

Maryland DNR

*Meeting of the Sport Fisheries
Advisory Commission*

Tuesday,
January 28, 2014

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Meeting of the Sport Fisheries Advisory Commission

January 28, 2014

SFAC Members Present:

Bill Goldsborough, Chair

Kate Chaney

Micah Dammeyer

Mark DeHoff

Beverly Fleming

Jim Gracie

Phil Langley

Ray P. Morgan, II, Ph.D. *(by phone)*

Ed O'Brien

Vince Ringgold

David Sikorski

Tim Smith

Roger Trageser

James Wommack

SFAC Members Absent:

Val Lynch

Maryland DNR Fisheries Service

Tom O'Connell

Noreen Eberly

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

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

(2:10 p.m.)

Welcome and Announcements***by Bill Goldsborough, Chair, SFAC******and Tom O'Connell, Director, MD DNR Fisheries Service***

MR. GOLDSBOROUGH: We would like to call the meeting to order. We are missing a couple folks. Val Lynch had an emergency and couldn't make it. Ray Morgan is on the phone, is that right, Noreen?

MS. EBERLY: Yes.

MR. GOLDSBOROUGH: Okay. Ray is on the phone, and we are not sure about Jim yet, Jim Gracie. Is he here? Okay, good.

We also have, per the e-mails you have received from me recently, decided to invite a member of the Tidal Fish Commission to sit in informally. So welcome, Rachel Dean. And we appreciate your willingness to do that, Rachel.

I have been serving in the capacity as our liaison to Tidal Fish for a while now, and that has been a really good cross-fertilization. So as you saw in the e-mails, we thought it -- and it looked like all of you agreed in the responses I got -- that it would be a good idea to do the same thing the other way around.

But of course that is not described in statute, and there is a bill in the general assembly now that would

1 formalize that so it wouldn't be -- assuming that bill passes,
2 it would not be in statute until July 1. So it would be until
3 then that Rachel or whoever is sitting in that seat, I assume
4 it would be Rachel, will be in an unofficial, nonvoting
5 capacity. But here to participate in the discussions.

6 Everyone has got their agenda? We have got a lot to
7 cover, so I am going to encourage everybody to stick to the
8 topic and try to be concise. We have an Atlantic States
9 Marine Fisheries Commission meeting next week, the winter
10 quarterly meeting, so there are a couple of issues there.

11 We also want to bring your attention -- we will
12 probably tack that up under the fishery management planning
13 agenda item. And I know there are a lot of folks interested
14 in the three rod per person rule, and that, as you can see on
15 the agenda, is under the regulatory updates.

16 And we will probably also get a little bit of a
17 discussion -- preliminary, I will have to say -- on the
18 charter crabbing issue under that agenda item as well. So
19 Tom, I will toss it to you for an update.

20 MR. O'CONNELL: Thanks, Bill. Welcome, everybody.
21 Glad to see a good turnout of commissioners as well as the
22 public. I know there are a few hot issues that have come up
23 since we last met, and they will be discussed today on the
24 agenda. We also are fortunate to have Colonel Johnson here
25 from the Natural Resources Police to talk about NRP's

1 | strategic plan.

2 | So with that, I think we will just jump right into
3 | the agenda, recognizing that the agenda is full and we have
4 | got a limited amount of time this afternoon. Just before
5 | that, it is always good to clarify about these commission
6 | meetings the opportunity for public comment.

7 | There is a time period at the end of the meeting
8 | that is afforded for public comment and items that are not on
9 | the agenda. The standard operating practice of the commission
10 | is that if an action is taken, if time allows, we will provide
11 | an opportunity for public input before voting on a motion or
12 | final action item.

13 | Again that is if time allows so hopefully moving
14 | forward today efficiently, if motions come up, there will be
15 | time to provide some opportunity for public comment. With
16 | that, you know, there is a lot of, you know, controversial
17 | issues before fisheries like usual. And I just ask that, you
18 | know, that you respect each other's perspectives on the issues
19 | and have a good debate.

20 | Focus on explaining the reasons behind your current
21 | thoughts so ultimately the department can take that
22 | information, whether it is the majority of opinion or a
23 | minority of opinion, to make good decisions on behalf of
24 | Maryland citizens going forward. So with that, I will hand it
25 | back over to the chairman and we can jump into the agenda.

1 MR. GOLDSBOROUGH: All right. So we are going to go
2 right to the NRP Activity Report, and Lieutenant Mauk.

3 ***NRP Activity Report***

4 ***Lt. Beth Mauk, MD DNR NRP***

5 LT. MAUK: Good afternoon. Everyone on the
6 commission should have a copy of the report. And as usual I
7 will give you guys a few minutes to go through it. I can
8 guess there are probably only two items that will pique your
9 interest.

10 (Pause)

11 MR. GOLDSBOROUGH: Anybody have any questions for
12 Lt. Mauk on the NRP Activity Report?

13 (No response)

14 MR. GOLDSBOROUGH: Hey, if everything is this easy,
15 this is going to be great.

16 LT. MAUK: I will just quickly go over the two items
17 that --- . January 17 of this year, we -- some of you may
18 have seen Candace Thompson's little blurb about the recreation
19 fisherman who had 228 small rockfish. So just as a follow up
20 I wanted to tell you that did come to court.

21 And Judge Spencer seems to be a judge who is sitting
22 in Anne Arundel County for natural resources cases in place of
23 Judge Johnson, who has retired.

24 He seems like he is going to be an excellent judge
25 for us. And in open court he said, he cited the additional

1 penalties for striped bass, which is \$1,500 per fish.
2 Calculated the full fine for that violation and advised the
3 man that he should probably get an attorney because he could
4 be facing \$342,000 in fines.

5 So that was really nice because MSSA was there, and
6 hopefully that won't happen because that is too stiff a
7 penalty for one human being, recreational human being, but I
8 am sure there will be a substantial penalty in that case when
9 it is finally heard when he has an attorney. So that was
10 good.

11 And then I am sure some of you also saw the press
12 releases about the oyster seizure that took place in Talbot
13 County in Easton.

14 And I can't say a whole lot about that case because
15 probably what you have seen in the press is all we can say.
16 It was 187 bushels of undersized oysters that were seized in
17 the Easton area, and an investigation is ongoing.

18 MR. GOLDSBOROUGH: Any questions?

19 (No response)

20 MR. GOLDSBOROUGH: Great. Thank you. All right,
21 well, that will lead us right into the NRP strategic plan.
22 Colonel Johnson, welcome.

23 COL. JOHNSON: Thank you very much.

24

25

1 *NRP Strategic Plan*

2 *Col. George Johnson and Deputy Secretary Frank Johnson*

3 *Natural Resources Police*

4 MR. O'CONNELL: We are having some technical
5 difficulties so --

6 (Pause)

7 COL. JOHNSON: If you don't mind, until we get
8 going, just to give you a little prelude about the strategic
9 plan.

10 This effort started I guess about a little over a
11 year ago, and at that time, Assistant Secretary Wilson Parran
12 was the moderator of it and had experience in leading these
13 things. So basically what we used is -- I don't know whether
14 you have seen it or not but Secretary Gill and Rich Norling,
15 who worked with DNR -- Secretary Gill was deputy secretary at
16 the time.

17 THE level of service --- . And he traveled the
18 length and breadth of Maryland to our area offices and sat
19 down with our officers, picked their brains about the
20 different things that they did on a regular basis, that would
21 factor into what was required for manpower purposes and did a
22 very exhaustive study.

23 Because we tried to go out and see if there was a
24 vendor out there that could -- who had done this before. And
25 what we found out was there were very, very few that had done

1 | these types of manpower predicting exercises when it comes to
2 | conservation policing.

3 | So Secretary Gill did an outstanding job with Rich
4 | Norling, who is our legislative liaison, and they came up with
5 | the report. And basically the report, it came back and said
6 | that we needed 75 new police officers. And 33 seasonal
7 | officers to handle our park situation.

8 | So that particular report was used as a basis for us
9 | when we started the strategic plan, and going forward. Are we
10 | getting there? I will try to improvise. I was told that I
11 | had to speak to your for an hour and a half.

12 | (Laughter)

13 | COL. JOHNSON: But I will cut it down to a half
14 | hour, okay, or less.

15 | So like I said, we use this level of service report
16 | to kind of springboard and begin developing the strategic
17 | plan. And to cut to the chase, the strategic plan is set up
18 | to -- we are going to ask for 15 new officers every years for
19 | the next five years to come up with that 75 number.

20 | The 33 number for the contractual people who are our
21 | park service, we are going to do that in a gradual fashion as
22 | well. And -- are we good? We are good.

23 | MR. O'CONNELL: Noreen, can you dim the lights maybe
24 | in the front?

25 | MS. EBERLY: Can you hold the mike?

1 COL. JOHNSON: Can you all hear me?

2 (Simultaneous conversation)

3 MR. O'CONNELL: Takes you back to your singing days,
4 George.

5 COL. JOHNSON: I have never been accused of not
6 being heard, that is for sure.

7 All right. We set up this Powerpoint, so maybe it
8 will be a little easier for you to go with me on this one.

9 (Slide)

10 Obviously we go back to 1868, Oyster Police. Our
11 jurisdiction is conservation and boating law enforcement
12 statewide. Our other large situation that we are responsible
13 for, we are the agency responsible for homeland security for
14 maritime purposes.

15 We are involved in search-and-rescue issues, boating
16 and hunting safety and, of course, 24/7 information with our
17 communication services.

18 (Slide)

19 We are responsible for 470,000 acres of state-owned
20 property. Maryland -- the Chesapeake Bay and its tributaries,
21 including 9,000 miles of streams. I say -- when I get out and
22 about and talk, the best way to describe this is we are
23 responsible for 17,000 miles of waterway in Maryland, half a
24 million acres of state-owned property, 66 state parks that
25 have between 11 and 12 million people who visit our parks

1 every year.

2 And of course I think you can see or you would agree
3 that when you have that kind of number of people visiting your
4 parks, a lot of the social ills that a society has, it comes
5 with those kinds of numbers. So we are facing that on an
6 everyday basis. Yes, Jim?

7 MR. GRACIE: Quick question. 9,000 miles of
8 streams -- there are 17,000 miles of streams in Maryland.
9 What does that 9,000 include?

10 COL. JOHNSON: I didn't put this together so you
11 have got me at a -- can you help me out with that, Dave?

12 MR. : We pull that information from the
13 service report.

14 COL. JOHNSON: The service report.

15 MR. : Staffing and --

16 MR. GRACIE: --- what is excluded?

17 COL. JOHNSON: Well, I think they are talking 9,000
18 miles of streams. I am talking about every bit of waterway
19 the state is responsible for, including streams.

20 MR. GRACIE: Well, I am assuming that excludes
21 streams that run through private property. --- do enforce
22 fisheries laws on those streams too.

23 COL. JOHNSON: Right, right. Including it all.

24 (Slide)

25 Okay, so 1990, take you back to 1990, the Maryland

1 Park Service had a police force, the Natural Resources had a
2 police force. Between the two, there were 451 authorized law
3 enforcement that existed.

4 Of course as a result, over the years -- when I came
5 on as superintendent in 2007, we had a complement, at that
6 time we were authorized 280. So right away you can see
7 between the, I believe the merger started in 2005, 2006. And
8 then from that point to 2007, we went from 451 to 280.

9 And then the economy obviously took a downward
10 spiral, and from 2008 through this year, for all intents and
11 purposes, we lost another, what was it, 280, 239, whatever
12 that difference is. But right now, we are at a strength of
13 239. That includes me all the way to our officer level that
14 is on the street.

15 We did get the opportunity to bring on, bring back
16 our cadet program, which I think is a very good move for more
17 than one reason. One, it gives us the opportunity to
18 cultivate our young high school, just out of high school age
19 people from 18 to 20, and cultivate them into the conservation
20 way of thinking and getting them ready to become Natural
21 Resources Police officers.

22 And it really is beneficial because we are a very
23 unique police agency when you compare us to other traditional
24 law enforcement that is out there. And so it is quite
25 important that we get these young people at that young 18

1 years of age and cultivate them and bring them on to be able
2 to assist us.

3 They are situated -- we have 13 of them. They are
4 situated across the state. They are working with our officers
5 in performing all the duties with them, whether it be hunting,
6 boating, whatever it may be. There were three or four cadets
7 that were with us two weeks ago helping cull oysters and deal
8 with oysters with that undersized oyster situation.

9 Good learning experience, great learning experience
10 for them. So this program has proved its weight in gold,
11 believe me, we want to tell you.

12 (Slide)

13 We have 54 civilians. We have a total of 306
14 classified personnel. As of January 1, 2014, we have 215 law
15 enforcement officer PINS filled. 163 of them are patrol
16 officers.

17 We just had our academy graduate last Friday of 19
18 people. And we are moving right away for an academy to start
19 in an April/May timeframe that will at least have 15. We are
20 hoping that it could get up to 17, 18 or 19 level like this
21 past academy just graduated.

22 Based on the above, DNR has experienced a 53 percent
23 decrease in LEO PINS. I don't need to tell you that is quite
24 a significant impact on an agency that has to do the duties
25 and responsibilities that I just described to you.

1 (Slide)

2 Okay, task force for fisheries management. The
3 Fisheries Management Reform Act, Senate Bill 2012, enacted in
4 '07, created a task force for fisheries management. That task
5 force is charged with developing and making recommendations to
6 the 2009 general assembly to improve fishery management and
7 protection of the species and habitat.

8 The task force made recommendations to the governor
9 and the general assembly 2008 to establish a target number of
10 NRP officers, hold annual NRP academy classes, reinstate the
11 cadet program.

12 As you can see, we are already working on the
13 recommendations of the task force.

14 (Pause)

15 The 2012 Joint Chairmen's Report on Natural
16 Resources Level of Service Standards is the one I referred to
17 you earlier on. The report included a workload analysis,
18 response to time metrics, staffing levels were authorized in
19 filled law enforcement officer positions. Evaluation of law
20 enforcement officer work for civilianization, and pertinent
21 crime rates.

22 We have moved forward in civilianizing a few of our
23 spots within the agency as well.

24 (Slide)

25 Key findings: There were no universally acceptable

1 standards for accessing adequacy of natural resource policing,
2 which I indicated to you earlier.

3 Patrol staffing and deployment requirements are best
4 established by careful analysis of available data.

5 Calls for service from the public and other police
6 agencies have definitely increased over the past three years.

7 Statewide patrol hours for boating safety have
8 decreased 20 percent since 2004. I think it stands to reason
9 that when your workforce is cut 53 percent, you are not going
10 to be able to do as much.

11 But I will tell you that what we have is out there
12 working diligently every day to try to take care of business.
13 I assure you of that.

14 (Slide)

15 Okay, conservation patrols have decreased by 16
16 percent in the Eastern region where the largest amount of
17 commercial fishing and crabbing activity takes place. Not
18 including public lands, total annual NRP patrol hours have
19 decreased statewide by 6 ½ percent since 2004.

20 Maintaining a patrol presence in the Maryland Park
21 Service System with over 11.1 million visitors at 66 parks
22 presents significant law enforcement demands since that 2005
23 merger.

24 Law enforcement demands on public lands and public
25 waterways are largely seasonal, peaking in the June to

1 September timeframe. And that is where it comes in. It
2 addresses here so I will wait and do it at that time.

3 (Slide)

4 To maintain the existing number of officers to
5 compensate for retirements, NRP will need to hire and train
6 enough recruits to replace 14 officers each of the next five
7 years, which actually that number should be 15 because of the
8 75 that I brought to you.

9 A total of 233 patrol officers, 70 more than the
10 current staffing of 163 patrol officers. Now keep in mind, it
11 is patrol officers. Those are the officers who are out in the
12 field doing -- that doesn't include the command staff and the
13 supervision. Just patrol officers.

14 A total of 33 contractual, seasonal officers could
15 fulfill the seasonal June through September peak demand in
16 state parks at a substantial cost savings.

17 An additional five officers and civilians in
18 nonpatrol functions would provide sufficient support for an
19 increased number of patrol officers.

20 (Slide)

21 All right. Natural resources plan. Once again we
22 use the level of service standards as a catalyst to
23 springboard from. The plan is a comprehensive blueprint that
24 includes both long-term goals and objectives and short-term
25 strategies and projects to implement those goals identified in

1 the Level of Service Standards Report.

2 The plan documents the NRP mission, the priorities
3 and commitment to its long-term goals that guide decisions and
4 focus efforts to achieve those results.

5 (Slide)

6 Under the strategic plan, within five years of
7 implementation, DNR would have increased number of officers
8 available for patrol from 163 to 233, supplemented by 33
9 contractual officers in state parks during the peak summer
10 season.

11 5 additional officers and 5 civilians will be added
12 to support this staff increase. The plan also includes goal
13 objectives and strategies to enhance the background
14 investigation process, implement electronic ticketing,
15 implement and enhance MLEIN coverage -- that is our Maritime
16 Law Enforcement Information Network that we have.

17 Identify additional opportunities for streamlining
18 existing paperwork. Enhance interagency and inter-unit
19 communications, cooperation and partnerships.

20 Identify and implement opportunities to streamline
21 regulations. Increase efficiency in emergency response.

22 (Slide)

23 Positive improvements to date. Results: The DNR
24 fisheries service currently works with a Penalty Workgroup.
25 Increased penalties provide added deterrents for offenders.

1 The recent list of commercial fisheries licenses suspended had
2 22 entries to it.

3 A dedicated natural resources court day, which has
4 been a tremendous success for us. We presently have that, 17
5 jurisdictions that I have personally gone out with some of our
6 attorney generals and talked with the judges and got them in
7 place.

8 It started right across the street here in Anne
9 Arundel County and it has progressed outward, and our officers
10 have given us feedback that this standalone court date where
11 we no longer are sandwiched in between state police or the
12 sheriff's office or municipal police force or whatever it may
13 be. We now have our own day where they are hearing nothing
14 but conservation-related type crimes.

15 Education of local and state prosecutors on the
16 importance of conservation law enforcement. We have engaged
17 our prosecutors and given them manuals, given the material.
18 We sat down with them and discussed the crimes that are the
19 most frequent that we come in contact with that tend to come
20 to court to better prepare our prosecutors to help us present
21 the case in court.

22 (Slide)

23 Okay. Other contributing things that have helped is
24 making our state parks alcohol free. And that has been a big
25 help to us. NRP joins other state law enforcement agencies in

1 the computer aid dispatch records management system
2 implementation resulting in additional efficiency including
3 automatic record checks.

4 We just converted over into the CAD/RMS. We haven't
5 seen immediate results but we are still getting to see what
6 the system can do for us. And I think that we are even going
7 to go to higher levels on what it is going to be able to
8 provide us datawise for the future.

9 NRP public information officer position was
10 civilianized. Candy Thompson is right in the back there. She
11 is our PIO and is doing an outstanding job. We are so happy
12 to have her.

13 Okay, new technology including our MLEIN, Maritime
14 Law Enforcement Information Network. This has been a project
15 that has been coming along since I arrived in 2007. It was
16 made possible through port security grants from the Coast
17 Guard, and we have elaborated on it and increased it every
18 year to build on the program.

19 Right now we have a series of radars and cameras
20 that are strategically situated up and down the Chesapeake Bay
21 and on the Potomac River. That will help us for homeland
22 security purposes but equally as important for conservation
23 policing.

24 We have our sanctuaries that are placed into our
25 database. And we have the ability to draw an invisible fence

1 around these sanctuaries. The information goes back to our
2 communication section where our PCOs or Police Communication
3 Operators are monitoring on a 24/7 basis any violation,
4 anybody penetrating areas where they are not supposed to be.

5 And then we have certain protocols that are in place
6 that when a penetration of a particular sanctuary takes place,
7 we will get an officer responding. We also have the
8 commitment from the Maryland State Police that if we do have a
9 situation like that, they will put a helicopter in the air for
10 us, hopefully with one of our observers, but if we don't have
11 time they will put it up anyway.

12 And then we will communicate with the ground people
13 to be able to convey what they see while our officer is
14 responding to the scene of that particular situation. It is
15 working out, it is working very well. We have made -- since
16 we have got the system up and running fully about six months
17 ago, seven months ago, we probably made about four or five
18 cases right now using MLEIN.

19 What is of other importance to bring to your
20 attention is that our partners and other law
21 enforcement-related people who have their own little small
22 marine units and their police agencies, we are giving them
23 free access to this so that when we have situations that
24 we -- they are seeing what we are seeing.

25 And if we have a particular homeland security issue,

1 | then we can communicate from basically -- I can pull it up on
2 | the laptop in my living room and talk with a police chief at
3 | night, him looking at his somewhere else, and we can
4 | coordinate what we feel that our resources need to coordinate
5 | on and respond to.

6 | It is a system that we are constantly tweaking and
7 | improving on, but it has proven itself, in my opinion, to be
8 | very effective at this point and very worthy of using.

9 | I had a comment from the captain at a port in
10 | Baltimore just last week when we were together. And the Coast
11 | Guard has a program -- was it Watch? Watchkeeper, thank you.
12 | And they were with their admirals, and the captain said, I
13 | rely more on Maryland's MLEIN than I do our own Watchkeeper.

14 | I think that says a lot about our system and what it
15 | can do for us in our efforts. Where did I leave off?

16 | (Slide)

17 | Due to reduction in turnover in FY15 and the fourth
18 | quarter of FY14, NRP will hire an additional six officers over
19 | our pledged 15 new LEOs for FY14.

20 | In FY15 the NRP is being provided with six new LEO
21 | PINS and funding in the governor's newly proposed budget.
22 | That is the one that was just recently introduced to the
23 | legislature.

24 | And that will take our force from 239 to 245. The
25 | governor's allowance of \$1.3 million is for the turnover

1 reduction, the new LEOs PINS and funding to outfit the
2 positions.

3 Also in FY15, NRP will hire five long-term
4 contractual officers for state parks, our state park law
5 enforcement funded in the first year by transfer tax revenue
6 dedicated to park enforcement operations.

7 I tried to keep it under a half hour for you. I
8 think I have been able to do that. Any questions that you may
9 have?

10 MR. GOLDSBOROUGH: We will have some questions from
11 commissioners, and I want to make sure before we do that, that
12 you all recall all the context for this.

13 Fishery enforcement has been a big priority for this
14 commission going back a few years now. We had some
15 conversations about it in a couple meetings last year. There
16 was legislation a year ago, you may recall, that sort of came
17 out of the blue frankly, but legislation that would have put a
18 surcharge on fishing licenses, commercial and recreational, to
19 provide funding for NRP because they were so understaffed.

20 That legislation didn't pass. It was something that
21 needed a whole lot more work to evolve that concept. In the
22 meantime they began work on their strategic plan as we were
23 informed last summer here in our summer meeting, you may
24 recall.

25 And so we were waiting until this moment when the

1 plan was done to get a report on it and understand where it
2 stands and what we may be able to do, if anything, at this
3 point.

4 I don't know what kind of legislation might come up
5 this session about it but it looks like we are getting
6 increased funding from the governor, \$1.3 million in the
7 current budget that I think we can all stand behind, that is
8 helping alleviate the situation.

9 So progress on that front it looks like, and I would
10 like to open it up if any commissioners have questions for
11 Col. Johnson. Jim?

12 *Questions and Answers*

13 MR. GRACIE: The reduction in turnover, I am not
14 sure I understand that term. Does that mean that the officer
15 budgets reduce the turnover allowance so that you have more
16 money to spend?

17 COL. JOHNSON: Yes.

18 MR. GRACIE: Okay. So it is not a cut in actual
19 turnover, it is their arbitrary figure, okay.

20 COL. JOHNSON: Right now as we talk to you, or in
21 years past, there has been a formula that the Department of
22 Budget Management has in place that says that -- you have to
23 keep so many vacancies in your budget. And it was a high
24 number. At some point, it was as many as 20 positions that I
25 had to keep open.

1 Now over the last few years, there has been efforts
2 by our secretary, deputy secretaries, to work to get that
3 number brought down. And that has been, that has been done
4 with the cooperation of the Department of Budget and
5 Management.

6 And so what happened this year is that we are
7 getting -- the moneys for six additional officers plus the
8 balance of that \$1.3 is the reduction. They used that money
9 to reduce our turnover so that we can fill more vacancies.

10 MR. GRACIE: Thank you.

11 COL. JOHNSON: Any other questions?

12 MR. GOLDSBOROUGH: Any other questions?

13 MR. GRACIE: If I have got the numbers right, you
14 said there has been a 6.5 percent decrease in patrol hours
15 since 2004. But the same area in the presentation you said
16 PIN has decreased 53 percent. What that means is that your
17 decrease has been observed in --- enforcement effort.

18 COL. JOHNSON: The fact that you have a
19 significantly reduced workforce only equates to not having
20 enough people out there to maintain what we were doing before.

21 MR. GRACIE: Well, if you lost half your positions,
22 I guess all other things being equal I would assume you would
23 lose half your enforcement hours. But you lost a fraction of
24 that enforcement hours.

25 COL. JOHNSON: When you lose officers, you lose the

1 ability for enforcement hours unless you make them up with
2 overtime and things like that --

3 MR. GRACIE: Okay. I am not getting how you had
4 such a small decrease in patrol hours with such a large
5 decrease in PINS.

6 COL. JOHNSON: I think what we are trying -- can you
7 bring that back up again, Dave, about that 6 ½ percent? There
8 it is. That, including public lands, total annual NRP patrol
9 hours have decreased statewide by 6 ½ percent.

10 Now that is the existing workforce that we that we
11 have now. And I thinks this speaks to the dedication and
12 commitment that we have of our officers. Is that we are
13 realizing a 6 ½ percent decrease here statewide, but since the
14 mid '90s, we have got a 53 percent decrease in the number of
15 people doing it.

16 So it says a lot about the existing people that we
17 have working for us now to keep it so that we are only
18 experiencing a 6 ½ percent reduction.

19 MR. GRACIE: I think what that means is fewer people
20 are doing a lot more work.

21 COL. JOHNSON: Make no mistake.

22 MR. GRACIE: That is what I was trying to get at.

23 MR. GOLDSBOROUGH: Any other questions?

24 (No response)

25 MR. GOLDSBOROUGH: Letting you off easy. Thank you

1 very much.

2 MR. O'CONNELL: Just before you leave, Colonel, I
3 just wanted to, you know, mention to the commission and the
4 audience that fisheries service has really enjoyed the
5 relationship that has been built with the Colonel and his
6 staff over the last several years.

7 I think it has improved from the past and we share a
8 lot of information and we are able to help them prioritize
9 some of their, you know, limited resources based upon
10 information that people like you give us. And it has been
11 just a good back and forth, and I just wanted the sports
12 fishermen to hear that. We appreciate that.

13 COL. JOHNSON: I agree. We have a great
14 partnership. One of the things that I, in my management
15 philosophy, is communicating. Communicate, communicate,
16 communicate. Talk with people. And we have definitely worked
17 on that every day.

18 There is always room for improvement. There is
19 always a chance for a breakdown in communication but if you
20 stay focused on it, when you communicate like we have with our
21 fisheries and our other units within our wildlife, for
22 instance, for our hunting-related situations. I mean we work
23 together hand in hand every step of the way.

24 So I appreciate your bringing that point up, and we
25 enjoy our partnership with you as well. All right, thank you

1 all very much. I appreciate this opportunity.

2 MR. GOLDSBOROUGH: All right, we are two minutes
3 ahead of schedule. We will move on to the next agenda item.
4 Karen Knotts on scoping of license-free fish area changes.
5 Our continuing discussion that we had previously.

6 ***Scoping of License-Free Fishing Area Changes***

7 ***by Karen Knotts, MD DNR Fisheries Service***

8 MS. KNOTTS: Hi, I'm Karen Knotts. I am with the
9 Communication and Outreach Division within fisheries service.
10 And as Chairman Goldsborough said, I am here to talk to you a
11 little bit about license-free fishing areas.

12 So the objective right now is that we want to use
13 these areas to increase new participation in Maryland's
14 recreational fishery. I want to give you a little bit of
15 background because that is not always what the goal of these
16 areas was. So next slide, please.

17 (Slide)

18 So a little bit of history on the license-free
19 fishing areas. Back in 1985, the department implemented the
20 saltwater sport fishing license requirement. And that was,
21 you know, a new requirement, and it had an impact to areas
22 where folks were currently being able to fish without a
23 license.

24 So in the following year, 1986, we by regulation
25 established 17 sites, specific sites, which were public

1 | bridges or piers in the areas where that new license was
2 | required. And the reason that this was done was basically
3 | concerns by legislators/stakeholders that this new license
4 | requirement limited the opportunities specifically for
5 | subsistence fishing in disadvantaged areas.

6 | So the goal of these -- establishing these 17 sites
7 | was to put in a site for each county that bordered tidal
8 | waters, again to kind of offset the restriction and
9 | opportunity by the imposition of this new license.

10 | So by 1993 there were 22 license-free fishing areas
11 | that had been created by regulation. And all of those are
12 | still in place, all of those areas still exist. Okay, next
13 | slide.

14 | (Slide)

15 | In 2011, because it had been such a long time since
16 | these areas had been established, the department conducted a
17 | review of all the different areas. And not surprisingly, I
18 | guess, determined that there were some that weren't
19 | accomplishing the objectives.

20 | They either weren't safe, they weren't accessible,
21 | the quality of fishing was poor, they weren't being used by
22 | subsistence fishermen. There were some sort of issues where
23 | they weren't performing to the level that we would have hoped
24 | currently for these types of areas.

25 | So that information was summarized -- I believe it

1 | was probably Marty Gary who summarized it to this commission.
2 | And gave you the update on that evaluation. Then in 2012, the
3 | law that grants DNR authority for designating these
4 | license-free fishing areas was clarified, and the main
5 | clarification here was that the department could designate an
6 | area.

7 | So it didn't have to be a specific pier or a bridge,
8 | which was formally how the areas had been. They were a
9 | specific spot. So the law was clarified to allow, to let the
10 | department know that in tidal and nontidal waters, we could
11 | designate an area.

12 | And this obviously opens up the possibility for
13 | moving into some of the nontidal areas where within, for
14 | example, state parks, where there might be a spot that would
15 | be really good for reaching out to folks who are in the parks
16 | using it, families and children and that sort of thing.

17 | About the same time -- sorry. Go back a little bit,
18 | Noreen. There was a conference call, I believe it was in
19 | March of 2012, where the commission discussed a couple of new
20 | areas that had been proposed. And that was Northside Park and
21 | Chicago Avenue, I think, in Ocean City.

22 | And on that same call, the commission discussed
23 | briefly modifying the criteria that had previously been in
24 | place for license-free fishing areas so that we could focus
25 | more on reaching out to families, youth/family fishing,

1 including subsistence as well.

2 But trying to use these areas a little bit more to
3 reach out to inspire families and new anglers, give them an
4 opportunity to try fishing, see what it is like, get excited
5 about it and then become a license holder and try new areas.
6 So again those couple new sites in Ocean City were proposed,
7 scoped and adopted. And in, I believe, August 2012 those
8 sites in Ocean City became effective. Okay, Noreen, the next
9 one.

10 (Slide)

11 So a little bit on the evaluation of the 24 existing
12 areas. What that showed -- and this again was 2011. And
13 Keith Lockwood, who -- where are you, Keith? You can put up
14 your hand.

15 This is -- Keith Lockwood is our staff member who
16 focuses on our license-free fishing areas and conducted a lot
17 of this evaluation work. And there may be some specific
18 questions, so he is here to be able to help answer those
19 because he has been to all of them and is really familiar with
20 them.

21 Of the 24 areas that we currently have
22 designated -- so that was the 22 original ones plus these two
23 new ones that we just established in Ocean City -- we found
24 that 6 of those did not meet the criteria for safety,
25 accessibility and/or quality of fishing.

1 Some of them were -- all three were not being met.
2 Four sites marginally met our criteria. So a couple of
3 examples that you see there. I am not sure of the specific
4 sites but the one is, one in Baltimore where we actually have
5 a water taxi service that sort of took over the pier.

6 And you can't see it too well, but there is a no
7 fishing sign posted there at our license-free fishing area. A
8 little bit of irony there. So obviously that one is not
9 really friendly for fishermen. The one on the right there, is
10 that Chestertown?

11 MR. LOOKWOOD: That is the 213 --

12 MS. KNOTTS: So obviously standing on that bridge
13 and trying to cast or enjoy fishing is going to be a dicey
14 proposition. So that is just a couple of examples. All
15 right, next slide, please.

16 (Slide)

17 So again what you see here are the 24 areas that I
18 have mentioned, and I hope you can see -- the dots are kind of
19 small there. But they are color coded. You will see some
20 that are red, and those are the ones that are existing areas
21 but they aren't meeting our criteria.

22 There some in yellow. Those are the ones that only
23 marginally meet the criteria. And then the green ones are
24 ones that we think are doing all right.

25 So the -- in the text that you see there -- Canton

1 Recreational, Hull Street, Still Pond, Chestertown, the one in
2 Salisbury and the one on Porter's Crossing Road, those are the
3 ones that we have identified that are the six that don't meet
4 criteria. Okay, next one.

5 (Slide)

6 So that was kind of a first step. We recognized, we
7 changed the objectives a little bit to make them more current
8 to what we would like these areas to do. We discovered that
9 some of the areas aren't performing the way we want. We have
10 this clarified authority that we can do areas and we can
11 expand maybe into some of the nontidal areas.

12 So what we did in the fall of last year was to
13 conduct a survey with park service staff and Maryland fishery
14 service staff. Just reaching out to them to find out if they
15 could help us to identify any potential new sites that we
16 might expand.

17 We could maybe remove some of these areas that
18 aren't performing, add some areas that would help us to expand
19 into new areas and enhance our ability to reach out again to
20 new anglers while we maintain the subsistence fishing goal.

21 So the considerations that we asked them to think
22 about were we wanted high-quality, safe, accessible and
23 geographically equitable opportunities for families and
24 subsistence anglers. We wanted them to think about safety
25 concerns -- traffic, parking as well as quality-of-experience

1 | issues like how accessible the areas were, particularly to
2 | families with kids.

3 | What kind of fishing quality and success they can
4 | expect and things like amenities and cleanliness. Again
5 | thinking about families.

6 | (Slide)

7 | So that survey provided us with some
8 | information -- again this was Maryland park service and
9 | fisheries service staff. And the information that we got from
10 | that, where we got a few suggestions here that came from those
11 | folks.

12 | In the western region, Gambrills State Park.
13 | Central region, we had Kittamaqundi Lake, which is in
14 | Columbia, a nice spot right in the middle of Columbia which
15 | apparently has a nice new trail all the way around it, has
16 | good access. North Point State Park.

17 | Southern region: Smallwood State Park and Myrtle
18 | Grove wildlife management area. There are a couple of ponds
19 | there. And then eastern region we had a few suggestions:
20 | Federalsburg, the municipal park there at the waterfront.
21 | Jane's Island State Park and Martinak State Park.

22 | (Slide)

23 | So this map here basically just shows you the
24 | existing areas, and then we have added these suggested areas.
25 | At this point these are suggestions. We haven't evaluated

1 | them. But what I wanted to do is present them to you, and
2 | what we would like to do is you were provided with a list that
3 | shows the underperforming areas and the new suggestions.

4 | So what I am hoping is that you guys can work with
5 | your constituencies, your stakeholders. Have them review the
6 | list that we have given you. It is also posted under the
7 | materials if you want to just send somebody to the Website,
8 | that same list.

9 | And we would like some feedback and some input from
10 | you on the idea of -- do we want to remove these areas? What
11 | do you think of these new areas we have suggested, and are
12 | there any that you -- that we have missed, that you might
13 | think we should consider.

14 | So again this map is basically -- gives you the
15 | beginning of an idea of what it would look like. If we just
16 | went ahead with all those that we have, we aren't getting
17 | really good geographic distribution. That is something we
18 | would like to look at.

19 | Once we get all the feedback we are going to take a
20 | look at the geography of it and decide where we want to move
21 | forward. I guess one mention again on -- the idea of moving
22 | into state parks is exciting and interesting for a lot of
23 | reasons. It allows us to again target folks who obviously
24 | enjoy being outdoors, have their families with them, their
25 | kids.

1 We can really enhance the quality of that
2 family-fishing aspect that helps to foster stewardship and
3 fishing, kids getting excited about fishing with their
4 families, which is how most kids start. It also allows us to
5 investigate things like tackle loaner programs at state parks
6 that have discovery centers or nature centers. So there are a
7 lot of good things about it.

8 But there are also the downsides. Some of the parks
9 have entrance fees so -- fortunately, of the ones that were
10 suggested, only a couple of them do have entry fees but it is
11 something that we need to think about.

12 And we have mentioned the areas that are on your
13 list to state parks. They have taken a quick look at them and
14 they think they look okay but they want to do a little bit
15 more discussion with their staff just to make sure they don't
16 see any issues or concerns.

17 So where we are right now is we are awaiting for
18 feedback from park service. And we are looking for feedback,
19 as I mentioned, from this commission and the stakeholders that
20 you guys represent on the areas that are on that list as well
21 as anything that we might have missed.

22 So we would like to keep things rolling and be in
23 good shape to get some scoping of new -- of changes to
24 license-free fishing areas so that would be either removal,
25 addition. All of that would have to be done by regulation.

1 So we would like to get that done this spring.

2 So we are asking for feedback from you folks about
3 three weeks from now. So it doesn't have to be anything more
4 than, here is a good area. Ideally you could put some notes,
5 like in the table I gave you, that says this is a good area
6 because. So give us some -- it is great fishing. You know,
7 whatever you see as good features.

8 Or the same thing if you think there are places that
9 we shouldn't consider because in your experience they don't
10 live up to what we are aiming for. And please let us know
11 that. So whatever feedback you can give us will be much
12 appreciated.

13 And then again we are going to evaluate the areas
14 and we hope to scope any changes this spring. And then we
15 will move ahead with regulatory proposal as appropriate.
16 So that is really the gist of it. Any questions from the
17 commission?

18 MR. GOLDSBOROUGH: Thank you, Karen. Okay, so a lot
19 of work has gone into evaluating the existing sites, coming up
20 with potential new sites and then looking for input from us
21 and any stakeholders that we represent. You say within the
22 next three weeks. Would you like to field individual e-mails
23 from commissioners or you want us to put it all together in
24 one --

25 MS. KNOTTS: Individual is fine. Those can come to

1 Noreen and then she will funnel them. So just reply to
2 Noreen.

3 MR. GOLDSBOROUGH: So I want to open it up for any
4 questions for Karen right now but keep in mind that is going
5 to be one element of homework for us over the next three weeks
6 to try and get some feedback on what you have heard about, the
7 proposed sites for elimination from the free fishing areas and
8 the proposed sites for addition from any stakeholders you
9 might know of who might be interested.

10 And get that into Karen -- well, to Noreen, copy me
11 if you would, sometime within the next three weeks. Any
12 questions for Karen right now? Jim?

13 *Questions and Answers*

14 MR. GRACIE: Yes, is there something magic about the
15 three weeks? A lot of organizations meet once a month. If
16 they had their membership meeting or board meeting last week,
17 we won't get them in the three weeks.

18 MS. KNOTTS: That is fine. If it goes beyond that,
19 that is fine. Get us what you can in the three weeks, and
20 then we will continue to entertain them as they come in. If
21 once we get to the point where we really -- it is definitive,
22 we need to move now -- then we will be sure to check back with
23 the commission and find out if there is anything that has come
24 forward that we haven't heard.

25 MR. GRACIE: Is there any aversion to trout streams

1 as sites because there aren't any now.

2 MR. COSDEN: (away from microphone) --- . People
3 would be allowed to harvest those trout without --

4 MR. GRACIE: --- harvest trout without buying a
5 license?

6 MR. COSDEN: I am not saying -- no, I am just saying
7 that would be a consideration. You were asking why there are
8 none on here.

9 MR. GRACIE: No, I am asking if there is the
10 possibility of recommending some?

11 MR. COSDEN: I would say yes.

12 MR. GOLDSBOROUGH: Any questions for Karen?

13 (No response)

14 MR. GOLDSBOROUGH: All right. Thank you, Karen.
15 Okay, --- so far. Let's move on to the regulatory updates.

16 (Pause)

17 MR. GOLDSBOROUGH: So item four or tab four in your
18 materials.

19 ***Regulatory Updates, Regulatory Scoping Items and Legislative Update***

20 ***by Jacob Holtz, MD DNR Fisheries Service***

21 MR. HOLTZ: All right, so I am going to be doing the
22 regulatory and legislative update and also cover some scoping
23 items. My name is Jacob Holtz. I work in the regulatory
24 division.

25 As far as public notices we have issued since the

1 last sport fish meeting, most of them have been striped bass
2 openings and closures for hook and line and gill net as well
3 as a bunch of aquaculture leases.

4 The two that I would point out that this commission
5 might be interested in would be the recreational black sea
6 bass and the summer flounder seasons, catch limits and sizes
7 for 2014.

8 Just so you know, the black sea bass season is going
9 to be May 19 to September 18 and then October 18 to December
10 31. It will be 15 fish per person, per day at 12 ½ inch
11 minimum size. And that is per the ASMFC guidelines.

12 And summer flounder is going to be open all year,
13 four fish creel with a 16 inch minimum size. The rest of the
14 public notices we did -- I told you they are all commercial
15 openings, closures and aquaculture stuff.

16 As far as regulations that became effective since
17 September, things that this commission might be interested in,
18 obviously the recreational gear regulation became effective.
19 I have a feeling we are going to be talking about that later.

20 The fishing in nontidal waters regulation moved a
21 point in the managed trout area just to clarify because the
22 previous point, it could have been interpreted a couple
23 different ways. And so the new regulation just reflects a
24 clearer line.

25 The crabs, we clarified the recreational catch

1 limits and established the requirement for recreational crab
2 pot. Folks who have waterfront property, owners have to
3 register their crab pots. And that is -- everything else is
4 either commercial or aquaculture.

5 We also have a number of regs that are following the
6 APA process, some of which still have comment periods that are
7 going to be open. That would be snapping turtles, penalties,
8 the bait harvester permit, spotted sea trout and then the
9 oyster shell tax credit.

10 As far as regs, that is what we have at least
11 already submitted and are following the process.

12 MR. GOLDSBOROUGH: You want to take questions on any
13 of that?

14 MR. HOLTZ: Sure. If anybody has questions about
15 what we have going on, yes.

16 MR. GOLDSBOROUGH: Jim?

17 MR. GRACIE: On the incentives pilot program,
18 recreational fishing SB 93 --

19 MR. HOLTZ: I haven't gotten to that yet.

20 MR. GRACIE: Oh, I am sorry.

21 MR. RINGGOLD: Could you just repeat the season for
22 black sea bass?

23 MR. HOLTZ: Black sea bass is May 19 to September 18
24 and then October 18 to December 31.

25 MR. RINGGOLD: Thank you.

1 MR. HOLTZ: And all these public notices we have on
2 our Website. If you go to the fisheries service on
3 page -- there is a link on the left side of the page that says
4 public notices, and all of our public notices are there.

5 Next I am going to cover scoping. One thing that I
6 would like to point out with our scoping process, what this
7 process is, is we haven't finalized what our regulatory idea
8 is so far.

9 We know that there is an issue we want to deal with
10 or have been asked to deal with, and we are coming to both you
11 and the tidal fish commission to get your feedback as far as
12 is there more outreach that we need to be doing in addition to
13 what we already have planned?

14 If you think there is a stakeholder group that is
15 being affected that we haven't considered or if there is a way
16 to reach people that we haven't considered, we would really
17 appreciate your consideration with these things just so we can
18 effectively reach people, to make sure that our stakeholders
19 know what is going on, and if people are being affected, they
20 can have a voice in the process.

21 The two issues that we have -- actually, they are
22 both commercial issues. The first one is the striped, we are
23 going to back into the striped bass regs just to -- one idea
24 that we have is to stretch, currently a striped bass permit
25 holder has to declare at least every other year in order to

1 maintain their permit.

2 We had stretched that to -- they would have to
3 declare once every three years. The reason behind that
4 thinking is because of the new ITQ fishery and because we
5 haven't figured out exactly what to do with permits that are
6 not renewed, as far as would they go to people on a waiting
7 list, and if they did go to someone on a waiting list, would
8 there be any allocation on that permit?

9 To give us more time just to figure out how to best
10 handle these permits, we are going to let people declare their
11 permit once every three years instead of once every other year
12 just so we could have a really good plan for what to do with
13 it.

14 Additionally we would be formalizing the ITQ fishery
15 and the Atlantic fishery. Currently they have some of the
16 aspects of an individual, transferrable quota fishery in that
17 they each get a share of the fishery. They don't have the
18 flexibilities that the fishery in the Chesapeake Bay does
19 though.

20 So we would be more formalizing it and giving them
21 some additional flexibilities to better manage their
22 businesses. Our current plan is just to scope it on the
23 Website and then to have a meeting with those permittees in the
24 Atlantic fishery at some point in the near future.

25 If you all had any additional ideas for groups we

1 | should be thinking about or additional steps we should take to
2 | scope that, we would be definitely interested in hearing it
3 | but that is our current plan.

4 | MR. GOLDSBOROUGH: Any thoughts for Jacob about
5 | that, on how to scope that regulation besides what they are
6 | already planning?

7 | (No response)

8 | MR. HOLTZ: And then the second issue for scoping
9 | right now that we are working on, the idea would be for
10 | Menhaden. It would create a little bit of flexibility in
11 | their permitting. They would either be able to transfer a
12 | Menhaden by-catch permit or to be able to assign an operator
13 | to the permit.

14 | That way if a permittee couldn't get out that day, he
15 | could send somebody out in order to harvest out of his nets.
16 | Our current idea right now is to scope it on the Website, but
17 | if you all thought that we should have a public hearing about
18 | it or something like that, let us know.

19 | MR. GOLDSBOROUGH: Any thoughts?

20 | (No response)

21 | MR. GOLDSBOROUGH: Okay.

22 | MR. HOLTZ: That is it as far as scoping goes. Just
23 | as a reminder, ideas that we had scoped previously but we
24 | haven't formalized an actual proposed regulation yet: charter
25 | crabbing, commercial license targets -- the targets are just

1 the number of licenses that we are trying or issue basically
2 sets caps.

3 Restitution as far recouping some monetary return
4 from people who are caught violating our natural resources
5 laws currently. When you pay a fine, all that money goes to
6 District Court and we don't see a penny of it. And so
7 restitution would send some of that money back to us.

8 Restrictions on aquaculture harvester permits, and
9 then trying to standardize permit declaration across all of
10 our species that have commercial permits. So those
11 haven't -- we haven't proposed regulations yet but we are
12 working on those as well.

13 MR. GOLDSBOROUGH: Any comments?

14 MR. O'CONNELL: Yes, I just wanted --- some
15 conversation earlier today and during the last couple weeks
16 that relate to charter crabbing. I understand that we did go
17 through scoping last year, and that staff had been working
18 with some folks in ecotourism, charter boat and commercial.

19 But there seems to be a lot of different
20 perspectives, and I think that once we complete some
21 conversations with the people that we have been speaking to, I
22 want to hear that, whether or not this Sport Fish Advisory
23 Commission would like to see our idea before it gets submitted
24 as a proposed regulatory action.

25 MR. GOLDSBOROUGH: Comments. Ed?

1 MR. O'BRIEN: I think the charter crabbing -- you
2 know, some of that going on, that is a good idea. I hope it
3 expands. It gives more opportunity to charter boat captains
4 that can market that kind of fishery. The only thing we are
5 concerned about is the precedent for that could then be later
6 used for someone who wanted to use it for finfish,
7 particularly striped bass.

8 So I would say that is our only concern with that.

9 MR. O'CONNELL: I don't want to have a regulatory
10 proposal that comes across as catching people by surprise.

11 We have had a lot of conversations but they have
12 kind of moved a lot depending on the people we have been
13 speaking to, and I would suggest that we send something back
14 out to sport fish and tidal fish once we complete some
15 conversations with, you know, the more directed interested
16 parties just to give you guys an opportunity to weigh in
17 before we submit a formal regulatory package.

18 Is anybody opposed to that idea? I mean, Rachel has
19 been involved very closely with this. I don't know if you
20 want to provide any perspective or suggestion.

21 MS. DEAN: I completed the Watermen's Heritage
22 Training Program two years ago. That was a big push from the
23 state, from the senate. It was a way to get watermen and
24 their families some supplemental income, especially with the
25 way things were going.

1 My family participated in it. We jumped in with
2 both feet. We have started a -- I guess it would fall under
3 ecotourism. I am scared to call it charter crabbing. And
4 essentially what I have been doing for two years, and I am not
5 the only one who has been doing it, is I have been taking
6 people out on my commercial, on a daily commercial trip.

7 And I guess what I really would like to do is kind
8 of just show you guys what we have been doing just so you know
9 that it kind of -- it is, it is different business models.
10 And just, in particular, one that I do, I am going to check my
11 crab pots, they are peeler pots. I know I am going to check
12 them.

13 I have a family call. They say, hey, you know, I
14 would like to ride along. I want to see what that is. We
15 hear it all the time. I would like to see that. What does
16 that look like?

17 And they jump on board with us. They go with us.
18 We were going anyway. So it is not a matter of we are
19 increasing harvest or anything like that. In many cases, it
20 decreases my harvest for the day. Any guide in here could
21 probably agree with me on that.

22 So I would really be interested -- I don't think we
23 reached all the stakeholders, and I do want, you know, you
24 guys to just kind of get a chance to look at this and be like,
25 oh, that is why they are, you know, up in arms and kind of

1 | defensive about what is going on with the crab charter.

2 | Because charter certainly feels like it would put it
3 | into the charter industry's court but I just don't want to see
4 | it regulate what it is that we have tried so hard to do with
5 | the Watermen's Heritage Training Program, and kind of kick
6 | that out the door.

7 | So I would appreciate it if you guys would listen to
8 | what it is that we are trying to do, especially for those
9 | people who already have this business model, whatever that
10 | model might be that they are using up and running. Another
11 | thing that I demonstrate is crab scrapes. That would be
12 | totally out the window with -- depending on which one we chose
13 | between the two commissions.

14 | So not as a distraction, but I would like to just
15 | kind of pass this around.

16 | (Circulating photos)

17 | MS. DEAN: All of these were taken in the last three
18 | years since we started our business. They are not the same
19 | group of people that I think the charter industry sees. These
20 | are young kids, sometimes school groups, museums, families
21 | really. So I don't know that we would, you know, be competing
22 | as far as that goes.

23 | But if you would, just take a look at it, and that
24 | was our concern on the crab regs.

25 | MR. GOLDSBOROUGH: Thanks, Rachel.

1 MR. LANGLEY: Like Rachel, I participated in the
2 Watermen's Heritage Tour Program as well. And Rachel is
3 absolutely right. It is a good thing. It needs to be
4 implemented and it gives people an opportunity to get out on
5 the water. Everybody is not a fisherman but some people don't
6 fish and they like crabs or just like an opportunity to get
7 out on the water.

8 Captain Ed, what his concerns were with the charter
9 boat association is mixing catch limits, commercial catch
10 limits with a charter or recreational.

11 That the charter association felt that taking a
12 group of people out and, on a group or on a tour, and allowing
13 them a recreational catch of two bushel of crabs, would be
14 sufficient to satisfy that party and that group versus
15 allowing a charter to participate on a boat while they
16 are --- able to keep a commercial quota of crabs, whatever
17 that may be as far as the number of pots and whatnot that they
18 may send.

19 I see, you know, basically the biggest concern is
20 policing or managing the commercial catch on a charter-type
21 trip. And that is where -- kind of where we are though. We
22 started out with different options but we got narrowed down to
23 basically two. And those were the two options that we ended
24 up with.

25 And that involves some restrictions on both sides,

1 and there are, like Rachel, there are, I am finding out, a
2 number of people who were doing more charter --- trips than
3 what I was aware of even.

4 MR. GOLDSBOROUGH: Thanks, Phil. Any other thoughts
5 on that? Ed?

6 MR. O'BRIEN: Yes. Thanks, Phil. Thank you,
7 Rachel, for explaining your position on this. There is a wild
8 card out there, and that is the commercial hook-and-line
9 fishery. And there could be a lot of innovative ways that
10 people could use this precedent to justify, you know, perhaps
11 mixing the commercial catch with recreational.

12 And how that could be advertised maybe to certain
13 fishing parties. So that was the concern on this, and I think
14 all of these things can be discussed. Obviously there has got
15 to be more dialogue on it. So we are not asking for any kind
16 of a vote on this today, right?

17 MR. O'CONNELL: We are probably just in
18 information-seeking mode. There are kind of a couple options
19 and I haven't heard any opposition. I think it would benefit,
20 once we get to a point, and we will send something out to the
21 two commissions, give a timely -- an opportunity for some
22 timely comments before we submit a final proposal.

23 So Jake if you could just make a note that we will
24 do that when we are ready to. Thanks. And then so I think
25 Jacob will continue into the legislative stuff and then I will

1 finish up with the three-rod rule.

2 MR. HOLTZ: The next handout was the legislative
3 update. We post this on our Website. We update it, we try to
4 update it at least twice a week just to give you an idea of
5 any fisheries-related legislation that is going on. Of
6 interest to this group, I would think, House Bill 145 which is
7 cross filed with Senate Bill 145. It has gotten a fair amount
8 of attention.

9 What the bill does is it clarifies our ability to
10 use public notices to manage our fisheries. The department
11 already has this authority in various places, and what this
12 law is trying to clarify is what we can do with it.

13 It is not an expansion of what we are already doing.
14 We are already using these public notices -- I mean, as we
15 went over in the very beginning, we use public notices to do a
16 lot. And so the bill really, at least from my perspective, it
17 doesn't do a whole lot. But it does clarify things,
18 which -- having things clear is always a good thing.

19 Obviously House Bill 154 affects this commission
20 directly. It would add another member to the Sport Fish
21 Advisory Commission, and that one member would be a member of
22 the tidal fish commission. In this case it would be Rachel, I
23 guess, or whoever tidal fish nominated and sent over.

24 Also Senate Bill 93, it is a Recreational Incentives
25 Pilot Program. Jim you had a question about this before?

1 MR. GRACIE: Is there any -- requirements? Is this
2 going to be a regulation as a pilot program where you go
3 through public notice and opportunity for input from people?

4 MR. HOLTZ: Normally pilot programs are not put into
5 regulation. The reason we do a pilot program is because of
6 the -- we are trying to work on different things. So I am not
7 sure if we --

8 MR. O'CONNELL: As we develop some ideas, we want to
9 do that in conjunction with input from the sport fish
10 commission, so I think there will be, at the minimum,
11 coordination with this body, and depending on the pilot
12 program we can discuss whether or not we want to have broader
13 input or you guys to have more time.

14 MR. GRACIE: If we through the pilot program and
15 decided to go ahead with something, then it would be
16 regulatory and it would be a public participation process
17 presumably. Would that make sense?

18 MR. O'CONNELL: Yes, because the legislation says
19 that this would be a three-year pilot program, which then
20 would be evaluated, and then we would have to determine how we
21 would implement something longer term than that, probably a
22 statute or regulation.

23 MR. HOLTZ: And just based on the way our
24 recreational license statutes are written, we wouldn't be able
25 to make it a long-term thing. This legislation would let us

1 do a short-term program to determine if it is a --

2 MR. GRACIE: So if you actually wanted to do it
3 later, wanted to do something, that would require legislation.

4 MR. HOLTZ: It would require legislation, yes.

5 MR. GRACIE: I am, of course, in favor of this and
6 any other marketing initiative where we can get a better idea
7 of how to expand participation in fisheries, so I just
8 wondered what the process would be.

9 MR. HOLTZ: And then there is also the Senate Bill
10 that I have passed around also, Senate Bill 437. It would
11 allow the department to require a nonresident to pay a
12 surcharge in addition to any license fees. That surcharge
13 would go directly to oyster restoration.

14 MR. O'CONNELL: I asked Jake to circulate this
15 because the department is interested in some feedback from
16 this body. What this bill does, it doesn't require but it
17 would give the department authority to establish a surcharge
18 for all or some of the nonresident fishing licenses across the
19 state.

20 We have spent the last few years talking a lot about
21 cost recovery, and I should say the funds that are collected
22 from this surcharge would have to be used for oyster
23 restoration. So it would be nonresident fishermen and
24 crabbers paying a surcharge that goes to oyster restoration.

25 While you can make the connection that oyster reefs

1 benefit fishermen, you know, it is not a direct kind of user
2 pay, user benefit from it. So I wanted to get some feedback
3 from the commission and, you know, obviously funding for
4 oyster restoration is needed, and in some brief conversation
5 that we have had internally and I have had with Bill, another
6 idea that has come forward and, you know, could be a potential
7 amendment is many states have what is called like a habitat
8 stamp.

9 And it is a voluntary stamp for which people can
10 contribute to, and then that money can be used for, whether it
11 is oyster restoration or broader fisheries habitat issues in
12 general. But any input that the commission has today or
13 briefly after today would be helpful as we are in the process
14 of forming our position on the bill.

15 MR. GOLDSBOROUGH: Comments on that right now? Jim?

16 MR. GRACIE: I like the idea of broadening that to
17 habitat restoration. That certainly doesn't rule out oysters
18 because oyster restoration can be certainly as habitat
19 restoration.

20 MR. O'CONNELL: One of the concerns we have from a
21 fiscal standpoint -- again this bill doesn't require it but if
22 the department did it, there have been surveys by responsive
23 management, for example, that have shown that, you know,
24 modest increases in license fees can have substantial behavior
25 changes in people buying licenses.

1 And if the surcharge was added, we may see a drop in
2 nonresident participation. Nonresidents are extremely
3 valuable for the economics in the Ocean City area, head of the
4 bay with a lot of Pennsylvania people coming in. It could
5 also have a fiscal impact on us as well.

6 MR. DeHOFF: I am not sure this is the perfect time
7 but will we get an opportunity to discuss some of the specific
8 marketing ideas for the incentive pilot program at a later
9 date? Is that the idea?

10 MR. O'CONNELL: Yes. Karen Knotts and Steve Vilnit
11 are working together on some ideas, and we will be bringing
12 those back to this group to discuss.

13 MR. GRACIE: On that subject, should we expect that
14 a comprehensive marketing, strategic marketing plan, is what
15 will be presented --

16 MR. O'CONNELL: I think it is --

17 MR. GRACIE: -- or is it piece by piece?

18 MR. O'CONNELL: There are a couple of moving pieces
19 right now, Jim. I mean, one is that I have had Karen and
20 Steve go back and look at the plan that you were involved in
21 several years ago because there are still some relevant ideas
22 in that. You know, we also have the Maryland Legislative
23 Sportsmen's Foundation that received money last year to
24 develop kind of a grander strategic plan.

25 MR. GRACIE: Sportsmen's marketing.

1 MR. O'CONNELL: And obviously -- my understanding is
2 that the department would be involved, you know, in that
3 process. So they are actually charged with developing a
4 broader plan and there is some implementation.

5 We are obviously looking at this from a
6 comprehensive level as well, but we also know of some things
7 that are being utilized in other states that have proven to be
8 effective. So I think we are going to be in a situation where
9 we may have some ideas that we want to begin trying out as we
10 try to develop a bigger comprehensive plan as well.

11 MR. GRACIE: I guess -- I really like what Natural
12 Resources Police did with its strategic plan, and I guess I
13 would like to see an approach like that. The program you are
14 talking about, I wasn't a part of that. That was on the
15 commission the four years I was not on the commission that did
16 that.

17 It was an attempt to be comprehensive with some
18 constraints on it, one being that no money could be spent,
19 which kind of limits the marketing plan. But I guess I am
20 hopeful that somebody will be putting together a strategic
21 plan.

22 The Sportsmen's Foundation is really going to be
23 more narrowly focused than broad through all recreational
24 fishing. It is going to be fishing and hunting, and
25 obviously it is going to focus on the high value areas that

1 they are interested in, at least that is my understanding at
2 this point.

3 Now there is going to be a steering committee
4 appointed there so I am not sure what they will come up with
5 so -- but I would like to see fisheries undertake an effort to
6 develop a comprehensive marketing plan, not necessarily in the
7 next four months but over time.

8 MR. GOLDSBOROUGH: Anything else for Jacob, or
9 Jacob, are you --

10 MR. HOLTZ: One other thing. I had hoped to walk
11 you through the Website just to show you where we keep our
12 scoping page and the proposed regulations page. We update
13 those -- we will be updating the scoping page this afternoon,
14 tomorrow, just to reflect what, the ideas we presented to you
15 here.

16 And then every time we propose a regulation we put
17 that up on our proposed page. We don't have Internet access
18 on this computer here so Noreen is going to send you out
19 those links afterward just so that way you could bookmark
20 those just to see what we are up to if you ever want to.

21 MR. GOLDSBOROUGH: Thanks. So one other item we are
22 going to take is the three rod per person rule for tidal
23 waters that went into effect last year that a lot of people
24 are interested in. So I am going to toss that to Tom.

25

Three Rod Per Person Rule for Tidal Waters

by Tom O'Connell, Director, MD DNR Fisheries Service

1
2
3 MR. O'CONNELL: Sure. Last week I sent out a letter
4 to the commission and encouraged other people interested to
5 get a copy of it. It provided a lot of the background. I
6 just want to highlight a couple of the points on there.

7 One, despite some rumors out there, there was quite
8 the extensive public outreach effort to get input as we were
9 developing these recreational fishing gear rules over the last
10 couple of years. It included, you know, briefings to this
11 commission. We actually had a fishing gear workgroup
12 consisting of sport fish and tidal fish commission members.

13 We had three public scoping meetings. We used our
14 constant e-mail contact and Twitter and Facebook and our
15 Website so there has been a lot of opportunity out there.

16 Through the process, it was suggested through the
17 workgroup that it would be good for enforcement purposes and
18 for education of anglers to have some consistency with rod
19 limits between nontidal waters, which was three, and tidal
20 waters, which was zero. That is kind of how the proposal got
21 started in regard to establishing a three-rod limit for tidal
22 waters.

23 It continued to go through the public process, and
24 no opposition was brought forward to the department up until a
25 couple weeks ago as some people began to find out of this

1 rule.

2 So, you know, in evaluating the feedback we quickly
3 got from associations and tackle shop owners, it became
4 apparent to me that there was new information that tackle shop
5 owners particularly were not aware of this rule change and
6 that had invested in inventory of rods, for which they could
7 have some economic impacts with this new rule.

8 They could also be -- I also learned that there are
9 people who commonly use more than three rods per person, and
10 that could have some, you know, social impacts on their
11 business practice. So based upon that information, the
12 department decided to commit to proceeding with an emergency
13 regulation in February that would remove the three-rod
14 limitation for the tidal waters and put it back to the way it
15 was.

16 Emergency regulations are intended as a temporary
17 measure. They are in place for about 180 days. I would like
18 to use that opportunity to have more conversations with this
19 commission in regard to the three-rod limit as well as some
20 concerns that have been brought forward about limits on
21 juggling to determine how we want to proceed beyond the
22 emergency regulation.

23 In regard to the rod limits, we may want to just
24 leave it the way it has been for years, where there is no
25 limit. There may be something in between no limits and three

1 rods. But we want to get that information from this
2 commission.

3 Obviously the concern about inventory, you know, it
4 will be cleared out this year. But if there are practices
5 that commonly use three rods and people believe they can
6 ethically be responsible for more than three rods, then there
7 may not be a reason to have any limits on rods.

8 In regard to the jug concerns, we learned that there
9 were a lot of people who were unaware that there were no
10 limits on jugging in tidal waters. The new regulation
11 established a 25 limit per person. The proposal came about
12 from constituents who contacted us about using jugs for
13 catfish.

14 The rule doesn't limit it to catfish. That is where
15 the idea came about, suggesting that it may put more focused
16 attention on some of these invasive catfish like blue catfish
17 particularly. We have heard some recent concerns that people
18 may begin to use jugging to target striped bass.

19 Whether that is real or not, we don't know but that
20 is another area for which we want to have some more input on
21 to determine if we want to make any changes in the permanent
22 regulation. So that is how we are proceeding to go forward
23 with this.

24 I can answer some questions but I also want to have
25 some feedback as to how the commission would like to have the

1 opportunity to provide us some more input between now and the
2 May meeting. The emergency regulation, if we go forward in
3 February, will expire sometime in August. That means we need
4 to propose a permanent regulation in May to have it in place
5 by the time the emergency would expire.

6 It may be worthwhile that we form another workgroup
7 to discuss this issue, and we could use that workgroup to
8 determine some ideas that we want to go out and scope. And
9 then we could go with scoping and come back to the commission
10 at the May meeting to discuss how to go forward with a
11 permanent regulation.

12 So input on whether or not the commission thinks a
13 workgroup would be the best means or if you guys would like
14 just to have some time to talk to your constituents and just
15 submit feedback to us as individuals of this body.

16 ***Questions and Answers***

17 MR. GRACIE: I have a question. If we don't do
18 anything after the emergency regulations, then that
19 reinstitutes the three-rod limit. Am I correct?

20 MR. O'CONNELL: Yes.

21 MR. GRACIE: Okay.

22 MR. GOLDSBOROUGH: Any questions for Tom? And then
23 we will ask for feedback on how we move forward in particular,
24 whether or not we want to form a workgroup.

25 MR. O'CONNELL: While you guys are thinking, I will

1 | mention that -- it is like, every action I take is a reaction.
2 | After this letter went out, I did receive e-mails from people
3 | who were upset that we were removing the three-rod limit. So
4 | there are people out there who believe there should be.

5 | Now it is a matter of determining --

6 | MR. GRACIE: You thought you were going to get
7 | unanimous support for whatever you did, right?

8 | (Laughter)

9 | MR. O'CONNELL: I really encourage you guys to
10 | discuss with your constituents this issue and get back to us.

11 | MR. GOLDSBOROUGH: Questions for Tom?

12 | (No response)

13 | MR. GOLDSBOROUGH: I have one question actually. So
14 | if you put on a rod limit, you are effectively reducing effort
15 | of that individual. Is it possible to the extent that you
16 | could actually quantify or estimate how much effort reduction
17 | you get from that?

18 | That kind of a limit could be used to achieve
19 | reductions that may be required. For example, next year ASMFC
20 | is going to require us to probably -- to cut back some on the
21 | striped bass harvest. Is it conceivable that a rod limit
22 | could be part of Maryland's package for meeting those
23 | requirements?

24 | MR. O'CONNELL: Well, based upon the feedback, it
25 | sounds like it could have a reduction in effort and harvest.

1 I think the difficulty would be to quantify that but it could
2 be a component of our package that we could put forward.

3 MR. GOLDSBOROUGH: Something to think about.

4 MR. : (Away from microphone)

5 MR. O'CONNELL: Hold on. Greg, hold on. Just hold
6 on. There will be opportunities for public comment. Just to
7 manage the meeting.

8 MR. GOLDSBOROUGH: Beverly?

9 MS. FLEMING: Yes, what does the --- rod law
10 implement? Is it trolling? Is it just boat fishing? Is it
11 surf fishing?

12 MR. O'CONNELL: It is -- the three-rod limit would
13 be the number of rods that you could actively use fishing. So
14 if you are surf fishing with three rods, you are trolling with
15 three rods -- you can have more rods on your vessel or in your
16 possession but it limits you to three rods being actively used
17 at one time.

18 MS. FLEMING: Any time you are fishing.

19 MR. GOLDSBOROUGH: And that is tidal waters.

20 MS. FLEMING: Per person, right. Surf fishermen
21 fish with five.

22 MR. GOLDBOROUGH: How about -- Ed, go ahead.

23 MR. O'BRIEN: Do we anticipate any problems with the
24 AELR Committee? If you do, we could take some political
25 action, different organizations, and communicate with them.

1 | limit. Any member of the public want to comment on the
2 | motion?

3 | MR. TOMASICK: (away from microphone) I second that
4 | motion definitely. Catfishing -- three rods would just,
5 | especially when it is cold you need the more rods, you need
6 | more baits --- . We use more than three rods for it.

7 | MR. GOLDSBOROUGH: Your name, sir?

8 | MR. TOMASICK: Michael Tomasick.

9 | MR. GOLDSBOROUGH: Thank you.

10 | MR. BUCKNER: (away from microphone) I would second
11 | the proposal with the --- change.

12 | MR. GOLDSBOROUGH: And your name?

13 | MR. BUCKNER: Greg Buckner.

14 | MR. GOLDSBOROUGH: Okay, back to the commission. If
15 | there is no further discussion at the table, are you ready to
16 | vote?

17 | MR. HOLTZ: Can I just make one clarification?

18 | MR. GOLDSBOROUGH: Yes.

19 | MR. HOLTZ: The three-rod limit would still be ---
20 | in nontidal waters. This would just be for tidal waters.

21 | MR. GOLDSBOROUGH: This is just the rule for tidal
22 | waters that was put in place to match the existing rule in
23 | nontidal waters. So do I see any objections to the motion?

24 | (No response)

25 | MR. GOLDSBOROUGH: Seeing none, the motion passes

1 | unanimously. Thank you, Ed and Jim. Anything else on this
2 | for now, Tom?

3 | MR. O'CONNELL: No, I think just in closing in that
4 | handout, and as Jacob mentioned, what we have learned from
5 | this I think, we collectively -- we all collectively want to
6 | get the best public input.

7 | And we have learned some things at the department,
8 | that we can try to be more clear on the titles that we use.
9 | And, you know, we ask the commissioners to, you know, do their
10 | best in reviewing the material and using the tools that you
11 | guys have to distribute information to your constituents and
12 | try to give them some opportunity to bring back.

13 | So, you know, as we send stuff out, you know, if you
14 | are an organization, we encourage you to try to push that out
15 | to your members and redirect them to our Website.

16 | I think if we all try to make those commitments, we
17 | will hopefully avoid or lessen the times that we fall in this
18 | situation again. So appreciate that.

19 | MR. GOLDSBOROUGH: All right. Dave?

20 | MR. SIKORSKI: Do you want to discuss forming a
21 | workgroup?

22 | MR. GOLDSBOROUGH: All right. So moving forward,
23 | assuming once the regulation goes through it will be
24 | rescinded, but the clock will start ticking on needing to
25 | figure out what to do beyond that time period when that runs

1 out, 180 days. So Tom has suggested the possibility of us
2 forming a workgroup because they are going to need to propose
3 permanent regs in May. Would that be before our next meeting
4 date?

5 MR. O'CONNELL: Yes, and we will need to scope
6 something before that.

7 MR. GOLDSBOROUGH: Yes. So what does the commission
8 think about that idea of forming a workgroup?

9 MR. : I think it is a good idea.

10 MR. GOLDSBOROUGH: You think it is a good idea.
11 Phil?

12 MR. LANGLEY: I second that.

13 MR. SIKORSKI: So give me an idea of the timeline
14 moving forward. So you have our support in rescinding this
15 reg. So now what happens, and when does the 180-day clock
16 start?

17 MR. O'CONNELL: It would start when the AELR approved
18 the regulation. So if we submit it in February, they have to
19 wait at least 11 days, but typically it takes three to four
20 weeks.

21 So we are looking at probably having an emergency
22 rule in place March 1, say? And then that is in place for six
23 months. You know, the emergency can be extended but, you
24 know, I would like to work it backward and hoping that we
25 wouldn't have to.

1 So what I would like to do is have a workgroup meet,
2 you know, as soon as we could get scheduled to begin to define
3 how we want to proceed. We could then send it back out to the
4 commission for some feedback as we work toward having another
5 public scoping opportunity. And getting that feedback and
6 bringing it back to the commission in May as to how we would
7 proceed with proposing the emergency regulation.

8 MR. GOLDSBOROUGH: Jim?

9 MR. GRACIE: Question, and I am backing up to the
10 last decision. As I recall, maybe my memory is fuzzy, the
11 three-rod limit was something that was first introduced as a
12 restriction on pre-season catch-and-release fishing in the
13 bay. This withdrawal does not affect that rule, does it? Is
14 that a separate regulation?

15 MR. HOLTZ: You can only have six rods when you are
16 trolling. Yes, that is the same.

17 MR. SIKORSKI: They are both rod restrictions but
18 they are not one and the same.

19 MR. GOLDSBOROUGH: Okay, so it looks like we have
20 support for forming a workgroup. Now who would like to
21 volunteer for the workgroup? Dave, Dave Sikorski. Mark
22 DeHoff, Roger Trageser, Phil Langley, Tim Smith --

23 MR. GRACIE: Vince?

24 MR. GOLDSBOROUGH: Vince? I see Vince too? Vince.
25 Lot of interest in the issue. Oh, Beverly as well. Good. We

1 ought to just have another commission meeting. That is great.
2 I appreciate people stepping up on that.

3 MR. O'CONNELL: I got seven people but, you know, it
4 seems like we got good coverage geographically as well as some
5 fisheries so I think we can move with that.

6 MR. GOLDSBOROUGH: Good. Okay. I like that
7 outcome. Thank you, Jacob. So if there is nothing else on
8 the regulatory updates, let's move on to fishery management
9 planning. We have got three main items under that, and we are
10 also are going to do a little bit of ASMFC updating for next
11 week's meeting.

12 Let's start with the first one. That will be the
13 Striped Bass FMP Review, Nancy Butowski. I just want to reset
14 the context on this.

15 This was originally going to be part of our agenda
16 to the last meeting, and we had so many things we were trying
17 to cover, I made the executive decision to push it to this
18 meeting. So I apologize to those again who were looking
19 forward to that discussion before but better late than never.

20 So this is a review of the Maryland Striped Bass
21 Fishery Management Plan, which the state has to have in order
22 to have regulatory authority to manage those fisheries under
23 state law. Nancy.

24

25

1 *Fisheries Management Planning*

2 *Striped Bass FMP Review*

3 *by Nancy Butowski, MD DNR Fisheries Service*

4 MS. BUTOWSKI: Thank you. So again my name is Nancy
5 Butowski. I am with fishery management planning's program.
6 You all should have received a copy of the draft Striped Bass
7 FMP review.

8 So the Striped Bass FMP is one of 23 FMPs that have
9 been adopted by the department since 1989. We cover over 26
10 species, so each of the FMPs needs to be annually updated, and
11 we periodically review FMPs. So this is one of those reviews.
12 Next slide.

13 (Slide)

14 So just to remind you about the review process
15 itself. It starts with the fisheries service staff bringing
16 together a plan review team to bring forth all the information
17 that we need and to re-evaluate the goals, objectives,
18 management strategies and actions within an FMP.

19 Specifically for striped bass, we additionally used
20 the 2012 allocation policy and we also looked at -- there was
21 an effort supported through the Chesapeake Bay program and led
22 by a Maryland sea grant and they ended up producing a series
23 of eco-system based biological briefs that we also used for
24 striped bass during the review process.

25 So it was up to the team to review and then produce

1 | this document that all of you should have. And if you don't
2 | have it, it is available on the Web as well. And the outcomes
3 | were to -- one of three outcomes: to recommend either that
4 | this framework is currently an appropriate one for managing
5 | the resource.

6 | Or that significant changes have happened where we
7 | need an amendment, or that it was -- had changed drastically
8 | and we needed to revise. So those are the three outcomes and
9 | the reasons for doing any review.

10 | You will notice the little boxes in the light-green
11 | area. You are part of the plan review team even though the
12 | fisheries service staff has put together a draft document. It
13 | is now up to you to provide some comment and input on the
14 | development. So this can be an iterative process depending on
15 | what kind of feedback and opinions we get.

16 | Again, we are still in the light-green box. You
17 | will see what the recommendation is as a result of the planned
18 | review team. Next slide, please.

19 | (Slide)

20 | So we have been using a schedule. Striped bass, as
21 | Bill mentioned, was on the agenda for October of last year.
22 | And we proceeded in giving the presentation to the Tidal Fish
23 | Commission.

24 | You see that we completed three reviews last year.
25 | Brook trout was supposed to be on the schedule for today but

1 | just through -- I guess one of the main people, who happens to
2 | be Ray Morgan, wasn't available to be here today so we decided
3 | to push it to the May meeting. And same with blue crabs.

4 | (Slide)

5 | So just to give you a little bit of a background on
6 | the striped bass fishery management plan, it was developed in
7 | 1989 through all of the bay jurisdictions, including Virginia
8 | and the Potomac River Fisheries Commission and Maryland.

9 | It was amended in 1998, and basically that amendment
10 | said we are going to adopt ASMFC's Amendment Five because that
11 | it an appropriate --

12 | MR. GRACIE: Let me ask you a question. Go back one
13 | slide.

14 | MS. BUTOWSKI: Go ahead.

15 | MR. GRACIE: What does that closed mean?

16 | MS. BUTOWSKI: Oh, as part of the -- as soon as we
17 | have a new allocation policy review, we requested that if
18 | people wanted to provide input or recommendations regarding
19 | allocation, that we would need those materials provided to us
20 | before the actual completion date for --

21 | MR. GRACIE: So it is too late to make input on a
22 | brook trout plan.

23 | MS. BUTOWSKI: Seeing that we have pushed it to May,
24 | I would just assume that we could --

25 | MR. O'CONNELL: It is specific to allocation

1 | changes and --

2 | MR. GRACIE: Just allocation.

3 | MR. O'CONNELL: Yes.

4 | MR. GRACIE: Okay, never mind.

5 | MS. BUTOWSKI: Okay. So back to striped bass. It
6 | was amended in 1998 to adopt the ASMFC Amendment Five. It has
7 | been reviewed annually through several years and then
8 | periodically over another few years. And again it has been
9 | annually updated since 2007.

10 | (Slide)

11 | So our current management scheme for striped bass is
12 | to follow the guidelines set out through Amendment 6 by ASMFC.
13 | Currently all the bay jurisdictions are in compliance with
14 | what is set forth in there. Amendment 6 has a lot of
15 | different parts to it, but the main part here that I am
16 | highlighting is that it defines biological reference points,
17 | including, you know, the targets and thresholds based on
18 | fishing mortality and spawning stock biomass.

19 | (Slide)

20 | And just as a reminder that biological reference
21 | points are going to change over time, and that is just due to
22 | the fishery status and the stock. And so this chart kind of
23 | brings that to your attention.

24 | The reference points previously here based on a
25 | stock assessment that was done in 2008. You can see there

1 have been changes in the thresholds and the targets for both
2 spawning stock biomass and fishing mortality rates based on
3 the 2013 ASMFC stock assessment.

4 So basically the spawning stock biomass points were
5 derived in the same manner that they were previously. They
6 just were updated up through 2012. The fishing mortality
7 estimates, however, have changed as far as their calculations,
8 and that -- now they are tied to the spawning stock biomass
9 period. Before they were kind of independently calculated and
10 now they are in coordination with one another.

11 (Slide)

12 So based on the new 2013 biological reference
13 points, the status of the stock for striped bass is that
14 overfishing is not occurring and the stock is not overfished.

15 (Slide)

16 And these are some graphs and figures that you might
17 have seen from ASMFC. This first one is on spawning stock
18 biomass. And you can see that there has been a declining
19 trend in spawning stock biomass, which is believed to have
20 been a direct result of our low recruitment.

21 The -- it is supposed to be kind of a red line -- is
22 the recruitment line. You can see where it has been low for
23 several years. Right now the spawning stock biomass is above
24 the threshold but below the target.

25 (Slide)

1 In regard to fishing mortality rate, we are
2 currently estimated at about .2. And you can see that again
3 it is above the target but below the threshold.

4 (Slide)

5 Just a little bit of an overview on the status of
6 the fishery from a commercial coastal landings. They vary
7 between 3 and 7 million pounds. And most recently for the
8 coastal stocks, for 2012, they were around 6.5 million pounds.

9 Maryland commercial fishery has been constrained by
10 a commercial quota for over these years, and it has ranged
11 between 1.7 and 2.4 million pounds. The most recent
12 commercial landings for 2103 were 1.67 million pounds. And
13 that was just a little bit above what our quota was set for.

14 And you can see that over the years since we have
15 had the quota, there has been anywhere between 93 percent and
16 105 percent of the quota reached. So some years we have gone
17 over but those years are then -- that overage is then deducted
18 from the next year. Go ahead.

19 (Slide)

20 The recreational estimate again comes from the
21 marine recreational fisheries statistics and the new marine
22 recreational information program. It has varied over the
23 years as far the coastal harvest between 2 and 29 million
24 pounds. The 2012 estimate was around 19 million pounds.

25 For Maryland, the estimated striped bass

1 recreational harvest has gone between 13,000, which is when
2 the fishery was first reopened, to around 4 1/2 million pounds
3 and most recently around a million pounds. That does not
4 include -- that only includes what is harvested. It does not
5 include what has been caught and released.

6 (Slide)

7 So the Chesapeake Bay management plan basically has
8 these strategies and actions based on these kind of main
9 points. We followed the ASMFC requirements. We have been
10 using a commercial quota for the commercial fishery,
11 recreational harvest limits.

12 We have done an extensive adult monitoring program
13 and a juvenile monitoring program that provides the data that
14 we need to make the stock status assessments and to use the
15 stock assessments period.

16 The current allocation that was set forth in the
17 management plan, which was based on historical landings, was
18 42 ½ percent toward the commercial and 57 1/2 percent for
19 recreational.

20 (Slide)

21 During this process of the review we actually
22 received stakeholder input from MSSA and also from a citizen.
23 And they requested, although not specifically. The first of
24 the actual citizen requests was not specific as to what their
25 harvest recommendations would be for allocation.

1 But MSSA was specific in what they requested, and
2 that was a change to 10 percent for the commercial fishery
3 and 90 percent for the recreational fishery.

4 And they based their request on changes in social
5 patterns and values, especially numbers of anglers and
6 participation.

7 It was an unfair and inequitable distribution
8 between commercial and recreational fisheries, and the
9 commercial fishery had decreased in economic viability.

10 (Slide)

11 So the plan review team came up with several
12 conclusions. The overall one is that the current FMP and
13 amendment, number one, do not reflect the current management
14 framework. The team believes that the ASMFC control rules,
15 which are based on fishing mortalities, spawning stock biomass
16 and juvenile abundance, are sufficient for managing striped
17 bass within Chesapeake Bay.

18 (Slide)

19 That ecosystem-based indices have not been
20 integrated into the fisheries management process. And that
21 was highlighted through some of the ecological briefs from the
22 ecosystem based effort.

23 That we now have new biological reference points
24 that have been the result of the 2013 stock assessment.

25 (Slide)

1 The team also looked at what was presented and
2 requested through -- about a switch in allocation. And that
3 the number of angler trips and number of anglers participating
4 have not really -- there has been variation over time but have
5 really not changed fundamentally from what the mean is.

6 (Slide)

7 That to really assess economic value, we really need
8 to conduct a cost-benefit analysis, and that has not been
9 determined, so we really don't have a handle on economic
10 value.

11 And that reducing the commercial allocation to 10
12 percent would create an excessive loss to one sector, and that
13 goes against the Magnuson-Stevens Act, which sets forth
14 reasons why you would want to try to minimize adverse effects
15 and excessive loss.

16 (Slide)

17 And then developing an allocation just based on the
18 number of recreational licenses and commercial permitting did
19 not really take into account the nonfishing sector members and
20 what the community would want as far as allocation goes. And
21 that was the basis of the conclusions. Go ahead.

22 (Slide)

23 So the recommendations were to develop a new striped
24 bass amendment. I mentioned management changes have occurred.
25 We need some flexibility in being able to address stock

1 conditions and changing reference points. And that there is
2 room to explore the use of ecosystem-based indices, especially
3 in what was suggested or at least suggested to evaluate
4 further.

5 That would be like predator/prey ratios, disease
6 influence, age/diversity, and a couple of other
7 ecosystem-based indices -- habitat condition.

8 (Slide)

9 The PRT recommended that there be no change right
10 now to the allocation. The team believed that there have not
11 been significant changes in social values and patterns, and as
12 far as equity, the nonfishing community had not been involved
13 or considered during that part of it.

14 And that we still need economic analysis in order to
15 come up with a way to value the commercial and recreational
16 fisheries.

17 So that, in a nutshell, sums up the document. Any
18 comments or questions?

19 MR. GOLDSBOROUGH: Questions for Nancy? Jim?

20 ***Questions and Answers***

21 MR. GRACIE: When you say a cost-benefit analysis
22 would be necessary for adjusting the allocation, do you mean
23 specific to current Maryland conditions? Because there have
24 been cost-benefit analyses between recreational and
25 commercial.

1 MS. BUTOWSKI: More for economic value to
2 determine --

3 MR. GRACIE: That has been done. That has been done
4 but not specific to a Maryland fishery.

5 MR. HOLZER: For this fishery --- .

6 MR. GOLDSBOROUGH: Vince?

7 MR. RINGGOLD: You answered most of my questions and
8 concerns that I had in regard to that you now want to consider
9 the economics involved. How did we come up with this ratio of
10 57 to 42 between commercial and recreational?

11 When we talk about it being unfair from MSSA
12 standpoint, you have 303 licensed anglers as opposed to
13 roughly some 600 or so commercial watermen. So on a surface
14 level you see that does not look right.

15 But I think our main concern is where are we and how
16 did we come up with these figures without looking at what
17 impact the recreational and charter boat associations supply
18 into Maryland?

19 MS. BUTOWSKI: That original allocation was based on
20 harvest, harvest estimates at the time. So there was about a
21 50/50 split between recreational/commercial harvest based on
22 historic catch, and that is how it was developed.

23 MR. O'CONNELL: Fortunately, you have people
24 like --- , who is here, and Howard King and Ed O'Brien and
25 probably a couple others.

1 But there was a striped bass summit, you know,
2 following -- trying to decide what to do after the moratorium
3 and, you know, I think my understanding was it was through the
4 collaboration of the different parties -- sport, charter and
5 commercial -- that advised the department on its current
6 allocation and it was based upon the best estimation of what
7 that harvest had been recently.

8 So the current allocation was a reflection of, you
9 know, contribution to the harvest by the different sectors.
10 And then the charter boat was added to the recreational to
11 make it 57 1/2 percent a few years later.

12 MS. BUTOWSKI: It was 1995 or something when it was
13 meshed together.

14 MR. DeHOFF: I noticed under the new data, under the
15 ecological area there, it says some recent analysis is brought
16 up by talking about how, you know, too many rockfish are going
17 to hurt the menhaden and vice versa and things like that.

18 And there is really good documentation here where
19 information has come from and everything. Is this
20 peer-reviewed research that is available to see where this
21 analysis is coming from?

22 MS. BUTOWSKI: That was a suggestion about what
23 might happen as far as like changing the balance of the
24 population based on harvest. So that -- I don't think that
25 was drawn specifically from a specific research paper. But we

1 can certainly can find, you know, additional information to
2 support that statement.

3 MR. GOLDSBOROUGH: Other questions for Nancy? Jim?

4 MR. GRACIE: Yes. The question is do we intend to
5 do a cost-benefit analysis?

6 MR. O'CONNELL: It is based upon the resources. I
7 don't know, it may be worth Jorge the economist at the
8 University of Maryland -- I don't know if you would be willing
9 to maybe just describe what type of analysis would be needed
10 to look at this value? Jorge, if you can maybe just come up
11 to the microphone so you get picked up?

12 MR. HOLZER: --- survey and testing. The survey
13 with focus groups. And then using that survey to determine
14 sort of the willingness to pay for trips among the anglers'
15 community.

16 Actually we are doing it right now for NOAA, for
17 Colin Haddock in the northeast in the Gulf of Maine at the
18 university. But the budget for that project is \$230K so it is
19 expensive to do it but certainly a possibility. But it
20 wouldn't tell -- designing an instrument, the survey -- and
21 then a year or so to --

22 MR. GRACIE: There is something about those
23 fisheries that would give a different cost for -- I mean, you
24 are talking about ground fish versus Chesapeake Bay striped
25 bass fishery. Would the cost be similar, you think?

1 MR. HOLZER: It is a different species, different
2 demographics so I can't say whether or not they would be
3 different.

4 MR. O'CONNELL: I think to answer your question,
5 Jim, I think it would be ideal to begin collecting that
6 information. You know, we are trying to come out of recession
7 and trying to get into a better position with our budget. It
8 may be in the near future we could look at, you know,
9 exploring those types of things.

10 We also, you know, I think we also have a need to
11 try to find some resources to begin supplementing the MRIP
12 survey to improve recreational harvest estimates so --

13 MR. GRACIE: I guess if you are talking about a
14 redistribution of resources, which I think everybody on this
15 commission understands are limited, that we would want to have
16 some say on that.

17 The commission might not want you to redirect
18 resources to something like that. We might think there are
19 other things that are higher priority.

20 MR. O'CONNELL: We haven't made any commitments to
21 go down this path.

22 MR. GOLDSBOROUGH: Any other questions for Nancy?

23 (No response)

24 MR. GOLDSBOROUGH: All right. Let's move on to the
25 next item, which is the Striped Bass 2014 quota issue, listed

1 as Mike Luisi, but I think Tom is going to take this issue?

2 MR. O'CONNELL: Yes.

3 ***Striped Bass 2014 Quota Issue***

4 ***by Tom O'Connell, Director MD DNR Fisheries Service***

5 MR. O'CONNELL: So I guess the first point is, and
6 the reason that, you know, I signed up for the agenda item,
7 was to make it very clear to the commission and to Maryland's
8 fishing public on who made the decision to increase the
9 commercial striped bass quota by 14 percent. And that was me.
10 It wasn't any of my staff, despite what you may read about in
11 social media.

12 So I wanted to, you know -- and when this decision
13 was made, and I will provide a little background, but it was
14 the sport fish commission that asked that this topic be put on
15 today's agenda. So I don't want to spend a lot of time going
16 through a lot of background. I really want to give you guys
17 the opportunity to ask the questions that you have been
18 hearing from your constituents.

19 But just briefly, the Chesapeake Bay striped bass
20 fishery is managed in accordance with the Atlantic States
21 Marines Fisheries Commission, and there is a fishing mortality
22 target that is assigned to the Chesapeake Bay, for which
23 Maryland, Virginia and the Potomac River Fisheries Commission
24 are committed to managing their fisheries in accordance to.

25 That fishing mortality rate is .27. There is also a

1 model that the bay jurisdictions utilize that is able to
2 estimate what the exploitable stock biomass is in the
3 Chesapeake Bay each year.

4 What that means is what is the number of legal size
5 fish for the year. And based upon that number, the technical
6 staff can determine what a quota should be to keep the
7 Maryland, Virginia and Potomac River fisheries at or below
8 that level of .27.

9 We have been going through this process for over a
10 decade. How it typically works is the technical staff get the
11 exploitable stock biomass in late summer/early fall. They
12 have conversation with the managers of the three
13 jurisdictions. They recommend a quota to the directors of the
14 three jurisdictions, and we collectively make a decision.

15 That has been the process used and followed through
16 this year. The one thing that I have learned through this
17 process, and I have committed to in my letter back in
18 December, is that the way that this process has been working
19 for over a decade is that it has always been an internal
20 decision, and there hasn't been an opportunity for
21 stakeholders to provide input prior to setting that quota.

22 And going forward, we will provide that opportunity
23 to both the Sport and Tidal Fisheries Advisory Commissions so
24 we can hear the perspectives prior to setting that annual
25 quota level.

1 But following that process, we learned that with the
2 large recruitment of the 2011 year class, the population of
3 legal size fish in the Chesapeake Bay was going to be
4 increased in 2014. So that would allow us to increase the
5 overall quota amongst the three jurisdictions by 14 percent.

6 There has been a lot of focus on the fact that the
7 overall number of fish, pounds of fish, has increased by 14
8 percent, and less focus on the fact that while the overall
9 quota is increasing by 14 percent, the bay jurisdictions are
10 committed to maintaining the same fishing rate.

11 So think about it as the percentage of fish that are
12 being removed. While the overall number of fish is increasing
13 by 14 percent, we are maintaining the same rate of removal
14 this year as we have in the recent past.

15 And what is interesting is if you look at the graph
16 that was -- can you forward that a few slides? It is going to
17 be a few down. Keep going, I will tell you when to stop.
18 That one there.

19 (Slide)

20 So what this graph is, is that dotted red line is
21 the fishing mortality target for the Chesapeake Bay, and it is
22 0.27. And the dots with the line -- thanks.

23 So this is the level of fishing mortality that ASMFC
24 allows the bay jurisdictions to fish at. This is the actual
25 level of fishing mortality that the bay jurisdictions had been

1 fishing. As you can see, it is well below this .27.

2 There is a lot of buffer here for management
3 uncertainty. Up until the most recent stock assessment, there
4 was a lot of uncertainty in regard to natural mortality rate
5 with microbacteriosis, you know, issues of, you know, poaching
6 and all that.

7 So we have been managing the fishery well below the
8 level for which ASMFC has allowed us to fish at. The fact
9 that, you know, there is a lot of concern about the overall
10 status of the Atlantic coastal population of striped bass, you
11 know, it seemed counterintuitive that the bay jurisdiction
12 with increasing the quota at a time that just -- you know,
13 ASMFC decided that it is likely that reductions will be taken
14 in 2015.

15 And what I can say is that, you know, what Maryland
16 is doing -- Maryland, Virginia and Potomac River are doing
17 this year is no different than every other state along the
18 Atlantic Coast. It is kind of in a status quo situation,
19 until ASMFC sets forth what the reductions may be for 2015.

20 You know, the one thing I can say on behalf of the
21 bay jurisdictions is because we have this ability to estimate
22 annually the exploitable stock biomass, we have been setting
23 our quota to maintain a relatively constant level of fishing
24 mortality.

25 So since 2003, with the decline of resident fishing

1 in the Chesapeake Bay, Maryland -- the base quota has actually
2 dropped by like 27 percent.

3 We have kept our harvest pressure in line with the
4 population, unlike compared to the Atlantic coast states,
5 which have not made any changes despite the fact that we all
6 know that the coastal fishery, the population of those coastal
7 fish has dropped substantially over the last decade as you
8 have seen in the graph that Nancy presented.

9 So, you know, I think we have a strong argument that
10 we have been managing this resource responsibly. We have been
11 managing it very conservatively, and in making this decision
12 to increase the quota by 14 percent, you know, it was in
13 recognition that there would be different perspectives of this
14 issue.

15 But, you know, the technical staff and the bay
16 jurisdictions informed the managers that there is no harm to
17 the stock to increasing the quota by 14 percent.

18 And based upon that information, we felt like it was
19 an opportunity to provide some economic benefits to the
20 commercial fishing industry. And we also saw that based upon
21 history, when we have these year classes enter the bay fishery
22 without any regulatory changes to the recreational fishery,
23 the recreational harvest goes up rather substantially.

24 Noreen, can you give me another slide? Go back one.
25 Go back one more.

1 (Slide)

2 So what this graph does is this red line is the
3 estimated exploitable stock biomass in the bay. And the blue
4 line is the recreational harvest. And you can see for the
5 last decade or so, we haven't had any regulatory changes in
6 our recreational striped bass fishery.

7 And without any regulatory change of seasons or
8 catch limits or size limits, our recreational harvest has
9 tracked relatively well with increases and decreases in
10 abundance. And what we are expecting in 2014 -- and you can
11 go to the next slide, Noreen.

12 (Slide)

13 We are expecting that regardless of any changes, the
14 recreational harvest is going to be going up. And while the
15 commercial quota has gone up 14 percent, the recreational
16 quota has also gone up by 14 percent. And it is confusing
17 because we haven't made any relief in regard to relaxing
18 seasons or catch limits, but based upon the current rules, we
19 are expecting the recreational harvest to go up.

20 And just to illustrate this, this is the MRFSS data,
21 MRIP data for --- so that is July and August, and you can see
22 that the 2011 year class began entering the recreational
23 fishery in '12 and '13. These are discards. I mean, these
24 are sublegal fish. They are not legal yet. But you can see
25 that without any changes in regulation, Maryland's sport

1 fishermen are starting to interact with this 2011 year class.

2 So we are expecting the 2014 recreational harvest to
3 go up as well. This next slide -- go forward, go forward.

4 One more. All right.

5 (Slide)

6 So this is -- this graph is from the ASMFC most
7 recent stock assessment. And I just wanted to kind of cover a
8 few topics because it is complex and it is confusing.

9 What we learned back at the October ASMFC meeting
10 was that ASMFC was going to adopt more conservative reference
11 points for fishing mortality.

12 And the stock assessment was able to identify what
13 those fishing mortality reference points should be on a
14 coastwide basis, okay? What we don't know yet is what the new
15 fishing mortality targets are going to be for the Chesapeake
16 Bay.

17 And while the coastwide fishing mortality shows that
18 we are currently exceeding the target -- we are not
19 overfishing, but we are exceeding the target. We came out of
20 the October ASMFC meeting with a good indication, as Bill said
21 earlier, that there are going to be some reductions coming
22 forward in 2015.

23 The question that seems to be unanswered yet: Is
24 that reduction going to be primarily focused on the larger
25 coastal fisheries, which include our spring fishery, because

1 that is where we intercept those migratory fish.

2 Are there going to be reductions needed on our bay
3 fisheries? And what this graph shows is that -- so the stock
4 assessment broke out, this is fishing mortality over
5 here -- and again the .18 is the current fishing mortality
6 target. And the blue line is slightly above that .18.

7 Then the stock assessment showed what the fully
8 recruited fishing mortality is for the coastal stock, for the
9 Chesapeake Bay stock, and they also have a sector called
10 commercial discards.

11 And the question is which sector is causing the
12 fishing mortality to exceed the new target rate? And if you
13 look at, if you look at the Chesapeake Bay fishing mortality
14 for this last, you know, 10 or even a little bit longer time
15 period, it has been relatively constant.

16 And that is because we have been keeping our fishing
17 mortality in line with the population. If you look at the
18 fishing mortality in regard to the coastal population, you see
19 a rather relatively steep increase, and it has kind of jumped
20 around and then dropped recently.

21 This suggests to me that a lot of the reason that we
22 are exceeding the coastwide fishing mortality is being driven
23 by this coastal harvest. You know, does that have to do with
24 the more recently developed intercept fishery off of North
25 Carolina/Virginia? I don't know.

1 So the board -- what we don't know at this point in
2 time is what the new fishing mortality target is going to be
3 for the Chesapeake Bay. So while we know that there is going
4 to be likely reductions coming in 2015, we don't know if it is
5 going to be focused on the coast, with our spring fishery.

6 If it is going to be focused in the Chesapeake Bay
7 in our summer/fall fishery. Is it going to be a combination
8 of both, equal levels, or different? But ASMFC's goal is to
9 bring both of these fisheries, the coast and the bay, back to
10 the fishing mortality target level.

11 And because we have been managing the bay fishery
12 very conservatively, we may find ourselves that even with a
13 more conservative fishing mortality target coming out of
14 ASMFC, it could be very close to the level for which we have
15 been managing for the last 10 years.

16 We don't know that yet. The technical committee has
17 been working on it for the last several months. There is
18 going to be an update given to the management board in
19 February. But based upon the latest information today, the
20 technical committee needs some additional time to put this
21 information together.

22 So, you know, just in a nutshell, you know, I know
23 there is a lot of concern about the status of striped bass.
24 There are some people who probably prefer that we try to
25 manage this resource at a higher level of abundance.

1 But our approach has been to manage it in accordance
2 with our commitments to the Atlantic States Marine Fisheries
3 Commission. We have been doing that very conservatively. We
4 are taking a very close eye on what is coming out of the
5 Atlantic states.

6 We will know more come May, and we are committed to
7 take the necessary actions if we need to in Maryland, and
8 going forward, you know, I will do a better job at bringing
9 these quota-setting issues before the advisory bodies before
10 making that final determination in the future.

11 So with that background, I guess I will stand up and
12 start taking some shots.

13 MR. GOLDSBOROUGH: Any questions for Tom? Ed?

14 *Questions and Answers*

15 MR. O'BRIEN: Yes. Well, Tom, you know, a lot of
16 what you say, of course, I have to agree with. And most of
17 the logic to it but, you know, I sat in that ASMFC meeting
18 too. And two-thirds of it was taken on this issue of the
19 coast, Massachusetts recommending to cut back from two fish to
20 one fish on the coast from a conservation standpoint.

21 Which would certainly have had an effect on the
22 Chesapeake Bay if that would have passed. And there was a lot
23 of discussion on it. That would have affected our trophy
24 season. I am sure. So the reason we took the position that
25 we did, we wanted to save the 14 percent -- and a lot of

1 | people in our organization have questioned, well, why this and
2 | why that.

3 | So I wanted to reiterate that we thought it would be
4 | good to save it in case in 2015 -- you know, we got the status
5 | quo through '14. But in '15, if something happens, if they
6 | come back and want to reduce us for some reason, you know, we
7 | have got a little bit of a cushion there that we have saved.
8 | And, yes, probably most of it would have been commercial.

9 | MR. O'CONNELL: Yes. You know, this idea of
10 | reserve, you know. I don't know how it would work for striped
11 | bass because ASMFC is measuring the performance of the bay
12 | fisheries in regard to our current fishing mortality rate.

13 | So it is not like you can bank a reserve and then
14 | use it as credit for the following year. It all comes down to
15 | what our current fishing mortality is, and how it relates to
16 | the new target that ASMFC would put out. But, yes, I
17 | understand.

18 | MR. O'BRIEN: But they have done that in the past,
19 | though. I have been there. And it has been based upon, you
20 | know, accumulations of data. Now you have got more science in
21 | this, that, you know -- there have been all kinds of deals
22 | made at ASMFC. You and I know it. It varies among species,
23 | tradeoffs with different states. I mean, you have got a lot
24 | of things in your pocket that you can deal with.

25 | I am just saying we wanted to keep this in your

1 pocket.

2 MR. GOLDSBOROUGH: Any questions for Tom? Dave?

3 MR. SIKORSKI: I would like to say you know where
4 CCA stands on this. You know, we have had our meetings, and I
5 appreciate the meetings. While we don't agree and don't
6 support the increase, you know, we can see where you came from
7 and hopefully you can see where we come from.

8 I do appreciate your commitment to allow these
9 decisions to be external, I guess, in the future through our
10 the commission and the tidal fish commission, and appreciate
11 that effort. It is, it is appreciated. Thank you.

12 MR. O'CONNELL: We can understand the variety of
13 perspectives that are out there, you know. Our situation is
14 trying to find the best thing to do for the broad sweep of
15 constituents, and we often find ourselves in the position
16 where we don't please anybody.

17 MR. GOLDSBOROUGH: Beverly?

18 MS. FLEMING: The comments that I have heard from
19 surf fishermen, they like the regulations just as they are.
20 They do not want to hurt the fishery. They are just happy to
21 be able to go out and catch and release.

22 MR. GOLDSBOROUGH: Vince?

23 MR. RINGGOLD: Thanks, Bill. Just one quick
24 question: Everybody is concerned with 2015 coming down. Do
25 you think it would be appropriate for this board to maybe put

1 together a focus group or a subcommittee of some form to start
2 analyzing and coming up with viable options if we need those
3 when it comes down? We could have a diverse group that comes
4 up with different ways of saying how we are going to meet the
5 Atlantic States Marine Fisheries' decision.

6 MR. O'CONNELL: Definitely we would like to get
7 input from this group. You know, I think what we first need
8 is to determine what the fishing mortality rate is going to be
9 recommended by the technical committee to the board. We are
10 likely going to find out what that is sometime between the
11 February and May meeting.

12 Once we get that information -- and I would like to
13 share it from our staff who is participating on that, so we
14 will hear what it is -- I think it would be useful to, whether
15 it is a focus group or the full commission, begin strategizing
16 some options if we find ourselves in the situation where we
17 would be looking at taking reductions on our summer/fall
18 fishery and/or the bay coastal fishery.

19 And being in a better position going into the May
20 board meeting where options would be laid out, agreed to,
21 included in a draft addendum for public comment in the
22 summertime.

23 So I think that is a really good idea. I think we
24 should hold off until we find out what the targets are going
25 to look like and then, you know, get some folks together and,

1 | you know -- yes, I think that is a good idea.

2 | MR. RINGGOLD: I would just like to thank you from
3 | the MSSA standpoint for the time you have given us with all of
4 | our conversations and meeting with you and Secretary Joe Gill.
5 | We really appreciate that you were open to us, to what our
6 | concerns were. And we really appreciate that. Thank you.

7 | MR. O'CONNELL: On behalf of several of you guys who
8 | approached us, on behalf --- with difficult issue, it is kind
9 | of counterintuitive but I appreciate it.

10 | MR. GOLDSBOROUGH: Okay. How about if we move on to
11 | red drum. We had made -- one our members made a request for
12 | the department to evaluate the possibility of keeping one
13 | large red drum. And I guess Harry, are you going to make that
14 | presentation?

15 | MR. O'CONNELL: Some background on this while Harry
16 | is getting set up is this evaluation stems from the last sport
17 | fish advisory commission where Ed O'Brien had asked the
18 | department to evaluate an opportunity to allow the take of one
19 | big fish. There wasn't any objection from the commission, so
20 | our staff has gone forward.

21 | You know, Ed has been hearing a lot of requests
22 | among his charter boat constituents in regard to this issue.
23 | He has brought it up several times over the years. And Ed was
24 | just representing his constituents to bring forth an
25 | evaluation.

1 And Harry Rickabaugh, who is our red drum expert, he
2 is our technical person at ASMFC, has put together a nice
3 evaluation that will hopefully provide a basis for us going
4 forward. So Harry?

5 ***Red Drum -- Response to SFAC Request***

6 ***by Harry Rickabaugh, MD DNR Fisheries Service***

7 MR. RICKABAUGH: Thanks, Tom. I am going to go
8 through this little thing. You all were provided it ahead of
9 time. I am just going to hit the highlights.

10 Essentially in order to make this change, the first
11 hurdle and probably the biggest hurdle would be that this is
12 an ASMFC managed species. The South Atlantic Council actually
13 gave up the management rights in the EEZ, signed them over to
14 ASMFC.

15 So they have complete management jurisdiction over
16 red drum on the whole Atlantic coast. The EEZ remains closed,
17 and in state waters, the last amendment, which was Amendment 2
18 to the FMP, states that little fish over 27 inches can be kept
19 anywhere along the Atlantic coast -- within the management
20 area, I should say, because it is actually from New Jersey
21 through Florida.

22 States north of New Jersey aren't necessarily held
23 to that. Of course, they don't see many red drum. So to make
24 this change would require an amendment to the FMP or addendum,
25 There is no -- conservation equivalency wouldn't apply to this

1 | because this is actually a separate item within the amendment
2 | that --- .

3 | So we would have to take this through ASMFC and get
4 | it approved and get it approved by the South Atlantic
5 | Management Board. The reason that rule was put into place is
6 | the stock was overfished by a substantial amount, and there
7 | were issues occurring in the 1990s, even probably in the '80s.

8 | A lot of -- of course, this is more of a southern
9 | fish. So the southern states, South Carolina, started taking
10 | action on their own. But the northern states from North
11 | Carolina up still allowed one large fish at least.

12 | North Carolina then in -- I believe it was prior to
13 | Amendment 2 -- actually took, on their own initiative, to
14 | eliminate fish over 27 inches. And they have a much larger
15 | fishery than we do. In the northern region -- I should have
16 | taken a step back -- the whole stock is also split north/south.
17 | So we are in the north region, which is from North Carolina
18 | through New Jersey.

19 | And then the southern region would be South Carolina
20 | south. So the main player in the northern region is North
21 | Carolina. They have way more red drum than we do or even
22 | Virginia.

23 | So then once the amendment went into play, the idea
24 | was to protect all the spawning stock and to allow fishing to
25 | occur on the sub-adults. These fish don't mature until they

1 are essentially -- 100 percent maturity doesn't occur until
2 over 30 inches in length, so all these fish that are in this
3 slot are sub-adults. They are not mature fish.

4 MR. GRACIE: You are talking about sexual maturity,
5 correct?

6 MR. RICKABAUGH: Sexual maturity, correct. So they
7 are nonspawning fish. The key points that would make this
8 possible would be the Maryland region is not experiencing
9 overfishing according to the latest stock assessment, which
10 was computed, I believe it was in 2009.

11 The southern portion also had a determination of not
12 being able -- overfishing is not occurring but the overfish
13 status could not be determined in either region.

14 As I mentioned, the board would have to approve this
15 management change. And the requirements of the amendment is
16 any sort of management change that you want to make outside of
17 the framework within Amendment 2, you have to prove that you
18 have the same equivalent positive effect for the stock, which
19 is -- SPR is what we use.

20 Basically it is the percentage of fish that are
21 allowed to reach spawning age. In this case it would be 40
22 percent of females is the target. So if we did decide to go
23 to one fish, give up our small fish and try to get a big fish,
24 we would somehow have to prove how that regulation and
25 equivalent spawning potential, you still have to provide that,

1 at least 40 percent spawning potential --- .

2 In Maryland alone we do not have the data to prove
3 this. We don't have enough red drum here to have target
4 sampling. You --- need biological data on the fish that we
5 would capture.

6 Virginia is sort of pretty much in the same boat.
7 The only state that would have it --- would be North Carolina.
8 So what we would really need would be for North Carolina
9 and/or Virginia to also be willing to do something like this,
10 most likely get this passed for the whole northern region.

11 That would be the easiest way to do it. That is
12 providing North Carolina has the data to show that we could
13 have one large fish and still maintain the 40 percent SPR.

14 In terms of the one large fish, because these things
15 don't mature until -- as I mentioned, up around 34 inches is
16 probably 100 percent maturity for females. This would have to
17 be a really big fish, probably in excess of 40 inches. North
18 Carolina does have a longline survey that they started in
19 2007, and the average, average length of their fish is 40 to
20 41 inches.

21 So if North Carolina were to be included in this,
22 obviously the average fish in North Carolina that people are
23 targeting would be 40 inches. And we need the number to
24 probably actually be larger than that, at least for North
25 Carolina, for us to be protecting 40 percent of the spawning

1 population.

2 The other option would be to try to have just
3 Virginia, basically a bay, have the bay get this one fish
4 over. That would bring us to the data limitations again.
5 Virginia, PRC and Maryland don't really have the biological or
6 catch data to prove at what rate we could keep these large
7 fish and still be comparable to the management that is
8 required for Amendment 2.

9 That is the general idea essentially. To boil it
10 down, we would have to prove to ASMFC and get it passed that
11 we would have an equivalent escapement rate and that -- of
12 course, you know the majority vote within the South Atlantic
13 Board.

14 The south Atlantic states I know are very happy with
15 the current management. But since it is split north/south,
16 there may be some potential -- I think it would be a hard sell
17 to be honest with you. It is not probably out of the realm of
18 possibility as long as some of the other northern states also
19 would participate.

20 ***Questions and Answers***

21 MR. O'BRIEN: Well, with all due respect, and you
22 did a good job explaining it, I have had about four different
23 people explain essentially this to me in slightly different
24 fashions since I have been asking for this about six or seven
25 years ago.

1 What I see is a lack of salesmanship on Maryland's
2 part to try to achieve a little bit better deal for us.
3 People along our Maryland/Virginia border and as you get up to
4 Solomon's and places like that, and further up in certain
5 years, the only red drum they see out in the bay are these big
6 fish.

7 And all I am asking is over and above the
8 slot -- you know, the slot certainly works out great for those
9 who are able to go in along the shoreline where those red drum
10 seem to hang in shallow water.

11 But out in the bay, the typical charter boat doesn't
12 get exposed to that. Everybody says this red drum population
13 is expanding, and we just need to participate in it.

14 Striped bass is about everything to us now.
15 Croakers down. Bluefish doesn't seem to be recovering very
16 well. And Spanish mackerel, you know, certain years they come
17 in, certain years they don't. We need some other species to
18 be able to sell people, to bring fishermen into our state.
19 And I don't think we are trying to sell it. I really don't.
20 And I have said that before privately and --

21 The adult, there is no question, it is a different
22 breed -- well, it is not a different breed, but everybody says
23 it is a different tribe. And all those states within the last
24 two or three years have taken extremely liberal increases to
25 help their fishermen, and I think we ought to do the same.

1 And, you know, I know it is a broken record. I keep
2 bringing it up. But we are so concerned, and should be, with
3 striped bass, that we lose focus on some of these other
4 species and what they could mean to our fishermen.

5 Now again speaking for the charter boats, we are out
6 in deep water. We are not there in the shallows where some of
7 the fly fishermen and the very experienced recreational
8 fishermen with small boats can go and get them. We are out in
9 the bay. We would just like to keep one over and above that
10 slot per boat even to get a start. If you wanted to make it a
11 big fish, you know.

12 Or you could look at alternatives such as on the
13 smaller fish, somewhere in between that, let's say, 27 inches
14 and 45 inches. I don't know.

15 But I would just like to get some of our people in
16 and tell you what they have seen down there, but I would like
17 to see you all get serious on this issue. And you haven't
18 been serious on it. So I don't mean to be too intense on this
19 but it has been a long path.

20 I wish you would get that latest data, I am sure you
21 have got it somewhere, of how liberal they are getting in the
22 gulf now. And giving people the fishing opportunity on red
23 drum.

24 MR. RICKABAUGH: The other thing I can briefly
25 mention is there is a stock assessment pending. It is

1 | scheduled to be peer reviewed 2015, which should be beginning
2 | this summer, and one of the big hurdles in the stock
3 | assessment was we didn't have any adult information. There
4 | was no fishery independent surveys that catch adult red drum
5 | now that all the ones over 27 are off limits.

6 | There is no commercial or recreational information
7 | on them either. But North Carolina, there is one -- there is
8 | a longline survey in South Carolina but that is out of the
9 | northern range.

10 | But North Carolina, as I mentioned, didn't start
11 | that survey in 2007. It is not a long-running survey but it
12 | has continued to the present. It will be included in the next
13 | stock assessment. And again if the next stock assessment
14 | shows that we have continued to increase from where we left
15 | off at the last one, that could also --- for us to formulate a
16 | case that the stock has expanded, it has improved.

17 | If we have some adult information from North
18 | Carolina that is positive, showing that the spawning stock has
19 | increased, that would also be something we could use to help
20 | further our case --

21 | MR. O'BRIEN: You are encouraging me. You really
22 | are. Those are better terms than I have heard explained from
23 | DNR in the last five or six years.

24 | MR. O'CONNELL: What we are looking for is, you
25 | know, is there some consensus from the commission as how they

1 want the department to proceed with this issue? This is the
2 opportunity to share perspectives and see if we can reach a
3 recommendation to us.

4 MR. GOLDSBOROUGH: Phil?

5 MR. LANGLEY: Hopefully I can shed a little bit of
6 light here too on this situation. And like Captain Ed said,
7 we are hearing from our constituents that -- and me
8 personally, I fish that lower end, and I am seeing the numbers
9 of red fish increase, the large red fish down there.

10 The last thing I would want to do is jeopardize the
11 species, any species, whether it is striped bass or red fish.
12 And I wouldn't want to harvest anything that wouldn't stand
13 the harvest.

14 I think what actually the constituents were looking
15 for, not necessarily -- they are not looking for a one red
16 fish per person. They are looking for maybe a one red fish
17 per boat. Or maybe some type of state-purchased bonus tag
18 where you would be allowed one per season as some other
19 conservation measures use for the hunters. Trappers are
20 allowed one otter tag or whatever under protected species.

21 What they are looking for is something to generate
22 interest in the public because the red fish is such a
23 prominent fishery. It gets a lot of attention in the southern
24 states, and they are kind of looking for something in the
25 southern bay to kind of give them a shot in the arm.

1 We are not looking for big numbers of fish or big
2 quotas but something to drive a little interest to create
3 maybe the public sector to that area of the bay to make them
4 aware that we do have these fish. We are seeing decent
5 numbers of red fish in the lower bay in the last four or five
6 years.

7 So the conservation measures are working. I will
8 attest to that because we are seeing the first year and even
9 the juvenile red fish in the shallow waters where everybody in
10 the last few years were seeing good numbers of them. So
11 evidently the spawning stocks have been doing well as far as
12 that goes.

13 But I did want to clarify that. That, you know,
14 that proposal wasn't intended for a one large striped bass per
15 person. It was kind of a discussion to focus on what would be
16 acceptable, if anything.

17 MR. GOLDSBOROUGH: Thank you. Other comments from
18 the commissioners? Beverly?

19 MS. FLEMING: I hate to say this, but surf
20 fishermen, they are happy with just catch and release. They
21 do not want to see the stock hurt at all.

22 MR. GOLDSBOROUGH: Dave?

23 MR. SIKORSKI: I think my letter that I sent to the
24 commissioners was clear on our position. I just want to add
25 that with regard to a charter industry and economic benefit to

1 | them, I fished for years with a friend outside of Oriental,
2 | North Carolina, Neuse River. We do fish on a small boat just
3 | because it is what he has. But it is not because of the
4 | water, in the situation, water depth or anything like that.

5 | And he is one of many fishermen who, for about a 90
6 | day period, fished the Neuse River, fished multiple spinning
7 | rods, circle hooks. Four ounces lead or so in about 15 to 20
8 | feet of water. And they are fishing on most likely spawning
9 | drum. And they call them --- drum.

10 | They get evidence that there is some type of
11 | spawning event going on, and the next thing you know, you are
12 | all hooked up and, you know, you catch these big fish and it
13 | is a lot of fun. I don't know the exact details of when they
14 | can keep one previously but I know they don't now. And as a
15 | fishery it is protected. It is a fishery that has good
16 | economic benefit to the area.

17 | There are hotels, there are captains who utilize
18 | these fish while they are there. But what they don't do is
19 | kill them. So I think -- I understand why, you know, clients
20 | would want to take something home. But a giant red drum,
21 | a --- species should not be that species. They can still be
22 | encountered in a positive way. If proper gear is used, they
23 | can be caught, they can be released.

24 | It can benefit both the fisherman and the charter
25 | captain and the local area. There is a way to do it, and the

1 south has done it in the Atlantic. So I think it would be a
2 mistake to turn back the tide and turn back all the
3 conservation measures that have led us to have the population
4 of red drum that exists in the Atlantic today.

5 MR. DeHOFF: I kind of agree that we do need to
6 maintain status quo. I do agree that we need to find and help
7 the charter boat and the commercial industry find as many
8 opportunities as they can for income.

9 Within the bay, this is relatively in its infancy,
10 this fishery. It is relatively new. There are a lot of
11 things we don't know about it, but there has been a lot of
12 good conservation going on down south of us, and that is
13 probably a pretty large reason why we are seeing these fish
14 now.

15 I would hate to have a knee-jerk reaction to say
16 that, hey, these are showing up and find out that it is a
17 20-year cycle like bluefish and croaker and things do that we
18 find and end up shooting ourselves in the foot by making a
19 decision too quickly. I would rather see the regulation stay
20 as status quo but see how these things work out.

21 Is this going to be a permanent fishery? Is this
22 just a fluke thing that is around because ocean currents are
23 bringing them up or whatever the case may be.

24 And then after we have some better data and things
25 like that, then perhaps we could work toward finding a way to

1 making it more commercially viable for either a commercial
2 sector or for the charter sector when the opportunity, like
3 Dave says, is there on a catch-and-release basis if they
4 properly target the fish.

5 MR. GOLDSBOROUGH: Vince?

6 MR. RINGGOLD: Thank you, Bill. Red fish are all
7 new to me. I have caught three in my entire life -- one under
8 the slot, one in the slot and last year had a beautiful 44-
9 inch bull that was just one heck of a fight that I think very
10 much on.

11 So not knowing much about it, I have tried to do
12 some research. I have been in contact with some of the
13 southern states such as Georgia or Florida, Texas and
14 Louisiana, to get a little self-education.

15 Georgia, actually they are concerned about their
16 assessments because they have had two years that have been
17 down. And in regards to talking about over 27 inch, they said
18 well, you will never see us really go to giving them one over
19 27 inches.

20 But probably what Texas does. Texas has -- you can
21 buy a trophy tag and then a bonus trophy tag. And Georgia
22 said that is what they are probably going to, and in speaking
23 with Florida, the anglers in Florida just haven't had a big
24 push on it but there has been a lot of talk in Florida about
25 the over 27.

1 What my concerns are really here in Maryland is,
2 number one, for myself, is inconsistency in data. As I am
3 doing my research, your letter states that it matures at 33
4 inches. And CCA's letter says it matures at 28 inches. And
5 there is another page on the DNR Website that says it matures
6 at 36 inches, and if you look under Wikipedia and do some of
7 the study, it starts at 25 inches.

8 So it gets a little -- I wish we would kind of get
9 together on some data. But that is the key. We don't have
10 the data that will support or not support this. So those are
11 my concerns in regard to Maryland. We don't have the data and
12 our organizations are really inconsistent with what data we
13 should be using or where it starts or where it ends.

14 MR. GOLDSBOROUGH: Anything else?

15 (No response)

16 MR. GOLDSBOROUGH: All right. Thank you, Harry.
17 That was great. As far as how long this issue has been
18 discussed and how serious we are getting about it, I have to
19 commend Harry. I thought that was a great summary of where
20 things stand. He described the science and the management and
21 what it would take.

22 So I think we are taking a serious look at it and
23 from what I can tell we are going to continue to.

24 We also said earlier that we were going to update on
25 a couple of items that are coming up next week at ASMFC.

1 Under this agenda item -- we still have a few minutes so I am
2 going to toss it to Tom to do that.

3 *ASMFC Updates*

4 *by Tom O'Connell, Director, MD DNR Fisheries Service*

5 MR. O'CONNELL: Sure. Just a couple of topics.
6 Striped bass will obviously be, you know, a focal point, and I
7 have already covered what is going to be talked about. But
8 there is one other item related to striped bass that just got
9 added to the agenda in the past few days. And I would like to
10 give some input today or shortly after.

11 It relates to catch-and-release fishing for striped
12 bass in the EEZ. Over the last couple of months, North
13 Carolina charter boat captains reported rumors that the
14 National Marine Fisheries Service and the Coast Guard was
15 going to start changing the way they are enforcing the EEZ
16 closure for striped bass.

17 And people caught either targeting or fishing for
18 tuna, for example, and you hook into a striped bass, they
19 could get tickets. And there are rumors that the tickets
20 could be a felony, which it turned out is not the case.

21 But the charter boat captains in North Carolina have
22 been sitting at the docks in fear of going out fishing. So
23 Louis Daniel, my counterpart in North Carolina, arranged a
24 conference call last week with the National Marine Fisheries
25 Service and several states along the Atlantic coast. I

1 participated in the call.

2 And the National Marine Fisheries Service clarified
3 that, one, their rules do provide them the authority to ticket
4 somebody for catching a striped bass, whether it is targeted
5 or nontargeted. However they do give their officers
6 discretion to use judgment in those situations. He also
7 clarified that it is not a felony just for record.

8 In determining how to go forward, one of the New
9 England board members raised a question: Should the Atlantic
10 States Marine Fisheries Commission request a change of rule of
11 the National Marine Fisheries Service that would allow
12 catch-and-release fishing for striped bass in the EEZ.

13 There were a couple of board members who thought
14 that was a really good idea. It would clarify enforcement and
15 make it easier. It would prevent those people who
16 are -- incidentally catching striped bass, it would relieve
17 them of the anxiety of being ticketed.

18 However there were a couple states, including
19 myself, who mentioned this rule change could result in
20 increased effort in the EEZ waters, 3 to 200 miles, and while
21 the fish are being caught and released, there is some
22 mortality associated with that. Small but it is some level.

23 And doing that at a time when ASMFC is considering
24 reductions, particularly on the coastal stock, you know, is
25 going to cause some public reaction. So the commission

1 | decided that before making any recommendation to NMFS, they
2 | would put it on the agenda -- and it is -- for next week's
3 | meeting.

4 | And that they were going to proceed with some
5 | recommendation to NMFS that they would provide some
6 | opportunity for private/public input. So, you know, I don't
7 | know what people's immediate reaction is to that but Bill and
8 | myself will be in position next week to, you know, advise the
9 | board as to whether or not they should continue having a
10 | conversation about this or not.

11 | Just wanted to mention that to you and maybe take a
12 | couple minutes to see if there is any feedback on it.

13 | MR. GOLDSBOROUGH: Comments? Vince?

14 | ***Questions and Answers***

15 | MR. RINGGOLD: My only concern, being I am -- I
16 | believe in the catch and release but my concern in the EEZ is
17 | that the minute you open this up to one thing, it is just
18 | going to escalate and spiral downward that everybody is going
19 | to want to get to it.

20 | I mean this is a last form of protection that the
21 | striped bass have before they head inland. So if you open up
22 | the catch and release, the next thing it is going to be is,
23 | well, if you are catch and release, we should be able to go
24 | out and catch and keep one and then two and then so forth.

25 | So, I mean, I would be totally against catch and

1 release out in the EEZ.

2 MR. GOLDSBOROUGH: Beverly?

3 MS. FLEMING: In the Ocean City area, I do know,
4 because I have talked to people, that they have actually
5 targeted the rockfish in the EEZ portion, and then they come
6 in and say, I caught them somewhere else. So I would be
7 against opening it up. They are already taking them now. Why
8 give them the opportunity to take more?

9 MR. GOLDSBOROUGH: Anything else?

10 MR. LANGLEY: I would just concur. I think that the
11 EEZ Zone should be a sanctuary for them if at all possible and
12 they should be left alone.

13 MR. SIKORSKI: It is a fine line, three miles. It
14 is easy to enforce. Allowing one group of fishermen out there
15 just to catch and release seems like an enforcement nightmare
16 to me and I wouldn't support it.

17 MR. GOLDSBOROUGH: Jim?

18 MR. GRACIE: Would a motion be appropriate? Would
19 that be helpful to you, Tom?

20 **MOTION**

21 MR. GRACIE: I move that we oppose this
22 catch-and-release opening of the EEZ.

23 (chorus of second)

24 MR. GOLDSBOROUGH: Vince was the second. Any
25 discussion?

1 (No response)

2 MR. GRACIE: From the public?

3 MR. GOLDSBOROUGH: Anybody from the public want to
4 comment on that?

5 MR. : (away from microphone) I agree. I
6 don't think they should open it up if they can't enforce it.

7 MR. GOLDSBOROUGH: Yes, sir.

8 MR. GREEN: (away from microphone) I am Eddie Green
9 --- . I think you should make it if -- no rockfish on a boat
10 if you are out past the three-mile limit, period.

11 MR. GOLDSBOROUGH: Your name?

12 MR. GREEN: Eddie Green.

13 MR. GOLDSBOROUGH: Eddie Green. Thank you. Okay,
14 around the table, commissioners, any objection to the motion?

15 (No response)

16 MR. GOLDSBOROUGH: Seeing none, the motion passes
17 without objection.

18 MR. O'CONNELL: Thanks a lot. One other item I will
19 mention is I think it is the policy board is going to be
20 discussing ASMFC's response, comment on the reauthorization of
21 the Magnuson-Stevens Act.

22 You know, if anybody has some comments, Bill and I
23 would appreciate hearing them from you. A lot of us probably
24 haven't had the time to really get into it but if anybody has
25 and has that experience and knowledge to offer some input to

1 us, we would really appreciate it following the meeting, prior
2 to next week's ASMFC policy board meeting.

3 And just one other item, non-ASMFC is at the last
4 sport fish advisory commission, we had some presentations that
5 focused on habitat.

6 And from that presentation, the commission thought
7 it would be a good idea to form kind of a fisheries habitat
8 workgroup that, you know, the department could try to provide
9 the science and knowledge that we have in regard to land-use
10 issues of fisheries, and then that would give the fishermen a
11 better opportunity to be advocates at the local level.

12 Following that meeting, you know, some further
13 reflection was, you know, it would really great if we could
14 get diversity from all of our advisory bodies, so a couple
15 days later, we brought up the issue at the Tidal Fisheries
16 Advisory Commission, and they thought it would be a great
17 idea.

18 We took it to the Oyster Advisory Commission as well
19 as the Aquaculture Coordinating Council. And so what we are
20 ending up with, we are trying to get a fisheries habitat
21 committee that has two or three members from our diverse
22 advisory bodies.

23 It is an area that everyone seems to be in more
24 agreement than a lot of issues we talk about, and I think it
25 would be an opportunity to maybe improve some relationships

1 and do it for a good cause in regard to protecting the fish
2 through land-use issues.

3 So Jim Gracie is still going to kind of lead the
4 charge. Margaret McGinty from our staff will be working with
5 Jim, and they have been kind of tossing back, a little back
6 and forth, on, you know, the ideas, the mission, and we will
7 be forming a meeting here shortly that we can initiate that
8 group's charge. So I just wanted to bring that as an update
9 from an action item.

10 MR. GRACIE: --- meeting in February.

11 MR. O'CONNELL: Okay.

12 MR. GOLDSBOROUGH: That completes our agenda. I am
13 going to open it up for public comment in a second. But first
14 I want to remind everybody, guests in the room, to sign the
15 sign-up sheet. It looks like a lot of people have but I am
16 going to leave it right up here for anybody who hasn't.

17 And also for any commissioners to give their signed
18 expense reports to Noreen before they leave. Or I guess they
19 can send them in. They can but best to do it now.

20 With that, is there anybody from the public that
21 would like to address the commission? Ken? Ken Hastings.

22 *Public Comment*

23 MR. HASTINGS: I am a recreational fisherman from
24 Mechanicsville, Maryland. I got involved in this allocation
25 request business back -- well, it has been 10 months ago.

1 Somehow my allocation request fell through the
2 cracks but MSSA's did not. So I have got to find out what
3 kind of influence they have so I can share some of it with
4 them. I went ahead and did an analysis of the allocation
5 responses based on the MSSA request.

6 I need to give you a disclaimer. I am not here to
7 support MSSA's request or to make any particular claim for
8 what the allocation should be. Or how it should be achieved.

9 My issue after looking at the policy document, which
10 is really pretty cursory and doesn't have any metrics. It is
11 not a workable document. And the response it got back said
12 there is a disconnect here.

13 If you look -- and I don't know if any of you have
14 actually looked at the allocation part and the conclusion it
15 made, but it says the commercial fishery -- this is the
16 conclusion from the document now.

17 The commercial fishery/recreational fishery economic
18 values -- I am going to come back to that -- analysis,
19 however, are not available at this time. Now this comment was
20 made after DNR had already ripped MSSA's version of an
21 economic policy apart. It didn't like the models that they
22 used. They didn't like the conclusions that they drew or any
23 of those things.

24 But then they come back and find out that the
25 department doesn't have a way of evaluating economic viability

1 or economic value because it is very difficult to do, and it
2 really is. And there is a point here about value. Value is
3 different from impacts and benefits.

4 I didn't know that, but when I saw that they were
5 concentrating on value, I said, well, what is this? So I went
6 to the NOAA document that is referenced in the reference list
7 at the back of the report. And when I read it, I found out
8 that value is totally different from benefits and impacts.

9 It is really -- man, it is really Cloud 9. I am
10 certain Jorge could blow me out of the water on this because I
11 am engineer not an economist. But it certainly is different.

12 The problem that I have is that when I read the rest
13 of that report, I discovered that no one uses it. Yes, it is
14 a nice theoretical thing, but for allocation purposes, the
15 book said that there were 26, I think, that they looked at,
16 FMPs that dealt with allocation.

17 23 of them didn't even mention efficiency and value
18 and the other one didn't do enough of a job of it to take it.
19 So, well, it really didn't work.

20 The statute that the allocation policy is derived
21 from says you are supposed to use the best information. It
22 doesn't say it has to be perfect. It doesn't say it has to be
23 some Cloud 9, esoteric economic policy no one has ever used
24 before.

25 It says it is supposed to be the best. But it

1 | didn't happen. In addition, the PRT, the planning review
2 | team, was concerned about the equitability of the stakeholder
3 | proposed reallocation.

4 | Well, that is okay, because according to the policy
5 | document and the statute, DNR was supposed to evaluate the
6 | existing allocation policy in the same terms they would have
7 | investigated something that somebody else brought in like me
8 | or MSSA brought in. They could have proposed another one.

9 | The reduction of commercial sector allocation from
10 | 42 1/2 percent down to 10 percent, was the way MSSA proposed
11 | the reg, does not maximize overall benefits. Now, I would
12 | like to know how you arrived at that conclusion since you have
13 | no metrics, you have no economic value. You just said there
14 | is no economic value analysis that you can use.

15 | So how do you know that the 42 down to 10 does not
16 | maximize the overall benefits, and even further than that, how
17 | do you know, if you did that, that MSSA's application wouldn't
18 | have been better?

19 | So there is a problem here. Does the current
20 | allocation maximize benefits? It seems like that would be a
21 | simple question to answer. You said the other one didn't.
22 | Well, does this one?

23 | Well, it didn't have to maximize benefits. What the
24 | law said was use the best information available to come up
25 | with a fair and equitable allocation. I don't know if

1 | this -- if what you have is good. I don't know if it could be
2 | better. I didn't get a number. When I put mine together I
3 | did not put down a number because I didn't want to get
4 | detracted off to that.

5 | Now there is only one paragraph in here that makes
6 | me know that somebody has actually reviewed my proposal. And
7 | I know that Nancy and I talked over the phone recently when I
8 | sent her an electronic copy so it could be included in the
9 | back. But that was the only indication I had after 10 months
10 | that anything had actually been done with mine.

11 | But that is okay. I will get over it. It may take
12 | a while. I got over Santa Claus and the Easter Bunny. I will
13 | get over this too.

14 | However, I think it is interesting that the one
15 | paragraph in there that talks about anything that I
16 | mentioned -- I said that it did not seem fair and equitable on
17 | the surface to have 3 or 400 commercial fishermen with the
18 | same quota as 200,000 licensed, recreational saltwater
19 | fishermen.

20 | Now I will recommend that right off the bat there
21 | could be mitigating circumstances I am not aware of, and that
22 | is why I did not attach a number to my request. Because I
23 | don't know.

24 | But I expect that DNR does. I suspect that you
25 | should be able to come up with some rationalization based upon

1 the sharing of the resource with the nonfishing public. That
2 is going to be really hard to do when you have already said
3 that only 2 percent of the seafood eaten in Maryland comes
4 from the Chesapeake Bay, and NOAA says only 9 percent comes
5 from --- nationwide.

6 And last week we had salmon, --- salmon, from Chile
7 in my house. So I am really confused about how this process
8 is supposed to work, and apparently the document was not
9 ready, and DNR was not ready to actually do an allocation
10 under perfect circumstances.

11 However, you have reports about benefits and impact.
12 I know because I have sent them to Tom. There is the ---
13 report, there is the --- report. They are dated. I think
14 MSSA talked about a NOAA report. In each case they indicated
15 that there was a greater benefit, a better impact, from
16 recreational fishing than commercial.

17 I have never seen the flip side of that but maybe I
18 didn't find it. Maybe it is there. That is the kind of back
19 and forth I would have liked to have seen about these
20 proposals. Well, it didn't happen, and I think you probably
21 need to do a whole lot of work on your allocation procedure.

22 If you are not going to accept the existing economic
23 data that is pretty conclusive, made by people who are experts
24 in their field, even though they are apparently not experts in
25 how to do value with these fisheries, then you need to find

1 another way. Thank you.

2 MR. O'CONNELL: Thanks, Ken. We did receive a
3 letter that outlines a lot of Ken's points --- . Anybody else
4 from the public want to provide any input to the commissioners
5 or the department at this point in time?

6 (No response)

7 MR. O'CONNELL: All right. Bill couldn't hold it
8 any longer so he asked me to close up the meeting. So thank
9 you --

10 MS. DEAN: I just wanted to say thank you. Thanks,
11 you guys.

12 (Whereupon, the meeting adjourned at 5:00 p.m.)

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