

*Maryland DNR*

*Meeting of the Tidal Fisheries  
Advisory Commission*

*Thursday,*

*February 20, 2014*

*Held at the*  
Tawes State Office Building  
Annapolis, Maryland

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

February 20, 2014

**TFAC Members Present:**

Billy Rice, Chair

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

**SFAC Members Absent :**

Mike Benjamin  
Gilbert Dean

**Maryland DNR Fisheries Service**

Tom O'Connell  
Noreen Eberly

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

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

(2:05 p.m.)

*Welcome and Announcements*

*by Billy Rice, Chair, TFAC*

*and Tom O'Connell, Director, MD DNR Fisheries Service*

MR. RICE: All right, everybody. 2:00 has come and gone a couple of minutes ago. I call the meeting to order. Welcome everybody to the February meeting of the tidal fish advisory board. I know there is at least one other person who is on the way but we are going to get on the agenda. Tom, can you have your opening remarks, please?

MR. O'CONNELL: Thank you, Mr. Chairman. Welcome, everybody. Just kind of looking at the agenda -- hopefully everybody has a copy of it. You know, we have a lot of just standard updates. A couple of the items of interest are like the Conowingo Dam dredging presentation and give you some updates from ASMFC and some other updates from the Estuarine and Marine Fisheries Division.

But pretty standard agenda with a few new topics, so looking forward to hearing what those new topics are and having some discussion about the Conowingo Dam. So probably not much else to say. We will get right into the agenda, and we do hope that we are going to have a few more commissioners join us here in a few minutes. So with that, I will give it back to you, Mr. Chair.

1 MR. RICE: All right. Well, with that in mind, the  
2 next thing on the agenda would have been the public comment  
3 period but I would like for everybody who is going to be here  
4 to be here for that because I know there is at least one  
5 person here that has something of importance. So we will jump  
6 down to the NRP report from Lt. Art Windemuth, please?

7 ***NRP Activity Report***

8 ***Lt. Art Windemuth, MD DNR NRP***

9 LT. WINDEMUTH: Good afternoon. The NRP -- I want  
10 to start out by just saying that we are in the process of  
11 changing over to a new computerized system, so I wasn't able  
12 to provide the stats that I did at the July meeting.

13 So our changeover to this new computerized system  
14 started in October. We finally got through all of our areas  
15 and regions of the state in January. So what I did was I just  
16 printed up a few notable cases. It is in your handouts. And  
17 I would willing to answer any questions in regard to those or  
18 anything else anybody might want to ask me.

19 MR. RICE: Everybody has the handout. If nobody has  
20 a question, we thank you for your report. Moving right on,  
21 Tom, would you like to update us on the ASMFC winter meeting,  
22 please?

23 ***ASMFC 2014 Winter Meeting Outcome***

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

25 MR. O'CONNELL: Sure. So the week of February 4th,

1 the Atlantic States Marine Fisheries Commission had their  
2 annual winter meeting. We are fortunate to have all of the  
3 Maryland board representatives here so I can give them an  
4 opportunity to add -- Bill Goldsborough, who sits in for the  
5 governor. And we have got Russell Dize, who is Senator  
6 Colburn's proxy from the legislature.

7           Just a few species types that I will mention to you.  
8 One is the Striped Bass Management Board. You may recall that  
9 last fall the commission adopted a new stock assessment, which  
10 produced new biological reference points both in fishing  
11 mortality as well as spawning stock biomass. Based upon that  
12 meeting last fall, there was additional work that the  
13 Technical Committee needed to do.

14           The board charged the Technical Committee with  
15 looking at developing biological reference points specific to  
16 fishing mortality for the Chesapeake Bay area.

17           So while the stock assessment produced a new fishing  
18 mortality rate for the Atlantic coast, because the Chesapeake  
19 Bay has been managed under a conservational-equivalency  
20 program allowing for a smaller size, the Technical Committee  
21 was tasked with producing the reference point on fishing  
22 mortality for the bay.

23           The Technical Committee still has some work to do.  
24 They reported out to the board that they need some additional  
25 time, and their recommendations for fishing mortality

1 reference points will be coming back to the board in May.

2           What we know so far is that from a coastal  
3 perspective, the fishing mortality is higher than the target  
4 level, and the board has made it clear that we need to bring  
5 the fishing mortality back to the target level so that we can  
6 ensure that the biomass is maintained at the sustainable  
7 level.

8           What we don't know yet is where the new, where the  
9 Chesapeake Bay fishery is against the Technical Committee's  
10 recommended reference points. We have been managing the  
11 Chesapeake Bay fishery very conservatively, and while we  
12 expect that the Technical Committee's recommendation will be  
13 more conservative than what has been past used by the Atlantic  
14 States Marine Fisheries Commission, I think we are going to be  
15 pretty close to the new target.

16           But we may also be looking at a situation like the  
17 coast where we may have to make some minor adjustments to keep  
18 that fishery at the proper level. So the way going forward is  
19 the meeting in May is going to be a lot of information. We  
20 should know what the new reference points are from both the  
21 coastal perspective as well as the Chesapeake Bay.

22           And the board is going to be tasked with laying out  
23 management options to bring those fisheries back into target  
24 level and approving a document that would go out for public  
25 review in the summer. There will be public meetings. And



1 coming back in August to review the public input and making  
2 the decision on what states will need to implement for the  
3 2015 season.

4           So there is a lot of stuff going on right now. We  
5 should be in a much better position in May in understanding  
6 what potential impacts that may have on our fishery here in  
7 Maryland. In regard to Atlantic menhaden, basically the  
8 meeting was an update on where the stock assessment is at.  
9 That occurs at every quarterly meeting.

10           But the thing to make notice of, and we did send an  
11 e-mail out to the menhaden harvesters, and I think the Tidal  
12 Fish Advisory Commission got a copy of that, is that whereas  
13 the ASMFC allowed for up to a 12,000 by-catch allowance in  
14 2013 after the directed fishery was closed, the commission did  
15 take action last summer to make that only a one-year  
16 provision.

17           And beginning in 2014, that by-catch allowance goes  
18 back to a 6,000 by-catch allowance per vessel. So that is  
19 going to obviously have some impact on our fishermen here in  
20 Maryland.

21           But there was a lot of uncertainty with a 12,000  
22 by-catch allowance, that the board felt uncomfortable allowing  
23 that to continue beyond one year, and wanted to assess the  
24 performance of all the states' management efforts last year  
25 before they made further decisions on the by-catch allowance.

1 So that 2013 fishery performance review of each state is going  
2 to be happening at the May meeting, and we anticipate that is  
3 going to initiate a conversation about this by-catch  
4 allowance.

5           And if changes are warranted, it would have to go  
6 through an addendum process, which is a multi-meeting process,  
7 which includes drafting a document, going out for public  
8 comment and then coming back for final decision. So for 2014,  
9 the by-catch allowance will be 6,000 pounds per vessel after  
10 closure of the directed fishery.

11           The Executive Committee did approve a new five-year  
12 strategic plan for the commission, and that is available on  
13 their Website if you are interested in reviewing the  
14 priorities that the commission has laid out.

15           Some of the highlights are, you know, trying to  
16 bring a higher level of focus to eco-system management. We  
17 have talked about those issues at our last meeting here,  
18 multi-species interactions. Also trying to, you know, improve  
19 communication with stakeholders to improve credibility, to  
20 improve transparency, things like that.

21           So I would encourage you guys, if you have the time,  
22 to take a look at the strategic plan because that is the  
23 vision that the commission will be moving forward with over  
24 the next five years.

25           And then just one last one I will mention is

1 American eel. Back in 2010 there was a stock assessment that  
2 concluded that the American eel population is depleted. And  
3 so the board for the last couple years has been working on  
4 ways to address that depleted status. The Technical Committee  
5 advised that the board should look at reducing the harvest  
6 across all life stages -- glass eels, silver eels and yellow  
7 eels.

8           The board has already taken some action in relation  
9 to silver eels as well as yellow eels in regard to gear  
10 restrictions. But in May the board is going to be looking at  
11 options that include establishing a quota for yellow eels, as  
12 one option. And recognizing that in recent time, Maryland's  
13 yellow eel fishery has accounted for 50 percent or more of the  
14 coastal landings.

15           We are going to be keeping a close eye on that  
16 issue. When you are looking at quotas, it is typically based  
17 upon reference years, and the impact in Maryland is going to  
18 be largely dependent upon what reference year is picked.  
19 And because our fishery has been growing the last few years,  
20 if the reference period includes a broader historical  
21 timeframe, it is likely that the impact to Maryland would be  
22 greater than other states.

23           So I am working closely with a couple state  
24 directors to look at scenarios and reference time period that,  
25 if a reduction is warranted, that it is done in a manner that

1 is fair across all the states. So one state is not taking the  
2 significant burden of any potential cuts. So I am working  
3 closely with Russell, and Russell has been doing a great job  
4 keeping the eelers involved.

5 We should have some information prior to the May  
6 meeting that I can share with Russell and others. But it is  
7 possible that the board will be taking some action in May.  
8 Again the action would be laying out a public document of  
9 options to reduce or at least maintain yellow eel landing  
10 levels.

11 And it would go out for public comment in the  
12 summer, come back to the board for final decision in August  
13 with implementation in 2015. So that is another species that  
14 I would appreciate you guys keeping your eelers informed of.  
15 We do have a few eelers who participate in ASMFC's advisory  
16 panel process.

17 With that I will ask Bill or Russell if you guys  
18 feel like there are other items that would be good to report  
19 to the full commission today. We can start with you Bill, if  
20 you have anything.

21 MR. GOLDSBOROUGH: I will say one thing. I don't  
22 think you gave the department enough credit on that -- the  
23 menhaden by-catch thing. Amendment 2 of the management plan  
24 says 6,000 pounds per vessel and Maryland interpreted vessel,  
25 the way I looked at it, Maryland interpreted vessel to mean

1 kind of a fishing operation and recognized that typically  
2 pound netters here have two licenses on a boat and allow that  
3 12,000.

4 That was controversial with other states but, you  
5 know, we did it because we felt that would be the right thing  
6 to do, and because it was controversial and a lot of people  
7 thought it was not consistent with the intent of the plan,  
8 they went back and revisited that. I think we need to  
9 recognize that the department was trying to help the industry.

10 MR. O'CONNELL: Russell?

11 MR. DIZE: It came up at the eel meeting that one of  
12 the states wanted to open that -- as a matter of fact, a  
13 motion went on the floor to open all the states for glass eel  
14 catch. And it was voted down. And there was only one vote  
15 for it, and that was the state that asked for it.

16 So that was voted down because we didn't want any  
17 more glass eel being caught. We have only got two states,  
18 Maine and a little bit in South Carolina. So that was voted  
19 down.

20 MR. O'CONNELL: Thanks, Russell. And, you know,  
21 going to these meetings all week does require a commitment,  
22 and we do appreciate Bill and Russell. And Russell does a  
23 really good job of answering questions of Bill and I as it  
24 pertains to the industry so we do appreciate, Russell, your  
25 being able to attend those meetings and provide us that

1 information on a timely basis.

2 I guess we will turn it back to you, Mr. Chair.

3 MR. RICE: Okay. We will take questions, and I see  
4 I have one directly to my right. Richard?

5 *Questions and Answers*

6 MR. YOUNG: I am really concerned about the by-catch  
7 thing with the menhaden. And I am concerned it is going to  
8 affect the menhaden fishermen. It is going to affect anybody  
9 with a pound net, but it is also going to affect the crabbers.

10 You know, with razor clams, I don't know -- Moochie,  
11 are razor clams coming back?

12 MR. GILMER: It looked a little better last fall,  
13 Richard. That is all I can tell you. I don't know what the  
14 winter effect will have on it.

15 MR. YOUNG: It was dismal year, and the price was  
16 astronomical. Shrimp heads coming from out of the gulf got  
17 tight at times. There is a real potential that we are not  
18 going to have a bait to fish with if this by-catch -- and  
19 Bill, I understand that it was controversial, but there is a  
20 lot of stuff that Atlantic states does that is controversial  
21 with one state or another.

22 And I think that this, this menhaden is really  
23 controversial for us. It affects all of us.

24 MR. O'CONNELL: Yes. So, you know, we are expecting  
25 that the commission is going to be talking about that by-catch

1 allowance after they get a chance in May to look at how the  
2 performance was. You know, one of the things in the ASMFC  
3 plan was that the directed fishery needed to achieve a  
4 20-percent reduction in landings but there was no limit set  
5 for by-catch.

6           So one of the things that the commission is  
7 concerned about is under a by-catch allowance but no specified  
8 limits, how much of that 20-percent reduction erodes away?  
9 And obviously for states like Maryland fishing these  
10 stationary gears, that by-catch is very important, and we  
11 don't want to get into a situation where we are just  
12 discarding dead fish.

13           So a couple of scenarios are going to be to assess,  
14 you know, what is a reasonable level of by-catch allowance  
15 that can be continued. You know, and it has also been  
16 discussed that perhaps we need to revisit the allocation  
17 between the stationary gears like pound nets versus, you know,  
18 an off-shore, you know, fishery that has occurred out of  
19 Virginia.

20           Some minor allocation changes could provide states  
21 like Maryland a lot more fish that would benefit fishermen who  
22 have these stationary gears, that are fishing for other  
23 species, and to avoid discarding dead menhaden. So we do hear  
24 you, Richard, and the opportunity is going to be made to try  
25 to see how to go forward with that.

1 MR. YOUNG: It still won't help 2014.

2 MR. O'CONNELL: No, I mean, the commission made a  
3 decision last year to not allow it for 2014, and was going to  
4 review the performance last year. And if changes are needed,  
5 it is going to require an addendum that is not going to be  
6 able to be finished until the end of the year. Let's hope  
7 that clams are up and shrimp prices are down, huh?

8 MR. RICE: Bill?

9 MR. SEILING: When does the directed fishery stop?  
10 When does that --

11 MR. O'CONNELL: There is a quota established for  
12 each state. In Maryland, it is about 5.2 million pounds. And  
13 the states are required to close that when that quota is  
14 achieved.

15 MR. SEILING: And when do you expect that would  
16 probably happen?

17 MR. O'CONNELL: You know, it ranges based upon, you  
18 know, seasonal patterns and weather conditions -- last year I  
19 think it closed in late June. And in some years it would have  
20 closed in early June. And Lynn just came in. I don't  
21 know -- the question being what is the range of timeframe that  
22 we have caught that 5.2 million pounds in the past?

23 MS. FEGLEY: In 2012, we attained the quota in the  
24 middle of June. That was the earliest in about 10 years  
25 that -- the range is really between the middle of June and



1 late September, early October. The difference in 2014, we are  
2 going to require -- we have a reg proposed right now to  
3 require all pound netters, and the reason it is pound netters  
4 is because they report, they harvest the majority of our  
5 menhaden harvest.

6 We are asking all pound netters to report their  
7 harvest daily beginning -- the reg is effective April 1st.  
8 And everybody should be getting a letter. We will be doing  
9 training to help you understand how to do that.

10 And what that is going to do is, hoping that we get  
11 compliance, it will allow us to track the harvest while the  
12 fishery is open so we know when we need to shut it so we don't  
13 exceed that quota because if we exceed the quota we have to  
14 pay it back.

15 So in 2013, because we had to roll out the  
16 management basically in the middle of the fishing season, we  
17 basically had to close the fishery based on what we did in the  
18 most recent year. And this year we are hoping to be able to  
19 have the harvest data to manage the fishery according to what  
20 is actually happening during the 2014 fishing season.

21 MR. O'CONNELL: It sounds like as early as mid-June,  
22 as late as sometime in September.

23 MS. FEGLEY: Mid-June to September.

24 MR. SEILING: Well, just to repeat what Richard  
25 said, last year, and I am sure this is not news to anybody,

1 last year if we hadn't had an abnormally slow crabbing season,  
2 the crabbing industry would have been really hard pressed for  
3 enough bait last year with the 12,000 pound by-catch. I can  
4 imagine if you cut that in half this year -- I mean,  
5 hopefully, I mean, with this losing scenario, our crab  
6 population will be down or that is going to be a tremendous  
7 issue.

8           Is there any provision at all in the deliberations  
9 for issues like this? I mean, is there no avenue to put these  
10 kinds of ideas into the mix?

11           MR. O'CONNELL: I think -- there are limited option  
12 because this requires a management change and it has to go  
13 through an addendum. There are ways to accelerate the  
14 addendum but the board is very concerned on how this by-catch  
15 allowance -- not only in Maryland but other states along the  
16 Atlantic coast -- may have reduced the target reduction of 20  
17 percent.

18           So you know there is a situation where, you know,  
19 by-catch allowance may have, you know, prevented a state from  
20 achieving reductions. So the board first wants to see how  
21 that by-catch allowance played out last year and then have a  
22 conversation as to how to go forward with it.

23           MR. JETTON: I am just going to echo Richard's  
24 sentiments really quickly here. As far as a charter boat  
25 standpoint, from June on our bait of choice is pretty much

1 | menhaden in the upper bay. And if we can't get that, it  
2 | forces us to put pressure on other species.

3 |           Last year the spot issue kept coming up and, yes, I  
4 | am concerned about it too because it is going to force us to  
5 | look for something else. And we are just going to shift the  
6 | emphasis is what is going to happen. So, yes, it worries me  
7 | too. I can see an issue for us all around on this.

8 |           MR. RICE: Russell?

9 |           MR. DIZE: I think at the meeting I saw a reluctance  
10 | in doing anything until this new evaluation comes out as of  
11 | February 2015 when the new stock assessment will be out. So  
12 | the only thing that would happen now would be temporary and  
13 | there is not much you can get done at Atlantic States Marine  
14 | Fisheries Commission in three months. Usually it takes nine  
15 | to it get done.

16 |           And we are supposed to have a new assessment and  
17 | peer review, and the first -- the winter meeting February of  
18 | 2015. So I don't see a lot being done. I mean, that can be  
19 | done. Twisting some figures and all. But I think -- Lynn,  
20 | isn't Maryland the only northern state that has that quota for  
21 | fixed apparatus?

22 |           MS. FEGLEY: (away from microphone) You mean the  
23 | by-catch? No that is one of the issues, that the by-catch  
24 | allowance was originally intended for fixed gears --- but it  
25 | is being applied up and down the coast quite liberally so like

1 gill netters are running under a 6,000 pound by-catch.

2 And that is the controversy of the board that it is  
3 not well-defined. That is the issue. So in a way, the state  
4 of Maryland is paying a little bit of a price for this  
5 provision not being as well-defined as it could.

6 MR. RICE: Bill?

7 MR. GOLDSBOROUGH: Yes, one other thing that I think  
8 is running into some concern. John Taylor, who is -- you  
9 know, the quota that was set up and the allocation of it to  
10 the different states was based on a baseline year landings,  
11 reported landings of '09 to '11.

12 And as we know, the reduction industry all based in  
13 Virginia, Omega Protein, got 80 percent of the catch. That is  
14 because they have been taking 80 percent of the catch during  
15 that period. And they have for decades now had to do daily  
16 reporting. They call it the Captain's Daily Fishing Log.  
17 And so they had good data.

18 I think that we could say, right now, with the  
19 experience of last year, certainly in some states and maybe in  
20 Maryland too -- it would be up to you all to tell me, I guess.  
21 But we didn't have as good a record for our baseline landings  
22 during those years for whatever reason.

23 And the reported landings that we turned into ASMFC  
24 maybe weren't as much as we really did catch during those  
25 baseline years and that hurt us when it came time to

1 determining the quota.

2           So we brought this up at the commission, and one of  
3 the things that states are able to do to try to address that  
4 if they think that is a problem in their state is they can try  
5 and come up with whatever documentation they can find for  
6 better data from those years and submit it to ASMFC by April  
7 1st along with their landings from last year.

8           And that can be considered at the May meeting too.  
9 And if the state has documentation that is considered valid,  
10 that their catches actually were higher during those baseline  
11 years, then a reallocation can be considered, and that data  
12 will go into the stock assessment. So take that under  
13 advisement everybody.

14           If there is a way to document that we actually did  
15 take more menhaden during those years than was recorded, well,  
16 that would be worth trying to document.

17           MR. RICE: Yes, we have a hand in the back?

18           MR. VAN ALSTINE: (away from microphone) Yes, John  
19 Van Alstine. Really quick, some of the folks in our area have  
20 seen the husband-and-wife teams. They both have pound nets in  
21 their own individual names. But they both work the same  
22 vessel. So when you have a 6,000 pound per vessel, not per  
23 site, that seems to be a hardship in my community.

24           Like I said, specifically with husband-and-wife  
25 teams that are working the same vessel out of the boat. It

1 | may actually force them to get another vessel, and I don't  
2 | think that we really want to do that.

3 |           You set a rule, and somebody is going to figure out  
4 | what loophole needs to be to feed their family. And I think  
5 | that is some of the things you are going to see going back and  
6 | forth, but I don't think it really needs to be if that can be  
7 | looked at a little bit closer.

8 |           MR. RICE: Moochie, did you have your hand up?

9 |           MR. GILMER: Yes. This is back on the eel thing,  
10 | and I get this thing from --- Seafood. But anyway I saw this  
11 | thing on the --- the other day, and I am just going to read  
12 | the last paragraph of it here.

13 |           It says: According to a press release issued Friday  
14 | by the commission, which is Maine's version of DNR, Maine will  
15 | be limited to a statewide harvest of 11,749 pounds for the 10  
16 | week elver season, which is scheduled to begin on March 22.  
17 | The statewide quota represents a 35-percent reduction from the  
18 | more than 18,000 pounds, total pounds, caught in Maine last  
19 | year when there was no statewide catch limit.

20 |           The commission had told Maine that to better protect  
21 | the declining American eel population, they had to reduce the  
22 | 2014 catch by a total of 25 to 40 percent. And I think they  
23 | are referring to the commission as the Atlantic States Marine  
24 | Fisheries Commission. So that was as of --

25 |           MR. O'CONNELL: So there has been a lot of --- at

1 ASMFC about this glass eel fishery, and last fall it ended up  
2 where there was not likely a decision to be made. And given  
3 the concern about the eel population, Maine agreed to  
4 voluntarily reduce their eel fishery by a range of 25 to 40  
5 percent. And the commission supported that voluntary effort.

6 And it was voluntary because the board decided they  
7 needed more time to figure out what the coastwide measures  
8 should be for glass eels. And that conversation is also going  
9 to be included in May. Interestingly, the Technical Committee  
10 has recommended that the landings be reduced from the 2010  
11 levels.

12 And while Maine took a 35 percent reduction, it was  
13 from 2012 levels, which are substantially higher than what  
14 happened in 2010. And at the last meeting a couple weeks ago,  
15 Maine stated that they do understand that this voluntary  
16 measure is just a first step, and that they may be looking at  
17 further reductions based upon the board's development of the  
18 next addendum, which will focus on yellow eels and glass eels.

19 MR. GILMER: Right. I just thought the commission  
20 would like to hear that.

21 MR. O'CONNELL: Yes, I appreciate that. Hopefully  
22 that is going to be helpful.

23 MR. : (away from microphone) Didn't we go  
24 to nine inches recently?

25 MR. O'CONNELL: So the question is did we go to nine

1 inches, and that was one of the measures that the commission  
2 approved last year that states had to comply with this year.  
3 It was a nine-inch size limit for both commercial and  
4 recreational. Formerly it was six inches for recreational.  
5 And it included a half-by-half mesh size for commercial traps.

6 And it was something that we had already had in  
7 Maryland. It already allows for escapement of eels up to like  
8 nine inches. So while the nine-inch size limit is new, it is  
9 kind of -- it was already being complied with based upon our  
10 mesh requirements in Maryland.

11 And there is, just to complete the picture, there  
12 was a new fall closure for silver eels, which pound netters  
13 would occasionally capture, but only represents like one to  
14 three percent of our eel landings. But there is going to be a  
15 new fall eel closure beginning this coming fall. The  
16 regulation has already been adopted.

17 MR. GILMER: For silver eel?

18 MR. O'CONNELL: Yes, for silver.

19 MR. RICE: All right. Thank you, Tom. We are going  
20 to back up to the public comment section. Russell, if you are  
21 still with us, the floor is yours.

22 ***Public Comment***

23 MR. DIZE: Okay, thank you. I talked with Brenda  
24 and I talked with Tom and some --- people on the draft charter  
25 crabbing regs that are going to come out. And on this piece



1 of paper there are two scenarios: Scenario A and Scenario B.

2 And the A would -- as we do it now, I crab  
3 commercially, and I take the people out. I adhere to all  
4 commercial regulation: time, everything, size, everything to  
5 commercial regulation. Even down to the point when I report  
6 my crabs, I report what percentage goes to the public, which  
7 is my charter, and what percentage goes to a buyer.

8 So we would -- in Calvert County, in our area, we  
9 would really like for you all to back us with Scenario B,  
10 which is a commercial --- trip with paying customers on board  
11 to watch commercial activity. Commercial gear, times, catch  
12 limit, day off -- all other commercial rules apply.

13 And the one part of it that I am not happy with but  
14 it is better than Scenario A is passengers can purchase crabs  
15 from the license after the trip, and that would cause the  
16 charter people to buy a buyer's license, which is not a big  
17 deal. That can happen.

18 In Scenario A, it would be a two-bushel recreational  
19 catch. Crab pots could be used in recreation hours in  
20 addition to other recreational gear. No crabbing on  
21 Wednesdays. Charters could be taken during a commercial day  
22 off, and decal reporting would be required as the trip would  
23 be logged as a charter trip.

24 So I would like for this commission, if at all  
25 possible, to back Scenario B. Thank you.

1 MR. RICE: Thank you, Russell. While everything is  
2 fresh on our minds, would you just relay to us if anybody has  
3 any questions for Russell? I think probably the main thing we  
4 need to be concerned about is, does what Russell wants put any  
5 additional strain on the resource? And the answer is no. It  
6 just simply allows him to take on paying passengers while he  
7 working what he is going to do anyway.

8 So -- yes?

9 *Questions and Answers*

10 MR. VAN ALSTINE: I didn't fully understand the  
11 difference between the two. I understand -- today I do the  
12 same as you. I take them out and report it. What is option B  
13 offering me that option A did not?

14 MR. DIZE: Option B, you operate as a commercial  
15 harvester.

16 MR. VAN ALSTINE: Which we are already doing under  
17 option A.

18 MR. DIZE: No, under option A you wouldn't be. You  
19 would be operating under a charter.

20 MR. O'CONNELL: This was an item that we were going  
21 to mention under the Regulatory/Scoping Update. We do have  
22 staff who are going to provide an overview of the couple of  
23 options we have been talking about and which option we plan on  
24 proceeding with. We could do that now if you wanted to.

25 So Gina -- I think it would be good for the group to

1 just provide details on the couple of options.

2 ***Discussion on Crabbing Regulations for Ecotourism***

3 ***by Gina Hunt, MD DNR Fisheries Service***

4 MS. HUNT: Actually this is an issue we have had  
5 come before the commission to scope. It started  
6 actually -- last April I think maybe was the first time we  
7 talked about it. We had a plan then. I won't bore you with  
8 the details of that one because this looks a lot different.

9 Then after hearing comment from both commissions, we  
10 came back with another proposal later in the fall, and we  
11 presented that one to the ecotourism industry and to some of  
12 the charter boat captains. We got feedback from them again as  
13 well, met with the ecotourism industry in December and then  
14 revised it again to what you see as Scenario B.

15 So what it came down to was the Scenario A would  
16 allow someone to go out and use commercial gear with a paid  
17 party on board but you would only be able to do that -- you  
18 would be able to do that but you would only be able to bring  
19 back two bushels. So basically a recreational catch limit.  
20 So though you went out with commercial gear, you did not get a  
21 commercial limit.

22 The Scenario B says -- and I am sorry. Also you  
23 would have been able to use that commercial gear during  
24 recreational times. That was one of the suggestions with some  
25 flexibility because it seemed some of paid parties did not

1 want to get up so early as watermen.

2           So Scenario B -- but the problem was that folks who  
3 were going out using their commercial gear, it just wasn't  
4 economically worthwhile for them to go out there and do that,  
5 take the money as a paid party but only be able to come back  
6 with the two bushels. So they are going to have to put their  
7 crabs back, just not fish all their pots or, you know,  
8 something.

9           So that is where Scenario B came from. Scenario B  
10 allows you to go out there, fish commercial gear if you have  
11 that license. And come back with your commercial catch limit.  
12 It allows you to sell that catch to your paid party only if  
13 you are licensed to sell.

14           So a charter captain cannot buy a dealer's license  
15 and sell. You have to be a commercial waterman with a  
16 commercial license, and that dealer's license that we created  
17 last year that is that discounted one for \$50? You have that,  
18 you can sell your own catch, and you can sell it right there  
19 to the people that just took the party with you.

20           You can sell a bushel, five bushels, whatever it is.  
21 You are dealer at that point. So you are basically acting as  
22 a commercial waterman with commercial gear and selling your  
23 commercial catch even though you took money as a fishing  
24 guide.

25           So basically it kind of blurs the lines between

1 | these two, but you cannot use the commercial gear during  
2 | recreational times. That is the other thing. Option A gave  
3 | you that. Option B does not. So at this point, after going  
4 | back with Scenario A and B to the ecotourism groups, to the  
5 | charter boat association, the department has decided to scope  
6 | and move forward with Option B.

7 |           Now there are people who were in the Option A camp.  
8 | You know, they wanted to be able to go out during those  
9 | recreational times.

10 |           But it seems like the majority of folks who want to  
11 | be able to do this are the ecotourism folks who want to take  
12 | somebody out, really show them what it is like to be a  
13 | commercial waterman, show them the commercial business, and  
14 | then basically, more efficiently, get that income from both  
15 | sides, from the fishing guide and from the commercial.

16 |           So we plan to move forward with that but at the  
17 | bottom of this handout you will see there is simultaneously in  
18 | the same regulation package, there is going to be a  
19 | clarification that while this is okay for charter crabs, this  
20 | is not acceptable -- specifically, implicitly prohibit that  
21 | you cannot do this with finfish.

22 |           So you cannot go out there with your commercial trip  
23 | for finfish and have a paid party on board.

24 |           MR. O'CONNELL: Can you explain why that is, Gina?  
25 | Or do you want me to?

1 MS. HUNT: Oh, you would probably do it better.

2 MR. O'CONNELL: So we have talked to Greg a little  
3 bit but the concern that the charter boat guys expressed with  
4 Option B was twofold: One is that there could be some new  
5 competition with taking people out crabbing, and secondly that  
6 this could set a precedent for commercial hook-and-line  
7 fishermen to take parties out finfishing.

8 And because that is rod and reel, that is a very  
9 clear, direct competition with the charter boat captains.  
10 So in order to address that concern, the department is  
11 planning to scope a parallel regulatory idea that would not  
12 allow that to occur when finfishing.

13 There still may be some competition with the charter  
14 crabbers; however, the one option is really from an ecotourism  
15 perspective. People are going out to observe how a commercial  
16 waterman operates. A true charter crabber is looking for  
17 people who actually want to go out and actually work the gear  
18 and bring home their two bushels.

19 There might be some competition. There is still a  
20 marketing advantage to a charter captain to offer people to go  
21 out later in the day, for which commercial guys can't. So  
22 hopefully there is still that marketing perspective from the  
23 charter guys.

24 But we did think that because this does not put  
25 further risk to the resource, this is a good opportunity to

1 get the public out there to see commercial operations, and for  
2 watermen to get a higher value for their trip.

3           So that is the decision we came to, to scope this  
4 Scenario B but also at least address one of the concerns  
5 expressed in the charter-boat community, which would be  
6 prevent this precedent from rolling over to finfish  
7 operations.

8           MR. RICE: Thank you.

9           MS. HUNT: You know, one of the questions was  
10 whether or not this was all finfish that you can't do this  
11 with or is it just hook and line where there is that direct  
12 competition with charter boat.

13           So as it states on here, it is just for taking  
14 paying customers during a commercial hook-and-line trip, but I  
15 didn't know if there were any comments or questions from the  
16 commission as regard to that because that is not how I stated  
17 it a moment ago. It was broader.

18           MR. JETTON: Where else would you see them doing  
19 that other than a commercial hook-and-line trip

20           MR. GILMER: Well, you might want to take somebody  
21 out to fish your pound net or something like that.

22           MR. JETTON: I would be okay with that.

23           MS. HUNT: That is what John brought up, and that is  
24 why I just wanted to mention it while we are here. I will  
25 just say, you know, it would be more narrow. It would just be

1 hook and line.

2 MR. JETTON: Hook and line is really blurring the  
3 lines, and that is our main concern. The crabbing thing we  
4 can work with. I think we have talked to Russell a little bit  
5 on this. The only question I would have: My fishing guide  
6 that only has an FTR license, only has a -- doesn't have a TFL  
7 license, and might take some crabbing charters.

8 I think most of my guys are TFL guys so they are  
9 going to fall under this category anyway. But the guy who is  
10 only an FTR, he is still only going to be under recreational  
11 limits, right?

12 MS. HUNT: Right. And the only way to get the  
13 commercial limit is to have a commercial license.

14 MR. JETTON: Right.

15 MS. HUNT: And the only way to sell them.

16 MR. JETTON: Yes, initially I was leaning toward A  
17 but I think you have narrowed some things down here. The hook  
18 and line is our main thing that we are concerned about because  
19 we have run into that before. It will happen, I can assure  
20 you.

21 MR. RICE: All right. Thank you, everybody, for the  
22 comments. I guess we would like to have some kind of  
23 recommendation from this committee on this issue. I guess I  
24 am looking for a motion. Moochie?

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**MOTION**

MR. GILMER: I will make a motion that this committee support Plan B or Scenario B, whatever it is called.

MR. RICE: Okay. Second on Moochie's motion? Bill, second. The motion has been made and seconded to endorse Plan B or Scenario B, whichever we want to call it. All those in favor, signify by saying aye?

(Chorus of aye)

MR. RICE: All those opposed?

(No response)

MR. RICE: The decision is unanimous. We will endorse Scenario B. Tom?

MR. O'CONNELL: This sounds like there is also support for the department's regulatory idea to prevent this from rolling over into hook and line for finfish. And I might just ask, is there any objection to that, or if you want to do a motion just to make it clear?

**MOTION**

MR. JETTON: Yes, I would like to see a motion in that respect. That will keep my guys happy. I can go back -- it will also eliminate any opposition I would have to this when it comes up before another commission. So I would like to see -- how would you word that, Tom?

MR. O'CONNELL: I will suggest some language. Move to support the department's scoping the regulatory idea that

1 | would not allow this practice to occur in commercial  
2 | hook-and-line operations.

3 |           MR. RICE: Greg, is that your motion?

4 |           MR. MANLEY: I will second it.

5 |           MR. JETTON: I will take that as a motion. And if  
6 | he will second that motion --

7 |           MR. RICE: Any discussion on the motion?

8 |           (No response)

9 |           MR. RICE: Seeing none, all those in favor, signify  
10 | by saying aye.

11 |           (Chorus of aye)

12 |           MR. RICE: Opposed?

13 |           (No response)

14 |           MR. RICE: Motion is unanimous. Thank you. All  
15 | right.

16 |           MR. VAN ALSTINE: May I ask, with that last motion  
17 | that was made, can there be any entertainment as far as the  
18 | ecotourism goes to allow a similar motion to be entertained  
19 | regarding the ecotourism for somebody that may take a paying  
20 | party out to show them what is in their pound net, to show  
21 | them what is in their fyke net, to show them what is in their  
22 | fish pots?

23 |           At this point right now, we have narrowed it down to  
24 | where we are not going to be taking them out with the hook and  
25 | line unless we hold a charter boat license.

1           But at the same token, someone who wants to take out  
2 and show that experience as we have been moving forward with  
3 ecotourism, I do actually, until Gina just told me it is not  
4 legal for me to have a person sitting on my boat while I fish  
5 my pound net or while I fish my fyke net.

6           With that last motion that was just made, I would  
7 like to know if there is anybody on the board who can make a  
8 similar motion that this organization here, this panel here,  
9 could support such a motion moving forward to expand the  
10 ecotourism, the TFL holder who has a pound net, fyke net, fish  
11 pot, to move forward for tourism in that sense.

12           MR. JETTON: I didn't realize that, but could he not  
13 have a paying party on his boat when he went to fish his pound  
14 nets?

15           MR. VAN ALSTINE: I was unaware of that until Gina  
16 just told me.

17           MS. HUNT: This is the same language, the same  
18 issue, we had with crabs and charters, is that it basically  
19 says, you know, you are either a fishing guide or you are  
20 commercial harvester. The two are not together. Basically  
21 you can't be both right now.

22           If you take, if you take compensation for a trip, it  
23 doesn't even have to be money, but just take any compensation,  
24 you are a fishing guide. That is it. If you are a fishing  
25 guide, you are fishing under recreational limits. That is it.

1 | So no. If he took money, he is a fishing guide. He should  
2 | not be taking commercial limit from a pound net.

3 |           That has been the problem with crabs but what we are  
4 | saying here, the right reason, we would write it specifically  
5 | for hook and line, is because it would very clearly state this  
6 | is illegal, you cannot do this, rather than -- in order to get  
7 | to what I just said, this is illegal, you have to marry a law  
8 | and regulation together and come to the legal conclusion that  
9 | you are not allowed to do it.

10 |           Plus then you have to have other people on board  
11 | your boat tell you that they really did pay the guy, which  
12 | they may not even tell the officer that. So, you know, it is  
13 | very difficult to enforce right now. It is not something that  
14 | NRP goes looking for. But, you know, legal or not, I just  
15 | want to make sure everyone understands: No, you are not  
16 | allowed to do it.

17 |           But it was happening in the crab industry. We knew  
18 | it was going on. And ecotourism really wanted to take  
19 | advantage of it. That is the reason for Scenario B at all.

20 |           MR. JETTON: So what would we need to do to allow  
21 | John or a commercial charter boat to take somebody down and  
22 | see a pound net?

23 |           MR. DIZE: Well, if you were a commercial charter  
24 | boat you wouldn't be taking --

25 |           MR. JETTON: Yes, commercial charter boat --

1                   MR. DIZE:  -- he would be the only one taking it  
2 out.  You would just be showing him where it is at and what it  
3 does.  But you wouldn't be lifting up in order to dip your  
4 fish out of.

5                   MR. JETTON:  Right.  It is actually --

6                   MS. HUNT:  The difference is if he took money to be  
7 taking a person out.  He can have people on his boat to go  
8 look.  But if they paid for that look, then they are a fishing  
9 guide.  Even if they are not actually fishing, they are a paid  
10 charter.  That is the distinction.

11                   I think though since it took us, you know, literally  
12 almost year now to get through this with crabs, I am not sure  
13 if we should just wing it on finfish.  But, you know, we are  
14 definitely going to put in the simultaneous reg with hook and  
15 line.  I am just not sure if there needs to be more discussion  
16 with others before we would do this for --

17                   MR. VAN ALSTINE:  And it is that simultaneous hook  
18 up with the hook and line which concerns me.  If there is a  
19 simultaneous hook up with hook and line, I would like to see  
20 the people who are doing just what I am to augment my income  
21 on crabbing --- to get us back on the fast track to make sure  
22 we are not breaking the law in order to feed our families.  On  
23 something that --

24                   MS. HUNT:  What you are asking for, John, is that  
25 while we put in the regulation that says you can't do it with

1 hook and line, that we put in a regulation that says you can  
2 do it for other finfish gears. But that is what I was just  
3 saying. I am not sure if want to -- go ahead, I am sorry.

4 MR. RICE: I was just going to suggest that it sounds  
5 like this is not something that we can really ramrod today.

6 But we could set the wheels in motion to address his  
7 problem, and we could certainly come up with an idea that  
8 possibly would -- that it would be legal for a person fishing  
9 a fishing device, and we could name off pound netters,  
10 whatever devices we choose to name, and charge observers for  
11 educational, charge them for educating them or however we want  
12 to say it.

13 But they would not share in any royalties from the  
14 catch or however.

15 MR. VAN ALSTINE: I would love to be a part of that  
16 process.

17 MR. RICE: If this group doesn't have a problem, I  
18 would direct Gina and Tom and whoever else needs to be  
19 directed to possibly begin to pursue that for the future.

20 MR. JETTON: Like a summer study kind of thing.

21 MR. RICE: Right.

22 MR. JETTON: I mean, just a workgroup or something.  
23 I would like to find a way you can do that, John. I am just  
24 not sure we can do it --

25 MR. VAN ALSTINE: Unfortunately I now have to stop

1 | doing what I thought was legal up to this point.

2 |           MR. JETTON: I know, I see the problem there. I  
3 | definitely see it because charter boats wouldn't be opposed to  
4 | that, I don't think. You know, ecotourism is not something  
5 | that is really all that knew. I mean we have been doing it  
6 | for years, taking people down and showing them, but we never  
7 | collected.

8 |           So this is kind of new territory here for us. I  
9 | don't see a large problem with it. I just think we need to  
10 | work the wording out.

11 |           MS. DEAN: I don't have a record but maybe I should  
12 | then because I have done it and I didn't know that it  
13 | explicitly said that you cannot. I understood it to be,  
14 | because of the rockfish, it was under the derby system that we  
15 | were trying to protect. So I didn't know that I couldn't take  
16 | people out when I pull a fish pot.

17 |           MR. VAN ALSTINE: Keep in mind, taking parties to  
18 | our private lease, we were not aware that we couldn't legally  
19 | do -- so there is a lot with this ecotourism, what the  
20 | commercial fishermen have already been doing.

21 |           I personally got a lease 12 years ago because I  
22 | wasn't allowed on a Saturday to take somebody to a public  
23 | oyster rock on a commercial bar. Thinking I was in the right,  
24 | and now we came up with --

25 |           So there is a lot around the ecotourism for folks

1 | like myself and Rachel who are trying to maximize our daily  
2 | work to get as much income so we can keep moving forward.  
3 | Lots of discussion on really something that is a dollars and  
4 | cents effect on the fellows who are doing it.

5 |           MR. RICE: Thank you for your comments. I think we  
6 | have a grasp on what we want to do with that. Right, Gina?

7 |           MS. HUNT: I am good.

8 |           MS. DEAN: I am scared to table it. This has been a  
9 | long time coming, and for those of us who have been trying to  
10 | use this model, if it says what Gina says it says, I am  
11 | concerned that -- how long are we out before I can do this  
12 | again?

13 |           MS. HUNT: What I said was that it doesn't  
14 | explicitly state it. It is what we talked about in December  
15 | as well. Remember? We sat around the table and basically  
16 | realized that, you know, it was a paid, it was  
17 | compensation -- remember when we were talking about whether or  
18 | not the guy paid you -- Ted --- got out on a boat, and he was  
19 | going to take a TV crew and he paid you for that. Well, is  
20 | that a charter now? Well, yes, if he paid you.

21 |           Again, it was like, all these scenarios that we  
22 | talked about in December that were unfortunately under this  
23 | category. It doesn't explicitly state it. You have to come  
24 | and piece a couple things together.

25 |           But it has always been that way based on the way the



1 law was already written as far as paid compensation. So, you  
2 know, I think there is -- the only reason I would say we were  
3 going to table it was because it did take us a year to get  
4 here, and I wouldn't want to hold up this package any longer  
5 than it has been held to talk about what does this mean for  
6 the rest of the finfish gears.

7           Because, you know, we wanted to try to get this in  
8 and active by April, by crabbing season. We are going to be  
9 really pushed even, you know, depending on the timeframe we go  
10 through, this probably won't be effective until mid-summer,  
11 and that is if we propose it in the next two weeks.

12           So it is not that I don't want to talk about it or  
13 table it indefinitely. We just -- we really have been dying  
14 to move this thing forward just for that reason.

15           MS. DEAN: So doing that is or is not illegal now?

16           MS. HUNT: You cannot take paid compensation and  
17 then go get commercial harvest. When you take paid  
18 compensation, you are recreational.

19           MR. RICE: Tom, could you kind of --- the water on  
20 this, please?

21           MR. O'CONNELL: I am just thinking, what I am  
22 hearing from Rachel, I think it worth -- I think we need to  
23 follow up with something in writing that says what is, what is  
24 not allowed. Make sure NRP is understanding of that, so  
25 people don't go out there and fear that they are doing

1 something wrong.

2           So we can follow up and provide that, working in  
3 coordination with NRP, provide that so you feel comfortable  
4 knowing what you can and can't do.

5           MR. RICE: And Rachel, if it makes you feel any  
6 better, I don't feel that we are tabling this. It is like a  
7 work in progress. So we don't want to stop one part from  
8 moving forward by holding up with the other part.

9           MS. DEAN: And I just wanted to reiterate what you  
10 said at the beginning, Billy, when you said that this doesn't  
11 put any extra effort into the fishery because these were  
12 things we were going to be doing anyway. Russell was going  
13 anyway. John was going anyway. I was going anyway. So I  
14 just -- thank you for that comment.

15           MR. RICE: Also under the public comment period,  
16 does anybody else from the public have anything to bring  
17 forward to us today? John?

18           MR. VAN ALSTINE: Putting the public comment at the  
19 beginning of the tidal advisory I don't recommend because we  
20 haven't heard the rest of today's agenda.

21           MR. RICE: Well, this is actually -- it is not that  
22 you won't be able to talk again. The reason we moved it up  
23 was that when it was at the end all the time, and we ran out  
24 of time -- a lot of times, as in today, so I will kind of put  
25 everybody on notice. There is another meeting directly after



1 (Slide)

2 What we have been doing -- you know we have done  
3 True Blue, and we have really worked out with the food service  
4 industry to get these promotions going. Now we are turning  
5 our attention to the public, to get the public behind these  
6 initiatives.

7 As we all know, crab season last year wasn't  
8 fantastic, so there really wasn't a desire to make a stronger  
9 push in getting more restaurants and more retail stores into  
10 this program knowing that there was already a tight supply.  
11 So what we worked on this year was getting the public  
12 involved.

13 One of those ways we have been doing this is with  
14 social media. This is an extremely cheap and effective way to  
15 reach out to a tremendous amount of people. This is one  
16 example of one of the contests we did online. We gave away a  
17 \$1.29 oyster knife. And we had 20,000 people interact with  
18 this page to have a chance to win a \$1.29 oyster knife.

19 These are some of the things we are doing, trying to  
20 get these things out there.

21 (Slide)

22 Here's another example that we did with Lindy's crab  
23 meat this year. We offered -- Lindy's donated three pounds of  
24 crab meat to us as well as the shipping to the consumer. All  
25 you had to do was share this page with your friends and you

1 are going to have the potential to win one of three pounds of  
2 crab meat.

3           So you can see in the top right-hand corner, we  
4 reached over 254,000 people with this promotion. And actually  
5 this screen shot was taken before it actually went all the  
6 way. It ended up almost 300,000 people. 18,369 people either  
7 liked, commented or shared on this.

8           Again this cost the program nothing but we got a  
9 tremendous amount of exposure for this. We brought this up at  
10 the Seafood Marketing Advisory Commission meeting and  
11 approached the aquaculture industry as well as the other crab  
12 processors, and they have since donated approximately 2,600  
13 oysters and another 40 pounds of crab meat to continue these  
14 promotions.

15           So we are going to do these weekly. In addition we  
16 are doing the oyster knives and things like that, just  
17 continuing to grow our audience, to grow our outreach.

18           We did a post last night saying it was 40 days left  
19 to crab season. And we had over 110,000 people interact with  
20 that post since last night -- from 10:00 p.m. last night to  
21 just now. So we are getting the word out there to the public,  
22 getting the public support behind our initiatives.

23           (Slide)

24           One of the new projects we started this year was the  
25 Maryland Oyster Pledge. We kicked this off at the beginning

1 of the year. Basically we have the True Blue, which is  
2 getting restaurants supporting the crab meat industry. We  
3 wanted to do something similar for the oyster industry.

4           What this is, is just basically getting restaurants  
5 to say that they are going to keep a Maryland oyster on the  
6 menu at all times. These can be restaurants, caterers or  
7 actually retail stores as well. This is not even an updated  
8 list. We have about 100 restaurants and retail stores  
9 currently on this program.

10           I can say for one aquaculture farm, Wegmans, the  
11 retail store, it is a high-end retail store in this area,  
12 committed to being part of this program and they use this one  
13 oyster farm. He cannot take on any more business because they  
14 are buying him out every week.

15           So this program is working. It is not just  
16 aquaculture. It is wild oysters too. We have some  
17 restaurants that have joined that are using shucked oysters,  
18 and they are buying them from Harris Seafood in Kent Island  
19 and other places.

20           (Slide)

21           One of the things we had this was we brought Jay  
22 Fleming on board. He has been working with us and he has been  
23 a fantastic asset. To put things on social media, images, you  
24 know, a picture is worth 1,000 words. Jay's pictures are  
25 probably worth 10,000 words.

1                   He does -- as you can see, these are fantastic  
2 images he has been doing. He has been going around to the  
3 restaurants working with them to get some food photography.  
4 In fact, he is out in the field right now doing some food  
5 photography.

6                   He does great work. His pictures have made all the  
7 difference on our social media. They just really get a lot  
8 attention and people really gravitate toward them.

9                   (Slide)

10                  These are just some of his other images, patent  
11 tongs, a couple of the oyster farms.

12                  (Slide)

13                  We are working on a partnership this spring with  
14 Flying Dog brewery to help us promote crabs, believe it or  
15 not. This is a brewery out of Frederick, Maryland. They are  
16 going to be doing a Dead Rise ale. And this is going to be a  
17 summer ale brewed with Old Bay.

18                  (Slide)

19                  \$1 from every case of beer and \$2 from every keg is  
20 going to go back to support the True Blue program and help us  
21 fund it.

22                  So not only will we have the funding from the  
23 seafood marketing surcharge but we will have some additional  
24 funding hopefully from this beer as well as these guys just  
25 helping to make -- you can't read it.

1           It is in very small print there, but on the blue  
2 part it tells kind of why we are doing this and why we are  
3 supporting the Maryland watermen, and just helping to get the  
4 awareness up of the program and getting people to support it  
5 even more.

6           (Slide)

7           To launch that beer, which is going to be going May  
8 1, that is the launch date, we have paired with a lot of the  
9 celebrity chefs in this area to do a cookbook featuring  
10 Maryland seafood and using Old Bay in new and innovative ways.

11           All the proceeds from this are going to benefit the  
12 True Blue program as well, and Old Bay is going to put  
13 their -- a lot of marketing dollars behind it as well, which  
14 is helpful because they are going to help supplement what we  
15 spend.

16           (Slide)

17           Just some of the things we had featuring Maryland  
18 seafood: Chefs for Quality, Capital Food Fight, Riley's, their  
19 oyster ball. We highlighted Maryland seafood. The Capital  
20 Food Fight, about 50,000 people go to that each year, and the  
21 secret ingredient that chefs had to work with this year was  
22 Maryland snakehead.

23           So we are just trying to use these events as a way  
24 to put Maryland seafood in the spotlight. The Chefs for  
25 Quality, all the chefs used Maryland crab meat this year,



1 | which was great.

2 |           (Slide)

3 |           One of the last things we are working on --  
4 | historically we have done a lot of different publications. We  
5 | have done brochures on crab meat and striped bass and perch as  
6 | well as having a consumers' guide. We wanted to update it as  
7 | well as just kind of consolidate everything into one  
8 | publication so we didn't have to worry about reprinting a lot  
9 | of different things.

10 |           So we have done a Maryland consumers' guide. This  
11 | has been ordered and we should have it in time for the Boston  
12 | seafood show, which is coming up in a couple weeks.

13 |           (Slide)

14 |           We reached out to a bunch of chefs locally to put in  
15 | some recipes, so we have oyster recipes, striped bass, crab  
16 | meat recipes, highlighting the different gears that are used  
17 | by the industry so that the general public can have a better  
18 | idea of what you guys are doing out there on the water. This  
19 | is just the crabbing page. Again, imagery -- Jay's shots that  
20 | he took were a big help for this.

21 |           (Slide)

22 |           How to pick a crab. So this is Nicey. I think she  
23 | is about 90 years old from Jay M. Clayton, who has been  
24 | picking crabs for 62 years. We had Jay up on a ladder up  
25 | above her shooting straight down so he could get pictures of

1 her hands as she was working. We had to slow her down.

2 (Slide)

3 Yes, finfish page.

4 (Slide)

5 So then the next thing we have coming up is the  
6 Boston seafood show. We -- two years ago we implemented that  
7 any companies going to the seafood show help us supplement the  
8 cost. We had four companies the first year, five companies  
9 last year, and we will have six companies this year. We have  
10 a 60-foot booth. It is kind of tough -- that is the Maryland  
11 booth right here.

12 It has a lot of historic pictures of watermen on  
13 this side and a lot of new pictures of watermen on this side  
14 so kind of showing the history and tradition of the Chesapeake  
15 Bay. That was kind of the message we wanted to get across  
16 with the booth. We have some oyster companies in there. We  
17 have some crab companies in there. It is a nice little  
18 representation of Maryland.

19 (Slide)

20 One of the things we are working on, that True Blue  
21 program and the oyster pledge program, you can go  
22 online -- consumers can take a map that looks like this, this  
23 is just a screenshot, but they can zoom into anywhere and they  
24 can see which restaurants in their area are promoting the  
25 oyster program and the crab program.

1           You can actually -- up here you can sort it by  
2 retailers, caterers, whatever kind of business you are looking  
3 for. If you are looking for a food truck, you can sort it by  
4 food trucks and you can actually find the two food trucks in  
5 this area that use Maryland crab meat on them. You can zoom  
6 in and find that.

7           And this is something new we are working on: A lot  
8 of times you can do a radius around you on a map of, you  
9 know -- I want to see all the restaurants within 10 miles. We  
10 are trying to take this a step further because 10 miles in  
11 Washington, DC, doesn't do you very good. That could be  
12 three, four hours of driving.

13           So what this does is actually you put in how many  
14 minutes you want to drive and it does current traffic  
15 patterns, and it will actually give you a polygon. So if we  
16 said two minutes from this location, and it gave us two  
17 minutes of driving, and it is based on current traffic  
18 patterns, so if you are in a hurry and you need to get to a  
19 restaurant that has Maryland crab meat, now you can do it.

20           So that is all I have for you all right now. If  
21 there are any questions?

### 22                           *Questions and Answers*

23           MR. JETTON: First of all, I think you are doing a  
24 great job. I see your stuff online. It is fantastic. But as  
25 a charter boat, we would kind of like to tap into some of this

1 | too. And I am just going to start with some of the nuts and  
2 | bolts of this.

3 |           Your consumers' guide down there, if you could see  
4 | fit to get those to me, get me a box of those, a case of  
5 | those, I can make sure at least everybody in my association  
6 | has them on the boat because we see thousands of people every  
7 | weekend not to mention during the week and they all come down  
8 | here and they all eat somewhere, every single one of them.

9 |           So I would like to do that. Some of the stickers  
10 | too if you have got them. All that kind of stuff.

11 |           MR. VILNIT: Leave me your contact info --

12 |           MR. JETTON: And try to keep us in mind. We will do  
13 | our part if you will do your part.

14 |           MR. VILNIT: I don't know if you have seen it but we  
15 | also have on the DNR Website there is a charter boat map that  
16 | is very similar to that map. It doesn't have the time thing  
17 | on it because that is still in development. Right now you can  
18 | zoom into an area and you can see all the charter boats that  
19 | are in that area, and you can click right on the point on the  
20 | map and it pulls up all the contact information: the Website,  
21 | the phone number for that charter boat captain.

22 |           And if anybody is not on there, just feel free to  
23 | reach out to me and we can get them on that map, no problem.  
24 | It just takes a few minutes.

25 |           MR. JETTON: If you can get me those brochures --

1                   MR. VILNIT: I will give you my card and then before  
2 I go I will make sure -- they are being printed right now. We  
3 expect them to be in, in two to three weeks. But as soon as  
4 we get them in, no problem.

5                   MR. JETTON: That would be great.

6                   MR.                 : Steve, I have a question for you.  
7 Are you involved in the renaming of the snakehead?

8                   MR. VILNIT: You know what? My personal opinion on  
9 that is I don't think we should rename it because it has fear  
10 factor associated with it and I mean if you renamed it  
11 something really benign -- like we called it Asian bass or  
12 something like that, I don't think it would stand out as much  
13 and get as much name recognition.

14                   I mean, people are getting \$5 a pound whole fish  
15 dockside right now. I mean, I don't know how much more you  
16 really want to drive that one up.

17                   MR. RICE: I am curious about that because I live in  
18 the snakehead and blue cat capital of the world.

19                   MR. VILNIT: Yes, you do.

20                   MR. O'CONNELL: Just for John's benefit, in that  
21 consumer guide, we did add a coastal fishery perspective to  
22 try to highlight our commercial fishermen on the coast too.

23                   MR. VILNIT: And with charter boats. There is also  
24 how to filet a fish and things like that in there that would  
25 be beneficial.

1 MR. JETTON: And really we do carry a tremendous  
2 amount of people who come down to eat food. They are always  
3 wanting to -- I am ordering a bushel of crabs for them that we  
4 have waiting at the dock, and Richard will tell you the same  
5 thing -- they eat somewhere every time, and because they are  
6 in Maryland they want to eat seafood, and because they are on  
7 the boat they want to eat seafood.

8 MR. VILNIT: Right.

9 MR. JETTON: So anything you can get us is going to  
10 get you --

11 MR. VILNIT: And we are also working on a mobile app  
12 so that you will be able to just go right on your phone and be  
13 able to have full access to those maps, everything on the  
14 Website, recipes, all that sort of thing.

15 MR. JETTON: All that stuff goes a long way for us  
16 on the boat.

17 MR. VILNIT: Great.

18 MR. RICE: Well, thank you, Steve. Okay, we have a  
19 regulatory update, and Sarah, can you help us out on that?

20 ***Regulatory Updates and Regulatory Scoping Items***

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

22 MS. WIDMAN: There is as new Working Waterfront  
23 Advisory Group going on. I don't know if you guys were aware,  
24 but back in '08 we had a report looking at working waterfront,  
25 so they rekindled it through a grant from another unit in DNR.

1 So I was at that meeting.

2           Anyway, so I think you guys have gone over the  
3 legislation with Gina -- no, not yet? But you are going over  
4 it. Okay. She will go over it, but you went over the charter  
5 crab stuff already so I will skip that part.

6           You should have then two handouts from us: the  
7 normal regs update. Before I go through it I will just give  
8 you a brief update. I think I am down for the dealer penalty  
9 system update as well for you? And the Penalty Workgroup did  
10 meet back, I think it was early November, at the request of  
11 dealers to look at creating a penalty system that is separate  
12 from the commercial harvester's system.

13           And what came about was some ideas of what they  
14 wanted to see in that system. Our staff has been working on  
15 that and is about ready to wrap up a draft to send back out to  
16 the Penalty Workgroup. If they feel they want to meet after  
17 that point, we can have another meeting with them. If they  
18 want it to go out to you guys right away, then we will send it  
19 out for guys to review.

20           So that is the current update on that system. As  
21 far as the regs update, there are a slew of public notices  
22 since we last met. Most of them are related to aquaculture  
23 leases and the commercial striped bass fishery openings and  
24 closings. Feel free, if there are specific questions, to stop  
25 me.

1 Regulations that became effective, just pinpoint the  
2 ones that are specific to the commercial industry. We did  
3 finally get our shellfish aquaculture nursery permit  
4 regulation permanently in effect. It had been in effect by  
5 emergency previously.

6 The gear reg was related to the recreational gears.  
7 Remember we were having the ongoing discussion on the fish pot  
8 issue, and I do have information from our biologist that he  
9 did have some watermen offer to do some work on studying  
10 escapement panel mesh sizes this summer with them.

11 So we are hoping that they will get that information  
12 and we can bring that workgroup back together after that  
13 summer study is done to rekindle that fish pot discussion we  
14 have been having with you guys.

15 Oyster and shellfish aquaculture changes, updates,  
16 went into effect. There was some leasing in St. Mary's oyster  
17 sanctuary. Regulations went into effect.

18 The crab stuff was the recreational crab stuff for  
19 this coming season. The striped bass stuff was wrapping up  
20 some of the ITQ-related issues. Oysters, we did raise the  
21 price paid per bushel of shell, that we are paying per bushel  
22 of shell, the department, from 50 cents to \$2.

23 And then last year there was a bill to allow a shell  
24 recycling tax credit. So we worked with a comptroller, and  
25 those regulations will be in effect for the tax season this



1 year.

2 Regulations that are currently proposed: A bunch of  
3 those. I will kind of run through them. Again stop me if you  
4 have specific questions.

5 We have spiny dogfish: That basically was after a  
6 lot of work that the spiny dogfish fishery out in Ocean City  
7 asked us to create a limited entry system for them. So that  
8 is what those regulations do.

9 Sharks: That was management coming down from the  
10 feds on some size changes and changes to the groupings they do  
11 with different shark species. Eels: Again we talked about  
12 that I think in the fall coming through ASMFC. We really have  
13 some of this stuff already in effect in our regulations but  
14 making sure we are aligned with ASMFC.

15 Menhaden reporting requirements went into effect.  
16 Again the oyster, the emergency is in effect on the proposed  
17 50 cents to \$2. Snapping turtle, there were some changes.  
18 Some of this was coming from the industry asking for some  
19 specifications in their regulations.

20 Penalties, annual penalty regulation changes. Shell  
21 recycling tax credit again. Some changes to align with -- for  
22 bait harvester for the renewal periods with licenses and added  
23 mole crabs and grass shrimp to that harvester permit. And  
24 then spotted sea trout, which creates 150-pound commercial  
25 catch limit per day. And also the commercial size limit to 14

1 inches. They increased it.

2           Currently we have two emergency regs that are in  
3 effect: oysters, again the bushel price one, and the shell  
4 tax one. Questions on -- I know there are always a lot of  
5 changes but if you have questions after the meeting you can  
6 always feel free to call or e-mail me. But did you have  
7 anything specific to that? If not, I can go over the two  
8 scoping items. We don't have too many.

9           MR. GILMER: I got a couple questions on this. On  
10 the -- I asked for a hearing on the --- shellfish lease, which  
11 I have not heard back from. I just want to make everybody  
12 aware of that. And this eel regulation, it says -- and Thomas  
13 said for silver eel but it doesn't specify in here -- closure  
14 to season to eels for all gears from traps from September 1 to  
15 December 31.

16           Is that clarified -- that is the bottom of the third  
17 page.

18           MS. WIDMAN: Yes, I see it.

19           MR. GILMER: That eel reg. And I just wanted to  
20 make sure that is not a closure for eel. And I just wanted  
21 to -- Tom had talked earlier about the silver eel but it just  
22 says eels.

23           MS. WIDMAN: This is American eel.

24           MR. O'CONNELL: It is the American eel but it is the  
25 life stage of silver eels so we need to make sure with that

1 regulation, that fall closure period is specific to silver  
2 eels.

3 MS. WIDMAN: Okay, I will make sure that is  
4 reflected.

5 MR. GILMER: And the one other thing I had, and this  
6 is something that --

7 MR. O'CONNELL: Moochie, I am having some  
8 recollection of this. I think the reason it says eels is  
9 because it is only the silver eel. It says eels for all gears  
10 but spears and baited pots. And silver eels don't --

11 MR. GILMER: All right. And maybe not for this  
12 discussion, I think we need to look at raising the tax on  
13 out-of-state oysters, on oysters going out of state. I  
14 just -- something, when I saw this oyster tax, that was just  
15 something we need to look at before next season.

16 MR. O'CONNELL: So the oyster tax?

17 MR. GILMER: Yes, for --- going out of state.

18 MR. O'CONNELL: So right now the \$1 bushel tax --

19 MR. GILMER: It is \$1 bushel and it is 30 cents for  
20 out of tax.

21 MR. O'CONNELL: Okay. We can look into that and  
22 come back. Gina is saying it is a statutory change, so we can  
23 provide the commission with follow up as to what it is and  
24 what would need to be changed.

25 MR. GILMER: Okay.

1 MR. O'CONNELL: That may be something for next  
2 session.

3 MR. RICE: Does anybody else -- yes, sir?

4 MR. BROWN: Yes, as far as these shells going out of  
5 state where it is 30 cents more, a bushel going out, I think  
6 it should go up some because it is a very valuable commodity  
7 to the oyster industry, and nobody likes to see stuff go up  
8 but we need to get our shells back. Won't be able to try to  
9 purchase them but get them back.

10 We need them for the public bottoms, the  
11 sanctuaries, the whole nine yards. I was looking on this, and  
12 I had said something to you, Billy, earlier about getting on  
13 the agenda here about the shell, trying to get it for the  
14 public bottom at the state, and I hadn't seen it on the agenda  
15 and I was wondering --

16 MR. RICE: I requested that to Tom.

17 MR. O'CONNELL: Yes. We can add it to the agenda  
18 today. My apologies. I never relayed that to Noreen but I am  
19 prepared to talk about it today if there is time to include it  
20 on the agenda.

21 MR. RICE: Robert T., I apologize. You are in the  
22 glare, and I didn't even recognize you. I can't do much  
23 better than put these on. And plus you don't wear a hat  
24 never.

25 MR. BROWN: I was fishing today, and I just hopped

1 off the boat and came straight here. Most of the time I have  
2 a chance to clean up a little bit. If it were hot in here,  
3 probably with the fish slime I have got on me, I would  
4 probably have flies flying around me.

5 MR. RICE: Well, I can't ever distinguish that from  
6 somebody else myself so it is no problem. Thank you. Does  
7 anybody else have any more questions for Sarah? If we don't  
8 have any more questions --

9 MR. O'CONNELL: She has got --

10 MS. WIDMAN: The two scoping and then I am done. I  
11 promise. So the two items we have for scoping, one is striped  
12 bass related. The first part would be, right now in the  
13 striped bass fishery you have to redeclare in the fishery  
14 every other year. Because of a lot of the fishery changes,  
15 the managers thought that maybe extending it so that it was a  
16 three-year declaration period instead of a two-year, might be  
17 beneficial.

18 The other idea -- they have already sent a letter.  
19 I have gone to talk with the ocean fishery, but talking about  
20 formalizing -- they already have essentially an ITQ fishery in  
21 the ocean side but asking them if they wanted to mirror any of  
22 the business flexibilities and restrictions that are in the  
23 bay rules for the bay ITQ fishery.

24 So at this point, their next step would be they  
25 wanted to send back a letter to all the permittees over on the

1 ocean side with sort of a summary of what came out of the  
2 meeting. And then we would look for your guidance on, if you  
3 want any additional scoping on that, either of those of items,  
4 to let us know what you would like done there.

5 And then the other item is just a menhaden, and that  
6 was after hearing some stuff from the industry, allowing a  
7 business flexibility, and there are kind of two options. One  
8 would be allowing permit transferability so they could  
9 transfer permits around within the fishery. The other one  
10 would be an ability to sign an operator on your permit so they  
11 could take it out for you, an employee. So those are two  
12 things under consideration.

13 Currently they are just up on the department's  
14 Website so I don't if, tidal fish commissioners, if you have  
15 any other suggestions for scoping meetings or outreach for  
16 either one of those.

17 MS. DEAN: I just had one question, and I know that  
18 this is scoping so I think this might be the place to bring it  
19 up. Is there a reason when we do the scoping that the public  
20 comment isn't available to the public?

21 MS. WIDMAN: It sometimes is. It is just dependent  
22 on the issue. Sometimes we have set up a Website and had a  
23 moderator to put all the comments on there so everyone can see  
24 it. We could move in that direction. Some of the other units  
25 do it that way. Right now it is just not --

1 MS. DEAN: I have just never seen --

2 MS. WIDMAN: -- but a feed in and we do a summary.

3 MR. O'CONNELL: And we can make that information  
4 available so commissioners know what the public feedback was.

5 MS. DEAN: I know some of the other fisheries do it  
6 and I know that sometimes you hear the concern of, I don't  
7 know where my public comment went. I submitted it -- but it  
8 would kind of make it more public and more transparent.

9 MS. WIDMAN: We do have -- if you submit a public  
10 comment, you should receive an e-mail back from us saying it  
11 was received, because I have heard that in the past as well.

12 And I think some of the reason why we did the e-mail  
13 system to begin with was some of the packages, we would  
14 receive 3,000 public comments and having that go on the  
15 Website function -- but technology has changed since then so  
16 we can certainly change it around.

17 MS. DEAN: I know the federal fishery -- I mean they  
18 have got it. And it just -- you can go through hundreds of  
19 pages, but it puts it out there.

20 MR. RICE: Are you complete?

21 MS. WIDMAN: I am.

22 MR. RICE: Okay. I don't see anybody, it doesn't  
23 look like any more questions so, Gina, if you could lead us  
24 through the legislative --

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25***Legislative Update******by Gina Hunt, MD DNR Fisheries Service***

MS. HUNT: Sure. Just first of all I will say though you had an update in your packet, I believe this is the update as of today. So, yes, you already had one but you want this one.

And I think you do know this because we put out an e-mail before but it wouldn't hurt to remind you that, you know, that this is available off of the fisheries service Website and it is updated every couple days. So if you are looking for the bills that relate to you, it would be -- fisheries bills would be on this Website.

I mean, you can always go to the general assembly page and see the full bill and see where it is, but this is kind of a good resource for you just to be able to keep on top of where things are moving or what got filed and dropped, you know, on a daily basis.

So I am not going to read through all of these. Some of them are, you know, moving right along but we are at the end of February and some bills are just now getting their first hearing.

So I just wanted to touch on what is coming up next week. And then if you see anything on here you want to ask me about, I can certainly speak to those. But I just wanted to let you know what is coming that you may want to get involved



1 with.

2           So it is on the third page. House Bill 913 is a  
3 fish/shellfish labeling bill. It includes crabs as well.  
4 This is from Delegate Luedtke. And it has a hearing next  
5 Wednesday.

6           Now we did -- Steve met with the delegate this  
7 morning to go over some concerns that he has heard from, you  
8 know, basically the industry restaurants and dealers about the  
9 labeling because this is meant to really promote Maryland  
10 seafood and keep the public from being so confused about what  
11 they are eating.

12           Because they don't realize when they go in a  
13 restaurant, it says Maryland crab cakes, that it doesn't  
14 necessarily have Maryland crab meat in it. So there has been,  
15 you know, this effort to really promote Maryland seafood but  
16 the bill, as it is written, says that you have to identify the  
17 product not only as the country of origin but also the state.  
18 And that is very difficult for some places to be able to do  
19 that.

20           Restaurants have to be updating their menus every  
21 day because of the different, you know, items they would have  
22 in. So the delegate actually sent us an e-mail back today and  
23 said that he would be at the bill hearing offering an  
24 amendment to take the state part out and just have the country  
25 of origin in there.

1 So it would be identifying blue crab from the U.S.  
2 And again that is on Wednesday. Yes?

3 *Questions and Answers*

4 MR. YOUNG: I think the most important part of that  
5 bill was that it designates by state. Now I could tell you  
6 one thing, that on January the 16, and I got a picture on my  
7 Facebook page of a place that advertised live Maryland crabs.

8 MS. HUNT: I saw it.

9 MR. YOUNG: Okay. Now this is inappropriate, you  
10 know? And this is a problem that we have got, especially  
11 around the big cities, Baltimore. I don't know about DC  
12 because I don't go down there a lot.

13 But you have got people who are saying we have got  
14 Maryland crabs, and they come in there and, yeah, maybe they  
15 have got a bushel of Maryland crabs but they have got 20  
16 bushels of crabs from somewhere else.

17 And you sit down at that table and these people come  
18 in from out of state and they want to get Maryland crabs, and  
19 they are sitting down there and you are feeding them Louisiana  
20 crabs. If we can label Maryland crabs as Maryland crabs, the  
21 Maryland crabbers have a better chance of getting better money  
22 for their crabs longer in the season.

23 Because let's face it, after the holidays, when  
24 there is a glut of crabs that comes in, and sales drop off,  
25 the price to the crabber drops. But if we can designate

1 Maryland crabs, and obviously Maryland crabs are in demand,  
2 otherwise people wouldn't advertise that they have Maryland  
3 crabs, they would just say we have crabs.

4           Some places do that. A lot of places say Maryland  
5 crabs because people want Maryland crabs. They don't come  
6 here, they don't come from New York to Baltimore to get  
7 Louisiana crabs. They come here to get Maryland crabs.

8           Now it will increase the price that the crabbers get  
9 for their product because they are Maryland crabs, and they  
10 should be labeled as such.

11           MS. HUNT: Okay. Steve, you can speak to the  
12 problems.

13           MR. VILNIT: I understand what you are saying.  
14 Unfortunately I think it will actually do the opposite for  
15 Maryland crabbers. And the reason for this is that when  
16 people are buying -- there isn't enough Maryland crab meat to  
17 supply this region at all. That is not an opinion; that is a  
18 fact.

19           MR. YOUNG: You said crab meat. I am not talking  
20 about meat. I am talking about crabs.

21           MR. VILNIT: I understand, but this bill covers crab  
22 meat as well.

23           MR. YOUNG: I know it does.

24           MR. VILNIT: So the problem with this is that what  
25 is going to happen is that people aren't going to be able to

1 just get Maryland crab meat, so they are going to have to buy  
2 Louisiana, they are going to have to buy Texas, they are going  
3 to have to buy other states. It is going to cost them so much  
4 to change their menus.

5           And sometimes they will be changing the menus  
6 halfway through a shift. They will buy -- a restaurant will  
7 need 100 pounds of crab meat and they will get 50 pounds of  
8 Maryland and 50 pounds of Louisiana just because there isn't  
9 enough Maryland to go around. What will happen is they will  
10 get so fed up with having to change it, that they will just go  
11 to a steady source, whether that be Indonesia or Venezuela.

12           And yes the crabs, the hard crabs, the live crabs,  
13 the price will increase on those. There is not a shadow of a  
14 doubt. What is going to happen is the industry as a whole  
15 will actually be decreased because you are not going to have a  
16 market for Maryland crab meat because people are going to be  
17 so fed up with having to change their menus on such a regular  
18 basis.

19           And it costs them anywhere between \$200 and \$500 to  
20 change their menus, and they are not going to want to do that  
21 twice a day. So they are going to go to a Venezuelan crab  
22 that they know that they can get consistently day in and day  
23 out and not have to change their menu. Or an Indonesian crab  
24 or a Chinese crab or whatever the case may be.

25           I just see this as -- if we do it to state level,

1 that it is going to be a negative impact for the industry  
2 overall.

3 MR. YOUNG: And I don't see it that way. But see I  
4 don't sell my crabs to the picking houses. And I would really  
5 like to see the numbers as to how much money, how many crabs  
6 that are harvested in Maryland, go to the basket trade versus  
7 how many crabs go to the picking houses.

8 And I really think that you are going to find that  
9 the majority of them come up to the big city and get sold. I  
10 really think that. Has anybody ever done a breakdown on that,  
11 on how many crabs go to the picking houses versus how many  
12 crabs go to get steamed?

13 MR. VILNIT: I mean, I think a rough estimate would  
14 be females to males, because I mean obviously most of the  
15 females are probably going to the picking houses. Not all of  
16 them but most of them. So I mean I think if we had a  
17 ratio -- and I don't know, maybe Brenda knows that number of  
18 how many males versus females, that could give us a rough  
19 estimate of the total number.

20 MR. YOUNG: I would say so, but by getting that  
21 number and having that number, we can see where financially  
22 the Maryland crabbers are going to benefit, whether they are  
23 going to benefit if you just label it by country or whether  
24 you benefit by labeling it by state.

25 And personally -- I read the bill, I looked at it, I

1 got excited as could be because it required labeling by state  
2 of origin. If you take that out, I don't think it is worth  
3 our bill. It is a waste of time.

4 MR. VILNIT: I don't think it is a waste time just  
5 for the fact that it is going to promote domestic fisheries.  
6 And if, you know --

7 MR. YOUNG: We are Maryland. We are not promoting  
8 domestic. We are promoting Maryland.

9 MR. VILNIT: I agree, but what I think we are going  
10 to see is that we are going to promote domestic fisheries.  
11 And all those restaurants that were using Indonesian crab meat  
12 are going to have to use domestic fisheries, and it is going  
13 to increase the sale and the demand for domestic product, that  
14 being Maryland included, and we are going to see the sales of  
15 Maryland crab meat go up, and Maryland crabs go up.

16 MS. HUNT: It could be just a step in the right  
17 direction but maybe not as far as you want to go, Richard, but  
18 for the record I just wanted to let you know the department  
19 does not have a position on the bill. I mean, as it does not  
20 affect harvest or, you know, anything management-wise of this  
21 resource, we did not take a position.

22 We put in information in a bill report and provided  
23 that to the delegate. And obviously Steve has spoken to him.  
24 But, you know, as far as going to the hearing and testifying,  
25 we don't have a position. Okay? You might feel otherwise and

1 | might want to go. And if that is the case, it is on  
2 | Wednesday.

3 |           MR. YOUNG: I know it is on Wednesday. It is on my  
4 | calendar.

5 |           MS. HUNT: Okay.

6 |           MR. YOUNG: I will see you there. And I am going to  
7 | testify for the Maryland crabbers. And I am going to testify  
8 | that it should be Maryland crabs because I think by taking  
9 | that out, you are defeating Maryland's purpose in it. I  
10 | honestly do.

11 |           The people who go to these crab houses, and they go  
12 | to these all you can eat crabs, and it says all you can eat  
13 | Maryland crabs, \$18.95. They are getting them from North  
14 | Carolina. You know? Tourists coming in here, should we be  
15 | misleading them? And that is what we are doing. We are false  
16 | advertising. We are allowing false advertising of our crabs.

17 |           We are also branding, and this is the problem that I  
18 | have had right from the start with the True Blue program, is  
19 | that the 75 percent requirement automatically brands 25  
20 | percent of out-of-state crabs as Maryland crabs. And I came  
21 | to realize that has to happen. But this bill says that if it  
22 | is a Maryland crab, it is labeled as a Maryland crab. If it  
23 | is a North Carolina crab, it is labeled as a North Carolina  
24 | crab. If it is Virginia, it says Virginia. Louisiana, and so  
25 | forth.

1           MR. VILNIT: Perhaps you could suggest an amendment  
2 being that hard crabs or live crabs be sold with the state of  
3 origin and crab meat be sold as country of origin for  
4 restaurants.

5           MR. YOUNG: Well, that would be an idea. That would  
6 work. And I realize, you know, the picking houses are a  
7 problem. And they are a problem with True Blue also. They  
8 are a problem with any type of branding of Maryland seafood,  
9 Maryland crabs, because when the crabs go to the picking  
10 house, they can't get enough Maryland crabs to be able to pick  
11 enough meat to provide the product.

12           But for whole crabs -- and I don't know how to get  
13 into this.

14           MR. RICE: Thank you, Richard. Point taken. Lee?

15           MR. WILSON: When I mentioned this bill in our area,  
16 the packers and the buyers had a lot of problems with it  
17 because down -- we are right down on the line, and they buy  
18 crabs off the same boat from different states daily. I mean,  
19 we got a lot of crabbers that crab in Virginia and Maryland in  
20 the same day, let alone in the same seasons.

21           And they wanted to know where the paper trail would  
22 have to be to follow all these crabs when they put them in the  
23 cooler together. They even come off the boats together, and  
24 trying to -- them, they said it would be a nightmare to try to  
25 keep, to keep these crabs specifically as Maryland crabs for



1 | them.

2 |           And they said, you know, they thought it would be a  
3 | liability to them and make their job harder and they wouldn't  
4 | get as much money out of stuff. Again if you had to go  
5 | through specifically Maryland --- especially. I mean, coming  
6 | out of the bay, all of it is coming out of the bay, and I mean  
7 | when you live in Crisfield, you are a mile and a half from the  
8 | line.

9 |           Smith Island, of course, is not even a mile and a  
10 | half from the line. Part of Smith Island, actually the land  
11 | mass is in Virginia, and the people work back and forth all  
12 | the time. And a lot of our packers anywhere up and down the  
13 | eastern shore get as much out of Virginia on the crabs as they  
14 | do out of Maryland.

15 |           I know it is different for the upper bay. But down  
16 | there, our packers said this would -- they were definitely  
17 | against this.

18 |           MR. RICE: Richard, you had something?

19 |           MR. YOUNG: Yes, I would imagine that, and I don't  
20 | know for sure, but I would imagine that they would say if it  
21 | is landed in Maryland it is a Maryland crab.

22 |           MR. WILSON: But that is not what this bill says.  
23 | And you can ask the Natural Resource Police that. If these  
24 | are --- in Maryland, they want to know the origin because at  
25 | times, of course, you can get females in Virginia, and bring

1 | them in Maryland and sell them when the Maryland female season  
2 | is closed. So it is a nightmare. It could be a nightmare  
3 | when you get in these scenarios.

4 |           MR. RICE: Lee makes a valid point because I live in  
5 | that world. I crab in Maryland waters and Virginia waters.  
6 | And I always have to crab in Maryland first because normally  
7 | Virginia's size limit is less than what I have to adhere to in  
8 | the --- River.

9 |           I can transport my catch once it is caught, but I am  
10 | breaking the law if I stop and pull one pot where the size  
11 | limit is different. So I know what he is talking about.

12 |           Actually I will take it a step further. I have  
13 | landed crabs from three jurisdictions in the same day in the  
14 | same boat: Maryland, Potomac River and Virginia, so it does  
15 | get kind of sticky. And all three had separate size limits  
16 | that same day too, and I didn't get arrested.

17 |           MR. YOUNG: I understand that but I still -- I  
18 | cannot help but think that it can't do anything but benefit  
19 | Maryland crabbers to have Maryland crabs branded as Maryland  
20 | crabs. And not so much your -- most of your crabs are going  
21 | to the picking house, aren't they?

22 |           MR. WILSON: On the time of year, the picking houses  
23 | have got to shut down when those silks go to \$25 or so. They  
24 | don't touch them. They go to New York and those kinds of  
25 | places big time.

1           MR. RICE: We have got Gail and after Gail we have  
2 got Rachel.

3           MS. SINDORF: I think, Richard, this is a logistical  
4 nightmare. I had that exact discussion up in --- so I will  
5 just talk to you afterward to discuss this in detail if you  
6 don't mind.

7           MR. YOUNG: I just don't see the people --

8           MS. SINDORF: Fair enough. I'd love to -- 15  
9 minutes.

10          MR. YOUNG: Sure.

11          MR. RICE: Rachel?

12          MS. DEAN: From a logistical nightmare point of  
13 view, I was looking at it from a restaurant's standpoint, and  
14 I don't want them to be discouraged from buying blue crabs  
15 because they can't narrow it down to Maryland. So that would  
16 just be kind of a concern of mine, and they turn to the Asian  
17 crab meat. Now you have got soup coming out on the table that  
18 clearly is not blue crab soup.

19          MR. GILMER: Just one more comment: It would be  
20 difficult enough if it was just labeled Chesapeake Bay. And  
21 that is pushing it as far as I think, you know.

22          Harris's over there, they just got on the board that  
23 they got Maryland crab, Louisiana crabs -- it is all on a  
24 board that, you know, but they don't specify what you are  
25 getting at your table. They just say they get crabs from

1 | these regions. So I don't know if you can specify to Maryland  
2 | or not.

3 |           MR. VILNIT: I think just by doing country of origin  
4 | we are going to see buying increase, because what  
5 | restaurant can you imagine walking into and sitting down and  
6 | looking at the menu and going, hmm, Maryland crab cakes,  
7 | product of China. I mean, who is going to order that crab  
8 | meat at that point?

9 |           I think if it said product of the U.S.A., it is  
10 | going to increase the demand for U.S. products. Yes, it is  
11 | not specifically Maryland, but Maryland is going to benefit  
12 | from this tremendously. And, you know, it might be a good  
13 | idea to do an amendment for, you know, hard crabs being a  
14 | separate things where you, you know, by state.

15 |           But it is that -- I mean, that in itself, it is a  
16 | nightmare for logistics in terms of tracing the paperwork.

17 |           MS. DEAN: Can I just ask really quick, how did that  
18 | soft-crab sandwich one go because that would be a good  
19 | Maryland one.

20 |           MS. HUNT: It is on page one. It was heard but it  
21 | hasn't been voted on that I know of.

22 |           MR. GILMER: Gina, the status of 154, about sport  
23 | tidal fish -- it is at the bottom of the first page.

24 |           MS. HUNT: Oh, right. Well so it passed the house,  
25 | and it has moved over to the senate. It won't be heard until

1 the 11th of March.

2 MR. GILMER: Okay.

3 MS. HUNT: So yes it is moving right along though.

4 MR. YOUNG: What did that one say?

5 MS. HUNT: That puts a member of sport fish on -- I  
6 am sorry, puts a member of tidal fish on sport fish.

7 MR. RICE: Okay, Gina, move on to the next --- ,  
8 please.

9 MS. HUNT: So again, just hitting next week, there  
10 are three bills on Friday. House Bill 1104 is the striped  
11 bass ITQ bill. It basically prohibits ITQs for gill net hook  
12 and line as of January 2015, so basically for the next year's  
13 fishery.

14 And House Bill 1148 is again on Friday. This is  
15 basically a bill that is aimed at recreational accountability  
16 for the harvest but what it does is it tells the department  
17 you have to go study a reporting requirement for the  
18 recreational industry.

19 So similar to what commercial does, recreational  
20 would have to report. So it is asking us to study that.

21 And 1153 -- I am sorry. 1153 is not next week. And  
22 then House Bill 1155, also again on Friday, and this is  
23 opening up the waters north of the Bay Bridge to power dredge.  
24 It is just like the bill that was in last year. Any questions  
25 about --

1 MR. JETTON: What is the department's position on  
2 this? Support, not support, I am not doing anything?

3 MS. HUNT: Okay, going back to --

4 MR. JETTON: 1104.

5 MS. HUNT: -- 1104, we are opposed.

6 MR. JETTON: Okay.

7 MS. HUNT: 1148, we are actually, we have a meeting  
8 scheduled with the sponsor between now and the hearing so I am  
9 not sure.

10 MS. DEAN: Who is the sponsor?

11 MS. HUNT: On all of them it is Jacobs. So yes I am  
12 not sure on our position on the recording one yet until after  
13 that meeting.

14 MR. JETTON: How about 1155?

15 MS. HUNT: 1155, again we have a meeting coming up  
16 where -- well, with --- . So between now and then we will  
17 have this meeting, and, you know, there may be something else  
18 to do then, oppose or support. Maybe there is a support with  
19 amendment but I don't know that yet until after that meeting.

20 MR. RICE: Does anybody on the committee have any  
21 comments or suggestions on any of these pending pieces of  
22 legislation?

23 (No response)

24 (Pause)

25 MR. RICE: Anybody have anything on these other

1 pieces of legislation they want to bring forward as in us  
2 taking a position or anything of that nature, either pro, con  
3 or indifferent?

4 (No response)

5 MR. RICE: Seeing none, it looks like we are being  
6 neutral. All right, Mike, could you give us your report?

7 MR. LUISI: Absolutely.

8 ***Estuarine and Marine Fisheries Division Updates***

9 ***Striped Bass Industry Workgroup***

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

11 MR. LUISI: Before I jump in, I have a short report  
12 for your tonight. There is a handout under tab five in your  
13 briefing books. But before I start, I have just two quick  
14 staff announcements that I would like to make.

15 The first is that we have our newest employee here  
16 with us this evening. She is sitting back behind Rachel.  
17 Sarah Rains is going to be taking over the ACCSP coordinator  
18 position, which is the position that Janelle Mueller had a few  
19 years ago working with the electronic reporting through SAFIS  
20 and ACCSP.

21 Sarah just started with us last week. She comes to  
22 us from University of Maryland's CBL campus down in Solomons  
23 and she is going to be finishing up her master's hopefully  
24 tomorrow when she completes her thesis defense. And we are  
25 looking forward to having her on board to help promote the

1 ACCSP reporting here on into the future.

2           The second staff update that I would like to give  
3 you is that, you know, for many years, those of you who have  
4 dealt with our striped bass fishery and the permits associated  
5 with that fishery, you have come to know Matt Lawrence very  
6 well.

7           Matt is going to be working as our striped bass  
8 permits coordinator for the remainder of this month. However  
9 starting in March he will be moving on to a different position  
10 within fisheries service, but he will no longer be doing the  
11 permits for striped bass.

12           And what we have done is we have actually blended  
13 together all of the permits that we have, so sea bass and  
14 flounder and horseshoe crabs and turtles and yellow perch and  
15 striped bass -- eight or nine different permits that we  
16 coordinate here at the department.

17           We are hiring a new coordinator for all of those  
18 permits. We are in the final stages of that hiring process.  
19 So you guys will have somebody new who will deal with all of  
20 our permits here at the state starting in March.

21           But if any of you -- I know a lot of you know Matt  
22 very well. He is probably the hardest worker -- he has gone  
23 through an enormous challenge over the last couple of years as  
24 we have implemented new management systems in the ITQ fishery  
25 for striped bass. So if you get a chance, if you know Matt,



1 | it would be nice to maybe drop him a quick note or call and  
2 | just thank him for the hard work he has put into it.

3 |           He is moving as far away from the bay as he can. He  
4 | is going out into the freshwater world. He is going to be  
5 | looking at bugs and things that -- turns over rocks in creeks  
6 | and things.

7 |           So with that, I would like to get into the  
8 | presentation. I am going to give you a quick update on where  
9 | we are with the Striped Bass Industry Workgroup. And then we  
10 | are going to look at an update on the 2014 fishery as it is  
11 | unfolding with both the ITQ fishery and the common pool  
12 | fishery over the last six to seven weeks.

13 |           (Slide)

14 |           Regarding the striped bass workgroup, I had  
15 | mentioned before at previous commission meetings that we were  
16 | going to be redesigning the group.

17 |           The purpose for the redesign of this workgroup is  
18 | that the previous workgroup that had been together for two or  
19 | three years was very gear-based. It was very gear-specific.  
20 | We had an equal representation of the three different gears in  
21 | the bay: the hook and line, the pound net and the gill net  
22 | fisheries around the table.

23 |           However as we have implemented and moved on into the  
24 | ITQ fishery, it is less gear-specific because as an ITQ permit  
25 | holder, you are able to fish with any of the gears in any part

1 of the season that is open. So you no longer are a pound  
2 netter or a hook and liner or a gill netter. You can actually  
3 operate in any of the three different fisheries throughout the  
4 year.

5           So with that we thought we would look at  
6 re-establishing the group. We also had been criticized in  
7 past years based on the way we put the group together. The  
8 group was essentially recommended by the industry leaders at  
9 the time, so they were essentially hand selected by the three  
10 different heads of industry.

11           And what we did this time was we went through a  
12 nominations process with all the permit holders. So we had  
13 permit holders actually nominating the members of the industry  
14 who were going to represent them. And we are just about at  
15 the end of that process but I will explain a little bit more  
16 here with some details about the workgroup.

17           (Slide)

18           So we created five different regions around the bay.  
19 Those regions are based on the county lines. And we have  
20 established 18 seats for the committee or the workgroup. 13  
21 of those seats are going to be voting seats. And the way that  
22 is going to work is that for each of the five regions, the top  
23 two nominees in that region will be regional representatives,  
24 and they will be holding seats, which will be voting seats on  
25 the workgroup.

1           The third-place person within each region, as  
2 through the nominations, will be a proxy for that region. So  
3 that person is invited to attend and participate in all of the  
4 meetings that we have. However, when voting comes up, they  
5 will have to abstain from voting and allow for the two voting  
6 members from their region to vote.

7           Now if in the case one of the voting members cannot  
8 attend that evening, that proxy can then sit in a voting  
9 member's seat and cast a vote for that region but there will  
10 only be two votes for each region.

11           We also have three seats designated for all the  
12 industry leaders, which are the president or proxy of the  
13 Maryland Watermen's Association, the president or proxy of the  
14 Chesapeake Bay Commercial Fisherman's Association and then  
15 either the chairman or proxy for the tidal fish commission.

16           We are planning our first meeting in early to  
17 mid-March. So as far as membership, I really wanted to be  
18 able to come tonight and report to you who the members of this  
19 committee were going to be. We have received over 300  
20 nominations at this point. The deadline for nominations was  
21 Valentine's Day.

22           And with the weather and the state being off and  
23 mailroom, we are still receiving some of the letters in that  
24 were postmarked since the 14th. We are yet to make the  
25 decision. We haven't made that call yet but hopefully it will

1 | be sometime very soon.

2 |           One thing that -- what we are seeing in the  
3 | membership as we are getting the nominations, there are ties.  
4 | And we are trying to determine what we are going to do with  
5 | ties. You know, there are three people with six nominations  
6 | for second place in Region Two.

7 |           Okay, so we are trying -- what we have come up with,  
8 | and this is what I think our plan is going to be at this  
9 | point, we are going to have a tie-breaking ceremony or a  
10 | tie-breaking event. Next Friday there are a lot of natural  
11 | resources bills being heard, and some of you will be around  
12 | Annapolis that day.

13 |           What we would like to do is not just break ties in  
14 | the office but do it in a public way where the members of this  
15 | commission or even some of the people who may be interested in  
16 | whether or not they are going to be part of the group, can  
17 | come here.

18 |           We have kind of decided we will just flip a coin.  
19 | If two people are tied for a position, one would be designated  
20 | heads and one would be tails. We flip the coin, whoever gets  
21 | it, gets the spot. And we want to do it in an open way so  
22 | that we aren't questioned as to who broke the tie. How was  
23 | that determined? And hopefully we will get a few people  
24 | around the table to witness that.

25 |           And the one thing that is going to be important

1 about this group is that the representatives of each region  
2 are going to need to represent their region, not themselves  
3 and the gear type in which they fish. That was something we  
4 made sure we really wanted to be clear about.

5           These two and three people who are going to be in  
6 each one of these regions are going to be the voice of their  
7 entire region in the striped bass fishery for issues that come  
8 up to bring to the table for workgroup meetings. So we will  
9 get back to you as soon as we can when we know a little bit  
10 more about who is going to be who on that committee.

11           (Slide)

12           Moving into some numbers, as you know the 2014  
13 fishery was different from how it had been in the past.  
14 We -- over the last two years we have been working on moving  
15 toward an alternative management strategy. And what we ended  
16 up with for the 2014 fishery was an individual transferrable  
17 quota or an ITQ fishery and a common pool fishery.

18           As you all remember, each person with a striped bass  
19 permit received an allocation and a share of the striped bass  
20 fishery, and they got to choose whether or not they would go  
21 into the common pool or they would keep their permit and their  
22 quota, and they would fish that quota under the individual  
23 transferrable quota fishery.

24           So just some numbers here: There are 958 permit  
25 holders with striped bass permits. 837 of those individuals

1 selected the ITQ when it came time to declare their intent,  
2 which makes up about 87 percent of the permit holders.

3           And the shares that they brought with them into the  
4 ITQ fishery were about 96, 97 percent of the overall  
5 Chesapeake Bay quota was designated in the ITQ.

6           We had 104 permit holders select the common pool,  
7 which is about 10 or 11 percent, and they brought with them  
8 close to 4 percent of the total shares. So how that breaks  
9 down for the common pool is that the gill net fishery and the  
10 hook-and-line fishery, what we did was we took all of the  
11 quota that the entrance into the common pool brought with  
12 them, and we divided it as we have always done, by gear and by  
13 month.

14           So the gill net fishery received 60 percent of the  
15 gill net hook-and-line quota, and the hook-and-line quota gets  
16 40 percent. We then broke those quotas down into the  
17 different months. You can see the January gill net quota was  
18 16,000 pounds, 20,000 pounds in February and it is about 7,000  
19 pounds in December.

20           Similarly, you can see how the months this summer  
21 will lay out as far as what the quotas will be moving into the  
22 common pool. They looked awfully low, and those of  
23 you -- I mean, those are low numbers but just remember there  
24 are only 104 people who brought only 4 percent of the total,  
25 Maryland's commercial quota, with them over into the common

1 pool.

2 MR. GILMER: Mike, before you go to the next one, on  
3 the -- if the monthly quota in January and February is not  
4 caught, does it roll over into December?

5 MR. LUISI: Just like it always did.

6 MR. GILMER: Okay.

7 MR. LUISI: It will roll over, all the months will  
8 roll over to the next month.

9 MR. MARTIN: I always feel like the odd man out.  
10 This person in the region, he doesn't speak for the ocean side  
11 because it is a whole different --

12 MR. LUISI: Yes, we had this discussion at our  
13 meeting when we talked about the regs for the Atlantic coast.

14 MR. MARTIN: Okay.

15 MR. LUISI: We are going to deal with the Atlantic  
16 permit holders kind of as a big group through invitations and  
17 public meetings. So this is all going to be -- we used to  
18 have guys from the Atlantic on this group but they, the issues  
19 just never came up so they stopped coming. And I think it is  
20 best if we just make this a Chesapeake Bay committee at this  
21 point.

22 MR. MARTIN: I just don't know because Worcester  
23 County is included in the --

24 MR. LUISI: Our guys from Worcester County -- they  
25 hold permits in the bay. We just wanted to include all the

1 | counties.

2 |           MR. MARTIN: All right.

3 |           MR. JETTON: Did you have any out-of-state holders,  
4 | and where did they end up if you did? Any out-of-state permit  
5 | holders?

6 |           MR. LUISI: We have a few out-of-state permit  
7 | holders.

8 |           MR. JETTON: Where did they end up? Which --- did  
9 | you put them in there?

10 |           MR. LUISI: I don't know off the top of my head. If  
11 | I had to bet I would say it was the ITQ since it was such  
12 | a -- looking through the list of the people who I know are in  
13 | the common pool, none of them jumped out as being out of  
14 | state.

15 |           MR. JETTON: More than that, I guess what I was  
16 | asking -- maybe I questioned that wrong. What region did they  
17 | end up in?

18 |           MR. LUISI: We had a few, and I think -- that is a  
19 | good question. It is one of the regions, and I just don't  
20 | remember off the top of my head. There are only a handful of  
21 | people though.

22 |           MR. JETTON: And one more question and then I will  
23 | let you go. I am just putting you on the hot seat here for a  
24 | minute. You made the comment that they are not gear-specific  
25 | anymore because everybody has an ITQ, which I would agree in



1 general with that statement.

2 But you do have some people who are strictly  
3 hook-and-line holders, that is all, and have a quota. So  
4 those people are still limited to hook and line, and I would  
5 be concerned that those people get represented. I think they  
6 will but I think that -- but you are not saying that somebody  
7 who only owns a hook and line can now do any fishery. They  
8 still have to abide by their license even though it is an ITQ.

9 MR. LUISI: That is correct. And more about what I  
10 meant about the gear specifics is we used to have  
11 conversations around the table about giving hook-and-line  
12 quota away to pound netters. Those issues are no longer  
13 present.

14 MR. JETTON: I agree.

15 MR. LUISI: But I understand what you are saying.

16 MR. JETTON: To clarify that, I am still a little  
17 skeptical. You and I have had this conversation so I will  
18 watch with interest to see how it works out. But I just want  
19 to point out the fact that there are still limits and  
20 regulations that go along with the ITQs because the rumors are  
21 just swirling about what you can do with your ITQs now. And  
22 we need some clarification.

23 MR. LUISI: Well, anything you want to ask me, I am  
24 happy to --

25 MR. JETTON: Well, that is it for now.

1 MR. LUISI: So let's look at your next slide, slide  
2 four.

3 (Slide)

4 We looked at the gill net fishery, the participation  
5 in the gill net fishery since January 1. It extends out to  
6 the 18th. So what we see here, under the ITQ fishery, we  
7 opened the fishery on January 1, and it was opened between  
8 Monday and Friday of every week. There were no catch limits  
9 established for an ITQ permit holder.

10 And what we see here is we had about 35 days for  
11 which participation could happen. There were 35 open fishing  
12 days throughout the ITQ season through mid-February, and  
13 fishermen took advantage of 32 of those days to participate.

14 Now one of the things we see here that was  
15 uncharacteristic of what we have had in the past is that we  
16 have five fishing days where the catch is all about the same.  
17 You know, you guys haven't had five fishing days in quite a  
18 while. So as we kind of watched this as it was happening, we  
19 saw this week, which was a good week for landings, but then  
20 there were a couple weeks where we had some really, where we  
21 had missing days.

22 We had very limited fishing opportunity days. So we  
23 looked back at the weather, and we were able to determine that  
24 on a few of these days here, the weather was extreme in  
25 Maryland. We had extremely heavy snow either the evening

1 before, the day of, and extremely cold weather during other  
2 parts of that week.

3           And one of the flexibilities with the ITQ that we  
4 implemented was that having an individual quota, it means that  
5 you don't have to compete with other fishermen. You don't  
6 have to go out fishing when there is ice and when it is windy  
7 and when it is -- when the weather is terrible.

8           And if I have heard anything, that is one thing I  
9 have heard from fishermen who have participated. They have  
10 said that is one of the benefits they have found most useful  
11 to them, that they didn't have to compete. They didn't have  
12 to go on those bad weather days.

13           Landings to date for the ITQ fishery, about 578,000  
14 pounds as of February 2. So that was our ITQ fishery.

15           (Slide)

16           The next graph was looking at what we have for the  
17 common pool. Now the common pool fishery, like I said before,  
18 it brought about 70,000, 71,000 pounds of quota, and we  
19 established monthly quotas for January and February.

20           And the way that this graph looks, it looks a lot  
21 more similar to how previous years' graphs looked with  
22 openings and closings due, and limited fishing days, due to  
23 the fact that we were managing a derby fishery. Now in the  
24 past what we would normally see would be two to three fishing  
25 days each week throughout January until a point where we hit

1 the week, the monthly quota, and we have to close the fishery.

2           The reason why we had such a distance here between  
3 openings and when we closed the fishery was because we are now  
4 faced with a very limited tag supply based on the adoption of  
5 an addendum at the Atlantic States Marine Fisheries Commission  
6 that really restricts the amount of tags that we can give out  
7 to fishermen.

8           So instead of being able to give the fishermen in  
9 week one, you know, 500 to 1,000 tags and just say, go after  
10 it this winter, we were limited to supplying them with only  
11 one or days' worth of catch for those tags. We only have  
12 about 20,000 tags to give out for the entire common pool  
13 fishery for the whole year.

14           So in order for us not -- to make it fair for  
15 everybody, once the fishery closed, we closed the entire next  
16 week in order to process paperwork on all the requests for  
17 tags that would come in and get tags back out to individuals  
18 so that they would have enough resources to fish the following  
19 week.

20           So it was an every other week opening that we did  
21 throughout the winter, and we just closed again last week, and  
22 we are closed this entire week. We are planning to open again  
23 next week for the last three days of the month to try to get  
24 to the harvest. So looking at some of the details here, we  
25 had only eight fishing days for the common pool. Fishermen

1 | took advantage of all eight of those days.

2 |           Landings to date are about 23,000 pounds or so.  
3 | This again, we were seeing kind of a very similar pattern on  
4 | all the open weeks except for the one week where, like I said  
5 | before, we had really extreme cold weather. And I think that  
6 | limited folks at the end of January, on the last week of  
7 | January.

8 |           (Slide)

9 |           Okay, so just taking a look at where the common pool  
10 | is in regard to the monthly quota, this bar here is the  
11 | January quota. And you can see we came in slightly under that  
12 | by the end of January. Our February quota, if you stack that  
13 | and the January quota together, this is total, the 36,000  
14 | pounds is the total quota for both January and February in the  
15 | common pool.

16 |           And these plateaus that you see, you know,  
17 | essentially what we had, like I said before, were two days  
18 | open. You know, a week, week and a half closed. And two days  
19 | open. The rest of the week into the next week closed.

20 |           And that pattern is just typical of what -- this is  
21 | the difference between the derby style of old that we used to  
22 | have, and any concept of a derby fishery that we may have into  
23 | the future with this common pool. I just -- I talked with  
24 | staff. We just don't know how we would manage the tag  
25 | resource without providing this time period in between

1 openings for fishermen to replenish their supply of tags.

2           It is -- what we don't want to happen is to have a  
3 fishery open and have a fisherman not have the necessary tags  
4 in order to fish. And given the -- administering all of that  
5 and processing all of that paperwork, not only for the 15  
6 people who have been fishing in the common pool but for the  
7 800 potential people, if they were all in the common pool,  
8 would be very difficult.

9           So where we are, just so you guys know, we have  
10 closed through the 26th, I believe. I think we are open the  
11 26th, 27th, 28th of next week. So there are three days left.  
12 We have about 12,000 pounds to go, and based on previous  
13 week's landings, I think we will get there. So we should hit  
14 that mark right on the nose.

15           (Slide)

16           Okay, so my last slide here looks at -- okay, so  
17 what this line is, this is the line, this is the ITQ fishery.  
18 Now the ITQ fishery for the gill netters, there is no quota  
19 established for the January, February months. It is really  
20 whatever the fishermen with ITQ permits were to catch.

21           But hypothetically if we were to take the 1.925  
22 million pounds of quota this year in the bay and divide it up  
23 as we had in the past, we would have had a January/February  
24 quota for a normal, everyday -- you know, the last 20 years  
25 derby fishery, of about 670,000 pounds.

1           So what I kind of -- I wanted to give you guys a  
2 sense of, if we would have managed this fishery, the ITQ, like  
3 we did in 2013 and all those years prior to that, how would it  
4 have been different? So the first thing that would have been  
5 different is that on January 21st we would have exceeded our  
6 January quota.

7           Now this is all hypothetical, remember. This  
8 is -- if this was just like the past 20 years, we would have  
9 basically had to close the fishery because we would have  
10 reached our January quota on the 21st. That would have led to  
11 a nine-day, nine fishing day period closure waiting for the  
12 beginning of February, to when we get a new quota for the  
13 month of February.

14           At the end of February, there is always a point for  
15 which we have, in the past, reserved about 100,000 pounds or  
16 so for the river fishermen waiting for ice to thaw so they can  
17 get out in the last few days of the month and catch the  
18 remaining -- whatever is left. Give them an opportunity to  
19 fish.

20           So what we would have had to do in the past would be  
21 right after Valentine's day, the following week, we  
22 essentially would have closed again for another seven days to  
23 allow for just the three day opening that we have in the  
24 common pool next week.

25           So this scenario would have presented itself much

1 differently if we weren't fishing under the flexibility rules  
2 of the ITQ and, you know, I guess lastly what I would like to  
3 just mention and then take some questions -- there was a  
4 concern around the table as we worked on all this to develop  
5 the ITQ.

6           And gill netters were concerned that they weren't  
7 going to be able to achieve any type of quota, they weren't  
8 going to be able to catch enough fish in the winter because  
9 nobody was going to lease them any of their quota that they  
10 had.

11           So people that had quota that weren't able to fish,  
12 they weren't going to be able to compete for those leases.  
13 And what we are seeing -- so the gill netters thought that,  
14 okay, if we typically catch 670,000 pounds, there is no way we  
15 are going to catch that. We are going to end up being way  
16 down here somewhere because once we as the active gill netters  
17 run out, nobody is going to give us anything.

18           Well, what we have come to find is that people are  
19 transferring quota. Since August we have processed almost 300  
20 temporary transfers at about 530,000 pounds. Now that is not  
21 just for the gill net fishery. Some people are getting  
22 themselves set up for the summer in the pound net and  
23 hook-and-line fisheries.

24           But people are doing the transfers. The system that  
25 we have set up is allowing for those transfers to happen in a



1 pretty timely manner. And what we anticipate is that for the  
2 remainder of the next couple weeks, we probably will be right  
3 around where we would have been in the past if we manage this  
4 in a more restrictive way, that these flexibilities have  
5 allowed for people to manage their businesses the way want to  
6 for this year.

7 So with that, I will take any questions.

8 MR. RICE: Anybody have any questions for Mike?

9 ***Questions and Answers***

10 MS. DEAN: The new group that you are forming, what  
11 is the deadline for them to come together and make any  
12 decisions about the 2015 fishery?

13 MR. LUISI: It would depend on if it was a -- if it  
14 was something that needed, okay, so let me see how I can say  
15 this. The declaration period is in August. So whatever the  
16 new rule is would aid in somebody's decision as to whether or  
17 not to go to the ITQ or the common pool.

18 That would have to happen sometime in April. The  
19 rule would have to be written by mid-April or so to be  
20 effective by August. If it was some type of fishing rule or  
21 something that wouldn't really play a factor in somebody's  
22 decision making in August, then it doesn't have to get done  
23 until September or so.

24 And to go back to what Sarah had scoped earlier, the  
25 one thing that I really wanted this workgroup to discuss and

1 talk about first was what to do with all the extra permits  
2 that didn't get renewed last year because under the ITQ, if  
3 you had five permits or four permits, you only had to renew  
4 one and you got your entire quota.

5 Well, this August, we didn't want everybody to have  
6 to renew all four or five of them, so the regulation that  
7 Sarah mentioned extends that period for an extra year so you  
8 don't have to renew it again this year. It will give the  
9 committee time to talk about what we want to do with all those  
10 extra permits that people have now that aren't necessary  
11 really.

12 It depends on really -- we are going to have that  
13 meeting in March. If some things really come up on that March  
14 meeting and we need to move quickly, we will have to have a  
15 couple meetings potentially between March and maybe mid- to  
16 late April.

17 MS. DEAN: No, I am good with that, and I think it  
18 is great that, you know, democracy is going to take over and  
19 we are going to have this committee formed. But I just had a  
20 couple of questions because I kind of want the commission to  
21 think about it too.

22 ITQs weren't implemented for conservation. It was  
23 the management. So I know you said you had 294 transfers.  
24 How many people did you have that didn't participate in the  
25 fishery that might -- how much poundage would then, could it

1 | be translated to that might not be caught this year?

2 |           MR. LUISI: There is no way -- with the transfer  
3 | provisions, we are expecting that people will not just sit on  
4 | quota that they have. That between now and the end of the  
5 | year, those people who can't fish will find somebody who will  
6 | fish for them. So our -- the whole reason why we have the  
7 | flexibility of the transfers is to allow for transfers to  
8 | happen any time of the week.

9 |           So I can't predict at the end of the year -- if  
10 | somebody just decides they are going to sit on their quota and  
11 | not use it and not transfer it, we don't really have any way  
12 | to estimate that. I don't know how many of those people there  
13 | are.

14 |           MS. DEAN: Well, I just saw that you had 294 people  
15 | who had transferred, so I was thinking, well, if you think  
16 | back to the number of people who didn't participate in the  
17 | fishery when it was under the derby, then that might give us  
18 | an idea.

19 |           MR. LUISI: There were about 500 or so who didn't,  
20 | that received just the baseline quota or maybe a little bit  
21 | more than that. So if all -- and not all of it transfers. I  
22 | have seen a lot of the paperwork come through the office.  
23 | They are not all just the lower end.

24 |           We have had some people transfer quotas that are  
25 | large quotas. They are just not fishing this year. They are

1 | doing something else and they have transferred their poundage.

2 |           MS. DEAN: And the reason I ask is I know that  
3 | poundage can't be transferred to future years so there is a  
4 | potential that we could come to the end of the year and see  
5 | that there was a percentage of the fishery that wasn't caught.

6 |           MR. LUISI: There is a potential for that.

7 |           MS. DEAN: Okay.

8 |           MR. LUISI: What I anticipate doing is continue to  
9 | give you guys these updates on where we are tracking. You  
10 | know, if we look at -- you know, if we look at this graph, I  
11 | was thinking about, you know, putting together just a tracking  
12 | mechanism for something like this where we have --

13 |           If you think of it far into the future, 1.925  
14 | million pounds, and we just track it throughout the year, if  
15 | you start to fall below and it starts to level out, then  
16 | there may be something we can do to help people contact one  
17 | another to find out who is not fishing to try to catch those  
18 | fish.

19 |           MS. DEAN: And the striped bass workgroup could work  
20 | on --

21 |           MR. LUISI: The striped bass workgroup could work on  
22 | that too.

23 |           MR. RICE: Well, that is what I was going to say,  
24 | that in the previous workgroup, that we had looked at a use it  
25 | or lose it type clause, not to take it from somebody one year

1 but possibly two. And if somebody is just going to sit on  
2 quota and not use it, they would lose the right to hold that  
3 quota.

4 MS. DEAN: And one more question. If the -- the  
5 declaration was to save those people who had multiple permits  
6 so that they weren't penalized. Is it also in provision now  
7 that if somebody chooses not to declare, that poundage goes  
8 back into the fishery and is divided?

9 MR. LUISI: Yes, if, and I didn't mention that in  
10 the -- but right here you can see in your handouts, this past  
11 year we had 17 people who either didn't declare or were  
12 suspended for the whole of this 2014.

13 And that was about -- a little over 1 percent, to  
14 about 20,000 pounds. That got redistributed into the other  
15 permit holders. So there is nobody out there that just left  
16 quota on the table.

17 MS. DEAN: But as an industry we would  
18 probably -- it would benefit us if those people were allowed  
19 to continue not to declare, and it was divided among the  
20 people who wanted to fish. So three years, maybe even further  
21 would be even better.

22 MR. LUISI: If you could never declare again without  
23 losing your permit, people might not want to pay the fees and  
24 just -- anybody who doesn't declare, their quota will just  
25 fall into the hands --

1 MS. DEAN: But it could hurt people who were trying  
2 to get into the fishery.

3 MR. LUISI: Right.

4 MS. DEAN: Okay.

5 MR. RICE: Thank you, Mike.

6 MR. LUISI: Okay, thank you.

7 MR. WILSON: I don't know if it is exactly a  
8 question but it is a comment. I know a lot of people into  
9 this fishery now thought they wouldn't like the fishery, and  
10 the more they got into it the more they are liking the  
11 fishery. And I think it is mainly the flexibility of the  
12 fishery.

13 It looks like the bigger number is probably catching  
14 or probably close to the same, isn't it, Mike? Did I read  
15 that? In other words, the total landing probably wouldn't be  
16 that much different?

17 MR. LUISI: If we managed this current year like we  
18 have in the past, it looks like we are going to end up with  
19 the same catch for the gill net fishery, without controlling  
20 it in any way other than to say, go fish. You know, they are  
21 going to catch the same amount of fish it looks like, maybe a  
22 little bit more.

23 MR. RICE: John?

24 MR. VAN ALSTINE: (away from microphone) Very  
25 briefly on something I have talked to you in the past about,

1 is this group of people who haven't been represented on your  
2 waiting-list program. You know, you have got 400 to 500  
3 people on the waiting list. I have been 15 years and I am  
4 number 400.

5 As a commercial fisherman and still moving forward,  
6 when I first got in, you could not buy or sell a license. The  
7 license was attached to the license. You had to buy his  
8 entire permit, his entire license. Once I am on it for so  
9 many years, a few years back we separated the TFL from the  
10 harvest.

11 Well, I am in a state program. I will follow the  
12 course through. Now we have reverted back to where we can't  
13 sell or permanently transfer the card, which in my  
14 understanding was being done so that one individual couldn't  
15 monopolize on a quota.

16 Right now the buying and selling, temporary  
17 transfer, you can't tell me you don't have groups that are  
18 monopolizing on the harvest that would have potentially gone  
19 into the hands of somebody trying to get into the fishery.  
20 One suggestion is you move forward because your list still  
21 does not represent the commercial fisherman who does not have  
22 a harvester card who works 12 months out of the year on the  
23 water.

24 That individual on your waiting list is still  
25 excluded from discussion. If you set a cap, if you are

1 | worried about monopolizing, to allow someone who sits on that  
2 | waiting list to buy a percentage of the quota, whatever the  
3 | cap may be -- whether it is 2 pounds or whether it is 5,000  
4 | pounds. Whatever, you are now getting that person into the  
5 | field where they are not --

6 |           A cap limit is saying that they are not going to  
7 | exploit. Just a thought that I am not certain that the  
8 | council here is fully aware that there are active fishermen  
9 | that fell into a state program wanting to move forward. And I  
10 | don't want to see the state abolish that list of people.

11 |           MR. LUISI: And just really quickly, we do have caps  
12 | on what people can permanently own. It is one percent. And  
13 | even what they can temporarily have in any year, it is one  
14 | percent. But the wait list is, it is one of the first things  
15 | that this new committee is going to I think need to take on.

16 |           What to do with members of the wait list, what are  
17 | we going to do with all the permits that could potentially  
18 | expire? Do you need to have five or do you want to designate  
19 | four of those to new members who come in? Two from the wait  
20 | list, let's say?

21 |           And if they do, do they come in with any quota  
22 | assigned to them or do they come in just with a permit and now  
23 | they need to find quota to -- you know, so a lot of these  
24 | discussions about wait list, about extra permits, that is all  
25 | going to be happening in the next few months. And I think



1 that is one of the first priorities of the new committee, to  
2 get that squared away.

3 MR. RICE: Okay, well, here is where we are at right  
4 now. We are running behind quite a bit, and we do have to be  
5 on schedule because there is another meeting coming in right  
6 behind us. Certain things I definitely want to get to.  
7 Robert T., would you like to present your issue on the oyster  
8 shells right now so we know we will get that?

9 ***Discussion on Purchase of Out-of-State Oyster Shells***

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

11 MR. BROWN: Yes. I just wanted to bring to the  
12 attention of -- well, I can understand with a new policy the  
13 department has that the money that we get through our, I  
14 guess, surcharge, tax money, and money that we receive through  
15 the department of transportation cannot be used to buy fresh  
16 shell out of Virginia to put on our public bottom. That is  
17 what I have been told. Can you comment on that, Tom?

18 MR. O'CONNELL: Yes. If you are through, I will  
19 provide the background on that.

20 MR. BROWN: That is the main thing.

21 MR. O'CONNELL: Okay. Yes, so I will try to do this  
22 briefly, and I do apologize because the chairman did ask that  
23 this be on the agenda.

24 As you guys all can expect, shell is needed for all  
25 aspects of our oyster recovery projects: restoration, the

1 public fishery and aquaculture. And shell is in more limited  
2 supply than it has been in years. So, you know, it is more  
3 important now that the department make a close evaluation of  
4 how best to utilize this limited resource.

5           We have a resource that is very depleted and we have  
6 a lot of stakeholders who are looking for this shell. Fresh  
7 shell -- so you have got fresh shell and then you have like  
8 reclaimed or dredged shell. Fresh shell is the preferred  
9 material for hatcheries. It is used both by the public  
10 hatchery down in Horn Point as well as private hatcheries  
11 throughout the state and beyond.

12           The state has made, you know, a significant  
13 investment in this new oyster program going forward that  
14 relies heavily on the production of hatchery seed. This  
15 hatchery seed is needed for restoration. It is needed at a  
16 growing level for the aquaculture. And we have seen a growing  
17 request of the public oystermen purchasing this seed.

18           The current supply that we have available to  
19 maintain the amount of fresh shell for our hatcheries is not  
20 going to be -- is not sustainable. And without this policy,  
21 we are going to see a situation within the next couple of  
22 years that there is not enough shell to carry forward with the  
23 program the state has been facilitating.

24           So last summer the department made a decision that,  
25 beginning this year, the state would no longer be using any of

1 the funds that we administer, including the funds that Robert  
2 T. mentioned, to purchase fresh shell for bottom  
3 rehabilitation purposes to enhance natural spat set.

4           Recognizing the challenges that puts upon the public  
5 fishery that is looking for shell, the department did agree to  
6 allow a one-time purchase of 60,000 bushels of fresh shell  
7 that we have access to. But beyond that we would no longer  
8 purchase fresh shell for bottom rehabilitation purposes.

9           We have also met with the county oyster committees  
10 and made offers to utilize our shell reclamation permit to  
11 reclaim shell from public bars. We have also made  
12 opportunities to purchase some of this Florida shell material  
13 that is fossilized that we started bringing up here this year.

14           And lastly, you know, we are hopeful that we finally  
15 have some movement forward by the permitting agencies on Man  
16 O' War Shoals that that permit application should be going out  
17 for public comment later this spring/summer.

18           But recognize that permit application, based upon  
19 input from the Oyster Advisory Commission, would only provide  
20 about 10 percent of that dredged shell available to the public  
21 fishery and private fishery. But that would be about 100,000  
22 bushels, which could go a long way.

23           So that was the basis for the department's decision.  
24 You know, while the counties do contribute through their  
25 surcharge and through their bushel tax, and do receive money

1 from the Maryland Department of Transportation, that money  
2 still has to be administered by the state, and we feel like we  
3 have the responsibility to utilize those funds and our  
4 availability of shell in the best interest to all Marylanders.

5 And given the importance of fresh shell to  
6 hatcheries, and the role hatcheries play now in Maryland, we  
7 are trying to ensure that we have the adequate supply to meet  
8 those needs going forward.

9 ***Questions and Answers***

10 MR. BROWN: You just said that we could buy seed  
11 that you have from Florida, isn't that correct?

12 MR. O'CONNELL: The shell.

13 MR. BROWN: The shell. I am sorry, shell. That is  
14 fine. And we understand that if you only have a limited  
15 amount and we can only have 60,000 bushels from Horn Point,  
16 that that is within your realm, because at the present time  
17 you all own the shells. You know, down to Horn Point or  
18 Crisfield, wherever you are stockpiling them at.

19 However, we wanted to take our money and go to, out  
20 of state to Virginia and buy fresh shell from Virginia with  
21 this money. It is a very valuable commodity for us to put it  
22 on our grounds. I know that the hatchery needs it.

23 I mean, you are getting shell from Florida, and we  
24 can get shell from out of Virginia and have it planted on our  
25 bottom cheaper, and it is a better shell as far as we are

1 concerned because of the weight of it and stuff, density of  
2 it. You don't have as much surface and you have to have it on  
3 real hard bottom. But we could buy this shell from out of  
4 Virginia.

5 MR. O'CONNELL: I understand that. You know, and  
6 again while the industry contributes the funds into that  
7 account, the statute says that those funds are administered by  
8 the department for repletion activities. And it is not the  
9 oystermen's bottom, it is the public's bottom.

10 MR. BROWN: Well, I meant the public, yes.

11 MR. O'CONNELL: And we believe that the best use of  
12 that limited amount of fresh shell is to preserve it for the  
13 hatchery use, which is benefiting not only restoration but the  
14 private industry as well as the public fishery and there are  
15 alternatives to utilize for the bottom-rehabilitation  
16 purposes.

17 But we have made available up to the 60,000 for this  
18 year. And going forward though, the current policy would not  
19 allow purchasing more of that for that use.

20 MR. RICE: Moochie?

21 MR. GILMER: There is something here I don't  
22 understand. So we are not allowed to purchase -- what you are  
23 saying is the --- shell. But if you have lease bottom, you  
24 can.

25 MR. O'CONNELL: Well, the difference is if you have

1 lease bottom, you are utilizing your own money to buy that  
2 fresh shell. And the notion is that any funds administered by  
3 the department. If the counties have their own funding, you  
4 know, we can't restrict what you guys do with that money.  
5 But the funds that we administer, that is what the policy is  
6 based upon.

7 MR. RICE: Rachel?

8 MS. DEAN: Is the rationale behind that because  
9 fresh shell on public bottom would be detrimental or because  
10 the department wants to encourage us to buy hatchery seed?

11 MR. O'CONNELL: It is neither. It is designed to  
12 ensure that we have the material needed to implement the  
13 state's oyster plan. And there has been some other analysis  
14 recently done by the University of Maryland, Don Merritt and  
15 Don Webster, that has demonstrated that the use of fresh shell  
16 for bottom rehabilitation is not a good investment of that  
17 material.

18 If you are looking at it from a fishery production  
19 standpoint, it is probably better for the public industry to  
20 purchase seed versus putting shell on the bottom and hoping  
21 mother nature will cooperate. I am sure that Don Merritt or  
22 Don Webster would be happy to share their analysis with you.

23 MS. DEAN: It seems to me that would go against the  
24 oyster surveys that we have had, our winter dredge surveys  
25 suggesting that we do have spat fall, and it also seems

1 | logical to me that coming out of Horn Point, they would  
2 | suggest that it be used better at Horn Point.

3 |           MR. O'CONNELL: Yes, I mean, that is one of Don  
4 | Merritt's concerns, the perceived conflict of interest of  
5 | their analysis. But, you know, while planting shell can  
6 | enhance natural spat sets, we no longer have been getting the  
7 | natural spat sets that we historically have received.

8 |           And when you look at what you can expect to receive  
9 | from a shell planting compared to what you could potentially  
10 | acquire from a hatchery seed operation, you know, it  
11 | doesn't -- the only time it shows to be cost effective to  
12 | plant shell is when you can plant it on some of the  
13 | top-producing areas in the state.

14 |           MR. RICE: Robert T.?

15 |           MR. BROWN: And that is exactly what the watermen of  
16 | the state want to do. They wanted to plant it in places where  
17 | we are getting high spat sets, and it has done very well down  
18 | there and we wish we had the Langley fellow shells. And we  
19 | don't have them now. So we got to deal with what we have.

20 |           How is this going to -- by us not going into  
21 | Virginia and buying these shells, how is this going to help  
22 | you have more shells?

23 |           MR. O'CONNELL: Well, we are hopeful that the state  
24 | will be able to purchase that shell within Maryland, from out  
25 | of state Maryland -- we are competing with others. We are

1 competing with the private growers. We are competing with,  
2 you know, Virginians.

3 MR. BROWN: I mean, the state of Virginia is already  
4 saying that they can't get enough shell even from their shell,  
5 their shell places down there like Ronnie Bevins and a bunch  
6 of those. However, Ronnie Bevins has told a number of us that  
7 if we wanted shell to put on our public bottom, he would set  
8 some aside and sell to us.

9 And I am not saying what he will or he won't do, but  
10 I know that Virginia wants all that they can get from him. So  
11 I am not saying that he won't or he will sell to the state of  
12 Maryland because, I mean, he runs his own business.

13 But I know he is sympathetic toward us because this  
14 is where he buys his oysters from, is from the oystermen in  
15 the state of Maryland. And he wants to -- he prefers right  
16 now to sell it to us other than Virginia to put on our bottom  
17 down in the Kedges Straits up to Eastern Bay. Down in the  
18 Honga River Fishing Bay over to Point Lookout. Up the shore  
19 there and up into Lower Patuxent.

20 As far as any of the industry planting it in the  
21 upper reaches, shell in way above the Bay Bridges stuff, I  
22 don't think you have watermen who are interested in doing that  
23 this time. I know they are interested in planting some seed  
24 and stuff up in that area. And that is another debate I don't  
25 want to get into now.



1           But I feel that we should -- the state of Virginia,  
2 the men in Virginia, they own these shells. They can do what  
3 they want to do with them. And I know that the industry does  
4 want them in the lower part of this bay because they are very  
5 valuable to us, and somebody would have to prove to me a whole  
6 lot that dollar for dollar, what the hatchery puts out, and  
7 the hatchery puts out top-quality seed.

8           I am not saying nothing bad about what goes on at  
9 the hatchery. I have seen some very good stuff that comes out  
10 of there. But as far as us planting it on our bottom where we  
11 are getting good strikes in the lower part, dollar for dollar,  
12 it is better in the lower areas.

13           MR. O'CONNELL: Understood and, you know -- I guess  
14 the one thing that I have wondered is that we currently have a  
15 shell reclamation permit to go back to the areas that have  
16 been planted with the upper bay dredge shell over the last 20  
17 to 40 years. A lot of that shell has become silted over with  
18 time.

19           And we currently have a permit that the counties can  
20 utilize their funding to go in and reclaim that shell and  
21 plant it on a seed area. You know, there is a lot of shell  
22 out there, but it is an alternative --

23           MR. BROWN: Well, I know some counties that have  
24 planted, taken shell from the upper bay and put down in the  
25 lower bay, in some areas, where the bottom that they were

1 given did not have very much stuff on it, and it wasn't  
2 planted heavy enough.

3           Because you go on a bottom that is -- it is next to  
4 a place that has got shells and it is good bottom, and if you  
5 plant it thin, you are not going to get the results that you  
6 need. You have to plant it really thick.

7           MR. O'CONNELL: That would be the same if you  
8 planting fresh shell too. You have got to do the ground  
9 truthing to make sure that you are putting your investment on  
10 a good location that has a history of good spat set. And it  
11 has the right conditions.

12           MS. DEAN: I just want to say that being on our  
13 regional oyster committee, this was not told to us. We had  
14 made plans to move forward -- not through Bevins. We have got  
15 another, as Robert T. said, his word that it wouldn't come to  
16 the state but he would be willing to work with our county.

17           I think the state is kind of hurting all of us here,  
18 not just the public fishery but also public bottom by doing  
19 this, and like I said, our oyster committee meeting, this was  
20 not told to us.

21           MR. O'CONNELL: Can you just tell me, what kind  
22 of -- if you want, we can talk afterward, but what  
23 specifically wasn't --

24           MS. DEAN: That we couldn't use our funds for shell.

25           MR. O'CONNELL: For fresh shell.

1 MS. DEAN: Yes.

2 MR. O'CONNELL: Besides up to the 60,000 bushels  
3 that the state has offered.

4 MS. DEAN: Yes. We were not told that we could not  
5 do that. And since then we have moved forward with making  
6 that deal. And it is with Virginia.

7 MR. O'CONNELL: I will have to follow up with Mike  
8 Naylor but, you know, we have had discussions and my  
9 understanding was the counties had been made aware of that.

10 MS. DEAN: Okay. And just for clarification, are  
11 you talking the MDOT funds or are you talking the county  
12 money?

13 MR. O'CONNELL: All of it. Any funds that  
14 are administered by the department. Okay, I will follow up  
15 with Mike Naylor but that is the policy.

16 MR. BROWN: I would like to make a motion.

17 **MOTION**

18 MR. BROWN: That the Tidal Fish Advisory Commission  
19 advise the state of Maryland or the Department of Natural  
20 Resources, to permit counties or allow the counties to use  
21 some of their funds to purchase out-of-state fresh shells to  
22 put on their public bottoms if they wish to do so.

23 MS. DEAN: I would like to second the motion.

24 MR. O'CONNELL: Just for the record, we are  
25 providing the opportunity, up to 60,000 bushels right now. So

1 I guess your motion is beyond --

2 MR. BROWN: Beyond the 60,000 because 60,000 is not  
3 enough when you divide it up in a couple counties. You  
4 know -- no, that is not enough, you know? Our county wanted  
5 to buy like 30,000 bushel, and that was half of it.

6 MR. O'CONNELL: There is not enough for everybody's  
7 use. And that is the difficult scenario we are in.

8 MR. BROWN: We had that with a whole lot of our  
9 fisheries but we need to be able to use that to buy because in  
10 our county we usually take about half our funds and buy fresh  
11 shells or 40 percent of it, whatever the oyster committee  
12 decides, and then the rest of it goes into seed to put in  
13 Wicomico, St. Mary's River, not too much in St. Mary's River  
14 but St. George's Creek, Wicomico, the narrows and Patuxent.

15 And this is the way we have been doing business for  
16 a long time, and we would like to be able to continue that.

17 MR. O'CONNELL: I understand. I just wanted to  
18 clarify.

19 MR. BROWN: Okay.

20 MR. RICE: Robert T., in your motion you said some  
21 of our funds. Would you like to add a certain specific  
22 percentage or just --

23 MR. BROWN: I would say up to 50 percent of our  
24 funds. I am negotiable on that but 50 percent -- what do you  
25 think, Moochie?

1 MR. GILMER: I would say up to 50 percent.

2 MS. DEAN: I would say at least too. Why are we  
3 restricting it? I understand that it is being restricted for  
4 the state's benefit but why are we placing that restriction on  
5 ourselves?

6 MR. BROWN: I would like to amend my motion to have  
7 it that we be allowed to -- the counties be allowed to make a  
8 decision whether to buy fresh shell or seed at their own  
9 discretion.

10 MR. : I second that motion.

11 MR. BROWN: Out of state.

12 MR. RICE: Okay, any further discussion? Is the  
13 motion clear to everybody? And seeing nobody jumping up and  
14 down, I would say it is. All those in favor, signify by  
15 saying aye.

16 MS. EBERLY: Can I -- I am a little confused here.

17 MR. RICE: Well, you're the main one we want to keep  
18 straight.

19 MS. EBERLY: Okay. The TFAC advises DNR to allow  
20 counties to let them purchase, to let them use funds --

21 MR. GILMER: To buy out-of-state seed, or  
22 out-of-state shells --

23 MR. BROWN: Out-of-state shells.

24 MS. EBERLY: But nothing about funds, just to allow  
25 them to purchase --

1 MR. GILMER: No percentage.

2 MS. EBERLY: Got it. Thank you.

3 MS. DEAN: How did you find that out? Can I ask  
4 that? How did you know that?

5 MR. GILMER: Know what?

6 MS. DEAN: How would we have known that?

7 MR. BROWN: I thought you knew it.

8 MS. DEAN: Our meeting was the first one.

9 MR. : We haven't had our meeting. It is  
10 tonight.

11 MR. WILSON: Our committee at our last meeting said  
12 that they were told that they couldn't buy any out-of-state  
13 shells.

14 MR. GILMER: Ours was told the same.

15 MS. DEAN: Okay.

16 MR. RICE: All right. With that understood, we have  
17 a motion on the floor we need to vote on. All those in favor  
18 say aye.

19 (Chorus of aye)

20 MR. RICE: All those opposed?

21 (No response)

22 MR. RICE: The decision is unanimous. Bill?

23 MR. GOLDSBOROUGH: Abstain.

24 MR. RICE: One abstention. All right, thank you.

25 We are jumping around on this agenda.

1 MR. O'CONNELL: Give me a minute to talk to the  
2 chairman based upon our time.

3 (Pause)

4 MR. RICE: Okay, we have Bruce Michael here who  
5 wants to talk --

6 MR. O'CONNELL: Shawn Seaman is here.

7 MR. RICE: Oh. Okay, well --

8 MR. O'CONNELL: We have got Shawn Seaman --

9 MR. RICE: Name change. Shawn, sorry about that.

10 MR. O'CONNELL: Bruce Michael, the director of the  
11 Resource Assessment Service, couldn't make it here today. But  
12 we got the guy who probably knows more about this project than  
13 even Bruce, and that is Shawn Seaman. So we appreciate him  
14 putting together the presentation and taking the time today.

15 ***Conowingo Dam Dredging***

16 ***Shawn Seaman, MD DNR Power Plant Research Program***

17 MR. SEAMAN: Are we trying to end by 5:00 p.m.? I  
18 will do my best to hurry up. You guys probably have more  
19 questions for me.

20 (Pause)

21 MR. SEAMAN: So I will try to get through my  
22 presentation pretty quickly in the interest of time. Actually  
23 I have a lot of information here you guys may or may not even  
24 care about. I am filling in for Bruce Michael. You probably  
25 know I am not Bruce.

1 I work for the Power Plant Research Program here at  
2 DNR. I am their hydroelectric person, so I have been working  
3 on this project since about 2007, well before the FERC  
4 relicensing started, so I am very up to speed on all the  
5 issues.

6 I assumed this commission would ask me about fish  
7 passage but it seems like you guys are more interested in  
8 sediment so I tried to tailor my presentation toward that. I  
9 will just skip this for the interest of time.

10 (Slide)

11 I just want to point out here that it is not just  
12 Conowingo Dam that Maryland is looking at, even though there  
13 are other dams on the river that are in Pennsylvania. We do  
14 intervene in those licenses. We do coordinate with the owners  
15 and we do work with the other resource agencies on those  
16 projects so, you know, all of them have an effect on the  
17 Chesapeake Bay so we are involved in all of them.

18 Here is an example. Conowingo Dam, Muddy Run, which  
19 is a pump storage facility in the pond and York Haven Dam all  
20 expire this year. So they are all going through relicensing  
21 at the same time. Holtwood Dam went through relicensing.  
22 Actually they upgraded, put some new turbines in. So they got  
23 amended to 2030 and Safe Harbor is on a 2030 timeframe too.

24 So we will start those relicensing procedures in  
25 2025, so 11 years from now. But right now we are working on



1 Conowingo Dam, Muddy Run, and York Haven.

2 (Slide)

3 This is not a complete list of everyone involved;  
4 however, these are the major resource agencies, the agencies  
5 that started in the beginning back in 2009. FERC is the  
6 licensing agency for the feds. Exelon is the owner of both  
7 Conowingo and Muddy Run. And the owner for York Haven Power  
8 is actually Olympus Power. They operate under York Haven  
9 Power.

10 As you can see, Maryland DNR and MDE are involved.  
11 Both Pennsylvania DEP and their fish and boat commission have  
12 been involved. Fish and wildlife service, NOAA, National Park  
13 Service, the Susquehanna River Basin Commission, the Nature  
14 Conservancy and the Lower Susquehanna Riverkeeper.

15 (Slide)

16 These are only major milestones. There have been a  
17 lot of filings. You can go on FERC's Website, their e-library  
18 Website and see all of them if you want to spend a lot of time  
19 reading documents that are very long. But here are the major  
20 milestones.

21 Back in 2009, Exelon filed what they called a  
22 pre-application document. That starts the relicensing  
23 process. We started a couple years before that trying to  
24 develop some idea for studies. So we worked with FERC to  
25 develop a list of studies. They approved 32 of them. There

1 | were about 5 or so that were not approved.

2 |           We kind of fought that out in the FERC process and  
3 | eventually, you know, we only got to 32 studies. Then Exelon  
4 | went out and conducted those studies between 2010 and 2012.  
5 | Some of them ran over into 2013 but that information was then  
6 | put into their final license application, which was filed  
7 | 20132, late August in 2012.

8 |           FERC has deemed the project ready for environmental  
9 | assessment. If you look at our latest filing from January 31,  
10 | you will see that we argue that point. We do not believe the  
11 | project is ready for environmental assessment but FERC, you  
12 | know, ruled on that.

13 |           And like I said, on January 31 we filed comments.  
14 | Prescriptions, recommendations and comments were allowed to be  
15 | filed depending on what type of authority you have. You have  
16 | different options. U.S. Fish and Wildlife Service is allowed  
17 | to file prescriptions. We were allowed to file what are  
18 | called preliminary prescriptions, recommendations and  
19 | comments. We chose to file comments only.

20 |           That was a strategic move for us. We did not want  
21 | to give FERC the ability to deny our preliminary prescriptions  
22 | or recommendations because we have authority under 401 Clean  
23 | Water Act through MDE, and we want to reserve our right to  
24 | condition this project how we see fit so that is why we did  
25 | that.

1 (Slide)

2 I won't go through all these but this is the list of  
3 the 32 studies. Several, probably five or six of them, are  
4 related to fish passage, both American shad, river herring,  
5 American eel. Some of them are water-quality related. 3.15  
6 is a sediment study so if you ever want to read into that,  
7 that is the number you would have to look up.

8 (Slide)

9 Here are the rest of them. A lot of recreation.  
10 You guys may be interested in like creel surveys and  
11 recreational inventory and needs assessment. Some RTE species  
12 studies: bald eagles, Maryland darters, things like that.  
13 Also the last one on the list, 3.32 is evaluating whether or  
14 not the catwalk should be reopened to recreational fishermen.

15 (Slide)

16 So from these studies and from the information we  
17 have, we generate this list of major issues and other issues.  
18 As you can see -- and this really isn't in any order but  
19 obviously water quality is the No. 1 concern for the state  
20 right now.

21 No. 2 is fish passage in general. Flow regime kind  
22 of plays into fish passage as well as the habitat downstream,  
23 both spawning habitat and just general habitat. And then  
24 ramping rates, we have some fish stranding up by the tail race  
25 that we are trying to solve through different flow regimes.

1           Debris management is also a concern with the  
2 project. They actually collect debris. We think they can  
3 improve that practice. The problem is that when they open the  
4 spill gates, they cannot collect the debris. That is when  
5 most people find drums, tires, refrigerators, things like that  
6 on their lawn. So we are trying to address that as well.

7           (Slide)

8           So to get into water quality, some of these numbers  
9 are being revised currently but until they are finalized I  
10 want to stick with these.

11           Right now we are looking at about 3 million tons of  
12 sediment comes down from the watershed every year. About 2  
13 million tons of that is captured or trapped behind the  
14 Conowingo Dam. The new information we have is that we are at  
15 what we are calling dynamic equilibrium, which means that the  
16 reservoir is filled to capacity or very close to it, and it is  
17 not trapping as much as it used to.

18           It is going to take several years to figure out  
19 exactly how that is trending, but it looks like, you know, it  
20 is probably going to trap less than 2 million tons a year from  
21 here on out.

22           So we are aware of that and we are trying to -- like  
23 I said, it takes several years to get that information, that  
24 data set. Right now the dam traps about 2 percent nitrogen,  
25 40 percent phosphorous and about 50 to 70 percent of the

1 | sediments.

2 |           That capacity, 86 percent, that was based on a model  
3 | that forecast how much sediment could be trapped. Like I said,  
4 | we think we are closer to 100 percent, or what you could call  
5 | 100 percent. That 10 to 15 years of storage capacity,  
6 | probably not that much right now.

7 |           Tropical Storm Lee actually, it helped remove  
8 | sediment from behind the dam so that it can continue to trap  
9 | but obviously it moved that sediment into the Chesapeake Bay.  
10 | You can see from that satellite image. That is right after  
11 | Tropical Storm Lee, I think. Probably most people have seen  
12 | that already.

13 |           And just to point out that Lee was 728,000 cfs.  
14 | Hurricane Agnes was 1.1 million. So just to give you some  
15 | comparison.

16 |           (Slide)

17 |           This is a profile of sediment over time. The really  
18 | light shading is the original bathymetry from 1929, and you  
19 | can see how it has filled over the years. Each one of those  
20 | is about 30 years, at least the first two are, and then it  
21 | gets into some smaller time segments.

22 |           But you can see that the dotted line is what we feel  
23 | like is the storage capacity, so there is not much room left.

24 |           (Slide)

25 |           We asked Exelon to do that 3.1.5 study, which was

1 for sediment, but independent of that, we actually partnered  
2 with the Army Corps of Engineers a few years ago to do our own  
3 study. It was, like I said, the Army Corps of Engineers,  
4 Maryland, both DNR and MDE, Susquehanna River Basin  
5 Commission, and the Nature Conservancy.

6 The cost was about \$1.4 million. Cost sharing, you  
7 can see there, was about 75 percent federal, 25 percent  
8 nonfederal. Most of our 25 percent nonfederal is in-kind  
9 services, so we laid out, you know, not much cash at all. We  
10 did some monitoring work but most of it was in-kind work.

11 It started in September of 2011 and it is supposed  
12 to be a three-year study so results should be out late summer,  
13 maybe the fall of this year.

14 (Slide)

15 I will try to get through some of this other stuff  
16 quickly so you can ask me questions. Here are the goals and  
17 objectives of that study. Basically what we wanted to know is  
18 how does the pond scour? How far does that material move, and  
19 how does it affect the Chesapeake Bay? And that is both  
20 sediments and nutrients.

21 It was more focused on sediments at the time. One  
22 of the other components was to try to understand what it would  
23 take to dredge that material -- costs, manpower, scope of  
24 work, things like that. So we really focused on sediment and  
25 dredging behind the dam, and also we considered at that time

1 | some winter bypass options as well.

2 |           (Slide)

3 |           We are in a modeling world, so we did several  
4 | models. Base condition, which is, you know, what is happening  
5 | under existing conditions. This watershed management run,  
6 | which was essentially what would happen after full  
7 | implementation of the WIPS. And then what happens when the  
8 | reservoir fills to capacity.

9 |           Another run to try to take a look at what would  
10 | happen under a Lee type of scenario in the winter, in the  
11 | spring? And we utilized -- there on the end you will see we  
12 | utilized the January 1996 event because we had bathymetry at  
13 | that time. So we knew, you know -- that was a high-flow event  
14 | that happened in the wintertime but we knew exactly what the  
15 | bathymetry was. So that was a good event to model.

16 |           (Slide)

17 |           Then we wanted to model the effect of scouring from  
18 | a tropical storm. Different scenarios -- once again, the '96  
19 | event but with Lee components in spring, summer, fall, winter.

20 |           We also modeled what would happen if we bypassed  
21 | that material from behind the dam. Right now the dam does not  
22 | have a way to bypass -- you actually would have to  
23 | hydraulically dredge in the reservoir and pump it around the  
24 | dam. We also looked at strategic dredging and if we could  
25 | modify the operations to help with this.

1 (Slide)

2 Here are the activities that have been completed to  
3 date. USGS collected some sediment cores. We have collected  
4 water-quality samples for grain size analysis. We have done  
5 some bathymetry work, we did bathymetry right after Lee, late  
6 2011.

7 We tried to characterize the sediment. Also develop  
8 the hydraulic, the transport and the bay models, or at least  
9 our versions, our runs of those bay models. We also wanted to  
10 develop rough cost estimates for viable alternatives, which is  
11 essentially dredging, bypassing, things like that.

12 (Slide)

13 Here are a couple links. This is for the Army Corps  
14 of Engineers study. They have a Facebook page. There is also  
15 a Website that we maintain. There is the address. Also if  
16 you want to be put on an e-mail update list, you can send  
17 Bruce an e-mail and he will put you on that list.

18 (Slide)

19 So next steps: right now the Army Corps of  
20 Engineers work, we realize that -- this was never intended to  
21 fully understand what was going on. We actually asked Exelon  
22 to do that. They fell short of that task a little bit so we  
23 tried to adapt the Army Corps of Engineers study to fill in  
24 some of the data gaps.

25 We didn't have the budget to really do it. It



1 really wasn't our scope of work. But we did our best. In the  
2 end what we found is that sediments do not affect the water  
3 quality of the Chesapeake Bay as much as we thought. It is  
4 more the nutrients that are bound in those sediments, the  
5 nitrogen and the phosphorous. So we are trying to -- in the  
6 future we are trying to look in that direction.

7           We also -- the scouring threshold historically has  
8 been 390,000 cfs. We are interested now in looking at what  
9 happens on a lower-flow scenario, as the reservoir fills to  
10 capacity, it scours more frequently under lower flows.

11           So we are interested now in finding out what happens  
12 between about 100,000 cfs and 390,000. So we are talking to  
13 UMCES, University of Maryland and USGS to put together a scope  
14 of work for the next three years to monitor that or get this  
15 data through monitoring. So we are trying to find out what  
16 happens under those lower-flow scenarios and the impacts to  
17 the Chesapeake Bay.

18           I tried to make that quick to give you some time to  
19 ask questions.

#### 20   *Questions and Answers*

21           MR. JETTON: I ask every year when somebody from the  
22 dam comes up, being in the upper bay, Rock Hall area and  
23 people in Port Deposit, our biggest concern is the flow rate.  
24 And we call the 1 (800) number all the time, which is good.  
25 We are glad to have that. But it is not always accurate, 100

1 percent. It is a couple hours behind sometimes. I know you  
2 try to keep that accurate. It just doesn't always happen.

3 And I have asked before if we could have, in today's  
4 technology, have a Webcam. Every one of our guys has a  
5 smartphone. He could get on there, look and see what is open  
6 because it is really important to us. When you have 10 or 15  
7 gates open, it pushes stuff around, brings stuff down and just  
8 makes it impossible for us to work up there.

9 So I ask every year. I have gotten a variety of  
10 reasons why you can't do it but I am asking.

11 MR. SEAMAN: That is done by Exelon, the owner of  
12 the dam.

13 MR. JETTON: I understand that. I am just kind of  
14 hoping you will pass that along. They have told us everything  
15 from homeland security reasons to no infrastructure but I can  
16 walk to Port Deposit and look and see so I don't buy any of  
17 that.

18 MR. SEAMAN: Yes, I know. We are trying to get  
19 Webcams for other things like the fish passage window, bald  
20 eagles, things like that, and they are resisting all of that.

21 MR. JETTON: I just want to be able to look and see  
22 how many gates are open, know where I am going to set up there  
23 and what I am going to do. That is all I really want.  
24 Simple.

25 MR. SEAMAN: Right. Do you know how far behind the

1 hotline is, like how many hours? Do you have any sense?

2 MR. JETTON: It is different, and it is whoever is  
3 working that day or whatever. I don't know. One day it is  
4 perfect and one you call it, and you call somebody at Port  
5 Deposit and they look out their window and it is totally  
6 different so it is just different, and it is important to us.  
7 We do depend on that.

8 MR. SEAMAN: Okay, good to know.

9 MR. RICE: Anybody else have any questions? Thank  
10 you. You made a good presentation because we only have one  
11 person with questions.

12 (Pause)

13 MR. O'CONNELL: So we are a few minutes before 5:00,  
14 and while we were going through that, I spoke with Richard,  
15 who was going to provide an update on the Blue Crab Design  
16 Team. Richard just said there is really no pertinent  
17 information to report. So he will just keep the group advised  
18 as time goes on. Maybe next meeting we can.

19 Brenda Davis was going to give an update on the Blue  
20 Crab Workgroup that we get together in the wintertime to start  
21 looking at different scenarios under the dredge survey  
22 results. The one point she said to make you guys aware of is  
23 the meeting of this workgroup is going to be March 5th. So if  
24 you want to come and listen to that conversation, March 5th.  
25 You can follow up with Brenda with more details.

1           And then the last item was this fish predation. It  
2 was a topic that I think Jack Brooks brought to Bill Sieling's  
3 attention. And staff did provide a couple page analysis of  
4 striped bass predation impacts on blue crabs. We do have a  
5 couple minutes but if we run out of time to discuss that, you  
6 know, feel free to follow up with us and we can put it on the  
7 next meeting agenda if you guys are interested.

8           MR. RICE: Bill, that is your thing. Are you --

9           MR. SIELING: I think it deserves a little more time  
10 than we have tonight obviously.

11          MR. O'CONNELL: All right.

12          MR. SIELING: Since we do have one minute left,  
13 since we are not going to cover some of these things that were  
14 on the agenda, I do have one question about the dam. Is he  
15 still here?

16          MR.           : He left.

17          MR. O'CONNELL: So I know that Gina went over the  
18 bill that would assign a tidal fish person on sport fish but  
19 working with Bill Goldsborough on the sport fish commission,  
20 Rachel was allowed to participate in the sport fish commission  
21 at the last meeting as a nonvoting member.

22                 And all commissioners thought it would be a great  
23 opportunity for that, and we are hopeful that bill will pass.  
24 Don't have any reason why it shouldn't. And we will continue  
25 that going forward.

1           And then lastly, at the last meeting, I think it was  
2 the last meeting, we talked about the formation of a fisheries  
3 habitat body consisting of all our advisory bodies. And we  
4 are looking to convene the first meeting of that in the later  
5 part of the March.

6           So those of you who volunteered for that effort will  
7 be receiving a notice, an invitation from myself. And then  
8 our staff person lead will be Margaret McGinty. And we will  
9 discuss a chairperson at that meeting. Jim Gracie from sport  
10 fish, who has vested a lot of personal time, is interested in,  
11 you know, beginning the chairmanship of that. We want to make  
12 sure all the members of that body are supportive of that.

13           So stay tuned, and I am really looking forward to  
14 that group talking about some of these bigger issues and maybe  
15 fostering some better relationships across the diverse  
16 stakeholders we all have to interact with.

17           MR. RICE: Thank you, Tom. Well, if nobody else --

18           MR.           : Did you say a date for that or did  
19 you just say the first week in March?

20           MR. O'CONNELL: It is probably going to be the  
21 latter part of March.

22           MR. RICE: Robert T.?

23           MR. BROWN: I just want to say I am glad to hear  
24 that we are working ahead on this project, and just let me  
25 know when and where so I can be there to help. And I don't

1 | have any problem with Jim Gracie doing it. I think he would  
2 | be a good man for it as far as I am concerned.

3 |           MR. RICE: And along those same lines we discussed  
4 | something like that at the last blue crab design team meeting,  
5 | how we would like to work on some habitat issues because we  
6 | feel that hinges right in with the predation problem.

7 |           And I got a message from Kate --- I hope I didn't  
8 | mess her last name up, and said that she had come across a  
9 | possible funding source that we could be looking into for some  
10 | money for projects such as that. So, you know, if we can get  
11 | moving forward from a couple angles, that certainly would be a  
12 | big help.

13 |           We thank everybody for having such a productive  
14 | meeting. We are on our time schedule. And we stand  
15 | adjourned. Have a safe trip home.

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

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