

Maryland DNR

*Summer Meeting of the Tidal Fisheries
Advisory Commission*

Thursday,
July 24, 2014

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Maryland DNR Summer Meeting of the Tidal Fisheries Advisory Commission

July 24, 2014

TFAC Members Present:

Billy Rice, Chair

Mike Anderson (*proxy for Richard Young*)

Robert T. Brown

Dale Dawson

Rachel Dean

Robert Gilmer

Ken Jeffries (*proxy for Greg Jetton*)

Charles Manley

John Martin

Bill Sieling

Aubrey Vincent

Lee Wilson

TFAC Members Absent:

Mike Benjamin

Bill Goldsborough

Greg Jetton

Richard Young

Maryland DNR Fisheries Service

Tom O'Connell

Noreen Eberly

Maryland DNR Summer Meeting of the Sport Fisheries Advisory Commission

July 24, 2014

I N D E X

	<u>Page</u>
<i>Welcome and Announcements</i>	
by Chair Billy Rice, TFAC and Tom O'Connell, Director MD DNR Fisheries Service	5
<i>NRP Activity Report</i>	
by Lt. Art Windemuth MD DNR NRP	10
<i>Fishery Management Plan Reviews</i>	
by Nancy Butowski MD DNR Fisheries Service	11
Maryland Summer Flounder	11
King/Spanish Mackerel	17
<i>Blue Crab 2014/2015 Management Update</i>	
by Lynn Fegley MD DNR Fisheries Service	20
<i>Yellow Perch Industry Update</i>	
by Mike Luisi MD DNR Fisheries Service	21
<i>MOTION</i>	25
<i>Striped Bass Industry Workgroup Update</i>	
by Mike Luisi MD DNR Fisheries Service	26
<i>Questions and Answers</i>	28
<i>ASMFC Summer Meeting</i>	45
<i>Agenda Review</i>	
by Tom O'Connell, Director MD DNR Fisheries Service	45
<i>American Eel Draft Addendum Discussion</i>	
by Keith Whiteford MD DNR Fisheries Service	46

I N D E X (continued)

	<u>Page</u>
<i>Questions and Answers</i>	50
<i>Striped Bass Draft Addendum IV Discussion</i> by Tom O'Connell, Director MD DNR Fisheries Service	52
<i>Questions and Answers</i>	61
<i>Regulatory Updates and Regulatory Scoping Items</i> by Jacob Holtz MD DNR Fisheries Service	70
<i>Questions and Answers</i>	79
<i>Vessel License Assignments</i> by TFAC Vice Chairman Robert Gilmer	85
<i>2015 Legislative Session Ideas</i> by Gina Hunt MD DNR Fisheries Service	95
<i>Fisheries Habitat Workgroup Update</i> by Tom O'Connell, Director MD DNR Fisheries Service	102
<i>Other Business</i>	104
Violation Criteria for Advisory Group Eligibility	104
Oyster Closure Book	114
Horseshoe Crabs	122

KEYNOTE: "----"denotes inaudible in the transcript.
 "*" indicates word is phonetically spelled.

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

(2:10 p.m.)

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

MR. RICE: All right, everybody. If we could get this show on the road. We are already running 10 minutes behind, so we want to get moving. Tom, if you would like to welcome everybody, please.

MR. O'CONNELL: Yes, welcome, everybody. I hope everybody's summer is going well. I wish we had more crabs out there. I am sure everybody agrees with that. Just a couple of announcements.

One is that as you recall, there was legislation that added a Tidal Fish Advisory Commission member to the Sport Fish Advisory Commission, similar to the seat that Bill Goldsborough has been serving on tidal fish for sport fish. This commission recommended that Rachel Dean serve in that role. She has been for the past several meetings as a nonvoting member.

That legislation went into effect July 1. The appointments office has formally appointed Rachel, so on Tuesday Rachel was a formal member of sport fish with the ability to vote and all that, and we appreciate Rachel taking another night out of her schedule to participate in those

meetings. I know it has been valuable for the commission and I hope it is valuable for Rachel to listen to them and bring issues back to you.

Everybody should have an agenda. Any questions on the agenda before we get started?

MS. EBERLY: There are extra agendas in the corner over there if anyone wants one.

MR. O'CONNELL: Robert T., does the issue that you mentioned to me before the meeting still exist?

MR. BROWN: Yes.

MR. O'CONNELL: Okay. So we will put that under kind of other business before closing remarks to bring that issue up related to the oyster closure booklets, and the one issue the Robert T. can explain and we can look into if that is okay with everybody. All right. Any other changes to the agenda?

(No response)

MR. O'CONNELL: All right, we can go ahead and jump right into it.

MR. RICE: All right. Thank you, Tom. First on the agenda is --

MR. O'CONNELL: I forgot one other note that Noreen gave me was at the last Tidal Fish Advisory Commission meeting, you all received a presentation from a staff person at DNR who is working on a project, the Mallows Bay National

Marine Sanctuary idea.

And you may recall this is something under the NOAA, Oceanic and Atmospheric Administration, where they designate these areas to protect, you know, archeological, important things like vessels, which is what is in Mallows Bay.

You know, the sanctuary designation automatically leads people to conclude that fishing is then prohibited. In some instances it can be. In many instances it is not. More so for recreational. Commercial gears that may have the ability to damage the structures they are trying to protect can often be excluded from these areas.

I am not sure if there are any gears utilized that would interfere with the shipwrecks in Mallows Bay. It is a lengthy process. Those folks who are trying to get this area to be one of the areas considered by NOAA are asking for letters of support.

This issue was brought before the Sport Fishery Advisory Commission on Tuesday. They did agree to send a letter of support with the provision that current fishing activities would not be impacted by such a designation.

So we were asked by the other unit in DNR that is working on this to see if the Tidal Fisheries Advisory Commission would be supportive of sending a letter of support to have NOAA consider this area as a national marine sanctuary.

It is not something that has to be done today. There is a formal process that will go on for probably several years. But if there was the inclination of this body to support this at this time, the unit that is working on this would appreciate the support from the commercial industry.

MR. RICE: I think maybe it is something we could deal with and get it off our plate if possible.

I would say that we would certainly request that whatever commercial fishing activities have been in this area haven't hurt these ships for however long they have been there, so I think that needs to be added to our letter of recommendation that what fishing activities exist in this area, you know, will continue to exist. Does anybody else have anything?

(No response)

MR. O'CONNELL: All right, so we can draft a letter with that provision and share that with you for review.

MR. RICE: If that is up to the committee.

MR. BROWN: Whatever is going in there has been fishing alongside of these places for years and has never bothered the ships.

MR. O'CONNELL: I haven't heard of any issues.

MR. BROWN: And, you know, nobody is going to be putting a crab pot or catfish pots or anything where it is going to be getting into those ships where you are not going

to be able to get your gear back. Just want it to be established that -- or make us stay 1,000 yards from it or something like that.

MR. RICE: Well actually this is Maryland water, so crab pots aren't allowed in there anyway. It would be mainly eel pots and catfish pots.

MR. O'CONNELL: Yes.

MR. RICE: Right.

MR. O'CONNELL: All right, seeing no objection, we will draft a letter for your review.

MR. RICE: Do we need a formal motion or -- does anybody have a problem?

MR. O'CONNELL: If there are no objections, I think we can just take it as an action item.

MR. RICE: Okay, that is fine with me.

MR. O'CONNELL: Save a little time.

MR. RICE: You good with that, Moochie?

MR. GILMER: Yes.

MR. RICE: Okay, thank you. Now I know we moved the public comment period up to the top. So I will go ahead and call for it as it is on the agenda. Does anybody from the public have anything to bring before us?

MR. O'CONNELL: And this is for items that are not on the agenda.

(No response)

MR. RICE: Seeing none, we will move on and ask Lt. Art Windemuth -- am I close?

LT. WINDEMUTH: Yes, you are close.

MR. RICE: To give us our NRP activity, please.

NRP Activity Report

by Lt. Art Windemuth, MD DNR NRP

LT. WINDEMUTH: You will see in you binder there is a really brief synopsis of some of the activity that has taken place around the state. Also I included this quarter, there are some questions as to citations being issued.

So what I did was -- I couldn't break it down by county but what I could do is get a statewide general breakdown.

So if you look behind the general synopsis, you will see basically a list of violations. And they are from May, this past May, to June. I am sorry, this past April and May. June has not been entered yet. And the first one is for the current year. You look at the top and it will say 2014. And then the next group is 2013 so you can kind of compare last year and this year.

You would probably be interested in the second page, where it lists tidal fish violations. And then the next page would be at the bottom oysters and crabs. Oh, it came off a little different than what is on mine.

The second page, a list of tidal fish violations you

will see. And the first column is citations. The second column is warnings. It is just a tally of those.

And then if you turn the page over again, at the bottom you will see oysters and then crabbing. The next packet is for the previous year so you can look at them and compare the two from year to year. Are there any questions with regard to anything?

(No response)

LT. WINDEMUTH: Thank you.

MR. RICE: Thank you very much. All right, we will move into the marine fisheries issues. First off we have Nancy Butowski, who will be speaking to us about the summer flounder FMP.

Fisheries Management Plan Reviews

Maryland Summer Flounder

by Nancy Butowski, MD DNR Fisheries Service

MS. BUTOWSKI: So I am here this afternoon to just go over a brief overview on the draft FMP reviews for summer flounder and then king and Spanish mackerel. Before we begin, I think all of you are pretty familiar with the review process at this point where we bring together a fisheries team, an in-house team to review the plan and also to go over the fisheries allocation policy.

And then the team puts together a draft document, which you should have available to you, both one on the

summer flounder and the other on mackerels. And then the fisheries team will make a recommendation as to whether or not these plans are still appropriate management frameworks for managing the species.

And this is your opportunity to provide input and comments on those recommendations.

(Slide)

And just to remind you what our review schedule is for this year. We are down there for July, summer flounder and mackerel. And I just wanted to point out to you that the next one, the next species on the list, would be spot and croaker in October and then American eel.

And if you notice that eel is on hold right now, and that is just pending what is going to be discussed at the ASMFC meetings the first week in August. And I don't whether that will hold up the review or not but right now we are going to plan to move forward on doing reviews for those species.

Notice that if there are any -- we need your requests for any allocation changes by mid-August or the end of August. So I just wanted to point out those dates to you.

(Slide)

So I am going to begin with the Chesapeake Bay program summer flounder FMP. It was developed in 1991 and then amended in 1998. It has been reviewed quite frequently over the past few years. And it has been annually updated

since 2007.

The bay program management plan basically addresses four areas of management. The first one has to do with controlling fishing mortality and protecting the spawning stock.

Back when the plan was developed, at that point we were using minimum-sized limits, gear restrictions, seasons to manage, to control F and to protect the spawning stock. And over the years those have been refined to actually develop targets and thresholds from the coastal management process.

(Slide)

The next area of management has to do with making sure that we collect the appropriate data to provide information for the coastal stock assessments. So currently Maryland calculates a juvenile index from the coastal bay's troll and san(sic) surveys.

We also collect data from the Maryland pound nets to the Bay pound nets and also the biological data from the catch from off-shore trolling.

(Slide)

The next area has to do with water quality and protecting habitat. And as you know, summer flounder is found in a wide variety of habitats stemming from the ocean all the way to the coastal bays to the Chesapeake Bay. So there are a variety of agencies that are involved with improving water

quality.

One of the main forces for summer flounder would be in the coastal bays, and that has to do with the comprehensive coastal management plan to improve water quality by reducing nutrients and sediment.

And then as I mentioned, summer flounder move in shore and off shore, so they are in state and federal waters. And they also migrate up and down, north and south, along the coast. So it is really important to have compatible management measures, and we follow the guidelines established through the council and the commission.

(Slide)

Just taking a look at part of the coastal management for summer flounder, as I mentioned, there is a long history of the council and the commission developing management actions and measures for summer flounder. I would direct you to the draft plan itself. There is a table in the appendix that has a whole list of what the council has done over the years. It is like a three-page table.

So there have been quite a few actions and management frameworks. Summer flounder was at its lowest point in the late 1980s and the early 1990s, so at that time, there was a coastal plan to rebuild the stock. And over the last 10 years or so the stock has increased, and so it was declared rebuilt in 2010.

The most recent stock assessment for summer flounder occurred in 2013 and that was a benchmark update stock assessment with data up through 2012. At that point -- we have updated the biological reference points, and based on those new updated reference points, the stock is not overfished and overfishing is not occurring.

The fishery on a whole is managed under a total allowable catch, so that is calculated each year. The commercial quota is allocated 60 percent of that quota. Recreational fishery is the remaining 40 percent. And then each state has its own quota. So that 60 percent commercial quota is then divided into state commercial quotas.

Maryland's is a little over 2 percent for the commercial fishery, and then close to 3 percent for the recreational fishery.

(Slide)

Right now the coastal management is in flux based on the northeast troll survey results. There is an indication that the summer flounder stock has increased its northern distribution, and also there have been some seasonal changes in the center of biomass, so these shifts have caused people to question what is actually happening with the stock and to really evaluate what we are doing as far as management goes.

So for 2014 there has been this implementation of a regional conservation equivalency approach that has to do for

the recreational fishery. So Maryland, Virginia and Delaware are all in the same region, and they all agreed to -- we have all agreed to adopt the same size limits, possession limits and season in hopes to foster more of an equivalency and some flexibility in managing along the coast.

In addition, the council and ASMFC have initiated a new amendment based on the council's visioning strategies over the last couple of years, there has been a lot of input from stakeholders and from the council and the commission members questioning whether what we have in place for summer flounder is appropriate.

So they have initiated this new comprehensive review of the summer flounder framework, and it is going to be pretty intensive. It is going to take several years. The completion date we are looking at is probably around 2017, maybe 2018.

But they are going to be looking at a whole host of topics including changes in allocation for the state level, commercial versus recreational allocations, and there will be plenty of opportunity for people to weigh in on what they are going to be discussing over the new few years.

(Slide)

So as a result, the plan review team, based on what is happening and what is currently happening for the stock, have agreed that what we have in the management plan and the amendment remains an appropriate framework for managing summer

flounder at this point in time.

But they also recommend that the next review take place once the council and the commission have done their extensive review. So any questions based on summer flounder FMP review?

(No response)

MS. BUTOWSKI: I would ask that if you haven't had a chance to look over it, to look over it, and to provide comments to us by August 8.

King/Spanish Mackerel

(Slide)

MS. BUTOWSKI: That brings us to the Chesapeake Bay program, king and Spanish mackerel FMP. We adopted a plan in 1994. It was reviewed -- it has only been reviewed once since we adopted it but it has been annually updated since 2007.

And I would like to just preface this discussion with saying that Maryland is probably at the northernmost limit of abundance for mackerel, and that Spanish mackerel is highly variable from year to year. King mackerel I think we hardly ever catch. I think there hasn't been a recreational catch reported since 2008.

So keep that in mind for this discussion. A lot of the actions within the plan itself are Virginia oriented because mackerel does occur in Virginia waters and it is more important to them than it is for Maryland. But just to keep

that in mind as we move through the discussion.

(Slide)

So the center of abundance for mackerel is really in the south Atlantic so the South Atlantic Fishery Management Council has the lead in development management measures and recommendations. We abide by and are consistent with that council.

Part of the management scenario is to establish quotas and to provide data. Again we have very limited opportunity to actually collect data, mostly on Spanish mackerel. When it does occur in the bay, we do collect biological data.

And just as opportunities arise we provide that information to the coastal process.

One of the management framework topics is to address reduction of waste in sublegal catch. Again, this is not much of an issue for Maryland. The measures that have been in place over the years, especially for the shrimp troll fishery, have been very successful at eliminating or reducing waste in sublegal by-catch.

Again we direct water quality and habitat actions and measures through the Chesapeake Bay program to improve water quality.

From a coastal perspective, as I mentioned, the South Atlantic Fishery Management Council really takes the

lead in managing mackerel. They do it through their coastal --- FMP so it is both king/Spanish mackerel and cobia. And ASMFC has a Spanish mackerel fishery management plan.

Spanish mackerel was most recently -- the most recent stock assessment was in 2012 and at that time it was considered not overfished and overfishing not occurring.

For king mackerel there is a stock assessment currently in progress. It will probably not be done until the end of the year. The latest stock assessment was in 2009 before that, and at that time it wasn't considered overfished, and overfishing was not occurring.

What they have done so far as far as the data analysis up to this point in time for 2014 indicates that is still the case, that the stock is not overfished, and overfishing is not occurring.

Both mackerels are managed through a total allowable catch. It is divided into a commercial quota and a recreational catch limit. And again for Maryland, it is pretty limited and sporadic as far as their occurrence in the bay.

(Slide)

As a result, the plan review team feels that what we have in place for king and Spanish mackerel is an appropriate framework for us, and that one thing that was missing is that it hasn't been incorporated by reference into our regs, an

that was because when it was first developed, we needed to have authority to regulate the fishery. So we went in need of conservation.

And so the team recommends that we actually finish the process and incorporate that reference into regs. Any questions on Spanish and king mackerel?

(No response)

MS. BUTOWSKI: Okay. And again, please take the opportunity to review, and if you have any comments you would like to provide for us, please just send them in by August 8.

MR. RICE. Thank you, Nancy. All right. Lynn, will you bring us up to date on where we are at with the blue crab issues, please?

Blue Crab 2014/2015 Management Update

by Lynn Fegley, MD DNR Fisheries Service

MS. FEGLEY: This is going to be pretty brief because we are still in conversations with the industry advisory committee on blue crabs. But I just wanted to update this group that we are still working through options for our 2014/2015 harvest reductions that we are coordinating with Virginia on blue crabs.

And to date we have agreed that we are going to implement a vessel cap in September for September through the end of the 2014 fishing season. And then in 2015 in April, we will go forward with combining reduced bushel limits just for

April, combining those with a vessel cap in that month.

So that is where we are right now, and we are still considering some additional options for the fishery, and we will be meeting again in early August. So that is the sum total of the update.

MR. RICE: John?

MR. MARTIN: Does any of this apply to the coastal?

MS. FEGLEY: No.

MR. RICE: You are good? All right. Thank you, Lynn. Mike, would you update us on the meeting you had with the yellow perch fishermen, please?

Yellow Perch Industry Update

by Mike Luisi, MD DNR Fisheries Service

MR. LUISI: Good afternoon, everyone. I have two updates to give you. The first one is on our yellow perch meeting that we had. If you remember back to the last meeting of the commission, Steve Leigh came in with a proposal asking the department to consider a number of different options for the 2015 yellow perch fishery.

So we came back as a staff. We reviewed the proposal. We had a meeting. We put an invitation out there for any member, anybody who has ever held a yellow perch permit to attend a meeting on July 8. That meeting was held here in the Tawes Building, where we sat down with those who attended and discussed all the different options of the

proposal.

What we decided upon moving forward with are two things. The first one was that we would consider that over the last two years the fishery has been underharvesting its quota. The regulations currently state that the fishery will close on March 10. And over the past two years, for whatever the reasoning, the quota had not been landed by March 10 and we were asked to do an extension of the fishery.

So we extended it the first year for about a week. The second year for about 10 days. And still even after that the quota was not caught. So it was requested that we consider either eliminating it or just moving that end date of the season to something further down the road to allow for the quota to be caught.

And so we discussed it and decided to move forward with a regulation that would push the close date from March 10 to April 1. It would allow for an extra few weeks fishing. And hopefully that will provide enough time -- by that time typically the fishery would start to peter out. So we thought that was a reasonable thing to move forward with as far as regs.

The second part of what was asked of us was to consider making some adjustment to how we charge fishermen that fish and deliver fish in the live market for the tags that they use.

The regulation states that fishermen in the live market must deliver -- okay, so the live market in the yellow perch fishery works in such a way that we need to be contacted I believe 48 hours prior to the delivery of those fish to the buyer. And we will meet the fisherman at the point for which he is transferring his yellow perch live from a tank to another tank, somebody who is buying those fish.

And at that time, we record the number of fish. We get an estimated pounds and then we ask the fisherman to hand us back tags that he had received, unused tags obviously since they are not in the fish.

And over the past two years, we have been charging the fishermen for those tags because the state, through trying to recover costs on the commercial end, we have been charging fishermen for those unused tags.

And we felt that it was a reasonable request to consider some other alternative. I believe Jacob will be addressing the details of this when he is talking about what we are going to forward with, with scoping. But really what we are considering is either not having those tags have to hand transfer between the fishermen to us, which would be a regulation change.

Or if they do transfer, the fisherman does get the tags, calls us up, we meet him at the truck, he hands us over the tags. We just wouldn't charge him for those unused tags.

We even could re-use those tags in the event that we needed to.

So those are two things from Steve's presentation that the department was willing to move forward with at this time. And you will be hearing about the scoping of those new changes and we hope to have those -- we will have those in place if all moves accordingly, by the beginning of the 2015 season. You guys have any questions?

(No response)

MR. LUISI: Okay.

MR. RICE: Are you done with yellow perch?

MR. LUISI: Yes.

MR. RICE: I spoke to Steve, or Steve spoke to me, I should say. And he was pleased with the meeting that you had and I think that it would be desirable for us to show our support for the recommendations that you guys want to move forward with. Now how you want to do that, I mean, if the committee wants to do that.

MR. O'CONNELL: We could have a formal motion or make sure it states in the record that the commission supported with no objection, or if there was objection. A motion may be the easiest way to do it.

MR. RICE: That is fine. Would someone like to make a motion to that effect?

MOTION

MR. BROWN: I will make a motion.

MR. O'CONNELL: So the motion -- and I will just help with the wording, I guess. It sounds like the concept is to move to support the department's --

MR. BROWN: The department with the -- I guess it is where they met on the regulations or with Steve Leigh and the yellow perch fishermen, because I did talk to Steve and he told me they didn't get everything they asked for but he felt very good about the season. It was a couple things that they did that will help them very much. A couple things that they couldn't help.

MR. O'CONNELL: So a motion would be like move to support the agreement that the department reached with the Yellow Perch Workgroup, which is advancing through the regulatory scoping process.

MR. RICE: Can somebody second Robert T.'s motion?
Motion made and seconded.

MS. EBERLY: Who seconded?

MR. RICE: Charles Manley. Does anybody have any further discussion?

(No response)

MR. RICE: No further discussion, all those in favor of the motion, signify by saying aye.

(Chorus of aye)

MR. RICE: Opposed? It is unanimous. Abstentions?
(No response)

MR. RICE: It is unanimous. Thank you. Now, Mike,
if you could continue on with striped bass.

Striped Bass Industry Workgroup Update

by Mike Luisi, MD DNR Fisheries Service

MR. LUISI: Just a really quick update. I am trying
to make sure you guys are aware of the actions that are being
taken by the Striped Bass Workgroup. The Striped Bass
Workgroup last met on June 16, 2014, and we had a number of
different items on the agenda that evening.

One of the things that we wanted to focus most of
our time on had to do with the permanent share transfers. And
being able to permanently move quota or permits to one another
without having to have the license accompany it.

Currently in order to permanently purchase a striped
bass permit, which holds quota, you have to purchase the
license with it as well. They are coupled together. So we
had a discussion about whether or not we should take under
consideration that this time, decoupling those and allowing
for shares, allowing for quota to move around freely and
permanently, you know, in the coming year.

And the group was really split. There are a few of
you here who sit on the workgroup, and there was a real split
in the room, you know, about whether or not we should do that

now versus wait a little while and consider it later. There were some good arguments made on both sides of the point.

And at this point regarding permanent share transfers, we are just going to kind of put that on hold for a little while. Revisit it maybe by the end of the year. I think one thing that will help with the discussion will be when we finally sit down after 2014 is over and take a look at how the new ITQ and common pool fishery has operated this year.

We will be able to look to see where fish were landed, what gears were used, and that may help with the decision-making process of the workgroup level as far as what we would do moving forward with permanent share transfers.

So with that said, we are going to hold off on share transfers for the time being, and what I think we are going to start focusing on a little bit more, we are going to try to plan a meeting for the end of August, is the new e-reporting or electronic reporting and hailing system.

That is just starting to be developed just a week ago, and we hope, we would like to have a system operational and up and running by October where we can actually have folks in the striped bass fishery piloting the new software, similar to how the crab, the design team, you know, has the hailing and electronic reporting system.

And they have folks working with that, working out

the bugs, working out the kinks so that we can have a system that is operational in the near future.

So that is going to be the focus, I think, over the next, course of the next couple meetings into the fall, and, you know, hopefully we will get some folks on board.

One of the things that we are going to talk with the workgroup about are some incentives, things that we can allow fishermen to do if they were to volunteer to use the system to try to get them on board, give them something to incentivize them to get on board with it.

I will take any questions on that also,
Mr. Chairman.

Questions and Answers

MR. BROWN: What types of incentives are you going to be offering?

MR. LUISI: One of them that I know folks are interested in would be -- right now once you land your fish you have to take those fish to market. You yourself have to accompany those fish with your permit card to whatever check station you are going to.

I think one thing that I have heard a lot, I know Matt Lawrence hears it all the time and our new permits coordinator Chris Jones, that folks would like to be able to send the fish down the road with someone. And not have to be on the truck themselves or on the boat themselves.

I think, just off the top of my head, that is the one thing that I know people would appreciate, would be the ability to not have to travel with those fish. It would give them time to either do something else or, you know, prepare for the next day without having to spend the time going back and forth on the road.

That is just one thing but I think the point of getting the workgroup together will be to brainstorm some other ideas surrounding the rules that we have. And what might make things more flexible, adding flexibility into the system ultimately I think is what is going to help people's businesses be, you know, developed and be the best they can.

MR. RICE: Question, Mike. Right now at the present time you have to check your fish in by 9:00 day of harvest. Is that correct?

MR. LUISI: If you have an ITQ permit you have to check your fish in by 9:00 a.m. the following morning.

MR. RICE: 9:00 a.m. the following morning. Well, that possibly could be something that you could look at for some additional flexibility because there are instances where an individual might fish today and only catch a small amount of fish, and then fish again tomorrow that is not in the common pool but in the individual. And a lot of times you are selling to somebody who is a check-in station.

And you sell more than one day's catch at a time,

where there should be some flexibility built in to where you could go out a little further than 9:00 a.m. the next day. Just a thought.

MS. FEGLEY: I can actually address that a little bit. I think that one of the things that the system does is it links each of your fishing trips to a trip not a date. So in other words, you will finish your trip at the check-in. And that is actually in the system as a trip, and you just can't initiate another trip until you finish through check-in.

And so what that does is it just means that the time becomes a little less important.

MR. RICE: Okay.

MS. FEGLEY: But that is something that --

MR. LUISI: So what Lynn is saying is theoretically you could catch the fish today and start a trip, but you can't go fishing again until you have closed that trip by checking in.

I think one thing though, Lynn, that -- maybe we could talk about this later -- is I think the idea is that there would be multiple day trips.

MR. RICE: She is not talking about checking in as in the physical fish. She is talking about checking in that I am done fishing for today.

MS. FEGLEY: I was actually talking about checking the fish in.

MR. RICE: No, that doesn't solve the problem.

MR. LUISI: I think the idea of the time period is something certainly that we could consider as an incentive.

MS. DEAN: Can I add something to that? I thought it was the ITQ system that was going to give us the flexibility, not the hail in, hail out system. I thought we were going to kind of be afforded some leniency with the new ITQ system but we are kind of rolling it over into the hail system now, is where we will get it?

MR. LUISI: Well, there were certain things that we did add, we did allow for with the ITQ system. Your days of fishing -- we don't need to go back through all the -- there were things that we added in as far as fishing rules that were hoped to be more flexible for your businesses.

By hailing, by saying to the state and to the law enforcement agency that you have an intention on fishing either just for striped bass, for this purpose, there is an accountability with that, that would allow -- it is information that helps enforcement and helps fisheries determine who is where.

It helps enforcement know who is working and where you may possibly be as far as being able to validate what it is you are catching randomly as that information is available.

So that additional information on top of the ITQ fishery, which is your limited quota, you know, we feel, the

department feels that we can begin considering affording some more flexibility without additional accountability with the hailing system.

MS. DEAN: So what Lynn was saying, it is not going to shut you out from fishing --- if you can't get to a check-in station. Our check-in station in Calvert County is open from 5:00 to 8:00 p.m. You can't even check in by 9:00 a.m. the next morning. That is an issue.

MR. LUISI: Well, these are details -- we are going to have to sit down as a group and learn of all these different details. I can't say for certain what we would do but I think the idea, the concept of allowing for more time, if you are hailing and letting enforcement know what you have caught that day, allowing for some more time to get to a check station is certainly something that we could consider. Makes sense.

MR. RICE: Thank you, Mike.

MR. BROWN: I have got to agree with Rachel. Giving us this extra time, this should automatically just come without trying to dangle a carrot in front of you. Say, look, if you go ahead and do this, we will give you this, trying to get this hailing system up.

There are a lot of people who are not in favor of this hailing system at all. So I mean it is like dangling a carrot in front of them. We will give you a few more hours if

you do the hailing system. That is not the way I like to do business personally.

MS. VINCENT: I have another question. Perhaps I missed this earlier. If so, I apologize. But I noticed there in the last sentence that you had mentioned that the industry workgroup was going to talk about how to handle additional permits held by some harvesters, including renewal of possible redistribution. What was the decision in the workgroup that they came to on that?

MR. LUISI: With that, that is from our scoping document. What we talked about regarding permanent transfers, there is a link to that, and what that link is, is what happens to the permits that are purchased?

So if I have a permit already and I buy somebody else's quota, there is now a permit there -- I might not want an extra permit. So there may be quota -- I might want to assign quota to it and sell it. I may not want to deal with it at all. So we have to come up with some rules about what happens to those permits.

Does the empty permit now go to someone on the waiting list? Does the state dissolve it? There are a hundred different things that you can kind of --

MS. VINCENT: Those are things we haven't decided.

MR. LUISI: Those are things that we haven't, they haven't really even been addressed, and the reason why it is

in the scoping document is because all along we have been talking about this, and eventually if we do permanent transfers, there will need to be rules that apply to those extra permits that become available as people buy and sell.

MS. VINCENT: I have had a lot of people ask and I haven't had any kind of concrete answers because I didn't think that they were there so that is why --

MR. LUISI: Yes, we don't -- they are not available yet.

MR. GILMER: And once this scoping starts, that is when you will want our comments on that, correct?

MR. LUISI: I think maybe the point is, like I said, we are going to hold off for a little while on the permanent transfer discussion. So as far as how that applies with the scoping document, we put it in there in the event we did carry that conversation further, sooner.

I just feel like we are going to probably hold off on that. It will back burner for a little while but it will not go far back on the burner because I know there are -- the workgroup, there were a lot of people who were really interested in doing, having the ability to buy sooner than later.

MS. VINCENT: Yes, it is an issue definitely for people with permits. That is why I wasn't sure if anything had been established.

MR. LUISI: No, you will know very well, be well-informed as we take that on.

MS. DEAN: I just have one more question. Does the common pool shut down early this month?

MR. LUISI: The common pool was open July 1st and 2nd. And it was --

MS. DEAN: On the Website it doesn't show that all the quota was caught.

MR. LUISI: It was not all caught but there wasn't enough to allow for another day so we moved it, we bumped it. The quota went to August. So August's quota is higher than what it started out as.

But there was only a limited number -- I think there was less than 1,000 pounds of fish available. And they had been catching more than that in a given day, in one day. So we rolled that over into August and it will open August -- depending on when August 1st, we will have to look at the calendar, but it is going to reopen in a couple weeks.

MR. BROWN: What other states on the inland fisheries have hail in and hail out?

MR. LUISI: I don't know if there are any other states that have the system in place. And the federal government requires it for a number of their fisheries.

MR. MARTIN: We are used to it.

MR. O'CONNELL: I don't know if this is the time

but, I mean, I know , Robert T., you have brought this up before. You know, it would be good for the department, as we explore this hail-in system, to better understand the specific concerns that the industry has with the hail-in so that we can try to address them.

I hear a lot of opposition. I have heard that, you know, people feel like, it is like too much information for government. But it would be nice to -- we can do this today or we can do it another time -- but to better articulate those concerns would better allow us to, you know, build a system or not build a system.

MR. BROWN: I mean, we haven't had a formal vote on it in our association but I pretty much know that it is going to -- my feeling is that it has not, our association is definitely not going to be in favor of it. And I don't think there is much you can do to change these gentlemen's minds. Lee, how about yours in your association?

MR. WILSON: My association feels it is just very much an invasion of privacy to tell you the truth. That is the issue of it. They are not going to come along very easily. And one more comment I would like to make. The industry as a whole -- now you can't speak for 100 percent -- but as far as I know, the industry as a whole is not interested in any of the rockfish permits being retired.

They don't want any less permits out there even

though some of the permits may be very small in the number of pounds or may have to go to the common pool. But the industry, majority of the people in the industry -- like I said, you can't speak for 100 percent of everybody -- but the majority of the people would like to see at least that many rock fishermen be able attain a permit that is there now.

So that would be none of the department retiring permits permanently and having a smaller number of people fishing. We need to keep it open so people are able to get into the industry.

MR. BROWN: Yes, we do not want our numbers to go down. All of these permit cards that we had, I think some of them may not have renewed them. A few may not have. But I think most of them did. They should all be active.

MR. WILSON: And we believe that some people -- and I know it is an issue, on then what do you do and how do they get poundage, but if people do retire their cards, we believe they ought to be presented to the people on the list.

MR. GILMER: Give them an opportunity to buy in if they want to buy in.

MR. WILSON: Give them an opportunity to buy or if they get a permit with zero, if they have a permit --

MR. GILMER: The option to buy, buy in, right.

MR. WILSON: Before we have permanence. Then if they have only zero and we do the permits they can buy

something permanently for themselves.

MR. BROWN: Or even if they got a permit card and they have none into it they can still get it transferred over to them --

MR. WILSON: Temporarily --

MR. BROWN: Temporarily, exactly.

MR. WILSON: Or go into common pool.

MR. JEFFRIES: Have we addressed anything on some of the -- before we start taking away licenses or adding licenses about the individuals that are up in our end of the bay, two or three violations in one season where you are talking 5 to 1,500-pound violations.

What is going happen? Are we going to do like we do in all the other fisheries, just keep rolling over these offenses or is that permit going to be put back into a fund.

I mean, I can give you two examples just this year alone. Same guy twice, one time 500, next day or next violation 1,500 pounds. When you are talking about taking licenses away and adding licenses, and hailing in and hailing out, we are adding regulations. We are really not addressing the ones you keep seeing in the paper day after day violating and nothing happening to that permit.

I understand the license you can't take from him but there has got to be some way with that quota, it should be redistributed to people who aren't breaking the law. And you

can address that in crabs, oysters, fishing. And especially when you are in an ITQ system, that guy who is making 1,500-pound mistakes is not a mistake.

I would like to see, before we start putting more regulations in, at least getting a foundation to see that the violators or at least that quota is being given to people who deserve it instead of people who don't.

MR. LUISI: The current way we handle it is to -- and we had, we have cases this year, leading into 2014, where people had their permit not revoked permanently but suspended for the year so all of the quota that those individuals had was redistributed back into all the other fishermen.

If a permit were revoked, which hasn't happened since we started the new system, we would have to consider what to do with that revoked permit, and that would all be stuff that the penalty -- what revokes a permit would be something that the penalty workgroup would take on. You know, to what degree should a permit be revoked from somebody permanently?

And then the issue of what happens with that permit? Does all the quota go back? I mean, those are all things that we would still need to discuss as a workgroup, as the striped bass workgroup moves forward with discussions.

MR. JEFFRIES: Can I ask before we start even more

regulations and more licenses added and subtracted --

MR. BROWN: I agree with you on that. We have got to get that straight to start with. And they are taking and revoking licenses.

I heard you say the word oyster. I know a gentleman who was working in Queen Anne's County, and there is a designated oyster place where they can power dredge at. And he got out of that area. And he pleaded guilty. It was \$150 fine because he pleaded guilty. And they came back administratively and they took his oyster license permanently. They told him we would never oyster in the state of Maryland again.

Now you can take -- and the man only had 1 ticket, and he has been in the water business for 11 years. He is like 32 years old and he has only had 1 oyster ticket in his lifetime. That is wrong, taking a man's livelihood.

MR. JEFFRIES: That is what I am saying on the repeat. There is a guy in the northern part of the bay who got twice, 500, and 1,500 pounds. I want to make sure that quota, if when it gets adjudicated, doesn't go back to, I mean, that is not a mistake. That is something different.

Before we start adding more regulations, I think we ought to at least have the policy in effect of what is going to happen when someone does something wrong instead of, let's try and get more people to do something wrong.

MR. RICE: Gina?

MS. HUNT: Just to bring it full circle, we already have rules in place what to do when somebody does something wrong.

Somebody -- Mike said right now, if somebody does something wrong, has all those violations, and they get to a point that those violations accumulate into something that requires a suspension, the permit is suspended and the pounds go to all the other active fishermen. So that is already in place.

If it gets to the point where what he did wrong was so bad it is a revocation, that is already in place. There are already rules on what gets you revoked. There is a penalty workgroup that created those rules. Robert T. sits on that workgroup. So we could go back to the workgroup and talk about is there something more, like maybe should it be revoked sooner?

That is a different discussion. But there are rules already in place. A permit could be revoked. I think what Mike is saying is that what is not in place, and what I think the striped bass workgroup should weigh in on, not just the penalty workgroup, is that if you revoke that permit, it obviously no longer belongs back to that guy.

Do you give it to the guy on the wait list, and that is fine if you do, or you know, poof, it goes away, and the

pounds redistribute.

But if you give it to the guy on the wait list, how many pounds does he get? And those are questions for the striped bass workgroup. These rules unpaid(sic) -- the permit could be revoked, it absolutely could be revoked. Don't worry about that guy going to be going back out there.

But I think what you need to just focus on is those rules are there. What needs to be in place is when the next rules come in, are we going to start giving out permits for those folks who no longer need three or four permits. Are we going to start giving those out? How many pounds are going to be on those?

If a permit is revoked, how many pounds are going to be on those? Those are the things that need to go all in together. You know, that is one big package, and I think the workgroup can think about those concepts together.

MR. MARTIN: I would just like to throw out there, because I am not on that group, that it should be -- permit stays should be zero. That man has a chance to get into the business just like the other guys. But until he does, it benefits everyone who has been in the business.

MR. RICE: Are we satisfied?

MR. O'CONNELL: Let everybody understand, there are rules in place right now that the penalty workgroup -- that can continually review those to see if they are too stringent

or not stringent enough.

MR. JEFFRIES: My question is just the pounds.

MR. MARTIN: Well I haven't heard yet where the revoked pounds go if you did it right now?

MR. LUISI: Well, I was just going to say, if it happened today, we don't really have a policy in place on what happens, and that would be something that the workgroup would advise us on what to do.

I have heard put all the quota back to -- everybody share it equally or share it in some way and then just give the next permit with zero quota back to the next person on the waiting list. There are a lot of different ideas floating around about that.

But that is the part where the workgroup comes into play. And we will certainly take it up in the coming months.

MR. O'CONNELL: If we get a revocation before then, we will hold that poundage until we have that conversation with the group to decide how it is dealt with.

MR. RICE: Before we move on, I am going to pick on you for a minute, John. Briefly, can you tell us what are your negatives and positives about the hail system so the group will know, as you are the only person here who does it.

MR. MARTIN: We were used to it with the scallop industry. We have to hail before we go out. We actually have to -- they get a little e-mail back that says, you can go now.

Before we even go out. Sometimes that takes an hour.

And then we have to hail in every night what we catch in that 24-hour period through e-mail and the EMS system because we are off shore. So we pretty well track everything in the scallop industry like that, and some other fisheries as well.

For us on our side we have never been worried about telling people what we do because we are not out there to do anything wrong. So it has never bothered us. Now I would have to talk to the rest of the guys because I didn't understand it as it was explained, so I will have to ask.

But just as me, my brother, my father, the way we have always worked, and at our dock, we have never had a problem.

MR. WILSON: They do have GPS tracking too.

MR. MARTIN: They know where we are at. They know where we are at. So if we did leave without hailing in, that we are leaving, we would get a quick e-mail -- where are you going?

MR. LUISI: Just to be clear, vessel monitoring is not something that this system -- the federal government has a much stricter vessel monitoring system on certain fisheries. That is not even anything we are even considering at this time. This would be informational for the purposes of enforcement and providing more accountability to fishermen.

MR. MARTIN: It is really hard to ask us because DNR sits right next door anyway so they already know what we are doing every day.

MR. RICE: All right. Tom, would you update us on the ASMFC summer meeting, please?

ASMFC Summer Meeting

Agenda Review

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

MR. O'CONNELL: So the commission is meeting August 5th, 6th and 7th. A couple of the major topics on the agenda include American eel and striped bass. In a minute I am going to ask our eel biologist Keith Whiteford to provide an overview of the actions that the commission is going to be deciding upon.

The American eel board has a public document out for public review right now, and there was a public hearing here in this building, in this room just a couple weeks ago. We did have a good turnout. Keith will summarize what feedback we got from our eelers.

But it is something for you who eel or have constituents who eel. The actions that the commission takes could be rather substantial as it relates to Maryland's yellow eel fishery, so pay attention to the information Keith is going to present. You will have some opportunities to ask some questions.

From my vantage point, we are trying very hard to make sure that whatever actions are taken are equitable. And I think Keith will kind of explain some of the different options and how they could really impact Maryland more than others. So with that, Keith, if you want to kind of -- you can pull up to this seat here and use that microphone.

American Eel Draft Addendum Discussion

by Keith Whiteford, MD DNR Fisheries Service

MR. WHITEFORD: All right. I will try to make it brief. Tom asked me to review this and kind of caught me a little bit off guard. I am not extremely well prepared but I will do my best.

Basically there are few management measures that are being considered in Addendum IV. There are management measures for the glass eel life stage, the yellow eel life stage and the silver eel life stage. The glass eel life stage, there is a quota, a glass eel quota that is being proposed.

There is only a glass eel fishery in Maine and South Carolina so it doesn't really impact our fishermen. The silver eel fishery on the coast is down to about 8 or 10 eelers in upper Delaware, so there is some kind of suggestion of a season, like a shortened season, limit on licenses, but again it doesn't really impact our fishery here.

The one dealing with the yellow eel, the fishery

option is a yellow eel quota, which is potentially significant for our fishermen. We currently land about -- 55 percent of the coastwide landings come from Maryland.

There are a range of options. The 2010 is the suggested coastwide -- harvest level is set at 2010 for all the options, which is the terminal year of the stock assessment.

And from that 2010 level, they use different allocations, or the allocations are determined from different base years and then there are averages, and then you have like a 10 percent cut and a 20 percent cut. But there are a range of options that are presented, some obviously better than others depending upon the allocation.

The allocations that are in more recent years are more advantageous for our commercial fishery. Just as an example, the quotas presented range from 339,000 to 521,000 for our fishermen. Our 5-year average landings are 535,000. Our 10-year average landings are 438,000, and our 15-year average landings are 385,000.

So you can tell our landings are much higher in recent years than they are -- our landings are still substantial 15 years ago but relative to the coastwide population they are a much higher percentage in more recent years so an allocation that is determined from a more recent year for the base year gives us a higher allocation. I think

one of the options gives us like 55 percent.

So there are a few options in there that actually, based on our tenure, may have, give us a quota that is actually higher than our 10-year average. And there are other options that could potentially be significant cuts.

We had a public hearing here, pretty well attended. Moochie was here, and the fishermen were pretty adamant about basically staying status quo. They weren't really fond of the quota. I didn't expect them to be. Many of them were -- our populations are robust. I mean, the best, more landed here than anywhere else on the coast.

They felt there is no reason to institute a quota. They are catching more eels now than they have caught in 25 or 30 years and didn't understand so they were pretty much on board all the more with status quo and weren't really in favor of any of the quotas. Is there anything else in particular?

MR. O'CONNELL: That is great. Even though I caught you on the spot, I know you could do a much better job providing that level of detail. So thanks, Keith.

Just a couple things to add. One is that these actions that are being considered by the commission are the result of a stock assessment that came out in 2010.

And the technical committee that advises the board recommended that there be reductions across all life stages from the 2010 levels but they weren't able to identify what

level of reduction is needed.

So it is a policy call. There is no technical guidance as to what level of reduction is needed to rebuild this population from its depleted status. You know, and when you start looking at the socioeconomic impacts, you know, it really makes you look at this carefully.

As Keith said, Maryland recently has been harvesting about 55 percent of the yellow eels along the Atlantic coast. So if we keep the reference period to the recent time, we should make out okay. But a lot of states have better harvest history historically, so they are trying to argue for using a more historical timeframe.

And if that is approved by the board, the impact to Maryland is going to be more substantial.

Two other points: One is that there has been a petition to the Fish and Wildlife service to list American eel as an endangered and threatened species. I think there are lot of different perspectives as to why the environmental group did that but that is, you know, something that the board is sensitive to, that could ultimately be a listing.

I think it is a low risk. In 2007 the Fish and Wildlife Service concluded that while the population is depleted, it is not at risk of being endangered or threatened.

And then lastly in regard to quota management, as we have learned, the difficulties with striped bass and yellow

perch, when you go to a quota management system, there are a lot of administrative procedures that you need to change in order to track that harvest.

So I have already been hearing from other states concerned about not having the administrative ability to monitor the harvest in a timely manner if a quota-based system is approved. So I know a lot of states that are very reluctant, and they are getting public comment from the industry that, you know, we should just keep status quo.

But this is going to be a big issue, and I just wanted to keep you guys informed. Russell Dize, who represents Senator Coburn, has been talking to the eelers. He serves on the commission with me and Bill Goldsborough so he is well briefed. So I will open it up to any questions or comments.

Questions and Answers

MR. GILMER: Wasn't there a meeting recently at the airport or something --

MR. O'CONNELL: What advisory panel?

MR. GILMER: -- I know I talked to Jimmy and Bill after that and they thought that meeting went pretty well overall. And that was -- I know they made their point there to stay status quo, and that is pretty much what I know came out of that.

MR. MANLEY: One question. I haven't been to any of

the eel meetings so I don't know, but the problem is a shortage of eels on the coast, right?

MR. WHITEFORD: Correct.

MR. MANLEY: Do you think maybe it is the rockfish out there eating them because I know all the eels coming out of here, most of them are going for bait. You don't ever hear anything addressed on that part of it.

MR. WHITEFORD: It is being considered, but I mean, our populations are stronger here than anywhere on the coast. But I mean, Virginia, with the blue cat -- I mean Virginia had substantial populations. Their landings were probably like twice as much as ours up until maybe the mid-90s or so.

And then I am not sure if it has any relationship with the blue catfish population that has really taken off there but Virginia now lands, we land like three to four times as much as Virginia. And it used to be, they used to land twice as much as us.

The eels, they are either getting predated on so they are not staying there or they are continuing to head up into Maryland. I am not sure. But it is definitely could be a factor in why they are not --

MR. MANLEY: It is just one factor but you don't hear anybody address that part of it. It is always overharvesting or something else but you never hear that part.

MR. O'CONNELL: The stock was classified as

depleted, similar to the terminology we have heard with blue crabs recently. That it is not a result of overfishing. There are a lot of environmental factors. Stream blockages throughout the 1900s has probably led to the decline of American eels. A lot of factors.

MR. RICE: I know one factor that preys on them, and you wouldn't think they would be good at catching them but they are, and that is these cormorants. Every time he dives, he catches an eel. And it is amazing to watch them because he doesn't swallow them when he is in the water. He comes up and throws them down. And they are -- if I was as good at catching eels as they are, I would be all right.

Tom, can you lead us into the striped bass?

Striped Bass Draft Addendum IV Discussion

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

MR. O'CONNELL: Yes. So the other major topic at ASMFC is striped bass. The striped bass board is not at a final decision point, but they are going to be reviewing a draft addendum that if approved would go out for public comment in the September timeframe. And then the board would meet again in October to decide if final action should be taken for 2015 implementation.

The basis for the board having discussions about reducing the harvest stem from Amendment IV. Amendment IV for striped bass was approved in 1995 and set forth triggers for

management. And since 1995, the striped bass stock, you know, had recovered and rebuilt to a very high level, well above the management targets for the species, and then for the past 10 years have been decreasing.

There was a recent stock assessment. The stock is not considered to be overfished, and overfishing is not occurring. But the fishing mortality and the spawning stock biomass is in between the target and the thresholds.

So it is still in the safe zone but striped bass has been managed very conservatively, largely because of the moratorium and the investment that was made to recover the species. And even though we are in this safe zone, Amendment IV requires that when we are in this condition for more than one year, which we are, that the board shall take actions to bring the fishing mortality back to the target level.

And so the other thing to point out is that while we are in the safe zones, that striped bass spawning stock biomass has been decreasing and is projected to drop below the threshold with a high level of probability this year and next.

So the board acted to developed an addendum to bring the fishing mortality back to the target level. When that decision was made last October, it was also a direction to have the technical committee develop a Chesapeake Bay specific reference point.

It is a situation that we have had since 19 --

probably the late 1990s, recognizing that the fish in the Chesapeake Bay are more resident, nonmigratory fish, which are predominantly males, versus the coastal population, which is the spawners and predominantly females.

The technical committee has not been able to deliver on that directive, and as a result, the board is considering treating the bay and the coast similarly. And that puts us at a pretty strong disadvantage.

Some of my distraction earlier today when the meeting was going on is the draft addendum has just been sent to a few commissioners for review, and I was trying to digest some of the specific actions that are in there so I could brief you today on it.

So I guess just where we are in process again, is there is going to be a meeting in early August to discuss this draft addendum that will go out for public comment. We are working very carefully, closely, with our Virginia counterparts to try to find ways to mitigate the impacts to the Chesapeake Bay while the technical committee develops these bay-specific reference points.

We are considering pursuing a recommendation that there be some interim bay-specific reference points. There are some developed that the technical committee hasn't recommended yet but it would be very conservative. And we are looking at adding those to the public document, whether or not

we will get board support.

We also, at the last meeting, the board supported a motion I made to -- if we are going to take reductions, allow those reductions to be phased in over three years rather than one year, which Amendment IV currently requires.

So that is still in this draft addendum but needs to be approved by the board at this August meeting. Those are a couple things that we are trying to work on. We have also spoken to some of Maryland's congressional staff, who have been supportive, and I think they are looking to weigh in on this issue from their levels.

So what does this all mean? So right now in this draft addendum, they are looking at using the 2013 harvest as the baseline to make the reductions from. You may recall that in 2013 we had reduced our quota in the Chesapeake Bay, Maryland and Virginia, and 2013 represents one of our lower years of quota.

But again the reference period right now is 2013. It is not the quota, it is the harvest. So that is the baseline.

And it has also been discussed to use 2012, which would be better for the bay states because our harvest was higher in 2012. And the technical committee has not provided a strong argument to use one or the other but right now 2013 is being used.

It would be better for us to use 2012, and that is something else that we are considering doing with the rationale being while the coastal states were not responding to changes in abundance through the years, Chesapeake Bay, we were monitoring the population and adjusting the quota up and down.

So we had already reduced our quota by 14 percent in 2013. So we should be allowed to use 2012 as our reference period and the coastal states use 2013 but that is still a decision point.

I will begin with the coastal perspective for John's sake. In 1995, Amendment IV was passed and it allocated 131,0000 pounds to the Atlantic coast. That has been the quota for a number of years. But again the baseline right now is the 2013 harvest. And in 2013, the coastal fishermen only harvested 98,0000 pounds. So that becomes your baseline.

And with a one-year plan, you would have to take a 25-percent reduction from that, which would reduce the quota to 65,000 pounds, nearly half of what Amendment IV provided.

Under a three-year plan, a three-year plan, the reduction goes from 25 percent to 17 percent, but you are still looking at a quota of about 72,000 pounds.

There are two ways of looking at the three-year plan. One way is you implement measures in the first year and you just keep them in place for three years. That is the

option I just mentioned to you.

The other option is you do incremental reductions for each year for three consecutive years. And that would begin, that would allow the coastal commercial quota to begin at about 81,000 pounds the first year, drop to 75,000 pounds the second year, drop to 70,000 pounds the third year.

All in all, those numbers -- the main point is that if this amendment is approved, there is going to be nearly a 50-percent reduction to what the quota has been for the coast since 1997. I mean, that has significant socioeconomic impacts that we are really concerned about.

For the Chesapeake Bay, again they are using 2013 harvest as the baseline period. And the same kind of thing applies. If the board decides to act in one year, it is a 25-percent reduction from the 2013 harvest.

Remember that in 2014 we increased the quota by 14 percent. So if the commercial fishery harvests that fully, you are not only taking 25 percent from 2013, but an additional 14 percent from where you are this year.

So from this year you would be looking at almost a 40-percent reduction. Again if you look at a three-year plan, it is a 17-percent, or if a three-year plan where you take a tiered approach, you are looking at about 7 percent a year. However you look at it, it is a significant impact for a species that is healthy.

You know, the technical committee will admit that this resource, even though it has been declining, remains at healthy levels capable of producing strong recruitment. But the management framework is requiring that this species be managed at a very high level of abundance for management reasons. There is a desire to have a high abundance of striped bass.

There are a lot of people out there who are saying the population is collapsing. It is not. It is still at healthy levels. It is the management goal that is driving this decision right now.

And there are two very strong perspectives. You know, coming off the moratorium, we had a number of years of strong recruitment: 1993, 1996, 2001, 2003. And everybody has been living on a pretty high level of abundance. But since 2003 we haven't had much strong recruitment.

As a result, people who got comfortable fishing on high levels of abundance on the coast are starting to see that population decline because there hasn't been strong recruitment. People in New England are reporting, you know, significant decreases in catch and business opportunities and are really driving the commission to take strong action.

In the Chesapeake Bay, the guys I have been talking to, both commercially and recreationally, are saying that they haven't seen this many fish in the bay in a long time. And it

is not just the 2011 year class, but it is a wide ranges of sizes of fish.

So, you know, people in the Chesapeake Bay are seeing lots of fish. And those fish will eventually move to the coast. And the coastal states like New England will get to experience that. But right now they are not seeing those fish and are really driving the commission process.

Where this thing is going to end, I don't know. I am cautiously optimistic that when we put forth the motion for a three-year plan, that motion passed by a large majority. So there at least appears to be some support to look at this in a more slow manner than doing it all at once.

The other thing I have been expressing is that there hasn't been any socioeconomic analysis done for the decisions that the board is considering taking. Again with a population that is healthy, I think it really leads to a policy decision where the board needs to compare the impacts to the potential benefits.

And we are working with some of our economists at the University of Maryland to put some numbers together, and some preliminary numbers, you know, support what I had thought, that we are looking a multimillion dollar impact, over \$10 million. And from the science that we see, that level of impact is not likely increase the odds of a strong recruitment substantially.

So we are trying to push hard. We are working closely with Virginia. We will be linking in with Potomac River Fisheries Commission and District of Columbia. And hopefully at this point in time, the board will, at the minimum, leave the three-year option in the document for public comment.

And we are also pushing for an interim bay-reference point to be used until the technical committee can come up with one that they can support to the board. But if this thing goes forward with a one-year reduction, it is going to be substantial. And, you know, it is going to take more than the department's efforts at the board level.

There are a lot of industry members in New England who are weighing in. There are some sport fishing groups in Maryland that would like to see a large reduction and there are some sport fishing organizations in Maryland that do not.

The charter boat industry seems to be mixed right now. The leadership is advising us to go slowly but there are people in Solomons who haven't been seeing fish for probably other reasons that, you know, would like to see some conservation measures.

So any of you who have contacts along the Atlantic coast, any of you who can take the time to come to the meeting, and if there is an opportunity to speak on this issue, it would be extremely helpful. It is going to be a

difficult issue, and we are working hard to try to take the appropriate actions but, you know, I have the economic impacts in perspective while we are making those decisions.

So that is kind of the overview right now. And I will open it up for some questions.

Questions and Answers

MR. RICE: Moochie?

MR. GILMER: If you go with the three-year plan, Tom, is it reviewed at the end of each year? I mean, if the stock assessment shows an improvement after the first year, how would that influence the three-year plan?

MR. O'CONNELL: It looks like the next stock assessment will not be available until I think like late in 2016. So if a three-year plan is put in place, it is likely that it will be in place for three years and then re-evaluated.

If we do not get bay-specific reference points in this addendum, the technical committee is going to continue working on it. If they are able to develop one, say, you know, later this winter, we can initiate, we can try to move the board to initiate another addendum to adopt bay-specific reference points, and that would allow us to make some changes.

But, you know, the stock assessment is not done every year so, you know, it is going to be something that is

in place, unless we can come up with some bay-specific reference points. The one thing that may be evaluated, and this is more related to the recreational fishery, because the commercial guys are on a quota, and it is easier to manage the harvest under a quota system.

Recreational guys, you are doing that through size limits and creel limits and you are trying to project their behavior will stay within that target quota. If we learn they are exceeding that target quota, there may be adjustments to the recreational fishery to bring them back in line.

MR. GILMER: And I said stock assessment. I was actually more asking about the Young of the Year Index.

MR. O'CONNELL: That information won't be available for the next stock assessment until it is done, I mean in 2016. But, you know, we will have the 2014 Young of the Year numbers just before that October board meeting.

And if the numbers play out well, it will allow us to use that as an argument that, you know, we are not relying upon the 2011 year class. 2013 was an average year. You know, just foreshadowing, if 2014 is a good year, it may give the board some more comfort to go more slowly than aggressively.

MR. GILMER: Okay.

MR. RICE: Robert T.?

MR. BROWN: Tom, first of all I would like to thank

you for trying to get this broken down to a three-year period. You are putting your heart into this trying to protect the fishery.

Also they don't -- the problem they don't see is pounds versus fish. The fish that we have been catching this summer, especially up the bay in different places, you are getting the poundage of fish, but we have got all these bigger fish that are showing up, even down on the Potomac.

We are catching fish that we generally don't catch this size every year. Last week I had a fish, 10, 12, 15 pounds some of them. Not many but I had a few. But you never saw any. We are catching more 5 to 8's than what I have seen for this time of year.

Also we have got a lot of fish that are smaller than what the 2011 class would be that are showing up. I have got -- I usually have four pound nets out this time of year. I have got two out. In the Potomac, I am catching more fish than what I ever did this time of year since the moratorium has been lifted.

In Maryland I don't have the one up on Cobb Island where I catch all my rockfish at. I have got the one down on Britton's Bay --- . I catch no rockfish there this time of year. You may catch two fish a week, three fish a week. They are just not there until later on.

Saturday I had 1,500 pounds. I had 759 pounds

yesterday. Unheard of. Now where are all these fish coming from? A lot of small fish into them too. But I mean, you have got to get them to start -- they are looking at just pounds. Clifford Hutt* , I know you remember him. He said, are we counting pounds or are we counting fish? And it is time for us to go start counting fish.

How many fish are you taking out of the system? Not how many pounds you are taking out of the system. When we had a 12-inch rock law, how many fish did it take to make 100 pounds? Now we got an 18-inch. How many does it take to make it?

And now we got fish weighing five, six, seven, eight pounds. We are not taking as many fish out of the system, and we have already got more fish than what we have had. And I don't know how we can try -- we have got to get this so that the technical committee, they stop looking at not only pounds but the number of fish that you are taking.

You may be taking -- you cut us, we will probably catch less rockfish in Maryland this year and have a 14-percent increase on the weight than what we did last year, with less fish than we caught last year. This is something we may have to look at, which may be able to help us.

And that is one of the big things I see. If they cut us back, like you are saying that they are taking it all at one time, it may be go according to 2013 year harvest

instead of quota, well, we will be taking hardly any fish at all out. And what is that going to do to the rest of our fisheries, you know, the crabs, the perch, the eels?

You know, rockfish, they eat whatever they want to when they are there. You can say, well, they are not going to eat crabs. Well you know something? It can be a solid pile of Menhaden up there right in front of them, but if they want crabs and they are laying right there, they are going to eat the crabs.

MR. O'CONNELL: That is a really good point. I mean, there is only so much habitat and forage in the bay. And I think we are already starting to see that capacity be reached. And if we are going to have more fish in the bay, you may have decreased growth rates, higher natural mortality, which isn't going to benefit the stock. It is just going to be lost fish.

MR. BROWN: And if you look at the charts and you go back, you can see where when the rockfish were way up, the crabs were down some. And when the rockfish would go down, the crabs would be up some. So, I mean, Mother Nature is going to have a balance out there of some type.

It may not be what the biologist wants and all these scientists who are doing all this work on this. They want all this, all this, all this. They are not going to have it. Mother Nature is not going to let it happen.

MR. RICE: John?

MR. MARTIN: First, a question. Does the bay count? Do they write on their card how many or is it just pounds?

MR. O'CONNELL: Numbers and pounds.

MR. MARTIN: We do that. But why -- as far as the coast goes, going by harvest would be totally unfair because if you get a cold winter like this January, we didn't catch any. They were all outside three miles.

MR. O'CONNELL: I didn't mention this, but that is another one of our arguments that Maryland and Virginia are considering, is that, I mean, what they are proposing based upon one year of harvest, has the potential to have substantial reallocations.

MR. MARTIN: We just could not harvest it. It wasn't because we didn't try. It was because they were outside three miles.

MR. O'CONNELL: North Carolina, for example, I mean, you guys had limited access. North Carolina's 2013 numbers, landings/harvest, zero. So I don't know how the board is going to address that issue, but right now North Carolina's commercial fishery would end up at zero pounds. And it is because the fish were outside.

MR. BROWN: And why can't we do something about this three miles outside? I mean, it comes times when you have got to open some stuff up. If the weather is bad, even if the

weather is not bad, they are only allowed so many fish that they are permitted to catch. What makes a difference if they catch them three miles or 10 miles off shore?

MR. O'CONNELL: The board did take that item on the last two meetings, and the board decided -- the law enforcement committee made some comments. The technical committee made some comments as well as the advisory panel.

And there wasn't the support, and the board decided not to proceed. I will just mention just for educational purposes that in order for the EEZ to open up to the commercial fishery requires a presidential executive order because several years ago, probably a decade ago, President Bush signed an executive order making the EEZ a gamefish-only area for striped bass.

So the president would have to sign an executive order to open the EEZ back up for striped bass fishing commercially.

MS. DEAN: Can I ask -- I know Mike left -- oh, hi. Our declaration period is until when?

MR. LUISI: (Away from microphone) The first of the month of August.

MS. DEAN: Okay. My concern is that I have had some people who have contacted me who got the baseline, and if we are looking at this reduction, and it is starting at 366, you knock it down to 2013, and then you take off this

reduction, they can't even cover their license fees.

Is it possible that we extend their declaration period so that these people might choose not to declare?

MS. HUNT: Until when, October?

MS. DEAN: I don't know. I don't know what would even be possible, but if we are finding this out and they can't cover the fees, then, you know, if they don't declare, then those who are still in the fishery would be able to benefit from that. But they also wouldn't have the costs.

MS. HUNT: Well, their fee is \$100, \$150.

MS. DEAN: Well, if you are looking at a -- just the hook and line, you are looking at the 2015 harvester fee, you are looking at the hook and line --

MS. HUNT: Yes, but their license is going to have to be renewed.

MS. DEAN: Okay, so --

MS. HUNT: You are talking about just tag fees --

MS. DEAN: And declarations.

MS. HUNT: And the tag fees are for past tags.

MS. DEAN: No, future.

MS. HUNT: Oh, future tags. Yes, right, then you don't know you are going to get unless you declare, right.

MR. LUISI: So it is the \$100, \$150 is what --

MS. DEAN: Just a thought because I mean --

MS. HUNT: --- very little pounds. Right. I mean,

we can -- we can't do anything about the license renewal, and that is the majority of the cost.

MR. O'CONNELL: So just the ASMFC annual meeting is the week of October 27. So we won't know until after that week.

MS. HUNT: That is right.

MS. DEAN: Like I said, it would benefit them, it would benefit those who want to fish, that that poundage was thrown back in for that year.

MR. RICE: Where is the annual meeting at this year?

MR. O'CONNELL: Connecticut, so all these New England people who are really pushing this, this is right in their backyard.

MR. RICE: All right, does anybody have anything else on this subject?

MR. O'CONNELL: What I will do is following the August board meeting, I will try to send out a summary to all of you as to, you know, what was decided so as constituents start to ask you questions, we will try to keep you guys informed as best as we can.

And then there will be a draft document coming out shortly thereafter.

MR. RICE: Okay. Can we have an update on the regulatory/scoping items, please? Jacob Holtz?

Regulatory Updates and Regulatory Scoping Items

by Jacob Holtz, MD DNR Fisheries Service

MR. HOLTZ: All right. I will try to be quick. So in your packets you should both a regulatory update and a scoping document. I will go through the regulatory update first. It covers the last quarter.

The first page is a list of all the public notices we have issued. Most of these are aquaculture leases, and then it is common pool openings and closings. And horseshoe crab established the 2014 season.

Regs that became effective this last quarter: Menhaden, we are allowing by-catch allowance permittees to name an operator so that way if you can't get out that day your operator can. It is the same as your authorized user. And then crabbing charter regs became effective.

There are a number of regs that are currently following the APA process. A number of them, the comment period has ended. But for three of them, the comment period is open through August. We extended the declaration period for the striped bass. We updated horseshoe crabs. We clarified the striped bass tagging.

We established the summer flounder two-year study in the Atlantic Ocean. This is from one to three miles off the coast. Hook-and-liners are going to be able to harvest summer

flounder at the same size limit as the rest of the commercial gears.

So currently everywhere else and outside the study zone and outside the study times, commercial hook-and-line, the harvest in summer flounder needs to -- the minimum size is the same as the recreational minimum size, which this year is 16 inches. For all other commercial gears, it is 14 inches.

This reg is going to have a two-year study period from one to three miles off the coast, like I said, and it is going to be for two weeks in May and two weeks in October they will be able to catch small flounder. Then we also are fixing some of the shellfish lines.

Current emergency regulations in effect, we have sent the spiny dogfish reg to AELR that would allow spiny dogfish permittees to declare starting with license renewals. Just that way it saves you a trip to the service center.

That is regs. Now we are going to move on to scoping. Hopefully you all had a chance to look at this beforehand because we have a considerable list this time around. I am just going to hit the highlights, the ones that affect this commission the most, and I will mention some other stuff as we go.

We are looking at a statewide prohibition on the possession of crayfish. The exception would be to crayfish that have had their heads removed. The reason for this: I

think Jay Killian did his presentation for you all last meeting, just explaining the problems that we are having with invasive crayfish species.

There has been a very limited number of commercial harvest of crayfish in the last couple years but it has never been more than I think 215 pounds of crayfish. And that was three years ago, I think, or two years ago. And then the following year it was under 100 pounds and then we haven't had any reported this year.

Just as a reminder, for scoping we are coming to you with these ideas and then we are giving you our plan as far public outreach.

What we really would appreciate, as far as feedback goes from you all, is if you think we are doing enough as far as outreach or if there are other ideas that you have to get the word out that this is what we are thinking about, and getting public feedback on these ideas before we actually write a regulation.

So that way when we do actually write the regulation it is something that everybody can live with a little bit more. So our current scoping plan for crayfish: We would scope it on our Website through August, and then we are discussing a number of other ideas, including e-mail it to our Constant Contact list, possibly having town meetings or open houses.

Using a Survey Monkey -- the nontidal division used a Survey Monkey recently for some ideas they were having about tidal black bass fishing, and they found that to be really useful. They got almost 700 responses to that survey, which is way more responses than we get when we have an open house.

So hopefully we can send something out that would get people to give us feedback, gives them options to click a couple -- you know, A, B, C, D, rather than trying to come up with something by themselves. It looks like that is a little more useful possibly.

If you had any other ideas as far as reaching out to people or individuals or groups that you thought would be affected by this -- I know the seafood industry, we don't have a great understanding of how many seafood dealers deal in crayfish. If anybody had any contacts that they knew that dealt in crayfish or something, this would be a statewide thing that would affect them too.

MR. GILMER: I know a few boys up the bay that mess with them but that is all I know.

MS. VINCENT: I will ask around.

MR. MANLEY: Is your purpose to get rid of the crayfish?

MR. HOLTZ: Our purpose is to limit the spread of the of the invasive species.

MR. MANLEY: So if you can catch them and get rid of

them, that is a good thing, right?

MR. HOLTZ: Right.

MR. MANLEY: All right. The reason I ask this, my brother, he eels. And I know a couple times he has caught enough crayfish to bring them home and cook them and eat them. Not sell them, not do anything with them. Well if he does that, he will be totally breaking the law right now. In other words, he is supposed to throw them back. Or kill them and throw them back.

MR. O'CONNELL: You are right, the more you can remove, the better. But we also have this issue where people are catching them and then releasing them, so it is like --

MR. MANLEY: I understand that. He was just bringing them home. He wasn't selling them, he wasn't doing anything with them. He just had enough to catch, and we cooked some and had like half a bushel.

MR. O'CONNELL: If there was a way to try to figure out where you could allow some harvest --

MR. MANLEY: That is what I am saying. If you weren't selling them, if you were just taking them home to eat them, you know, that looks like it would be a good thing.

MS. HUNT: NRP doesn't know if you are taking them home and then going to use them as bait in another watershed or if you are taking them home and --

MR. MANLEY: Well you can bet your bottom dollar an

eeler or a crab pot around or anything like that, they sure aren't going out no bass ---. They are going home. Now if it is a bass boat, that is totally different.

MR. O'CONNELL: It is like, when I go up to western Maryland, my kids like to play in the streams. They like to catch a crayfish. If they don't remove the heads right away they are going to be in violation. So it is a tricky one, and we are scoping this idea right now.

Pennsylvania is in the process of finalizing some actions because, you know -- I don't think you guys got the presentation on invasive crayfish but it is pretty scary as to how these crayfish can really take over ecosystems; in fact, some of our other native species.

So keep thinking about it. If you guys have some ideas that may allow the harvest but not put at risk, you know, moving these things around, it would be good.

MR. HOLTZ: Let's see. Other things you all would be interested in. We are working on our annual penalty changes for 2015. We had our penalty workgroup meeting in June. Robert T. and Richard Young both were there. Robert T. phoned in. Richard Young was here. And they had some really good ideas as far as -- just some common sense stuff with ITQs, the overages and the common pool stuff.

It is a whole sheet, it is a whole side of the page. So I am not going to go through each one. But if you want to

look at them and give us your feedback that would be great.

Again our current scoping plan is just to do this on the Website since we did have a penalty workgroup meeting beforehand that was also open for anyone to come who wanted to. That is our current plan.

Moving down the list, sharks: We are going to remove the requirement to obtain a federal permit when catching sharks commercially from state waters because NOAA doesn't require you to get that permit if you are only in state waters. Our current plan is just to scope that on the Website. Maybe reach out to some of the guys on the coast just to make sure they are aware of it.

Shellfish aquaculture: We are developing regulations to implement the demonstration lease program. This would let us lease submerged land for the purpose of demonstrating the ecological benefits of growing shellfish.

The ideas were scoped at the Aquaculture Coordinating Council, and our current plan is just to continue to scope them on the Website.

For shellfish, we need to write a regulation that would require -- the vessels that are harvesting shellfish need to have a system for disposing of human waste. This is a federal requirement. Our current scoping plan is again just to scope it on the Website.

For snapper/grouper, we need to clarify that the

harvest limits for the species are in whole pounds, not gutted or filleted weight. The reason for this being that -- when we wrote these regulations, it was to be consistent with other states on the coast. They all have it as whole weight, so we just need to clarify that was our intention.

Again the scoping plan is to scope it just on the Website. Let's see here, spiny dogfish. We met with the spiny dogfish workgroup just a couple weeks ago. They had a couple ideas. They wanted to consider limited a licensee to naming only up to two operators.

Currently they are just able to hand their permit card off to someone, and they can operate. They want it to be a little bit more like naming an authorized user. So we are looking at that. Our scoping plan is just to scope it on the Website at this point since we have talked to the workgroup about it, and that was their recommendation.

For striped bass, Mike talked about this earlier. We are meeting with the striped bass workgroup to discuss possible changes, including permanent transfers of permits and shares and possible annual renewal of permits.

We don't, as far as I understand from Mike, we don't have a plan set in place yet but we just wanted to let you all know that is what we are working on with the workgroup. If the workgroup comes up with anything that they want us to do for the next fishing season, those regs would need to be in

place in early September.

So we will reach out to you all and let you know that is what we are planning on doing, and what our scoping plan for those regs would be.

For yellow perch, Mike touched on -- we are going to extend the season date from March 10 to April 1. The other idea we are working on is changing the requirements for the live market tagging. The two ideas we are going to present would be either to removing the tagging requirement altogether or to maintain the tagging requirement but not charge for those tags.

The way the live market tagging works for yellow perch is they have to give DNR a heads up two days before they actually go out to harvest for the live market

So that way a DNR representative can meet them at the dock, see the fish that are in the live boxes, and then the commercial waterman just hands over that unused tags that account for that number of yellow perch because yellow perch need to be tagged individually.

So we are just really trying to cut back on the waste because those tags aren't used. It doesn't make any sense to be charging people for tags they are not using. So we are just trying to get rid of that.

And down at the end of the page are a list of regulations that are being developed that we have mentioned

before, just as a reminder that we are working on those. Are there any questions about our plans as far as scoping goes?

Questions and Answers

MS. DEAN: Can I ask, who else is on our penalty workgroup?

MR. HOLTZ: You have got Richard Young, Robert T., Billy Rice and Bill Sieling.

MS. DEAN: Can I just again share my concern that the changes that are being scoped in No. 4 there, not having the striped bass weighed by 9:00 a.m. on the following day.

Again, in Calvert, our station is only open from 5:00 to 7:00. So it is literally unfeasible, and I know that is looking at a five-point, and that is a no-suspension, but I see at the bottom a general change would be if you accumulate multiple points, you could be in trouble. So if you guys on the penalty group would just take that into consideration if you revisit this.

MR. BROWN: And when we do it, I want to revisit what we have done to them on oystering because that has to be redone. Being across the line, especially when you have buoys like in that box. There were a couple boxes we had in those dredge areas. You had one buoy here, another one a quarter of a mile from it, and it is about that wide. You can't tell when you are working on a line.

MR. HOLTZ: So you are talking about something that

is actually in statute. It is not in regulation. It is in natural resource for Tidal 4, Section 1210.

MR. O'CONNELL: One thing we are doing -- I know you spoke to Frank Dawson and Carolyn Johnson and myself about it. I have directed our shellfish director to work with boating to put a third buoy in the middle of that line to serve as a better reference.

I don't think that has been done yet but we are working to do that for this fall.

MR. BROWN: How about if we have it on our agenda when Billy and you and me and Frank and Joe Gill --

MR. RICE: Our bi-monthly deal.

MR. BROWN: We can discuss it then because taking licenses permanently from these fellas is just not right. Especially this one man has only had one oyster ticket in his lifetime in 11 years. I am not saying whether he was right or wrong. Even if he was wrong, it doesn't make any difference. You don't take his livelihood for good.

MR. MARTIN: When would you?

MR. BROWN: Well, just being across that line, that should be a suspension anyhow. You could do that. You could take two weeks off of him. Two weeks, the first week, a couple weeks at the first of the season. You are talking, if you are catching 15 bushel a day and you are getting say \$35, \$40 a bushel, and you work, that is 10 days' work.

MR. MARTIN: Well, how many times do you let him go across the line?

MR. BROWN: Well, that is what we need to talk about. But when one man who has never been across the line --

MR. MARTIN: No, I agree with that. You said, no man should ever has his license taken away.

MR. BROWN: Not permanently.

MR. MARTIN: If he crosses the line every day --

MR. BROWN: Well, I mean --

MR. MARTIN: How many points does it take to revoke your license? How does that work?

MR. HOLTZ: It takes 35.

MR. BROWN: On one ticket?

MR. HOLTZ: So if it -- that would be, we are talking about two different things. If it is points, it is 35 points. If you are talking about the violations, and natural resources 4, 1210, that is what those -- whatever is listed in the statute there.

MS. HUNT: Which is going across into a closed area. You can get immediately revoked for going into a closed area. And that has been in statute for probably at least -- since we got the closure booklet. You got that oyster closure booklet because of that statute.

MR. MARTIN: I just don't -- I mean we have closed areas. We don't have any buoys to go by. Everything has

to -- they make sure we read our GPS' right. The line is as thin as a pencil. But, you know, we have had a lot of people over the years in closed areas in the clamming business who just took the fine. It was worth it.

MR. GILMER: Price of doing business.

MR. MARTIN: Yes. I don't believe in that and most of our guys on that side -- in the ocean don't believe in that. If you are willing to do that for the price of business then I don't want you in this business.

MR. BROWN: What I mean is that on this he should have been suspended. If he gets --

MR. MARTIN: I agree with you on that.

MR. BROWN: Okay.

MR. MARTIN: It doesn't really spell out to me, I don't see anything here that says when you hit this point, you are being revoked.

MR. GILMER: It is in the system though.

MR. HOLTZ: These are just the updates. 35 point would get you revoked. It would make you eligible for revocation. You wouldn't necessarily get revoked.

MR. MARTIN: Over a 100 pounds. He got 30 points on his ITQ?

MR. : It hasn't been adjudicated yet --

MR. HOLTZ: And these aren't in reg yet. These are just the proposed changes that we are working on.

MR. O'CONNELL: One thing that -- and correct me if I am wrong, Robert T., but when you met with Frank Dawson and Carolyn Johnson, I think you asked for a list of violations that would lead to an automatic revocation. And they were going to put that together so that watermen knew which are the egregious, known violations, that if you cross that line --

MR. BROWN: And I never got it because I was going to put it in the Watermen's Gazette so people would know, look, if you do this, you are going to lose your license.

But even if a person loses their license, should they -- well, No. 1, if it goes through the point system, they will be suspended like what is it, 10 days?

MR. HOLTZ: It could be anywhere from 30 to a year.

MR. BROWN: It keeps working up. Every time you get another ticket, then you can be suspended for 180 --

MR. MARTIN: I would just like to see things so that it isn't just the price of doing business.

MR. BROWN: With the point system, it is not the price of doing business. But a lot of waterman did not know by going across that line -- we are going across the lines where we are dredging at. It is a different operation. You have got a man in a boat who is right there looking at the GPS and stuff.

We have got steering and culling oysters and everything else, and it is hard to do.

MR. MARTIN: I agree if it is hard, there should be more buoys put out there, as many as it takes so you don't cross that line.

MR. O'CONNELL: So that is what we are going to do. We are working to add a third buoy to those areas that, you know, could potentially lead to someone's license revocation.

MR. BROWN: And like I said, because you haven't got that list to me yet but I am going to put that in the paper. I want to get it in there well before the season starts so people -- we have got to educate them because if they think it is just the price of doing business, and I am going to get \$150 fine or \$500 fine, that is one thing.

But if they know, hey, if I do this once, I am going to lose my license, then that makes a difference too. We have got to educate the people because even though this law has been on the books, you said, for five years, people don't have any idea.

MR. O'CONNELL: So Gina, if you could follow up with Frank because I am not sure he assigned that to the Office of the Attorney General or us but he hasn't asked us to put together the list so if you could just follow up and remind him he committed to doing that, we could share that with the full commission.

MS. VINCENT: I wanted to ask you too, and I haven't had a chance to speak with Sarah, but has there been any

progress as far for seafood dealer licenses? You need point systems related to --

MR. HOLTZ: We just submitted that to AELR last week I believe. So as soon as that gets published in the register, we will have the text up online and it will be a 30-day comment period for everybody also.

MS. VINCENT: Okay, so it is just coming down the pike.

MR. HOLTZ: Yes. It is out of our hands right now.

MS. VINCENT: So you said keep an eye on the Website? Okay, thank you.

MR. HOLTZ: No problem. Anything else?

(No response)

MR. RICE: Thank you. Next up we have Vice Chairman Gilmore who would like to talk to us about license assignment.

Vessel License Assignments

by TFAC Vice Chairman Robert Gilmer

MR. GILMER: The reason I brought this issue to the commission is I had a friend of mine who got a -- he told me, he said I am getting a license transferred to crab. And I said, that is great, John. So I said, did you have to pay the harvester fee? And he said, no. He said, they did it as a vessel transfer.

So he is -- he was issued this license as a vessel transfer. And he could crab every day in his boat without

having to pay a harvester's fee. And yes, the harvester's fee was paid by the original person. I understand that. But the original person also got to keep a copy of his license. So can two people crab on one license?

And I spoke to -- and then he said, I went to electronically report, and Brenda said he can't do it under the current system because it has to be, the license holder has to be the one that reports.

So that is the reason I brought this to the commission. And I also spoke with Gina on this, and I brought up the issue of, you know, before we always had a card and it had to be transferred when you transferred the license. Well, now, with this piece of paper, you can make as many copies as you want.

So, you know, and so I just didn't want this to become a practice that was done by people who had actually allowed two harvest by one license unless -- and even though it does not legally do that, you know, it is a very good possibility it could be done unless the officer checks.

If you got this transfer in your name, and it says you are allowed to use his license, but does it stop the original license person from also using it? And that was my concern. So that is the reason I brought this to the attention of the commission.

I mean, Gina, in our conversation, you and I went

around and around about this.

MS. HUNT: Throw me under the bus.

MR. GILMER: Is there an issue with this? I know how it was decided. I remember -- this was the thing that Larry talked about, when somebody was sick on the boat, if you had a designated person on the boat, I mean --

MS. HUNT: Mr. Chairman, can I just come up and answer the question?

MR. GILMER: Yes, come on up.

MS. HUNT: The background of it is we have had a vessel assignment. That is what it is called. It is not a transfer. So to be clear, we are not talking about somebody transferring his license.

He -- at the time of renewal, or really at any time, you can, on that form, assign your license to your vessel, and then pick now one authorized representative who can use your license. Prior to the cost recovery legislation, it used to be anybody. I could be a commercial waterman because I could go on your boat and take your license, and there was no tracking of who it was.

Well, the 2012 legislation said, you know, it was about a number of things, one of them accountability. And it limited the authorized representative down to one person. And you had to tell us who that person was. So at the time, the department had proposed removing this. Not having just

anybody go get your license and suddenly be a waterman for the day.

And you are right, Larry said, this was actually tidal fish, Larry said, you know, no, we still have this need where somebody could get sick, they got hurt, something happened. Their pot needs to be fished, their net need to be fished, whatever, and their mate, the guy who usually works for him, should be able to go out and do that without having to go into a license center and do a transfer.

And that was the intent of this program. So that is what led to this compromise of, all right, but we have got to improve the accountability. And we are going to pick one person. And you get one other chance to change that person if, say, you had a falling out or something happened with that one guy, you changed.

So that is good. That is what we have had for the last couple years. But then the 2013 legislation that set up the fees, well, the fees were assigned with a harvester registration. And the idea was that every waterman needs that harvester registration.

It doesn't matter if he is a waterman for the day, if he is a waterman for the year, he is a waterman. And you pay that harvester registration. So everybody who gets a temporary transfer has to pay that harvester registration fee.

And I can tell you that makes a huge difference in

your cost recovery numbers because what was discussed at the time of the fee, the fee legislation, was, you know, if you raise fees, we are probably not going to get every license renewed, and where are we going to be?

And the discussion at tidal fish at the time was, well, you are going to be bringing in other money with this harvester registration that you can't account for now because you have all these transfers. And maybe that will make up for all those licenses that don't get renewed.

And it does, it really does. So it sounds like, yes, it is a lot of money. And it is. And that is what makes the difference in your cost recovery and getting to that point. But what happens now with the vessel assignment, and I think the encouragement to use vessel assignment now is that there is a \$215 transfer, that \$215 fee, to be a guy who gets a temporary transfer.

And that has caused more people to use the vessel assignment than otherwise had been. And they are not using it for the purpose that Larry said. They are not using it because, you know, I broke a leg or I suddenly had the flu.

They are using it because I don't want to pay the \$215. And so that, I think, is what got us to where Moochie is suddenly like, what the heck? What is everybody doing? And they are now not getting transfers.

But to his other question of can that guy who is now

using a vessel assignment instead of a transfer, be out there on the water with a license that the original license holder has? Sure, on paper. Is he allowed to be harvesting under a license as a crabber while the other guy is out there as a crabber? No.

But somehow NRP would have to board both your vessels and realize you were both working off that license simultaneously that day. And the chances of that are pretty slim.

MS. VINCENT: But you are only going to turn in one report.

MS. HUNT: Right.

MS. VINCENT: Under one license.

MS. HUNT: So with this use of vessel assignments, a little more than used to be, and beyond, like I said, what I think was the intent, yes, there is this potential for people to be out there with these pieces of paper, because it is not a license card anymore.

You know, your license can be copied, reprinted multiple times; in fact, it probably should be because it is only a piece of paper, and it is going to get ugly on your boat -- that you can give one to your authorized rep. And that person could be out there and, you know, not under a transfer.

So that is the background. That is, I think, what

led to, that was the conversation we had. Can this happen, yes.

MR. GILMER: Is this process down the road going to cost us money as, you know, legitimate people who are paying our harvest fee, how big is this loophole going to get, is my question. And do we need to look at it?

MS. DEAN: Would it solve the problem if we went back to assigning the vessel instead of a person?

MS. HUNT: You do assign the license to a vessel and assign a person, but it can be any vessel. So, you know, in other words, if I have two boats, or let's say I only have one.

I assign my license to my vessel, and I pick you as my authorized rep. So that day you go out on my boat with my license. And then I go out with Moochie because I don't have to be on board my boat. I can be on any boat. As a waterman, I don't even have to own a boat, right?

So I can be working on Moochie's boat, crabbing, and you can be working on mine, crabbing. And we are both working on the same license at the same time.

MS. DEAN: You are going go to work on Moochie's boat instead of yours?

MS. HUNT: So I can get twice the catch?

MR. JEFFRIES: Why don't we go back to cards? And that person who is assigned has that card, and then when is

leg is not broken anymore, he can give the card back to the license holder instead of that stupid piece of paper.

MR. BROWN: And the card fits in your wallet.

MR. JEFFRIES: The piece of paper basically has all the stuff that was on the card except on the bottom it has all the fees you pay so it pisses you off every time you look at it.

MS. HUNT: Well, detach the top part, rip off that money, and walk around with the bottom.

MR. JEFFRIES: I think we could avoid it if we went back to the card.

MR. GILMER: I mean, I just --

MS. HUNT: Well, I will say the current system won't print on such a card anymore. You know, we don't have that computer system. And, I mean, could we have it printed on a different piece of paper and make it a card? Sure, we could reformat everything.

But since -- I guess part of it is, this could have been done before. Think about it. When you had the card, this could have been done before because you could get a reprint of your license for \$5. So if you wanted to, sure, I could have two cards, and I could give Rachel one. I have the other one, and I go out with Moochie.

The difference is back then, when you had the cards, I didn't have this \$215 incentive to do it. That is what, I

think, really has kind of driven folks more to --

MR. GILMER: The money issue wasn't really the big thing with me. It was, you know, and you are going to have some -- but I know, after sitting through cost recovery and what we went through with it, I don't want a loophole to let our money get away, is basically what I was thinking.

MS. DEAN: If we go through and we charge the designee the \$215 harvester fee, that doesn't close the loophole. Does that mean for somebody who has the big crab license, we are going to charge a crew member so that they can catch --

MS. HUNT: If you charged the authorized representatives \$215, sure that closes the loophole. There is no longer that incentive. But, you know, that is probably not a popular answer to this because a lot of those -- some of the authorized representatives, I found, actually are already watermen.

They just may not be licensed in that activity and so they are already paying that \$215. So for them it would be a moot point. It wouldn't matter. But it is when you want that authorized representative to be the mate that you have always used, and they aren't licensed.

Right now, all they need is a DNR ID but you can have a DNR ID for buying a hunting license. A DNR ID is just an ID in the system. So it doesn't mean you spent any money.

And yes, I think that would break the incentive to do that.

But I am not sure, first of all, how popular it would be, and two, it would require legislation.

MR. RICE: Well, if you go back far enough, originally this was a hardship provision. And right now it is turning into a way to save \$215. So when this provision was first put into effect, there was no incentive to save \$215.

MS. HUNT: Exactly.

MR. GILMER: It is something for us to think about but it is just -- you don't want it to become a common practice of, you know -- as a way to get around, and, like Gina said, if you have got to pay the \$215 you are probably not going to give your license out to anybody, or not everybody is going to take it.

The thing was, John had the \$215 in hand, and then he told me he didn't have to pay it. Because he was going for the transfer of the license. And they told him, no, you can do it this way. And so --

MS. HUNT: Very helpful at licensing.

MR. GILMER: Thank you, Gina.

MR. RICE: Moochie, where would you say we are at? Were we asking DNR to monitor this situation and report to us --

MR. GILMER: I would like to know at the end of the year how many types of those transfers there are, just see how

big a problem it is.

MS. HUNT: We can't tell you how many -- I can tell you right now how many people authorized a representative on their license. I can't tell you why they did it.

MR. GILMER: That is all I need to know.

MS. HUNT: So -- okay. That is most everybody.

MR. GILMER: Okay.

MS. HUNT: But I will get you a number. It is just -- most people put down an authorized representative because why not? But it doesn't mean they put down that person to get around some kind of transfer rules. They may be legitimately using the license themselves. But when they report, we can't tell if it was the authorized representative harvesting that day or the actual licensee. It doesn't come in like that. It is the license that reported.

MR. GILMER: Okay.

MR. RICE: Thank you, Gina. I will probably need to stay here.

MR. RICE: You might as well stay there, Gina.

MR. GILMER: See, I was just warming you up.

MR. RICE: Okay, legislative update.

2015 Legislative Session Ideas

by Gina Hunt, MD DNR Fisheries Service

MS. HUNT: Okay, so the legislative update is, well, not really an update. It is more of a, hey, here are some

ideas to toss around.

We don't usually come and talk to anyone about any legislative ideas until we have some kind of governor permission to do so. But this year we are going to try something new.

We are going to actually try to kind of almost scope these ideas before they may turn into any kind of bill, whether departmental or private. It doesn't mean that these ideas are actually going to turn into legislation. We just want to see what folks think about these before we go any further down the idea trail.

So there are a few of them. There is a handout in everything you have. The first one is a housekeeping bill. And you might remember back -- you know, we have had probably in the last five years, two housekeeping packages that have passed.

Most of the time it is going in and taking law out that we already have something different in regulation. And it is something that is just antiquated in law. Sometimes it is things that just -- points have moved through erosion or something like that. Or ASMFC has changed things and we get rid of the law.

So we have done housekeeping packages, like I said, at least twice in the last five years. And this would be another one. There are bullets for everything that would be

included in this housekeeping package. I will say for what might interest this commission would be a little bit further down the page, because the first several, like 4-6, subtitle 6 is actually nontidal licenses, so you probably don't care about those changes.

Halfway down the page, when we get to clean up 4-711, that is actually changing, just removing these points of land. The law actually cites in some of these points of land houses and silos that are on those points of land that are no longer there.

So we would like to get rid of -- not change the area just get rid of the reference to these houses and silos.

There is still in law the requirement to certify haul seines. It actually says NRP does it. NRP hasn't done it for probably, I don't know, at least 10 years because fisheries was doing it. But we don't certify haul seines anymore. So we thought we would get rid of the requirement to do so just to fit current practice.

Then this section here, remove 4-716, this is actually a section of the code that is in the law. It actually is a reference to Choptank River in a particular county. But 4-729 says the exact same thing and it doesn't say it per county. So it is really getting rid of this kind of redundant law.

4-745, that is recreational license law. And

clean-up, 4-803 and 4-739, this is language that is in law right now that talks about how often the department has to put out a public notice in the newspaper. And it is very unclear as to whether or not we are supposed to put out a public notice, you know, one day for two weeks or every day once for two weeks, meaning every day for two weeks.

We have had the attorneys read this, and they can come up with three different answers. And there is no real good idea of what it was supposed to mean other than we think that this law is so old, that at the time it was written, there probably only were weekly newspapers. So it probably meant we were supposed to write it once for two weeks but that is not what it says.

So we would like to just go in there and clean that up so it is clear what we are supposed to do when we are putting a public notice in a newspaper.

4-804, again, we have asked for the attorneys to review this and figure out what it meant at the time it was written.

It is a very old law, prior to 1957, so nobody knows what it meant at the time. We didn't even have recreational crabbing licenses then so we are not sure what this meant but we would like to just get rid of it since we now have recreational crabbing licenses in reg and charter crabbing licenses also in reg.

So are there any questions about housekeeping? I know housekeeping sounds like this really broad, general term but this is kind of just the ideas.

(No response)

MS. HUNT: All right. Dam removal tax credit: This is just an idea to try to promote, give a little incentive to folks who have dams on their private property that our fish passage program has talked to before that we would like to have the dams removed for fish passage.

But a lot of the private property owners have not been agreeable to doing so, and this is a little bit more of a carrot approach where they would actually get a tax credit if they would allow us to come in and remove the dam.

The details of how they would get this tax credit, how it would be calculated -- this is just an idea that is thrown together. I will tell you when we talked to sport fish, they had some other ideas on how you would calculate the money.

But that is just, again, just a concept and we would welcome any feedback if anybody has any other good ideas.

365-day license: This is an idea to actually make the recreational fishing licenses on a 365-day period rather than a calendar year. Virginia has this and Potomac River Fisheries Commission might be moving to the 365-day license year. So we are considering it.

It has a lot of implications, especially for our sport fishing decal. But it is something also that we have seen in other states where it has had the benefit of people now buying more annual licenses, long-term licenses, at the end of the year rather than those short-term licenses because now they realize their license isn't just going to be valid for a couple months.

So I mean there are some probably fiscal benefits of doing so but we are still researching what it would mean if we went from calendar year to 365 days.

Public notice authority: As you know, we have a few members from this commission and from sport fish commission on a workgroup. The first workgroup meeting was held on July 8. There was a lot of discussion and review of the department's current public notice authority.

We had a handout of all the regs that list all of our current public notices, the authority for each of those species and what we can currently write public notices for. I provided the last six months of public notices just to give an idea of what we generally write public notices on.

So, you know, we are -- at this point, the way we left that meeting, the recreational community, the sport fish members, were fine with the way the legislation had been proposed last year. From the coast, I think John was fine with where we were as a representative on how the legislation

was last year.

But we need to have buy-in from everybody. So we basically challenged everybody at that meeting, go back, talk to their membership, talk to their stakeholders, their boards, whichever, whomever it is. See if there is any agreement on what legislation could look like.

The department will not propose any legislation if there not agreement from everyone. So we will try to get back together maybe in a few weeks, middle of August, after everybody has had a chance to go talk to their board and their membership and see if there is any agreement.

So we will just keep you posted after we have the next meeting. And Fisheries Habitat Stamp: This is a concept that was born out of legislation last year that would have charged nonresidents who buy a recreational license to have a surcharge, and that surcharge would have gone to oyster restoration.

The bill didn't pass but at the time there was a lot of discussion about maybe -- hey, this is not a bad idea to get money for restoration. So the concept was to actually have a habitat stamp, a voluntary stamp, that would benefit different sectors.

So depending on where you identified where you wanted your money to go, it could either benefit native oyster restoration, tidal fisheries habitat or nontidal fisheries

habitat. And it would be available to anybody regardless of residency, not just nonresidents who would be forced to pay it but anybody could pay it.

So we are going to basically go through some little research now and see if there any other states that have kind of like habitat stamps, anybody else who might do this kind of concept, and we will come back if this is something that seems fruitful. But we would welcome any comments you would have on a voluntary habitat stamp too. Or any other legislation you would like us to consider. Anybody?

(No response)

MS. HUNT: Okay, good.

MR. GILMER: Back on my issue, if the user or the designated person gets a ticket, does the ticket go against him, the license or how is that authorized?

MS. HUNT: Both.

MR. GILMER: Both, all right.

MR. RICE: Are you done, Gina?

MS. HUNT: I am done unless you all have questions.

MR. RICE: Tom, would you lead us into the habitat workgroup update?

Fisheries Habitat Workgroup Update

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

MR. O'CONNELL: As you may recall, earlier this year we had several presentations related to fisheries habitat

issues: SAVs, I think there was Conowingo Dam. And, you know, it kind of developed into this idea of having a fisheries habitat workgroup consisting of members of each of our fishery advisory bodies.

And this is one area where the diversity of our stakeholders seems to have common agreement. And it is an opportunity to not only focus on habitat issues in a collective manner but also see if some relationships can be built across the diverse stakeholder groups.

We have had two meetings so far. The first meeting was mostly introducing each other. The second meeting was starting to establish the vision, and one exercise that the group did was starting to identify associations that value fisheries resources. And obviously there are the traditional ones: You know, the Watermen's Association, The Sports Fishermen's Association.

But we started talking about the Riverkeepers, and it just became a huge list. And that is the potential behind this group. If we can actually get ourselves organized, and we have a habitat issue that is a concern to our fisheries resources, we could really put together the science and have a large stakeholder voice to speak out at the local, state or federal level.

So the third meeting is scheduled for sometime in late August, early September. They are going to be going

through a visioning exercise that is clearly articulating what the role of this group is going to be. We have had some really good turnouts. We are getting the interest of some local planners who are looking for some expertise on this.

I would say that we need to -- I know some of the meeting dates are conflicting and our staff person is trying to work out far enough ahead so you guys can put these on your calendars, but we need to get some more industry members at these meetings.

So stay in tune to Margaret McGinty. She is our staff person who will be sending out some meeting planning dates, and if you can get back to her, you know, we will do our best to ensure that we can, to the best of our abilities, find dates that we can get the most people there.

So just a general update. It is a group that has a lot of energy, a lot of passion, and I think is really gaining some momentum. Thanks.

MR. RICE: Thank you, Tom. Can you move on into the other business issues there, please?

Other Business

Violation Criteria for Advisory Group Eligibility

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

MR. O'CONNELL: And if Mike Luisi would come up. You may or may not recall, but probably five, six, seven years ago, we started getting some stakeholder criticism of the

members who serve on our advisory bodies.

There are people who had violation histories, whether they were lengthy or small, and people were expressing concerns. At that point in time we had no eligibility criteria. We got nominations, we sent them to the State Appointments Office and they were appointed.

At that time we began to look at it and thought, you know what? We probably -- these are people who are speaking on behalf of the industry. We should be looking a little bit more closely at that. So we established some criteria that began with our Sport and Tidal Fish Advisory Commissions.

We then began to develop striped bass and blue crab industry advisory groups. We also had some criteria for that. And things have been working, I thought, fairly well. Over the past year, I have had several industry members come to myself and be overly critical about our criteria is not stringent enough.

And I don't think it is focused on any one individual. I think it is a variety of different people that -- people throw names at me when they have these conversations. But my response was if you really think that the department criteria is not stringent enough, bring it before the Tidal Fisheries Advisory Commission, talk to the chairperson, and they thought that was a good idea.

So I talked to Billy, and he and I thought that, you

know what? There are enough people asking about this. Let's bring it to the commission.

Mike is going to review the criteria that we currently utilize. He has been able to do a little research as to what other agencies utilize if they have any criteria and see if you guys feel comfortable with what we are currently using or not. So Mike is going to provide a brief overview and we will see if there is any discussion on it.

MR. LUISI: Thanks, Tom. These were my notes I typed to myself just a little while ago. They are a little informal. But I thought it would be good to pass out so you guys could take it home with you if you wanted to think more about it.

I just did a really quick kind of run-through, talked with some folks on the coast, at the council and the commission to try to determine, you know, what other agencies, as far as what our internal workgroups, how we operate as far as looking at natural resources violations.

So really quickly, what I can say is that for both of our commissions, what happens is when somebody is applying for a seat on one of these commissions, either sport fish or tidal fish, we run a natural history violation record sheet for them for the entire -- going as far back as the records indicate.

We then pass those along to our Office of

Appointments, emphasizing the last three years as something to really focus on before the decisions are made to place somebody on the commissions.

When we talk about our workgroups -- we have two advisory workgroup, the blue crab and the striped bass groups. We have rules put in place that deal with the accumulation of points, so any new member coming into one of those workgroups, if they have accumulated 10 or more points over a two-year period of time, they are not eligible to sit on one of the advisory groups.

Any current member who acquires 10 or more points over a two-year period while they are on the workgroup will be asked to step down. Yes, sir.

MR. BROWN: All right, let me give you a good example on this. I got a ticket year before last, hold on one second now. I believe that before a person if removed, he should have to come to this committee and be allowed to plead his case. And I will tell you why.

I have been haul seining in Port Tobacco Creek I know for 15, 18 years. Fishing on state property, have never had to ask anybody for permission, have fished there, never had any problem. All of a sudden the marine police come down there one day. I would like to see your written permission for fishing here. Well, I don't have it. Okay, I will have to give you a ticket.

They gave me a ticket for that. Then they tried to give me a ticket for the net being in less than 10 inches of water. I said, 10 inches of water? Yes, you can't have the seine in less than 10 inches of water. I said, no, you are wrong on that. If I have illegal fish, I have to release them in more than 10 inches of water. So, you know, they can survive.

They wrote me a ticket, went to court. It was, we just worked it out and I paid up. I don't know what it was. They put it on stet docket. But stet docket, if you do that, that is the same thing as -- you get the five points, right?

MR. HOLTZ: No.

MR. BROWN: No? It isn't? Well, anyhow, what I am saying is that is something that had nothing to do with illegal fish, illegal oysters, anything like that. That is just a bad situation that happened to me.

So what I am saying is before they get removed from a committee, they should be able to come to the committee and say, hey, look, this is what happened. And leave it up to the committee whether they want to leave them on there or not.

And instead of 10, I think it should be 11 points because you -- every ticket is 5 points. There is nothing less than 5.

MR. HOLTZ: No there are plenty of violations that are also zero.

MS. HUNT: You don't get any points for.

MR. BROWN: In harvest? How about oystering? Okay, well, I was wrong on that but anyhow I think they should be able to come to the committee and plead their case if they want.

MR. LUISI: I will just finish up quickly. So as far as additional restrictions or criteria for striped bass, the striped bass workgroup, there is a layer in there dealing with the federal Lacey Act, so violators of the act, anyone who has been convicted of a Lacey Act violation within the past 10 years is not eligible to serve as an advisor on the striped bass workgroup.

We also have in the guidelines for those two workgroups and committees that the department may take into account other factors: excessive reporting violations, probation before judgment on certain levels of violations, and such.

I made a couple calls, I spoke with folks at the council. And the Mid-Atlantic Council, as you know, advises the National Marine Fisheries Service. It is the federal arm. And what they do is they look solely at federal violations.

If you want to serve as a council member, they are going to look at your violations regarding your federal history, whether they be criminal or misdemeanor. There are varying degrees and levels. They go back as far as you have

been fishing. But they don't have a set criteria, like we would, with the workgroups, where you have a certain number of points.

I mean, they look at your history, they look at what you have done and they will make a decision whether or not they feel as if you, you as applying for a seat on one of those councils, is capable of serving.

As far as advisory panels to the council, they don't really, the National Marine Fishery Service doesn't get involved. They leave it up to the councils through the nomination process. I wasn't able to find out any more information. I have been waiting for some e-mails. And they just haven't arrived.

Atlantic States Commission: I spoke with them this morning, and they really just put -- the commission, as you know, has three members from each state. And they just kind of leave it up to the states to make sure that the folks who are going to be serving on the commission, they have gone through the process to evaluate those individuals to make sure they don't have a long history of violation in natural resources.

They do, however, if somebody on the commission or on one of their advisory panels, is found guilty of something and it becomes known, they will make sure the commission is aware of that, and the commission can decide, I guess, how to

move forward with some advisory groups.

So that was kind of my quick rundown of what I have been able to determine. I will turn it back over to you, Mr. Chairman.

MR. RICE: What is your desired outcome on this issue?

MR. O'CONNELL: It was really an item that nonadvisory commission members brought to our attention so it was really the pleasure of the commission. Looking at where we have been and where we are going, where we are, it is always good to, I think, revisit.

You know, this body is supposed to represent the people in your areas, in your fisheries, and you know, on one hand, whether if you have violations or not, if you are viewed as the respected representative, you know, some people feel like that is okay.

And if you look at our oyster, our county oyster committees, those are elected seats. And we don't look at the violation criteria for those because the statute requires that to be elected seats.

From a broader perspective, I think the credibility of the commission is sometimes impacted if the commission has a lot of members who have violations. I think you can look at it from both perspectives, and I think the individuals who brought it to our attention felt like it is a credibility

issue of the commission, so they wanted this issue to be reviewed.

It is the pleasure of the commission whether or not the commission feels like things have been working fine or not and we will take that under advisement.

MR. RICE: Okay, thank you.

MR. JEFFRIES: I am one of the ones who brought it up with Tom. And this all started back when the rockfish ITQ thing came up. And being this is my only business, I have been in it 25 years, I personally don't want an embezzler running my 401(k). I didn't want a pedophile in child care, and it is kind of like the same thing with this commission.

I don't want to point anybody out. The point is, is when someone else qualifies who doesn't have major violations, the person who has no violations, I think, should have a little bit more pull than the person who does have violations.

Tickets, we are not talking tickets. If you look at any paper, it is the same guys getting these tickets time after time after time. Over state lines, here or there. And that is where the commission can get a bad rap.

And you don't want one or two bad eggs -- I can say now it is not too bad but back when all the ITQ things come up, it was terrible. And when we went for the bill this year, if you were opposing us, you know, the senators got their arrest records, and they get up and say, hey, I am a member of

tidal fish, sport fish, whatever.

And then they pull out a rap sheet. It puts someone who is opposing them in a bad spot, you want to call them out in front of all the senators, and that was my point to it.

It wasn't to point out one specific person, two specific people. I am just saying if you have a candidate who is not a violator, I think they should have a little bit more preference over someone who's list is 50 miles long regardless of how many points it is. It if was 30 years ago or what it was.

And the violation is the thing. I mean, everybody is going to break the law every now and then. You do it every time you drink a beer in a restaurant. I mean, there is always a violation. We are talking about the same 10 or 12 guys who are the big violators.

The last senate bill we went to, one of the ones who opposed us, his license currently suspended and, you know, the are representing the fishery. And that was my point to you, Tom. It wasn't to point one person out or anything.

It was just to say the candidate that is more cleaner than someone else, I think that person should get a little bit more, a little longer look at than someone who is a major violator.

MR. RICE: Thank you for your comments.

MR. O'CONNELL: As Mike described for our

workgroups, we do have a -- we try tied to the points system. Points are established through the penalty workgroup, which are the peers of you guys. We go back two years right now for advisory bodies. We have made some steps forward on that.

MR. RICE: Anybody else?

(No response)

MR. RICE: All right, thank you for your presentation.

MR. MARTIN: I have a question.

MR. RICE: Yes.

MR. MARTIN: Not on this but I wanted the rest of the group to understand the horseshoe crab problem in Maryland. When would you do something like that?

MR. O'CONNELL: Other business.

MR. MARTIN: Okay.

MR. O'CONNELL: So we have an item from Robert T. --

MR. RICE: Robert T., we will take your item first on the oyster book and then we will move on to John and the horseshoe crabs.

Oyster Closure Book

MR. BROWN: All right. I had some comments on last year's oyster book, and Tom, I just handed him one earlier which is exactly the same.

This is -- I don't know how many places this is happening to, but when they thought about the sanctuaries,

when sanctuaries came in, when aquaculture came in, they designated places for the sanctuaries, they designated places where you could get oyster bottom leases.

And then you had your public bottom. Well, right in this one area where I live at, St. Clement's Bay, there is one place that is set aside to be leased. There were some old oyster bars in there. They are not productive anymore but we set it aside in our county.

Well, I have got three leases in that area that are on public oyster bars. Well, I requested that in the book this past year, when I did, I guess it was the end of the year or the summer when I had to renew my leases, I had to renew them or pay the tax on them. I asked them if I could, I wanted it printed into the book. Now whether they did it or not -- I didn't look through that book that well. I don't think they printed it in.

But what I am going by is, if you look here, if you go into a place where you don't know of anything, and you look and you see all these oyster bars, you know, with different names on them.

Well, if I were to go in an area I didn't know, and I looked at it, I said, well, here is an oyster bar. I can go here, this is all hand-tong area. I can go there and go hand tonging. Well, you could go right on my lease if you didn't pay any attention to the signs. According to this book, it

says that it is public bottom.

That is the way I look at it. It tells you all the names of the oyster bars. It needs to be addressed.

MR. RICE: Tom, can you answer his question?

MR. O'CONNELL: I think it is an issue that we will have to look into further. So just a little bit more detail, this closure book was intended to identify closure areas of sanctuaries, harvest reserves and restricted water areas.

We also use it to identify the Yates bars for which watermen are required to report their harvest. Some of the Yates bars are no longer considered public shellfish fishery areas. When the sanctuary aquaculture plan was put in place in 2010, some of these unproductive Yates bars were undesignated and made available for leasing.

Robert T. Brown has applied for and has a lease in some of these Yates bars. So when someone gets this map, you know, I agree, that most people look and say, oh, that is a Yates bar. That is near where I can go oystering. And if they are not paying attention to the buoys or markings of your lease, they think they are working in a legal area and they are not.

We have done questionnaires to leaseholders to see if they want their leases added to these closure booklets. And some do, Robert T. one of them. And the majority of them do not because they feel like it draws attention to where they

are making an investment and it may lead to risk of higher poaching.

This issue has come up again recently and it is interesting you brought this up because Gina Hunt and Kyle Rosher* have been asked to re-examine how we address this issue. And I think it is an issue. I can see Robert T.'s concern. And I will just say we are working on it and we can provide an update at the next commission meeting on some of the options that we see as working to address this concern.

MR. BROWN: I appreciate it. I just found out about it the other day and wasn't even looking for it. I had a man in my area who was looking to set up a lease. And the oysterman, when he was talking to him, he looked at him and he said, how did you get this bottom here? I said, well, you can get any of the bottom in that area there that isn't taken.

He said, well, according to this, when I buy my license, I can go work on that bar if I don't pay any attention to the signs. And it says it right here. I said, well, I will bring it up to them.

And what it really is, is it should have been a designated lease area or -- it was just an oversight, that is all.

MR. O'CONNELL: I hope you can understand, some of these holders don't want to -- so we have to figure out how do we address this issue. If leaseholders want to put it in

there, we do. But then we also got to figure out how do we, you know, how do we identify -- I am not sure of the answer yet.

MR. BROWN: Well, if somebody wants to go work in one of these areas that is not leased in here, we don't have any problem with that.

MR. O'CONNELL: But just because it is not a public shellfish area, if it is not listed as a public shellfish area, you can still oyster there unless there is a lease. So we are trying to figure out the proper layers on the map to address your concerns but also make it clearer to the public fishermen where they can go and where they can't go. So we will try to work on some solutions.

MR. MANLEY: Could you make it where they -- get guys like yourself, write a letter to DNR ahead of time and just say, for next year when you do your book, could you put my leases in the book or do not put them in?

MR. BROWN: They sent us a letter, and I said I wanted my --

MR. O'CONNELL: Yes, we did a questionnaire. I think that is one option. When we send the annual rent for the lease, we can ask, do you want our lease added to the closure booklet or not?

MR. BROWN: Because as far as it goes, you know, you got buoys on all ends of it, and anybody who lives in these

areas knows exactly, you know, that it is a lease there. But it was just something I wanted to bring up because I just found out about it.

MR. RICE: Aubrey, did you have something?

MS. VINCENT: Just a quick -- with the oyster book, if we are going to make any revisions at all -- and this is just a suggestion. By no means is it a big deal. But with a buy ticket, if the book could coordinate with the areas on the buy ticket, that could really save a lot of headaches and confusion.

Because the problem with this is the book, there aren't a lot of additional copies available because I have called before and they have said with the cost of printing -- you know, it is not like there are just a million copies. You can have what you want.

The areas that coordinate with the book don't coordinate with the MD, let's say MD-043 in the buy ticket. It could save a lot of confusion and you would have more accurate information if your buy ticket coordinated with your shellfish closure book.

MR. MARTIN: Is the book online?

MS. VINCENT: Yes, but it is a little monotonous. It is in a PDF form, and I have got a paper one that has got post-its all in it.

But it is not searchable PDF. Do you understand

what I am saying? You are scrolling, scrolling, scrolling. That is why I use the paper version, but the issue with it is, if you are not familiar with where your boats work, I can report a bar name, but with the variety of bar names that are available, you are essentially guesstimating where they are working.

It would be a simple fix to coordinate that book with your buy ticket. And it is just a simple coordinating the two, and your reports would be more accurate.

MR. O'CONNELL: Let me follow up with Mike Naylor on that.

MR. BROWN: And another thing could be done on the buy ticket that would make it simple.

If you had what kind is that, that oysters were caught into, put on it, that would make it probably easier to track the tax money per bushel to get it to the correct county because a lot of times you have different oyster bars that have the same name and I know sometimes when we try to fill it out, and throw in reports and stuff, I keep it on the boat because if you don't keep in on the boat and stuff, trying to keep it straight --

And the boat is jumping around and sometimes my hand scratch in too easy to read either.

MS. VINCENT: Well, even if the codes matched we would have a more accurate idea of where exactly --

MR. BROWN: A code will cover more than one county.

MS. VINCENT: Oh, yes. The problem is they don't even match that. I mean, you could be working in -- some of the ones, like eighth hole and stuff, some of those are pretty cut and dried. But like, some of them, you could be working in one bar and it is technically another area and you are reporting it as --

So they are still giving that credit -- even not just counties, to the completely different area. And for --- and shellfish sanitation, it is a mess.

MR. O'CONNELL: Well, this is good to hear and we can work to try to fix this.

MR. RICE: Rachel, did you have something?

MS. DEAN: I think Robert T. has a valid concern and I think that the survey they did, I read it somewhere, 51 percent didn't want it in the book and 49 did? So it is --

MR. O'CONNELL: If that is the case, I apologize. The e-mail I got from staff said the majority. I hope it is not like 51/49.

MS. DEAN: It may have been in the sport fish meeting on Tuesday. But it is a valid concern. And our lease was marked with specific buoys but only because the Coast Guard wanted it. There are other leases, the marking requirements -- and I know if your lease isn't marked there is nothing they can do if a harvester comes in because it is easy

to say, hey, you know, this is an open bar.

But we know where your lease is. Now let's make it legal and give you some backing to keep people off of it.

MR. GILMER: And I guess the concern I have is, you might not want anybody to know, but this is state bottom. I mean, I think the people have a right to know.

MR. O'CONNELL: Good discussion. Thanks.

MR. RICE: Okay. John, you are up on your horseshoe crabs.

Horseshoe Crabs

MR. MARTIN: Well, Tom may better explain how we got here but we are not allowed to catch any female horseshoe crabs in Maryland anymore. We didn't catch all our quota in females anyway. It was a one female/two males situation.

And all of a sudden last year there was a vote -- he will explain it. And yet other states are starting to open up, they are picking up female crabs really in our market that we created, years to create.

MR. O'CONNELL: So the horseshoe crab stock along the Atlantic coast is managed in three distinct regions. One of them is the mid-Atlantic region from New Jersey through part of Virginia. Not all of Virginia. And most of the management focus has been on that mid-Atlantic population of horseshoe crabs because of their connection to shore bird migrations that rely upon the horseshoe crabs eggs during

spawning.

There is also a region from New York north. And from halfway through Virginia south. And there hasn't been as much attention there because there is not the connection there with shore birds. There is also not as much data. So they have capped the landings in the New England and the south Atlantic areas but beyond that they really haven't changed the management.

Whereas in the mid-Atlantic region, going back to 1997 when Maryland's harvest was cut by 72 percent over the years, it got cut more and more, as did Delaware, Virginia and New Jersey. New Jersey closed their fishery through state action not required by ASMFC. Delaware, Maryland and Virginia have a quota.

And over time that has changed to the point where beginning last year, no females could be harvested. It had to be an only-male fishery. And what has happened is, you know, the mid-Atlantic region has always been the popular spot to supply horseshoe crabs along the Atlantic coast.

And with these cutbacks, the New England states particularly, I don't think it is much in the south Atlantic, maybe in North Carolina, but mostly in New York and New England, they have been seeing increased harvest pressure to meet the demands in the mid-Atlantic region.

And what has happened is -- I am not sure what other

words to use, but steal the market from the fishermen who have been in the business for a long time.

Eeellers really want female crabs, as do conch fishermen. And they will use males but they prefer females. And what is happening is these harvests begin to increase in New York. They are coming down and offering those females, which are preferred, to the conch and eel fishermen. And they are saying we can also provide you with males.

And what is happening is our guys, who are limited to males and a very low number of males, they are losing the marketplace.

MR. MARTIN: Yes, we have lost more than half our market this year. So we won't -- we will have caught not even half of our quota and we have stopped because there is no one to buy because they are able to get these females.

MR. O'CONNELL: John has mentioned it to me as well as George Topping.* Horseshoe crabs are not on the commission agenda for August, and any change would require an addendum. But I have reached out to the ASMFC staff person and plan to have some conversations at the meeting with some of the other states.

You know, we can't restrict interstate commerce, so that is not an answer. There is concern that the increased harvest in New York is leading to reductions in the population. And the technical committee is beginning to look

at whether or not there needs to be some restrictions in New York, and if there are, that will kind of balance the field a little bit. But I don't what the answer is yet.

MR. MARTIN: I don't know either but as a state and a group of fishermen, a small group, who caught these, there were some concessions we made earlier. Because there is a line that comes down outside of the three miles, about halfway down to Ocean City and then shoots straight off shore that you cannot go into.

MR. O'CONNELL: It is a big sanctuary.

MR. MARTIN: Because it is a sanctuary. So we stayed out of that sanctuary. We said no problem so we could protect that. And I don't know all the technology with the ARM or whatever that stands for, but we were assured that if we would do that, that we would be able to continue working as we were because we were under a quota.

MR. O'CONNELL: There is an adaptive resource model that is used to determine what level of females can be harvested each year, and right now the model is showing that zero females can be harvested from the mid-Atlantic.

You know, not all horseshoe crabs in Maryland go up in the Delaware Bay to spawn. Some of them go into our coastal bays. Some of them go in the Chesapeake Bay. So several of us made the argument that we should be allowed to have some females because not all of them are going into the

Delaware Bay.

And Virginia supported that. And the board decided -- we pushed for that but we lost that by one vote. So, you know, one of the options is to bring that item back up to the board for reconsideration, making an argument of a new situation that has not existed before and see if we can get some provision to allow our guys to harvest some females.

But that was an action we supported but we lost it by one vote.

MR. RICE: Thank you. All right. Tom, do you have any closing remarks?

MR. O'CONNELL: No, I am good.

MR. RICE: Okay. I am good too. I just thank everybody for their time. I know it is a bad time of year to have meetings. But meetings we shall have. We stand adjourned. Thank you all.

(Whereupon, the meeting adjourned at 6:10 p.m.)