part of the bay, which a lot  
21 of Maryland's bay would be considered in this, has a slightly  
22 different pattern, where '84 was a low point. It kind of kept  
23 going up pretty steadily, got noisy in the mid-90s and then  
24 peaked out in 2002 and then has been declining since  
25 generally.

1 (Slide)

2 Lastly the slightly salty areas, again low point in  
3 '84 trending up to a peak in 2005 and then has been trending  
4 down since then.

5 (Slide)

6 This is the last one of these graphs I will show  
7 you. This is the freshwater areas. And you would  
8 think -- really this is being driven by the Susquehanna Flats  
9 area right near Havre de Grace, Port Deposit, that area north  
10 of Turkey Neck.

11 Again low point in '84 -- actually at one point it  
12 was '95. Then it trended up pretty dramatically. And then  
13 peaked in 2008 and then crashed in 2010 with Tropical Storm  
14 Lee, which I really don't like that name. Crashed after  
15 Tropical Storm Lee and has yet to recover though we are seeing  
16 some good things.

17 One thing I didn't show you here I would like to  
18 point out though with this tidal fresh area is not only did it  
19 go up in area, but the quality of the grass that was growing  
20 there changed too. It became much more dense. It is  
21 beautiful. If you like diving on a coral reef, you would  
22 think you were diving on coral if you swim through these grass  
23 beds. It is beautiful up there.

24 (Slide)

25 Okay, so I want to wrap up what I just discussed

1 | quickly. We are way down from where we need to be. We have a  
2 | lot of work to do to get up to our goal of what we want to  
3 | accomplish in terms of the SAV populations.

4 |           There is a lot of variability depending on where you  
5 | look but there are some regional patterns that SAV shows. For  
6 | example, peak distributions were '93 in the salty part of the  
7 | bay. 2002 in the middle part of the bay, and as you get  
8 | fresher, that peak was later.

9 |           And over the last 10 years, the segments I mentioned  
10 | before, there are 90-some odd of them in the bay. 21 have  
11 | actually reached their SAV goals, and we had another 4 that  
12 | came within 2 or 3 percent of reaching their goals. And these  
13 | were mostly the in tidal fresh and oligohaline parts of the  
14 | bay, the fresher parts of the bay.

15 |           (Slide)

16 |           Now we will go on to talk about, briefly about  
17 | persistence.

18 |           (Slide)

19 |           Okay, this map shows, in this case, the upper part  
20 | of the bay. Here is Susquehanna Flats, Sassafras River, Elk  
21 | River, Bush River. Where you see red is where there was only  
22 | grass in one year out of 10. As it goes through, the lighter  
23 | shades of red, gets green and then blue, show that the grass  
24 | occurred there more often.

25 |           What I really want to point out is this really dark

1 blue area. So that each year for the last 10 years, even  
2 after Tropical Storm Lee, there was still a lot of grass  
3 growing there. This is square miles in size, so we are  
4 talking probably seven or eight square miles. It is huge.

5 But even with all the insult this area had, there  
6 was still grass persisting up there.

7 (Slide)

8 This is the upper part of the Potomac River: Gunston  
9 Cove, Mattawoman Creek, Piscataway, D.C. would be up here.  
10 That is Nanjemoy here and Port Tobacco is there. Again right  
11 along the shoreline there are these dark blue areas: upper  
12 Mattawoman Creek, dark blue. Again, with everything that is  
13 going on, there are still areas that every year always have  
14 grass.

15 (Slide)

16 This is the lower part of the bay: Smith Island,  
17 Tangier Island, --- Jack Bay, Eastern Shore, Virginia. And  
18 again even with the two big heat die-off events in 2005, 2009,  
19 there are always places that at least have some grass.

20 (Slide)

21 So to bring this home, even when there has been a  
22 lot of stuff going on that is bad for grasses, there have  
23 always been places that have had SAV survive. And it is these  
24 beds that we look to, to actually the provides the seeds and  
25 plant material necessary for restoration once conditions get

1 better.

2 (Slide)

3 And we can go into the last topic.

4 (Slide)

5 So I was asked to say what the department is doing  
6 about this. I didn't realize that until I got here though, so  
7 I would have written my talk a little differently. The  
8 biggest thing we need to do to improve SAV in the bay is to  
9 improve water quality. You know, we have been saying that  
10 consistently since 1984, for the Chesapeake Bay program. Back  
11 up a little bit. Stay on the first bullet.

12 This is where the TMDL process comes in, the Total  
13 Maximum Daily Load. You have heard about the pollution diet  
14 for the bay. One of the objectives of reducing those  
15 sediments, nitrogen and phosphorus that are coming into the  
16 bay, is to make the water clearer to support SAV.

17 So there is actually an outcome of the TMDL process  
18 that is specific to -- we can't say the bay is restored unless  
19 we have so much SAV. In addition to that, in addition  
20 improving water clarity, we need to protect what we have got.

21 Since I already mentioned the places that are always  
22 vegetated are the ones that will provide the impetus for  
23 recovery, the materials to fuel recovery, so that is an  
24 extremely important area to protect.

25 So to do that, we need to be smarter about what we

1 build where: piers, shoreline and erosion control structures,  
2 things like that. We need to stay on top of it. Also how we  
3 boat. We have seen a lot of incidents of scars, where people  
4 run their boats through grass beds. It is a big problem,  
5 particularly in the coastal bays, around Ocean City.

6           And there have been some fisheries practices that we  
7 have had to rein in because they were having a negative impact  
8 on SAV. Bill wouldn't know anything about that at all. And  
9 then there are other uses of the bay that, as things develop,  
10 we need to keep an eye on.

11           Lastly, where possible, we can try to attempt direct  
12 restoration, actually getting out in the water and putting  
13 grass back to where it has been lost.

14           (Slide)

15           But to do this, we need -- we haven't had a whole,  
16 as much success as we would like in Maryland doing the direct  
17 restoration work, so going forward, we need to really pay  
18 attention to how we do it to make sure we learn as we are  
19 working so we can do a better job the next time around.

20           We understand pretty well what SAV needs to  
21 survive -- existing SAV, where it is currently, what it needs  
22 to survive to go into the next year, including in terms of  
23 water quality. So we can use that information to explain why  
24 we see grass continuing along or declining in an area.

25           What we have learned by our efforts in doing direct



1 restoration is we didn't know as much as we thought we knew,  
2 and we probably -- it has become apparent that we really need  
3 to have better water quality to go from having an unvegetated  
4 area to having a vegetated area than we thought before.

5           And we actually have an effort under way to do just  
6 that, figure out what is necessary to go from bare bottom to  
7 grass and see how that compares to what -- that part of it.

8           (Slide)

9           We have had in this region a really good example of  
10 success when it comes to restoring SAV. And I will go through  
11 that example pretty quickly. There was work done by the folks  
12 at the Virginia Institute of Marine Science in the seaside  
13 bays. Now these are small bays on the Atlantic Coast side of  
14 the eastern shore of Virginia.

15           This is the single most successful SAV restoration  
16 project ever, and it represents 73 percent of all SAV that has  
17 been restored directly worldwide. So three-quarters of all  
18 the SAV that has ever actually been restored worldwide was  
19 done in this one area of Virginia.

20           (Slide)

21           What they did was they went out and harvested  
22 eelgrass seed. They started harvesting from the Chesapeake  
23 actually, and then took it over to these seaside lagoons that  
24 used to have, in the '30s, had grass everywhere. Had a  
25 vibrant scallop fishery, and then there was a wasting disease

1 and a hurricane that came through in the 1930s and just wiped  
2 out all the grass. There wasn't a blade of grass to be found.

3 So they took these seeds that they collected from  
4 the Chesapeake and dumped them into these shallow lagoons on  
5 the Atlantic seaside.

6 (Slide)

7 This graph shows that they started the project in  
8 1998 with just putting out -- the blue line is how much acres  
9 of area they put seeds in. So they put out like about 450  
10 acres worth of seeds and now have over 4,500 acres, so it is a  
11 10-fold return on investment, if you will, for putting the  
12 seeds out. So that is why that is such an important  
13 restoration project. It is unprecedented globally.

14 (Slide)

15 Okay, I will wrap this up. --- plenty of time  
16 because Diane always says we always fall behind everything  
17 else so I will try to keep it quick. SAV populations are well  
18 below what we know they were in the more distant past.

19 However in some regions, particularly those  
20 freshwater regions, we have actually met or even surpassed our  
21 goals in recent history in the last five years. Water quality  
22 is the single biggest driver of SAV distribution in the bay.  
23 And direct SAV restoration can work and it can be a part of  
24 habitat restoration generally if we understand what is  
25 necessary to go from bare bottom to a vegetated bottom, and

1 get a better handle on what that is.

2 (Slide)

3 And this is what it is all about, having more  
4 habitat for oyster toads. That is what we are looking for.  
5 Thank you, and I can take any questions you have.

6 *Questions and Answers*

7 MR. RICE: Tom?

8 MR. O'CONNELL: The plantings seem pretty successful  
9 in Virginia, and I know in the last -- probably 5 or 10 years  
10 ago, Maryland had a pretty active planting program but that  
11 ended, and I was wondering, I mean, you leave that  
12 presentation thinking that planting is a really good strategy  
13 but I can't recall all the details as to why Maryland stopped  
14 that strategy.

15 MR. KARRH: Well, we stopped the planting  
16 because -- that seaside lagoon is special. It is was a  
17 special case. The water was about that deep. It is extremely  
18 clear, and it had been unvegetated for so long, there was no  
19 natural source -- it was just ripe, it was ready for that to  
20 kick off.

21 Now what we found with our Maryland experience was  
22 that the water-quality conditions -- it was that thing I  
23 mentioned where, you know, we know what it takes for a grass  
24 bed to survive over time, but we don't know what it takes to  
25 go from bare bottom to grass.

1           And we were kind of right on the cusp of that, that  
2 we had what we thought was a good enough water-quality work to  
3 restore but in actuality it wasn't. It wasn't that we were  
4 totally unsuccessful. We did have grass -- it is still there,  
5 but it didn't make that ten-fold increase that we were looking  
6 for.

7           Another case where we worked up in the upper bay at  
8 the mouth of the Back River actually, we did have a five-fold  
9 increase on stuff we put out. That was a different species,  
10 we were in a different environment. We had actually had  
11 school kids raising the grass, and we planted it out at Rocky  
12 Point Park if you are familiar with that area.

13           So they put out about two acres worth of grass and  
14 it has since expanded to about ten to twelve acres.

15           MR. GOLDSBOROUGH: I had a couple thoughts as I  
16 distilled down your presentation, Lee, that seemed to capture  
17 it for me, especially after last year when we are pretty  
18 certain we lost a lot of small crabs to predation.

19           Let me just say a couple things and see if you  
20 disagree with any of this, Lee. First off that probably the  
21 single best thing we can do to reduce predation losses of  
22 small blue crabs is to have more SAV. The single best thing  
23 we can do to have more SAV is to reduce nitrogen and  
24 phosphorus pollution, improve water clarity.

25           And now this is more in the policy realm: The

1 single best thing we can do to reduce nitrogen and phosphorus  
2 is to implement the TMDL. That is more of a policy opinion.  
3 That is the way I distill this.

4 MR. KARRH: Yes, I agree. The other habitat that  
5 blue crabs use a lot is woody debris as well but that  
6 is -- you know, we are talking thousands of acres of grass  
7 versus a few, you know, shoreline stuff with woody debris, so  
8 yes. If you want to reduce predation on really anything you  
9 care about, you add more grass.

10 MR. RICE: Moochie?

11 MR. GILMER: Lee, in areas -- I work in the Miles  
12 River, Wye River, eastern bay area. I clam, and I know -- I  
13 have been through this. But anyway when we have grass and  
14 when the first run of peelers come up, and the skate come up  
15 with them and devastate this grass, does it usually come back  
16 after they do it?

17 MR. KARRH: It depends on where you are, really.  
18 The percent of rays is a much bigger problem down toward the  
19 lower bay where eelgrass is. You know, --- grass we find  
20 in Miles/Wye river area, it is iffy.

21 MR. GILMER: I know when they show up, you see the  
22 grass floating.

23 MR. KARRH: Something else that also happens that  
24 time of year -- there is another species of grass that occurs  
25 there called horned pond weed. And in June horned pond weed

1 dies. It is done.

2 MR. GILMER: I know what you are talking about.

3 MR. KARRH: You see this. I get calls all the time.  
4 People would call and complain about you. It's the dredgers  
5 doing it. It is not the dredgers, it is the species of grass.  
6 June 15, my phone rings off the hook. And it is like, no, it  
7 is not Moochie. It is horned pond weed.

8 MR. GILMER: Thank you.

9 (Laughter)

10 MR. KARRH: Rays are a concern, and there was  
11 actually a marketing campaign that Virginia was doing with  
12 Chesapeake sting ray to try to reduce those populations. I  
13 don't know whatever became of that but I thought it was a cool  
14 idea. Yes, sir?

15 MR. SIELING: A couple of things. Maybe I missed it  
16 but you said the goal is to have 185,000 acres.

17 MR. KARRH: That is correct.

18 MR. SIELING: But we don't have that now. What do  
19 we have now?

20 MR. KARRH: I should have looked this up before I  
21 came down, but about 35,000, somewhere in that range.

22 MR. SIELING: So we are over 100,000 acres less.

23 MR. KARRH: Right. The closest -- the most grass we  
24 ever had in the bay, we were hovering right around 90,000  
25 acres -- in the modern record, '84 to now. It was right

1 around 90,000 acres.

2 MR. SIELING: And then you said 2009 it has been  
3 sort of a gradual decline since then. What do you attribute  
4 that to?

5 MR. KARRH: Well, it wasn't that gradual. It was  
6 pretty intense.

7 MR. SIELING: Well, okay, but why is -- I mean,  
8 supposedly we are having improved water quality, or  
9 theoretically.

10 MR. KARRH: We are, actually.

11 MR. SIELING: So why is the grass not improving as  
12 well?

13 MR. KARRH: Again it depends on where you are where  
14 we see the water-quality improvements. You know, the big  
15 thing that caused that decline was the heat event in 2010 and  
16 the tropical storms in 2011. So the two back-to-back  
17 things -- the heat event in 2010, we actually saw the data in  
18 2011. That occurred after they collected the 2010 data, if  
19 that makes any sense.

20 So in 2011 we saw both the impact of the tropical  
21 storms and the heat event at the same time. That is why you  
22 see that big dip at the end.

23 MR. SIELING: So maybe next year could start  
24 improving again if we don't have another -- we didn't have an  
25 extremely hot summer this year and we haven't, luckily so far,

1 haven't had a hurricane.

2 MR. KARRH: Yes. And there are some indications  
3 that -- again, certainly at the whole bay you lose the  
4 distinctions. A lot of areas are going to do really well this  
5 year. Some work we were doing on the St. Mary's River,  
6 St. Mary's looked great. Honga River looked great. Reports  
7 from the way up bay, Havre de Grace, Susquehanna Flats area,  
8 it is going to do really well this year compared to last year.

9 Eastern bay, not so much. Choptank River, no. So  
10 again it is these regional issues that are driving a lot of  
11 it. If you want examples of improved water quality, they are  
12 mostly tidal fresh and they are mostly western shore. It is  
13 the eastern shore. Trends are still degrading for water  
14 clarity so, you know, the water is getting more turbid over  
15 time.

16 That is -- a big concern of mine is how are these,  
17 that middle part of the bay, how is grass going to come back  
18 if we can't reverse that decline in water clarity.

19 MR. SEILING: And then lastly, I remember back when  
20 I first started being involved with the bay, watermilfoil was  
21 the big issue. I mean, the state of Maryland spent millions  
22 of dollars trying to eradicate watermilfoil. It finally took  
23 care of itself. Lake --- disease, I think it was, came in and  
24 plagued it out for some reason.

25 What happened to hydrilla? I mean, for a while



1 everybody was concerned about hydrilla. I haven't heard  
2 anything about hydrilla for years. Did it disappear too?

3 MR. KARRH: No, no, no, it did not disappear. It is  
4 all over the Potomac. And actually it is all over the place  
5 generally in tidal fresh areas. It is just --

6 MR. SEILING: Is that good, bad or indifferent? I  
7 mean, what is the --

8 MR. KARRH: Really from the perspective of this  
9 group, that is probably good. That is why -- hydrilla is the  
10 reason why that upper Potomac area suddenly became a world-  
11 class large-mouth bass fishery. If it had not been for  
12 hydrilla, it would still be a mudhole pretty much.

13 The hydrilla invasion, everyone threw their hands up  
14 saying this is the worse thing ever, but at the same time it  
15 improved the water quality, water clarity, provided fish  
16 habitat, and we ended up spending a lot of money to clean out  
17 marinas so boats could get to deeper water but that was really  
18 the only downside of the hydrilla invasion.

19 And now native species of -- well, until recently,  
20 native species were coming back too, so we were seeing the  
21 things we know ducks like, like wild celery and other natives.

22 MR. SEILING: But hydrilla has no tolerance for  
23 salt --

24 MR. KARRH: No. Really, like the Bush River, right  
25 at the very top of the Bush River you will see some hydrilla

1 | but by the time you get down to where the proving ground is,  
2 | it disappears. And I don't even know -- I don't think we get  
3 | past Turkey Neck on the upper part of the bay.

4 |           MR. RICE: Robert T.

5 |           MR. BROWN: Yes, I go back a little bit further than  
6 | what your charts do, the slides, which you did a very good job  
7 | on.

8 |           Back in the '60s I was only familiar with the  
9 | Potomac because that is where I lived at. The world was very  
10 | small back in the '60s compared to what it is today. We had  
11 | the witching grass in close. Then we had like a redhead grass  
12 | we used to call a tea leaf. It had like tea leaf in it with a  
13 | red bud in the top of it. Is there any of that grass around  
14 | anywhere now?

15 |           MR. KARRH: There is a fair bit in places. I  
16 | haven't seen any in the Potomac in a very long time. But I  
17 | have seen it in the mouth of the Chester River. There is a  
18 | lot there. Severn River, there is a lot around --- area.

19 |           MR. BROWN: Okay, then on the outside of that we had  
20 | a milfoil. Then on the outside of that we had a real tall  
21 | witching grass. It looked the same way. You didn't  
22 | have -- you had marshes around every shore side because you  
23 | didn't have sea coming in. The water, all it was doing on the  
24 | shore side, it would come up and it would go down. You didn't  
25 | have any rolling surf in there during the summer on the

1 southerly breezes.

2           Water quality, yes. I don't want to see this stop  
3 with just this brief you have given us today because this is  
4 probably one thing that we can -- I know we can all work  
5 together on it and we need to move forward. You say the  
6 nitrogen and the phosphorus, and I agree with you on that 100  
7 percent. But we just can't sit here and say this and then  
8 just drop it. We have got to move forward on it.

9           And nitrogen and phosphorous, you are talking about  
10 a lot of sewage treatment plants that we are going to have to  
11 look at. But there needs to be, other than that there needs  
12 to be some kind of way we could take some small areas and do  
13 some plantings. I mean if we could get a few volunteers out  
14 of each county association and maybe if we could get the  
15 department to maybe find enough funding to get us the grass,  
16 so that we could get some grass or so.

17           It wouldn't cost a whole lot. I mean, we could take  
18 some of the money that you -- even into, say into these oyster  
19 sanctuaries. Take some of the money from that, whereas if you  
20 build these grass beds back -- and it wouldn't have to be in  
21 the sanctuaries. It could be anywhere. That would be -- it  
22 filters the water. It helps put oxygen in the water. That  
23 would help bring out -- oysters maybe would start to come back  
24 naturally.

25           We have so many dead places with oxygen in the

1 | rivers now that a lot of times, and a lot of people don't  
2 | realize when you're doing all these reports, they are out  
3 | there crabbing, especially on the Potomac River, if you have a  
4 | northeast wind, you go down below Britton's Bay, four and five  
5 | crabs in a crab pot will be dead after a one day northeaster.

6 |           So these are things that we are facing, and I would  
7 | like to see us be able to proceed ahead in some way if not a  
8 | little bit every way.

9 |           MR. KARRH: We have had discussions in trying to  
10 | work with, looking at the big, the mega oyster restoration  
11 | projects going on in Harris Creek and then including the  
12 | Little Chop further down, of actually trying to do some other  
13 | habitat restoration, not only SAV but shoreline work, marsh  
14 | work. It is a good opportunity, we just need to learn a  
15 | little bit more before we actually put a whole lot of money  
16 | into it.

17 |           MR. BROWN: Well, we don't have the time to keep  
18 | waiting anymore. We have waited -- Old Man Wait has passed us  
19 | by, and you talk about doing it in Harris Creek and --- ,  
20 | those places, that is fine. But I would like to see it be  
21 | done in a few places in all the counties, even if these  
22 | counties just take one little place and tries it, several  
23 | acres and tries a few different things.

24 |           And finally it might not work here and it might not  
25 | work there, but it is working here. Well, if it is working

1 here, why is it working here? That is how you learn. Thank  
2 you.

3 MR. RICE: Tom, didn't you mention earlier that the  
4 sport fish advisory had a subcommittee that was going to work  
5 on this? Wouldn't it be advisable for us to do the same thing  
6 to keep the ball rolling?

7 MR. O'CONNELL: Yes, it would be a good time, I  
8 guess -- Tuesday the Sport Fish Advisory Commission met, and  
9 they have similar interests obviously with habitat, land-use  
10 issues on fisheries for their interests.

11 We had our habitat specialist Jim Uphoff and team  
12 present, and, you know, the one thing I followed up with that  
13 presentation was there is one area that charter boat,  
14 commercial, recreational, environmentalists, all seem to agree  
15 upon, is that we need to protect the habitat for the fish that  
16 we fish upon.

17 And if there was a way that these parties could set  
18 aside some of their differences and collectively highlight the  
19 need to do a better job on habitat, you guys, I know, could be  
20 influential at the local level where these issues are being  
21 decided.

22 We can provide good science to argue your points,  
23 but locals aren't going to want to listen to state and federal  
24 government officials. They are going to listen to their local  
25 constituents. They are going to listen to you guys who have

1 the stories for the decades.

2           And if we can help you provide the science to help  
3 tell your story, you know, I think we could start seeing some  
4 better policy decisions at the local level.

5           Following that conversation at sport fish, and Bill  
6 could add to this, but they felt it was important enough to  
7 try to spend more time on it, and they formed a subcommittee  
8 to start working with, you know, the scientists here at the  
9 department and elsewhere to try to begin to identify what are  
10 the strategies we need to be, you know, moving forward to be  
11 more advocates for these issues.

12           And after that meeting, the last couple days I have  
13 been digesting that, you know, I really think it would have or  
14 be a benefit to not just make that a sport fish body but also  
15 to try to bring in broader stakeholders like the commercial,  
16 almost like a fisheries habitat body.

17           Maybe that is the way to try to bring these diverse  
18 groups together and work together on strategies to try to  
19 address these broader issues. It may be something that this  
20 commission is interested in. You guys can relay that to Bill  
21 and sport fish can consider maybe working together on this.

22           MR. RICE: Dale?

23           MR. DAWSON: The law that went into effect the  
24 first, I think it was, with the reduction of phosphorus from  
25 lawn fertilizer, is that like a drop in the bucket or will

1 that actually help?

2 MR. KARRH: I don't know the answer to your  
3 question. I have heard these numbers before, but I hear so  
4 many numbers I can't keep them all straight. My thought is  
5 that it is, it is nothing compared to ag. It is nothing  
6 compared to what is coming out of the wastewater treatment  
7 plants but it is not trivial either.

8 MR. DAWSON: I saw a show about fertilizer, and they  
9 said lawn fertilizer is the No. 1 marine polluter in the  
10 country. That is what they said.

11 MR. RICE: Well, I will weigh in on that, and this  
12 is just my perspective, but if you go to Lowe's, Home Depot,  
13 to get a bag of lawn fertilizer, it is going to be in a  
14 50-pound bag. A lot of people have a lawn that might be 100  
15 square feet, and that bag of fertilizer most likely will  
16 be -- an analysis like 10-10-10.

17 So that means you have got 10 pounds of phosphorous  
18 per hundred pounds of fertilizer. So if they buy that bag of  
19 fertilizer they are going to use it, and it is going to go out  
20 on this little teeny, tiny bit of grass, and to put it in  
21 perspective, a lot of the nutrient management plans now are  
22 depending upon what your soil sample comes back to grow an  
23 acre of corn. You are looking at sometimes only being allowed  
24 to use 20 pounds of phosphorous, or sometimes zero.

25 Well, these people who are fertilizing their lawns,

1 they don't have a soil test. They don't go by a nutrient  
2 management plan. They go to Lowe's and they buy -- and I said  
3 buy one bag. They might think two is a lot better, you know,  
4 because they want this green grass. And you are going to put  
5 it on your lawn, and there is the storm drain right out here  
6 in the street.

7 Well, all that goes directly from the lawn into the  
8 drain into the stream, into the tributary, into the bay. And  
9 I think it is a huge problem really.

10 MR. DAWSON: I see a lot of people who have their  
11 oyster cages tied under their dock, and their grass is as  
12 green as this bag all summer, and somebody down the street,  
13 their grass doesn't look like that, so you know that they are  
14 feeding it.

15 But the water clarity in our area, Wye River,  
16 Choptank, in the past 10 years is -- you know, you used to be  
17 able to see 2 feet. When I was a kid you could see 10 feet in  
18 the middle of summer. And now it is about six inches. And I  
19 think as long as the water doesn't clear up, you can plant all  
20 the grass you want, it is just going to die.

21 And then, like in Trappe Creek when we crab there,  
22 sometimes we start out in a creek, a lot of the points and all  
23 be full of grass, but as soon as the skate come in, two days  
24 it is gone. I mean, you can ride around with your depth  
25 finder and look for it, and they have wiped it out.



1           But I think we have got to get the water cleared up  
2 and do planning at the same time but it is going to take a  
3 while.

4           MR. RICE: Bill?

5           MR. GOLDSBOROUGH: Just a couple things. I think,  
6 Billy, you are exactly right about suburban lawns having the  
7 highest concentration of fertilizer around. I think when you  
8 look at the whole watershed though, agriculture is the biggest  
9 use of the land, so total amounts is more coming from  
10 agriculture but on any one river, you know, it will depend on  
11 the land use in that watershed.

12           Like the Severn River, most of it is coming from  
13 suburban lands. Choptank, most of it is agriculture. And  
14 that is why on a baywide basis, the TMDL pollution guide for  
15 the bay, as Lee says, is looking at all of them. See, you  
16 can't just single out one of them because it is all the same  
17 nitrogen, it is all the same phosphorous, that have got to be  
18 brought down to a sustainable level.

19           And scientists say -- and I have been around long  
20 enough that I remember when it was crystal clear. I grew up  
21 in Miles River myself and you could see the bottom. It had  
22 all kind of redhead grass, soft crab and all that.

23           The change will be in a phase. It won't just be  
24 gradual improvement. It will go along, when you are reducing  
25 your nutrients, go along, go along, go along, and then all of

1 a sudden the water clarity will improve dramatically and you  
2 will presumably get SAV, a big bump in SAV.

3           So even though you may not see in the short term, a  
4 few years, improvement, you have got to keep the faith in that  
5 formula, you know, the reduction of those nutrients, and the  
6 TMDL being the mechanism for doing it. And we will see. I  
7 mean, the scientific community is virtually certain on this.  
8 We will see that improvement in our lifetimes if we do this  
9 thing.

10           So I just think, you know, it would be great if this  
11 commission wanted to make an expression of how important those  
12 issues are to commercial fisheries. I think that is a  
13 wonderful statement to make. But even broader than that I  
14 would have to agree with Tom's idea that of course this isn't  
15 just commercial but also recreational, charter -- all the  
16 fisheries depend on habitat.

17           So if tidal fish is agreeable to Tom's idea, I think  
18 from a sport fish perspective we would be agreeable to the  
19 idea also of combining efforts through that subcommittee  
20 process and making that, you know, a joint expression of  
21 support for that kind of stuff.

22           MR. KARRH: To your point, in some cases it was just  
23 like turning on a light switch. When they upgraded the  
24 wastewater treatment plant at Blue Plains, which services  
25 D.C., within two years grass was -- I mean, increased

1 | dramatically and passed our restoration goals just because  
2 | they used the best technology they could find.

3 |           MR. RICE: One thing that is confusing to me from  
4 | the experience I have seen -- time seems to go by but I am  
5 | going to go back, probably it has been 12 to 15 years  
6 | ago -- in the creek where we dock at, just for no particular  
7 | reason out of nowhere, we have the old time milfoil you were  
8 | talking about, it appeared. And it grew like it did when I  
9 | was a kid.

10 |           And just like -- you know, it is called the field of  
11 | dreams. Build it and they will come. Well, you know, ---  
12 | came back. The water was clear. The white perch were there.  
13 | This went on for, say, several years, and then it disappeared  
14 | as quick as it came. And there was absolutely no change in  
15 | what was going on in the nearby vicinity of this watershed.  
16 | So it is kind of a mystery. It was in --- Creek. It is a  
17 | tributary of the middle Potomac.

18 |           And like Robert T. said, that is kind of like what I  
19 | would think would be a great idea, to go to these small  
20 | tributaries, to the headwaters of them, and try to do some  
21 | little projects and see, you know, what takes off from there  
22 | because, like I said, it is like the field of dreams. You  
23 | build it and they will come. If you got grass, you will have  
24 | life. It is like our oyster beds.

25 |           You know, we sit here and beat our heads against the

1 wall and we know the solution, we just don't know how to  
2 arrive at it sometimes.

3           You know, a lot of times, you know, especially in  
4 modern times, funding is always an issue to getting something  
5 going. The state of Maryland dumps an awful lot of money into  
6 the cover crop program to pay people to plant cover crops to  
7 stop the -- you know, to hold the nitrogen in the soil.

8           Well, you know, this is something that should be  
9 expanded on. There is no sense in getting the land perfect if  
10 you can't put some of that money overboard, let's say. So,  
11 you know, that is something that we need to maybe drive at and  
12 send a message to wherever it needs to be sent that, you know,  
13 this is kind of like an add-on to what we are already doing.

14           It is like another piece of the puzzle to keep it  
15 moving. Robert T?

16           MR. BROWN: I agree with you, Billy. And the think  
17 about it is, the farming industry -- because they are like the  
18 watermen. It is always easy to pick on the watermen. It is  
19 always easy to pick on a farmer if you have problems.

20           And if we could get something like that in the farm  
21 or where he was doing this, like on that cover crop thing,  
22 getting just a little bit of the funds out of that, especially  
23 to the ones that were on the water, and have maybe something  
24 done maybe in front of their property or something in that  
25 area.

1 I don't care where it is done. I would like to see  
2 something done, a little bit everywhere because I am not so  
3 sure as some of these areas have been without grass so long,  
4 that -- I remember seeing on the TV they had over in Egypt,  
5 the pyramids over there, and they had a grain of corn and it  
6 came up after years of sitting there.

7 Well, that grain of corn never had no sunlight,  
8 never had no rain. But, you know, do we even have in a lot of  
9 these places up and down the shores on the Potomac or in the  
10 Bay, is there enough root left in there to even take off when  
11 it gets there or do we need to maybe try to start some small  
12 places from time to time so we will have places -- you know,  
13 it is just like planting a crop, you know, to reseed itself.

14 MR. RICE: All right, well, we have had some very  
15 good dialogue. Tom?

16 MR. O'CONNELL: I think it was a good conversation,  
17 and just maybe try to summarize it and maybe suggest, so it  
18 just doesn't end here today, is that, what I have heard is  
19 that, you know, other opportunities for SAV seeding programs.  
20 It is kind of like one of those strategies we can all be  
21 involved in and try to help, you know, with restoration.

22 Are there are other funding sources out there that  
23 can be broadened to help support these types of initiatives?  
24 We need understanding of what the impact of fertilizer on  
25 homeowners, and I really think that all of these issues

1 are --, the conversation about these issues could continue  
2 through this subcommittee idea that sport fish came up with,  
3 and if you guys are interested, we could follow up with Billy.

4 But if we could get maybe a few people, you know,  
5 maybe have a meeting. See if it seems like it is worth your  
6 time or not. We may gain momentum to continue these  
7 conversations and come back with some ideas that we can  
8 advance.

9 MR. RICE: I think that would be a really good idea.

10 MR. O'CONNELL: Any objection to working with Billy  
11 to identify a few people to attend the first meeting.

12 MR. BROWN: I would be willing to help.

13 MR. RICE: I think it needs to, you know -- make it  
14 diverse and try to get people around the state as much as  
15 possible.

16 MR. O'CONNELL: All right, we will do that.

17 MR. RICE: Okay, thank you, Tom. It is not often  
18 you find something that all user groups can agree on so you  
19 might want to pursue that idea. Steve Vilnit, could you give  
20 us your seafood marketing update, please?

21 ***Seafood Marketing Update***

22 ***by Steve Vilnit, MDNR Fisheries Service***

23 MR. VILNIT: I just want to give you a quick update  
24 on what we have been working on.

25 (Slide)

1           One of the things we did this week, you know, to  
2 help out the industry a little bit, was the congressional  
3 staffer tour. Between us and Virginia, we helped to organize  
4 this. Bill was on that tour, Bill Sieling.

5           We are basically trying to make the industry, make  
6 the congressional staffers, aware of the problems that we are  
7 having in the industry in terms of having people to work on  
8 the boats and having people to work at the processing plants.

9           So we wanted them to get out there and get a  
10 firsthand experience of going out on a boat, going to the  
11 processing plants, seeing all the work that is done by  
12 the --- workers and how desperately we need to keep those  
13 workers here in the state in order to keep the whole seafood  
14 business alive.

15           (Slide)

16           So we took them out for a two-day tour, just  
17 basically showing them a little of everything, and I think  
18 they really came to a good understanding of exactly what we  
19 need here and why we need them.

20           (Slide)

21           We did a partnership with Sweet Greens. We are  
22 working on doing some corporate partnerships in order to get  
23 seafood more out there and get people realizing what we have  
24 here in our state. And this is what we did this past month.  
25 This was with Sweet Greens, and if you are not aware of them,

1 | they are -- it is basically I think Subway but for high-end  
2 | salads. You kind of go in there and they make you a salad.

3 |           They have 20 stores in D.C. We did a partnership  
4 | with them to actually use Maryland crab meat so you can see  
5 | down on the bottom there, that was their sign: seasonal salad  
6 | with Maryland crab. And that was featured in the salad, in  
7 | the stores and their ingredients. We just tried it out. It  
8 | didn't cost us anything to deal with those guys.

9 |           They were a fantastic partner. They put our name  
10 | out there everywhere. And these guys ended up buying about  
11 | almost 1,300 pounds of crab meat a week. So it was a great  
12 | promotion. Again, it didn't cost us anything, and they said  
13 | it was their top-selling salad that they have done in a long  
14 | time, so they plan on running this on a regular basis now.

15 |           (Slide)

16 |           We are doing a lot of oyster festivals. We have a  
17 | lot more interest in Maryland oysters in the past year  
18 | especially with aquaculture coming on, but also in wild  
19 | oysters. These are just the ones that are going on this  
20 | month, or at the end of last month to the end of this month.  
21 | We had -- we just had Mermaid's Kiss, which is our fund  
22 | raiser that we do at the Baltimore Aquarium on Tuesday night.

23 |           We had six Maryland aquaculture farms and one guy  
24 | representing wild oysters out there. Each of the farmers and  
25 | actually --- was out there for us, they went through about



1 1,000 oysters apiece. We had 337 people there. It was a  
2 great night, great event. All the chefs in there were using,  
3 except for two guys, were using Maryland seafood. We had to  
4 have a couple meat dishes for the nonpescetarians.

5           There is a lot of stuff going on this month.  
6 Riley's up in Baltimore is doing a whole week of just oysters.  
7 And we had wild oysters and farm raised there. And the same  
8 thing down in Georgetown.

9           (Slide)

10           Continuing along with our chef education trips, it  
11 has been a great summer going out. We kind of backed off a  
12 little bit this summer just in terms of not having enough time  
13 to get out there but giving chefs again an understanding of  
14 what is the value of Maryland seafood, how tough it is to get  
15 it to the plate, increasing the value by seeing how hard it is  
16 to actually harvest this product.

17           We have done some great tours. The best thing has  
18 been having them to hand tong. It is the most amusing thing I  
19 have ever seen on a boat is having chefs hand tong, but again  
20 it provides that value and it shows them how hard the work is  
21 and gets them to appreciate the oysters a little bit more.

22           (Slide)

23           We had a crab cake competition down in DC. It was  
24 the Eighth annual DC Crab Cake Competition and the first  
25 annual time they have used Maryland crab meat. So this is one

1 of the events we sponsored. It went over extremely well and  
2 completely sold out. We got a lot of press from this.

3 We had -- in addition to having Maryland crab meat  
4 there we also had all the oyster farms. We invited all of  
5 them. We had three of the oysters farms actually shucking  
6 oysters there and giving them out to the public. So great  
7 event.

8 (Slide)

9 We just completed the --- Maryland Seafood Festival.  
10 I know a lot of you were there for that. The tent was again  
11 packed the whole time. We had 12 chefs giving demos over two  
12 days, Maryland seafood demos. We had oyster shucking demos.  
13 A little bit of everything. I think there was a crab caking  
14 demo at the end of the day I was there.

15 But it was, like I said, packed the whole time. We  
16 ended up doing 1,280 samples between the two days of Maryland  
17 seafood going out. This really didn't cost us anything. They  
18 give us the tent. They give us the space for free. They give  
19 us the chairs, tables, cooking, all that stuff for free. It  
20 is a draw for the festival. And we got all the seafood  
21 donated. So it just cost us staff time to do this.

22 (Slide)

23 One of the things -- we are trying to go nationwide.  
24 This is a conference I did out there in San Francisco a couple  
25 weeks ago. The conference asked me to come out there and

1 | speak about Maryland seafood programs we are doing. What  
2 | exactly we are doing here in the bay. So they paid for me to  
3 | come out there and talk at this conference.

4 |           In the audience there was 1,900 people from all  
5 | around the world who are interested in seafood. And then also  
6 | this was live telecast to 26 colleges so talking about True  
7 | Blue, talking about the oyster program that we have going on  
8 | here, talking about getting the chefs out on the water, and  
9 | using storytelling as a way to really sell a brand and create  
10 | a brand.

11 |           (Slide)

12 |           These are just a few highlights. This is a lot of  
13 | the other stuff we have been doing. We have been going  
14 | nonstop. There are a lot things going on this year. Really  
15 | just trying to push it. I don't know if any of you follow our  
16 | Facebook page but we have Jay Fleming on board with us who has  
17 | been doing some amazing photography.

18 |           He actually just put up a picture that I wish I  
19 | could have put here. It was a split screen of 1970 hand  
20 | tonging on the Choptank versus October 1 of this year, hand  
21 | tonging on the Choptank. And it was really amazing. Other  
22 | than the graininess of the photo you really couldn't tell the  
23 | difference. The boats looked the same. The guys looked the  
24 | same. Maybe a little older but it was a great shot. And we  
25 | are getting a lot of traction with the public with this page.

1                   It is amazing how much people are really following  
2 the page. Every time we put a picture up we have between 12  
3 and 14,000 people looking at it now.

4                   (Slide)

5                   We are getting ready to get geared up again for  
6 Boston. I know I showed you guys last year we had a booth  
7 designed now. That is our booth right in the middle there.  
8 We have six companies again. The Seafood Marketing Advisory  
9 Commission again raised, voted to raise the fees on the  
10 companies that are participating so we will recoup even more  
11 on the costs that we incurred going to the show.

12                   I think this year it cost about \$18, \$19,000 to do  
13 this show. We are going to recoup \$12,000 of it. It is a  
14 pretty good investment, I think, with having the companies  
15 recoup the money.

16                   (Slide)

17                   Just showing you a little bit about Facebook here.  
18 You know, this is just kind of showing you a little bit about  
19 behind the scenes stuff. You know, there are 2526 people who  
20 like it. And you know, we are a reaching \$32,000 people a  
21 week.

22                   Again, completely free. Getting imagery out there  
23 and letting them know when the seasons are starting. They  
24 should be out there eating oysters. Having contests to put in  
25 your oyster recipe. Getting people thinking about different



1 and getting the people to support the restaurants that are  
2 supporting Maryland crabbers right now.

3 I think that was the best way we could go about it  
4 this year. Just working on little things. There is an  
5 app -- and I know most of you don't do this -- called  
6 Foursquare where you can check into different places. If you  
7 check in here right now, it will tell you the four restaurants  
8 that are located right around here that are in the True Blue  
9 Program.

10 So things like that. Little things like that that  
11 we are doing would -- again, don't cost us anything but keep  
12 getting the word out about where people can go and where they  
13 can experience Maryland crab meat.

14 MR. SEILING: Well, I only bring this up because it  
15 has been especially important this year because, as you just  
16 mentioned, the scarcity of crabs. Crabs have been very  
17 expensive, and it has been very expensive to process crab  
18 meat. And so the processors have to get a really good price  
19 for it when they sell it or they can't afford to buy a \$40  
20 bushel of crabs to pick.

21 So the True Program is really critical, you know, to  
22 keep that price up for the processors so they can afford to  
23 keep on buy crabs to process. So I understand what your  
24 perspective is about not wanting to push it too hard but I  
25 don't think you should back off too much on that.

1           MR. VILNIT: We certainly haven't backed off to the  
2 point where we are letting this thing die. That is definitely  
3 not our intention. We have a lot of restaurants on board  
4 right now, and retailers and hospitals and schools. A little  
5 bit of everything. We have 178 people participating in the  
6 program right now.

7           What we are looking to do is get the public's  
8 support more behind it so that the restaurants and the schools  
9 and the hospitals and all the guys who are participating in  
10 the program actually see a benefit of -- hey, I am buying \$26  
11 a pound crab meat but people are coming to my restaurant to  
12 support this program. So we are trying to get the public  
13 behind it a little more this year.

14           Hopefully we will have a fantastic crab year next  
15 year, and we have plenty of crabs around and there is so much  
16 crab meat we don't know what to do with. And then we can gear  
17 it up and get 500 restaurants on board. That would be the  
18 best thing to do.

19           But this year I just didn't really want to push it.  
20 Nobody wants to buy \$45 a pound crab meat. It doesn't matter  
21 how dedicated to the cause you are. So it is a fine balance  
22 between keeping the prices high and pushing them so high that  
23 nobody buys the product.

24           So like I said we backed off on recruitment this  
25 year, but we are still pushing the program.

1 MR. RICE: Thank you. Moving right along, Richard,  
2 can you update us on the activities of the Blue Crab Design  
3 Team, please?

4 ***Industry Lead Blue Crab Design Team Activity Report***  
5 ***by Commissioner Richard Young, Blue Crab Industry Design Team Member***

6 MR. YOUNG: Okay. Those of you who don't know, I am  
7 an at-large member of the design team, and to date the design  
8 teams has had 21 meetings over 2 ½ years, and we have been  
9 focusing on long-term management. DNR and the support team  
10 have been very supportive of our work and we are really trying  
11 to come up with a better way for the crabbers in Maryland to  
12 do their job basically.

13 And one of the first things that we decided to focus  
14 on was accountability, and we came up with this pilot project  
15 for electronic harvest reporting, which provides accurate,  
16 timely and verifiable harvest data to the department on a  
17 daily basis.

18 The goal of the pilot project is not to track boats.  
19 It is not to know where people are crabbing. Not to go to  
20 catch shares and not to use history against us. The goal is  
21 to provide timely data so that the department is better able  
22 to manage the fishery in a timely fashion.

23 The current system allows for no flexibility in the  
24 season. Come the end of the year, if we haven't harvested the  
25 amount of females that we are allowed to harvest, the



1 department can't extend the season because they don't know  
2 whether we have or not. If this program is put into place,  
3 they are going to know every day where we stand as far as the  
4 harvest of the crabs goes.

5           And every day they will be able to say, hey, we can  
6 give them two more weeks or the other way around, they have  
7 overharvested. It is possible they might say we have to cut  
8 it back a day or two. You know, it is just a good thing for  
9 the fishery. It is a good thing for the crabs. It is a good  
10 thing for the department. It is a good thing for the  
11 fishermen.

12           We are in our second year of that pilot project.  
13 Participation went from 49 fishermen last year to 131 this  
14 year were trained for the program. Over 4,500 reports have  
15 been filed electronically. We choose to use either a Website,  
16 texting or a call center. It is our choice.

17           This year -- and one of the reasons or ways to  
18 improve the fishery is to, if we can provide good data to the  
19 department, the department can be flexible with some  
20 regulations. And we tried that this year.

21           People who participated in the pilot project were  
22 able to choose their day off. They didn't have to have a  
23 Sunday or Monday. They could have a Wednesday. They could  
24 have a Saturday. They got a bad weather day, they can take  
25 that as their day off this, you know, this week. You still

1 have got to take a day off but you can pick your day if you  
2 are in this pilot project.

3 Over half of the participants this year have taken  
4 advantage of the flexible day off. The pilot project, in my  
5 opinion and I think the opinion of everybody that has  
6 participated in it, is the electronic harvest reporting is a  
7 good thing. It works well. The system is working well. If  
8 there were problems with it, they were brought to the  
9 attention of the developers, the software developers, and  
10 changes were made.

11 The system was tweaked, and things are looking good.  
12 That is all I have.

13 *Questions and Answers*

14 MR. RICE: Thank you, Richard. Anybody have any  
15 questions for Richard? Rachel?

16 MS. DEAN: Richard, has there been any talk about  
17 how it is going to move toward next year? I had heard that  
18 possibly it would like a regional expansion where they try to  
19 get more people. 131 -- is there talk about how it might  
20 expand?

21 MR. YOUNG: The Pilot Project Advisory Committee,  
22 which is a subgroup of the design team, actually had a meeting  
23 a month ago or so, a month and a half ago, and we are due to  
24 have one really soon. I haven't heard exactly when, but we  
25 started talking about how -- should the design team recommend

1 that this be put into place fishery-wide, or should the  
2 department say it is going to be put into place fishery-wide.

3 How it would best be initiated, and the decision was  
4 from everybody involved there at the pilot project that it  
5 would be an almost impossible thing to do it completely in one  
6 year because the training is so -- it takes so much to train  
7 people to get involved in it that we couldn't do 5,000 people  
8 in a year.

9 So we have come up with a couple of different ideas  
10 of how we might proceed with doing that. I think we talked  
11 about regionally. We talked about gear type. We talked about  
12 age, and a lot of those things, some people thought, might be  
13 discriminatory.

14 For instance, age. You can't do it by age, of  
15 course. Regional -- say you said, you know, the upper bay is  
16 going to do it this year and the lower bay doesn't have to.  
17 Well, that is kind of discriminatory too. So we thought about  
18 maybe back in the '70s, if anybody was around when they had  
19 gas rationing and there were tremendous lines, they did it  
20 odd/even license tags.

21 Well, maybe the last number of your license number,  
22 odd/even, and odd will do this year and even next year.  
23 Something like that, that would be random. It wouldn't target  
24 any specific group to get trained into this thing. But there  
25 is so much that has to be taken into consideration in the

1 process of how we are going to put this in place and what kind  
2 of -- what is the penalty schedule going to be for not  
3 participating.

4           How are we going to put that into place, and are we  
5 going to give a grace period for people of maybe a year or  
6 something. We talked about that. First year there is just  
7 warnings, no penalties. And then on down the road. There is  
8 a lot to be considered, and we can't make any steps quickly  
9 without considering everything that we can think of.

10           Because if we forget something and then we get bit  
11 in the butt, and then we got to go back and change it, and it  
12 is too late. So, you know, yes, we are working on it but  
13 nothing has been decided yet.

14           MR. RICE: Gibby?

15           MR. DEAN: Just to clarify a fact here, unless  
16 something has changed with the design team, and I commend them  
17 on their work so far but anything that comes out -- and I  
18 guess Tom could answer this -- anything that comes out of the  
19 design team first has to go to the blue crab advisory, and  
20 should it pass there it goes to this commission before it hits  
21 the DNR level. Is that correct?

22           MR. O'CONNELL: That is the way we structured it,  
23 and this is kind of a forward-looking design team. Any  
24 management changes would go through our established process.

25           MR. YOUNG: And nothing, absolutely nothing has been



1 will be meeting. At the last meeting they did approve an  
2 addendum, which will put in place some mesh size requirements  
3 for eel pots, but Maryland already has those in place.

4 They are also going to increase the minimum size of  
5 eels to 9 inches for both commercial and recreational, which  
6 you will hear about. We are going to be scoping that  
7 regulatory change this fall.

8 Also daily trip level reporting for dealers. We  
9 already have that in place for harvesters. The one area that  
10 the board agreed to not address through that addendum, but  
11 they will be bringing it up at this meeting for a new  
12 addendum, is looking at establishing a quota for yellow eels.  
13 And it is going to be -- you know, any time you talk about  
14 quotas it gets pretty contentious. Allocation issues, what  
15 time period do you use.

16 But that discussion is beginning. Russell Dize, who  
17 sits on the board along with Bill Goldsborough and I, he stays  
18 in very close touch with the eelers and has been very helpful  
19 in bringing their input to the table. That will just be a  
20 beginning discussion. There will be a process and we will  
21 keep the commissioners informed of that.

22 Another board that will be meeting is the Atlantic  
23 Menhaden Board. Again the detailed agenda is not out yet but  
24 what we are anticipating is that there is going to be a review  
25 of the state's implementation plans for 2013, see what worked

1 well, what did not work well.

2           A couple things that we are expecting is that there  
3 is going to be a very close review of this by-catch allowance,  
4 which we barely got through this past year, and it was -- a  
5 lot of states noted that, you know, it was something that may  
6 not be agreeable for the second year.

7           The other thing that is drawing a lot of attention,  
8 as Bill, Chairman Rice, mentioned earlier in the meeting is  
9 the, you know, the attention of the emergency regulation going  
10 to the ALR committee. There are a lot of news clippings.

11           The Atlantic States Marine Fisheries Commission  
12 picked up on those news clippings. They were sent out as  
13 routine news clippings do for ASMFC to a lot of the states,  
14 and it has raised a lot of focused attention to this by-catch  
15 allowance, which is not to our advantage going into this  
16 meeting so Lynn will be representing Maryland on that, and we  
17 will keep you informed on how that goes.

18           Probably the biggest meeting that is going to happen  
19 is the Striped Bass Management Board Meeting. For the last  
20 year there has been a benchmark stock assessment on striped  
21 bass. The last one was in 2010. They do it every two years.  
22 They look at, you know, new research, new data. They may  
23 modify models. That is what they just completed.

24           A summary report is out. Mike Luisi is going to be  
25 presenting that following my agenda item. The board is going

1 to be meeting to review that stock assessment and determine if  
2 action is needed. As you will see from the stock assessment,  
3 while overfishing is not occurring and the stock is not  
4 overfished, projections do not paint a rosy picture for  
5 striped bass.

6           Projections have been decreasing for about a decade.  
7 They are continuing to decrease, and the scientists are  
8 suggesting that if action is not taken to reduce harvest very  
9 soon, meaning 2014, it is going to be a high risk, high  
10 probability of the stock -- of overfishing occurring and  
11 potentially the stock being overfished.

12           So the issues that the board is going to have to  
13 face is how to react to that and under what timeframe. An  
14 addendum will have to be developed. You know, if the board  
15 agrees to initiate that addendum at the October meeting, a lot  
16 of detail is going to have to be provided to the ASMFC staff.  
17 There will likely need to be a subgroup that reviews the final  
18 changes before it goes out for public comment.

19           The public comment period would be between  
20 Thanksgiving and Christmas, which is a very difficult time for  
21 people to come out and provide input. It would come back to  
22 the board in February, and if approved, the states would have  
23 a few months to implement regulations.

24           The summary of that is the most aggressive approach  
25 would not put measures in place until mid-2014. There is a



1 lot of discussion as to whether or not there is the urgency to  
2 act that quickly or to take the time necessary to provide the  
3 guidance to the staff, have them put together an addendum,  
4 bring it back to the board at their February meeting, and then  
5 go out for public comment in the late winter/spring.

6 That would provide more opportunity for people to  
7 take the time that is needed on this important management  
8 issue and bring it back to the board in the summer with an  
9 action that would begin probably January 2015. The scientists  
10 have cautioned that if you don't take action in '14, you may  
11 have to take a greater level of reductions of '15.

12 So that is kind of going to be the discussion at the  
13 Striped Bass Management Board, and I am sure there will be  
14 pressure points on all sides. And, you know, if the  
15 commission does decide to recommend a reduction, they have  
16 traditionally left it to the states to determine how to reduce  
17 that, how to make that reduction.

18 And that is when the states come back and discuss  
19 with the stakeholders as to if they had to take a reduction,  
20 where would be the least impact. I anticipate there will be  
21 some stakeholders who will be pushing for an allocation  
22 change, and you will be hearing about that when we get to the  
23 FMP review. We don't support that at this time, but there are  
24 going to be a lot of pressure points on this so we will do our  
25 best to keep you closely informed.

1                   And with that, those are the three major topics.  
2 And if you guys have any questions or input that you would  
3 like to provide myself -- Bill is here as well, who will be  
4 sitting at the board with me, and Lynn. And Mike sits on  
5 summer flounder/sea bass as well. Any questions?

6   *Questions and Answers*

7                   MR. RICE: Richard?

8                   MR. YOUNG: Tom -- or Lynn, maybe you can answer the  
9 question. Or Bill, I don't know. The season closed on the  
10 Menhaden, I am going back to that, it was June 17th or  
11 somewhere around in there, the 28th of June. Without that  
12 bycatch, there wouldn't have been Menhaden available for  
13 crabbers now. Did Virginia close theirs also? Did they reach  
14 their cap and close?

15                   MS. FEGLEY: (Away from microphone) I am actually  
16 not sure where they are. I believe they did. I know Potomac  
17 River closed after we did. I am just not sure where Virginia  
18 is.

19                   MR. YOUNG: Where would the responsibility lie if  
20 they took that bycatch away and put the crabbers out of  
21 business?

22                   MR. O'CONNELL: Those are the socioeconomic  
23 discussions that the board needs to have as to, you know, what  
24 are the implications of taking certain actions? You know, the  
25 one position that we hope to be in next year that we weren't

1 | this year is we will have more time of reporting. And, you  
2 | know, we may find ourselves with that we get a lot of fish we  
3 | need to continue later in the season. Perhaps you have quota  
4 | set-asides, lower catch limits.

5 |           But, you know, the commission will -- the commission  
6 | has and will continue to hear about those types of  
7 | socioeconomic impacts, and we will take those into  
8 | consideration as they work to achieve the reductions that they  
9 | believe are necessary for Menhaden. It is a difficult one,  
10 | and it is not just crab bait. It is other bait issues along  
11 | the coast.

12 |           MR. YOUNG: Sure, yes.

13 |           MR. RICE: Bill?

14 |           MR. GOLDSBOROUGH: I would like to chime in on that.  
15 | Of course, the big player in Menhaden on the whole coast is  
16 | the reduction industry out of Reedville, and they take 80  
17 | percent of the total catch as you all know. And the other 20  
18 | percent is bait up and down the coast.

19 |           I could tell you from my perspective there is a lot  
20 | of sensitivity at ASMFC for the importance of that 20 percent  
21 | and the bait industry, which supports a lot of fisheries that  
22 | ASMFC is also partly responsible for and some important ones  
23 | that they are not, like blue crabs, but lobster is another  
24 | example that they do manage.

25 |           And I think -- well, first let me say in view of

1 that 80-20 split, there was direct consideration of an  
2 allocation shift last December when a management plan was  
3 adopted. We had 70-30 on the table and we had 60-40 on the  
4 table, shifting, you know, toward bait in view of that  
5 concern.

6 Now we didn't go with any of those. I think the  
7 sense of the whole deliberation -- and this is all the states  
8 from Maine to Florida and all the different  
9 stakeholders -- was, I think that the whole thing would have  
10 blown up if we would have tried to force a shift in allocation  
11 right then.

12 But what the commission did instead was it said,  
13 okay, we are going to look at this, but we are going to look  
14 at it in a more methodical way and so for over the next couple  
15 years, they are going to convene -- and I forget what the  
16 process is called, but they are going to really look seriously  
17 at that rather than having --

18 The idea, of course, is one entity takes 80 percent  
19 of the catch. They are the biggest fisher on the east coast.  
20 Does that makes sense going forward under, you know, this kind  
21 of a system?

22 But since they decided not to do, not to make any  
23 shift now to kind of protect the bait industry, I think -- and  
24 this is my read of it and I don't think it is far off.

25 I think that is where the support for the by-catch

1 allowance came from, through the idea of being, okay, this is  
2 kind of a, sort of a stopgap, kind of a pressure release  
3 valve, to make sure that we don't run the bait people, the  
4 small-scale guys especially, out of business in the short term  
5 because they are so important for these other fisheries.

6           So I don't see -- and Maryland made the motion, Lynn  
7 made the motion for that by-catch allowance. Everybody should  
8 know that. So I don't see that argument as going away, and I  
9 don't see the support for, you know, being sure we maintain  
10 the bait industry going away either. But it doesn't mean it  
11 is going to be easy. That is the thinking as I saw it.

12           MR. O'CONNELL: Lynn would like to just comment. As  
13 I mentioned, Lynn is our representative and focuses on this  
14 issue.

15           MS. FEGLEY: (Away from microphone) I just wanted  
16 to clarify too that I think, one, specifically one of the  
17 things that we did in our implementation plan was allow for  
18 this double allowance on a vessel. So if you had two by-catch  
19 permits on board, you could bring in 12,000 pounds. That was,  
20 that became outrageously contentious.

21           And there was a motion specifically put on the table  
22 by the New England states that, that will not persist into  
23 2014 -- that double allotment, that 12,000 pounds -- will not  
24 persist unless the board as a whole -- and I can't remember,  
25 Bill, I think what they said was it will not persist unless

1 | the board initiates specific management action to allow for  
2 | that 12,000 pounds. Does that sound about right?

3 |           And I think what that means is unless the board puts  
4 | forward an addendum, which is a really big deal, we are going  
5 | to go back to a single, 6,000-pound allotment. So I just want  
6 | everybody to be aware that next year, we are going to be  
7 | looking at 6,000. We are not going to have the 12,000.

8 |           And then of course the by-catch allowance as a  
9 | whole, is going to be under review this time around. So this  
10 | is kind of an important thing for everybody in the industry to  
11 | know.

12 |           MR. RICE: Bill?

13 |           MR. SEILING: I want to talk about what Richard just  
14 | said. This is anecdotal so you can take it for what it is  
15 | worth, but I talk to a lot of fishermen on a weekly basis  
16 | going around the state -- and crabbers of course -- and if we  
17 | hadn't had such a horrible year this year, and a lot of  
18 | crabbers really didn't crab as hard as they usually do, we  
19 | would have run out of bait this year.

20 |           There would not have been enough Menhaden to have  
21 | met the normal demand under whatever the bycatch allowance was  
22 | this year. If you reduce it by half next year, you are going  
23 | to have economic chaos in this industry. I mean, I don't know  
24 | what the answer is -- I mean, I do know what the answer is but  
25 | I don't know how you are going to get there.

1           I mean, it is ridiculous. If one company in  
2 Virginia gets 80 percent -- and I just read in the paper they  
3 are building two brand-new boats. They just took two oil  
4 service vessels out of the gulf, spent I don't know how many  
5 millions of dollars converting them into new pursaners.

6           I mean, they are gearing up. They are not slowing  
7 down. You know, it just is insanity as far as I can tell.

8           MR. RICE: Yes, I picked up on the too, Bill. They  
9 were talking about they were going to retire vessels. Instead  
10 they launched two more.

11           MR. SEILING: Yes. Now they are going to be twice  
12 as efficient. Big glowing article about how they are going to  
13 be so much more efficient. Which is obviously what a company  
14 is doing but there has obviously got to be some kind of change  
15 in this system. I mean, this is just totally an inequality,  
16 and it is going to destroy our industry.

17           I mean, Lord knows our crabbers have enough  
18 competitive problems as it is right now without not having any  
19 bait.

20           MR. RICE: I think it should be known that Tom,  
21 Bill, Lynn, their whole staff, Jack --- , and now Marty Gary  
22 from DRC, they are kind of like just this one little team that  
23 is going up against a whole lot of other players, and they do  
24 a heck of a job. And it is -- regardless of what you might  
25 think, they really look out for our interests because this is

1 | where it is at. You look out for your people.

2 |           And if you have never been to an ASMFC meeting you  
3 | really need to go, because I have. And it will really open  
4 | your eyes, because a lot of those other folks --

5 |           I mean, Tom cares when he drives home at night, that  
6 | he likes to see people wave to him because they are not mad at  
7 | him. But the people up and down the coast, they don't meet us  
8 | on the way home, and a lot of them don't really care whether  
9 | we like them or not, and they don't really want us to catch a  
10 | whole lot of what they consider their fish.

11 |           MR. SEILING: Can I ask Bill a question?

12 |           MR. RICE: Absolutely.

13 |           MR. SEILING: Bill, you said there were alternative  
14 | plans like 70-30 and 40-60 and so forth. But that, you know,  
15 | nothing was done. I forget the word you used. Nobody wanted  
16 | to blow anything up or something -- I forget your phraseology.  
17 | Why was that so? How does this one company keep a lock on 80  
18 | percent of the fishery?

19 |           MR. GOLDSBOROUGH: Well, I think you can take a  
20 | lesson from what Billy just said and all you have got to do is  
21 | go to some of those meetings and see the kind of investment in  
22 | that process that Omega puts. They got lawyers, consultant  
23 | scientists at every meeting, and they always -- well, I mean,  
24 | I want to be careful what I say, you know, because you never  
25 | know what it could lead to.



1           But I think the possibility of litigation is always  
2 in the air, let's just say that. But the fact of the matter  
3 is, a major shift in allocation isn't something you take  
4 lightly anyway. And a commission like that isn't going to do  
5 that on a whim, and so there is a pretty good chance we would  
6 have arrived at the same conclusion anyway, that they are  
7 going to be more methodical about analyzing all the options  
8 before they take a step like that.

9           That is where it is. I think one of the things we  
10 can do and should do is push them on that. Make sure that  
11 they do follow through with that methodical process to  
12 re-examine allocation, and I think they were going to do that.

13           MR. RICE: Gibby?

14           MR. DEAN: Correct me if I am wrong, but unless  
15 something has changed, I believe that the Menhaden is the only  
16 species regulated by the Virginia General Assembly. Is that  
17 correct? So therefore we are facing a much larger problem,  
18 being politics, than what we are here in the state of  
19 Maryland.

20           I have even heard some groups even recently  
21 threaten -- individuals, groups, organizations, whatever --  
22 threaten to have bills sponsored this year to take maybe some  
23 of the powers from the DNR away and turn it over to the  
24 legislature on regulating our fisheries.

25           I can tell you right now from my personal

1 | experience, if our general assembly had the power of  
2 | regulating Menhaden, there wouldn't be a bait fishery. That  
3 | is how many people are opposed to, you know, us using pound  
4 | nets, gill nets, or whatever else. So my recommendation to  
5 | those people is leave it to the people who know how to do it,  
6 | and that is the DNR.

7 |           And, you know, that is what you are facing. Bill  
8 | mentioned it, at the ASMFC meetings, how well these people are  
9 | funded, how they are backed, the attorneys involved and  
10 | everything else. It is a tough road.

11 |           MR. RICE: I have a question for Tom. Do you feel  
12 | comfortable with your catch reports that you are getting and  
13 | that you have the good information to take to ASMFC with you,  
14 | you know, that you are receiving from the industry on  
15 | Menhaden? Or has it been a reluctance to report?

16 |           MR. O'CONNELL: I may ask Lynn or Mike if they want  
17 | to add anything, but it is really difficult to tell. It is  
18 | something that we are going to be looking at more closely as  
19 | we get all the landings information but any time you go to a  
20 | quota-based system, there is an incentive for underreporting  
21 | to allow your fishery to go longer.

22 |           And, you know, I have heard more than once that  
23 | underreporting is occurring. You know, that is bothersome to  
24 | me. It is probably in all our fisheries. But it is something  
25 | that we have to keep in mind as we set our management strategy

1 and look for opportunities to achieve a higher level of  
2 accountability with harvesters.

3 I don't know if Lynn or Mike -- you guys know any  
4 more details at this point on our confidence with the harvest  
5 data?

6 MS. FEGLEY: You know, it is hard to say. We do  
7 know for a fact that we have some folks who are not complying  
8 with the electronic reporting platforms, and you know,  
9 whatever those reasons are, it does appear that they are  
10 coming in on paper, which is fine.

11 We are getting them late but even with just, as a  
12 note, I would say that the purpose for that more rapid  
13 electronic reporting is not only to comply with ASMFC but it  
14 is also, you know, it is our hope that beginning in 2014, we  
15 will have pound netters, who catch the bulk our Menhaden,  
16 reporting electronically, the same way they are this year,  
17 beginning much earlier in the season. And once that happens,  
18 it will allow us to manage that fishery.

19 We had to close the fishery on June 28 this year  
20 because we had no clue what happened in the fishery before we  
21 could get the watermen to start reporting quickly. So if we  
22 could get to a place where they are reporting more rapidly,  
23 what that will likely offer is an extended season of a  
24 nonlimited fishery.

25 So I would just encourage you -- and if you have any

1 | questions, call me because it is a little bit confusing, but  
2 | what that reporting is going to allow us to do is manage that  
3 | closure date. If we don't have the information, we have to be  
4 | super conservative and close.

5 |           Because if we find out two months later from the  
6 | paper reports that we went over that quota, then we have to  
7 | pay it back. ASMFC is going to take it away from us the next  
8 | year, so we want to really make sure we don't exceed the  
9 | quota. That is paramount because we don't want to get into a  
10 | situation where we have a quota payback, which means our whole  
11 | state pie gets smaller and they lower or take away our  
12 | bycatch.

13 |           So that information is just really important to us.  
14 | And we know that there are some guys who are reticent. They  
15 | are not really wanting to do it but we are hoping we can kind  
16 | of work through that. It is new and change is hard.

17 |           MR. RICE: So thanks. That answered my question,  
18 | and the reason I asked it was that if having sound data is one  
19 | of the bullets that you need to have in order to keep this  
20 | bycatch allowance going, and if they can find a way to shoot a  
21 | hole in your harvest data, then, you know, that is just one  
22 | way to take that advantage away from you.

23 |           I think the industry needs to know how important it  
24 | is. If you report correct information today, it leads to  
25 | correct information tomorrow so to speak. So if you say, I

1 | didn't catch any fish, and then you go to a harvest quota down  
2 | the road and you say, well, how can I make a living? Well,  
3 | obviously you were making a living when you weren't catching  
4 | anything so you are still not going to catch anything.

5 |           So I guess what I am saying is your quota is going  
6 | to be set on what you historically did 99 percent of the time.  
7 | So it is of the utmost importance to report what you catch and  
8 | be honest about it. That way you won't get hit in the end.

9 |           MS. FEGLEY: And may I add to that? Just to carry  
10 | that thought forward, Bill was talking about this discussion  
11 | of allocating the, you know, the coastwide catch between the  
12 | reduction and the bait sectors and, you know, I have had  
13 | watermen tell me, well, we are just not going to report, you  
14 | know, to keep that catch low so we can keep fishing.

15 |           But remember that in those allocation discussions,  
16 | you know, if everybody starts underreporting in order to be  
17 | able to keep fishing, then when we start talking about  
18 | allocating how much fish you get --

19 |           (Whereupon Tape 1 ends and Tape 2 begins)

20 |           MS. FEGLEY: So, you know, it is real -- you know,  
21 | the truth is always better even though it might --

22 |           MR. BROWN: With my position I am in now, I don't  
23 | have the time to do it. Plus with my aquaculture I have got  
24 | going. I have just cut back. I have got two --- nets in  
25 | Maryland. I have got one off Cobb Island.

1           I have not caught a dip net full of Menhaden the  
2 entire year. But I have had rockfish from that size. I had  
3 some that were big enough but most of them -- I mean, the  
4 other day I probably turned loose 3,000 pounds of them that  
5 were that size right there. And when you get rockfish like  
6 that, you are not going to catch any Menhaden. I mean, if  
7 they run in the net, they get eaten up.

8           The one off Brittons Bay, I set out --- . I set it  
9 just for rockfish. I am not setting it for Menhaden. Haven't  
10 done anything into that this year. Had some from rockfish,  
11 very few croakers. It has been a poor fishing season in both  
12 of those areas. When I sit down below Brittons Bay, I caught  
13 some Menhaden early this year, not normally like I generally  
14 catch because I usually have two nets out there. I didn't  
15 have but one.

16           And the water quality down there has gotten so bad.  
17 It has got a sewage treatment plant in Britton Bay. I am not  
18 even going to sit down in that --- . It used the be the best  
19 place I used to have to fish. You go down there, they got  
20 crabs all dead into the pots. You go there, you got a few  
21 dead fish or no fish at all. I mean, it has just been bad.

22           I just went and set my nets to catch rockfish in the  
23 Potomac --- . I am setting one on Sheep's Head, which is just  
24 north of St. Clement's Island. I set it the other day, I went  
25 back -- I set it Saturday, I went back and fished it Sunday

1 morning, I had about 40 bushel of bait. Didn't have but  
2 cormorants, I might have had about 35 to 40 cormorants on it.

3 I went back and fished it Monday morning. I set it  
4 Friday, fished it Saturday, went back to it Monday knowing we  
5 would have some bait because it was just as much bait as you  
6 would want to see. Where I am at, I am right on a channel  
7 like this. The nets are in 24 feet of water, then it drops  
8 down to 40.

9 It was just as much bait there the other day out in  
10 the river, down the hill, as you would want to see. I went to  
11 the net Monday morning, if I didn't have, I would say, 8 or  
12 900 cormorants there, it was not any there. In there pocket  
13 where you fish it up, it must have been 100 into the end of  
14 it.

15 And you could see them just spitting the --- out  
16 because if the tide is low you can't -- he will start flying  
17 and try to crawl up on his toes to get out there and he can't  
18 do it. And they would just spit them out so they could get  
19 out the net.

20 And we fished the net, I probably had -- of course,  
21 in the Potomac it is just completely different, and I was just  
22 fishing for big fish and I didn't save anything unless it was  
23 like six pounds. I had like seven or eight fish. That was  
24 what I had. But anything under that, if I wanted to save  
25 18-inch fish, I probably had 8 to 900 pounds of those, and

1 probably 2, to 3,000 pounds of stuff like that.

2 I mean, I am putting down what I got but I am  
3 fishing less net, and when you get a --- of rockfish like  
4 that, you are not going to have the Menhaden.

5 MR. RICE: Thank you. Mike, can you bring us up to  
6 date on the benchmark stock assessment, please.

7 ***ASMFC Striped Bass Benchmark Stock Assessment and Management***

8 ***by Mike Luisi, MD DNR Fisheries Service***

9 MR. LUISI: Tom already did a pretty nice job of  
10 giving you guys the update on where we are with striped bass.  
11 The recent assessment he has already summarized for you, kind  
12 of the outlook for the upcoming years ahead.

13 What I thought I would do was kind of give you guys  
14 the visual, show you kind of on graphs and just a few simple  
15 graphs on kind of the outlook of what we are looking for and  
16 what is the striped bass assessment.

17 But before I do, I just want to clarify one thing.  
18 It was brought to our attention this week -- a summary of the  
19 assessment was sent to all of you as part of your briefing  
20 packets. And on page 2 we talked in that briefing packet  
21 about the catches for the commercial and recreational catches.  
22 What I just wanted to point out was the graph at the top of  
23 that page is in numbers of fish, which corresponds to the  
24 table at the bottom of the page.

25 However, all of the text within that one page is all



1 referring to pounds, so it is a little confusing if you are  
2 reading the text and you are looking at the graph and you are  
3 not looking at the table. And that is just an oversight on my  
4 part. I just wanted to draw everybody's attention to that  
5 just to clarify. If you have any other questions about the  
6 report that was sent to you, please let me know.

7 (Slide)

8 What I am going to do is even further summarize the  
9 report that was sent and focus on just a few main topics. One  
10 of them being fishing mortality. We are going to look at ,  
11 you know, where the current assessment puts our fishing  
12 mortality along the coast.

13 We are going to talk about female spawning stock  
14 biomass. Spawning stock biomass, as you guys know, are the  
15 large adult fish as part of coastal migratory stock. We are  
16 going to talk briefly about the outlook, the five-year  
17 outlook.

18 What are the projections saying? What is the  
19 assessment telling us we could expect if we continue fishing  
20 at the current rate, whether or not fishing mortality is going  
21 to exceed the threshold or the spawning stock biomass is going  
22 to exceed the threshold as it continues to decline.

23 And then at the end of the presentation, I am just  
24 going to touch briefly on what you may expect for the 2014  
25 commercial fishery in the Chesapeake Bay quota. We are

1 currently still working with our partners to establish that  
2 quota, but I just want to give you an outlook on what can  
3 expect for that. Next slide.

4 (Slide)

5 Okay, the status of the stock. The next two slides  
6 are going to be referencing what we refer to as overfishing  
7 and being overfished. The first point that we are going to  
8 talk about deals with fishing mortality. The current estimate  
9 of fishing mortality is .188, and that is the point here at  
10 the end of the line, at the end of the graph for 2012.

11 And what you can, based on that estimate, is that we  
12 are falling right in between the updated threshold and the  
13 updated target. Now I think Tom mentioned briefly a second  
14 ago that as part of this assessment, the reference points that  
15 we refer to, the targets and the thresholds, they have changed  
16 due to a change in the analysis that was completed as part of  
17 this assessment.

18 In the past, the threshold and the targets were set.  
19 They were fixed. They were a fixed target and a fixed  
20 threshold. And they didn't, they weren't fixed in relation to  
21 the spawning stock. What this current assessment does, and  
22 what you will see on the next slide too, is that the target  
23 and the thresholds are now linked to the actual spawning stock  
24 biomass.

25 So you can kind of disregard the green and the

1 dotted line here and focus more on the solid, on the more  
2 heavy dotted line and the red line. The red line here is the  
3 fishing mortality target. That is where we want to be. And  
4 it has been linked now to the spawning stock.

5           So what this is telling us is that if we were able to  
6 reduce our fishing mortality to the target, that fishing  
7 mortality rate gives us a better chance of obtaining the  
8 target for where we want to be with the spawning stock.

9           So the reduction in fishing mortality equals -- you  
10 know, it is predicted that it would increase the spawning  
11 stock to get back to the target. You can see here that we are  
12 in between the threshold. We don't want to get above this  
13 dotted line. That would mean we would be overfishing. So  
14 Noreen, if you can hit the slide.

15           MR. BROWN: Excuse me for a second before you change  
16 this slide. So you are saying that our old threshold or  
17 target used to be the dotted line up there? What was the  
18 dotted line?

19           MR. LUISI: This one up here, that was the  
20 current -- we are talking about an updated assessment, and it  
21 hasn't been finalized yet. It will be discussed and  
22 potentially finalized at the board meeting at the end of  
23 October.

24           But that was the current -- that is the current  
25 threshold for fishing mortality. I think it was .34, is what

1 that threshold was.

2 MR. BROWN: And if you accept this, then it will be  
3 lowered.

4 MR. LUISI: It is lowered, but all of the fishing  
5 mortality points, as I believe, have been lowered as well. So  
6 they are more in relation to -- these fishing mortality points  
7 have all been dropped, along with, when the thresholds and  
8 targets were changed, the recalculated fishing mortality rates  
9 dropped with it.

10 So what I wanted to point out here was that we are  
11 no longer -- we will not be using, if the board approves the  
12 assessment, the old numbers that you guys have seen for years  
13 and years and years. And that these new numbers, these new  
14 biological reference points will be what the --- will be over  
15 the next few years as assessments.

16 MR. BROWN: Okay, and you are going to use this on  
17 the stock --

18 MR. LUISI: The spawning stock. That is the next  
19 thing here.

20 MR. BROWN: Well, I got one more question and I will  
21 let you get on. What has happened to our Young of the Year  
22 Index?

23 MR. LUISI: I am going to get to that.

24 MR. BROWN: Okay.

25 MR. LUISI: Next slide, please.

1 MR. YOUNG: Can I ask a question on that one first?

2 MR. LUISI: Sure.

3 MR. YOUNG: Can we go back? Yes. Okay, you said  
4 that the top two lines, the finely dotted line and the solid  
5 green line, are the old. That is the current.

6 MR. LUISI: That is correct. It will be old --

7 MR. YOUNG: And then we updated it. And you show  
8 the updated one there. We don't have that on any of our  
9 sheets, I don't think.

10 MR. LUISI: No, you don't.

11 MR. YOUNG: Okay, but you said those biological  
12 points have changed also because of the newer thresholds and  
13 targets.

14 MR. LUISI: They were scaled down with the change.

15 MR. YOUNG: But does that reflect the scaled-down  
16 points or does that reflect the original points, the current  
17 point?

18 MR. LUISI: The points reflect the scaled-down  
19 points.

20 MR. YOUNG: They do? So there in 2006 -- from 2004  
21 basically to 2009, we did overfish.

22 MR. LUISI: That is correct based on the new points.

23 MR. YOUNG: And is this a Maryland thing or is this  
24 coastwide?

25 MR. LUISI: This is coastwide. We are not talking

1 | about our resident population in the bay right now. We are  
2 | talking about the entire coastwide population from, you know,  
3 | New England to North Carolina.

4 |           MR. YOUNG: Yes, okay, because you can't manage the  
5 | striped bass in just our area.

6 |           MR. LUISI: Well, and we do, and we are going to get  
7 | to that when we talk about the Chesapeake Bay limits and  
8 | juvenile index. We are going to get to that in a minute. But  
9 | this is, you know, this is the assessment of the population  
10 | along the Atlantic coast. We are talking about the adult fish  
11 | here.

12 |           MR. YOUNG: I am just concerned that, you know, we  
13 | didn't -- we weren't overfishing at all, period. So they  
14 | lower the threshold so that now we were overfishing. Is this  
15 | actually science or is this actually just trying to make the  
16 | fishery look like it is overfished so that we manage it even  
17 | more stringently.

18 |           MR. LUISI: No, there is no intention to make it  
19 | look overfished. Like I said, the old points, they were just  
20 | fixed points along the graph, if you want to think of it that  
21 | way. These new points, these new biological reference points  
22 | and the new assessment, they are -- for the first time have  
23 | been linked to try to obtain something.

24 |           So by achieving the target, the model indicates that  
25 | by achieving the target, you would be increasing your spawning

1 stock biomass because the target -- that would be this red  
2 line here -- actually is linked to obtaining the target  
3 spawning stock biomass.

4           Before it was just a fixed line. You know, in my  
5 opinion, I think that the fact that these new updated  
6 biological reference points are linked to achieve something is  
7 the next step. I think it is a good thing because they would  
8 also, during the next assessment, they may fluctuate again  
9 based on where the spawning stock is at that time.

10           MR. YOUNG: It sounds to me like we will never reach  
11 our target because if we are below the target and the target  
12 and the points move together, then if we come up, the target  
13 goes up. So we are constantly trying to reach the target. Or  
14 am I misunderstanding this thing?

15           MR. GOLDSBOROUGH: I was just going to say, it might  
16 make more sense when you get to the spawning stock biomass  
17 graph.

18           MR. LUISI: Yes, we could try to move on and see,  
19 try to get back to --

20           MR. YOUNG: That is fine because this is probably a  
21 little over my head anyway.

22           MR. BROWN: Lowering from .213 to .188, doesn't that  
23 lower the amount of fish we are allowed to catch?

24           MR. LUISI: Well, what that is saying is that we  
25 have not overfished the population based on the assessment in

1 2012. However, we just barely overfished in 2011. We were  
2 under in 2010 and 2009 based on the landings as compared to  
3 the spawning stock biomass.

4 MR. BROWN: Yes, but what I am saying is by lowering  
5 the -- putting that green solid line down there, moving it  
6 down, does that lower the amount of fish we are allowed to  
7 catch?

8 MR. O'CONNELL: As you are going to see, the  
9 spawning stock biomass numbers were all shifted upwards, so  
10 while it is a lower percentage, it is lower percentage of a  
11 higher number. Back to Richard's point, these stock  
12 assessments are done by a combination of state and federal  
13 scientists.

14 Once the stock assessment is done, it goes to a  
15 group called the Center for Independent Experts, and that is  
16 not either state nor federal. The Center for Independent  
17 Experts that selects candidates to review these stock  
18 assessments, and this peer-review group did assess this report  
19 and recommended its approval.

20 So, you know, when your numbers change, you know, it  
21 is like is someone trying to change the picture for whatever  
22 reason? That is why this Center for Independent Experts is  
23 involved, and they did review the assessment.

24 MR. LUISI: Okay, now moving on to the spawning  
25 stock biomass, these are again the adult females in the



1 coastal stock. Relative to the biological reference points,  
2 the updated version of those reference points, you will see in  
3 a second how we also had to shift from the current to the  
4 updated reference points in the spawning stock comparison.

5 But the spawning stock is estimated to be at  
6 approximately 61 ½ metric tons, 61 ½ thousand metric tons,  
7 between the target --- and the threshold of 57,000 metric  
8 tons.

9 So again we are in between the target and the  
10 threshold of 57,000 metric tons. So again, we are between the  
11 target and the threshold. Next slide -- which indicates that  
12 as of 2012 that the stock is not overfished. So based on this  
13 assessment as Tom mentioned before, we are not overfishing and  
14 the stock is not overfished because we are in between those  
15 two points.

16 (Slide)

17 What you are going to see on the next graph again is  
18 that the spawning stock biomass has been increasing due to new  
19 data that were entered into the model, which was indicating  
20 that natural mortality is higher on the younger fish than it  
21 is on the older fish.

22 If natural mortality is considered to be equal  
23 across the board, as it may have been estimated in previous  
24 assessments, this one has changed the dynamic of natural  
25 mortality of young fish, and with less young fish -- if there

1 are young fish that aren't in the population anymore and you  
2 have the same landings that you had, there had to have been  
3 more larger adult fish in the stock in order to equal the  
4 total biomass.

5           So we are going to look at all this graphically,  
6 which I think will make a lot more sense to you.

7           (Slide)

8           The dotted line here is the line that you have seen  
9 for years and years as we have talked about spawning stock  
10 biomass along the coast. So that is the old data as it is on  
11 the graph now. If you could hit the button there.

12           The old reference points were established based on  
13 this line, and the way that the reference points in this case  
14 were determined was that the 1995 population, the 1995  
15 estimated spawning stock, female spawning stock population,  
16 was used as the threshold amount. Managers said we never want  
17 to get below that point again. That is as low as we ever want  
18 to get as far as the overall population size.

19           But we would like to achieve something higher. We  
20 would like to hit a target that is 125 percent more than the  
21 threshold. So if you go ahead and hit the button there. What  
22 has happened now, based on the use of the new data, which  
23 indicates the natural mortality on the younger fish, the  
24 entire spawning stock biomass has been inflated to account for  
25 that.

1           Now the thing that -- what is important here is that  
2 this trend, everything is the same. So everything was just  
3 kind of raised up, and with that what happened was that the  
4 same formula that was used to calculate the threshold and the  
5 targets for the current or the old biological reference points  
6 is now what is being used for the new reference points.

7           So you can see in 1995 it established where the  
8 estimated biomass was, and that sets the threshold of 58,000  
9 metric tons approximately. And the same methodology of  
10 multiplying that by 125 percent gives you the target here.

11           So as of 2012, and as Tom mentioned earlier, the  
12 past decade, what we have seen is this, you know, steady  
13 decline in the spawning stock over that time. And where we  
14 are currently is, you know, seems to be quickly approaching  
15 this threshold level. Next slide.

16           (Slide)

17           So what does that mean? What are the projections?  
18 What are the models telling us? Well, what the models do is  
19 that they assume certain things within the model -- fishing  
20 mortality, natural mortality -- and they can predict where  
21 this line is going to go. Is it going to go up here? Is it  
22 going to come down? Is it going to flatten us?

23           And what the model is telling us in this assessment  
24 is if we maintain the current level of fishing mortality, even  
25 though we are not overfishing, okay? Maintain that same level

1 of fishing mortality, given that there is a steady decline in  
2 the spawning stock, the probability of being below this  
3 threshold increases pretty rapidly for the next few years.

4           After that, given our 2011 year class -- and we are  
5 going to have a very large year class entering into spawning  
6 stock into the future -- they are saying that it will flatten  
7 out a bit. But falling below this line is really not  
8 someplace where we want to be. Next slide.

9           (Slide)

10           As far as fishing mortality goes, it is the same  
11 type of idea. If we maintain the current removals, if we keep  
12 fishing at the same removal rate, which includes landings and  
13 dead discards of about 3.6 million fish, the probability of  
14 being above the threshold increases in 2013. So right now if  
15 we continue to take 3.6 million fish, 3.6 million fish, the  
16 model is saying the likelihood is that when the new assessment  
17 is done, the 2013 number will be above that threshold level.

18           And it is saying the probability will increase in  
19 2013; however, by 2014, if we continue that same fishing, same  
20 removal rate, we are almost at 100 percent, then we will be  
21 over that threshold level and we will be overfishing the  
22 spawning stock population.

23           (Slide)

24           MR. GILMER: Mike, now is this state or are we  
25 still --

1 MR. LUISI: All of that was all coastal at this  
2 point. Now what I would like to turn your attention to now,  
3 what brings this kind of more home for everybody, talking a  
4 little bit about the Chesapeake Bay quota.

5 As you know, we share Chesapeake Bay quota with  
6 Virginia, Potomac River, and what we base that quota on  
7 annually is an analysis of our Juvenile Index Survey, which is  
8 a combination of both surveys -- the work that is done in both  
9 Maryland and Virginia to determine spawning success.

10 And these data are used as a basis for the analysis  
11 to determine, you know, how many fish are in the bay. Now  
12 what I did for you guys was I highlighted -- if you want to  
13 think of this as the year for which the index was created. So  
14 this is 2007, 2008, 2009, 2010, 2011.

15 2007 and 2008 next year will be kind of their last  
16 year to be in the -- I am sorry. 2006 and 2007 is kind of  
17 their last year to be in here. They are going to start moving  
18 out into the spawning stock. This group of fish, the 2011  
19 year class, which everyone is talking about is fish about this  
20 big, they are going to be the youngest of the recruits into  
21 that 18-inch size limit.

22 And as you can see, it is a relatively large event  
23 that we had back in 2011. So that is going to be a driver for  
24 what is available in the bay, okay? Next slide.

25 (Slide)

1           Okay so instead of talking about spawning stock  
2 biomass, you know, the biomass of fish in that adult  
3 population on the coast, when we talk about the Chesapeake Bay  
4 quota, we refer to what is there, what is available to be  
5 harvested as the exploitable stock biomass.

6           So the fish in the bay that are exploitable, that  
7 are available to be harvested either by recreational or  
8 commercial fishermen, is what we model and analyze to  
9 determine what the bay quota could potentially be for the  
10 future.

11           So what we have here are various model runs of  
12 different mortality rates, fishing and natural mortality rates  
13 on the exploitable stock that is available in the bay. And  
14 what you guys want to focus on here is -- well, if you think  
15 about the last four or five years, you know, we have had a  
16 steady decline in the bay quota over those years.

17           However, given the 2011 year class and its strength,  
18 and what is going to be available in the bay, each one of  
19 these models, no matter which one you look at -- each one of  
20 these lines is a different run -- indicates a tick up as far  
21 as what is available in the bay.

22           And I don't think that -- I don't think there is a  
23 person here that would say that there aren't those fish that  
24 are, you know, 14, 15 inches getting ready to become part of  
25 that exploitable stock. So, you know, these models really

1 do -- are showing that we would expect to have more biomass in  
2 the bay next year. If you could hit the slide.

3 (Slide)

4 What that means is that based on our -- what we do  
5 as far as analyzing the bay quota is that we look at the  
6 differences between years, whether or not there are decreases  
7 or increases. And we use that as a basis for evaluating  
8 whether or not the bay quota would be increased or decreased  
9 based on the percentage of change.

10 So when we look at this, and we are talking about  
11 this internally right now and with our partners, it is  
12 indicating that there is going to be more biomass available.

13 There is going to be more fish available next year  
14 so, you know, we can say the Chesapeake Bay, the total  
15 Chesapeake Bay quota will go up, which means that as that  
16 trickles down to recreational/commercial fishing, the  
17 commercial fishermen will have more quota available to it next  
18 year in 2014 than it did in 2013.

19 But the thing that we want to make sure you guys are  
20 aware of is that 2011 year class was just one strong blip in  
21 between some very moderate to very low year classes before it,  
22 or in front of it and now, you know, moving into these next  
23 few years after it so we have to be very cautious, and we are  
24 likely going to be cautious in how we go about increasing the  
25 quota.





1           MR. LUISI: Well, I think a lot of that is going to  
2 come out in the wash over the next month or two or three if  
3 this assessment is approved and the commission starts looking  
4 at management measures to start with some reductions to  
5 turning that around, to turning that biomass around.

6           I think a lot of that is going to come out as to who  
7 is impacting that spawning stock more than others. What I  
8 think Tom and I and the folks here at fisheries are thinking  
9 is that, you know, if reductions are required, they will  
10 likely be -- the immediate impact to the spawning stock is to  
11 make some reductions to those larger spawning stock fish.

12           However, there is also the -- it is really important  
13 to remember that the babies, if you want to call them that,  
14 are going to become the spawning stock in the future, so it is  
15 just important to balance that. It is not just about turning  
16 that spawning stock biomass line around. It is about  
17 protection and it is about management for the future.

18           MR. JETTON: I understand that.

19           MR. LUISI: So the Virginia fishery -- the Virginia  
20 winter fishery off the mouth of the bay is a much larger  
21 fishery than what we have here in the springtime. And so --

22           MR. JETTON: Correct. And it runs all the way  
23 through, and I feel like Maryland has done more than their  
24 part, out of a lot states, with our reductions than we have  
25 already overtaken on our larger fish. But if things are not

1 done below us, the fish we save here just end up down there  
2 getting caught.

3 And that is what I am concerned about. And then  
4 again on top of that, we will end up paying the whole penalty  
5 that the whole coast pays, and we have already paid, we really  
6 have. And that is my concern.

7 MR. RICE: John?

8 MR. MARTIN: How does the coast fit in this on our  
9 side?

10 MR. LUISI: Well, the coast, the commercial fishery  
11 on the coast, recreational fishery on the coast, is all going  
12 to be part of the discussion. You know, you guys are  
13 harvesting the spawning stock, and, you know, you have had a  
14 steady quota for as long as I can remember. This will be a  
15 time when I think the commercial fishery will come under, will  
16 be looked at to determine whether or not the reductions will  
17 need to be made as well.

18 MR. MARTIN: Anybody say why they think this is  
19 going down on the coast? I mean there is hardly -- I mean you  
20 can't catch anything outside of three miles, you can't, it is  
21 pretty regulated. We don't catch that many.

22 MR. O'CONNELL: A few meetings ago, Mark Gibson, who  
23 is a very respected scientist from Rhode Island, commented on  
24 his theory -- and there are a couple of them out there. But  
25 if you are familiar with invasive species, when invasive

1 species occupy a new area, they usually have an explosion of  
2 growth because there is a lot of habitat, food, to prey upon.

3           And the invasive species will hit some high level of  
4 capacity, kind of eat himself out of the habitat or whatever,  
5 and then start to decline to some point of equilibrium with  
6 the environment. We had a very low period of striped bass  
7 prior to the moratorium years.

8           And some have hypothesized that maybe what we saw  
9 with striped bass was somewhat comparable to an invasive  
10 species. They were protected. We had a population explosion  
11 taking advantage of new habitat, new prey, and they just grew.  
12 And they hit some point where the habitat capacity couldn't  
13 keep up with them.

14           And maybe it was forage fish. It could be water  
15 quality. And then they started -- they are on the decline.  
16 And I think the question is where are they going to equalize  
17 with the environment.

18           That is one. And then some have suggested that with  
19 regards to distributionships with some of the warming we have  
20 had in recent times, they are pushing the fish northward and  
21 outward. North Carolina used to have a pretty big commercial  
22 fishery. They can't catch them. They are all outside of  
23 three miles in the EEZ. So something has changed. It is  
24 probably a combination of factors but I think from a  
25 management perspective it is like, where is this thing going

1 | to balance out?

2 |           From my perspective at least, I think we need to  
3 | seriously consider some type of action so that we can try to  
4 | help stabilize this thing before we get into a dangerous  
5 | situation. Nobody wants to go back to the years we had in the  
6 | late '80s. A lot has been invested to bring this fishery  
7 | back. Let's keep it back.

8 |           MR. MARTIN: I know last year we were right to the  
9 | line because that is where -- they were outside of it.

10 |           MR. RICE: Robert T., you had a question?

11 |           MR. BROWN: We have a bigger problem too when we  
12 | talk about these rockfish. The Atlantic States Marine  
13 | Fisheries Commission looks at just the rockfish. Then it  
14 | looks at just the eel. Then it looks at just the red drum or  
15 | whatever species it is. Looking at one particular species at  
16 | a time is killing the bay's crab industry.

17 |           Yes, we have got to find a happy medium. We have  
18 | got to have some multimanagement for the bay. When you start  
19 | protecting the biggest predator you got -- well, I don't know  
20 | if it is the biggest or not because these blue cats are  
21 | getting just as big or bigger than what they are. And the  
22 | amount of the stuff, whether it is Menhaden or it is crab or  
23 | anchovies are way down from what I can understand due to what  
24 | they used to be feeding on.

25 |           We have got so many small fish now. We have got

1 | some 14- and 15-inch fish that have just started showing up.  
2 | But we have got so many small --- breaking all over the place.

3 |           What happened to our big population of crabs we had  
4 | last year that went up these rivers and went up the bay? It  
5 | all of a sudden just disappeared. We were looking for the  
6 | booming year last year. This year, well, we had Hurricane  
7 | Sandy. Who know what that had to do with everything going on.

8 |           But what we have got to look at, we got to get some  
9 | management on the whole bay proper because if you just keep  
10 | protecting this rockfish the way you are trying to protect it,  
11 | it will find a balance where you are going to come at. There  
12 | is no shortage of rockfish, and you got to realize when we  
13 | went to so many pounds of fish caught years ago, we were  
14 | catching a 12-inch fish.

15 |           Now we are catching an 18-inch fish. That fish  
16 | lives for two more years in this bay before it can be  
17 | harvested. So it has got to feed for two more years before it  
18 | is harvested, and I am not talking about just commercial. I  
19 | am talking about sports.

20 |           And we got to find a happy medium, and I think we  
21 | are overprotecting the rockfish for the simple reason it  
22 | doesn't have the grasses and stuff for your crabs and stuff to  
23 | hide into. We got the pollution factor. I mean, I don't know  
24 | what the answer is but until we start managing the entire bay  
25 | as a multispecies, we are still going to have problems with

1 our crab industry. That is the way I feel about it. Thank  
2 you.

3 MR. RICE: All right. We have a Striped Bass  
4 Fishery Management Plan Review. Nancy Butowski.

5 ***Chesapeake Bay Striped Bass Fishery Management Plan Review***

6 ***by Nancy Butowski, MD DNR Fisheries Service***

7 MS. BUTOWSKI: I am Nancy Butowski. I am with the  
8 Fishery Management Plan Program. I am going to be going over  
9 the draft Striped Bass Fishery Management Plan Review that the  
10 fishery staff has conducted as the first part of the plan  
11 review process. So next slide, please.

12 And just to remind you about the plan review  
13 process, the purpose of this is to take a plan and look at it  
14 in depth and complete an in-depth review of the plan itself  
15 and to make some recommendations as to whether that plan is  
16 appropriate and still is a good management framework for that  
17 resource, whether it has changed significantly and needs to be  
18 amended or that it has totally changed and needs to be  
19 revised.

20 So that is the basic outcome of what we want to do  
21 when we are doing the review process.

22 (Slide)

23 So striped bass was on the review schedule for 2013,  
24 and the fisheries service staff came together and sat down to  
25 do an in-depth review of the objectives, the goal, management

1 strategies and actions. And we also looked at the new  
2 allocation policy factors that were just put forth in the new  
3 policy that we adopted last year.

4 So we used that information to go through and  
5 review. So right now -- as a result of that we put together  
6 this draft document, which you should all have a copy of. So  
7 if you look -- here was our schedule. We pulled together a  
8 fisheries service plan review team and we did the review and  
9 conducted the review and then put together this draft.

10 And now we are at this next step where we are giving  
11 the results to the advisory commissions for their, for your  
12 review and input. So we established this process to be more  
13 transparent and again to allow more stakeholder input.

14 You notice there is a little circle, a yellow circle  
15 there that, depending on your input and comments, we could  
16 actually make some changes, and we would have to do an  
17 iterative process if we make significant changes to the  
18 document. So let's go on from there.

19 (Slide)

20 And just a reminder of what our review schedule is  
21 this year. We have completed three reviews, the FMPs. We are  
22 in the process of doing a striped bass review as you see there  
23 in October. Brook trout is in house, in progress of being  
24 reviewed, and it has been rescheduled for the February  
25 meeting. Same thing with blue crabs. We haven't had an

1 opportunity to release it down in house and begin that review.

2           As part of the review schedule, we put together some  
3 dates for when stakeholders could provide information or  
4 request information for an allocation review. And so for both  
5 blue crabs and brook trout, that date has been extended as  
6 well. It was August. Now you have until November.

7           If there are any issues that you want to bring up  
8 for blue crabs or brook trout in regard to allocation, we  
9 would need to have those comments to Tom by November 1. Go  
10 ahead.

11                   (Slide)

12           So the striped bass plan, the Chesapeake Bay plan,  
13 was developed in 1989, and since that time it had been  
14 reviewed annually during 1991 through 1995. And then once the  
15 stock was considered restored, the FMP workgroup at the time  
16 of the bay jurisdictions said that this was a significant  
17 change. It needed to be amended.

18           So rather than reinvent the whole wheel for the  
19 Chesapeake Bay, the workgroup felt that the ASMFC amendment  
20 five was an appropriate management framework. And that is  
21 what amendment No. 1 to the Striped Bass Management Plan says,  
22 and that was developed in 1998.

23           So since that time, the plan has been reviewed  
24 periodically but obviously as we have gotten more fishery  
25 management plans, it hasn't been annually. But beginning in



1 2007, we have started to update the plans annually, and the  
2 difference between an update and a review is just a matter of  
3 degree.

4           So as I mentioned, a review is really a more  
5 in-depth look at the plan and also includes outside  
6 stakeholder input. Whereas the update is just the FMP staff  
7 going through the actions and saying, okay, where are we in  
8 this last year? What has happened? What is the status of the  
9 stock? What are our new fishery statistics?

10           (Slide)

11           So our current management framework for striped bass  
12 really is under the ASMFC Amendment 6, which defined  
13 biological reference points or targets and thresholds having  
14 to do with fishing mortality and spawning stock biomass as we  
15 have gone through with Tom and Mike. They both have given you  
16 a pretty good overview of what is happening right now.

17           In addition, the Amendment 6 also includes  
18 monitoring requirements, implementation schedules and dates  
19 and a rebuilding program if it is needed. And just as a  
20 reminder, the Chesapeake Bay is actually under a separate  
21 management unit, and it has a lower fishing mortality rate, at  
22 least at this current time. I am not sure what is going to  
23 happen with that. I don't know if you have a feel for what is  
24 going to happen in regard to that, Lynn?

25           MS. FEGLEY: Right. So we operate under a

1 conservation equivalency because we are still -- our stock is  
2 assessed as part of a group but because we have small fish, we  
3 fish under a different fishing mortality rate. They have not  
4 set our conservationally equivalent fishing targets yet. They  
5 will do that after the board reviews the full assessment.  
6 Then the scientists will get back together and start to talk  
7 about conservational equivalencies.

8           So we do not know what that is yet although just as  
9 an interesting point of note, the new assessment does actually  
10 for the first time estimate a specific --- for the bay's  
11 fleet, which it has never done before. So that is going to be  
12 kind of interesting to think about.

13           MS. BUTOWSKI: It has done that for other regions as  
14 well, right? Not just Chesapeake Bay.

15           MS. FEGLEY: Yes.

16           MS. BUTOWSKI: And again this is a reminder that  
17 these biological reference points will change over time  
18 depending on the changes to the fishery into the stock. So go  
19 ahead to the next one.

20           (Slide)

21           And again this is just to -- keep in mind that there  
22 is this pending new management scenario and that the review  
23 actually occurred before this was in place and released to the  
24 public basically. And that no decisions will be made about  
25 the review until after the ASMFC management board has made a

1 recommendation. That will be thoroughly reviewed before our  
2 Striped Bass FMP review will be completed. So go ahead.

3 (Slide)

4 So again the status of stock, as Mike mentioned,  
5 overfishing is not occurring and the stock is not overfished.  
6 The new 2012 assessment gave us the spawning stock biomass of  
7 over 61,000 metric tons and put fishing mortality rate at  
8 about 1.88.

9 (Slide)

10 Again, this is based on the old threshold and  
11 target, and we locked it in here because again that is what we  
12 used to review the management scenario. You can see where the  
13 spawning stock has been above the target and threshold, and it  
14 only includes data up to 2010.

15 So this new assessment includes the additional  
16 information through 2012, and then sets the -- if you were to  
17 look at where the target and threshold will be on this graph,  
18 you would see that the target would be above the 70,000 number  
19 there, and the threshold would be at around 60,000 --- . Go  
20 ahead.

21 (Slide)

22 Just a brief look at the status of the fishery, and  
23 this is like looking at commercial coastal landings. There  
24 has been a range beginning, you know, with a lower range  
25 starting when the stock was first recovered to the peak, which

1 occurred in 2004 up about over 7 million pounds. The current  
2 or the last year's 2012 coastal landings were reported as 6.5  
3 million pounds.

4           For the Maryland commercial fishery, it has varied  
5 between 1.7 and 2.4 million pounds. Again that is over the  
6 last 12 years. Last year it was 1.84 million pounds but again  
7 the commercial fishery is constrained by a quota, and if you  
8 look at what was caught in relationship to the quota, the  
9 commercial fishery has been between 93 percent and 105 percent  
10 of the quota.

11           (Slide)

12           For the recreational fishery, coastal estimated  
13 harvest, it has ranged between 2.2 million pounds and 29.2  
14 million pounds, and most recently it has been at about 19. So  
15 there has been a decrease in the estimated recreational  
16 coastal harvest.

17           For Maryland, again you can see where, you know, we  
18 started right off after the fishery was restored at a low  
19 amount because that is your lowest estimated recreational  
20 harvest to its peak in 2005, which was 4.57 million pounds.  
21 And then most recently it is about a million pounds. That  
22 does not include the released fish. That is just harvested  
23 fish.

24           So the Chesapeake Bay Fishery Management Plan  
25 basically follows what the ASMFC requirements are for the

1 coastal fishery. We operate under a commercial quota and  
2 recreational harvest limits. We have an extensive adult  
3 monitoring program that includes recreational and commercial  
4 fisheries, and then we have the juvenile monitoring.

5 (Slide)

6 So that is kind of our management scenario in a  
7 nutshell. As part of the allocation request during this  
8 review process, we did receive input from one stakeholder  
9 group, and they requested a shift in allocation from -- the  
10 current allocation is 42 ½ percent for the commercial fishery  
11 and then 57 ½ percent for combined recreational fishery, which  
12 includes charter boat as well.

13 They requested the shift to a 10 percent for  
14 commercial allocation and a 90 percent for recreational. They  
15 used changes in social patterns and values as the reason to  
16 justify their position and request and also decreasing  
17 economic value basically in the commercial fishery.

18 (Slide)

19 So these are just the conclusions of the fishery  
20 service's plan review team. Based on what we have reviewed,  
21 we see that the current FMP and the amendment really do not  
22 reflect the current management framework that we were using.  
23 The group recognized that the ASMFC control rules or  
24 management measures that have to do with fishing mortality,  
25 spawning stock biomass and juvenile abundance are really

1 sufficient for managing Chesapeake, managing the striped bass  
2 stock with the Chesapeake Bay. Continue.

3 (Slide)

4 Back in -- a few years ago, the Maryland sea grant  
5 supported an ecosystem-based fishery management approach.  
6 There was a group that actually dealt with striped bass. They  
7 did put together some recommendations about what sorts of  
8 ecosystem-based indices could be considered in management.  
9 But those have not been integrated into the fisheries  
10 management process.

11 And as you saw, the 2013 ASMFC stock assessment  
12 projections indicate there is going to be -- there will be a  
13 decline in striped bass stock biomass over the next few years.

14 (Slide)

15 In regard to what the allocation requests came in  
16 from the stakeholder group, they based their request to change  
17 the allocation on the number of angler trips and also number  
18 of anglers participating in the fishery. And they used the  
19 Marine Recreational Information Program, MRIP, statistics, to  
20 justify their position.

21 And with a closer look at the information, the PRT,  
22 the fisheries PRT really thought that, looked at the numbers  
23 and looked at the average at what has occurred over the past  
24 years and came to the conclusion that angler trips and number  
25 of anglers in Maryland have varied over time. That there has

1 not been a significant fundamental change in the numbers that  
2 are participating.

3           And also that the stakeholder request for the  
4 allocation switch was based on a NOAA document that used an  
5 input/output economic model. And it was the conclusion of the  
6 PRT that really that type of economic assessment is not  
7 appropriate for trying to get at the value of commercial  
8 versus recreational, and that it would be better to use a  
9 system where you have a willingness to pay for a cost/benefit  
10 analysis.

11           (Slide)

12           The PRT also concluded that there is a market demand  
13 for striped bass and that there are fluctuations in supply  
14 that affect marketplace so you can't really make a decision  
15 just based on economic value.

16           (Slide)

17           So as a result of this, the PRT draft  
18 recommendations have recommended the development of a new  
19 striped bass amendment because of management changes that have  
20 occurred in the past. The need for flexibility, especially in  
21 relationship to addressing biological reference points and  
22 stock conditions and changes in the fishery. And that  
23 ecosystem-based indices should be explored and incorporated  
24 into the decision-making process.

25           These would include or could include looking at

1 developing an index for age/class diversity, for predator/prey  
2 ratios, for condition indices of the habitat -- those sorts of  
3 things, that we could explore those further in a new  
4 amendment.

5 (Slide)

6 And also that really the social patterns and values  
7 have not diminished for the commercial fishery, and they  
8 haven't really increased for the recreational fishery, at  
9 least for the information that we examined. And that we don't  
10 have the economic analysis available to really say what the  
11 value is of commercial versus recreational fisheries and  
12 therefore the PRT supported to maintain the current allocation  
13 and not to make any changes.

14 So that is it in a nutshell. Does anybody have any  
15 questions or comments? You will have an opportunity to again  
16 have a chance to really read through the document to provide  
17 comments, written comments later after this meeting.

18 ***Questions and Answers***

19 MR. MARTIN: I just had a question. I saw at the  
20 beginning like the different committees and coastal. Who is  
21 on that?

22 MS. BUTOWSKI: That would have to do with like the  
23 Coastal Bays Advisory Committee. That is part of our group as  
24 well but sometimes it depends on what species you are doing  
25 whether or not they would be significantly involved.



1           MR. O'CONNELL: And just so you know, the Coastal  
2 Fisheries Advisory Committee is a DNR body versus -- these  
3 commissions get established by the general assembly, and  
4 typically if things go to the Coastal Fishery Advisory  
5 Committee for management advice, it comes back through the  
6 tidal fish and sport fish before we act.

7           It is just that, you know, about a decade ago there  
8 was some criticism that the coastal industries weren't being  
9 adequately represented so we formed that body but they kind of  
10 work through the tidal fish and sport fish similar to the blue  
11 crab workgroup and the striped bass workgroup.

12           MS. BUTOWSKI: And the other one you probably saw up  
13 there was the Oyster Advisory Committee. It would be  
14 available to review any oyster-related FMPs.

15           MR. RICE: Robert T.?

16           MR. BROWN: Yes, I was glad to see that we are  
17 keeping our ratio at 42 ½ and 57 ½. I would like to thank you  
18 all for the good work you did on that.

19           MR. RICE: Richard.

20           MR. YOUNG: Nancy, thank you very much for coming  
21 and presenting this, and I would like to thank your committee  
22 or assessment program for realizing -- and you did it so  
23 diplomatically without actually calling a spade a spade -- but  
24 let's face it: Their recommendation of a 90/10 split is  
25 nothing but a resource grab. It is nothing but greed.

1           They don't want us. They want it all for  
2 themselves. I think maybe this committee ought to send them a  
3 letter saying that we are recommending a 90/10 commercial.  
4 Hey, that is all they want to do is take it from us. Thank  
5 you very much.

6           MR. RICE: Rachel?

7           MS. DEAN: I am preaching to the choir here because  
8 I know you know this but I was actually surprised as I looked  
9 on, it talks about the consolidation of the permits from the  
10 231 dropping 200 participants once we could consolidate our  
11 license. It doesn't mention crew in the count, yet I know  
12 when they were talking about, you know, the number of people  
13 who actually go out on the recreational trips could have  
14 increased.

15           So, I mean, I know you guys already know that but I  
16 kind of would have liked -- I want them to know that too, that  
17 it is not just about the license and the person holding the  
18 permit. There is much more, many more people who are supported  
19 by the fishery than just 1,231 permits minus 200.

20           MS. BUTOWSKI: Well, actually they used the permit  
21 as a way to say that there had been a decrease in the amount  
22 of commercial participation and that is why that was  
23 specifically put in there. Do we have specific information  
24 about other -- how many people actually crew?

25           MR. LUISI: We would have to look at the harvest

1 report and try to tie it all together with the permit holder  
2 of the license and who is crew. We just don't do that kind of  
3 thing.

4 MS. DEAN: I think it just shows the malintent of  
5 the whole thing to point out that they thought those were the  
6 only people benefiting from their percent.

7 MS. BUTOWSKI: We could make a note to that, that  
8 there are other additional --

9 MR. RICE: Bill?

10 MR. GOLDSBOROUGH: I just wanted to make sure  
11 everybody knew, especially given Richard's comment, that 90/10  
12 recommendation didn't come from sport fish. It came from an  
13 independent group. But I don't know who. In fact, today is  
14 the first I heard of it.

15 MR. O'CONNELL: Those who haven't had a chance to  
16 review the report, it was the Maryland Saltwater Sport Fishing  
17 Association.

18 MS. BUTOWSKI: Do you want to give them two weeks to  
19 provide comments back, written comments?

20 MR. O'CONNELL: Yes. Due to other priorities on the  
21 sport fish agenda, they did not get a chance to receive this  
22 presentation two days ago. They will be reviewing it at their  
23 next commission meeting, which is February. So there is time  
24 to provide input. The earlier the better.

25 We will be, you know, reviewing this again after the

1 ASMFC stock assessment is presented to the board to see if  
2 there are any additional changes. And it will be going to  
3 sport fish at their next meeting February. So like Nancy  
4 said, in one of those first slides, that yellow arrow, it is  
5 very iterative and we will keep everybody informed as we get  
6 new input.

7 MR. RICE: Thank you. Gibby?

8 MR. DEAN: Is Rachel going to represent us on the  
9 sport fish advisory?

10 MR. O'CONNELL: I think it was maybe more than Gibby  
11 who has brought this issue up before that, you know, why does  
12 sport fish have a seat on tidal fish but tidal fish not on  
13 sport fish?

14 And the reason is that is how the law is prescribed.  
15 The law prescribes for tidal fish that sport fish is able to  
16 have a member come here. The law does not prescribe that  
17 opportunity for tidal fish to be on sport fish. My response  
18 back is that from a fisheries service perspective, I think I  
19 would speak on behalf of the department. We would not have a  
20 problem with a tidal fish representative being at the sport  
21 fish meetings.

22 In order to do that, there would need to be either a  
23 law changed, to be a formal member, or in the interim, tidal  
24 fish could make a request to the chair to take it back to  
25 sport fish and see if they would be willing to allow someone

1 to be at the seat, recognizing the law doesn't allow it, but  
2 at least they could be at the seat, you know, voice any  
3 concerns from tidal fish and decide if they can participate in  
4 voting or not.

5           Until a law change, that is kind of where it is at.

6           MR. YOUNG: It isn't that the law doesn't allow it.  
7 Isn't it that the law doesn't --

8           MR. O'CONNELL: Doesn't prescribe it.

9           MR. YOUNG: Doesn't prescribe it.

10           MS. DEAN: I just wanted to say Gibby threw my name  
11 out and I wanted to say why? It wasn't that, oh, Rachel. I  
12 asked. I requested it, and I think I sent it to Gibby first  
13 and we cc'd Tom.

14           But the reason being is I think we had brought it up  
15 before here and nobody kind of jumped at it and I just kind  
16 of -- I said, hey, you know, just getting some of the  
17 information that was coming out of there, and I just thought  
18 maybe a calm perspective on the other side would help. And I  
19 tried to do that.

20           So it doesn't have to be me, I just thought it could  
21 be beneficial not only for us but maybe for ties.

22           MR. JETTON: I think it is a good idea, and I come  
23 from sport fish advisory to this commission. And I have  
24 played devil's advocate there quite a bit. Tom can tell you.  
25 He was there most of the time. And they -- that commission

1 has a lot of misconceptions or just misunderstandings about  
2 commercial fishing, and I think it would be a good thing to  
3 do.

4 I don't know what we would need to do to get that  
5 ball rolling, to get the law changed, but I would like to get  
6 that ball rolling, get that done.

7 MR. DEAN: Can I make a motion?

8 MR. O'CONNELL: At this point, it would likely need  
9 to be pursued through a private sponsor but I think you could  
10 expect the department to support it. In the interim, a  
11 request can be made to sport fish to allow someone --

12 MR. JETTON: I think it was a healthy thing, me  
13 being there. Although I represent charter boats, I come from  
14 a heavily commercial county, Kent County. And I was able to  
15 put an input there that they didn't have before I don't think,  
16 and I think we need somebody in there. So whatever Gibby can  
17 come up with there would be a good thing, I think.

18 MR. RICE: Gibby, did you have a suggestion?

19 MR. DEAN: Can I make a motion, have the commission  
20 vote on it?

21 MR. RICE: Absolutely as far as I am concerned.

22 **MOTION**

23 MR. DEAN: I would like to move that the commission  
24 in the interim request a seat on the sports fish commission  
25 with one of our members, that being Rachel, until we can so

1 change the legislation allowing the seat. You can clear that  
2 up if you want but you know what I mean.

3 MR. YOUNG: Requiring the seat, because it is not  
4 required. It is allowed if it is chosen to be there but it is  
5 not required by law.

6 MR. RICE: Okay. Well, Gibby, you have a motion on  
7 the floor. We need to entertain a second.

8 MR. SIELING: Second.

9 MR. RICE: Seconded. I am going to go with Bill  
10 because he is close. Any further discussion? Robert T?

11 MR. BROWN: I think we should have this done one  
12 part at a time. Instead of making a motion to do it and just  
13 have one person nominated for it, I think we should have the  
14 motion so that we just decide we want to do it and  
15 then -- because it might be somebody else who might want to do  
16 it also.

17 MR. RICE: So you move to split the motion.

18 MR. O'CONNELL: Or you can do it through a friendly  
19 amendment. Up to you guys. So just to help you guys out, so  
20 if the motioner and the second are willing to adopt a friendly  
21 amendment, we could split it two --

22 MR. DEAN: Yes.

23 MR. O'CONNELL: So the first motion would be to  
24 request sport fish advisory commission allow a seat, that  
25 being from a tidal fish advisory commissioner, correct?

1 MR. RICE: Correct.

2 MR. O'CONNELL: And then you are okay with it Gibby,  
3 and Bill? As the seconder, you are okay with it?

4 MR. SIELING: Yes.

5 MR. O'CONNELL: All right.

6 MR. RICE: All right, one piece at a time. Not  
7 seeing any further discussion -- do we have any public comment  
8 before the vote?

9 (No response)

10 MR. RICE: Seeing none, all those in favor, raise  
11 your right hand.

12 (Show of hands)

13 MR. RICE: Okay, motion is unanimous, with one  
14 abstention. That is Bill Goldsborough. I watched that right  
15 hand.

16 **MOTION**

17 MR. O'CONNELL: And then do you want -- the motioner  
18 and the second, Gibby and Bill, you guys want a second motion  
19 that would be that Rachel Dean serve as the tidal fish  
20 representative.

21 MR. DEAN: Yes.

22 MR. O'CONNELL: On sport fish if that is allowed.

23 MR. DEAN: Yes.

24 MR. RICE: Okay, further discussion?

25 MR. YOUNG: Yes, I would just like to know if there



1 | is anybody else that wants to do it other than Rachel?

2 |           MR. BROWN: There is only one thing I want to say  
3 | about this, and I have no problems with Rachel. But No. 1,  
4 | you got to have somebody that wants to do it, so that kind of  
5 | puts it in there.

6 |           But I am thinking that maybe somebody who has a  
7 | little -- well, she is more or less just going over and  
8 | bringing stuff back, but I was thinking somebody who had more  
9 | experience in a whole lot of the fishery. And I was kind of  
10 | thinking about Moochie but I don't know if Moochie would be  
11 | interested in doing it or not.

12 |           MR. GILMER: I don't have time for it.

13 |           MR. JETTON : You know, at this point, until she is  
14 | a voting seat or gets a voting seat, I think it is  
15 | informational more than anything else. I think if it became a  
16 | voting seat then we would have to talk about it again. And in  
17 | fact we would have to elect it from this commission if I  
18 | understand that, how that works right. So that would change  
19 | things completely.

20 |           MR. BROWN: Just being informational, I have no  
21 | problem with it.

22 |           MR. RICE: Okay, so now we have the second part of  
23 | the motion on the floor. It has been discussed. All those in  
24 | favor, signify by raising your right hand.

25 |           (Show of hands)

1 MR. RICE: Motion passes unanimously. Thank you.  
2 And you did vote, Bill.

3 MR. GOLDSBOROUGH: I did vote that time.

4 MR. RICE: All right, thank you. John?

5 MR. MARTIN: I would like to say that I think it is  
6 good to do these things because I know here recently I have  
7 been invited to three things now having to do with sport  
8 fishing people down in Ocean City. The MSSA chapter down  
9 there had me in to ask a gazillion questions of how we do what  
10 we do. You got to be careful because they will twist it, but,  
11 I mean, they really just, these are people who just want to  
12 know.

13 And a lot of times, the people who are running the  
14 show, they don't even know what they are saying some of the  
15 time I have found out. They really just want to know how this  
16 all works, and they really want to know, the last one I was  
17 at, how it is all reported. That is all they want to know.  
18 Are we abiding to our rules, are we trying to do the best we  
19 can.

20 MR. RICE: Okay, Sarah, can you give us a regulatory  
21 update, please, on some scoping items.

22 ***Regulatory Update and Scoping***

23 ***by Sarah Widman, MD DNR Fisheries Service***

24 MS. WIDMAN: I will update you guys on workgroups  
25 first. The fishing pot subworkgroup did meet, and came down

1 | to some interest in looking at the escape panel or vent on the  
2 | fish pot, and is there a better mesh size that would work for  
3 | everybody.

4 |           So our staff is currently trying to do a mini study  
5 | with some of the licensees that came to that meeting to see if  
6 | we can't find biologically -- a better mesh size that would  
7 | still work for them. So that is where we are at. As soon as  
8 | we have that information we will e-mail back to that group,  
9 | and we may end up with another meeting or not but we will  
10 | bring it straight to you. So that is where that workgroup  
11 | left off.

12 |           And then we did finally get our sport fish members  
13 | appointed for penalty workgroup, and I am trying to schedule a  
14 | meeting on November 7 for the penalty workgroup to look at a  
15 | dealer penalty system that is a little different from the  
16 | commercial penalty system at the request of some dealers  
17 | because currently they are penalized under the same commercial  
18 | system as harvesters and they asked us to consider changing  
19 | that for them.

20 |           That is that on the workgroup front. You guys  
21 | should have the reg update. Mostly the public notice front is  
22 | our normal stuff: some horseshoe crab changes, a bunch of  
23 | aquaculture leases, our normal striped bass, hook and line  
24 | closure stuff.

25 |           We had a couple regs that became effective since we

1 last met. Most of these -- summer flounder, black sea bass  
2 and horseshoe crabs were all text clarifications. Striped  
3 bass was the first part of the ITQ system. And then obviously  
4 everyone is aware of the Menhaden rules.

5           Currently -- I am just highlighting some of the  
6 proposed stuff. I am happy to answer any other questions you  
7 have. On the proposed front we do have the nursery permits in  
8 place by emergency. The proposal is currently pending for the  
9 permanent regulations, so they are pretty much the same.

10           We did have another emergency on the oysters and  
11 shellfish front, and this was related to tag flexibility. We  
12 wanted to get that in place before the season. So you are  
13 able to print your own oyster/shellfish tags as long as they  
14 meet the requirements in the reg, and that is in place  
15 currently.

16           And then the rest of the striped bass ITQ went in  
17 place, and some additional criteria for leasing in St. Mary's  
18 sanctuary also is being proposed. Are there questions on reg  
19 stuff? And then I will wrap up with scoping.

20           MR. GILMER: I just kind of had a question on a  
21 couple proposals, especially this one that says for a lease by  
22 fowl or shellfish. And I don't know whether that is -- it is  
23 not in this paper. I don't know how far this has got along, I  
24 guess, a notice on it, and it is in Chester River and it is a  
25 water column lease but the main concern is that it is squarely

1 | in the middle of clam bottom.

2 |           MS. WIDMAN: I can go back to the aquaculture group  
3 | and look that up for you.

4 |           MR. GILMER: I also had another guy call me about  
5 | one that Steve, Steve Parks, is putting in, in Queen Anne's  
6 | County that I would like some information on.

7 |           MS. WIDMAN: Okay. All right.

8 |           MR. YOUNG: Remember when we had the open house that  
9 | hardly anybody came to for recreational crab regulations?  
10 | Does that fall under the gear?

11 |           MS. WIDMAN: Yes. So -- no, that falls under the  
12 | crab package that is in here. We did go forward with not the  
13 | crab charter stuff.

14 |           We are still in talks on that, but the recreational  
15 | component, the current proposal that is in there would get rid  
16 | of -- right now you can use up to 10 collapsible traps and net  
17 | rings without a license, and we said no more of that in the  
18 | proposal. That if you wanted to use traps and net rings, you  
19 | do have to get the license.

20 |           And then kind of a quasi getting a grip on who is  
21 | out there -- riparian waterfront homeowners who use the two  
22 | commercial pots, we want them to register for free, and that  
23 | is also kind of assisting with tracking terrapin turtle  
24 | excluder issues. So those were the two big components of that  
25 | package.

1 MR. YOUNG: How about the 1,200 for the trot line  
2 and 30 traps or is it "or" 30 traps now.

3 MS. WIDMAN: I believe it went in as the "and", not  
4 the "or." I think the "or" got lost in the translation so  
5 they can do both.

6 MR. YOUNG: Too late to change it back?

7 MS. WIDMAN: You can send me your comment. It is  
8 out for comment right now.

9 MR. YOUNG: Okay.

10 MS. WIDMAN: All right, I have, quick, the scoping  
11 stuff. There are only four of them.

12 MR. DAWSON: I had a question to Sarah. Last year  
13 when they put the law into effect about the containers that  
14 oysters had to be put in, the orange basket or the clam crate,  
15 what is the reason of that, and why is it a \$500 ticket?

16 MS. WIDMAN: We were -- well, some of the stuff came  
17 into effect because we were trying to meet the requirements of  
18 the National Shellfish Sanitation Program, and that is tied to  
19 FDA and public health and safety for oysters. And in doing  
20 that we realized that the old law that we had in place for  
21 bushel sizes was not actually what the standard bushel was.

22 There was like a Maryland standard bushel and a U.S.  
23 standard bushel, and we were trying to make them uniform, and  
24 so that is why those went into place, so we could standardize  
25 and meet those FDA requirements.

1           MR. DAWSON: We got checked by the marine police a  
2 few times about it, and I asked them, I said now how do you  
3 determine where this orange basket is supposed to be or where  
4 this clam -- and they couldn't explain it. And we had like a  
5 dozen and a half oysters in a bucket, in case some of the  
6 crates looked a little low or basket, we would put one or two  
7 on top when we were putting them on the truck.

8           And they wrote us a warning FOR it but he said it  
9 could have been a \$500 ticket for having those dozen oysters  
10 in a bucket for an illegal container, plus being over limit.

11           MS. WIDMAN: If I recall the reg, actually we wrote  
12 it to say -- because there was a lot of discrepancy about  
13 whether it is rounded or straight across, and I believe it  
14 explains that in the regulation and I don't know if the  
15 officers were made aware.

16           MR. GILMER: I think it was to the bottom of the  
17 holes of the orange crate --

18           MR. DAWSON: It is odd going across the holes, but  
19 to me a wooden basket, when you pile it up, you can't get over  
20 a bushel in it.

21           MR. GILMER: But the wooden basket was health issue.  
22 That was the reason.

23           MR. DAWSON: But you can put clams in a wooden  
24 bucket and people eat clams.

25           MS. WIDMAN: One suggestion would be, in May we go

1 over all the fines and penalties for the year, have our annual  
2 meeting on that. So I would recommend coming when the penalty  
3 workgroup meets in May to review everything and we will go  
4 through, you know, numbers of tickets for the year and can  
5 look at that, and you can suggest maybe we lower that if it is  
6 a problem. That would be a good venue to talk about it.

7 MR. DAWSON: Okay, thanks.

8 MS. DEAN: Just to piggyback off of that, there is  
9 also a concern, if you are getting to the end of the day and  
10 you catch a half bushel you still have to tag that bushel. You  
11 are still paying \$1 tax on that bushel, but it is not a  
12 bushel.

13 MR. RICE: Tom?

14 MR. O'CONNELL: Just --- the regulation. There is a  
15 provision in the regulation -- it is prescriptive but it also  
16 says, you know, you can put forth a new container description  
17 for approval by the department, and the department would  
18 consider it if it meets the certain, you know, measurements  
19 that are required.

20 So if you do have a container that is not currently  
21 prescribed, there is this provision in the regulation to put  
22 that before the department for consideration. And if we  
23 approve, we provide that in writing to you and NRP.

24 MR. DALE: I didn't know if it was a measurement  
25 issue or -- so it is a sanitary thing is what it is.



1 MR. O'CONNELL: It sounds like it is a measurement  
2 and a sanitation.

3 MS. WIDMAN: It is a mixture of the two.

4 MR. RICE: Gail, did you have something?

5 MS. SINDORF: (No audible response)

6 MS. WIDMAN: All right. Scoping really quick. So  
7 again, we are just coming to you guys to ask if you think we  
8 should do any other scoping measures for -- I have four reg  
9 idea packages. The first one I think you guys kind of already  
10 covered, is compliance requirements of ASMFC for Menhaden. So  
11 we were looking at -- I am sorry. I should pass this around.  
12 My apologies if this changed stuff since your packages were  
13 made here.

14 So we added -- this was kind of addressing what Lynn  
15 had been talking about earlier, that we don't really have in  
16 the current reg very good requirements for the reporting  
17 during the unlimited fishery season, and so by adding that or  
18 clarifying it in the regulation, that would allow us to better  
19 manage to that maximum quota that we have for you guys.

20 The idea currently for scoping for this is to have  
21 it up on the department's Website in hopes of getting that in  
22 as soon as we could after receiving feedback on it. Are there  
23 any other suggestions for scoping that?

24 MS. DEAN: You mean comment on the current scoping?

25 MS. WIDMAN: Yes, that is what I am asking. If you

1 have suggestion of other forms of scoping you would like us to  
2 do.

3 MS. DEAN: The aquaculture one, obviously this is in  
4 aquaculture support, but there are two things that this  
5 specifically affects: One, in the Calvert association, it has  
6 gotten a little difficult to keep up with who is on our  
7 leases --- having to have the permit, the SAHP permit.

8 So I just kind of wanted to make sure I went on  
9 record saying the Calvert County Watermen's Association would  
10 certainly appreciate and support that not each individual on  
11 the boat but instead possibly the operator of the vessel has  
12 the permit but not necessarily every individual on it because  
13 that means not only every captain in our association has to  
14 have it but also everybody on board, and that is a little  
15 difficult.

16 And the second concern that was brought up with this  
17 one, and I want to make sure again that it is on the record,  
18 is that those people who participated in the Watermen's  
19 Heritage Tourism Training Program and are trying to get those  
20 Heritage Tours under way cannot at this point without  
21 something going into writing, take those people on a daily  
22 basis and show them what they are doing on their leases.

23 So it has kind of shut down that part of the  
24 Watermen's Heritage Training Program and what we were trying  
25 to accomplish with that, so I think that it is important to go

1 on record saying that not only should it say the temporary  
2 workers but anybody that is on that vessel should be the  
3 responsibility of the licensed harvester permittee on board.

4 MS. WIDMAN: Rachel, do you think that we need to  
5 scope it outside of the Aquaculture Coordinating Council on  
6 the oyster commission or that would be public enough venues  
7 for --

8 MS. DEAN: I think it definitely would affect our  
9 local waterman's association. It is kind of a lot of work for  
10 a secretary trying to keep track of who has got what permit  
11 and how many need it.

12 MS. WIDMAN: Sorry, we are skipping around a little  
13 bit. That was the second one. I am just going to go back  
14 down the list in order for a second. Was there any more on  
15 Menhaden, scoping?

16 MR. YOUNG: I am just wondering if maybe you ought  
17 to -- you are looking for suggestions and looking for advice.  
18 Not everybody accesses a computer. They don't look at the  
19 department's Website, especially probably some of the pound  
20 netters.

21 You might want to send each of them an individual  
22 letter asking for their suggestions. It can't be too many  
23 pound netters, is it? Too many people that have the Menhaden  
24 permit?

25 MS. WIDMAN: I don't know the current number but we

1 | could certainly --

2 |           MS. FEGLEY: We would do that regardless.

3 |           MR. YOUNG: Okay.

4 |           MS. WIDMAN: The eel front, this is coming from  
5 | addendum III that ASMFC -- we had a hearing here in April on  
6 | that, and so what came out of that is some regulation changes  
7 | for next year that would be changes to mesh size on eel  
8 | pots --- changes to mesh sizes on eel pots, and then also the  
9 | size limit would go up from six to nine inches.

10 |           Currently it is up on the Website. Any suggestions  
11 | for any additional scoping on that?

12 |           MR. MANLEY: Just food for thought. My brother is  
13 | an eeler, and it is a load of little eels up that bay, and I  
14 | wouldn't do anything really harsh as far as cutting them back  
15 | because for the wrong reason eels eat eggs, and when you got  
16 | all those fish spawning up the bay, and they are wanting to  
17 | save the eels -- and I mean I was a boy fishing with my  
18 | father. He shad fished.

19 |           And if you left shad in the net for a couple hours,  
20 | them eels would go right for the rear ends and eat all the roe  
21 | right out of them while they were kicking. I mean, this was  
22 | true. And they are hazardous on -- I mean, you are trying to  
23 | save rockfish and the perch and everything else that is up  
24 | there, you don't want to, I mean, you can go up there any time  
25 | right now and catch a 1,000-pound eel in a day really easy.

1 But they are small.

2 But just don't choke them down to where they can't  
3 catch any because you are going to hurt yourself.

4 MR. GILMER: Charles, I don't know whether you  
5 realize this or not, a boy from home, Bill Leggett\* and them  
6 sat on this committee to come up with -- and Jimmy --- they  
7 went to Atlantic States Marine Fisheries, and that is sort of  
8 where this came out of.

9 MR. MANLEY: Yes, okay, I was just saying.

10 MR. GILMER: I know.

11 MR. MANLEY: I was just saying don't choke them back  
12 too much where you hurt yourself by thinking you were erring  
13 on the side of conservation because you may not be.

14 MS. WIDMAN: So do we think otherwise the word is  
15 fairly out in the eel community? They are aware? Or do we  
16 need --

17 MR. GILMER: I know the night we had the meeting  
18 here it was a fair amount of guys here.

19 MR. O'CONNELL: The half by half mesh requirement is  
20 something that Maryland already has, and half by half -- well,  
21 the minimum size going from six to nine inches, the half by  
22 half inch pretty much allows eels under nine inches to escape,  
23 so this is really kind of a status quo for Maryland but other  
24 states are coming up to par with what we have already had in  
25 place.

1           So I think eelers have been informed through Russell  
2 and Bill --- and ---

3           MR. GILMER: And the night that we had this meeting,  
4 you know, --- , all of them were here, and they kept the half  
5 and half. Actually the six to nine was to look good on paper,  
6 is what it come down to. But it looked like we were given  
7 back something.

8           So in my opinion most of the old guys know but that  
9 is -- if anybody else has got anything here to say, I don't  
10 know.

11          MS. WIDMAN: Okay, I will move back into aquaculture  
12 that Rachel brought up. This is just again we are trying to  
13 look at some flexibility in terms of the permit holders and  
14 the workers they have out there as far as who needs what to be  
15 out on the site -- early stages of figuring out what all that  
16 will say.

17          But essentially that would again be on the Website.  
18 The Aquaculture Coordinating Council, Oyster Advisory  
19 Commission, would be at all those meetings. Any other --

20          MR. BROWN: I am in favor of that because it is too  
21 much paperwork -- it is unnecessary. If you go out to go to  
22 your lease, each lease you got, you got to have a different  
23 box of papers for it with your different licenses. Then all  
24 of a sudden one person doesn't show up today, then you have  
25 nobody to go with you because you don't have somebody else's

1 name on it. I mean, it is --

2 MR. GILMER: Bill --- spoke to me about that too.

3 MR. BROWN: I mean, it is a nightmare. And plus the  
4 department, all the paperwork it makes for them to have to do,  
5 and all. As far as I am concerned, if the lease owner himself  
6 is on there, he could have three or four or five boats working  
7 as long as he was right there, the lease owner himself.

8 If he is not in there, then the captain on each boat  
9 is going to have to have it, and the captain is responsible  
10 for the boat. He will be the one who is in trouble. Off the  
11 shore should not be involved in it at all. You know, it is up  
12 to the captain to keep the crew straight.

13 MS. WIDMAN: And then the last one is oyster shell  
14 pricing. Right now it is set in regulation at 50 cents per  
15 bushel. This is for us to buy back shell for, you know, the  
16 whole list of stuff that is on here: the sanctuaries,  
17 hatchery programs, aquaculture, public oyster fishery shell.

18 So right now we can only pay 50 cents per bushel.  
19 The market is up around \$2.00 to \$2.50. So we would like to  
20 raise it in regulation to \$2.00 just to be -- we can compete  
21 with other people purchasing shell to get it back here in  
22 Maryland.

23 So again Aquaculture Coordinating Council and Oyster  
24 Advisory Commission and the Website would be our places to  
25 scope that unless you guys have other suggestions.

1 MR. DEAN: Didn't we agree on \$2.50?

2 MR. O'CONNELL: What we agreed to do was to pay up  
3 to \$2.50 for the counties who wanted to buy shell for their  
4 counties. This would be setting a price for the department to  
5 buy in state. The \$2.50 was for the out-of-state shell,  
6 Delaware and Virginia.

7 MR. BROWN: We don't know where the price of shell  
8 is going to go. \$2.00 and \$2.50 may be too low because there  
9 is more and more demand for it all the time.

10 I mean, I don't want to pay any more than what I  
11 have to pay for it but I can see where -- and the industry  
12 itself, the time to come, shells are a very valuable commodity  
13 and they could be the difference between getting a piece of  
14 bottom planted by the state at \$2.00, they could probably get  
15 it done for \$2.00. I don't want to see you be locked in a  
16 place where, you know, you couldn't plant it just because of a  
17 50 cents price tag on it.

18 MR. RICE: Thank you. Tom, can you go thorough our  
19 meeting schedule for us?

20 MR. GILMER: Can I do give -- one other thing, not  
21 with her, but in here, I can't remember what part of the  
22 packet it was in, it was on SAVs, where they were setting up a  
23 committee to draw new lines, or there was --

24 (Pause)

25 MR. O'CONNELL: I think every so many years there is



1 a review of the SAV clamming lines, and that is modified --

2 MR. GILMER: I would just, for my region of the bay,  
3 I would like to get on it.

4 MR. O'CONNELL: Noreen is going to make a note to  
5 follow up with Lee Karrh and Mike Naylor\* to express Moochie's  
6 interest to be involved with SAV clamming lines.

7 MR. RICE: Thank you, Moochie. All right. Tom, can  
8 you go through the meeting schedule, please?

9 ***Proposed 2014 TFAC Meeting Schedule***

10 ***By Tom O'Connell, Director, MDNR Fisheries Service***

11 MR. O'CONNELL: Yes, consistent with the  
12 commissions' operating guidelines, we try to set the calendar  
13 year meetings at this time of year so that everybody can get  
14 them on the calendars and all that. And we have tried to  
15 align these schedules so they fall prior to the ASMFC meetings  
16 so if there are big issues, we can seek your input going into  
17 those meetings.

18 So on the back of your agenda, on the second page,  
19 there are four dates there. February 20, May 1, July 24 and  
20 October 16. Other than the July, they are from 2:00 p.m. to  
21 5:00 p.m., and July's meeting would be 3:00 p.m. to 6:00 p.m.  
22 consistent with the timeframes we have been utilizing for the  
23 last one or two years.

24 So if anybody knows of a major conflict, if you  
25 could bring that to the attention, to Noreen now or shortly

1 after this meeting and we will get these meetings posted on  
2 the Web and you guys can put them on your calendars. Any  
3 known conflicts at this point?

4 (No response)

5 MR. O'CONNELL: All right, thanks.

6 MR. RICE: Okay, thank you, Tom. Does anybody from  
7 the public have anything to bring forward?

8 (No response)

9 MR. YOUNG: Before we adjourn, can I say something?  
10 I have a couple of things. First of all, I am not sure that  
11 all of the Department of Natural -- I mean, the NRPs,  
12 officers, were out in the field today. I am sure there was  
13 somebody that could have been here to talk to us and I kind of  
14 resent the fact that they couldn't take the time to come here  
15 and give their report to us.

16 Secondly, when we are going to have displays up  
17 there, and we have graphs and little numbers and everything,  
18 could we include those in our package also because I am  
19 getting old. It is hard for me to see those little numbers up  
20 there. If we are going to have stuff like that and we can't  
21 have it in the package, then I am going to have to get a table  
22 right up there or something so I can see it.

23 MR. O'CONNELL: We will do that. It is a good  
24 suggestion. I can't see them myself.

25 MR. RICE: John?

1 MR. MARTIN: I just -- does everybody, I know it  
2 doesn't really affect the bay as much, but what has been going  
3 on with the dog, spiny dog, situation and the --

4 I mean, we will have a quota this year but nowhere  
5 to go with it. So I didn't know if you knew about that yet.  
6 Yeah, they have like shut the market down.

7 MR. GILMER: We heard plenty of that yesterday,  
8 didn't we, Lynn? We were in Rhode Island.

9 MR. MARTIN: Oh, I am sure you did.

10 MS. : One of the --- up there said that  
11 they are --- it back up again.

12 MR. MARTIN: Well, they do have some local --

13 MR. GILMER: Right.

14 MR. MARTIN: But there is not, not near --

15 MR. GILMER: Another thing that they were so  
16 concerned about was it was so many there, that they couldn't  
17 even do fish surveys for them.

18 MR. MARTIN: Oh, that is another species that --

19 MR. GILMER: Yes.

20 MR. MARTIN: That will affect a bunch of other  
21 species.

22 MR. GILMER: They just said, you know, we have got  
23 research boats here doing surveys just turning net after net  
24 of --- spawn, spiny dogfish, loose because we can't catch what  
25 we are trying to survey.

1 MR. MARTIN: I know Steve is working on it with  
2 Maryland seafood marketing so we appreciate that. And we are  
3 working with him. I just didn't know -- bay stuff is always  
4 talked about here so I didn't know.

5 MR. GILMER: It is good that you are bringing it up.

6 MR. RICE: Dale?

7 MR. DAWSON: I would like to make a comment about  
8 the Department of Mental -- DMHM, however it goes, Department  
9 of Mental Health and Hygiene for the oyster permit, to sell  
10 oysters.

11 We paid \$400 for our store to sell seafood, and then  
12 now we have got to pay another \$400 to sell the oysters I  
13 catch. And I just -- we can't do it. We have sold oysters  
14 for 27 years, and this year I have got to buy my oysters that  
15 I catch from my buyer, give him 10 or 20 bucks so he can put  
16 his tag on it and take it back to our store, and then we don't  
17 have to have any core temperatures done or anything.

18 And we have been through HASP class and everything.  
19 But we can't swing \$400 to sell our own oysters. And I just  
20 think it is -- if they come there to do the inspection at  
21 \$400, they should be able to do both inspections at one time.  
22 It is the same group. I don't know, but I can't just see  
23 that.

24 My wife talked to a lady, whoever she talked to on  
25 the phone, and she said they have had a lot of complaints

1 about that fee.

2 MR. O'CONNELL: I am not too familiar with this so  
3 let me follow up on that and get back to you Dale, all right?

4 MR. BROWN: You got a TFL license, correct?

5 MR. DAWSON: Yes.

6 MR. BROWN: If he has a TFL license, can't he get  
7 that buyer's license, the dealer's license so you don't have  
8 to --

9 MR. DAWSON: That is only for crab, crabs or fish.  
10 It doesn't cover the oysters. Because oysters have to have a  
11 special inspection. They check your cooler. I think you have  
12 to go through HASP. And we have been through HASP.

13 MR. O'CONNELL: The dealer surcharge covers oysters  
14 and crabs from DNR's perspective but there is an extra  
15 charge --

16 MR. BROWN: Then to keep them in his house he has  
17 got to have -- okay, yes, you are right.

18 (Whereupon Tape 2 ends and Tape 3 begins)

19 MR. DAWSON: -- it was three quarters of a pound off  
20 at 175 pounds. It was right on the money at 150 pounds, then  
21 it went to 175 and it went off three quarters of a pound.  
22 They failed it so we spent \$850 for a new scale.

23 I mean, it is just never ending, but, I mean, in  
24 tight times \$800 bucks to sell oysters for two months is too  
25 much.

1 MR. O'CONNELL: All right, we will get back to it.

2 MR. RICE: Thank you for bringing that up. All  
3 right. If we don't have any more from the committee, we stand  
4 adjourned at eight minutes after 5:00 p.m.. Thank you all.

5 (Whereupon, the meeting adjourned at 5:08 p.m.)

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