

Maryland DNR
Tidal Fisheries Advisory Commission
Meeting

Thursday,
October 16, 2014

Held at the
Maryland Department of Natural Resources
Tawes State Office Building
C-1 Conference Room
Annapolis, Maryland

*Maryland DNR
Tidal Fisheries Advisory Commission Meeting*

October 16, 2014

TFAC Members Present:

William Rice, Chair
Robert Moochie Gilmer, Vice Chair

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

TFAC Members Absent:

Aubrey Vincent

Maryland DNR Fisheries Service

Nancy Butowski
Mike Luisi
Tom O'Connell

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

(2:00 p.m.)

Call to Order

by William Rice, Chair, TFAC

MR. RICE: I would like to call the meeting to order and thank everybody for making the trip and devoting their time and interest in our cause. Tom, would you like -- have any announcements for us today, please.

Welcome and Announcements

by Tom O'Connell, Maryland DNR Fisheries Service

MR. O'CONNELL: Yes, just one. I mean, for some of you who may not have know, Buddy Harrison, Sr. passed away. I think it was yesterday morning. And I did not know him very well personally but I hear a lot of stories about him, so I am sure many of you have known him and just keep his family in your thoughts and prayers. I haven't heard any funeral arrangements but I am sure he will have a heavily attended celebration so I just wanted to inform you guys of that.

MR. RICE: Thank you, Tom. Next item we have on our agenda is time for public comment. Do we have anybody signed up today to speak?

(No response.)

MR. RICE: At this time, we don't see anybody. So moving forward, we would like Lieutenant Art Windemuth to give us the NRP report please.

1 *NRP Report*

2 *By Lieutenant Art Windemuth*

3 LT. WINDEMUTH: I did something a little different
4 this quarter. I -- instead of just listing some of the
5 highlighted activities, I wanted to give you an idea, the
6 commission knows I included two documents. One is the total
7 amount of calls that are received and what they were. So you
8 have an idea of what we do on a given day or a given three
9 months, to know how our time is allocated. And also, again
10 that is called Calls for Service from July through September.
11 And the other document is just the numbers of citations,
12 warnings of commercial fishermen that were checked and they
13 were broken up into the areas.

14 Area one again being the lower three counties and
15 area two the upper shore, three is Anne Arundel, P.G. County.
16 Area four is the lower bank and five and six is the upper
17 bank.

18 MR. MARTIN: What is the Eastern Shore?

19 LT. WINDEMUTH: Eastern Shore is area one and two.
20 One being the lower shore and area two being the upper shore.
21 The delineation is the Nanticoke River. So again, I thought
22 that might kind of -- this data might be give you a better
23 overall view in what we have done instead of just highlighting
24 some particular cases. And I can certainly include that in
25 the next month if you would like to see that cases, but it is

1 kind of skewed, it doesn't give you a good full picture. Any
2 questions and I will be happy to answer them. Yes, sir?

3 MR. MARTIN: Do you know how many spawn up ocean
4 side compared to --

5 LT. WINDEMUTH: No, I do not and you have raised
6 that question and I have checked into it. The problem with
7 our citations and warning system is they run a couple of
8 months behind because we have ladies that are in there, men
9 and women I should say, that are in there actually physically
10 entering that data into the computer and coming off of -- you
11 can see it in three months, say why there was you know, almost
12 1,200 citations and warnings issued.

13 And we have roughly two people -- two or three
14 people who that is all they do, is enter that data in there
15 and so they are so far behind, it is really not meaningful.
16 One good point is, we are migrating to a total citation
17 warning -- electronics -- it is called E-Tickets, it is like
18 the state police is doing now. We have rolled out our first
19 two test cases, should be coming out -- test areas, should be
20 coming out this month and that will be a couple of officers in
21 each of the areas.

22 Hopefully by the first of the year, we will have --
23 we will be in full swing, migrating over to this system, so at
24 any time, I can go in -- any administrator can go in and pull
25 up exactly how many tickets, for what, where they occurred.

1 We can break it down. Again we are slowly getting there and
2 what we have to do for this migration, is we are going to do a
3 couple of things.

4 Officers will have printers in their vehicles and on
5 the boats. Why do you have to? The computer system. But
6 then we also have to bring district court into the mix on
7 this. Legislation I believe it was 2 years ago was passed and
8 allowed us to do this. It is just the technology and
9 infrastructure catching up to it. So, again hopefully
10 sometime I got my fingers crossed, after the first of the
11 year, we should be online.

12 And so when you ask for that data, we will be able
13 to get that and break it down according to county, according
14 to exactly what the tickets were for and how many of those
15 were issued. Like for instance, if you want to know how many
16 tickets were issued for people catching rockfish during the
17 closed hours, or out of the area, closed areas or during the
18 spawning reaches or whatever. We can pull that data specific
19 for the violations you are interested in.

20 Now, again it is so far behind and we don't have --
21 they are not broken down into individual ticket law
22 infractions, they are just sort of grouped. Again, work -- we
23 are headed that way. So hopefully we will be able to have that
24 data for you after the first of the year. Yes, sir?

25 MR. YOUNG: Just a clarification that, a hypothetical

1 situation, Jethro goes -- is a recreational crabber and he
2 goes and he sets his fold up traps or whatever he is happy to
3 be using that day and he sets them an hour before sunrise.
4 Which is a violation and he gets a warning. And then the next
5 day, he goes in another area and he does that again and gets
6 checked by the officer, can the officer go into the system and
7 see that he already got a warning for this?

8 LT. WINDEMUTH: Yes. Yes, he will be able to. And
9 that is one of the benefits. Whereas now, it takes -- we are
10 so far behind, the officers routinely go in and asks if a
11 person has had any prior violations but those are one depended
12 upon when they are entered -- again, a couple of months behind
13 and two, it is only for citations now do the people enter all
14 that data in.

15 From warnings, it is just basically a general
16 grouping, like it might be a crab violation in this particular
17 area on this day. No name associated with it because it takes
18 too long to enter that data in. Get back to your question
19 though, when this system is up and running, the officer will
20 be able to pull somebody's name up and look at citations and
21 warnings. At least that is what I have been told and that is
22 what we are shooting for. So we have our fingers crossed on
23 that.

24 MR. RICE: Thank you, Lieutenant. Next we have the
25 Estuarine and Marine Fisheries Management Planning. First up

1 on that, I have the Eel FMP review, Nancy Butowski from the
2 Maryland DNR Fisheries Service.

3 MS. BUTOWSKI: Thanks.

4 ***ESTUARINE AND MARINE FISHERIES MANAGEMENT PLANNING***

5 ***American Eel FMP Review***

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

7 MS. BUTOWSKI: So all of you should have received a
8 copy of the draft reviews. And as mentioned, we are going to
9 be going through the American Eel FMP review and then the Spot
10 and Croaker review. As most of you should be pretty familiar
11 with the process. We put together a schedule at the beginning
12 of the year and we have gone through at the last several
13 meetings, reviews for different FMPs and these are the last
14 for this year that we will be going through. By December we
15 will have a new schedule -- draft schedule for 2015 and we
16 will be giving to you probably after the first of the year.

17 (Slide)

18 So to begin with, the Chesapeake Bay Program Eel
19 Plan was put together in 1991 and since that time, it has been
20 reviewed several different times over the years and it has
21 been annually updated since 2007. The management plan has a
22 general framework that addresses issues about conserving the
23 stock, collecting additional catch and effort data from the
24 fishery.

25 And when the plans put together the catch and effort

1 data lists specifically geared to get -- to obtain information
2 on what the crab licensees were using as bait and we have been
3 doing that since 1994, we have been collecting data on what
4 the crabbers have been using as far as how much they have been
5 using eel for bait.

6 There were also actions towards understanding and
7 promoting research on the American Eels and to improve water
8 quality and protect habitat. So some of the actions in the
9 plan have to do with again preventing the harvest of small
10 eels especially from the Alford fishery. So minimal size
11 limits and minimum mesh size that were put in place for eel
12 pots.

13 As I mentioned, we put together recommendations of
14 actions to obtain better information on catch and effort. And
15 fishery service also has directed eel surveys, both fishery
16 dependant and independent surveys. So we currently conduct an
17 end of the year abundance survey in the coastal bay areas.
18 And we also collect fishery independent data from a post
19 survey and a trap survey in different parts of the upper bay.
20 And lastly we have a fishery dependant survey where we go and
21 collect data on biological characteristics of the fishery.

22 Mainly for our actions towards improving water
23 quality and habitat, we work through the Chesapeake Bay
24 Program to reduce nutrients, toxics, pollution, protect
25 habitat such as wet ones and SAV. And also for eels, we have

1 an active program for promoting eel passage.

2 (Slide)

3 From a coastal perspective, the ASMFC developed a
4 fishery management plan for American Eels in 1999, and since
5 that time, there have been several different amendments,
6 addendums sorry -- addendums that have been put in place.
7 Again, directing actions towards improving catch and efforts
8 statistics for recommending upstream and downstream passages,
9 especially at hydroelectric dams.

10 And most recently putting minimum size limits in
11 place for both size limits on eels themselves and for minimum
12 mesh size on the gears. Addendum four is currently pending
13 and the overall purpose of the addendum four is to reduce
14 fishing mortality and I think Tom is going to give an update
15 on that later on when he is giving more specifics on that.

16 (Slide)

17 So based on the most recent stock assessment for the
18 coastal stock which was completed in 2012, it was concluded
19 that the stock was depleted and this was based on several
20 abundance indices(sic) indicating a declining trend and it was
21 -- the depletion status is based on a combination of harvest
22 pressure, reduced spawning, habitat, especially due to
23 blockages. Some habitat impairment as far as water quality
24 goes.

25 Mortality, possible increased mortality, natural

1 mortality from a parasitic disease that affects swim bladders.
2 And also the possibility of impacts from climate change
3 because American Eels, respondents Sargasso Sea and the larval
4 are distributed and transported through currents along the
5 Atlantic Coast. And so climate change has a possible impact
6 on how those currents are flowing along the coast. And it
7 could impact distribution.

8 At this point in time, there was not enough
9 certainty in relationship to establishing a biomass so that
10 overfishing could not be determined. And the recommendations
11 through these dock assessment was to recommend additional data
12 so that reference points could be developed at some time in
13 the future.

14 (Slide)

15 So the status of the fishery, the coastal commercial
16 landings have in the early 70s and 80s ranged from a 2 to 4
17 million pounds. Since the mid 1980s there have been a drop in
18 commercial harvest total around 1.6 million pounds. Currently
19 there has been a range and this has been in the last 10 years
20 or so between 700,000 pounds and 1.5 million pounds. And
21 again that is a coastal commercial landings.

22 For Maryland, oh sorry, I misspoke. The current
23 landings from Maryland have been around 700,000 to -- take
24 that back, that is true for coastal, we will get to the
25 Maryland slide next, sorry. There has been an increase in

1 interest in Glass Eel harvest and only Maine and South
2 Carolina allow Glass Eel harvest. It has been around 25,000
3 pounds for the last few years. But you can see that it is
4 worth \$40 million and so there has been this interest concern
5 about --- and Glass Eel harvest.

6 There is very limited information on recreational
7 landings. There is really no directed recreational fishing for
8 eels. We used to get a coastal estimate but starting around
9 2009 we realized that really what is in place for surveying or
10 recreational fishery really isn't appropriate to even
11 producing estimates, so at this point in time we do not have
12 any recreational estimate for coastal harvest.

13 As I mentioned, now we can actually look at Maryland
14 Commercial Eel harvest and that has been around 400,000 pounds
15 for the last few years. And actually long term 22 year
16 average is around 400,000 pounds and the last few years it has
17 jumped up to about 600,000 pounds. And currently Maryland
18 takes about 60 percent of the total coastal highways.

19 So as a result of the review, the fisheries review
20 team recognized that our Chesapeake Program FMP was in place
21 and adopted about 8 or 9 years before the ASMNOG plans the --
22 was developed and put into effect, so consequently it does not
23 have any objectives that say we are going to file the ASMNOG
24 Coastal Management Process.

25 There was no request for any changes in allocation

1 due to biology or social factors and the team(sic) recommends
2 that we develop an amendment to adopt the ASMNOG guidelines
3 and also any other strategies that might be a result of the
4 addendum before. So any questions about the eel FMP review?
5 Yes?

6 MR. GILMER: When you said 60 -- we harvest 60
7 percent of the coast, you meant of the coastal states, not
8 just of the coastal fisheries?

9 MS. BUTOWSKI: The coastal -- of the coastal states,
10 yes. And another reason why it is difficult to determine what
11 the biomass is not only because of the date -- the lack of
12 data that we have and it is also an international species and
13 that there is harvesting from Canada and central South
14 America. So it is one total stock and it is internationally
15 caught. Yes?

16 MR. YOUNG: It is not on what you just talked about,
17 but it is in this pamphlet that you gave here, on page 5.
18 About a minimum size of the mesh, last sentence goes --
19 requires that -- required to have a minimal mesh size of half
20 by half. Well that changed a few years ago so that we already
21 have that in place. But then the next sentence, "Eel pots
22 that have small mesh size with the escape panels will be
23 prohibited starting in 2017", is that because somebody feels
24 that the escape panels don't work?

25 MS. BUTOWSKI: Yes, as well as they increased the

1 minimum size from 6 inches to 9 inches so I don't know if that
2 had any thing to do with it or not. But they felt that a half
3 inch by half inch was appropriate.

4 MR. YOUNG: Yes, but if you have a half inch by half
5 inch escape panel built into your small mesh pot, that should
6 be acceptable? My concern here is I was at a meeting also
7 here on this before and somebody was very upset that they were
8 going to lose about half of their year because they had here
9 prior to changing and they still used it with escape panels.
10 In 2017, they are going to lose that gear and that is an
11 expensive proposition.

12 MS. BUTOWSKI: Tom -- do you -- that was a
13 consideration through the ASMNO management?

14 MR. O'CONNELL: Yes, it has been like a year ago and
15 I am trying to remember. I may have to look it up and get back
16 to Richard. But ASMFC did pass new requirements for the half
17 inch by half inch and Maryland was one of those states where
18 it was already there but we had the escape panel issue that
19 people have to -- may have to -- I will have to look that up.

20 But why don't you let me take a look out there in
21 the meeting and hopefully I will be able to give you an answer
22 before the end.

23 MR. YOUNG: I don't even remember who it was that
24 was expressing their concern and a lot of those people were
25 quarter by quarter and they had put the escape panels in and

1 they met the regulations. Now they are going to -- whoever
2 that was seems to me it was --

3 MR. GILMER: I remember somebody saying that in a
4 meeting --

5 MR. O'CONNELL: Yes, I kind of remember it too. So I
6 will see if I can answer before the end of the meeting today.

7 MS. BUTOWSKI: Was it in relation to the ---
8 instrument and size?

9 MR. O'CONNELL: It might have been.

10 MR. YOUNG: Yes, with the half by half they
11 experiment and --

12 MR. : You know if anybody ever handled an
13 eel or caught an eel --

14 MR. YOUNG: With a half by half escape panel --

15 MR. JETTON: You got an escape hatch in there and he
16 is going to find it, he is going to get out of there. That
17 eel is -- he is always moving the whole time. He is going to
18 find it. I would hate to see somebody lose half their rig just
19 because of a perception there. But I am with him on that one,
20 I would like to know why.

21 MS. BUTOWSKI: Richard, if you think it was John, I
22 would like to talk to you -- I will call him after the Sport
23 Fish meeting and talked to him too.

24 MR. YOUNG: Yes, I don't know if it was John or not.

25 MS. BUTOWSKI: If it was.

1 MR. YOUNG: Or --

2 MR. GILMER: Unlike guys that yield a month in the
3 spring or a month in the fall, you know, they get a lot of
4 years out of the pot and surprise somebody with that many guys
5 that would eel full time would probably work their way in.

6 But --

7 MR. MANLEY: --- too, like my brother, he does it.
8 You don't want to take a chance with those smaller pots have
9 one in there that is small and you get a ticket because he
10 didn't get out. You actually run into that. You run out of
11 state and then you run into the big boys, you don't want to be
12 transporting under sized from out of state, then you are
13 really damned. You know with something that you are not doing
14 on purpose but just --

15 MR. GILMER: I remember that coming up at the eel
16 meeting.

17 MR. MANLEY: Because there is no way in hell you can
18 measure an eel when that sucker is squirming and hold it
19 straight to see how long it is.

20 MR. RICE: Did you have something Robert T.?

21 MR. BROWN: Yes, I was just looking on the chart
22 that you had and it looks like over the past -- you said that
23 the sporting is not probably at depletion and yet according to
24 the harvest over the last three or four years, it has been
25 fairly steady, you know had one spike and one was down. So I

1 am not alarmed at that at all. And if you were to count the
2 amount of eels we had compared to what they catch, U.S.A.
3 making a lot of money on these glass eels, eel for eel, you
4 would catch who was actually harvested in the most eels. In
5 Maryland with the size of eels that we catch, you know, how
6 many of them little teeny things is it take to equal out to
7 the weight of one of those.

8 So, as far as I can see, we are well within the
9 standards of where we need to be. And so far as it goes, I
10 deal with a little bit in my life and all you need is one
11 broken mesh into a pot, just one. And you will see a
12 difference in the eels, if there is any small eels around and
13 you will see where it is all slimed up and anything going
14 through it. So they do work and I like to see the people give
15 but keep using the pots if they want to.

16 MR. RICE: Tom, did you have?

17 MR. O'CONNELL: Yes, I was able to pull up the
18 addendum and I think I understand it, so in August of 2013,
19 the commission passed an action that requires states to go to
20 a half by half minimum size in their mesh for their pots. In
21 recognizing the financial burden to make that switch for
22 states that don't already have that half by half inch, they
23 allowed a three year provision for those states to have a four
24 by four, half by half inch escape panel in lieu of the half by
25 half inch mesh of the entire pot.

1 And so like New Jersey who didn't have the half by
2 half inch rather than those guys making the significant
3 investment and buying new pots, they could put a half by half,
4 a four by four, half by half inch escape panel in their pots
5 to have the smaller than half by half inch mesh size. And
6 they were given three years before they had to make that
7 investment of new pots. And the idea was well for three
8 years, they probably would have been buying new pots and it
9 could accommodate that new mesh size requirement.

10 So I don't think -- was there something in our FMP
11 review that suggested that the escape panels needed to be
12 something different?

13 MS. BUTOWSKI: Actually I thought it was that it
14 would not be -- escape panels would not be allowed after 2017.

15 MR. YOUNG: That is what it says here.

16 MR. O'CONNELL: And I think that is only if your
17 pots do not have the half by half inch mesh. So if you have
18 the half by half inch mesh, I mean, then you are fine.

19 MS. BUTOWSKI: Yes, but if you have the quarter --
20 he is talking about the quarter inch by quarter inch panel.

21 MR. O'CONNELL: Yes, then they have to make that
22 change within three years. Yes.

23 MS. BUTOWSKI: That has already been decided and
24 discussed.

25 MR. O'CONNELL: So they have three years to make that

1 investment.

2 MR. YOUNG: Well, I understand that they have three
3 years but still making an investment is a large investment.

4 MR. O'CONNELL: Yes, and that was to allow for the
5 escapement of the increased size -- increased minimal size of
6 eels. So we can go back and look at our -- I mean, we have
7 two or three eel advisory panel members on the ASMFC and go
8 back to the public hearings but you know, my recollection is
9 that it wasn't a big concern of it, but obviously --

10 MR. YOUNG: That is fine. You know at the eel
11 meeting that I was at and Moochie heard the same thing,
12 somebody was concerned. And --

13 MR. O'CONNELL: And I do too. How long do eel pots
14 typically last?

15 MR. GILMER: It is --- made out of wire, straight
16 wire bottom, it is a big age difference I mean a vinyl pot.
17 You might get 10 or 12 years out of it.

18 MR. O'CONNELL: What about a wire?

19 MR. GILMER: Wire? Three or four is probably ---
20 earlier.

21 MR. RICE: I was going to say that it depends on
22 where you work them because I am quite certain I passed some
23 down to Rocky from my young days and I say I got some wire
24 pots that are 20 years old. As long as you keep them dipped
25 every year and keep zincs into them. They will last a long

1 time.

2 MR. GILMER: Well and nobody above the bay is going
3 to buy one, because a water pot --

4 MR. : A water pot --- in no time in that
5 bay and fresh water. Two years probably.

6 MR. O'CONNELL: Probably that three year would
7 recognize that some pots need to be replaced.

8 MR. YOUNG: I just want to express a concern about
9 that I heard --

10 MR. O'CONNELL: Good memory, I remember that guy
11 too, I can't put an end on both of --

12 MR. GILMER: Most new pots now are vinyl. I think
13 it was John.

14 MR. YOUNG: I think it was too.

15 MS. DEAN: I think one of the things he said was that
16 if you are using the quarter inch and you cut in and put a
17 panel, that pot is probably not going to last you to 2017 if
18 you go cutting into it anyway.

19 MR. RICE: Yes, once you modify them they won't last
20 as long.

21 MS. BUTOWSKI: So all of our quarter inch by quarter
22 inch should have an escape panel.

23 MR. O'CONNELL: Already yes.

24 MR. YOUNG: Yes, by 2017, you won't be able to use
25 them at all.

1 MR. O'CONNELL: Complexities of fishers management,
2 right.

3 MR. RICE: If you could lead us on into the
4 discussion of Croaker please.

5 MS. BUTOWSKI: Yes.

6 ***Croaker FMP***

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

8 MS. BUTOWSKI: So, our Chesapeake Bay Atlantic
9 Croaker and Spot FMP was adopted in 1991. And it is one plan
10 that addresses both species. And again this plan was -- has
11 been annually reviewed or reviewed on a regular basis and then
12 annually updated since 2007. The management framework for
13 spot and croaker deals generally with again stock status and
14 this time cooperatively managing with guidelines by ASMFC.

15 Reduction in the harvest of small spot and croaker,
16 promoting research and again data collection and then keeping
17 a lot of quality in habitat. So some of the specific actions
18 within the plan has to do with increasing yield and through
19 that -- participating in the coastal management process. We
20 adopted 9 inch minimal size limit for croaker with the
21 recreation pre-limit and a commercial season.

22 Currently there is no recommendations or
23 recreational or commercial regulations for spot. Reducing the
24 catch of small fish was not a big issue for Maryland. But the
25 bay jurisdictions recognize that there were bi-catched

1 reductions devices that were need in the southern shrimp
2 fishery and so that was promoted and supported. And also the
3 bay jurisdictions agree to continue the minimal mesh size
4 requirements on trawl and gill nets.

5 For monitoring stocks, we do not have a directed
6 fishery independent monitoring system that just goes
7 specifically to collect information on croaker and spot. But
8 we do collect information on these two species through our
9 fishery dependant commercial comment survey. And also some of
10 our fishery independent surveys.

11 We have got both trawl and --- surveys in the
12 coastal bays in the Chesapeake Bay that provide information on
13 juvenile spot and croaker. And then mostly recently a pilot
14 study of -- using a gill net survey was started at Choptank
15 and we expect to get some additional information on spot and
16 croaker through that survey.

17 Again improvements in water quality and habitat are
18 really in coordination with Chesapeake Bay Program. Reducing
19 nutrients, toxics, pollutants, and protecting wetlands and
20 SAVs. From a coastal perspective, ASMFC adopted specific
21 management plans, one for croaker and one for spot, both in
22 the same year, 1987. But again, they have two separate
23 fishery management plans.

24 (Slide)

25 Amendment one was developed for croaker back in

1 2005, that completely replaced the the FMP. And it defined
2 fishery mortality rates spawning stock bio-mass reference
3 points. Since that time, there has been a couple of addendums
4 that have revised and expanded the management area, revised
5 biological reference points and most recently adopted a new
6 precautionary management approach that just happened in this
7 past August, I guess, of 2014, called the Traffic Light
8 Approach and I will be talking about that in a couple of other
9 slides.

10 For spot again, a specific FMP for spot, was
11 developed by ASMFC in 1987. It was one of the plans that did
12 not follow the standard protocols that have been adopted since
13 1987. So in 2011, an omnibus amendment was put together for
14 several species and spot was one of them that actually had
15 some management triggers that would follow by actions if --
16 for this particular species. That was not in the original
17 FMP.

18 And since that time, for just like the Traffic Light
19 Approach is being used as precautionary management framework
20 for croaker, it has also been adopted for spot.

21 MR. YOUNG: You are going to talk about that in a
22 minute?

23 MS. BUTOWSKI: I am going to talk about it in a
24 minute. As much as I can give you the details on it.

25 (Slide)

1 A croacker ASMFC's coastal stock assessment was
2 completed in 2010. At that time, it was concluded that
3 overfishing is not occurring. Estimates of stock abundance
4 was too uncertain to really say whether or not the fish --
5 the stock is overfished. But there are signs that the stock
6 is in -- there isn't a concern about the stock at this point
7 in time, biomass is increasing and the age structure has been
8 expanding.

9 There still is concern about the ability to -- of by
10 catch through the southern trawl shrimp fishery. Not so much
11 that the by catch reduction devices but as far as being able
12 to quantify the discards and that is what is complicating
13 really determining a biomass with some certainty. For spot
14 there has been no Maryland or coastal stock assessment.
15 There is one scheduled for 2016.

16 There have been some concerns about decreasing
17 trends and abundance along the coast. And at this point in
18 time, Maryland's juvenile abundance has been highly variable
19 over time as you might expect for a shorter lived species that
20 can be impacted by environmental conditions.

21 MR. YOUNG: Can you go back one? Under spot,
22 "status of spot stop is on there" can you go back another one?
23 Addendum 1 in 2014 establishes precautionary management
24 framework and the omnibus amendment in 2011 develops triggers
25 for actions, if you have no idea about what the stock is, then

1 how can you have any triggers for (hallway noise) and how can
2 you have any precautionary management framework if you haven't
3 a clue for about the status of the stock?

4 MS. BUTOWSKI: Well, there is still indices and we
5 have still have some --

6 MR. YOUNG: Indices of what? There is no stock
7 assessment, we don't know what is there, you can't have any
8 indices, you can't say oh well it is you know, it is down 50
9 percent because you don't know what 50 percent is.

10 MS. BUTOWSKI: True but there are -- different
11 states have you know, different subfishery dependant,
12 independent surveys that kind of give you a clue as far as
13 like --- so there is an idea. These actions that they have
14 put out for spot are not specific enough to trigger anything
15 which is why the traffic light approach was adopted.

16 MR. YOUNG: Okay, well we are going to find out.

17 MR. BROWN: How long does a spot live?

18 MS. BUTOWSKI: Three or four years.

19 MR. BROWN: You can't manage it, a three year
20 fishery, how are you going to manage something that only lives
21 three years? Find out -- and try to get a spawn and you know,
22 find out what the biostock is -- it is such a short life that
23 it can pull down on the speed and rebound. And whether does
24 more to it than what harvest does. If you get a real cold
25 winter, you can have a weak spot fill here in the bay or right

1 there in the ocean overnight. And then they will be down for
2 a couple of years and then they will come back. So I mean,
3 some things are out of the realm of scientists.

4 MR. O'CONNELL: I think I have just seen a traffic
5 light approach is that it is recognized that these short lived
6 species are very cyclic and that is why the traffic light you
7 will see is that only when you have like two or three
8 consecutive years of an index that is very low -- very low
9 within the historical survey of that species, that manager has
10 suggested that we take some action. I mean, this is a fishery
11 that is back to back years for two or three years that we are
12 seeing some of the lowest in the season on record then we may
13 want to pay attention and put some protection to ensure that
14 there is adequate spawners to have that population jump back
15 when the conditions are favorable.

16 So I think you will see through the traffic light
17 approach that it takes into consideration that you know these
18 animals are both cyclic. We are not doing knee jerk reaction
19 when a species drops in one year, it is -- they are dropping
20 for two or three consecutive years, then we should consider
21 doing something.

22 MR. YOUNG: I still don't see how any of those
23 indices can play any role if you don't know what you are
24 dealing with to begin with.

25 MR. O'CONNELL: Well I think to that point, when you

1 say it I think, we don't know what the status stock is. That
2 is when you have reference points and you know that the stock
3 is overfished or not. You know, like blue crabs we have a
4 female adult biomass target. For striped bass we have a
5 female spawn that is not biomassed and there is enough
6 information to do an assessment to make a determination of the
7 status of the stock. But as --

8 LT. WINDEMUTH: With certainty.

9 MR. O'CONNELL: Yes, but absent that information,
10 you can look at indices of abundance to try to get a sense of
11 the populations increasing or decreasing. So you do get a
12 sense of what the status of the population is but you can't
13 make a formal determination like the stock is overfished or is
14 not overfished. So I think --

15 MS. BUTOWSKI: And what that level is --

16 MR. O'CONNELL: So maybe the word staffed or stocked
17 need to be more clearly defined how it is being used here.
18 You can't make that overfished determination but we can assess
19 trends of abundance for the population going up or down. Hope
20 that helps.

21 (Slide)

22 MS. BUTOWSKI: So as a result of the fisheries plan
23 review team -- I will do that next. We will talk about the
24 coastal management approach and this is the traffic light
25 approach and it is just based on the colors that they have

1 assigned like a stop light. Red is you are concerned.
2 Yellow, you are kind of in between. Green is the -- gives you
3 the okay.

4 So and those color assignments are based on relative
5 levels of indicators and in this case, it is a composite
6 indicators and ones that associated with the funds and another
7 set that associated with harvest. So I will show you a figure
8 in just a moment but as harvest or abundance would change over
9 time, then you would give a change in proportion of that
10 coloration. So when you see increasing green, you would know
11 that you have an increase harvest in abundance estimates.

12 And when you had more red, you would know that that
13 means that there is going to increase or decrease -- the
14 harvest or the abundance have been decreasing. So if the red
15 is increasing, you have to decrease in harvest or abundance.

16 (Slide)

17 So if I took this figure right from ASMFC and this
18 has to do with croaker and their fishery independent
19 information, so it would just be adult abundance
20 characteristics. So, generally what happens is that the line
21 between where the green and the yellow starts, you can think
22 of that as like over the long term average.

23 So if you are talking about abundance it would be
24 about the long term average of the abundance. If it was the
25 harvest, it would be the long term average harvest over the

1 time series that we have. Where the red, yellow delineation
2 comes from is then taking 60 percent of what the long term
3 average would be.

4 So when you are looking at this, you can think okay
5 so like in the 80's -- I guess the 90's or 80's and you see
6 where -- oh then when ASMFC determined that there would be
7 some moderate concern if those levels went above the 30
8 percent levels. And that is the lower black line that goes to
9 configure.

10 And there would be more concern if it -- you had red
11 that goes above the 60 percent line. And again, we are looking
12 at for croaker, a three year. At three years in a row, you
13 had an over 30 percent line, then you might want to consider
14 some moderate adjustments to your fishery management actions.
15 If you had three consecutive years above the 60 percent level,
16 you would want to think about more significant management
17 actions as a result.

18 So, the most recent assessment looking at for both
19 spot and croaker, using this approach, for the last year, none
20 of the triggers were that. So there has been -- and you can
21 see from the abundance for croaker that there has been a
22 minimal amount of red on the traffic light approach so that we
23 have been good for croaker.

24 For spot, it would be a two year time frame. So if
25 you had a similar figure for spot, then if there were two

1 years in a row that it was over 30 percent, then we would want
2 to be thinking about some moderate management measures
3 possibly. If it was two years in a row, over the 60 percent,
4 we might want to think about something more substantial as far
5 as far as management --- go.

6 (Slide)

7 So as a result, the fisheries review team looked at
8 and reviewed the plan and came to the conclusion of what we
9 had in place right now for the croaker is actually more
10 restrictive than required by the ASMFC. There are currently
11 no restrictions on spot -- on the harvest on spot. This new
12 precautionary management approach may result in some changes
13 to management measures in the next few years or it may not.

14 There is a stock assessment that is due for both
15 species in 2016. And so the plan review teams completed that.
16 This plan is still appropriate framework for managing spot and
17 croaker. And that we should look at reviewing it maybe after
18 in 2017, after the stock assessments have been completed. Any
19 questions?

20 ***Questions and Answers***

21 MR. RICE: Robert T.?

22 MR. BROWN: All I wanted to say is a couple of years
23 ago, we had a controversy of the spot pots. And that was a
24 period right after we had a real cold winter and we had lost a
25 lot of spot during the winter being froze, and that all kind

1 of worked out. So, just don't want to be too hasty and to
2 jump into too much management on a short lived species like
3 that.

4 MR. O'CONNELL: Understood. I mean, we do have this
5 ASMFC plan that we are required to comply with and I think it
6 does take that recognition of looking at these over a multiple
7 year period, so --- right.

8 MR. RICE: Nobody else? The only comment I was
9 going to have was right along with what Robert T. said that
10 when you are dealing with a species that is shown its
11 resiliency to repopulate or rebound from low levels and you
12 have a life cycle of 3-4 years, that any management tool
13 should also be on the short term and not stretched out to
14 impact the fishery or numerous views. All right, thank you.

15 MR. MARTIN: So I can understand you, in 2010 -- the
16 green came down a little bit and then in 2011, the green came
17 down more, that is a good thing?

18 MS. BUTOWSKI: Yes.

19 MR. MARTIN: What does it mean when the red went up?

20 MS. BUTOWSKI: That means that there has been a
21 decrease in harvesting or abundance. In this case it would
22 abundance.

23 MR. MARTIN: Well, what did the green being better
24 mean?

25 MS. BUTOWSKI: That there has been increases in

1 abundance. So if the red is coming up, it would be decreases
2 in abundance if you are looking at this composite chart.

3 MR. MARTIN: How can it be both?

4 MS. BUTOWSKI: It's a proportion. So you can
5 probably see some of both okay. Because it is based on 100
6 percent. So one is set at 60 and the other one is set at 40
7 and you are going to still see a little bit of --

8 MR. MARTIN: I just want to make sure that I
9 understand. Maybe everybody else is not seeing this, in 2011,
10 that chart according to what you just said means that there is
11 an increase in abundancy and there was a decrease in
12 abundancy. The red went up and the green --

13 MS. BUTOWSKI: Yes, that -- and it has to do with
14 the reference points that are used. So it could vary depending
15 on what the total harvest would be.

16 MR. MARTIN: I think this chart really goes to what
17 the other two guys said, we really don't know what these fish
18 are doing. It is too hard. It is too short.

19 MS. BUTOWSKI: Again this is like a relative, not a
20 specific.

21 MR. MARTIN: I just don't understand how it can be
22 both at the same time. No fishery that I know of that we have
23 a chart that says both things happen.

24 MS. BUTOWSKI: It has to do with relationship with
25 the -- this is my understanding, of the relationship of what

1 you have --

2 MR. MARTIN: Well, either they increased or they
3 decreased.

4 MR. : Nancy, you see that John is looking
5 at 2010.

6 MS. BUTOWSKI: I know what he is looking at and --

7 MR. : Yes, the green went up and the red
8 went up at the same time.

9 MS. BUTOWSKI: Yes. Again this is a composite of
10 abundance so it is not based on just one you know, indices,
11 that is the only thing that I can think of as far as per --

12 MR. MARTIN: I would put in that they need to do
13 something different with their charts because --- make any
14 sense.

15 MS. BUTOWSKI: Well, I think that even though they
16 put this in place and we are going to do -- there is going to
17 be a stock assessment that comes out and I think will probably
18 make some changes as a result.

19 MR. O'CONNELL: So John, if it is a composite
20 multiple indices, that changed in 2010 and 2011 maybe that
21 some of those indices went up and some of those indices went
22 down.

23 MR. MARTIN: Are you saying like a certain year went
24 up?

25 MR. O'CONNELL: No, this is several surveys within

1 one year along the Atlantic Coast. So there could have been
2 some surveys that improved and that is why you are seeing more
3 green in 2011 but the other surveys on the coast that indices
4 went down and that is why you got more red. So in that year
5 there was not a consistent trend long the Atlantic Coast.
6 Some areas got better and some areas got worse.

7 MR. RICE: Billy, did you have something?

8 MR. GOLDSBOROUGH: Yes, well I was pretty much going
9 to say what Tom just said. But I did have one other comment
10 in a general sense and that has to do with cycling, natural
11 cycling. We do have -- I mean, it is not unusual to see fish
12 stocks going up and down over time. But I guess I just would
13 say, would suggest that because -- be careful not to always
14 call that natural cycling because there are unnatural things
15 that are affecting them.

16 Like it would really on in natural cycling if there
17 was nothing affecting that stock except nature, you know if
18 there were no harvesting, no environmental degradation, no
19 water quality problems. But in have in fact found that when
20 there are stresses on the stock, it can increase the magnitude
21 of cycling. So I just want to throw that out there, just
22 because you see it up and down over time, doesn't mean that it
23 is all natural.

24 MS. BUTOWSKI: And I would just like to remind you
25 that if you would like to provide some written comments, if

1 you could send them in by October 31, that would be great.
2 And again this is your time to participate and contribute to
3 the ---.

4 MR. O'CONNELL: Just a second. We had a lot of
5 confusion of this export fish advisory commission too. So
6 don't feel like you are the only ones. So --

7 MR. : It was hard to raise my hand today,
8 I don't understand.

9 MR. O'CONNELL: Everybody was thinking that. So I am
10 just going to give you an example and I don't know how many
11 surveys this consists of so one is, multiple surveys going on
12 along the entire coast. And let's just say that there is ten
13 surveys okay. So let's look at 2012. In 2012, ten surveys
14 collected, 70 percent of them showed an increase that green
15 bar, that is 70 percent, so 70 percent -- 7 of the 10 surveys
16 showed an increase through the 10 surveys showed about average
17 levels.

18 If you go to 2001, it was the opposite. 2001, 70
19 percent of the surveys decreased and 30 percent remained about
20 the same. So, some years you will have a consistency of
21 surveys along the coast where you will see these big ---
22 greens and other years, you are going to have mixed signals.
23 Some surveys went up and some surveys went down. So if that
24 helps you.

25 MR. MARTIN: That helps if you are telling me that

1 those lines that way are single different surveys. Basically.

2 MS. BUTOWSKI: It is a composite.

3 MR. O'CONNELL: Yes, on the right side --

4 MR. MARTIN: But you are saying out of 10.

5 MR. O'CONNELL: I am just saying if there were 10,
6 give an example, maybe 15.

7 MR. MARTIN: Okay out of a percentage. You are just
8 saying a percentage. 20 percent of all surveys in 2011 showed
9 a drop?

10 MR. O'CONNELL: Yes.

11 MR. MARTIN: 20 percent showed better. That
12 explains it a little better.

13 MR. : Yes, it does.

14 MR. O'CONNELL: They try to take this traffic light
15 approach. Red, yellow and green to try to make it simpler but
16 it --

17 MR. MARTIN: I didn't imagine that.

18 MR. O'CONNELL: Red, stop and green, go.

19 MR. : Usually you see one or the other.

20 MR. BROWN: It just scares me if the Atlantic States
21 Marine Fishery Commission decides they want to do something on
22 it because --

23 MR. O'CONNELL: That is why like you need -- if you
24 had three years in a row where you had all that red, that is
25 sending you a pretty strong signal.

1 MR. RICE: Okay, this does wind us up. Coastal
2 Fisheries update, Mike Luisi?

3 ***Coastal Fisheries Forum Update***

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

5 MR. LUISI: Good afternoon everyone. I have a
6 couple of updates to provide you today. And first this is
7 regarding to our new coastal fisheries forum. Some of you may
8 remember, John has been involved, for years we had a committee
9 similar to the commissions hearing, it wasn't a Governor's
10 appointed commission but more so an ad hoc committee that we
11 put together to talk about it, to deal with issues both
12 commercially and recreationally on the coast, in the coastal
13 bays and off shore.

14 So and over the years as we you know, we had more
15 and more different interest groups, showing up and wanting to
16 participate, we got to the point where we couldn't get a seat
17 on a committee, it was just -- we couldn't fill the seats.
18 The people -- there was less and less interest because it was
19 one full group of commercial and recreational interests. And
20 it just grew to the point where we couldn't -- we just
21 couldn't work it out very well at the table and more and more
22 people wanted seats on the committee.

23 So, over the last year or so, the committee -- we
24 had a couple of meetings where there was just some poor
25 attendance. And we made the decision, we decided to take a

1 different approach with addressing our stakeholders on the
2 coast. So what we plan to do -- we had our first meeting back
3 in late September, this is going to be a coastal fisheries
4 forum. So what we have done -- Lynn Kerrie Kennedy who is our
5 coastal fisheries program director, we called a meeting of the
6 stakeholders and we held two meetings throughout the day. We
7 had a commercial meeting in the morning and a recreational
8 meeting in the afternoon.

9 And we invited everyone we knew that had showed some
10 interest in coastal fisheries management. And we had a good
11 turn out. The conversation -- much of it focused on striped
12 bass on both sides. But I thought what I would do -- so I
13 will just continue, our plan is to do this twice a year both
14 in the fall and the spring and we are going to try to
15 coordinate around possibly some significant actions by either
16 ASMFC or the MidAtlantic Fisheries Management Council who if
17 that doesn't get brought up here all that often, because it is
18 the advisory body for NOAA Fisheries.

19 But we are going to coordinate those meetings,
20 spring and fall and see how that works. See what kind of
21 interest we continue to get and see what feedback we get back
22 from the stakeholders there. So I thought what I would do is
23 just give you a quick update on a few of the coastal issues
24 that came up.

25 Obviously stripped bass kind of took over the

1 discussion regarding the addendum that we will be dealing with
2 here in a couple of weeks up in Connecticut. So we talked
3 much about stripped bass. We got some feedback from some of
4 the crabbers in the bay, in the coastal bays that they have
5 had concerns over the last few years of increased effort being
6 put into the coastal bays, not by themselves but by crabbers
7 coming from the Chesapeake Bay, coming over in the early
8 portion of the season, filling the bay with pots and then
9 moving back to the bay.

10 So, it was brought up. We talked a little bit about
11 it and we kind of just brainstormed a bit about some
12 possibility of you know, maybe potentially limited entry
13 actions for crabbers in the bay. We never really came to any
14 conclusion as to what the crabbers wanted and John and I have
15 talked and we kind of left the table saying this is something
16 that the fish -- the crabbers in Ocean City need to -- if they
17 want to bring something to this table, to have that
18 discussion, then we are going to kind of put it on the coastal
19 representatives to do so. But I wanted you to be aware of the
20 fact that discussion we did have that discussion.

21 We talked a little bit about the upcoming -- well
22 the upcoming -- the summer flounder event that I mentioned to
23 you all in the past. So, ASMFC and the MidAtlantic Council
24 are taking up a very large comprehensive review of the summer
25 flounder management for both recreational and commercial

1 fisheries and the FMP. So it is a joint effort by both groups
2 and everything is really on the table.

3 So allocations are a big thing that have been
4 discussed. Whether or not there needs to be a shift in the
5 focus of where the allocations would fall, either commercially
6 or recreationally or within one of the sections. You know, who
7 gets what? Do more fish -- does Maryland get more quota? Do
8 recreational anglers get more quota?

9 Allocation is going to be one of the biggest -- one
10 of the biggest things that we are going to be talking about
11 and that is where I guess, this group is involved due to the
12 commercial nature of the allocations that we set in Maryland.
13 Although much of the quota that we receive in Maryland is a
14 coastal fishery provided through permitting.

15 There is a bay fishery and we have kind of a soft
16 quota in the bay for how we manage commercial take. So this
17 addendum -- I am sorry, this is an amendment to the plan is in
18 the process right now for which public comments being heard,
19 we had a meeting in Ocean City a couple of weeks ago, we got
20 some good feedback. We had mostly recreational anglers attend
21 that meeting. And we got feedback regarding the amendment.

22 Where we are going to find ourselves in December
23 would be as a counsel and a commission, there is a joint ---
24 scheduled in December for which those two bodies will need to
25 make decisions regarding which aspects of the amendment we

1 need to focus on for the next few years to develop and to
2 work on. There is too much in the amendment to take on all of
3 the issues.

4 So, if -- what I can get out to you guys and I am
5 sorry that I failed to do that prior to this meeting, there is
6 a scoping document. The scoping document includes all of the
7 management issues that are being looked at and there are some,
8 there is information here about when comment needs to be made
9 and plus it also goes through some of the details of the
10 different background information as to why it is -- why do we
11 need to make changes and what I can do is I can get that to
12 Maureen and have her send that out to all of you guys, I am
13 sorry that I didn't get it to you first.

14 Public comment is due to ASMFC or the MidAtlantic
15 Council by October 31, so Halloween evening will be when
16 comments need to be made. And lastly -- well, you know what I
17 can do -- Mr. Chairman, maybe I will take questions. If there
18 is one other point that I think folds into the next topic on
19 the agenda, so maybe I can take questions on the --

20 MR. RICE: Okay, does anybody have any questions up
21 to this point?

22 MR. MARTIN: Yes, in talking about the coastal bays
23 and the crab -- is there a pot limit in the coastal bay per
24 person?

25 MR. : Yes, it is 300. I think the

1 biggest issue too is they -- most people come over there and
2 DNR is having a hard time counting the pots because there is
3 no significant buoy -- some of the buoys are different than
4 your other buoys, it just has a number.

5 MR. LUISI: Yes, and I also know a lot of those guys
6 have Maryland and Virginia license both and crab both sectors.

7 MR. MARTIN: It is just a very small bay. This is
8 --- when I was setting pots, you just set your line and
9 everybody knew you would have three pots right next to it each
10 and that is just the way it was. So many and the DNR can't
11 count to see if anybody is over or under, well over I guess.

12 MR. LUISI: Yes. I mean I know a lot of guys that
13 crab but I just didn't realize it was --- or not.

14 MR. RICE: All right, well Mike, lead us into your
15 next topic if nobody has anything else.

16 (No response.)

17 ***Striped Bass E-Reporting***

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

19 MR. LUISI: Okay next I will be giving you an update
20 on where we are currently with our striped bass e-reporting
21 pilot program. We have been discussing this for months now,
22 through each of the meetings to kind of give you an update on
23 where we are. So, as you know, we have embarked on conducting
24 a pilot electronic reporting and hailing program for this
25 upcoming fall into the winter gill net fishery.

1 And we have been working for the last couple of
2 months with the vendor. This is the same vendor who is -- who
3 has developed the blue crab reporting system that has been
4 piloted for a number of years. So we have been working really
5 closely with the vendor to put together a hailing, an
6 electronic reporting and check stations are involved in this
7 process too, so it is slightly different from how the blue
8 crab monitoring program is working.

9 So we are working on that development. The current
10 or our status right now is that we need to -- sent out a
11 letter to all permit holders, maybe a month ago, soliciting
12 for volunteers to join the program and work with us throughout
13 the next few months to provide us feedback on this system
14 works for them.

15 We have had about 20 people sign up so far. We have
16 room for training between 50 and 70 people, that was kind of
17 our goal. So if you know of anyone or you want to take this
18 information back, this is the first you have heard of it, we
19 are looking for people who will be fishing, starting probably
20 maybe the end of this month, all the way through February gill
21 net season, to work with us on that.

22 We are planning to run the two systems that we
23 currently have and are parallel to one another, so every thing
24 that everyone already knows about how the reporting is --
25 takes place through the striped bass permitting program. This

1 pilot project is just going to run in parallel with that. So
2 permit cards will still be there, the check stations will
3 still be handling business as they know it.

4 It is just they are going to have this electronic
5 component which we then will be comparing with the old system
6 to make sure that it is operating soundly over the course of
7 the next few months. We are going to continue to work with
8 industry members and right now our -- we are trying to solicit
9 and focusing our attention on getting folks who have the quota
10 and are willing to work with us and we think it is going to be
11 very important to maintain that tight connection with the
12 permit holders so that we can learn about how to make this
13 system better.

14 This is just a pilot and we have every intention on
15 incorporating feedback into the continued development of the
16 system. And on top -- with that, what I will add is what I
17 didn't add within the coastal forum, was the coastal fisheries
18 is much more complex as far as the different permits both
19 state and federal permits that are held. There are already
20 federal requirements for doing things like hailing and vessel
21 monitoring that the guys on the coast are already having to
22 deal with.

23 So we decided to focus on efforts on this project
24 just in the Chesapeake Bay. However, we are going to be
25 working with a small subset almost a coastal work group, we

1 are going to get -- bring that together over the winter, so
2 that we can start to understand all of the other reporting
3 avenues that the coastal fisheries take so that we can make
4 the system that would help them as well as help the fisherman
5 of the Chesapeake Bay.

6 So we will be taking that on while the bay fishery
7 is operating in the hopes that by next year we will have
8 something for them as well.

9 ***Questions and Answers***

10 MR. RICE: Robert T.?

11 MR. BROWN: Mike, as you know, coastal --- recovery
12 may be coming up again, what is this going to cost commercial
13 fishermen in licenses fees and stuff coming up? Have you had
14 a -- I know it was a consensus that came out of a work group,
15 I was wondering if you had had any updates that you could give
16 us on how far you made --- with that?

17 MR. LUISI: We have began discussing that, we just
18 haven't -- we haven't gotten there yet. The focus since the
19 work group meeting throughout the last two months has been the
20 development of this program. So, we just haven't had the time
21 to sit down as a unit and sit down with the vendor and those
22 who are involved in this to get a grasp and get an
23 understanding on ultimately what will be the cost.

24 Right now, the pilot program -- while we are under
25 voluntary effort, there will be no cost to the fishermen. But

1 we will be having those discussion and we certainly will be
2 reporting back not only to this group but to the striped bass
3 work group as well as soon as we have more information.

4 MR. BROWN: Very good. I appreciate you working on
5 it. One of my main things is I had to go through course
6 recovery and it is hard to keep the price down. And we got to
7 be able to afford it.

8 MR. RICE: Rachel, you had your hand up?

9 MS. DEAN: Yes, I just wanted to ask because
10 something, Mike, for clarification, when you were discussing
11 the reallocation, you were referring just to the coastal?

12 MR. LUISI: No what -- okay, so there is going to
13 be -- there is interest from other states right now to
14 reallocate some of flounder quota to the north due to shifts
15 in what is being perceived as a biomass shift. It has to do
16 with many things but the possible expansion, possibly climate
17 change driving more -- what we are seeing is more and more
18 fish off of the New Jersey and New York coast rather than
19 historically where they were off of Maryland and Virginia.

20 The quotas were set so long ago that that shift is
21 driving this discussion and this debate. So if Maryland -- we
22 only get two percent -- we get a couple percentage of the
23 total coast line commercial quota that we distribute. If we
24 were to be -- if some of that was taken from us, it would
25 impact the permit holders as well as the bay fishermen,

1 because all of the quotas would fall and drop.

2 MS. DEAN: Okay and the reason I ask this is any of
3 the arguments for this shift because they are not meeting
4 their quota?

5 MR. MARTIN: No, we are catching it.

6 MS. DEAN: You are catching it. So it is not a
7 latent effort issue? That you guys aren't catching it, we are
8 catching it up north and we want more? Okay.

9 MR. LUISI: It is just -- it is where the fish are
10 and yes.

11 MS. DEAN: Okay.

12 MR. MANLEY: In another -- from what they are saying
13 for the stripers, they want us to cut back because they want
14 to catch as many up there?

15 MR. LUISI: Well, if they --- except -- they want to
16 catch more, there is more fish available to them now and they
17 are basing a lot of the -- and I say they, this is all through
18 the commission and the counsel as a group but they as you
19 know, New Jersey North are saying the fish are here now, they
20 are -- this is where they are, we need to rethink how we
21 allocated this fishery to the coast.

22 Because we are basing it on data from back in the
23 late 80s and early 90s. Things were just different now. But
24 so --

25 MR. : Stand by ---

1 (Many speaking at once)

2 MR. JETTON: --- sounds like a paradox. I mean
3 paradox for exactly the opposite of what they are trying to do
4 to us now in striped bass. So yes.

5 MR. BROWN: Do we have a bay quota or do we go by
6 coast quota on the flounder?

7 MR. LUISI: We have a quota in Maryland. Most of
8 that quota is established through the permitting of the
9 coastal fisherman, the guys who hold the permits and the
10 secondary permits. Then we apportion a certain percentage of
11 that to the bay and we don't -- we don't manage that under a
12 quota -- you know, the bay doesn't get its own. We just kind
13 of assign some here so that the by catch through the
14 powernet(sic) fishery and some hook and line fisheries
15 account, we can account for it. It is almost a savings. We
16 kind of save a little bit of fish for the bay.

17 And we haven't in the past you know, gone -- knocked
18 up too hard against it and in and around it. But prove
19 consistent as far as what is being around it.

20 MR. YOUNG: So what states are asking for this
21 increase? New Jersey? And everybody north?

22 MR. LUISI: Generally that is the interest, yes.

23 MR. YOUNG: And we have two --- what does New Jersey
24 have?

25 MR. LUISI: It has a little bit more -- I personally

1 will just say this, just being involved and personally I --
2 the commercial quota is I think a little more fixed in this
3 debate than the recreational quota. I think that the
4 recreational distribution of what targets are established for
5 states up and down the coast, is going to come more under the
6 microscope here. The -- just through the conversations, the
7 commercial interests are -- they capitalize, they are invested
8 in those permits that they have and there is going to be a
9 much greater fight from commercial fishermen to maintain what
10 we have.

11 Recreational anglers are asking for us to balance
12 the increased landings by recreational fishermen off of New
13 York and New Jersey by giving up some of our buffer that we
14 have failed to catch to be honest. We have target numbers of
15 fish that we just -- we haven't been catching in the past few
16 years. So we have been giving them a buffer in theory, we
17 have been buffering their catch, but if they are looking at
18 this as more, they are going to come get it now, it is not
19 going to be up to us anymore.

20 And that is I think where the bigger allocation
21 issue will be at the table. It is just my opinion.

22 MR. BROWN: But Mike, if we don't have but 2
23 percent, we don't have nothing to give. I mean, and it is
24 very simple. You know, if they are just turning the wheels on
25 us. You know, like with the rockfish. We don't have no -- 2

1 percent, that doesn't even you know, give us anything to work
2 and we can't sacrifice none of that.

3 MR. RICE: Rachel?

4 MS. DEAN: I will separate it again. I know you said
5 that probably not the commercial sector but then when you came
6 back to the recreational sector and you said we are not
7 catching it. I want to stress again, I am concerned that that
8 could carry over to other species, latent effort and we are
9 not using it, so it is going to be possibly targeted. So I
10 know you said recreational but --

11 MR. LUISI: You are right.

12 MS. DEAN: -- that is -- I mean, striped bass. Okay
13 they could use that. Okay.

14 MR. LUISI: That is what is being -- recreational
15 harvest estimates are much different from commercial landing
16 estimates (sic). So the estimates that are being estimated --

17 MR. RICE: Tom?

18 MR. LUISI: -- we are not showing that we are
19 catching our recreational quota targets.

20 MR. O'CONNELL: So Mike, how long has the
21 recreational fishery been under performing their quota?

22 MR. LUISI: It has been just a couple of years. We
23 exceeded it for many years. And over the course of what
24 happened, while we were exceeding the quota, we were
25 increasing our size limits in order to make -- try to manage

1 the target. I don't want to say it is a quota, it is a target
2 number of fish. And we have gotten to the point where our
3 coastal fisherman are very comfortable. We have a 16 inch
4 minimum size limit and a four fish grill and they want to go
5 to any further load -- they don't want to go 15 inches, so we
6 have maintained that. And that is during the point for which
7 we are not catching our 72,000 fish a year, we are catching
8 more like 30,000 or 40,000 or 50,000 fish a year.

9 MR. O'CONNELL: So if the recreational fishermen are
10 comfortable with the current rules and they are not catching
11 their allocation, and we do have to recognize that some of
12 this math is to do with the federal MRIP harvest estimation,
13 but if they are comfortable and they are not catching it, are
14 we better to reallocate that to the commercial fishery rather
15 than lose that to New England?

16 MR. MARTIN: Thank you.

17 MR. O'CONNELL: I was thinking that myself.

18 MR. : We can catch -- since they are
19 catching their quota, they can catch more of it.

20 MR. JETTON: Why should we give something away? At
21 this point, we are giving away and I feel like we won't get it
22 back.

23 MR. : The 1.2 percent is just a
24 commercial quota.

25 MR. : The 2 percent is Maryland's quota

1 and we --

2 MR. LUISI: No, no that is Maryland's commercial
3 quota from the overall I think commercially, summer flounder
4 are allocated I believe, at 60 percent commercial on the
5 coast. For which we get of that total, we get 2.1 or 2.2
6 percent of that commercially. The recreational allocation
7 which is the 40 percent of the landings on the coast, gets
8 divided into the states and we have targets that we are trying
9 to get obtained through numbers of fish.

10 So they don't -- it doesn't -- they don't mix. It is
11 just the two of them don't mix. But you know, I don't know if
12 that will be something that will come up whether or not you
13 allocate more of the recreational fish to the commercial
14 fishermen.

15 MR. O'CONNELL: Would -- you have a public comment
16 process right now and it is comprehensive review of flounder
17 management, would that be an appropriate thing for
18 stakeholders to comment on?

19 MR. LUISI: Sure.

20 MR. RICE: We got Lynn and then Bill.

21 MS. FEGLEY: I just wanted to jump in real quick on
22 that note that there is the second management issue is
23 allocation between commercial and recreational sectors. So
24 that you know in my view, would be fair game for comment and
25 also just to remind everybody that the interesting thing about

1 this amendment and this overall is that really they are
2 looking for stakeholders to provide input across the board
3 because they are going to be in a position in December where
4 they decide what to put in this amendment. It is a very
5 different process.

6 Instead of saying, here is your options, pick one,
7 they are actually asking for your input on what should they
8 consider. They are looking for new and creative ideas. They
9 are looking for things that you feel don't work or would work.
10 So I just wanted to reiterate and make that point really
11 strongly. I definitely suggest getting online and checking
12 out the document.

13 MR. RICE: Thanks, Lynn. Okay, Bill?

14 MR. GOLDSBOROUGH: Yes, I feel like I need to say
15 something about that idea about allocating from recreational
16 to commercial. Obviously we have discussed that as --- fish
17 as that is totally off the cuff. The -- I will start with a
18 question for you, Tom, to do reallocation and if you are
19 increasing the commercial quota, what would you be doing on
20 the recreational side? Would that be tighter regs, higher
21 minimal sizes, lower --- is that what you would have to do?

22 MR. O'CONNELL: NO, I think what Mike is saying is
23 that the recreational guys are comfortable with the management
24 rules that are in place now and that with those rules, they
25 are underperforming their allocation so if you reduce their

1 allocation and probably kept some level of buffer, that their
2 rules would not change.

3 MR. GOLDSBOROUGH: Yes, so if --

4 MR. : No, I -- I am sorry --

5 MR. GOLDSBOROUGH: It is okay. Just a follow up
6 thought, if the rules don't change and again we haven't
7 discussed this yet, so this is just me off the cuff, and from
8 a Maryland standpoint, you know, it does make sense. When I
9 think sport fish would probably want to say, okay, well let's
10 consider it a loan and then we will talk about it later.

11 MR. O'CONNELL: And obviously I mean, we have an
12 allocation policy that ties to our fisheries manager plan so
13 there would be lots of discussions. I mean, I got this idea
14 that just came upon the -- during Mike's situation. If we are
15 in a situation of losing Maryland quota to New England, we
16 should try to find a way to do that and either ask the sport
17 fishermen to relax their rules so that they can catch more or
18 if they are not interested in doing that, reallocate it to the
19 commercial guys.

20 MR. JETTON: I think the most important thing is you
21 find a way to keep it in Maryland and we can deal with the
22 allocation at a later date.

23 MR. GILMER: I mean, even if you have to do it on a
24 one year basis at a time. You just don't want to -- you don't
25 want to lose --

1 MR. JETTON: And if keeping it in Maryland means
2 transferring some of that for one year, without a lot of
3 problem, I don't see that. And if the recreational comes back
4 and says, hey we want a few more fish, which they very well
5 could, then we could reallocate it at that point. But if we
6 don't have it to reallocate, it is gone. So, I say we keep it
7 in Maryland.

8 MR. MARTIN: It won't come back.

9 MR. JETTON: Right, that is what I am afraid of. Once
10 it is gone, it is gone.

11 MR. LUISI: If I could just make one point, one
12 more point just to clarify. It is our recreational fisherman
13 on the coast who are comfortable and happy with what they
14 have, it is not coast wide. There is a total difference
15 between how our guys are and the other folks on the coast. So
16 that is where that issue which is issue number 2 in the
17 scoping document that you guys will all have in your in boxes
18 by the end of the day. It is quota allocation between the
19 commercial and recreational fisheries.

20 Are the existing allocations appropriate? If not,
21 how should they be revised? Should there be a for hire sector
22 quota? Those are the questions that this document is asking
23 for ---

24 MR. JETTON: We have been running into that with
25 every species right now. So I don't think that is anything

1 new. I just hate to see Maryland lose -- basically that is
2 the bottom line.

3 MR. RICE: Well, Mike doesn't that quota work just
4 like the striped bass quota, it is Maryland's quota and we
5 divide it amongst the users within ourselves, is that correct?
6 We are not handed a separate rec and a separate commercial
7 quota.

8 MR. : We are.

9 MR. RICE: Okay, that is the --

10 MR. LUISI: It is not a quota recreationally. It is
11 a target amount of fish that goes to --- coastal quota. So if
12 we don't achieve our target but somebody else does, it all
13 balances out so that we don't have to take actions. We don't
14 have to take you know -- it is all shared but it is a target
15 for us to try to achieve. If you continually go over your
16 target, you need to make reductions to get yourself back to
17 the target.

18 And the target that we all have is based on this old
19 information from 20 years ago. Historical harvest estimates.

20 MR. RICE: John?

21 MR. MARTIN: I had a question for Tom. I mean,
22 basically there is only 7 of us down there. But it is a big
23 chunk of our year. What -- I mean, we are just a little state
24 with 7 people fighting -- what do we need to do -- what do you
25 say we need to do or bring to the table?

1 MR. O'CONNELL: Well, I think -- my thought that I
2 had is that maybe Mike can you know, give some thought what an
3 appropriate comment would be during this public comment period
4 until -- through later this month to advise those that maybe
5 interested in this idea, we just talked about as to what would
6 be an appropriate comment to raise during this comment period?

7 MR. MARTIN: I mean because -- they just don't want
8 to hear no, we don't want people to do that. And if it just
9 goes to how many want it, how many --

10 MR. O'CONNELL: I mean, it is a little tricky
11 because Mike said you know, we don't get a Maryland quota, we
12 get a Maryland rec harvest target and we get a Maryland
13 commercial quota. And you know, in that I don't know off of
14 the top of my head, I think Mike and I would have to maybe
15 give some thought to what would be the appropriate request to
16 enable Maryland to more fully utilize our combined
17 recreational harvest target and commercial quota.

18 And try to get that on the table for public
19 discussion, that would be the first step. And then after that
20 think about what other states may find that attractive as
21 well. You know, I don't know if other states are under
22 performing in their recreational sector and could potentially
23 be attracted to that type of approach as well. And --

24 MR. MARTIN: I mean, I agree that our boats are
25 going farther north to catch them but we --- back home. So we

1 won't ---.

2 MR. O'CONNELL: You know on that note, I mean, Mike
3 told me that one of the items that is being discussed is
4 allowing boats that are traveling farther north to land in a
5 northern state but have their landings be credited to the
6 state from which they are docked. And if you are a fish
7 dealer, you are going to lose all that business.

8 MR. MARTIN: I know.

9 MR. O'CONNELL: So and I talked to Merle Campbell
10 about this and you know, they are concerned about that
11 provision being allowed. They could be really disadvantaged
12 if that was the case but from a fishermen's perspective, there
13 is a lot of efficiencies for doing that. So --

14 MR. : It is way more efficient for a
15 fisherman. But --

16 MR. O'CONNELL: So maybe those of you that are
17 interested can follow up with Mike and have further
18 discussion on that.

19 MR. : And you said you already were
20 putting something together --

21 MR. MARTIN: We were going to -- yes, put -- all the
22 guys down there said we have to get together and come up with
23 something but a lot of people don't -- don't know what to say
24 to a board except you can't take away what we hardly have.

25 MR. LUISI: I want to be -- the Board, the two

1 groups together, the decisions that will be made at the next
2 meeting that we have in December, will only be what issues to
3 include in the overall plan. This is probably going to take
4 three years. So let's say a commercial recreational allocation
5 issue becomes one of the main focuses. Well, then the plan --
6 the folks from the two groups will work to put together
7 options that will be completed and discussed and changed

8 But so if you don't feel like a commercial
9 allocation change is something that you don't want that to
10 even be included in the document, that would be the direction
11 that the board is looking at from public comment.

12 MR. BROWN: Mike, keep me in the loop so that the NWA
13 can send a letter.

14 MR. GILMER: And if I am understanding this
15 correctly, the big issue right now is just on recreational
16 side, these commercial guys are catching their quota.

17 MR. LUISI: Comments that I have heard, yes, I will
18 just keep it at that.

19 MR. GILMER: But we have to figure out a way -- well,
20 I think the recreational guys got to really look and say that
21 we got to figure out a way to do something with this, with our
22 part of it, because if not, there is a chance we will lose it.
23 We either got to figure out a way to move it over or to catch
24 it because I think if you underachieve for so many years in a
25 row, there is going to be more pressure from above to take it

1 from you.

2 MR. RICE: All right, Tom can you lead us into the
3 overview ASMFC meeting please.

4 MR. O'CONNELL: Sure.

5 ***Overview of ASMFC Annual Meeting***

6 ***by Tom O'Connell***

7 MR. O'CONNELL: So the Atlantic states is going to
8 be having their annual meeting the week of October 26, up in
9 Mystic, Connecticut. Two major items that are pending final
10 action deal with American eel and Striped bass, so. I can
11 begin with the American eel and I will point to this graph
12 here in a second to give you a sense of what it means.

13 (Slide)

14 So, American eel, the last stock assessment for
15 American eel determined that American eel resource was
16 depleted for a variety of factors. As Nancy described a
17 little bit earlier, the Board initiated an addendum in
18 response to that depleted status.

19 The technical committee's recommendation was that a
20 reduction across all life stages, Glass eel, yellow eel and
21 silver eel was needed and that the landing should be reduced
22 to below the average from 1998 to 2010. So the Board has
23 taken some action, it is has been a lengthy discussion. The
24 Board took action on the minimum mesh sizes last year. The
25 Board took action on increasing the minimum size for yellow

1 eels.

2 Last meeting it took action on silver eel fishery up
3 in New York which basically was a status quo action. So New
4 York has a very small, about 9 fishermen that fish in one of
5 their rivers where they set these rock --- to intercept down
6 migrating silver eels. Pretty small fishery but has a lot of
7 cultural importance for them.

8 This coming meeting is going to be looking at yellow
9 eels and glass eels. And maybe to begin with is the glass
10 eels. Right now, there is only two states that have a glass
11 eel fishery, South Carolina has harvested a few hundred pounds
12 a year and Maine which harvest you know, between 3,000 and
13 12,000 pounds. They are coming off of a high period recently.

14 The 1998 to 2010 average landing for glass eels is
15 about 5,200 pounds. Maine has recently been harvesting as
16 high as 12,000 pounds. So they would be looking at about a 50
17 percent reduction to comply with the technical committee's
18 recommendation. The Board has been having a very difficult
19 time on this and there has actually been a work group formed
20 that I am a member of to try to come up with some
21 recommendations for the Board and they met last week.

22 And the recommendation that is going to be brought
23 forward is to establish a glass eel quota at about 9600 pounds
24 and that is the level of harvest that Maine had this past
25 year. So it is lower than their high harvest at 12,000 but

1 higher than the technical committee recommendation of 5,200
2 pounds.

3 And just a little side bar here is that it is very
4 interesting that here we have a species that is depleted, it
5 has been petitioned to be listed by the Fish and Wildlife
6 Service threatened endangered and many New England board
7 members are comfortable not proceeding in the manner that is
8 consistent with the technical committee's recommendation.

9 And you fast forward to striped bass that we will
10 talk about next and the New England board members don't want
11 to consider anything outside of the technical committee's
12 recommendation and we can make the same arguments on the
13 economic importance of striped bass in the bay region as they
14 are making in New England.

15 It is just really interesting in the eel meeting as
16 the day before striped bass and if the board decides to take
17 action inconsistent with the technical committee
18 recommendation, it is going to be ammunition for the bay
19 jurisdiction on how New England can then be so stringent on
20 striped bass with -- when there is very good information that
21 suggested that there should be flexibility there.

22 So, glass eel, talking about 9,600 pound quota.
23 Yellow eels, there has been a couple of options on the table.
24 One has been to just establish a coastal cap. It is kind of
25 like a soft quota. It is coast wide. No individual quotas by

1 state and if the coastal cap is exceeded, everybody has to
2 take reduction the following year.

3 There has also been the idea of a state by state
4 allocated quota system. And that has been very challenging
5 because while the coast wide landings have not varied much on
6 a total coast wide basis, they have very significantly year to
7 year by states.

8 Maryland is coming off of a period of a pretty high
9 level of landings. You know, New Jersey they may have a high
10 landings in their early 2000s and the others might be in the
11 late 1990s. So when you get into talking about allocation
12 issues, by human nature, every state goes to the year for
13 which they had their highest landings and because there is a
14 different situation for every state, there hasn't been able to
15 reach agreement as to what the allocations should be.

16 I presented an idea a few meetings ago about signing
17 some filters under the understanding that no one state should
18 be disproportionately impacted by the positively or negatively
19 with an allocation. That gained a lot of momentum and there
20 is this one option that basically allocates the landings based
21 upon 2011 to 2013 and that was argued that recent landings
22 should have more weight than historical landings because if
23 you relied solely on historical, you could have major
24 disruptions to current fisheries.

25 And we have been successful on the board to

1 recognize that. And in addition, we have set forth some
2 filters whereby when you make the allocation, no one state
3 would get more than a 15 percent increase -- no I am sorry, no
4 one state would get more than a 15 percent decrease from 2010
5 levels and no one state would get more than a 10 percent
6 increase from 2010 levels. So it kind of like balances the
7 gains and losses amongst all the states.

8 So, a lot of details I guess but -- so one of the
9 problems with going with a quota based system on a state by
10 state basis is that you need to have a timely reporting system
11 in order to monitor your landing so that you can shut them
12 down and not exceed. Because if you exceed then you are
13 cutting back the next year.

14 We have for striped bass, we have the daily call
15 ones. For eels, we don't have that yet. We have a monthly
16 harvest report that is submitted. You know that is due 21
17 days at the following month and then the date has to get
18 entered and there is late reports and all of that. And
19 Maryland is not the only state. A lot of states basically
20 said that they would not be in a position to implement a quota
21 based system next year.

22 But they recognized that in the long term, we may
23 end up having to go to a quota based system. So what the work
24 group is going to recommend to the board is to go forward with
25 a coastal cap that is set at the -- that is set at the average

1 landings from 1998 to 2010. So it is about 907,000. And it
2 is going to be a soft cap and it is recognizing that without a
3 quota based system, the landings haven't varied much along the
4 Atlantic Coast so why put forth a system that would put a lot
5 of burdens on the state and fishermen you know with a quota
6 based system.

7 So under this coastal cap, the fisheries will
8 operate like they are now, however, there is going to be two
9 management triggers. So if the fisheries go forward and they
10 don't exceed that 907,000 pound cap, then nothing changes.
11 And however, if in one year, the coastal cap is exceeded by
12 more than 10 percent, then the states will implement a quota
13 based system.

14 Or, if the coastal cap is exceeded in two
15 consecutive years irregardless of it is 10 percent or 3
16 percent or 15 percent, if it is in 2 consecutive years, states
17 will be required to go forward with a quota based system. So,
18 we are trying to basically buy some time with a coastal cap
19 but require the states to begin establishing their regulations
20 so that if these management triggers are tripped, a quota
21 based system will be implemented.

22 And recognizing how lengthy conversations have been
23 about allocation, the state by state quota system is going to
24 be hardwired into the triggers. And we have been successful in
25 problegating the best allocation that we can -- could have

1 gotten because it is based upon a 2011 to 2013 and Maryland
2 has about 56 percent of the coast wide harvest.

3 So if these triggers are tripped we will -- and
4 again this is what is being recommended, if the coast wide
5 captors are tripped, we will have to go to a state by state
6 quota system and that state by state quota system is going to
7 be based upon allocations from 2011 to 2013 and it is going
8 for Maryland -- would put Maryland at about 470,000 pounds.

9 So just to give you a sense of what that mean for
10 Maryland, is so 470,000 is right about in here (indicating).
11 So obviously that is less than that very high level that we
12 experienced a couple of years ago but you know, it is -- again
13 it was the best option available to us. There were some
14 options that would have put Maryland at about 330,000 pounds.

15 So you know, obviously it will be an impact but it
16 was the best of the situations put before us. So, I think
17 that is about it on eels. Trying to think if I left anything
18 out there. I don't think so. Any questions -- you guys
19 understand that? I feel like I kind of rambled a little bit.

20 MR. BROWN: I just got one comment to make, would
21 putting a cap on that even though it is a soft cap, there is a
22 lot of small eels around. And you don't have as many people
23 eeling now as it was years ago. And people still have --- had
24 to --- coming to it and the commercial watermen may pretty
25 much work, if oystering is good, they will be oystering and if

1 crabbing is good, they will be crabbing and if fish is good,
2 they will fish or clamming and they keep working all around in
3 different areas.

4 And with the crab harvest, hasn't been the greatest
5 in the world this year. It may be some people getting ready
6 to decide to start in and a few people get in to --- eels with
7 the --- it is a possibility that you could reach that cap that
8 you are talking about 470 --, not because -- there is no room
9 for expansion with the number of members that it took and
10 could catch it in with -- if you get a large bumper when these
11 eels get bigger and they start catching more and more and
12 shorten their season up a whole lot too.

13 So it needs to have some kind of a plan in there and
14 look, where is the young of the year at or how do you --
15 whatever way you want to do it to try to keep it so that you
16 can raise the cap.

17 MR. O'CONNELL: Yes, I mean, that is a really good
18 point is that it should -- we were just talking about this
19 with our eel technical person earlier today is that you know
20 we should be really looking at what the fishing mortality rate
21 is rather than harvest. I mean, if you have an increased
22 abundance, you could maintain a fishing mortality rate but
23 have a higher harvest. And I don't think the ASMFC has the
24 ability to look at it in that manner yet. But that is
25 something that we should try to get to.

1 MR. BROWN: Well, you need to have that in there
2 because if you happen to go over for the first year and we say
3 look we have more fishermen into it, because of more eels,
4 that we don't get penalized because our men wanted -- you
5 know, the saw the opportunity to go do something else to say
6 relieve the pressure off the crabs because eeling was good.
7 That they should take a hit on it. Try to get it worked in
8 there some kind of way hey we will keep an eye on how many
9 fish we got fishing and how many pots they got, you know. And
10 it is a possibility, look if you happen to go over that
11 470,000 you already got stuff in where you can justify why it
12 went over.

13 MR. O'CONNELL: Yes, it really comes down to that
14 fishing mortality rate. I mean, what you want to avoid is that
15 you have the tsunami in Japan back in 2011, wiped out all of
16 the aquaculture farms and there become a huge demand for eels.
17 And we had a lot of people enter the fishery both the glass
18 eel fishery and the yellow eel fishery to fill that market.
19 And you know, the question is is that, did we elevate the
20 fishing mortality level?

21 And we want to be careful not to do that because we
22 have a depleted resource and when we have a recruitment event,
23 we want to ensure that we leave enough in the water to help
24 the recovery of the species, so I think you made a really good
25 point Robert T. that you really need to be looking at fishing

1 mortality rates. And you know, hopefully there is more
2 information being collected on the eels because on the
3 emphasis on them and hopefully we will be able to get to a
4 better stock assessment to look at things like that and when
5 we get another stock assessment, and hopefully it will allow
6 us to reassess the management framework that we have now.

7 But recognizing the depleted status, this is a
8 mechanism to try to stabilize, have some reduction on the
9 fishery until there is another assessment.

10 MR. BROWN: Also, you got to realize that eels don't
11 spring ahead of all of the --- rivers and ahead of the bay and
12 they eat primary shad --- the rockfish row, all of it so that
13 I mean, that is what they feed on. So, you need a multi-
14 species management plan rather than attacking one case at a
15 time. And that is what we are doing even with the rockfish
16 now is putting us in such a bind.

17 MR. RICE: Moochie?

18 MR. GILMER: This is a pound of --- correct?
19 Because what is going on in the eel fishery right now to the
20 guys that I sell bait to, the small eel fishery is --- for
21 bait eels and Delaware Valley who is the primary buyer right
22 now, his ratio of buying eels is 90 percent big and 10 percent
23 small.

24 So even though we are probably and back to what you
25 said yes, it is a -- we need to actually to have a thing to

1 cancel the eels because you know we might be landing the same
2 amount of pounds with 20 percent less eels. You know so that
3 is a big consideration.

4 MR. RICE: You want to move on to striped bass.

5 MR. O'CONNELL: Striped bass so, first a couple of
6 acknowledgments. Since we last met, the Coastal Conservation
7 Association sponsored a striped bass symposium and in order to
8 adequately inform the attendants of the perspectives from the
9 management realm as well as the commercial and sports
10 fishermen, Billy Rice and Bill Goldsborough joined me and gave
11 a really nice overview on behalf of the perspectives on the
12 commercial and recreational fishery and both of them did a
13 good job and you guys should be proud of the folks that
14 represent you.

15 We also filed that -- we had our own Maryland
16 informational meeting and both Billy and Bill came to that as
17 well. So we have been doing all that we can to try to get the
18 words out because this is a controversial and complex
19 management issue on a very important species to all of us.
20 ASMFC did have a public hearing a couple of weeks ago. And we
21 had a really good turn out. A little over a 100 people came
22 and I thought all of our constituents did a good job providing
23 ASMFC with the perspectives that we all share.

24 Rachel did a really nice job of presenting
25 commercial view points and you know, allowed the commercial

1 fisherman in attendance that probably would not have spoken to
2 stand up in support of what she said and it showed a very
3 strong sediment of the commercial industry at ASMFC.

4 So we are going to -- we have been working on this
5 for the past year and we are coming to the decision point. And
6 so probably the most controversial decision point is going to
7 be how many years is going to be allowed to reduce the fishing
8 mortality to the target level?

9 Amendment 6 currently requires one year and we have
10 gotten the board to consider up to three years. So it could be
11 one year, it could be three years, it could be two years. If
12 you go with the one year plan, we are looking at a 25 percent
13 reduction next year. There has been a lot of confusion with
14 calling this a one year plan. People think that if you go
15 forward with the 25 percent reduction next year in 2016, we go
16 back to the way it was.

17 That is not the case. It is going to be a 25
18 percent reduction and it is going to likely remain in place
19 until the next stock assessment in 3 years. So the level of
20 reduction is probably going to exceed the level that is
21 needed. If you go with a three year plan, there is two
22 options. One option is you take a 17 percent reduction the
23 first year and you keep those measures in place for 3
24 consecutive years and out of those three years, you achieve
25 the reductions that are necessary.

1 Or you deal with the three year plan where there is
2 a tier reduction each of three years. So next year we would
3 take about 7 percent reduction. We would take another 7
4 percent reduction the following year and another 7 percent
5 reduction the third year. And the commercial fishermen, from
6 what I have heard would like to stay status quo but if we have
7 to do something, that three year tier plan would be the
8 preferred plan because it would help mitigate the economic
9 impacts of a large reduction.

10 The Atlantic States Fishery Commission hearings up
11 and down the coast have been heavily attended. Hundreds of
12 people showing up in New England. And Ed O'Brien who is here
13 from the sport fish commission attended the ASFMC advisory
14 panel meeting yesterday and reported to me that they are
15 expecting bus loads of people to show up -- what does that
16 mean? It is going to be a lot of people in that room. It is
17 not like we haven't had that before.

18 Unfortunately it seems that at times to influence
19 the Board's actions. It is not a vote. I mean, you are
20 looking at the issues for what they are. We do have a lot of
21 strong arguments, but I am going to be just completely honest
22 with you that it is going to be a heavy lift for us to come
23 out of that meeting with something other than a one year
24 reduction.

25 And I have been talking to a lot of you about you

1 know doing what you can to make the -- make our case from the
2 Bay Region. The first thing is that we have had Chesapeake
3 Bay reference points for 20 years and under Chesapeake Bay
4 reference points, we have been very responsible in managing
5 the Bay Striped Bass Resource. And if you look at the fishing
6 mortality on the Bay Striped Bass Resource over the last 20
7 years, it has been stable.

8 Every year we have adjusted the quota to keep our
9 fishing mortality rate in line with the population that is
10 within the bay. If you look at the fishing mortality from a
11 coastal fishery up and down the coast, it has been increasing
12 upward and peaked during the same year that --- overfishing
13 its resource.

14 So the point of all of that is if you try to
15 understand what have been the causes of overfishing, it is
16 primarily been the coastal fishery and not the bay fishery.
17 Second point that is an argument is that there is no doubt
18 that the Chesapeake Bay fishery is predominately male fish.
19 There is a lot of debate out there on the sex relation issue
20 and I will try to explain what that debate is.

21 But in Maryland, Maryland's Chesapeake Bay from June
22 through the winter fishery, 70 to 90 percent of the fish we
23 catch are males. We have four surveys that go back about 10
24 years. Year end, year out predominately males. In Virginia,
25 they don't have as much data, they do show a higher

1 predominance in males than on the coast but it appears a
2 little bit less than Maryland.

3 Seems like these fish as they get to like age 4,
4 they start moving down the bay and then out the bay. The
5 reason that the technical committee has been struggling with
6 these separate reference points for the Chesapeake Bay and the
7 Atlantic Coast, is not because they question the predominance
8 of males in our fishery but the models that they use to
9 develop the reference points rely upon age specific sex data.

10 So how many age four fish are males? How many age
11 five fish are males or females? And that is where the data is
12 more limiting in the Chesapeake Bay and even more so along the
13 Atlantic Coast. And I have been working with the board chair
14 that tried to get a technical committee to come forward and
15 clearly articulata where those data limitations are, how we
16 can resolve them and how long it is going to take and whether
17 or not there could be an interim bay reference points that may
18 not be perfect but begins to account for the male predominance
19 of fish in the bay.

20 The technical committee is not there yet. But we
21 have a strong argument that we are trying to rebuild the
22 female spawning stock biomass. The protection should be on
23 those fisheries that are interacting with females. We have
24 very limited opportunities -- yes there will be some
25 protection in our summer, fall, winter fishery but no where

1 near to the level that you will see in a coastal fishery.

2 Our interaction is largely in that spring trophy
3 fishery and because that spring trophy fishery is considered
4 part of the coastal fishery, because they are fishing on those
5 coastal migrants, we are willing to support a 25 percent
6 reduction on that fishery as hard as that is going to be to
7 our sport fisherman, charter fishermen but that is where we
8 can do -- where can take a part in this conservation program.
9 But when it comes to summer, fall, winter fishery, it is hard
10 to swallow a 25 percent reduction when you are going to have
11 devastating and social economic impacts and not achieve the
12 protection of females.

13 I mean, that is the bottom line. So at this point in
14 time, you know we are going to listen to the liberation of
15 ASMFC but at this point in time, you know, my plan and I can't
16 speak for our other two Maryland commissioners but is to go in
17 there and advocate for a three year plan. Whether that is a
18 777 or a 17 percent, you know that is yet to be decided. But
19 we feel like a 3 year plan, we will add some protection to the
20 Bay fishery at a level that we believe that if we had
21 Chesapeake Bay reference points, would be consistent with and
22 it would allow time for the technical committee to develop
23 these Chesapeake Bay reference points and potentially have the
24 board re-evaluate what actions are needed in the bay which
25 account for this male predominant fishery.

1 So, that said I just want to re-iterate that we seem
2 to be in the minority of this deliberation right now but we
3 believe we have very strong arguments that if the board looks
4 at this objectively, we should stand a chance of leaving them
5 there with some flexibility on the time frame. If you look
6 at last October, a year ago this month, the commission set
7 forth a strategic plan for the next five years.

8 And in that strategic plan, it laid out a list of
9 values for making decisions. And I will list four of them that
10 I think are in question. One, sound science. Yes, the
11 technical committee hasn't come up with the Chesapeake Bay
12 reference points and says that "The reference points are the
13 best." But ignoring the fact of the saturation issue,
14 ignoring the fact that the Chesapeake Bay fishing mortality
15 rates have been stable, that is not sound science.

16 Fairness. Is it fair for the Bay jurisdictions to
17 take a significant economic impact that will allow you to
18 protect male fish, not achieve the conservation protection and
19 have those fish just enter the coast so that the New England
20 Fisherman can catch them? Fairness, fairness. Another point
21 that I didn't mention.

22 While the coastal recreational fishery and the bay
23 fishery may be asked to take a 25 percent reduction, the
24 coastal commercial fishery options fall far short of the 25
25 percent reduction. Coastal commercial fishery has minimal size

1 of 28 inches. They are the ones interacting with these female
2 fish. Yet because of how the plan was developed, the options
3 for the commercial fishery fall far short of achieving a 25
4 percent reduction.

5 Now that puts our coastal commercial fishery in a
6 better situation but in regards to fairness, is that fair?
7 Last one is balancing the need of conservation with the local
8 socioeconomic impact of our communities. We have the striped
9 bass resource that no doubt has declined over the last decade
10 but we are not overfished, overfishing is not occurring.

11 There is projections that show that we will be
12 overfished for a limited period of time before the population
13 trend turns, even without any action. But even though we are
14 close to being overfishing, it is important to recognize that
15 striped bass have been managed very conservatively. The level
16 of conservation is probably greater than a level to sustain it
17 and dealing with the species.

18 It has been set at a very high level of abundance
19 because of management preferences for this resource and as a
20 safe guard to not go back to a moratorium given the sacrifice
21 and investments that have been made. But we have experienced
22 a decline but we still have the healthy resource. The
23 population today is similar to what it was in 1995 when the
24 population was declared recovered.

25 Same as the year in 1995 when it was declared

1 recovered. ASMFC has a juvenile recruitment failure index.
2 It has not been tripped. Yes, reproduction has been low in
3 the past decade but it is not at a level that is a biological
4 concern. We have come off of a period where we had several
5 strong year classes within decade, population reached
6 historical high levels, fishermen got spoiled to be honest
7 with you.

8 And because of the decline, you know, fishermen want
9 to go to back to those good years. And I would too. I do too
10 but you need to balance the level of conservation with the
11 impacts of those actions and I feel that a one year plan on a
12 coastal fishery targets where the reductions are needed and a
13 three year plan in the bay takes some action but allows time
14 to sort out some of these remaining issues with the technical
15 committee.

16 So the last issue that we spoke a little bit, Sport
17 Fishing Advisory Commission and by the way, Rachel has done a
18 really good job representing this commission at sports fish,
19 it has been a great asset and I think Bill would acknowledge
20 that. And Greg Jetton had -- while he was on sport fish, he
21 was able to you know, explain a lot of the commercial issues
22 very well.

23 Is that there is another option in the plan that
24 could require the states to establish the commercial minimum
25 size limit, the same as the recreational size limit. So, if

1 the recreational minimum size limit has to go up to 19, 20 or
2 21 inches, those are the three likely outcomes under the
3 different reduction scenarios. It could be a situation where
4 our commercial fishery would have to also go to that same
5 minimum size limit in the bay.

6 And you know, I hope we get a little feedback
7 tonight as to how much of an impact, it is really not a
8 biological concern. We have a quota. Shouldn't matter
9 whether it is an 18 inch, 19, 20 or 21. But there is issue
10 with user conflicts. Charter boats, sports fishermen fishing
11 in the same area as they -- a commercial hook and liner. A
12 recreational or charter boat guys throwing back a lot of fish
13 under 19, 20 or 21 inches. And there will be a lot next year.
14 And a commercial hook and liner is putting them in a boat, it
15 is a user conflict issue.

16 So something to think about you know, if that is
17 something that the commercial fishermen could tolerate or not.
18 So, I will leave it at that and hope that was a decent
19 overview for you guys.

20 ***Questions and Answers***

21 MR. RICE: Bill?

22 MR. JETTON: Give me 10 minutes here and I will say
23 my piece and then everybody else can have it okay. I talked
24 to Tom and everybody in here about this a lot. It looks to
25 me, you have it all thought out and I like what you are saying

1 for the most part. Obviously charter boat wise, we would like
2 the status quo and that is what will be best for us obviously.

3 Given that that is probably never going to happen,
4 unlikely the tiered status for us, the three year and tiered
5 for us at 7 percent makes the most sense for us, makes it
6 easier for us to absorb. If things change, we can deal with
7 that and that is how I am looking at it. I do like what you
8 said if you look at the big picture of the Atlantic states,
9 you were talking about American eels and how they are just
10 kind of throwing their signs out the window on that one, I
11 would encourage you to follow up on that big time.

12 And the same thing goes with the flounder fishery,
13 whether it is climate change or what ever those fish have
14 shifted, we in the Chesapeake Bay feel like we have got kind
15 of the same thing going on in reverse. The fish that they
16 might have had up there in --- that they are not seeing, we
17 had here this summer. We had a fantastic summer, we really
18 did.

19 So that is what we need. We would implore you -- I
20 can't over exaggerate economically what this is going to do to
21 us. I know it is coming. I know we are going to have to live
22 with it but the honest truth is, somebody gets on a charter
23 boat and they come down once or twice a year and they want to
24 take a fish home. They come down for the most part, June,
25 July or August when kids are out of school.

1 Well, once we get passed about middle of June, at
2 least in the upper bay, our fish are 18, 19, 20 inches like
3 you said, they start to move south. And if they get to the
4 point where they can't take a fish home, they are not coming
5 back. They are not going to come back next year and that is
6 what they go with.

7 As far as the size limit on commercial and
8 recreational, I think everybody knows that I am a friend of
9 the commercial, always have been. But I want to say that I
10 need you to think about very carefully because if you had a
11 small size limit than a recreational, you are going to take
12 recreational groups, user groups, people on my boat and turn
13 them into activists and it can very well be a catalyst into
14 something you don't want, sport fish whatever.

15 Because all they are going to remember that you and
16 I know we have a quota system, but all they are going to
17 remember is that commercial man took a small fish home. And I
18 can't. I am a commercial man, I have been in the past I
19 consider charter boat commercial fishing but I am looking at
20 it in two ways, you have a quota now and you can catch a fish
21 whenever you want it. We all want the bigger fish, it is
22 worth more to us.

23 That 18 or 19 inch fish we are giving up, you are
24 going to make up somewhere else. So consider that when we
25 talk about that. Because I understand it, and everybody in

1 this room understands about quotas. You are going to catch
2 your -- whatever your quota is and go home. But that
3 recreational person I can talk to until I am blue on the face
4 on the boat. All they are going to know is that they are
5 catching a smaller fish.

6 We had the same thing with trout back a couple of
7 years ago when the size limits were different. That is really
8 what I had to say but I cannot implore you enough to try and
9 make it as easy on us as you can. It is not just me, it is
10 Rock Hall and it is Tilghman Island, it is Solomons. It is all
11 the little businesses. This is the one part of the water
12 industry -- charter boats, watermen's industry that has really
13 been pretty good the last three years and we are getting ready
14 to kind of shorten the ledge right under us. So that is all I
15 have to say.

16 MR. O'CONNELL: I hear you guys loud and clear. It
17 has been a big part of my every day for a while and maybe if
18 you guys can help get Funk Bolton to stop sending us PIA
19 requests, I will be able to spend some more time on it. Yes?

20 MR. MANLEY: I am not maybe quite up on it. The
21 coast, the northern states want us to cut back, right? Is it
22 less fish up there supposedly?

23 MR. O'CONNELL: Yes, I mean --

24 MR. MANLEY: The point I am getting at, right where
25 the eels was here, my brother eels and was selling Delaware

1 Valley and they were taking up there to Connecticut. Their
2 commercial season runs until December 15, I think he said.
3 September 15, they cut them off. They caught their whole
4 commercial quota up hook and line quota up. If there is a
5 shortage of fish, how come they caught so many fish that
6 quick? I am just -- it is some fuel for you to maybe take back
7 too but they had shot the eel bond off because they couldn't
8 sell, the commercial season was done and that is where they
9 sold the most live eels for bait was during that season.

10 MR. O'CONNELL: No, it is -- I mean, I think no
11 doubt that the spawning stock population has decreased and the
12 availability of fish has decreased. I mean, we had
13 experienced that in the bay up until prior to 2011 --- coming
14 in. You know, there is one guy, John McMurray from New York
15 that has been very vocal on this issue and spoke at the CCA
16 symposium and you know, listening to him, his fishery was
17 built during the years of the strong year classes in 93, 96,
18 2001, 2003.

19 And those fish left the abundance of fish in the
20 near shore waters in New York was great. And he developed a
21 very small boat fishery where he could fish in the back bays
22 near shore waters and had a great charter boat business. As
23 those year classes fished down and we have had a period of low
24 year classes, that near shore fishery decreased substantially
25 according to him.

1 But he also said that now he has got to travel three
2 miles off shore and there is a tremendous amount of fish and
3 if you keep a look on social media and New York charter guys
4 are posting boat loads of big fish. So maybe the fish near
5 shore decreased but there is still a lot of fish off shore.
6 You know, so you really got to listen to everybody's
7 perspective and I respect all of them. But what you just
8 don't understand is that what people are coming from, you can
9 begin to better understand why they have a position.

10 This one individual, he would benefit if there was
11 more fish produced in the Chesapeake Bay that were allowed to
12 leave the bay and repopulate in the near shore waters that he
13 built his fishery. You have a lot of people that are in
14 their say 30's, that began fishing during the peak of the
15 striped bass population and that is what they remember, you
16 know and it was great. And they want to go back to that
17 level. The question is, is that sustainable?

18 MR. MANLEY: The question is, is it fair for us to
19 have to let ours go so that they can get big so that they can
20 catch him when we can't catch none?

21 MR. MARTIN: He didn't say that he was keeping boat
22 loads outside ---

23 (Laughter)

24 MR. JETTON: And I agree with you, Tom. And that is
25 something that I kind of missed on, you touched before. We

1 have a group of younger fishermen and I am 50, and I saw it go
2 from the moratorium all the way through and I am sure Robert
3 can tell you even more than I can. I can remember guys
4 telling me that you will see the day you will be glad you
5 caught a 16 inch fish. And I understand that now.

6 And they all came in when we had all these great
7 year classes and they hadn't been fished on for four years and
8 then we had three years when they were undersized. So they
9 had 8 great years of fishing that kind of passed all the way
10 through and I think the reality is kind of skewed here for
11 some of these people and they need to kind of reset and now
12 wait a minute, maybe this is the reality, maybe this is what
13 it should be.

14 And you know, I am very frustrated and very worried
15 about it a lot and I am just afraid of what it is going to do
16 to our industry.

17 MR. RICE: Robert T.?

18 MR. BROWN: Yes, and the same fellow who is up north,
19 you can tell him that this 2011 year class is just getting
20 ready to come up to him that he hasn't seen yet. We got more
21 5 to 8 pound fish than I have -- I can't remember when I saw
22 as many down where we are at now. And sometimes, the
23 technical community and stuff just jump too quick and too fast
24 on this as far as I am concerned, because we still were --
25 when you look at the charts, 1982 was down here when we were

1 in bad shape and we are still way up here. Not way there but
2 there (indicating.)

3 And like you say, the coast -- why doesn't the coast
4 have a maximum size of 36 inches like the State of Maryland
5 does? Because hey, we are under. We are protected on what
6 they get --- can't catch them no bigger than 36 inches. But
7 yet they catch nothing but the big fish when they are out
8 there. As far as it goes with this 18 inch fish, it
9 definitely would leave a bad taste in the mouth of sport
10 fishermen and I can understand that very well. And I know
11 that the charter boats, not only in the upper bay but in the
12 lower bay need that 18 inch fish.

13 But this is something that is going to be dictated
14 to us. And if this is dictated to us that they got to go to
15 19 inches, the State of Maryland can also look and we can
16 maybe do something -- I don't want to get myself in hot water,
17 but we could visit to see whether the State wants to it. I
18 don't want the federal to mandate us to a 19 inch fish but the
19 State could possibly at least look at it. That is trying to
20 keep everybody fishing together and trying to keep everybody
21 playing nice in the sand box.

22 But you got to remember, once you go to 19 inches on
23 these fellows, they are automatically paying a penalty to
24 catch that 18 inch fish now. Now is it the Atlantic States
25 going to give them -- going to let them catch some more

1 because they are taking that away from them? That is part of
2 the penalty that we got to pay is the 18 inch fish. I mean, we
3 got to take that into consideration. We should be getting an
4 increase in our fishing shares from the 2011 year class and
5 instead of we are more than likely going to end up, it is good
6 possibility we may end up with a 25 percent cut like the rest
7 of them are. Hoping we can end up with the 7 over 3 years. We
8 are in favor of new cut whatsoever, we don't have the
9 reference points. We protect the large fish. We only catch
10 fish in Maryland from June 1st through the last of February,
11 so we are not even fishing on the big fish when we come in
12 here except we have a little bit of trophy season that is in
13 there.

14 I think this is all uncooled(sic) form and Tom, I
15 know you do the best you can for you and I wish you well, but
16 you are on an uphill battle on this.

17 MR. O'CONNELL: That is all right, not alone but it
18 is uphill but definitely.

19 MR. RICE: Just a point I want to make as --- Robert
20 T. and echoing what Clifford Hubb used to always say down to
21 the Potomac, why are we weighing fish when we should be
22 counting fish. So the larger size of it, you know, maybe we
23 can live with that in a sense where we would get a -- less say
24 a credit for it. But when you keep shrinking our ways to
25 harvest fish and we don't get any credit such as how our

1 quotas are figured up and we look at a recreational fisherman,
2 they are just going to have to fish a lot harder and handle
3 more fish and that is going to put more stress on the
4 resource where if you keep the 18 inch fish, then you can
5 catch your fish a lot quicker.

6 For -- I guess, if I wanted to be terribly honest
7 about it, the fishery that I am involved in, the larger size
8 of it would not affect me because I am not targeting the small
9 fish in the first place. What does affect me is when I can't
10 catch as many of the fish that I want to catch. So, you know,
11 we are in a dilemma and we are going to hope to work together
12 and come out as best as we can.

13 The dilemma that you are in is that you don't have
14 as many people on your team as on the opposing team and that
15 is a tough battle to win. But we appreciate -- I agree with
16 all of the points that you made and it is -- you need our
17 support and --

18 MR. O'CONNELL: We have some things going on that
19 hopefully will play out to our benefit, so.

20 MR. BROWN: I got one more thing that I would like to
21 add. Whether you catch that fish at 18 inches or 19 inches,
22 once you catch it, it is gone, it is out of the system. And if
23 you think that all of these fish that were trying to catch a
24 19 fish and a 18 and a half, 18 and a three quarters, well you
25 got to get them to look at the common sense of it. If you

1 want to us to be killing these fish or do you want us to hey,
2 when you catch the 18 fish okay you got your fish, you put
3 into the cooler.

4 I mean, it is more than meets the eye on this. If
5 you take these fellows and the high education and I don't
6 agree with half the graphs the way they do them. But you know
7 that is just me. And I know there is a lot of other people in
8 this red, yellow and green one -- I don't know what professor
9 came up with that one but that was about the worst I have ever
10 seen, but that is neither here nor there.

11 The problem is, they don't know how many fish that
12 we actually got out there. And one big mistake that was made
13 years ago and I will go back to what Billy said with the
14 attorney for the Fisheries Commission, Clifford Hubb, when he
15 started going, he said, are you going to count pounds or are
16 you going to count fish? And that is what we are doing now.

17 We are counting both and that is wrong. Because you
18 can have one fish this big and we are catching so many less
19 fish now than what we did years ago because the fish are
20 bigger, but we are not counting how many fish we are taking
21 out of the system, we are still counting pounds. We are
22 taking less fish and the less fish we take out, the more crabs
23 they eat. And you got to impress upon them that we got to
24 have a multi fish management plan.

25 Because looking at one species at a time is hurting

1 us more than it is helping us in the bay. It might help the
2 ones in the ocean but it is not helping us that much.

3 MR. RICE: Rachel?

4 MS. DEAN: Just a couple of points. I know that we
5 sport fish expressed a concern about the size limits and I
6 guess I would be remiss if I didn't speak directly about the
7 hook and line fishery. I agree that we have had controversy
8 in the past but it has been done where we have had different
9 size limits for the fisheries.

10 I am not saying that I am opposed to it because we
11 are targeting larger fish but if we are seeing a decrease and
12 we have already got a cap on the higher end and now we are
13 bringing the lower end up, I mean, your window is getting
14 smaller for the fish that you catch. I understand perception
15 will play a part in it.

16 Although I am not so certain that somebody on a
17 charter boat will see the difference between my two inches and
18 his inch. That is going to be up for the captain and his
19 party.

20 MR. : But they are going to tell --

21 MS. DEAN: Okay and that is a charter boat versus
22 commercial industry thing, I understand that but I don't think
23 that that is where that will stem from. I don't -- it would
24 have to be 6 inches for me to see the difference, I don't
25 know. But anyway, just a though and so that was one thing on

1 the perception. The other question that I had for you, Tom,
2 was I am assuming that the recreational sector or maybe the
3 department is getting behind the option of D2? Is that the
4 one that goes 19, 20, 20?

5 MR. O'CONNELL: Yes, that one -- the three year
6 tiered reduction, 777 how that would play out for the
7 recreational sector is that for summer, fall fishery, it would
8 be a 19 inch fish in 2015 and then a 20 inch in 2016 and a 20
9 inch in 2017. And you know, and we did hear from the sport
10 fish community that they don't like having the rule of change
11 every year but realistically that is one change, 19 one year,
12 20 for two years .

13 And if we get Chesapeake Bay reference points, we
14 may find out that we can stay at 19 worst case. So --

15 MS. DEAN: And then my question to you is, is there
16 an option where you guys can submit something other than the
17 options presented here? Or what is that called?

18 MR. O'CONNELL: Yes, conservation equivalency. So
19 you know, we will have to -- we will have a reduction level
20 is, whether it is 25 percent, 20, 17 or 777. You know, we
21 have the opportunity to submit a plan that is different -- and
22 basically if we want something different than a 19, 20 or 21
23 inch fish, we have two choices.

24 One is we go to one fish creel and we have heard
25 pretty loudly to date that the sport fishermen want that 2

1 fish. Or we can shorten the season. And shortening the season
2 is not a preferred approach by the technical committee right
3 now and also depending on the level of reduction, you have to
4 shorten the season quite a bit. Just to stay at a 18 inch
5 size limit. So that opportunity is available and we can look
6 at that following the commission meeting when we know what
7 level of reduction we have to --

8 MS. DEAN: Okay, then I should be transparent with
9 why I asked. If there are options that weren't presented in
10 this that are possibilities, then wouldn't it be a possibility
11 for the commercial industry who understands that they need to
12 take that reduction to acquiesce to a size increase but say
13 can we take it off of the other end, which is our reduction?
14 So we would agree with that that yes we are not going to
15 target the fish, we are going to bring our size limit up but a
16 conservation equivalency would be instead of taking a 25
17 percent or 14 or 7, we take a 666, something like that.
18 Do we have a conservation equivalency option 2?

19 MR. O'CONNELL: I don't believe so because the
20 commercial sector has a quota. So whether that is a 18 inch
21 fish or a 19 inch fish or 20 inch fish, it still comes down to
22 a quota of fish. I don't know, Lynn, do you see any
23 opportunity for conservation equivalency with that type of?

24 MS. FEGLEY: I don't know that has been on my mind
25 too and you know, I would have to look at -- can we think

1 about that please? I want to look at the wording in the plan.

2 MS. DEAN: Because that could be an option that if
3 you know if we do that and we bring our size limit up and
4 then the other bay jurisdictions, if Virginia wanted to say
5 okay we will bring our upper limit down, you know is that a
6 way that we can get back some of our quota here in the bay.

7 MR. O'CONNELL: So just as I am thinking about it,
8 is that we do use conservation equivalency for the coastal
9 commercial fishery. They are required to have a 28 inch fish.
10 And we have a 24 inch fish. And that is going in the opposite
11 direction but in order to go with the 24 inch fish, we had to
12 lower our quota to account for that. So, it may be possible
13 that if you went up an inch --

14 MS. DEAN: Protecting the 2011 year class
15 presumably.

16 MR. O'CONNELL: Yes, you might be able to -- like
17 Lynn said, we have to think about it but if you can adjust the
18 quota downward for a lower size limit, it seems like you could
19 make an argument to possibly increase the quota with the
20 higher size limit. Yes. So let's think about that. That is a
21 good idea. John?

22 MR. MANLEY: And the reason we did that on the coast
23 is because we were slaughtering a ton of fish to get a 28 inch
24 fish, it was making no sense whatsoever.

25 MR. O'CONNELL: And Delaware uses it and New York

1 uses it in their coastal commercial fisheries, so it is not
2 a --

3 MR. MANLEY: But one other question, earlier you
4 said that possibly the coast could be just 25 percent and
5 maybe the bay -- would that include Maryland's coast, just to
6 25?

7 MR. O'CONNELL: Yes I mean, I mean it looks like that
8 is what is going to happen but the one thing from John is that
9 because most of the reductions are coming off a 2013 or 2012
10 period. Because the commission staff came up with options
11 that resulted in a major allocation of the coastal commercial
12 quota, the board didn't accept any of the options. And the
13 default is the Amendment 6 quotas. The Amendment 6 quotas are
14 much higher than the landings in 12 and 13.

15 So that just gets back to my point that the 25
16 percent reduction off of Amendment 6 quotas for the coast fall
17 far short of achieving a 25 percent reduction, so in Maryland,
18 under 25 percent reduction from the coastal commercial quota,
19 our coastal fishery will be about the same as it was in 2013.

20 MR. MANLEY: I mean ours are so small, it is like
21 1,600 pounds.

22 MR. O'CONNELL: Massachusetts has been a big
23 proponent of the 25 percent reduction. Their coastal
24 commercial quota will go down 13 percent under the 25 percent
25 reduction plan. Yet they are arguing that we should not be

1 allowed to reduce 17 or 777. But their coastal commercial
2 fishery would be taking a 13 percent reduction. So, I mean, a
3 lot of fairness issues. Bill?

4 MR. GOLDSBOROUGH: Mr. Chairman, I want to bring up
5 an issue that we discussed in sport fish that I think is a --
6 would be of interest to you and this commission. That is
7 something that I think we all can agree on and then I was
8 going to ask you if you would open up to public comment
9 because Ed Liccione brought up the idea and I think he would
10 like to put it before the commission.

11 Basically it involves the Chesapeake Bay specific
12 reference points and the obvious conclusion that it is in
13 Maryland's best interest -- all user groups in Maryland to
14 have Chesapeake Bay reference points and what do we need to do
15 to get them. So if it is okay with you, I would like to ask
16 you to open up to public comment and allow it to propose it
17 before the commission.

18 MR. O'CONNELL: Well, actually I consider him part
19 of the agenda, so anyway we want to go. We can do that next.
20 So Ed if you want to come up. I think Bill gave a good
21 introduction and getting back to --- respect everybody's view
22 points, I respect CCA's viewpoints given their interest in the
23 fishery. And Ed really sees an opportunity in where we could
24 potentially send a strong message, a unified message across
25 all of our stakeholders that may not agree upon the strategy

1 but agree upon what is important and what needs to be done,
2 so. I appreciate you coming here tonight.

3 MR. LICCIONE: Thank you. I will make this pretty
4 quick. But I was thinking and that is always a danger with me.
5 But anyhow, is there something that everybody could agree on
6 on striped bass? Between recreational guys, commercial guys,
7 charter boat guys, is there something we could agree on?
8 Something broad. And the only thing that came to mind was the
9 fact that the science needed to get to the right bay reference
10 point. Okay, now it doesn't matter that we think we need one.
11 Doesn't matter. What matters is that ASMFC has to say okay,
12 this is the right data and the right science and we need to
13 look at bay reference points. That is what matters.

14 I think there is an opportunity to go to ASMFC and
15 to -- we put together a very diverse group. I won't call it a
16 coalition but I will call it a very diverse group. So think
17 about it, if you had people like all the recreational groups,
18 CCA, MSSA, whoever else did all the commercial groups kids,
19 charter boat group, everybody going one direction on one
20 suggestion. And that suggestion would be, let's close the data
21 gaps in terms of a reference point for -- look at the sex/age
22 ratio, what do you need to get that done. Because they have
23 to do it as Tom explained, not only in bay but also to get the
24 ratio, you have to do it on coastal.

25 That is information that the technical committee

1 should do. And this goes back to the fact that my opinion and
2 only my opinion that the technical committee has really failed
3 on this whole endeavor. But that doesn't matter. Okay because
4 this is what we have to deal with. So what I would propose if,
5 I can draft like a one page piece. Maybe send it to Noreen
6 and she can send it out to people.

7 Take a look at it, this is not going to be on
8 anybody's letterhead. This is just going to be all names of
9 the signees and their groups. And we go to ASMFC and we do
10 this in public comment before everything starts. I think
11 there is an opportunity for us to do it then. And read into
12 the Amendments our concern and that we need a bay reference
13 point, this is why we believe we need one. Tell us what we
14 need in terms of righting out assignments.

15 Is that going to change anything? I don't know.
16 But at least it shows Maryland being unified on this, we could
17 also put a caveat in there, is if you can give us a bay
18 reference point, when are you going to be able to give us one
19 and if you can't do that, is there a possibility for an
20 internal kind of bay reference point that we can look at.

21 So I mean, that is about the only thing -- before I
22 came to this meeting, I thought that would be here in a week,
23 I think we can agree on it and then when I came to the meeting
24 today, I realized again that there is one other thing we can
25 agree on, we should never ever have to look at a traffic light

1 chart again.

2 (Laughter)

3 MR. LICCIONE: This is the second time I had to see
4 it. That is what I would propose, I am not looking at putting
5 any other caveats and minimum size and percentages and 777,
6 17, 25, or whatever into this letter. It is just going to be
7 a generic piece and that we are encouraging ASMFC and the
8 technical committee to come up with the right science to look
9 at a vague reference point. And if you don't have it, tell us
10 what it is that you need. So I mean, that is -- does it make
11 any difference? I don't know. But it is -- won't take a lot
12 of time and it is probably worth an effort to do it.

13 MR. RICE: Thank you. Well as far as this group
14 goes, if Noreen e-mailed it to everybody, we could have a vote
15 by the same manner whether to accept her letter or not, is
16 that correct? And that way we can either support it or --

17 MR. LICCIONE: Yes and what I would really like if I
18 think the consensus as opposed to just saying the title fish
19 commission or whatever, I would really like it to be the
20 organizations. So you have the Maryland Watermen Association,
21 the Charter Group -- you know, add those names and we can put
22 that on there.

23 If there is somebody that is not here that you guys
24 think should be on there, you know, we can do that.

25 MR. RICE: Tom?

1 MR. O'CONNELL: Yes, I mean, just a suggestion, I
2 strive to not do commission votes over e-mail because it
3 doesn't provide a public forum. I think we sent a letter out
4 and gave everybody an opportunity to decide whether or not
5 they were on the sign on to the letter on behalf of the
6 organization.

7 (Many speaking at once.)

8 MR. O'CONNELL: Yes, if you don't, you don't. But if
9 you do, you can state sign me up.

10 MR. LICCIONE: If there is something you want to see
11 on there being changed, you know, you can send a quick e-mail
12 back or whatever. But it is not going to be a controversial
13 piece and it is not going to be you know, any one organization
14 that is saying whatever, it is just a group of interested
15 parties that coalition if you will in Maryland that we believe
16 this needs to be done.

17 MR. BROWN: Sounds like a good idea to me.

18 MR. LICCIONE: So with that, no questions, I will
19 take my cookie ---

20 (Laughter)

21 MS. DEAN: Tom, are you suggesting then that if we
22 didn't make a motion right now, we wouldn't be able to sign it
23 as a title fish commission?

24 MR. O'CONNELL: No, I am not saying that. I am
25 saying that -- what I tried not to -- the idea that was

1 suggested when we sent the letter out, that the commissioners
2 could vote whether or not this commission would support that
3 letter. And we have had issues of voting come up in the past
4 and we try not to do that outside of a public forum or
5 meeting or a conference call. So the alternative would be is
6 that a letter gets sent out and whoever wants to sign on,
7 either individually or on behalf of your county or group, you
8 know just say I am good and we can start putting names and
9 organizations to the letter head. Note to the letter. Is that
10 okay?

11 MS. DEAN: So just the title fish would not sign it?

12 MR. O'CONNELL: If everybody says yes, then we
13 could. But --

14 MR. LICCIONE: I think it is just more about the
15 ASMFC you know, I would like to say that they know what title
16 fish is, sport fish is but probably not. But if we have the
17 organizations on there, maybe that would be -- I mean, that is
18 the way I would look at it.

19 MS. DEAN: I just didn't know if we needed a motion.

20 MR. O'CONNELL: If we get like -- if we see like if
21 everybody is saying yes and there is a couple of people
22 missing, we can reach out to them and see if they have a
23 problem and we could add title fish but I think at this point,
24 it would be better to you know, show the counties, the charter
25 boat and MWA, Lee Wilson's group and as many groups as we can.

1 Okay thank you.

2 MR. RICE: We are done with striped bass, Tom?

3 MR. O'CONNELL: Yes. Thanks.

4 MR. RICE: Well, being that we are almost an hour
5 behind, next we have Jacob Holtz from Maryland DNR will help
6 us out with the scoping hiatus.

7 MR. O'CONNELL: And Jacob?

8 MR. HOLTZ: Yes?

9 MR. O'CONNELL: Since you handed this information
10 out, maybe you can just put the topic in and see if there is
11 questions and ask for input on the scoping strategy?

12 MR. HOLTZ: Sure.

13 ***Regulatory Updates and Regulatory Scoping Items***

14 ***by Jacob Holtz, MD DNR***

15 MR. HOLTZ: (Not at microphone) Real quick on the
16 Reg update at this point, I will just point out that we have
17 three reg packages that either the common period is currently
18 open or it will be opening soon. And that is for the yellow
19 perch regs. Which have extended commercial season and will
20 provide tagging oysters which is --- a listing that requiring
21 that you have to follow NSSP which is already a requirement in
22 the DHMH regs, we are just adding it to our regs.

23 And then spiny dotted fish, clarification on
24 operators and --- declaration period. Those three packages are
25 either open for comment or are going to be open for comment in

1 the next month or so. As far as scoping goes, Tom already
2 went over the eel stuff. Depending on what ASMFC if they
3 require us to make any changes, we will obviously send that
4 out. If we were going to make -- if we were going to have to
5 do anything else, plan to scope that on the department's
6 website and send it out through all of our electronic measures
7 which are in constant contact with Facebook, Twitter accounts.

8 Black bass is a recreational issue. We are going to
9 meet with Virginia and --- and may or may not make a
10 cyber --- changes. Depending on the outcome of that, it also
11 needs close monitoring on that on the department's website.
12 Serving what --- to get public input on it already and based
13 on feedback from the --- division, I think I would just post
14 any changes on our website and again through electronic means.

15 MR. YOUNG: What is causing the reduction of the
16 black bass, any idea? Specifically my point is, has anybody
17 drawn a correlation between the decrease in the population of
18 black bass and the increase of the population of snakeheads?

19 MR. HOLTZ: I --

20 MR. O'CONNELL: Want me to hit it? Okay, so we had
21 a little more thorough presentation at sport fish so, you
22 know, there are some questions unanswered but it seems like it
23 always are with these issues but our title bass specialists
24 believe that the loss of submerged aquatic vegetation could be
25 a large reason why we are seeing a decrease in lack of bass

1 populations.

2 We also talked about could blue catfish or snakehead
3 be having a predatory impact or competition for habitat or
4 forged, that is less clear. Obviously both of those species
5 have increased in abundance and I am sure there is some
6 predation and competition but it is not clear at this time.
7 But it seems like the loss of submerged grasses is having a
8 major role -- it is a very important habitat and there has
9 been lower levels of recruitment in recent years which the
10 population seems to be decreasing from it.

11 MR. YOUNG: My point was, can we -- I know Steve
12 Vilma(sic) has done a remarkable job trying to market the
13 snakehead and blue catfish and more emphasis on that could
14 possibly increase because he has made some strides in there.
15 Could he increase the market and develop commercial fishery
16 that could help with controlling those ---?

17 MR. O'CONNELL: And on that, just real quickly the
18 Congressional seat is making a big expansion to their facility
19 in Jessup and they are looking to invest in a filet machine so
20 that they can process more blue catfish and Tim Shagrew(sic)
21 grew from that company, asked me to go up to Philadelphia last
22 week and met with Whole Foods, they had their global managers
23 and regional managers there making the pitch to have them
24 consider developing a frozen blue catfish product and they
25 have been very impressed with the product that they have been

1 selling and they have agreed to sample it more and perhaps
2 create a national market in all of their Whole Food stores.

3 So, keeping our fingers crossed, I mean, the market
4 may expand and hopefully that will create more fishermen to go
5 after them.

6 MR. HOLTZ: Moving on for blue crabs, the peeler
7 size in 2015 -- we are looking at raising them to be size
8 limit from April 1 to July 14, from three and a quarter to
9 three and a half inches. Our current scoping plan is to scope
10 out on the website and again through the other electronic
11 platforms barring any other recommendations from the
12 commissions because it is always a problem with scoping.

13 Scoping is either --- and as far as input from you
14 guys, is there anything else that we should be doing to reach
15 out to effect user groups?

16 MS. DEAN: Jacob, can I just add -- it was brought
17 up at sport fish and one of the things that Tom said that they
18 were doing in the sport fish industry was e-mailing people
19 based on if they purchased a license. I know we have the
20 texting for our commercial industry but it is usually short
21 updates about season changes. Can we compile a list of
22 commercial fishing licenses and then send that out similar to
23 the mass communications that are being sent out
24 recreationally?

25 MR. O'CONNELL: If we have e-mail addresses, then --

1 MR. HOLTZ: If we have e-mail addresses, then I
2 would imagine that it is possible, yes.

3 MR. O'CONNELL: Two things, Rachel. One is that the
4 way we get e-mail address from the recreational fishermen is
5 when they purchase their licenses, they can opt in to give
6 their e-mail address to us and agree that we can send them
7 information. I don't know if we asked a commercial fishermen,
8 you guys would know and you guys need your licenses renewal --
9 were you asked?

10 (Chorus of "No.")

11 MR. O'CONNELL: That may be a way to do that.

12 MS. DEAN: So is there a possibility we could do
13 that in August?

14 MR. O'CONNELL: Yes, yes that is a really good
15 suggestion. Outside of that, if you guys can help get the
16 word out that if somebody has an e-mail they can opt into our,
17 we have a constant contact for different management issues and
18 the e-mail system and if they give us their e-mail address,
19 they will get all of these e-mails. If you guys have
20 newsletters or meetings and you want us to write something up
21 that you can distribute, let us know.

22 One last thing, we had a couple of people come up
23 after our last sport fish commission meeting asking us if they
24 could have a business card from the Department that says,
25 "Maryland DNR Sport Fisheries Advisory Commission Member" we

1 could do it for title fish as well.

2 Gives you a card to give people, to show that you
3 are a member and to get in touch with you on issues. On the
4 backside, we could show people how to sign up for the constant
5 contact and our Facebook account and our Twitter accounts,
6 just so you can say this is how you can stay informed of
7 management issues and on the backside are the tools that the
8 DNR offers.

9 MR. JETTON: Can you do that pretty quick? I have a
10 meeting in about two weeks of my members, I would like to have
11 it.

12 MR. O'CONNELL: Okay.

13 MR. RICE: That is a good idea.

14 MR. O'CONNELL: I will make a note of that, Greg.

15 MR. JETTON: If you can just e-mail it to me, Noreen
16 has my --

17 (Pause.)

18 MR. HOLTZ: Moving on, fishery management areas. The
19 Department has a bunch of land that there are different things
20 that are allowed on different pieces of land. Some areas allow
21 the --- where there is no --- so we are just going to put
22 together regs that describe where the areas are and what the
23 rules are, because right now the rules are just posted on the
24 site and so rather than people just driving around kind of
25 confused, it will at least be in one place.

1 Oyster committees, our current regulation requires a
2 lot of work on the Department side of things as far as holding
3 the elections and the attendance at the elections is rather
4 poor. We were going to provide for county elections, ---
5 committees either by mail or electronic methods. The proposal
6 right now as far as scoping goes is we would scope it out on
7 the website and then we would reach out to the current county
8 committee chairs and oyster surcharge holders, so everybody
9 would be aware of the changes that we ---.

10 Regulations for sport fish and tidal fish. The
11 regulations for these just haven't been updated since 1993.
12 The plan right now is we are going to draft a new regulation
13 and we are going to send it out to you before your next
14 meeting and that you can review and give us comments on and
15 that way we can have a more full discussion about it at our
16 January meeting.

17 We obviously still scope that on the website but we
18 just want to give you a head ups that we are going to update
19 that and you will be seeing that in the next couple of months.
20 That draft regulation. Snapper grouper, we are going to just
21 have our management structures more so lead to our counter
22 parts and that will be increasing some landing limits and
23 specifying commercial limits neither whole or --- weights.
24 Giving the scope of that on the website and send that out
25 electronically.

1 And lastly striped bass. Tom has already testified
2 to all of that. We will be in touch with the obviously as far
3 as any management measures go. As far as scoping goes, we
4 have already had a number of meetings both the Department has
5 and ASMFC has, so our current plan was to scope any changes on
6 our website and then also electronically unless the
7 commissions thought that we needed to hold another public
8 meeting or another idea from this work commission was to send
9 out -- a survey monkey as far as to gauge how different user
10 groups refer to different options. And that is all I have at
11 this point and -- oh except for Tom?

12 MR. O'CONNELL: Yes, two other items that came up at
13 the Sport Fish Advisory Commission that the commission passed
14 a motion or actually unanimously supported us scoping were one
15 is that through the ASMFC public hearing process on draft
16 Addendum 4, a couple of ideas have come forward. One is that
17 whether or not we should prohibit the pre-season catch and
18 release of striped bass from March 1 to the third Saturday in
19 April.

20 The Department took actions a few years ago to put
21 some guardrails on this fishery because it had been
22 increasing. Those guardrails have been effective in probably
23 stabilizing if not decreasing the amount of participation in
24 that fishery, but again this is the one time a year that we
25 have that interaction with those spawning H females. It may

1 not result in a measurable amount of savings but it may be a
2 good practice for us to consider so we are going to go forward
3 and scope that item to gain more public input before we decide
4 if it is something that we should pursue by regulation.

5 The other one, we had input in regards to the
6 requirement to use circle hooks when fishing with a live bait
7 recreationally with striped bass. I think people are
8 recognizing that if we have to go to a 19, 20 or 21 inch fish
9 that we are going to have a lot of interaction with this 2011
10 year class.

11 The data that we have show that if we go to a 19
12 inch or a 20 inch fish, 45 percent of the 2011 year class is
13 going to be undersized next year. So there is going to be a
14 lot of discards and a lot of -- a lot of regions across this
15 country that fishermen support the use of circle hooks. We
16 have heard some reasons why that may not be the case in
17 Maryland.

18 But there is a mixed opinion, so the commission
19 thought it would be good to spend some more time putting the
20 science together on what I am understanding is with circle
21 hooks and take that off for public scope and to see you know
22 what the opinion is of sport fishermen out there and whether
23 or not they would support the requirement of using circle
24 hooks when fishing for striped bass with live bait.

25 MR. RICE: Bill?

1 MR. GOLDSBOROUGH: I think it was all natural bait
2 and not just live.

3 MR. O'CONNELL: So we are going to scope that item
4 and the last point is, as Jacob said, our initial thought was
5 to scope the rules on the website and through an electronic
6 means, but I think we have to see what comes out of ASMFC and
7 if you look at like conservation equivalency ideas or you know
8 seasonal changes for recreation which are not likely but if
9 that comes up, if the ideas are very similar to the ideas that
10 were within the draft Addendum 4, then maybe that is fine.

11 But if we come up with a lot of ideas that are
12 outside of the options that are included in Addendum 4, we may
13 want to consider having a formal meeting so people can get a
14 better understanding of those ideas. So, we will reassess
15 after the ASMFC meeting later this month.

16 MR. RICE: Rachel, did you have your hand up?

17 MS. DEAN: Yes, I just -- I wanted to clarify I
18 didn't feel like they specified charter -- commercial versus
19 recreational? So it could affect our hook and line industry
20 right?

21 MR. O'CONNELL: Well, that is a good question. I
22 thought the folk -- meaning it wasn't explicitly stated that
23 we could go back and ask for clarification but it was my
24 interpretation that it would be limited to the recreational
25 sector.

1 MS. DEAN: I would just assume that the same charter
2 captain that is fishing next to me, well that guy is using a
3 trouble hook and I am not.

4 MR. GOLDSBOROUGH: We kind of went through this
5 before with another issue, I forget what it was. But
6 basically you almost have to use the same gear type at the
7 time. But I mean, you know, I got mixed feelings about circle
8 hooks anyway. I was part of that survey that we did back when
9 Bob --- was around and I -- it is real mixed results. I mean,
10 there is some --- on it but I guess we could look at it.

11 MR. O'CONNELL: Yes, a lot of it has to do with how
12 you fish that circle hook and the size of the circle hook but
13 just for clarification, when I said recreational, I meant
14 charter and recreational. I mean, Bill would you --

15 MR. GOLDSBOROUGH: Yeah, not commercial hook and
16 line, at least that wasn't explicitly stated. Although since
17 this is just scoping, meaning doesn't hurt to investigate what
18 the implications would be and get comments on it all.

19 MR. JETTON: If you are doing it to save an
20 undersized fish or I would think a commercial hook and line
21 would also catch some undersized fish.

22 MR. O'CONNELL: Okay, well we can look into that
23 too.

24 MR. JETTON: I am just throwing that out there. I
25 would rather not use them at all. I would rather catch my 12

1 fish and go home. You know that is how I feel about it, that
2 is where that 18 inch fish makes more sense. So that is how I
3 feel about it.

4 MR. MANLEY: I just --- that too, have to open up
5 the hooks to catch them.

6 MR. GOLDSBOROUGH: Oh, it is terrible. Maybe it is
7 the technology has changed but I was unsold on the things.

8 MS. DEAN: And I think they talked about offset
9 versus --

10 MR. GOLDSBOROUGH: Offset and got hooks and offset
11 and we went through all of this, this was really before
12 anybody in that community --- me and Richard are the only two
13 I remember even part of that study and it was just -- it was
14 inconclusive is what it was. I don't see where it saved that
15 many more fish. But I am going to look at it.

16 MS. DEAN: And this mirrored the conversation that
17 they had at sport fish.

18 MR. GOLDSBOROUGH: Yes, it is just -- when that
19 hooked got hook, it was in there. That was the difference, I
20 mean, that is where the offset conversation came up. So.

21 MR. O'CONNELL: Okay, that is all.

22 MR. HOLTZ: That is everything.

23 MR. RICE: All right, thank you. Tom?

24 *Legislative Updates*

25 *by Tom O'Connell*

1 MR. O'CONNELL: Legislative updates, Gina had to go
2 home. Her husband was deer hunting today and it was ---
3 season where I should be and you guys should probably be too,
4 right.

5 MR. : Field hockey game.

6 MR. O'CONNELL: We don't have any legislative
7 updates and obviously we talked about legislative items in our
8 last meeting. And as we close this session and the department
9 confirms what bills they are going to pursue or if we hear of
10 private bills we will keep you informed by e-mails and if we
11 need to have a conference call or a meeting we can schedule
12 that.

13 I don't think our next meeting is until late
14 January, so but we have Bevin from the Chesapeake Bay
15 Commission has asked for some time on the agenda to talk about
16 a legislative idea that the Chesapeake Bay Commission pursued
17 a couple of years ago on invasive species and it didn't get
18 passed but there is interest to pursue it again and she came
19 to Sport Fish Advisory Commission and here before you guys to
20 see what your thoughts are and hopefully get support for this
21 legislative idea. And the Sport Fish Commission did support
22 it on Tuesday. So thanks Bevin for coming.

23 ***Invasive Species Bill***

24 ***by Bevin Buchheister, Chesapeake Bay Commission***

25 MS. BUCHHEISTER: Thanks, Tom. I am Bevin

1 Buchheister, I am the Maryland Director of the Chesapeake Bay
2 Commission. We are a tri-state legislative commission and so
3 our members a few years ago had a meeting with the fisheries
4 managers of Maryland, the Potomac River and Virginia and this
5 idea surfaced that invasive species was a problem and I don't
6 need to tell you all about invasive species, you know all
7 about it.

8 So we did sponsor this legislation that increased
9 the fine and we got that piece passed but there was this other
10 bounty provision in the bill which allowed a judge to award up
11 to half of that \$25,000 fine or anything below that that was
12 you know, imposed on the violator for -- so the judge could
13 award up to half of the fine to anybody who gave information
14 that lead to the arrest and conviction of a person who was
15 spreading an invasive species or a nuisance organism. And of
16 course, law enforcement officers or DNR employees cannot
17 collect this fine.

18 So that piece didn't pass and our members wanted to
19 bring it forward again. I think it came back to their
20 attention with all of the news about the blue catfish and the
21 bay program have been trying to coordinate management
22 strategies for the blue catfish. So again I went to the Sport
23 Fish Advisory Commission and asked them to support it and we
24 are here asking you all to support it too. This is the first
25 draft and so if there is anything that you see in there that

1 you know should be tweaked, I would like to hear about it from
2 you. And if you have any concerns please speak up.

3 MR. YOUNG: Right off the top of my head, scratch
4 the word "may award" and make it "shall award" I do not like
5 that particular term may because it gives them the option of
6 oh I can give them a reward for turning somebody in or not.
7 Make it say, "He shall be rewarded for turning somebody in"
8 then somebody is going to turn somebody in.

9 MS. BUCHHEISTER: Okay, I will take that back to my
10 members but I think -- I know if they had concerns about
11 collusion or something going on where somebody got -- I guess,
12 I don't know, I think they just like to leave it up to the
13 discretion of the judge in case there is any funny business
14 going on, the judge can usually tell what is going on. But I
15 will take that back to my members as a suggestion.

16 MR. YOUNG: I am just thinking that if somebody is
17 thinking about snitching on somebody, and they know that they
18 would --

19 MS. BUCHHEISTER: That they would get a reward.
20 Okay, so that is clear incentive. Right, okay. So I just
21 failed to mention that Maine and Alaska have those provision
22 and before this, they had this provision, nobody ever got
23 turned in for this because there was no incentive. And in
24 Maryland, I don't think anybody has ever gotten turned in for
25 spreading invasive species either.

1 So, this is the thing that will create an incentive
2 for somebody to turn somebody in. And Maine, as of 2013, they
3 had only one case of somebody being turned in and there was a
4 monetary award given to the informant and it did result in a
5 conviction and fine.

6 MR. JETTON: I got one thing, I know this is just a
7 rough draft but it says importation or transportation of non-
8 native aquatic organism. Shouldn't it say knowingly
9 transporting? I mean, somebody could have something stuck on
10 their trailer and not even realize it and end up with a
11 \$25,000 fine. But you are looking to catch people that are
12 doing this on purpose right?

13 MS. BUCHHEISTER: I want to point out that the part
14 of the bill, the new part of the bill is just in bold, so the
15 part you are looking at is already that is an established law.
16 I mean and I think that we did discuss that a couple of years
17 ago and it adds an element that DNR has to prove in their
18 case, they have to prove intent and that is really hard to
19 prove.

20 So I think in the situations where it is unknowing
21 and where you washed your boat off and you are taking it from
22 one body of water to another, I that is --

23 MR. O'CONNELL: We have frequently found blue
24 catfish for the first time in the tributary, you see like a 30
25 incher. And given the salinity tolerance of blue catfish only

1 being up to 17 parch per thousand, how can they get across
2 the --

3 MR. GOLDSBOROUGH: Somebody moved it knowingly.
4 And I am okay with that. I just hate to see somebody get
5 caught up that has something stuck to their trailer and
6 doesn't know it and that is --- I am just looking at it. You
7 talked about that, I had -- on the boat, and they told me with
8 the prevalence of large rainfalls and hurricanes that some of
9 these species are hopscotching now when this happens, is that
10 what you see happening with these kinds of things?

11 MR. O'CONNELL: We don't know but when we do have
12 these like hurricane events, these big floods, there can be
13 like a flood of fresh water surface water and these animals
14 can arrive in surface water and cross the bay perhaps into
15 like the Nanocoke. And that is an opportunity for them to you
16 know, travel greater distances than they normally would.

17 MR. GOLDSBOROUGH: And how far north have you seen
18 the blue cat now?

19 MR. O'CONNELL: They are almost in every tributary.

20 MR. GOLDSBOROUGH: That is what I -- I think I
21 caught one the other thing.

22 MR. O'CONNELL: And the scary thing is that they
23 were found in the Choptank River two years ago and Choptank
24 River is one of our primary spawning reaches for striped bass.

25 MR. GOLDSBOROUGH: Okay, that is what I was

1 wondering.

2 MS. DEAN: So this is anybody that has crawfish for
3 bait could get turned in? Because most of our crawfish are
4 non-native.

5 MR. RICE: Does anybody have an issue with what we
6 have before us?

7 MR. YOUNG: I make a motion that we approve and sign
8 onto it.

9 (MOTION)

10 MR. RICE: Rich just made a motion, do we have a
11 second one on this motion?

12 MR. SIELING: Second.

13 MR. RICE: Motion is made and second. Do we have any
14 discussion from the public? Do we have the discussion from
15 the commission? Seeing none, all of those raise their hand in
16 favor of the motion. All those opposed? I say it is
17 unanimous, thank you. Lynn, you are up next, can you talk
18 about the lease areas in the closure book please.

19 ***Lease Update***

20 ***by Lynn Fegley***

21 MS. FEGLEY: Okay and again, I will try to be quick.
22 We have discussed several times in the past this idea of
23 publishing the coordinates of oyster --- in the shellfish
24 closure book. And so we have been looking into this issue and
25 like all things in fisheries, it is more complex than on the

1 surface. And I think that one of the things that really needs
2 to be considered is what the objective for doing this.

3 Well there is two objectives as I see it. One is to
4 publish the lease coordinates in the closure book as a tool to
5 help make a case in court. So in other words if somebody was
6 caught on a lease, poaching or tampering the fact is that
7 those lease coordinates were published in the book and the
8 book was received by the harvester and signed for so it is
9 much easier under 401210 to make that case. So that is one
10 objective for doing this.

11 The other objective is to basically inform
12 harvesters who might be new to an area that there is a lease
13 there so they don't get themselves in trouble by accident. So
14 in the first case, this was one of the things that we -- so I
15 should back up and say this subject has come up at the
16 Aquaculture Coordinating Counsel and there was also a survey
17 sent out to lease holders and to start off with, lease
18 holders responded to this survey and we had a 54 percent
19 response rate of a strong no to having their lease coordinates
20 published in the book.

21 So, that lead us to the next option which would be,
22 well why don't we just let lease holders opt in. Which is if
23 you want it published, it can be published. And maybe that
24 would allow if somebody was caught on your lease it would
25 facilitate prosecuting the case. We ran that opinion up to

1 the Attorney General's office. The question being what is it,
2 what is the legality, are there any legal issues with only
3 publishing some leases in the closure book and leaving some
4 out.

5 And the Attorney General's office basically came
6 back and said, you know what if you really want to facilitate
7 prosecuting these cases in court, then yes publication is
8 helpful but only if you publish all of them. You will get no
9 help at all if you only publish some of them and you are --
10 you are going to open yourself up to other issues.

11 So in other words, if you really want that kind of
12 help, they all got to go in and we have this resistance among
13 some lease holders who feel that this is a road map to their
14 lease. So the other objective is this one where it basically
15 is an informative tool for harvesters who are entering new
16 areas and want to know whether there is a lease there. So
17 there is a couple of compromises there that could potentially
18 help with that.

19 One is that in a given tributary we could place a
20 symbol basically in the tributary that says that there is a
21 lease you know, there is this many -- there is four leases so
22 there is four dots on the tributary, there is four leases in
23 this tributary and then the watermen would know that there is
24 four leases somewhere in that area but they would have to --
25 it would be on them to figure out exactly where.

1 I know by finding the markings on the water or by
2 going to the aquaculture citing tool on the web and they can
3 hover over the lease and pull the coordinates off of that tool
4 online. So you know, the upshot is certainly to wrap it up,
5 the marking leases on the water is probably some of the best
6 protection. It is a little bit counter-intuitive because
7 marking a lease shows people that you are there. But again,
8 it also if the lease is marked and the lease is -- it does
9 help officers to prosecute that case in court.

10 I think the bottom line is that this is something we
11 need to decide and it is going to have to be discussed with at
12 the Aquaculture Coordinating Council as well. What is the
13 objective? What do we want by doing this? Do we really want
14 that facilitation of prosecution in court? Or do we want it to
15 be an informative mechanism? It is going to have to be
16 discussed further with the Aquaculture Coordinating Council
17 and that is what I know.

18 MR. RICE: Rob T. do you have a question?

19 MR. BROWN: Yes. I am a lease holder on several
20 leases. And in that book that you are referring to, it has on
21 there, all the nature oyster bars are, NOBs in there. Well,
22 those natural oyster bars, that is the 8 survey which is back
23 in like 1906, well I have two pieces of ground which are old,
24 old oyster ground that hasn't been worked in years. I mean,
25 nobody has worked it. Because we are having no -- I can't

1 remember, it has probably been 30 years since this place has
2 been marked.

3 I went and I leased him, nobody objected to it
4 because it wasn't nothing left there. I rehabilitated the
5 bottom, I got oysters coming on them now, I picked them ---
6 and looked at the book and it calls it a natural oyster bar.
7 Man comes in that area, who has never been there before and he
8 will look at it and it says natural oyster bar, I can work
9 here. That is one mistake that is into the book.

10 Number two, they are going to say that they don't
11 want it published. They got it stuck off either with stakes
12 with their names on it or buoys on the --- full course. I
13 mean, I can see somebody now, look I don't want to go poach on
14 this and I am here in Annapolis, well who has a lease down in
15 Somerset County that I can go get? No that is not going to
16 happen.

17 And if it is in the book, it protects the lease
18 holder and it also protects the commercial man who wants to
19 work legal because he can look and say oh that is a piece of
20 oyster ground, I can't go on that. And if somebody wants to
21 work on it and you got buoys on it, somebody can cut a couple
22 of buoys off. There is some many things that can happen. Or
23 just drag them two of them back on one end and work on the
24 other end of it. So well, hey the buoys are down there. It
25 needs to be put into the book to protect everybody.

1 MS. FEGLEY: I think you know the answer and just I
2 will add one more thing, one more small difficulty. Small
3 being literal. The closure books, a lot of the leases are so
4 small that you know, don't think that when the -- if the
5 coordinates were to be placed in the book, that you would sort
6 of get this crystal clear picture of where the lease is,
7 because at that resolution, you are going to have like this
8 tiny little dot, you know the map is just not that --- and I
9 zoomed in that far. But that doesn't mean that the
10 coordinates couldn't actually be just listed on there for
11 someone to enter into their GPS.

12 But I think to your point, this is just -- we have
13 clearly -- I will repeat that 54 percent that is half of the
14 lease holders came back as a strong no. So I think this is a
15 clear case where this issue -- the Aquaculture group we need
16 to work with lease holders to maybe provide some more
17 education and maybe help everybody understand what the pros
18 and cons of this are.

19 You know, we just -- it is a little bit difficult to
20 impose something when half of the people are a strong no. So,
21 I think what that leads us to is to working harder with this
22 group and seeing what sort of attraction we can get.

23 MR. RICE: Tom?

24 MR. O'CONNELL: So Lynn, maybe a way to go forward
25 is, I mean, I assume we have probably at least six months

1 before the closure booklet gets printed again and that
2 provides a pretty reasonable amount of time to try to have
3 more discussion with the culture industry and I think there is
4 some good arguments to include them. And we also have to
5 address the issue Robert T. brought up in the book that you
6 know, we list all of the NOBs and we really now have PSFAs and
7 there are leasees that are not on a PSFA but on an NOB.

8 And if somebody looks at that book and they
9 interpret it as an open harvest area and unless Robert T. has
10 buoys out there, they might think that they can go on there
11 and harvest his oysters. So I think you know this was a good
12 start, we got some information from the lease holders. We got
13 some good advice from you guys and see where we can get to in
14 the next six months.

15 MS. FEGLEY: Can I just ask -- I just want to ask
16 the question to you -- so do you feel that your primary
17 objective is -- is it for awareness of harvesters coming in or
18 is it for helping to make a case? Which is the objective?

19 MR. GILMER: I think it is awareness to make us
20 aware of what is there. You know you -- I mean, to me, this
21 bottom is state of Maryland bottom and yes they lease it, but
22 they have no trouble posting their lease when they want to
23 apply for that lease. It should be public information for us
24 all the time.

25 MS. DEAN: I use the Aquaculture Citing Tool and

1 Simon has gotten or he has had to call another harvester for
2 coming from an out of area and he said, "You better get your
3 ass off that man's lease" and I think one of the biggest
4 problems is, that there is no requirement for what the lease
5 needs to be marked with. And that is not right. I mean, we
6 are -- sanctuaries are marked all the same. We have the same
7 uniformed buoys, so it is awareness for us more than anything.
8 I hate to think that it would get to the fact where it would
9 come up in your area where you are like surprise, oh my God, I
10 didn't know this went through public notice.

11 Could it happen? Maybe I don't know if you weren't
12 paying attention but there is guys -- our guys were on the
13 move. Our guys were on the move.

14 MR. GILMER: I mean, I would tell you in two weeks
15 where 70 percent of them Kent Island oyster boats will be
16 somewhere else. You know. Yes.

17 MS. DEAN: Yes, it is true.

18 MR. GILMER: And it makes no sense that you are not
19 aware of where you can or can't be. Regardless of how big it
20 is --

21 MS. DEAN: Some of them are marked with discs. Some
22 of them are marked with flat discs.

23 MR. : Did you say you could go on the
24 Internet and find it anyway?

25 (Chorus of "Um hum")

1 MR. : So some people want it in print.

2 MS. FEGLEY: Well, it is not something printable
3 because it is a -- you hover and --

4 MR. : No I meant the book. Go ahead and
5 print it in the book because you are already -- it is already
6 public.

7 MS. FEGLEY: Right, so the comment of the people who
8 are strongly opposed was, it is one thing to have to go on the
9 Internet, pull up the citing tool, get yourself in the trib,
10 hover over the points, transcribe the coordinates, load it
11 into your GPS is different than being handed a road map to
12 your lease.

13 MR. : No it is not --

14 MS. FEGLEY: Well, that is not my -- that is just
15 what we heard. So I will revert again to I think this is
16 something that we need to just spend some time with our --

17 MR. JETTON: And --- is going to eventually want it
18 published because if you have an offender on there, that is a
19 repeat offender and it goes to court, you are not going to be
20 able to prosecute him because he is going to say well I
21 didn't know. It wasn't marked. I couldn't find it easily. If
22 there is a book sent out and it is published, he has got no
23 reason --

24 MR. : And you sign for your oyster bar
25 and that is --- responsibility. But those -- all coordinates

1 should be in there.

2 MR. JETTON: Yes, I agree. It just doesn't make any
3 sense.

4 MR. : And I realize you know, a 5 acre
5 lease and you know, in a big area, no is not you know, if you
6 just got -- in the book, if you make a lease just a red symbol
7 or something and then you refer to the coordinates of where it
8 is. But I think -- I am very strong that this is ought to be
9 public information for protection of both sides.

10 MR. RICE: Well, --- it was public bottom at one
11 time. All right, Lynn, you have one more item while you are
12 sitting there at the mic please.

13 ***County Oyster Fund***

14 ***by Lynn Fegley***

15 MS. FEGLEY: Yes and this was a request to talk a
16 little bit about county oyster committees and the spending of
17 the Maryland Port Authority money so just to keep it quick, we
18 did put a copy of the new Pro 30 Warplan(sic) which was agreed
19 upon this summer. So that is all in your booklets for review.
20 If you have any questions, the county oyster committees will
21 be coming up later on this winter. We usually hold those in
22 February.

23 There is a couple of things we are going to endeavor
24 to bring to the counties this year. We are trying to get all
25 of this together but I will just put it in your mind as a

1 little bit of a preview. One of the things that we want to
2 work on is providing the counties with a work plan template
3 for the coming years so that everybody is working on a
4 consistent request for what sorts of things they want to do
5 and one of the reasons for this is that we also have and this
6 is a really good thing, we have more people who are producing
7 spat on shell, to provide so we are through a state
8 procurement, we are going to have to have a transparent
9 bidding process for buying spat on shell. So we want the
10 counties to be aware of how that is going to work.

11 We want to set everybody on a level playing field,
12 so we are going to talk a little bit about protocols for
13 transporting and planting seed. Robert T. and Victoria have
14 been involved with this, and mutt at the hatchery. We are
15 also going to -- the National Shellfish Sanitation Plan is
16 going to require training for oyster moon. So we are hoping to
17 have some draft materials available for oyster folks to review
18 because basically what will happen I think -- Mike you can
19 correct me, I think it will be basically in 2016, a pamphlet
20 that you will get when you have to sign it to say that you
21 have read it or some such thing just to make sure that we are
22 align with NSFP protocols.

23 But that is really right now those are the things
24 that we are thinking about and again we will be coming around
25 later on this year.

1 MR. RICE: Okay, Rachel do you have any questions
2 for Lynn?

3 MS. DEAN: No, I just -- anything that is spent
4 through the county has to go through a bidding process now? So
5 we can't go to the selected person of our choosing and buy
6 something?

7 MS. FEGLEY: Yes, I think we are going to -- and to
8 be honest, we are still working through this with our
9 attorneys. We do have to abide by state procurement on this
10 money. I mean, we have to do it. So I think that what we are
11 going to have to do, well I don't think, I know we are going
12 to have to come up with a bidding process. And how we do this
13 is not yet clear and we will certainly have that clear by the
14 time -- by the time the what happens. So there could be some
15 sort of regional component or how we can do this or that.
16 But --

17 MS. DEAN: So the only thing I would add to that is
18 if we are required to do that, then somehow, some way would it
19 ever be able to take into account if we get seed from one
20 place versus the other, the survival rate? Because there is
21 certainly a correlation between where we get our seed and the
22 survival rate depending on what salinity it goes into. So it
23 wouldn't just be a price, a dollar figure.

24 MR. : And I just wanted to add that the
25 harvester training would be 0.15 and not 0.16.

1 MS. FEGLEY: 15, okay yes.

2 MR. RICE: Moochie, did you have something?

3 MR. GILMER: Well, I have a couple -- not on that
4 but on a couple of other subjects here. On oyster stuff. I
5 see here in our --- pros and following a due process, I know
6 there is talking about marking off another, has been area on -
7 -- ground in conjunction with the area that we have there.
8 But and at one time we had talked about butting it up to that
9 area.

10 But I don't want -- I am sort of scared of that
11 because if you are dredging one area and you got oysters
12 planted on the area next to it, I am hoping for some buffer
13 area in between? You know so that they are not right buoy to
14 buoy you know. And then another concern that --

15 MR. O'CONNELL: So are you concerned that the seed
16 planting is adjacent to the other --- in that area?

17 MR. GILMER: Yes, yes.

18 MR. O'CONNELL: Because if I remember correctly,
19 that area that we are proposing is about a 100 acres, Mike?
20 Is it about a 100?

21 MR. LUISI: The new area I think it will be -- I
22 don't remember exactly, I think it was little smaller than
23 that. It was a relatively modest --

24 MR. O'CONNELL: Because my thought, Moochie is that
25 given that there is very limited funding right now, it is

1 likely that the seed planting area would be much smaller than
2 the proposed area. So we can try to work to find bottoms
3 suitable that provides that buffer that you are describing. So
4 we should just keep that in our mind as we -- as funding
5 becomes available, we start planning for that.

6 MR. GILMER: Okay, all right. And then the next
7 thing I have was about in our area right now and this is more
8 concerned about -- well it is two different things. Oyster
9 being accounted for that are called recreational and then you
10 can't buy an oyster license, a State of Maryland Oyster
11 license but are rec people allowed to come into the state of
12 Maryland to catch their bushel of oysters from out of state?

13 MR. O'CONNELL: Are recreational?

14 MR. GILMER: Yes.

15 MR. O'CONNELL: I don't believe so. Jacob, do you
16 know for sure?

17 MR. HOLTZ: You have to be a resident of Maryland to
18 harvest oysters.

19 MR. GILMER: That is going on big time. I mean, it
20 was a dive group of New Jersey that dove in the Eastern Bay
21 yesterday and caught 11 bushel. No, I mean and they are being
22 carried by a guy on a charter boat that is carrying them for
23 a recreational dive.

24 MR. O'CONNELL: Well, if you can give us some
25 information on the --

1 MS. DEAN: They dive in packs on the back of the
2 river island too.

3 MR. GILMER: Yes, I mean it was probably a 150
4 bushels caught in the Eastern Bay last week by recreational
5 divers. They are not being accounted for. And also, what is
6 the health issue -- we have to tag every bushel, I mean, those
7 oysters are going out of there with no tag on them, somebody
8 gets sick eating them, what is the Health Department's look on
9 that?

10 MR. JETTON: I think you have a good issue but I am
11 kind of curious if they were on a licensed charter boat, our
12 sticker covers fishing and everybody on the boat, I am
13 wondering does it cover -- what does it say, just fishing?

14 MR. O'CONNELL: You have to be a resident of
15 Maryland to oyster.

16 MR. JETTON: Okay so yes they would be out. Okay.

17 MR. O'CONNELL: So I guess two thoughts one is if you
18 see that again, call in to DNR or myself and if you have
19 information that you can share with me after the meeting as to
20 where these activities are occurring we can get that NRP. And
21 Rachel you had some information too?

22 MS. DEAN: In the back of the island, yes it is right
23 there at the Solomons boat ramp and they put in, I don't even
24 think they use a boat, they walk the shore, they take their
25 gear with them, they go out and they come right back in and

1 they load them on the truck and go.

2 MR. JETTON: I will tell you something else, if they
3 are carrying 11 people you said and they are not certified as
4 a dive boat, there is a federal issue there too you need to
5 look into the --- a couple of directions.

6 MR. GILMER: It is -- you know, and I don't know
7 what the health department rule would be. You know.
8 Recreational and --

9 MR. RICE: I think the health department rule is just
10 as large as the other because if somebody was to become ill by
11 eating oysters, it wouldn't have been specified and it would
12 be oysters and it would cripple our business almost
13 immediately.

14 MR. JETTON: There is a couple of issues there but
15 there is a whole different certification for a dive boat. And
16 I don't know of any in the bay that carry that many people. So
17 there is a couple of issues there. A lot of red flags there.

18 MR. RICE: Mike could you -- talking to Mike Naylor,
19 can you follow up with Moochie and Rachel to get that
20 information and make that available to NRP? Okay.

21 MR. GILMER: We had a guy -- trying to think -- last
22 Monday it --- the heart out of the south, there were three
23 recreational divers in a little boat, in a 16 foot boat and
24 anchored at --- on a 35 mile an hour south wind. Set the guy
25 down and they had a buoy on the guy and well the buoy come

1 off. Well the guy come up and he was smart enough to blow his
2 suit up and float. They found him in their boat at Harb
3 Island Beacon.

4 Not Harb Island Beacon, Hoods Point Buoy, that is
5 how far he went from --

6 MR. : He was almost in his --- and he
7 minds as well have gotten a beer.

8 MR. GILMER: No, the red buoy there when you come
9 out but he was a -- he went about two miles, they sent four
10 rescue boats there to look for him. And they finally found
11 him and he was fine. But the guys that were anchored in the
12 boat, they had no clue where he was. Scary.

13 MR. RICE: All right, well that is something that we
14 have already been talking about, Rob T. and I and Tom and
15 Secretary Gill. So this is an issue that is receiving some
16 attention, so we hope to make some progress on getting
17 something worked out. So, Rich I think you got us to the
18 other business part. Tom, did you have other business or?

19 MR. O'CONNELL: Just a closing remark.

20 MR. RICE: Maybe before you do those, I will do my
21 other -- I have a piece of other business. Okay, and any of
22 you on the design team, please help me out on this. But
23 design team asks that we bring to TFAC, I guess a statement
24 that we feel we have made progress with the accountability for
25 the commercial harvest of blue crabs and that we see a need to

1 increase our ability to be accountable for our recreational
2 harvest. Am I on track? And that we would like to support
3 from this group in the pursuit of that.

4 MR. YOUNG: Do you need a motion?

5 MR. : Do you need a motion?

6 MR. RICE: I think that a motion would be fine but
7 as long as we have the support of the group.

8 MR. YOUNG: So moved.

9 (MOTION)

10 MR. RICE: Okay, we have the motion and we have
11 several seconds, so do we have any discussion from my public
12 audience? We have none.

13 MR. O'CONNELL: Just quick, just for clarification
14 so that we can get it down, the blue crab design team in
15 another Tidal Fish Advisory Commission is requesting the
16 department to improve the harvest accountability with
17 recreational crabbing.

18 MR. RICE: We feel there is a need to improve the
19 harvest accountability for the recreational crabbing industry.
20 Yes. And that we should move forward with this. Is that
21 pretty much on line with your motion, Richard?

22 MR. YOUNG: Yes the design team feels that we have
23 made strides in improving accountability and verifiability of
24 our harvest. And the recreational harvest, nobody has it yet.
25 I mean, not even the vaguest idea and we think that it is time

1 that we have done our part as far as that goes. And
2 continuing to work in different areas but that area we feel
3 that it is time to pass it on to the department to figure out
4 how they are going to do something with the recreational
5 harvest.

6 MR. RICE: And I think -- our task is primarily a
7 100 percent in conference end, this is the commercial side of
8 it, we don't have a recreational interest. But we do know
9 that we are harvesting the same species and that we should in
10 order for us to be accountable, we feel that we should be
11 accountable for all the way around. We will go ahead and deal
12 with the motion unless you got -- do you have comment on it?

13 MR. O'CONNELL: I don't think it is going to change
14 anything. I think within the Chesapeake Bay Program, New Bay
15 Agreement, there is an emphasis on proving harvest
16 accountability on crabbing both commercially and
17 recreationally and you guys have made a lot of strides. The
18 department approved a regulation I think a year ago to remove
19 a lot of the licensed exemption with recreation of crab and
20 now all the crab pot property owners have to register with the
21 department so it is providing us with a better sampling frame
22 to collect that information.

23 So you know that is something that we know is a
24 priority and it is a priority of ours as well. We have done
25 some things to hopefully make a survey in the future more

1 efficient. The big issue right now is the funding to do that
2 survey. And as guys know, it is that the majority of our
3 general funds that we have are now going to cover that cost
4 recovery deficient with the commercial fishing industry. So if
5 we are looking for those opportunities to free up probably a
6 \$100,000 to \$200,000 to do that survey. So we are making
7 strides and we have to get that funding to do the survey so
8 that we can get some better estimates. And it will be
9 interesting to see what those estimates come out at compared
10 to historical estimates of that 8 percent that we all are
11 aware of in the cost recovery.

12 MR. RICE: Bill?

13 MR. GOLDSBOROUGH: I just thought I would chime in
14 that sport fish hasn't really discussed this specifically but
15 based on all of the previous discussions about accountability
16 at all, I am sure that it would be fully supportive of
17 improving data. Having said that, as long as that crab stock
18 is down, I don't think it is as big of a problem as it might
19 be when the stock comes back up again. But we would support I
20 am sure any improvements in catch data.

21 MR. RICE: Thank you. So we still have a motion on
22 the floor. That completes our discussion. All of those in
23 favor of the motion signify and raise their right hand? All
24 those opposed? Unanimous. All right. Well, move on to
25 closing remarks. I got one just one quick one. I thank Vice

1 Chairman Moochie Gilmer for attending the Maryland Striped
2 Bass Informational Meeting. You did a really great job and I
3 appreciate your help.

4 Next time, maybe you can go to one sponsored by
5 Coastal Conservation Association --

6 (Laughter)

7 MR. GILMER: I am busy that day.

8 MR. RICE: All right, so anyway, Moochie is very
9 supportive on all the things that we have going on at TFAC, so
10 thank you, Moochie for those. And I think that is about it.
11 Tom has one.

12 MR. O'CONNELL: Yes, just want to let anyone know
13 that Noreen is retiring at the end of this month. She has had
14 a long career with the state government. Most of it with the
15 Department of Agriculture, with the seafood marketing program.
16 Bill Sieling had worked with Noreen perhaps the longest and I
17 know Bill thought very highly of you and we were very
18 fortunate to have you come over to DNR when --- culture and
19 seafood marketing was transferred in.

20 She has been a great support system for our two
21 advisory commissions and to our staff including myself. So you
22 are going to be missed and appreciate all that you have done
23 for everybody here. Thanks.

24 (Applause.)

25 MR. O'CONNELL: One last thing. Proposed meeting

1 dates for next year.

2 (Slide)

3 So on the screen here, the October meeting is when
4 we usually look at meeting dates for next calendar year so
5 that you can get them on your calenders. So we looked at the
6 ASMFC meetings next year, we always try to schedule before
7 them. Those are the dates that we have proposed. If you can
8 look at them over the next week and follow up with Noreen.

9 If you see any conflicts with any other meetings
10 that may be going on or things that you may not be able to
11 attend, we will try to finalize those and we are going to send
12 something out to sport fish as well, Bill, so that we can get
13 those locked down and put them on the calenders so everybody
14 can hopefully attend.

15 MR. : Are you going to e-mail that or is
16 that --

17 MR. O'CONNELL: Yes, we are going to e-mail.

18 MS. EBERLY: It will be in your meeting summary.
19 When I e-mail it. Hopefully tomorrow or Monday morning.

20 MR. O'CONNELL: Bill?

21 MR. SIELING: Is there any plans for any kind of a
22 retirement party for Noreen?

23 MS. EBERLY: No.

24 MR. O'CONNELL: We are going to have a huge one.

25 Noreen won't let us do anything so probably have something,

1 something to surprise her with, some luncheon maybe but
2 nothing is planned, due to Noreen's request.

3 MS. EBERLY: This is the party.

4 (Laughter).

5 MR. : Are we done?

6 MR. O'CONNELL: Okay if we have nothing further, I
7 would like to personally thank, Noreen.

8 MS. EBERLY: Thank you.

9 MR. O'CONNELL: And call the meeting adjourned.

10 (Whereupon, the meeting adjourned at 5:31 p.m.)

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