

***Joint Meeting of the MD DNR Sport Fish
and Tidal Fisheries Advisory
Commission Meeting***

Tuesday
May 17, 2011

Sponsored by the
Maryland Department of Natural Resources
Annapolis, Maryland

Held at the
Phillip Merrill Environmental Center
Chesapeake Bay Foundation
Annapolis, Maryland

Audio Associates
301-577-5882

**Maryland DNR Sport Fisheries Advisory Commission
and Tidal Fisheries Advisory Commission
Joint Meeting**

May 17, 2011

SFAC Members Present:

Jim Gracie, Chair

Deby Blum (*proxy for Carol Stephenson*)

Larry Coburn

William Goldsborough

Greg Jetton

Dr. Raymond Morgan

Edward O'Brien

David Sikorski

David Smith

Herbert Smith

Roger Trageser

Brandon White

William Windley

James Wommack

TFAC Members Present:

John Brooks, Chair

Mike Benjamin

Gilbert Dean

Russell Dyze (*proxy for Lawrence Simms*)

Russell Dukes

Bob Evans (*proxy for James Gross*)

Robert Gilmer

Stephen Gordon

Andrea Jacquette

Brian Keehn

Greg Price

William Rice

John Van Alstine

Richard Young

Maryland DNR Fisheries Service

Marty Gary

Tom O'Connell

Member Absent:

Valentine "Val" Lynch (SFAC)

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Keynote: "----" indicates inaudible in the transcript.
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E V E N I N G S E S S I O N

(6:09 p.m.)

Opening Remarks***by John Brooks, Chairman***

MR. BROOKS: Okay everybody. It is just after 6:00 p.m. so we would like to open up the meeting. Thank you all for coming. We have some announcements that Marty is going to make, first of all.

Welcome and Announcements***by Marty Gray***

MR. GARY: Thank you Mr. Chairman. Lisa, are you set to go? Okay.

First of all, just a reminder to everyone, anybody who is new to our meetings, this is the May meeting. This is a joint meeting of DNR's Tidal Fisheries Advisory Commission which is a body of governor's appointees that advise the Secretary of the Department of Natural Resources on commercial fishing issues. A joint meeting with the Sport Fish Advisory Commission which is another group of fifteen appointed members from the governor's office to advise the Secretary of the Department of Natural Resources on recreational and charter boat fishery issues.

We bring the groups together three to four times per year and this is one of those joint meetings. Chairman Jack Brooks for the Tidal Fish Commission is seated to my right.

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Also we have Fisheries Director, Tom O'Connell, along with myself, Marty Gary. I am an Assistant Director of Fishery Service, the two DNR representatives at the table. We have several staff in the audience and we are awaiting the arrival of Jim Gracie who is the Chairman of the Sport Fish Commission who advised me he is running a little bit late. He has asked Chairman Brooks to go ahead and proceed with the meeting.

We just have a couple of announcements before we get underway with our agenda. There are agendas up here at the end of the table. If any of the members of the public did not pick one up, feel free to come back and get one.

First, I would like to let everybody know, please, if you have cell phones, which I think everybody here in the room does, you don't have to turn them off, but please silence them so we do not have any interruptions. Or put them on vibrate.

Next, Lisa from Audio Associates is here with one of her colleagues and all of the Sport Fish and Tidal Fish Commission meetings are recorded. A verbatim transcript is available approximately ten days after the meeting. They are posted on line on the DNR website. So we will ask for all of the members of the commissions to identify themselves. Lisa, do you feel comfortable with where everybody is?

MS. BURNS: Yes.

MR. GARY: So they can go ahead and talk. They are

good. But if members of the public when there is an opportunity to speak and you are recognized by either of the chairmen, please come up to the podium and identify yourself and talk at that point.

I have just a couple of announcements. An upcoming calendar -- and we would encourage everybody to reference Maryland DNR Fishery Service calendar. We try to put all of the fisheries-related events up there, whether it is a fishing tournament or it is a formal meeting, they are all there. We are in a little bit of a busy time now. We have this meeting tonight. Tomorrow night over at the Chesapeake Bay Environmental Center in Grasonville, I believe, at 4:00 p.m. there is an Oyster Advisory Commission meeting.

MR. WEISBERGER*: That meeting has been changed and moved to Chesapeake Bay Program Office in Annapolis.

MR. GARY: In Eastport?

MR. WEISBERGER: In Eastport.

MR. GARY: Okay. That is Eric Weisberger with our oyster program, so that Oyster Advisory Commission meeting has been moved over to the Bay program's office on Severn Avenue, I believe, in Eastport.

MR. WEISBERGER: Yes. Severn Avenue

MR. GARY: Four o'clock start Eric?

MR. WEISBERGER: Four o'clock. Yes.

MR. GARY: Okay, then Thursday night there is a

meeting of the Artificial Reef Committee over at the Tawes Building. That starts at 6:00 p.m. in C1. Next week there is a meeting, a joint meeting of the Sport Fish and Tidal Fish Penalty work group and I believe that is Tuesday night. Am I right on that?

MR. COBURN: Thursday night.

MR. GARY: I'm sorry. What did you say?

MR. COBURN: Thursday.

MR. GARY: Okay, Thursday night, 6:00 p.m. So just those events coming up on the calendar.

I wanted to make a quick mention of two people that we have repeatedly asked for your thoughts and prayers on. One is one of our Tidal Fish Commissioners, J.R. Gross. He has been battling a horrendous illness for months and months and months. Bob Evans, I guess, is not with us tonight. He was supposed to come up and be JR's proxy, but I did talk to Bob. Hopefully, he is just going to be running late.

But JR went through a streak of a few weeks he was doing pretty well, but he is back up at Anne Arundel Medical Center. If anybody wants to call him, he is taking calls. He is doing pretty well. I think he would really be encouraged if you could give him a call, maybe even stop in and see him.

The other person I think you are aware of is Danny Beck, a waterman who is -- I think a long time ago he was on the commission. He shows up and is a regular fixture at all

of our meetings. He is very knowledgeable waterman from Baltimore County. He was in a terrible accident not too long ago. Danny is now, for you all to know, is up at Good Samaritan Hospital in Baltimore. I spoke with his wife, Joyce, yesterday and he is making slow and steady progress. So it is good for Danny and I know he is taking calls as well and he would be happy if you would drop him a line and wished him well.

I think it is important. These are all members of the community that actively we get together and work with and we need to keep in our thoughts and prayers.

Finally, I will turn it back to Jack. Since Jim is not here, do you have any announcements or anything from the commission you would like to bring up at this time?

MR. BROOKS: No not presently. I think Tom, you have something you wanted to bring up.

MR. O'CONNELL: Yes, sure. Before I do I just want to give Steve Vilnit an opportunity to just kind of give an overview of the new food service that we are trying to provide to our commissioners.

MR. VILNIT: I hope everybody enjoyed the food tonight. We kind of took it upon ourselves to do a little bit of something different with the food. Instead of the typical baked ziti and pasta that we had, we decided to change it up and highlight the local seafood and meats and produce that we

have. I feel it is only fair since we are asking these people to buy our local seafood that we buy their local produce and meat.

You will notice that we have highlighted some of the farms that some of the products have come from tonight. We are doing vegetables and cheeses from the Eastern Shore as well as meats from Baltimore County. We are hoping this is going to be a fixture for future meetings and basically support our community.

MR. O'CONNELL: Thanks Steve. This week we are experimenting this new service with this commission and the Oyster Advisory Commission and it is our plan to, if this is well received, present this to the departmental leadership and encourage other units throughout the department to utilize sustainable catering services and perhaps if successful, we can get this across the state. It would hopefully be a great benefit to the local farms and local seafood businesses in the state of Maryland. So I appreciate your feedback on this tonight. Thanks Steve.

Lastly, I have just one comment for everyone just to reflect upon and think about. We are beginning -- well, we have several items on the agenda that are complex issues. There are a lot of contentious -- different stakeholders have different viewpoints. Not that I have seen a big problem, but I have seen a little bit at the beginning where people have

become a little hesitant to provide their perspectives at the commission meetings because of how those comments are reflected outside the commission meetings.

I just encourage all of you to, you know, respect each other's perspectives and viewpoints. All of you represent important constituencies. If it gets to a point where people are hesitant to provide their comments openly, it is really a disservice to having these commissions. We provide a lot of staff support. These are the forums to really lay the issues on the table and to have good debate and constructive conversation. So I just encourage you to, you know, not hesitate to provide your perspectives and others who may disagree with that to respect those perspectives and leave the meeting respecting those viewpoints. Thanks

MR. BROOKS: Marty has got something, but before he does I would like to also comment regarding Steve and, I don't know how long he has been with the department, but you have -- and I mentioned this to Marty the other day -- the department really made a great choice bringing him on. He is making a big difference. Lots of energy, lots of innovative ideas in promoting Maryland seafood and all of Maryland food it sounds like.

So great find and glad that you got him on board. He is really out there and he was in Boston working hard at the seafood show. He has been working hard here in Maryland,

all over the place. He is a very, very capable, just a very good person for the job.

Marty, do you have something else?

MR. GARY: Yes. I just wanted to make sure I did not want to glance over it. We have a couple of proxies here tonight. We have a full, packed house here. Thirty-two folks are supposed to be sitting at the table. I think we are still waiting for Jim.

I just wanted to make mention that Deby Blum from the Chesapeake Women Anglers Group is here tonight and she is proxying for Carol Stevenson. So welcome, welcome Deby. I am looking around. It looks like the rest of the commissioners -- I just want to go around. We have Dave Smith from MSSA. Everybody knows Bill Windley from MSSA; Herb Smith from McDaniel College; Brandon White from TidalFish.com; Roger Trageser from the Bass Federation Nation; Dave Sikorski from CCA Maryland. Dr. Ray Morgan. Welcome to your first meeting.

DR. MORGAN: It could be my last.

(Laughter)

MR. GARY: Ray is with the University of Maryland system and he comes from the Appalachian Lab? Tell me the correct terminology -- and you are based up in Frostburg?

DR. MORGAN: (Nodding of head)

MR. GARY: Alright, excellent. Captain Ed O'Brien of the Maryland Charter Boat Association; Larry Coburn, Bass

Pro Shops, tackle industry; and Greg Jetton, Maryland Charter Boat Association, Upper Bay. James Wommack, MSSA Recreational Anglers and, of course, Bill Goldsborough. And Bill, thank you so much for being a gracious host again. Great facility here at Phillip Merrill. Appreciate that.

Tom O'Connell, our Director. Of course, Jack Brooks; Tidal Fish Commission, Jim Clayton, and we have Russell Dukes from Caroline County. Russell Dyze is proxy for Larry Simms. Steve Gordon, Gordon Shellfish; Greg Price, Somerset County; Andrea Jacquette, Kent County; Moochie Gilmer, Queen Anne's County; Bob Evans, you made it, great! We just talked about JR and your proxy for JR Gross. This is Bob Evans. Gibby Dean from the Chesapeake Fisherman's -- tell me what the acronym is.

MR. DEAN: Chesapeake Bay Commercial Fishermen's Association.

(Simultaneous conversation)

MR. GARY: Okay. I should know that. John Van Alstine, Anne Arundel County Working Watermen's Association; Mike Benjamin, Hook and Line from Upper Bay, commercial interests; Maryland Charter Boat Association Hook and Line, Brian Keehn. Brian Keehn is President of the Maryland Charter Boat Association. Billy Rice is also on the Potomac River Fisheries Commission and from Charles County. Finally, Rich Young from Baltimore County.

Okay, with that we can go ahead. We have the proxies, everybody is introduced. Mr. Chairman, it is your meeting.

MR. BROOKS: Okay, thank you. First we will go with the NRP Report. Kelly and Nick? I saw him here earlier.

NRP Report

by Lt. Kelley Johnson and Lt. Nick Powell

LT. POWELL: Just to hit the highlights. Two subjects were apprehended charged in Somerset County for taking striped bass in prohibited areas. The fishes were donated to the local food pantry.

Talbot/Queen Anne's County area, they found another gill net near buoy #82, approximately 600 yards of net and 6700 pounds of striped bass.

MR. GARY: Nick, I just want to say, could you come closer to the microphone and speak into it a little bit. Thank you.

LT. POWELL: Okay. Friday, Daniel Leroy Dierker was in court for fishing on a suspended license. He was found guilty, one year in jail, all but six days suspended, and 18 months' probation.

In Worcester County, on April 24, 2011, we got our first undersized crab case off the public pier in Ocean City.

Kelley is going to do non-tidals.

LT. JOHNSON: Hi everybody. I am going to focus on

a couple of non-tidal issues. The guys --- is about and lots of fishermen are coming out. I know Larry had a concern with illegal cast nets on the --- River. We do keep an eye on that all the time and for the past month we have made three cases on illegal casting nets rather, two in Cecil County and one in Charles County. So those were good cases.

The fishing grant that many of you guys know about that we are doing this year in Western and Central -- that was expanded to Central -- so far just in the west we have issued about 23 citations and 29 warnings. So it has been a big help to us. The officers are really out there focusing on fishing, mainly undercover operations.

The felt soled wader new law has been a real education. I spoke to Lt. Powell. A lot of warnings are coming across his desk and out west, you know, a couple of dozen. So a lot of fishermen are still getting word that you cannot use felt-soled waders.

Again, we are issuing warnings, no citations, but it is a big education right now.

Yes Larry.

MR. COBURN: On those warnings, suppose the person is checked three times (sic) on.

LT. JOHNSON: That would be just --

MR. COBURN: You know what I am saying? If he has been approached and gave a warning, then two days later the

same person gets caught again and then maybe two days later again.

LT. JOHNSON: That would warrant a citation. Right now, many of our -- almost all of our violations for fishing, non-tidal or tidal, there is a monetary penalty people can pay. This year, unfortunately, the felt-soled wader new law, it would be a "must appear." There is no preset time. But it takes an individual to court for using a felt-soled wader boot is a "must appear". So we would really make sure that it is a good case, somebody that continues to not listen to us about the new law. It was completely justified three times. That would be a good case to take to court.

MR. COBURN: I got you.

LT. JOHNSON: But until that happens, we are really educating and sending out the river proof plastic cards that everybody got with the new law on it.

MR. COBURN: These warnings, are they just verbal?

LT. JOHNSON: No sir. They are all written. Written warnings. And, at least up in my area, copies of those warnings, I am personally making the copies of every written warning issued for a felt-soled wader and sending it down to Sara Widman's office. So she can actually see how many warnings, at least in area seven, we are issuing for that law.

I am not sure if everybody is doing that, because

normally we send copies of citations down. But with this new law, I just want fisheries to be aware of how we are out there educated.

A couple of other things that did not make the report here. The officers in the past month have issued a couple of over-the-limit trout cases, one of which was to a couple of juveniles out in Hancock. A couple of fishermen fishing the closed streams out west during the closures. And a couple of closed season bass cases. So that is the non-tidal stuff that is going on.

Does anyone have any questions?

MR. BROOKS: Any questions for Nick or Kelley?

(No response)

MR. BROOKS: Okay, thank you.

MR. YOUNG: (Away from microphone) A question for Nick. -- last year in crabs, it seemed like there was a whole lot of warnings issued --- last year --- a lot of the guys in my area were having problems with pulling out and starting. They were supposed to get an hour head start and the recreational --- what they were getting was a warning. Is there any chance that you guys are going to be more strict and write more citations and actually ---

LT. POWELL: It is going to be on a case-by-case basis. I talked to the lieutenant for that area and he is making his guys aware of it that there are issues there. It

is going to be case-by-case at the officer's discretion.

MR. YOUNG: This is in Bear Creek itself. --- an hour-and-a-half before sunrise ---. Okay. Thank you Nick.

MR. BROOKS: Thank you. Next Inland Fisheries Update by Don Cosden.

Inland Fisheries Update

by Don Cosden

MR. COSDEN: A couple of days ago I was thinking you guys would not have to put up with listening to me tonight. Unfortunately, you have to hear me out for five or ten minutes.

Unfortunately, I have a little bit of bad news to ---. I put a handout in your folders of a draft press release which has sectors. It is going to come out tomorrow. It talks about some diseased fish that we just found out about. I sampled stocking trout last week in Western Maryland toward the end of the week. In the middle of the week, they noticed some unusual behavior. They immediately called us and we got samples into the lab quickly. We stopped taking delivery of those trout that next day from this supplier.

We had suspicions that the trout may have whirling disease. We just got confirmation of that back today. We had stocked about 8,000 or so trout in a number of streams in Western Maryland. The North Branch which already has whirling disease present but several other streams which we do not

think had whirling disease introduced previously. These streams do have some wild trout populations in the very headwaters. The areas that we stocked do not have wild trout present.

At this time, we are trying to figure out what happened with this supplier. There are new required certificates of any fish supplier that may be tested for a number of different parasites and diseases and bacteria. This supplier had supplied us with that certificate, testing I believe it was as of January of this year, which is pretty current. So we are trying to determine what the situation was there.

We still had deliveries from him which we have suspended and we have made up the difference with trout that we had on hand in our own hatchery. These trout, by the way, are tested rigorously periodically throughout the whole cycle that we are raising these fish. So we are almost I'd say one hundred percent sure that these fish are disease free.

However, that may make us a little short this fall for our fall stockings, but we have been able to at least meet our spring goals right now. We will see what happens in the fall.

In regards to these fish in the wild, our experience from 2006 when we found that we had inadvertently introduced whirling disease ourselves into the Bear Creek, we did find

some wild fish that were infected with this disease. It is apparently not readily taken up by the wild populations if it is just over a short period of time. At least that was our experience in Bear Creek and several other places where we had stocked with infected fish.

Testing shows the Bear Creek fish continued to have this disease until we actually shut our hatchery entirely down, cleaned it up one hundred percent, particularly the settling pond (sic) which turned out to be sort of the center for this intermediate host that this disease needs. Within one year, Bear Creek fish were testing negative for this disease. Since then, the last two years, we have had only negative tests there. We are in hopes that we have the same situation in these couple of streams in Western Maryland.

This is a problem for us. Since we had to shut down part of our hatchery facility, we are no longer able to provide our total goal for stocking trout and we have been purchasing fish, fairly large numbers of fish, since 2007. Up to this point, they have all been clean, at least to our knowledge. We are going to go back and reassess how we accept fish in the future as far as disease-free fish.

If anybody has any questions on that, I will take them right now. Ray?

DR. MORGAN: I have one quick question. Are these all rainbow trout that you brought in?

MR. COSDEN: Yes, these are all rainbow trout brought in that were adult fish. They did not go into our hatchery facility. They were stocked directly from the supplier's stock. They did go onto our trucks. We split them up and then moved them with two different crews, so we had to do some pretty thorough disinfecting of all of our equipment and all of our nets and gear and everything else.

But that is pretty much routine now, ever since our experience in 2006 anyhow.

DR. MORGAN: You may want to mention that in the news release. I do not see -- if you were read this, I don't think you would see that it is just for the stock rainbow trout. So we would have one of three species that were being stocked.

MR. COSDEN: Okay.

DR. MORGAN: Presumably you would not stock brook trout.

MR. COSDEN: Yes, yes. It is only found in rainbows. So we will keep you -- we do intend to do -- we have ongoing testing collecting wild trout in some of these areas and by putting trout fly in cages and subjecting them to the water at certain times when this disease is pretty -- in the water column* and able to infect the fish. We will be testing these streams along with the other streams that we had already planned to test this year anyhow. We will continue to

test those streams probably for the next couple of years to see if indeed it has gotten in to the system somehow.

MR. BROOKS: Any other questions for Don?

MR. COBURN: Don, the wild trout -- you say you stock these fish and you are concerned about the wild trout. The only wild trout I am really aware of, and you correct me if I am wrong, is the brown trout and of course our native brook trout. We are not getting any wild rainbows? And that disease is just affecting the rainbows or is that not the case?

MR. COSDEN: That is not the case. Actually, brown trout can actually carry the disease, but brown trout evolved with this disease so it does not appear -- well they carry the parasite. They don't appear to get the symptoms of the disease because they have evolved a certain resistance or immunity, if you want to say, towards this.

It was thought that brook trout did not readily get this disease, but there have been some recent studies out that say that brook trout can contract this disease. This disease is apparently more prevalent in low gradient streams that have a lot of sediment. That's the two effects whirling which is the intermediate host loose in that sediment. So most of our brook trout waters are high gradient, not a lot of sediment, and we do not think that they harbor this intermediate host. We have not seen this disease get into those kinds of areas.

It has remained pretty much in the North Branch centered around the net pens where we were previously raising fish below Jennings Randolph Dam. Once again, there is a lot of fouling (sic) that occurred on net gear. Sediment that was associated with the filling basin there and we believe that is why that area is still positive for whirling disease.

When you move downstream, say as far as the mouth of the Savage, you don't find it anymore. We have not found it in the Savage either, even though those two systems -- the Savage is pretty close (sic) to the North Branch, not far below where we find it consistently in the North Branch.

MR. COBURN: So the brown trout carry that organism, whatever. If that trout dies, that organism keeps living in the system?

MR. COSDEN: Yes. The disease is actually a spore in the cartilage. When the cartilage deteriorates, that spore gets released. --- picks that up, it gets infected and --- different stage of that whirling disease organism which then infects the fish and that fish dies and it continues itself.

MR. GRACIE: Don, wouldn't you assume that in order, for example, for that disease to enter the Savage from the North Branch it would have to be carried by a fish.

MR. COSDEN: It would have to be carried by some fish.

MR. GRACIE: Tams* don't move up stream.

MR. COSDEN: Right. Tams are just free floating but fish do ascend the Savage from the North Branch. We find occasional rainbows and all, so we know that occurs. But apparently, this is not the habitat type that is conducive to this organism. At least that is what we believe.

One other thing I wanted to bring up. In the North Branch below Western Port there is pretty well known trout fishing area, a lot of guide activity. Last year we had extreme draught conditions and extreme heat. The flows coming from the two reservoirs, Jennings Randolph and the Western Port -- I mean the Savage River -- were extremely low and we had concerns about the conditions for trout below the Western Port area. It was so low that we were never able to get out and survey the area.

Even this year, earlier this spring the rivers have been high and no one has been out until just recently, guides started fishing again. Over the weekend, I got a whole flurry of emails from local guides stating that the fishing was not nearly what it was at the beginning of last year.

We understand sometimes we can't always catch fish, but this has reoccurred with a number of guides who fished there over the last ten days I would say. We plan to get out and survey it as soon as the water is low enough. If indeed we have taken a hit for this population it would be unfortunate. Most of the guides would then have to crowd in

on the small stretch of river just below the Jennings Randolph Dam. So we will keep you guys posted on where we stand with that.

If that is the case, we will have to review our plans for fingerling stocking which is the main way we keep the population healthy below Western Port. There is not a lot of reproduction there but good holdover and good growth. We stock rainbow trout fingerlings in that area and they do very well, and some brown trout.

There is some wild brown trout spawning and previously there were brown trout over twenty inches caught on a pretty regular basis. You can imagine, that is a pretty big draw and it is pretty important to these guides and their clients to be able to find these kind of fish.

If this is the case, we are going to work through the North Branch Advisory Group which is a group of stakeholders, Corp of Engineers who operate the dams up there, and other folks to see if we can get better flows during these low flow periods, hot periods in the middle of the summer. Otherwise, we may be setting ourselves up every dry year for a similar hit to this population.

Other than that, I do not have anything else right now. But I will take any questions. One thing, I hope the Sport Fish Commissioners at least got a monthly report from inland fisheries. I think some of you -- most of you were at

least getting it by email and that is something that we will send out every month. If you have any questions on any projects that our guys have been working on or anything that has gone on, I am happy to discuss it now or you can call me at any time.

MR. BROOKS: Okay, thank you Don. Okay, next we have Angela Sowers of the Department of the Army Corp of Engineers to talk about the Harris Creek Oyster Restoration Project.

MR. GARY: Angela, there is a remote up there you will see. It has a laser on it and you can advance your slides.

Army Corp Presentation on Harris Creek

Oyster Restoration Project

by Angela Sowers

MS. SOWERS: Thanks for taking the time for me to come and talk to you this evening about our work. I am a Study Manager for our oyster restoration project.

(Slide)

MS. SOWERS: The Corps primarily funds and constructs the hard substrate habitat that then is planted with seed to restore a reef. DNR is our --- for our Maryland efforts. We have been working with oyster restoration since 1997. We work in the Chester, the Choptank, Magothy, southern Patuxent, and in Spring Bay and Kedges Straits.

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(Slide)

MS. SOWERS: When we do our restorations, previously we were able to use fossil, dredged shells, and at times crushed shell. That was the primary substrate in the first ten years of the program. Recently, with the end to the fossil shell dredging, we are now left with looking at alternate substrates to try to do oyster restoration.

These can include granite stone, other types of stone, concrete, limestone, and other clean substrates.

(Slide)

MS. SOWERS: We are looking for this year to do restoration in Harris Creek, a tributary of the Choptank River. I will show a map next that has areas that we are looking for feedback on. These are the acres that we are considering for restoration but ultimately we are looking to restore ten to fifteen acres of the area that you will see.

The substrate that we are looking to use is granite. I brought an example along for you to see of the size that we are talking about. This is the low end and this is the high end of the size that would be used to construct the reef. They would be built to a maximum height of one foot -- no, I am sorry -- a foot to two feet, but not -- but maintain eight feet of water clearance over the top of that.

In some sites where available, they will get shell veneer over the stone.

(Slide)

MS. SOWERS: This is the map. These areas -- we have been working with NOAA. They have done a lot of the bottom surveying of the substrates and the bottom conditions. These are areas that do not contain mud and they do not contain shell. They are hard bottom that will support the substrate. They are areas that the optimum salinity should be good to support the oysters.

Like I said before, we will maintain eight feet of clearance over top of anything constructed. But they will range from one to two feet in height. I will come back to this, but just to -- this slide is a bit out of place. Sorry.

(Slide)

MS. SOWER: Our schedule for this work is that right now we are working in finalizing our plans. It will go out to a contract advertisement in June and July with an award bidded in July and the work contracted in August.

This winter/early spring would be when the construction actually occurs. The later we can wait, the cleaner the substrate will be to essentially patch any natural fat sat* in the summer. Then the barge (sic) would be planted with hatchery seeds next summer. Following that, in following years we would be looking to monitor the reef.

(Slide)

MS. SOWERS: Other stakeholder coordination was done

with DNR, representatives were out at the Oyster Commission in Talbot County. I am here. DNR will be at the Oyster Advisory Commission tomorrow night and we will also have a representative of Artificial Reef Initiative later in the week.

(Slide)

MS. SOWERS: So if we can go back to this map. I think --- and for you to adjust a little bit. I am here to hear any concerns about any of the sites. Again, we are picking -- this is over one hundred acres and we are looking to select ten to fifteen acres of that area for our site.

Questions and Answers Session

MR. VAN ALSTINE: I have a question on the substrate.

MS. SOWERS: Yes.

MR. VAN ALSTINE: Right now these areas I think are in a sanctuary?

MS. SOWERS: Yes.

MR. VAN ALSTINE: The entire area is in a sanctuary.

MS. SOWERS: Yes.

MR. VAN ALSTINE: I also noted the size of that larger piece. Can you hold that up for everybody?

MS. SOWERS: Yes, sure. And closer to the smaller end but this is the whole range.

MR. VAN ALSTINE: It is the larger end that concerns

me --

MS. SOWERS: Yes.

MR. VAN ALSTINE: Even if it is just five percent of that larger area. If you get hotspots in there, areas that have problems with high concentrations of disease, how do you propose to remove those hotspots with such large substrate?

MS. SOWERS: Right now, we would make a decision on disease as it comes. But there are not any plans to remove it.

MR. VAN ALSTINE: If you get in an area that is tremendously diseased, that is affecting the other bar -- another reason I bring to that is there is another proposal here that relates directly to that. I just circled it. There it is. Policing the sanctuary, so it is some feedback information in this where potentially this whole area is a sanctuary. You lease in this area or this area, so it is for leasing.

I just dumped \$50 thousand a mile away from you. You have 100 percent thermo-imaging dyes* like crazy. How does the Army Corps propose to take their problems off of that piece that they restored to protect my investment?

MS. SOWERS: Sure. Well, the seed that we have replaced --

MR. VAN ALSTINE: I know. It is not the seed. It is the size of the substrate that is the concern.

MS. SOWERS: Yes, I know. We will be placing specifically disease-free spat so we will not be introducing anything with the spat. And then if there is a problem and if all the restoration partners foresee that it would need to be removed, it would either have to be through dredges or divers to remove the seed. But I don't foresee at this point that the restoration community thinks that --

(Simultaneous conversation)

MR. VAN ALSTINE: The disease from our understanding is from the commercial fishermen --- understanding --- yes you are putting disease resistant animals in the water. My concern still backs up to if you have -- with that size substrate all conventional means of removing that diseased animal to protect -- and I am going to back up to the potential for the future. We need to always look forward to the future.

MS. SOWERS: Right.

MR. VAN ALSTINE: The potential here is that there won't be leasing activity --- When the sanctuary issues were taken over, one of the things that was supposed to be hand-in-hand with the public part of the sanctuary came in --- for harvest. You put such a large piece of substrate in there, my concern is that you will never be able to use conventional means ---

MS. SOWERS: Right.

MR. VAN ALSTINE: You are not going to have a diver down there picking that product up and putting it on to a --- a couple of thousand --- What has the recovery partnership that has been doing for twelve years?

MS. SOWERS: Right.

MR. VAN ALSTINE: It is no homegrown option. My concern is that we do not use such large --

MS. SOWERS: Such large because of the --

MR. VAN ALSTINE: When you look at using the lining --- shells, you know, it is something the size of my hand. I mean it is not a --

MS. SOWERS: No it is not.

MR. VAN ALSTINE: So when you start putting down substrate, I am a firm believer that concrete does not belong in the bay and when you start to do restoration that potentially is going to hold a diseased animal, --- aquaculture or probably harvest, the size of that substrate does not meet the practice that is in place today to remove diseased animals.

MR. BROOKS: John, Tom has got a comment on this. He would like to weigh in.

MR. O'CONNELL: Yes, just recognizing that we are a partner on this project, you raise a couple of valid points. I think the first one is, you know what happens if we have a flare up of disease. I go back to the discussion we have had

for the past year and a half or more that the goal of the sanctuary is to facilitate natural disease resistance. So if we have flare ups in sanctuaries, we are not looking to remove those oysters because that is part of this experiment with sanctuaries to see if you can have disease, have the natural selection, and over time see if the resistance rebuilds up.

You know, while traditional gears would not be able to move that equipment, you know, say five to ten years from now we evaluate the sanctuaries and we change our plans and there is a need to go back and remove that material, I mean, I imagine there are techniques available to address that issue and would be different than we have done in the past.

In regards to the leasing in the sanctuaries, I mean there is a risk that lease holders will have to review in their business plans that if they are going to go in the sanctuary, know that disease may be an issue. That said, there are select triploids and other selected strains that allow the oyster to outgrow the disease issue.

I think, you know, businesses -- aquaculture that is looking at those types of situations may have to rely upon those selected strains of triploids to try to beat the race of any disease in those issues.

So I think these are valid points. Definitely aquaculturists who are looking to lease in the sanctuaries have to take that into consideration. In regards to

addressing hotspots, we are not looking at doing that in the short term at least because that is part of the plan for these sanctuaries.

MR. BROOKS: Okay. Thank you, Tom. Russell?

MR. DYZE: Question. Do you intend to put that type of stone in Harris Creek?

MS. SOWERS: Yes. And I can add that the smaller that you -- we do not have any -- we don't like this more than that. It is just that this is more expensive than this. So it is this range that you get. So that is one of the -- that is the only reason that there is ---

MR. DYZE: But suppose I could tell you where there is enough shells to plant all of Harris Creek sitting right in front of you on this chart?

MS. SOWERS: Well, I don't --

MR. DYZE: If you look at the area from Turkey Neck -- it says Mill Point. That is what we call Mill Bar. There is enough shells in that area from Turkey Neck to actually up to Indian Point which is the next point up that you could probably plant every oyster bar in that area, the whole of Harris Creek. There has been for twenty years or more they have planted shells there in millions of bushels and it was left maybe ten years back. It was not a seed area anymore. It went to the hand tongs and that is the area -- we worked some of that area this winter doing the project for the state

of Maryland.

There was just -- I mean I surveyed that area. There is an unbelievable amount of shells. Our guys caught about three thousand bushel a day and we caught about a thousand bushel of oysters also moving down Turkey Neck. But there was an unbelievable amount of shells. I would hate to see any of those bars, even though we can't work them commercially, I would hate to see them messed up with rock because this area here is probably the most heaviest trout line crabbing area that you are going to find anywhere. Stone, even though they are not that large a stone, is not near as good putting that on an oyster bar as it is -- I mean that you already have established in this area as shells.

MS. SOWERS: We would definitely prefer to use shells than -- we have no -- we are hopeful that the shell reclamation efforts that DNR is starting are fruitful and the technology is worked out that a lot of that shell can be reclaimed to use in the future -- you know, for the future endeavors. But at this time right now, it is not available. It is not being looked at. Permitting and all the other issues.

MR. DYZE: We can move those shells. Commercial watermen can move those shells. They can get inside. The shells go to four feet of water inside. On the upper side, up towards Indian Point on the upper part where it says Mill Bar,

when you get up to the upper side, it goes to four feet of water and they go out to twelve feet of water. That whole area is nothing but shells. On your depth sounder, the shells will come up five feet off the bottom in hills. A great area of shells.

MR. BROOKS: Russell, Tom has a comment about this.

MR. O'CONNELL: Russell and Angie I guess, if nothing is precluding the Corps from utilizing shell, we can examine our permit because I believe our permits are quite extensive for shell reclamation. I guess if we were able to utilize that shell through reclamation, you know, would the industry be okay with stating the Corps reclaiming that shell for sanctuary use recognizing that it is in a public area.

MR. DYZE: I don't think it makes any difference. It is in the sanctuary so you can do with it what you want. I mean, that is my opinion. That does not go very far, but if it is in that sanctuary, and that is what it is going to be used for, I would much rather see shells be dumped on those bars so that our trout liners -- we have hundreds of trout liners that work that creek -- and I would much rather see that than I would stone.

Now as far as that stone, I can catch that stone. I --- said you couldn't. I can catch it in a skipjack. I mean, I can dredge them up like that and three times bigger than that or more. But I just don't like seeing all the bottom

when you don't need it. If you need it to build a substrate, okay. But if you have got shells that can do the same thing and they are just sitting there.

MR. O'CONNELL: Well, Angie, why don't we follow up on that issue.

MS. SOWERS: Sure. Definitely we can follow up on that. Shell is preferred if it is available.

MR. GOLDSBOROUGH: I was going to say Angie I understood you at the beginning to say these were areas that were good hard bottom that did not have shells.

MS. SOWERS: Yes.

MR. GOLDSBOROUGH: I thought you were implying that what you were trying to do was not to build upon existing shells areas --

MS. SOWERS: Right. We do not want to put the --

MR. GOLDSBOROUGH: You were trying to expand good with the bottom that you can plant on and get oyster communities established. From my standpoint having looked at this issue bay wide, it seems to me that even if we restart the shell bridging in the upper bay, we are not going to have enough shell to undertake restoration and even fishery repletion and aquaculture stabilization of the bottom, all that to the extent necessary given the magnitude of problems with shell alone.

We absolutely have to develop alternative materials

that will serve the same purpose. I commend the Corps for rolling down this road and trying to work out the application of these materials. Even if it turns out they do not work for one reason or another like a gear conflict or something in a particular area, I do think we need to do this as part of a bay wide plan.

MR. BROOKS: Bob, and then Russell I will come back to you.

MR. EVANS: In today's stringent economy, I can't believe that it would not be cheaper to move that shell than it would be to haul granite down in dump trucks and dump it overboard. It would be better for the environment and cheaper.

MR. BROOKS: Russell?

MR. DYZE: I just -- I am looking at an alternative use. I mean, we are using -- I mean Harris Creek is a great creek to grow oysters and as it was done, we have hauled seed off of Mill Bar -- where it says Mill Point that is Mill Bar. I have seen it go from 3500 to 5500 bushels or spat per bushel. Not in the recent years, but I would hate to see that just sit there and waste and then we go to some of these bars that I see marked out here. If we are going to use this whole area and put stone on or around, even though it -- I mean, for instance, Middle Ground* which is only part of it in -- it says Wild Cherry Tree on here, but Middle Ground which only

has part of the area in the sanctuary. At one time, it had just beaucoup shells on it and it has been worked so much now it does not have a whole lot.

But I would really like to see it utilized for this creek. Now I agree with Bill. There are areas where you just need substrate, but I don't think this is the area.

MS. SOWERS: Okay.

MR. DYZE: I am sorry.

MR. GRACIE: I had a question Angie. I thought when you started your presentation you indicated that part of what you were doing is evaluating alternative substrates.

MS. SOWERS: Well, alternative substrates have been used in two areas that we know of for restoration. DNR did some work in No* Hill and Eastern Bay in 2001. We did about thirteen acres in the Severn River in 2009. The Mill Hill -- we are doing some monitoring of those sites. So it is still -- yes it is being -- the performance -- we know that oysters will set on it. We don't see any problems in performance of it. But it still is in its early stages of being applied in the Bay.

MR. GRACIE: Well if part of this program is to evaluate alternative substrates, then why would you be using shell? That is what I don't understand.

MS. SOWERS: This particular is not necessarily to evaluate it. This is to do some more additional restoration

and we did not believe that we had shell available. So we will reevaluate that.

MR. GRACIE: Okay.

MR. DYZE: I would be happy to go with you or show you where we are talking about.

MS. SOWERS: We will coordinate with --

MR. DYZE: I am sure State has a chart with it on it.

MS. SOWERS: Okay.

MR. BROOKS: Moochie?

MR. GILMER: Yes, and John you can probably back me up on this. Where concrete was used, wasn't there an issue with the concrete as a substrate?

MR. VAN ALSTINE: It was the sizes that they were using, the larger sizes.

MR. GILMER: I wasn't sure. I

MR. VAN ALSTINE: It was the larger sizes that they were using for --- some of those areas were being put above the pollution line with the assumption that the pollution line is never going to go back in the other direction, which means that piece of bottom is, in essence, never harvestable from that point forward.

MR. GILMER: I know it is not an issue there.

MR. VAN ALSTINE: That was the primary issue
(Simultaneous conversation)

MR. GILMER: I know there was some issue there. But I did not know whether there was an environment issue with concrete anyway.

MR. VAN ALSTINE: I don't have the answer to that one.

MR. BROOKS: Bill?

MR. GOLDSBOROUGH: I can speak to that point, Mike. If you tune into the artificial reef networks nationwide, concrete is considered -- in any of the databases in the directory that concrete is considered the best reefing material in terms of its durability and its tended to be benign environmentally. So typically, there are not contaminants associated with it and it lasts a long time.

You can break it up and screen it to whatever size is necessary. I think, John, you were talking about Ferry Point in the South River? That was an early project where Bay Bridge re-decking concrete was tried and we had ---

That was a project done jointly with CBFN and PARMET*. Enough about size of the material, so there were some that were too big in that spot. So we did need to break up the material, screen it to a target size --- appropriate as a substrate, but then plant spat on shell eye if you are going to do it so that the spat does not fall between the bigger cracks of the big pieces, and also so you minimize conflicts with other uses in the area which is what you are talking

about.

MR. BROOKS: Okay, everybody all set?

MS. SOWERS: We will coordinate with the DNR to investigate the shell issue. If there are any areas that, you know, if this were to go forward with the stone that you outright don't want to see it at, please coordinate with us and let us know.

MR. BROOKS: Okay. Thank you. Tom, you are up next.

Fisheries May Regulatory Update

by Tom O'Connell

MR. O'CONNELL: If you turn to tab three in your binders, there is information that was distributed. I have got just a few things up front on page one. There are several regulations that are proposed right now that we are accepting public comment. I believe you have all been briefed on them previously. You can read them there and pay particular attention to the public comment period end date. So if you have any comments, you need to provide them to the department prior to that date.

On page two, you will see that there are several public notices. Most of them are related to lease applications. There was one in relation to spiny dogfish to establish the daily possession limits.

Then lastly, on May 9, 2011, we had one of our tri-

annual public scoping meetings. All of you received a copy of the items that were presented at that meeting. I am not going to go over them in great detail, but if you have a specific question on those or any of the other items in this binder packet, I will be happy to answer those.

The one thing I will mention that we do plan on coming back to the commissioners to discuss is that it was several years ago that there was a legitimate need, and there still is, to have these scoping meetings. Many times the public didn't hear about our regulatory proposals until after they were proposed and it was difficult to make modifications.

So in response to that feedback, we began these meetings, these scoping meetings to discuss regulatory ideas before we submitted them for proposal and we were able to get some input so that when we did submit the proposals, hopefully we had a lot of the issues worked out. I can say that the last several public scoping meetings there has been very, very limited attendance. We may have as many as ten staff people there to respond to the issues and only have two or three people from the public attend in several meetings.

I don't think we are looking at doing away with the pre-regulatory public comment periods, but it may be worthwhile for the department and the commission to reexamine whether or not that is the best approach for soliciting public comment on regulatory ideas. There are probably other tools

available that will still provide the public an opportunity, and other issues that it would be good to have a meeting.

I am not sure what the answer is yet, but I just wanted to have you guys start thinking about what is a good tool/combo of tools to still allow that opportunity but maybe do in a manner that would get some greater public interest.

So with that, are there any questions in regard to the items that are included in your packet or other items?

Questions and Answers

MR. O'CONNELL: Russell?

MR. DYZE: Tom on the requirements for replacing shell stock in the proper container. It says here orange fish basket, clam crate, or standard Maryland tub. Well, standard Maryland tub measures 21 inches diagonally. A bushel basket if you put it a line on it contains a Maryland bushel. But one of these orange fish baskets, if you fill that up, it will hold a bushel and a peck. What I am worried about if you say an orange fish basket and the DNR comes aboard the commercial waterman's boat, how is he going to -- or if he comes in and he has his limit of fifteen baskets, how is he going to determine how far that is supposed to be filled?

MR. O'CONNELL: I think when we went out and talked to the industry in regards to containers, what we heard was that it was a preference not to have one, but not to have a

wide variety of them. So based upon industry feedback, those three containers were identified. They would be defined in regards to capacity and any limits on catch would have to be associated with those three containers. NRP would be knowledgeable about them and be able to apply -- I don't know if I am answering your question, Russell.

MR. DYZE: Well, for instance, let's take a clam crate. When the clam crates first came out, and we were clamming, we filled them up to where the handles were. That was a bushel.

MR. O'CONNELL: Yes.

MR. DYZE: Then when the market really got tight and you couldn't sell them, people started filling them all the way to the top. When you are on a limit, if that is not specified, then it is not an equal playing field for all sellers or all buyers. I think you have to spell it out if you are going to use those two. I mean, you can't go wrong with a Maryland tub.

MR. O'CONNELL: So I think the key is that we need to clearly define what, you know, the limit is for that container. If it is above, you know, that point --

MR. DYZE: All right.

MR. O'CONNELL: I will follow back up with Mike and Frank Merenge* and make sure that we address that issue.

Thanks

MR. GILMER: We talked to Frank about it at the Scope meeting and, you know, that was one of the big issues was to determine where that basket had to be filled. That argument went back and forth and it is really an issue.

MR. DYZE: It is, it is a peck.

MR. O'CONNELL: Okay. Alright then, one last point is that river herring, having Lynn maybe going into it in a little more detail, but we have been talking about river herring for over a year now, knowing that the department was proceeding on a full moratorium in compliance with ASMFC effective January 1, 2012.

We have had several opportunities for the public and the commission to weigh in on that. We have had very little feedback and we are about ready to submit the regulatory proposal, so if there are any concerns by those individuals, and we know that there were twenty-nine individuals on average for the last four or five years. Reach out to those individuals and sports fishermen as well and let them know that this is the time to provide input prior to the regulatory proposal being submitted. Thanks.

MR. BROOKS: Thank you Tom. Okay, up next we have Lynn and Mike. They will go over a whole bunch of stuff.

Estuarine and Marine Fisheries Update

by Lynn Fegley and Mike Luisi

MS. FEGLEY: (Away from microphone) Okay. I have three things that and then I am going to pass it off to Mike --- first to river herring and then and omnibus amendment that ASMFC has up for public comment. Then finally blue crabs. We did stoke* river herring moratoriums at our SEPI* meeting to go into effect on January 1, 2012. We are very interested in getting the word out on this.

I am not going to go into a lot of detail on it, except that in your packet is a question and answer that we are going to put up on our website. We are also going to put it in the Waterman's Gazette, try to publish it so people can understand what is happening, when it is happening, why it is happening, who else is going down that same road. So I would just request that you review that and if anybody has comments or things you feel you need to add to that FAQ, please get in touch with me let me know.

Are there any questions?

(No response)

MS. FEGLEY: The next one is -- I would encourage folks to get on the Atlantic States Marine Fisheries Commission website and look under breaking news. The ASMFC has an omnibus amendment. The genesis of this is really to bring various documents in line with each other and also to

bring state management in line with federal management for certain species, including Spanish mackerel.

The thing that would affect this group in particular is that one of the recommendations on there, and it is the current preferred recommendation of the board, is that part of the operators in Maryland waters will have to have a federal permit and a logbook if they are going to capture Spanish mackerel.

I don't have a lot of information on fees. I suspect there might be -- the permit might be free, there might be a small cost. I don't know that the permit would be the owner by the logbook, but I would really very much encourage you to get on the website, read about it, and get your comment into ASMFC. The comment is due by July 20 because the board will meet during the first week of August and make a decision.

So be aware that that is there. There are some other issues with spotted sea trout. Get on there, read about it. If you have any feel free to call me.

MR. : There is a question up here.

MR. BROOKS: Sorry. I didn't see --

MR. O'BRIEN: I thought we already got a code and a slide --- ancient logbooks to fill in the Spanish mackerel. As to the federal permits, that is a little bizarre. I mean, are they going to end up doing that with croakers and every --

I mean this is something I think Maryland needs an answer on as to why.

MS. FEGLEY: It is a valid point and I think it would be worth the time to make sure that as a charter boat captain, to get on there and put some public comment in there for the board to hear.

MR. O'BRIEN: Of course, we would want to -- you are very important to us relative to our input and we want to make sure that you are on top of this to be making that input for us concurrently.

MS. FEGLEY: Sure. Absolutely.

MR. O'BRIEN: And while I am talking, we talked several times about the red drum and I have been advised in my MACO* participation that there is flexibility on red drum and Texas has been success for that. Remember we talked about that. Again, I would like to see DNR explore what is going on in other states. When we see red drum it is usually a big one, over 27 inches and we would like to keep one per boat during that window, the short window when they are in here.

We have so few species that it would seem to me that would be a real plus for the sports fishermen in this state. I keep bringing it up and I know there is two -- there is a southern sector of red drum and then the northern sector. But this is something that I would like to see, you know, just documented as to what is inhibiting our desire to see if we

can't pursue that, to try.

Thanks Lynn. I know you have a lot to do, but it is just one little item.

MS. FEGLEY: Right, yes. With the internet, I am sure we will be in touch before the commission -- or I think the commissions also meet again in July, I believe, which is prior to the August Board meeting, so there will be more opportunity to discuss what is going to happen at the commission at that time too.

Anything else on --

(No response)

MS. FEGLEY: The third one is blue crabs. Marty can you put that -- there is the other one -- forget the presentation. We don't need it.

The idea on there, we have formed an advisory committee, an industry advisory committee to advise us and help us and determine regs and options doe blue crabs that are preferable to the industry. For 2011, we put forth three management options -- and Marty if you go back to that presentation you just had up and flip through it, we can put the options up there. I am sorry.

MR. GARY: This one?

MS. FEGLEY: Yes, just keep scrolling through. It is all the way at the bottom. That is it.

So SAC* put together three potential options for --

MR. VAN ALSTINE: Excuse me. Do we have that in our handout?

MS. FEGLEY: I don't believe that you do. I don't believe that you do. I am sorry about that. You probably should.

(Away from microphone)

MS. FEGLEY: It is the one with the three tables. That one. Potential Management Options.

MR. VAN ALSTINE: Can you get that to us?

MS. FEGLEY: Yes, we certainly can. We can distribute that to you. Just so you know, this has been in the hands of the members of the Blue Crab Advisory Committee for about one month and it has been on our website as well for a similar amount of time.

One of the things I would like to say is that we have this advisory committee. I have taken several calls from industry members after our committee met explaining to me what they thought we should do. I really want to encourage people to know who is representing your county. The advisory committee is set up so that each county is represented and gear* centers are not each county but each region.

So there is region and gear-specific representative. I would encourage people to find out who your representatives are, reach out to them, and make sure that they are translating information back. This is really important.

These are the three options that were presented that would hold the 2011 harvest, two an allowable female catch which should keep the entire bay harvest at 46 percent. It is important to understand that we are controlling the female harvest in Maryland. Historically we have male harvest, we have Virginia harvest, we have Potomac River harvest. But these are designed with safety valves to keep that female harvest in line to maintain the 46 percent. All three of them will get us there.

The task of the industry was to choose which one of these options worked best for the industry. We needed a two-thirds majority on that. The industry choice on this was the option number one -- no it was option two -- sorry -- which raises the bushel limit slightly in the fall but maintains the June closure.

This is the industry preference. This is the one that we will go forward with out of the recommendations. The other two options were no change from 2010 and then there was an option to open the June closure and lower the vessel limits in the fall. There was a trade-off there.

MR. DEAN: What happened to the fourth option that was unanimously approved by the commission?

MS. FEGLEY: The fourth option was not an option. It was an option that the advisory group said that they wanted which was to have status quo from 2010 and open June and that

would put us over our allowable catch.

You unanimously said that you wanted that and we just couldn't -- we couldn't leave status quo and open June. We did not have time to go back and rework options at that point.

MR. DEAN: So opening June at any limit would not have achieved that goal, even though that third option is only 97 percent.

MS. FEGLEY: So to open June, this is the option that we came up with that kept up -- the thing doesn't move in small increments when you keep running options. So this is the one that got us closest to the catch opening June. That is what we got and that is what we put on it.

MR. DEAN: Correct me if I am wrong, the fourth option was actually the third option with June open, wasn't it?

MR. BROOKS: I don't remember.

(Simultaneous conversation)

MR. BROOKS: There was some discussion about modifying some bushel limits, I think. But Tom --

MR. O'CONNELL: Just to clarify a couple things. One is that these are the three options that are available to the industry. We are not going back and looking at other options. We have asked the advisory workers to develop their recommendation and they chose that middle option. When we are

here tonight, is as this workgroup has been established, the blue crab industry workgroup on striped bass is they are supposed to provide a recommendation to the Tidal Fisheries Advisory Commission. So the department is awaiting feedback advice from the Tidal Fish Advisory Commission because we are going to begin sitting down tomorrow making the final decision.

The public comment period on these three options ends tonight. So, you know, we could spend more time looking at other options tonight, but I am telling you these are three options that the department is considering and we are here tonight to obtain feedback from the Tidal Fish Advisory Commission.

If we do not get feedback from the Tidal Fish Advisory Commission despite the workers' recommendations, maybe we will just go with status quo. There is an opportunity tonight to look at these three options. Which ones does the industry prefer?

MR. VAN ALSTINE: You are looking for comments from --

MR. O'CONNELL: So you have the striped bass and you have the blue crab workgroup that has worked several meetings and comes to two-thirds majority on supporting the middle option. That is their recommendation to the Tidal Fish Advisory Commission. We are here tonight looking for your

feedback on their recommendation.

MR. VAN ALSTINE: Are we looking for a motion from Tidal Fish on this?

MR. O'CONNELL: That would be perfectly fine.

MR. VAN ALSTINE: Is there any discussion about it?

(Away from microphone)

MR. VAN ALSTINE: If we are being faced with a zero harvest of females, the small ones go to the cheapest markets, as small as it may be. It is a huge hit for your supplier, your small suppliers. They are supplying the public.

I think that is the only comment I could make because it looks like the workgroup came up with something that opted -- that the larger catch limits at the end of the year outweigh the small supplier in the middle of the summer months that have a cheaper product for the public in those fourteen days. It is a loss to some of the smaller people like myself and some of the smaller suppliers with smaller freshbox* --- supplying cheap crabs.

MS. FEGLEY: I did have phone calls from a couple of industry dealers who they had their preference for the option to open and to both of them I advised them on who were the people on the advisory committee within their area and suggested that they reach out to each other and talk.

I think we need to -- with this process, this is new. I am hoping that we get better at it and I am sure we

will, but it is really important that the advisory committee members be the communication out and back in so that the advisory committee is really taking into account what the through and through (sic) interests are.

MR. KEEHN: Would option one would be better for you?

MR. VAN ALSTINE: For somebody small like me, yes, who is not using large bushels and the people who supply only to the public and keep small downtown --- markets.

MR. KEEHN: That is a viable option, right Lynn?

MS. FEGLEY: These three options are viable.

MR. BROOKS: The workgroup was very sensitive to those points and the fourth option that Gibby mentioned kept them open and I think there was a message -- it was a verbal motion. I don't think it was well documented at all about this fourth motion, but the fourth motion was to keep all four or both seasons open and I believe there was discussion to modify the bushel limits to allow that to happen. There might have been some specific bushel limits done.

But Tom's -- and we were hoping that the bottom (sic) would be able to take that up and look at it. Tom has made it very clear that that is not going to be the case and this is what we have to deal with. Gibby and then you Bob.

MR. DEAN: You pretty much reiterated what I wanted say and that was to verify with Tom that, you know, if I am

correct, the commission voted for option number two based on the three that were available. But they put together a fourth option which was voted unanimously to approve. The reason I brought this up is because we were under the impression when we left that night that that was going to at least mentioned to you and as, you know, how the vote was taken and we hadn't heard anything since then whether or not it was still on the table or not. That is the only reason I brought it up.

MR. BROOKS: Okay, Bob then Moochie.

MR. EVANS: Well, I was at that meeting and these options actually what they did was pitted the upper bay against the lower bay. The upper bay was not represented well that night. The vote was hung because it wasn't enough people. An upper bay waterman, Richard Young, changed his vote to make it go through. What we voted on was option number two. That is what came through the Crab Advisory Commission and that is what I am backing because that is what we voted on and that is the way the process works.

I know where Gibby is coming from. You know, if we had a 42-bushel limit in the fall and we are able to -- but we don't have that option. The two week in June is really going to hurt Upper Bay. It is really going to hurt the whole bay as far as I am concerned. If nothing else, it is not the money, it is the market. That is what happens to us. We lose our market. But, it was voted on. That is what I am sticking

with.

MR. BROOKS: Moochie?

MR. GILMER: Well I was going to say we worked long and hard on this. There were a lot of decisions made and there were options on the table and through it all, that is how we voted. If this commission is going to work to do this, if the Bay Commission is going to work to do this, I think it needs to be supported because that is -- everybody put their time in and that is how the vote went.

MR. BROOKS: John, one more thing.

MR. VAN ALSTINE: And my -- I didn't want to downplay any of the work. You guys put in a lot of time on it. Like I said, I was not involved in the process. I just wanted to voice -- when the commission here was looking for comments, that was the one comment I wanted to make.

MR. GILMER: Oh, I understand totally. I mean, I did not vote for the one that won, but that does not make any difference. That is --

(Simultaneous conversation)

MR. VAN ALSTINE: I appreciate effort that --- out there. I just wanted to make a comment.

MR. GILMER: I was not talking about you John. I was just talking about in general, you know, what we went through.

MR. VAN ALSTINE: The biggest thing is comment for

the Tidal Advisory Commission is that it is market and it is -- that is all it will effect.

MR. BROOKS: Billy

MR. RICE: Thank you Jack. I sat on the Crab Advisory Committee and I think I am going to come off kind of like Bob. I don't think anybody is particularly happy and somewhat we worked hard and came to a compromise. On the original vote, I was not the one who changed my vote to make it happen. I voted for the first option and the first option to me, I felt it kept the season open and kept the market going. That is why I work that direction.

Sometimes more always seems to be the better way to go, but it is not how many crabs you catch, it is how much money you get to take home. I just felt that the first option might provide a little steadier market and that is why I went that way.

MR. YOUNG: I am the one who changed his vote and I will tell you why I changed my vote. Because the Department of Natural Resources formed this committee and they told us if we came and they gave us these options, and we picked what we thought was going to be the best for us, that they would go along with that and try and push that through and make it happen.

I said to myself, here is an opportunity for us as the watermen to have a say in what is going on. For years and

years and years they tell us they are listening to us and then they turn around and they don't hear us and they don't do what we suggested they do. Here is -- they said they would do it. I wanted to see it go through. So I changed my vote, we only needed one vote in order to get a two-thirds majority. I changed my vote so that we as a committee of crabbers could give the department our suggestion.

If that vote had not been changed, the department would not have gotten the suggestion from us. Because as Bob said, it did pit the lower bay against the upper bay and we wanted it all open. We didn't care about -- and we did care about bushel limits and all that, but we wanted to see an unbroken season.

I didn't see that it was all that big of deal. What the big deal for me was to see if the department is going to do what they said they were going to do.

MR. DEAN: Yes but if there ever was an issue vetting the upper bay against the lower bay, the crab regulations would certainly be one of them. I wanted to go on record as saying that my involvement for this particular committee, I have been so encouraged by the amount that each -- both the upper bay and the lower bay crabbers --

MR. : Oh it has been --

MR. DEAN: -- have been able to work together on it. I am very, very enthused and pleased at what we have been

able to accomplish so far. That is all.

MR. GILMER: One of the complaints that people might have is --- and when this goes to --- there are some upper bay people that were not there to represent their people and if something is to blame, it is probably them as much as anything for not showing up to vote.

MR. : Absolutely.

MR. : You got that right.

MR. BROOKS: Okay. Anything else?

MR. O'CONNELL: ---

MR. DUKES: Tom, are you saying we need a motion on this then?

MR. O'CONNELL: Yes. I think it would be preferable to have a motion so it is clear guidance from this commission to the department.

MOTION

MR. DUKES: Well I will make a motion that if blue crab went with the second motion that they had up there, I will motion that we go with that.

MR. O'CONNELL: The option recommended by the Blue Crab Advisory Committee.

MR. DUKES: Yes.

MR. BROOKS: Okay, the second one.

MR. GILMER: I will second.

MR. BROOKS: Okay. We have a motion and a second

and Marty is typing away.

MR. DYZE: While Marty is typing --

MR. BROOKS: Russell.

MR. DYZE: I am going to support whatever the Blue Crab Advisory Committee said. But the only thing that -- the only difference as a buyer and a crabber, if you are buying that crab in June, it has probably going to bring \$45 dollars a bushel, but in the fall, it can get down as low as \$15, \$10 or \$15. So I think when you lose the -- you don't keep your markets with that crab during those two weeks and they find it somewhere else and then when that is over you have to try to get back into the market. That is the only thing. I still want to support what the Blue Crab Advisory says

MR. GILMER: I mean Jack sat on that with us and I don't know how Jack voted, but I'm sure that it was a major concern of his. I mean, that was a major concern of mine.

MR. BROOKS: The workgroup worked well together as everybody mentioned.

Okay, we have got a motion by Russell Dukes and seconded by Moochie to basically adopt -- recommend adopting the same option that the Blue Crab workgroup adopted. Okay. Motion is seconded. Any discussion? Billy?

MR. RICE: I would just like to follow up before we vote that I plan to vote for the motion. I served on the Blue Crab Committee. This was the first year that the committee

was in existence and I just think that in support of the spirit of cooperation is why I am going to vote for the motion. But in the future, I think that we possibly need to have maybe a little more opportunity with the options and then everything comes down when it is time to put --- surveys.

I think whenever you shrink your time down, --- change. I think when it comes to crabs especially, it is the one thing we should have warned for and we really need to look at the --- when we decide which way we want to be spread on this crab season. I have not said much. Who makes the most --- of it.

When you close the season you really hurt the trout liners. I am a crab liners, but I am a speaker for the trout liners because I have a lot of trout liners in my area. --- limit and if no one takes --- the next day I am going to start right at that pole. I am --- bobbing, so I catch up with the crabs. But when we put a trout line on the --- for a limit and that man catches that limit, he is done for the day. He has got to go back and start fresh the next day and try to catch his limit again. It is just is not exactly an even playing field.

MR. BROOKS: Anymore discussion on the motion?

(No response).

MR. BROOKS: Any public comment on the motion?

Anybody?

MR. VAN ALSTINE: We go to a vote next. Can I ask, how much does option two differ from the regulation of last season?

MS. FEGLEY: Well it is status quo on the bottom.

MR. VAN ALSTINE: Okay. That is all I wanted to --

MS. FEGLEY: So it is essentially nine. It is nine bushels more on the high end. In the fall it is nine bushels. It is essentially, if you do your math ---. You have this fall, it is about a 20 percent increase --- nine bushels --- that is the difference.

MR. VAN ALSTINE: Thank you.

MR. BROOKS: Okay. We have the motion, the second, then discussion is closed. All in favor of the motion say aye or raise your hands and hold them up. Hold them up.

(Show of hands)

MR. GARY: I have fifteen in favor.

MR. BROOKS: Opposed?

(No response)

MR. GARY: Zero.

MR. BROOKS: Abstentions?

MR. GARY: Zero. Motion passes 15 to 0.

MR. BROOKS: Okay. Thank you.

MR. O'CONNELL: I just wanted to take a minute to thank the Blue Crab Industry Advisory Workgroup. I did not make those meetings, but the staff that attended were very

pleased with the participation and time. We did have some learning things. We learned some things that we need to do better internally so the options we present to you guys are the options that we are working with. I hope that as we go forward in future years, that we will be able to refine the process. We could begin to look at some of the economic issues as well. So thanks.

MS. FEGLEY: I just wanted to repeat. I was going to say pretty much exactly what Tom said. This is a new process. I am hoping we will all get better at it. I wanted people to know that the committee is tentatively scheduled to meet again in late July or August.

I would encourage people -- John if you are not hearing about the meetings, call me so you can know who is on the group. The meetings are open to the public. We want to make sure -- this communication piece is really important. It is the job of this committee is to relay the interests of the industry to the department. With that, I will hand it over to you.

MR. BROOKS: Thank you Lynn.

Striped Bass Update

by Mike Luisi

MR. LUISI: Alright. Good evening everyone. Tonight I am going to be presenting to you some recent recommendations from our Commercial Striped Bass Industry

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Workgroup. If I could turn your attention to your binder, I am not sure where it is in there, behind what tab. Pat or Tom, if you know what tab it is --

But there is a memo from me to both commissions in the binder with the subject heading of Recommendations from the Striped Bass Industry Workgroup Regarding Quota and Seasonal Modifications to the 2011 Commercial Pound Net and Hook and Line Fishers. I am going to use this document as a basis for the discussion tonight.

(Looking for document)

MR. : Has anybody found it? I don't see it.

(Chorus of "no")

(Simultaneous discussion)

MR. : We don't have it.

MR. LUISIS: It was emailed last night and -- I will try to put it up on the screen here.

While they are working on getting that up on the screen, why don't I just give everybody some brief background? The Commercial Striped Bass Workgroup was formed to provide recommendations, similar to the crab workgroup on management or administration and management of Maryland commercial striped bass fishers.

The first issue that came to the workgroup two weeks ago had to deal with the reallocation of hook and line and

gill net quota to the pound net fishermen. I thought I would just take a few minutes just to give a brief background about why this is necessary and then we will go into what the recommendations were from the workgroup.

A couple of years ago when the striped bass regulations changed, it allowed fishermen to accumulate striped bass quota via permits on an annual or permanent basis. In the past, somebody --- if I was a pound netter and I wanted to fish additional pound net quotas, I would either have to have somebody come with their permit and their tag onto my vessel, or I would have to have them temporarily transfer their permit and their tags to one of my mates or someone else that was going to be on the vessel with me.

The transfer process was very difficult and it was time consuming. With the new change in regulations, what we allowed for was we allowed for the pound netter and gill net fishermen to accumulate a quota from individuals that did not intend to fish for the given year.

So, therefore, if I am a pound netter and instead of having all these temporary transfers done to me and a mate of mine, I could reach out to other pound netters and take on their permit in my name for one -- for the given year or on a permanent basis even to make it easier on the administration of those permits.

So because of that, there was a concern in the

industry that a whole bunch of people would just decide to transfer --- hook and line fisherman or a gill net fisherman, to just being a pound netter and letting a pound netter go out and catch all the fish for you.

So the industry at the time through a workgroup that was previously established recommended that we cap the amount of transfer. Basically, a person that would move from the hook and line fishery or the gill net fishery, if they moved into the pound net fishery, they would bring with them quota. And that quota would come out of the hook and line fishery. There was a cap that was established to eliminate a gigantic swing in the amount of quota that was shipped out of the hook and line fisheries in any given year.

That quota was topped off at one hundred thousand pounds. Now this was two years ago and during the first year, the hundred thousand pounds was not met. There were a small number of people -- I don't remember off the top of my head how many transferred over. But a small number of people transferred from hook and line fishery, gill net fishery to the pound net fishery. They brought with them a certain amount of quota and that quota was extracted from the hook and line quota for that year.

As we have moved through time, and now we are in 2011, what we have seen is that the number of people declaring for the pound net fishery has increased dramatically. Back in

2008, there were one hundred fifty pound net declarations that were made. So the state issued one hundred and fifty pound net permits to harvest it. Since 2008, we now with this most recent year, this current summer, we have two-hundred thirteen pounds of permits that have been declared for.

With each one of those permits comes an individual quota. Now the individual quota without getting in the details of that. We try to do what we can to have any reductions that are seen throughout the bay dealt evenly between the individuals and the different fisheries.

So as you can see, think of it -- there is this enormous amount of quotas with all of these addition permits that are going to come in to the pound net fishery but we needed to find a quota for it. In order to cover the pound net fishermen so that their individual quota was enough for them to work to fish the gear, set what they needed to, and to make some money throughout the summer.

So it was the first issue that the striped bass work group dealt with and this was a couple of weeks ago. We are looking -- I want to give you a little background about how the meeting went and then I will go ahead and read off the motion and then open it up for discussion for you guys.

In order for pound net fishermen to get a full allocation of quota, there needs to be about 190 thousand pounds of quota that would shift. The question that I brought

to the workgroup was where is this 190 thousand pounds going to come from? We have exceeded the cap of 100 thousand that was currently set. The pound netters are asking, you know, in order to have a full allocation, where is the additional fish going to come from? Where is the additional quota going to come from?

So we had a long discussion at the workgroup level and, you know, we went back and forth. To be honest, we did an analysis that showed that the people who left gill net hook and line fishery and entered into the pound net fishery, some of them were gill nets and they harvested gill net fish. Others were hook and liners and they harvested via hook and line. There were -- the discussion kind of came to a conclusion. A motion was made. One of the motions that was made had 150 thousand pounds of quota shifting to the pound netters, some of it coming from gill net and some of it coming from hook and line. That motion failed by a very, very small margin. I must say also, just like the crab workgroup, this workgroup operates under a two-thirds majority vote in order for a motion to carry.

After that motion failed, another motion was made which shifted the same amount of quota just from the hook and line fishery. That is where we sit now. So these recent increases in the number of declared pound net fishermen caused the need for this quota shift and what the workgroup

recommended to the department is that there is a cap at 150 thousand pounds that will shift to the pound netters and all of that shift will come, 100 percent of that quota will come from the hook and line fishery and zero percent in the gill net fish.

Are there any questions to this point?

MR. GOLDSBOROUGH: I am sorry Mike, I might have missed it because I had to step out for a second but did you speak to how much the hook and line fishery is able to reach a quota now? Is there leftover quota? What part of the calculation --- ?

MR. LUISI: Well, the hook and line fishery has achieved its quota over the last couple of years. As far as overall, they have been able to meet their quota.

MR. GOLDSBOROUGH: Second question is, the new pound net licensees, are they shifting from a different part of stripe bass fishery or are they new to stripe bass fishery?

MR. LUISI: They were from a different gear declaration so they would have come from -- maybe for ten years they declared themselves as hook and line fisherman, but recently they have shifted into the pound net fishery. I do want to point out though, there may be some concern. I think when some of you when you read this about the number of declared pound net fisherman increasing. What we have seen is that there are not any additional pound netters fishing.

There are not any more active pound netters, it is just more people are declaring themselves as pound netters so that they can transfer their quota to a pound netter to fish that quota for them.

A pound netter can hold, I believe, it is up to five individual quotas and that is just what the trenders* get.

MR. KEEHN: I know, Mike, in the past couple of years we have had issues with pound net fish and hook and line fish and tagging shenanigans that were going on. That is one of the issues that the hook and liners have with tagging. Have we addressed those issues?

(No response)

MR. KEEHN: Not just the hook and line tagging but the issues -- I know for several years now we have had big issues where in the fall especially there are these huge jumps in the catches and, I know that the --- or something made were there was tagging going on, fish coming out of the pound net that were getting hook and line tags and going to market. Have those issues been addressed?

MR. LUISI: I could say that they are known, they have not been addressed. Unfortunately, it is continuing to try to find those individuals who are violating those rules, the department is taking on -- and we have committed to evaluating these fisheries as far as the enforceability and the accountability of the fishermen. So that is a project

that we are beginning to take on at this point. But no, it has not been addressed to the point where it has been solved in any way.

MR. KEEHN: And that is my concern with all of this. The last couple of meetings we have had, and I have been to both sport fish and tidal fish. The three issues that we are tasked with in my mind when it comes to striped bass -- and they are major issues -- is number one accountability, number two enforceability, and number three and most importantly of all, sustainability.

If we don't have the answers to those questions, how can we start shifting allocation around without those answers? I mean, those -- that is the lynch pin to all of our businesses, all of our jobs, all of our enjoyment, all of our recreation. Don't we need to answer those three questions before we start changing things without knowing the answers to accountability, enforceability, and sustainability?

MR. O'CONNELL: I think it is a good point. To make one point of clarification, we are dealing with two industry advisory workgroups that we think are going to hold great promise as we go forward and we try to give industry more flexibility and advising us on management. If the recommendations satisfy our management principles that Brian just reflected, the department will likely support those publically in going forward.

The last discussion we had on blue crabs, the options that were on the table were options that the department had already developed and said these meet our financial principles, which ones do the industry prefer? The difference with this one, these are also recommendations coming from the striped bass workgroup, but the department has not yet evaluated whether or not these recommendations meet our management principles.

As Brian just reflected, we have had recently and some longer term issues in regards to harvest accountability and enforceability and I would expect both commissions would be very sensitive to knowing whether or not these recommendations would achieve those management principles, given the level of scrutiny that the industry is under right now.

So as we go through these, if you have questions like Brian is asking, ask those questions because those are very important questions and issues that we are going to have to evaluate if the commission recommends the department evaluate any of these things. As Mike mentioned, the department has made a strong commitment to evaluating harvest countability across all the striped bass fisheries, not just commercial, but recreational as well, and specifically looking at the enforceability of the gill net fishery and wanted the English Sport Fish Commission also asked to look at pound

nets.

In regards to the hook and line and pound net, the problem that has existed for a while now, I mean, that is known publically. We have heard the industry make comments in regards to that, and that problem is not solved yet. As we look at some of these, we need to assess whether or not it is going to potentially increase that problem or mitigate that problem as we await the recommendation from the department on addressing these issues.

MR. BROOKS: Thank you. Richard?

MR. YOUNG: I am just wondering, you say that in order for a pound net fisherman to receive his fill allocation, the shift to approximately 190 thousand pounds quota is necessary. But the motion only shifts 150 thousand pounds. If the motion does not satisfy the assessments, why are we even counting it? It is only doing part of what needs to be done, so why do any of it? In addition to that, why is it all coming from the hook and line guys and none from the gill net fishermen? Certainly, all of the people who declared we are not hook and liners, some were gill netters. Whatever proportion percent wise, was hook and line versus gill net should come out of the, I think, out of the deep fishers(sic). It should not be all the hook and liners, especially if the hook and line -- both fisheries are meeting their quota. Is that the case?

MR. LUISI: The way it was presented and I believe that all of you received a memo from Matt Lawrence*, probably a month ago, which highlighted the actions of that evening.

The work was presented from everything from no transfer of quota to a full allocation which would have 190 thousand pound transfer quota and there were a series of options. The option that was chosen was the one at 150 thousand. It was a compromise between doing nothing and going all the way. It is allowing the commenter to take on the full allocation.

MR. YOUNG: So what you are saying is the pound netters then will get a portion of what a full hour translates to.

MR. LUISI: They will. The pound netters within this scenario would not receive a full allocation. Now what I mean by that and I will be brief, we established a four thousand pound allocation as what we would consider a full allocation.

Over the recent two years, we have had a drop in the spawning stock by a massing the quota in the Chesapeake Bay all together. So as that quota has been reduced. We have taken the same percentage away from the full allocation of a pound netter. That full allocation dropped from four thousand to 37 hundred to now I think it was close to 35 hundred, maybe this year the potential for allocation. They have had a

reduction in what their permit would hold. This option that was chosen was, like I said, --- was discussed for an hour, if not more, about whether or not quotas should come from the gill net fishery as well. It decided ultimately in the end, if the motion carried, to just have it come from the hook and line fishery. Those members that are here that are on the workgroup can speak to that one as well.

MR. BROOKS: Okay, Russell Dukes first.

MR. DUKES: Well, to answer your question, the workgroup has brought up --- pound netters and tagging the hook and line in fall we have really been pushing that. And, Richard, the committee is made up of hook and liners, pound netters and gill netters of equal amounts, you know. So it is a lot of discussion and hunt. I think we have been doing a really good job. There is five of us here that sits on that. It has really been -- we have really been trying to get some of the stuff straightened out, you know, that has been problems in the past.

We all appreciate your hard work. I set on the crab thing and I know the hard work that is involved in it. I certainly, even though I am asking a question, does not mean I am not going to support you decision.

MR. BROOKS: Russell.

MR. DUKES: I don't understand something. According to your numbers, you said you had up until 2008, you had 150

pound netters.

MR. LUISI: 150 declared permits.

MR. DUKES: Right, Okay. As of today, you have 213. That is -- you know, you gained 63. But you said it was not any more pound nets being in the bay. How can you declare for pound net and not put a hole in the bay?

MR. LUISI: Well, we are not seeing any additional active -- the number of people who report catching fish via pound net is only about 100 and it has been studied for years. We are not seeing any more people

The people who are transferring out of the pound net -- transferring in to the pound net fishery are not -- they have to have a site in some way registered to them. But they are not sewing holes in the net. The person that they are transferring their quota to, if you transfer in and I get your permit, you basically don't have to do anything.

MR. DYZE: But years ago, you used to have to check the site that the pound net -- that is no longer?

MR. LUISI: Right. There is still -- that was the certification process for pound nets. And you are drawing -- you are bringing back memories of that. To be honest with you, right now, I would have to look up -- and you guys might even know. If you know, let -- I know that they changed the ruling behind what certifies --

(Simultaneous conversation)

MR. EVANS: What they do now is all the pound netters have certain sites where they set ghost nets and when somebody changes their allocation over to that license, then that guy goes out and checks the ghost nets and gets him a pound net allocation. That is what happens.

MR. LUISI: And they made it so you only have to set one.

MR. EVANS: Yes.

MR. LUISI: We used to have to set four but now you have to set one.

MR. DYZE: So it looks like to me you have 63 more into this that you are saying came out of the hook and line--

MR. LUISI: Gill net and hook and line.

MR. DYZE: --fishers. Can you pin point where it came from?

MR. LUISI: We know exactly where they came from.

MR. DYZE: Did more of them come from hook and line?

MR. LUISI: As far as numbers?

MR. DYZE: Yes.

MR. LUISI: The numbers did.

MR. DYZE: Okay. So what I am trying to figure out is to find out what the committee -- how they figured it out. If you have 63 more hook and liners that came in to the pound net fishery and that is why they probably voted for the allocation to come from the hook and liners instead of the

gill netters.

MR. EVANS: And that is where it should have come from. That is where it came from in the first place.

MR. DYZE: I am just trying to wrap my head around if you know that -- because you know that people are pound net licensed or put a net down is what they are going to do and then they don't do that and they don't put a pound net or they don't -- I don't know where the validity is in that. Pretty soon, you might have five hundred pound netters.

MR. LUISI: Unless something is done, there is a possibility that that is true.

MR. VAN ALSTINE: Russell, I would like to comment directly on that. Those ghost nets are a problem because now it just took a spot from somebody that never intended to set a net from a white netter from somebody who is potentially going to set a pound net. Western Rhode River now is loaded with these ghost net sites, which are registered with the state which stops a white netter unless he seeks out that individual, gets his written permission to set that net, it stops a pound netter.

So that process of ghost nets is a huge squall when you are doing it just to broker quotas and that is what these gentlemen are doing. They are brokering quotas, keeping the quotas out of the actual fishermen's hands, in my opinion.

MR. DYZE: I was just trying to figure out how they

determine -- the rockfish group, how do they determine where it came from? I see what they saw.

MR. BROOKS: I was part of the group and it was more hook and line transfers over than gill net, but there were gill net. I can't remember the numbers. When the votes came up, I abstained because I had just -- I wasn't wrapping my head around it and I did not want to vote the wrong way. Then afterwards I, you know, I heard comments that hey when the hook and liners can't catch it anyway. Then look at all these restrictions hook and liners have. You know, gosh, well maybe it should have come out a little more equitably or mirror how many gill netters came and how many hook and liners. But here we are. We are here now and we have this issue.

MR. BENJAMIN: (Away from microphone) Yes. This issue is an issue that --- allocation issue --- This committee should not be looking at allocations. This committee should --- stuff that actually directly affects us because the problems about taking my vote away and give it to a pound netter, which you know, right now --- we would not need that much if we didn't steel from one another. That is the bottom line. You can't --- for what you steel from us ---

(Simultaneous conversation)

MR. BROOKS: Okay. One more comment and ---

MR. EVANS: How are they steeling?

MR. BROOKS: Wait a minute. Come on. A couple of

more comments and then we are looking for a motion here on this issue tonight. So John, you have one and then --

MR. VAN ALSTINE: I just want to check here, maybe it is just me --- if I hold a pound net quota, can I hold a hook and line, I mean a gill net quota?

MR. LUISI: Yes.

MR. VAN ALSTINE: If I hold a pound net quota, I can ---. Can I hold one of those five as a gill netter. The answer to that is no. So we have pound netters that cannot gill net in the winter. They are not pound nets in the summer, gill nets in the winter. That is illegal.

MR. DYKES: You can get in winter if you get somebody to transfer for gill net --

MR. BENJAMIN: You can transfer the license over, not the -- he is not taking his quota, his pound net quota. That is what I wanted to clarify.

MR. DYKES: No, if you hold pound nets and you wanted to net fish, you have to find somebody that has a license to net fish and they have to transfer that to you. The whole transfer.

MR. VAN ALSTINE: And you have to transfer your full license out of course.

MR. : Right.

MR. VAN ALSTINE: So my comment was that you don't have pound net fishermen quotas that are also gill netters. M

MR. LUISI: It is not gill netting ---

MR. BROOKS: Brian, did you have a comment?

MR. KEEHN: Well, actually again I would like to reiterate without accountability and enforceability, I made a motion two years ago --

(Simultaneous conversation)

MR. GARY: Quiet please. Hey. Back corner. Quiet.

MR. KEEHN: I was going to say in light of the fact that we don't have the answers to accountability and enforceability, I make a motion that this remain status quo until we have those answers. Because I am greatly concerned and Bill and Eddie and Tom can talk about, and Russell can talk about the recent --- and the triggers and I am greatly concerned right now about the status of striped bass to begin with. I think the status quo would be a prudent decision until we have the answers of accountability and enforceability.

MR. : We have those answers.

MOTION

MR. KEEHN: DNR says that if we feel it is accounted for and enforced and we feel that this is a prudent decision, then I would go along with it. But since we don't have those answers, I make a motion that we stay status quo.

MR. BRROKS: Okay. We have a motion. Does everybody understand the motion?

(No response)

MR. BROOKS: Do we have a second to that motion?

MR. GOLDSBOROUGH: Second.

Okay.

MR. BROOKS: Second by Bill Goldsborough.

Commission discussion.

MR. LUISI: I would just like to make a point to that. Just so everyone is aware if you do decide to recommend to go status quo, the pound netters would be reduced to about 2500 pounds from 4000 pounds last year. And to that, it is not that it has not been a common practice for hook and line fish to be transferred to the pound net fishery.

Normally it just takes place later in the year when it appears as if the hook and line fishery is not going to achieve its quota, there has been an allocation from that group to the pound net fishermen. It has been standard practice for many years, it just depends on the situation each year.

MR. KEEHN: That is a very valid point because that is exactly -- Danny Beck said it a few meetings ago and it stuck with me, but it is insurance, Mike. I mean every year, I mean, this spring was horrible and it had more to do with environmental issues and all of that. You know, my spring was horrible. I am going to have to hook and line to make a little extra money and/or crab. That is what the TFL is there

for is insurance.

That is why the decisions weren't made until you don't see any other --- recourse. You know, if I can't make it running charters, preferred making charters. That is what I do. But if I can't make ends meet that way, I have to go to another fishery and try to make ends meet.

And here, because there is not anymore pound nets, there is just more money shifting, I lose my insurance, not to mention the fact that we don't have the answers for, you know, the issues that have been brought up for I know at least three years about tagged fish going back and forth. That is the reason that the hook and lines was so restrictive in tagging requirements. It is because of this.

So that is the reason for my motion. I am sorry that guys are selling their quotas and so therefore the piece of the pie they are going to collect. I am worried about the pie. I am not worried about the pieces and how it is divided. I want the pie to be bigger and that is the reason I made the motion.

MR. BROOKS: Okay, other discussion on the motion, that is commissioners.

(No response)

MR. BROOKS: Okay. Public discussion. Any comments on this motion?

(No response)

MR. BROOKS: None. Okay, hearing none we will call for a vote. All in favor of this motion, please raise your hand.

(Show of hands)

MR. GARY: Three.

MR. BROOKS: Opposed?

(Show of hands)

MR. GARY: Nine. Rich is that a yes?

MR. YOUNG: Yes.

MR. GARY: Ten.

MR. BROOKS: Okay. Motion fails. Any abstentions?

MR. GARY: --- what was your vote? Was that a yes?

MR. : So we got it right. It should be three on that.

MR. : No, it should be nine to three.

MR. : It should be -- with two abstentions it should be --

MR. BROOKS: Any abstentions?

MR. GARY: Greg, did you raise your hand?

(Simultaneous conversation)

MR. : Okay, four in favor.

MR. : Okay, four in favor, eleven opposed.

MR. BROOKS: Okay. The motion fails. Any other discussion on this matter?

MR. DYZE: Has Mike got to have an answer?

MR. BROOKS: They would like an answer. They would like a vote. They would like --

(Simultaneous conversation)

MR. DYZE: I think the Rockfish Committee should make a motion what they had brought forward and what they found in their committee. Someone from that committee should --

(Simultaneous conversation)

MOTION

MR. EVANS: I make a motion to go forward with what we voted on in the Striped Bass Committee.

MR. DUKES: Second.

MR. BROOKS: Motion by Bob Evans and second by Russell DYZE.

MR. : Dukes.

MR. BROOKS: Excuse me, Russell Dukes.

MR. : Russell D.

MR. : You have two Russell D's.

MR. BROOKS: -- to adopt the recommendation of the Striped Bass Industry Work group. Does everyone understand the motion?

(No response)

MR. GARY: Seconded by?

MR. BROOKS: Russell Dukes. Discussion on the motion from the commission.

(No response)

MR. BROOKS: Discussion from the public, any public comment?

(No response)

MR. BROOKS: Hearing none, all in favor of this motion please raise your hand.

(Show of hands)

MR. GARY: Ten

MR. BROOKS: Okay ten. Opposed to this motion?

(Show of hands)

MR. GARY: Four.

(Simultaneous conversation)

MR. GARY: Did you get counted?

MR. BROOKS: I think I did. Did I get counted?

(Simultaneous conversation)

MR. GARY: So 11/4.

MR. BROOKS: Okay, so eleven to four the motion passed.

MR. GRACIE: I have a question. Mike, what is the timing on a decision from this? I actually believe the Sport Fish Advisory Commission may want to weigh in on this, but we might like to have further discussion of it. The reason we may want to weigh in is because a lot of us feel like decisions like this, as Brian points out, can affect what happens in ASMFC and affect our standing in the whole process

going forward. So we may have something to say about it too.

MR. LUISI: Just so you know, this presentation tonight was not just intended for Tidal. This is for everybody here. You know, this is open for discussion, not just from the Tidal Fish Commission.

(Simultaneous conversation)

MR. GRACIE: What is the answer to my question about timing on when you expect to make a decision?

MR. LUISI: Well, we are going to need to -- it is going to have to be in the next couple of days because we have to get on it.

MR. DYZE: Jim, what you have got to remember is it does not matter to the ASMFC. They are interested in -- they give you a quota and how you catch it is up to the state. ASMFC really is not -- does not get involved in how you catch it.

MR. BROOKS: Ed? Go ahead.

MR. O'BRIEN: But Russell, if they knock us back forty percent like this very unique, first I have ever witnessed amendment before the fact, it is going to affect us dramatically.

MR. : It is going to affect everybody. It is going to affect everybody.

MR. : Exactly.

MR. DYZE: But quota is quota. It doesn't matter.

The states -- if they reduce it forty percent, the state will get that quota reduced forty percent and then they will break it up among the users.

MR. GRACIE: I am going to let the Sport Fish Commission discuss this Russell. My concern is that we are perceived today as MFC as reducing accountability and enforceability, then that hurts us in going forward in terms of protecting the striped bass population. So I think it does impact on us in that regard at any rate. Does anyone from the Sport Fish Commission want to make a motion? Dave?

MR. SIKORSKI: I would like to comment. Brian basically took the words right out of my mouth. His comments were spot on. We have seen a lot of legal activity recently. Thankfully we have seen it, because it has been going on for quite some time. I believe it has a great negative impact on the striped bass fishery in the Chesapeake Bay. Until we have a manageable enforceable and accountable fishery, or at least the department feels so moving forward, moving all these fish around is very dangerous thing.

Brian spoke to that number of 150 thousand fish per pounds of fish being an insurance policy and that is exactly what it is. You know, when you move in to a very effective gear type like the pound bet, more effective than hook and line fishermen, there is a danger of catching those fish right away. So you talk about ASMFC, hook and line quotas are not

always caught. I mean, they have been some shortages in the past.

Last year wasn't there a shortage of like 50 thousand pounds or something?

(Simultaneous conversation)

MR. KEEHN: Marty, can you put that up? I think it would be good for discussion. That chart on the website? The commercial striped bass harvest tally where you can see --

MR. SIKORSKI: Either way, I mean, it seems like the hook and line fisherman in this case are the little men kind of being picked on in a way. But it just seems that it is insurance for all of us to leave the quotas the way they are at this time.

MR. GRACIE: The concern that I am raising, David, is that I think we don't want to make any moves which can be perceived as a loss of accountability or reduction in enforceability. I think that has its perception.

So I am asking if any commissioner would like to make a motion. The one that Brian made would suit me.

MOTION

MR. SIKORSKI: I will make that motion.

MR. WHITE: I will second.

MR. GARY: Made by Dave Sikorski, seconded by Brandon White.

MR. BROOKS: Motion was made by Dave Sikorski?

MR. GARY: Yes, seconded by Brandon White.

MR. BROOKS: Dave, can you restate it for us?

Thanks. Just go slow.

MR. SIKORSKI: It is the same motion that was defeated on the Tidal Commission--

MR. BROOKS: Okay, so we are going back to the other one. It is this one here.

(Pause)

MR. GRACIE: Sport Fish Commissioner, is there any discussion on the motion?

MR. JETTON: Yes, I would like to. I kind of got some torn loyalties here. I am a striped bass worker --

MR. : I bet.

MR. JETTON: -- and I am on Sport Fish Advisory as a charter boat. We put a lot of time in on that and I understand that. Just like the blue crab gig. We were pretty much at that striped bass group had to make a decision that night and that was the best of all the decisions we could make that night. Status quo was an option on the table, but that was not going to fly with anybody.

Some of the thinking was that some of those new licenses that went into pound net that came from hook and line, kind of making up for some of those illegal activities that were happening. It would be like, you know, I hate to be the rat in the woodpile here, but that is what was happening

here. They were moving them in and saying okay we want it to be illegal this time to do it. As far as accountability goes, I almost think you are increasing accountability by this by moving these people over there.

That is why I voted for it that night. Tonight I am probably going to have to abstain because I voted on it for it that night and tonight I had some torn loyalties. I am not shifting anything that probably wasn't going to get shifted at the end of the season anyway.

Mike did you say that hook and line quota has been caught every year?

MR. LUISI: We try to manage this but it gets close every year. It may not achieve it, but --

(Simultaneous conversation)

MR. JETTON: --- At least last year, I know we had a spike of about 170 thousand pounds in the last two weeks of November.

MR. LUISI: There were -- the harvest definitely spiked over the last five to six --

MR. JETTON: Well, there is not a hook and liner around that caught 170 thousand pounds the last two weeks of November, you know, so I have some torn loyalties here. --- discussions we had that night. It was a very, very close vote, even on the second one. I think it only passed by one vote. So that is more the history there, just for the Sport

Fish Advisory Group that was not there.

MR. GRACIE: We appreciate that Greg. Brandon?

MR. WHITE: I would just reiterate what everyone said so far in regards to, especially Brian--

MR. GRACIE: Speak up please.

MR. WHITE: Especially Brian and David in regards to accountability when we had Tom O'Connell who is the Fishery Director tell us that the department has not addressed these issues. I don't see how in good conscience we can change it until we do address it and perception, while the ASMFC, I think, does give us the allocation and we divide it, perception is reality.

Right now, I don't know where you guys -- what paper you guys read, if you only read the local paper, but you ought to read the coastal papers and about what they are saying about Maryland. I talk to those guys every single week for a fishing report I put together from Maine down to North Carolina and the perception is that we are not being that accountable. It is not that hard to read the paper and see all the stuff going on around here.

So I just say before we make the vote, that we have already acknowledged that we have not addressed the problem, we need to address the problem, we are going to look at the problem, but until we do that, we can't change this.

MR. BROOKS: Any other comments on the motion? Tom

you have something to say?

MR. O'CONNELL: Yes, I mean it is a good discussion and just a couple of points and then we are probably going to leave here with a split recommendation and the department is going to have to decide. You know, as Mike said, we have been doing this. This is not the first year we have been transferring quotas and a lot of that has been done, like Greg said, to try to clean up the act.

We still do have problems and we are working to solve those problems, but we are in a situation where several people declared into the pound net fishery assuming that quota was coming. If we do not make some type of adjustment, the traditional and the new pound netters are going to be at a much lower individual quota than they have been in the past. I am sure we are going to get requests, well if you didn't do this then we want to go back to the hook and line and gill net fishery.

And to Greg's point, while it is not the solution to our problem, by allowing these individuals that were probably making deals with the pound netters to formally declare with the pound net, it is probably going to improve the accountability, not to the level that we need to, but probably better than we are now to start the season.

MR. WHITE: Could you explain exactly how the accountability will increase? Will you be increasing

enforcement on those pound nets with officers to make sure that the tags are in them and the pounds that are declared there is by permit? Is that right Mike? They get five per pound net?

MR. LUISI: You can.

MR. WHITE: So you get five allocations. Will there be increased enforceability to -- that would result in the accountability? Because I am just not clear on how we are going to be more accountable.

MR. O'CONNELL: Well rather than these hook and liners with hook and line tags trying to cut deals under the table at night, they are going to have pound net tags. So there is going to be less illegal activity of cutting those deals to utilize hook and line tags by pound net fish.

MR. JETTON: That was the kind of discussion we had that night and like I said, I know it is the rat in the woodpile here, but that is where we came down to and that is why we ended up with a hook and line. If it did not come out of the hook and line quota it was not going to fly at all.

MR. KEEHN: I mean that logic, Tom, now that I see where you are going with that, but that logic only works if the guys that were doing the under the table dealings transfer to pound net. If it was a different group of guys doing under the table dealing, you gave them 150 thousand pounds there is still 100 pounds going on underneath the table.

MR. O'CONNELL: I am not suggesting that this is solving the problem, as Brandon's point, there still needs to be better harvest accountability. There still needs to be better enforceability, but I just want to make clear that people have declared because we have been doing this for a couple of years, we are going to be in the position either to say no and the pound netters are going to see a significant drop in their individual quotas and trying to assess in my mind while this is not the end -- this is not the final decision to solve this problem, but it is better than not doing it and having these individuals still make those trades.

MR. BROOKS: Let me ask you a question and then I will get to you Dave. What I don't understand is if we are doing status quo and you have made these adjustments in the past anyway, why can't you do them again?

MR. O'CONNELL: We can.

MR. BROOKS: Then that is what status quo means.

MR. WHITE: -- that time you would address some issues that we --

(Simultaneous conversation)

MR. BROOKS: In the meantime, we would like some feedback on the issues we asked you to address. I think that is the field.

MR. O'CONNELL: So when you mean status quo it means to continue to allow for these quota transfers to occur as we

have been doing in --

MR. GRACIE: As you make it over time, as it becomes necessary. I think we should -- I think Brian made the point that that delays these decisions and gives him and others, as he calls it, an insurance policy. So yes, we prefer that. We also prefer not making a change in this this year when we are going back to ASMFC after they have come out with a proposed amendment.

MR. SIKORSKI: I am having déjà vu here. A couple of years ago --

MR. GRACIE: That means you have been around a while. That is good.

MR. SIKORSKI: It is like the tail wagging the dog kind of. We have illegal activity so we are changing the practice to kind of fix it. I understand it is one of the only tools the department has and that is unfortunate, but the déjà vu came from the gill net fishery.

We had some guys who wanted to carry a bunch of net on board because they needed it for various reasons and it seems here we are a couple years later, 18 months later, that you know, you all had some news. I know the department can't -- or can try their best, you know, through enforcement to stop illegal activity but it should weigh heavily on your minds as you make decisions that it does exist and there is nothing -- there is very little we can do at this point to

stop it and we are trying. So don't forget that as you make your decision.

MR. GRACIE: Go ahead Tom. You get the last word.

MR. O'CONNELL: So Mike, can you explain to me how we addressed these increased declarations to the pound net fishery last year? How was transfer allocated over or not?

MR. LUISI: There was quota transfer automatically without this conversation because prior to last year, there was a cap that was established by the workgroup that said until you reach this point, go ahead and -- based on how many people declare for the fishery, transfer this amount of quota up to 100 thousand pounds.

Up until this year, we have not met that cap. We now have achieved and exceeded that cap which calls for it to come back to the workgroup, back to tidal fish again for another discussion about where that additional quota would come from. So that is why we are readdressing it because the last two years we have done it just, you know, based on the policy that was already established.

MR. O'CONNELL: So thanks Mike. I was just trying to clarify what status quo means. Does status quo mean --

(Simultaneous conversation)

MR. LUISI: -- status quo could mean two things. It could mean that we revert to what we have been using in the past for the last few years as a basis for moving 100 thousand

pounds of quotas from the hook and line fishery and we leave the additional 50 thousand pounds that was recommended, leave that off the allocation. Or status quo could mean there would be no shift at all, so that would be different from what we have done over the last two years.

MR. JETTON: So that would not be status quo.

MR. GRACIE: For the motions, David, we can redefine status quo as what done last year.

MR. KEEHN: That is what I meant by --

MR. GRACIE: Brandon. Do you agree with that as second?

MR. WHITE: Yes.

MR. GRACIE: Any other commissioners comment on the motion?

MR. JETTON: One more thing, if we stick with the status quo and we go with what we went with last year, that could potentially give us the spike again at the end of November.

(Simultaneous conversation)

MR. EVANS: That is what is going to happen. If you don't make it legal for them, they are going to do it illegally.

MR. GRACIE: Not if we have a new system --

MR. : In our opinion.

MR. : That is right.

MR. JETTON: I am just saying, potentially in view of this last year, with the same enforcement, same status quo as last year, you could end up with that spike again.

MR. GRACIE: Thank you Greg. I am not inviting debate. I want to recognize people who want to speak.

MR. O'CONNELL: That is why I was asking Mike.

MR. LUISI: Any -- typically the hook and line fishery underachieves its monthly quota and that monthly quota snowballs throughout the summer and the fall to the point where there is 200 thousand pounds left and there is two months to catch it. Then you see these spikes. So by shifting the quota earlier, we are just leaving -- there is the potential for not having as much left over at the end if they underachieve the monthly quotas.

Now we made it clear at the meeting the other night which I still have motions that we need to discuss. They are not as complicated as this one. It was clear that --- would make every attempt to allow or to give the opportunity to the hook and liner to achieve that quota during the month by possibly adjusting daily and weekly catch limits, you know, to try to get them to get to that quota so there is not so much at the end, which is kind of where the problem seems to be.

MR. GRACIE: Ed, you had a comment?

MR. O'BRIEN: Yes, I seem to remember discussions we have had in the past. You know, the department has been

worried about the end of the year index. They have been worried about the spawn and --- and they have been worried about the enforcement problems, and we agreed to cut back two weeks in December because of perceptions.

I think from this side of the table that is what you are hearing a little bit of. This is a perception. I hear a lot about it because I have to talk to these advisers --- not only are the phones active, but so are articles in northern newspapers flying around. Status quo is hard to define. The term is easy to understand to people out there with perceptions and their perception is that Maryland is not trying to increase this and increase that while we are under a black cloud. That is why I don't like this status quo connotation.

MR. GRACIE: If there are no more comments from commissioners, are there any public comments?

(No response)

MR. GRACIE: All in favor of the motion raise your hands.

(Show of hands)

MR. GARY: I am going to write this down.

(Counting)

MR. GARY: Thirteen.

MR. GRACIE: Opposed?

(No response)

MR GRACIE: Abstentions?

MR. GARY: No abstentions.

MR. GRACIE: Val is not here and doesn't have a proxy.

MR. : Correct.

MR. GRACIE: Thank you. The motion carries.

MR. BROOKS: Alright to continue.

MR. GRACIE: Okay. I think we need to move forward. I mean anything anybody needs to add to this that has not already been said.

MR. DUKES: My question is if you are going to have a workgroup to make a decision and you are shooting it down, why have a workgroup? Because I felt that is why the DNR adopted this workgroup to go ahead and do that.

MR. BROOKS: Tom, you want to respond?

MR. O'CONNELL: Yes. Russell, these are advisory commissions. The department still has to make the final decision. This discussion is largely an industry decision. It is fair for the Sport Fish Commission to have concerns about our management principles and that is why we need to work very diligently with the striped bass workgroup on bringing forth recommendations that we can say meet our management principles and, you know, despite a lot of good work with the workgroup, we are still having to do some more of that.

But in the end we have two motions for the department. I will be going back and talking to Mike and Lynn and we will make a recommendation on moving forward and we will get back to you.

MR. LUISI: Marty if you could go back to the handout on the screen. The workgroup met again last Wednesday and came to -- what I have is summary --- four motions that came from the workgroup during that meeting. The motions would address modifications to the hook and line fishery.

The first one that was made was to allow hook and line fishing to take place on Friday. The second motion was to allow hook and line fishing until sunset. Currently one hour before sunset is in the regulations. To speak on the first motion, hook and line fishing has only been open Monday through Thursday in previous years.

The establishment of the third motion of a 500-pound per day/1500-pound per week hook and line quota, even if the fishery were open five days a week, I can tell you that that is what we would have opened the fishery at this year anyway because it's the status quo from how we have been operating in the past years.

The fourth motion was to move to recommend the department change the current hook and line and pound net tagging requirements to require that all striped bass caught must be tagged prior to landing. Without getting into the

details of each pound net and hook and line tagging restriction, what this is is a flexibility or a liberalization in the requirement for tagging.

Hook and line currently have to tag immediately upon capture. The pound net requirements for tagging fish, I believe, it is within a few hundred feet of the net, so prior to them getting away, getting overboard, getting home. So this motion would -- is recommending that flexibility be given to the hook and line fisher.

Those are the four motions that came out of the meeting on Wednesday and I wanted for you guys to discuss at this point.

MR. BROOKS: Okay, comments, questions for Mike.

MR. GRACIE: Question over here.

MR. SIKORSKI: Can you define landing?

MR. LUISI: Brought on board.

(Chorus of no)

MR. LUISI: No, I am sorry. I was thinking of them

--

(Simultaneous conversation)

MR. O'CONNELL: I just thought it would be good to clarify what the current time limit is for hook and line fishing. Everyone may not realize what that is.

MR. LUISI: The current time limit is until one hour before sunset.

MR. WHITE: Sunup. Sunup to sunset.

MR. LUISI: I believe it is one hour before sunup I believe to one hour to before sunset. So this would extend it an additional hour.

MR. KEEHN: Why was that regulation one hour before sunset? Was it for enforcement?

MR. O'CONNELL: I don't know but we can find that out.

MR. KEEHN: If we could find out the exact reason for that.

MR. O'CONNELL: I will say that -- I will just go through it real quickly, maybe it will be helpful. Hook and line fishing on Friday, Friday was prohibited because of user conflicts with sport fishing and charter boat fishing. You know, that is an issue that needs to be discussed and if that could be avoided, it may be an opportunity to do that.

I will say that by allowing hook and line fishing on Fridays, it will also increase the enforcement costs because it is another day for which we have two gears, you know, allowed to -- you have pound net and hook and line.

In regards to fishing until sunset, you know, this is another opportunity to -- if we meet our management principles, we can allow these things. I will say right now that by adding another hour, there is another cost to enforcement.

The third item there is what we had last year. The fourth option, we have had a lot of discussion about at the department. I sent a message out to the commissioners, tidal fish commissioners, after our last meeting and we don't believe that we are in a position to liberalize the tagging requirements. We believe that we need to address this accountability/enforceability issue. We need to get some improved behavior by the industry before we look at liberalizing tagging requirements.

MR. GRACIE: At least to set the tone for part of this discussion, those of us in the recreational fishing community are very concerned when somebody says that will increase the cost of enforcement. We can't increase the cost of enforcement. We don't have enough money to pay for the enforcement we need now so it won't increase the cost of enforcement, it will add unenforced activity. That is what it will do.

I just make that clear because, you know, as a person who has gone to the General Assembly for three years in a row with a bunch of other sportsmen trying to get more support and more money for DNR police, it hasn't happened and it is not going to happen in this coming year either.

So we know what the situation is. It is unacceptable and you can't increase the cost of enforcement when there is no money to pay for it. So that is a real

issue.

MR. SIKORSKI: I would like to --- Chairman Gracie's comments. They are spot on.

MR. BROOKS: Let's go to Bob.

MR EVANS: I am going to ask for a couple of minutes of your time. We have had a lot of discussion here tonight on striped bass. I am a striped bass fisherman by trade, those of you who don't know me. That is what I have done all my life up until five years ago when I quit. A lifetime of fishing for rockfish and a check station. I was a check station for 16 years, check station number 3, and I quit.

Our striped bass fishery recreation and commercial has problems. It is broken. I have a fix for the commercial industry that would work. It would get rid of all the enforcement issues, all the check station problems, all the pound net problems, and everything. As somebody who has done it all his life, the only way I will go back to the fishery is if we change it to this.

Everybody gets a personal allocation and a certain amount of taxes (sic) we can work this out. But in order to do this we need a very limited anchor net fishery. We need to get away from nets, go out and catch all the fish you can catch for fifteen days and have a very limited anchor net fishery. Any of you all that want to know how it is going to work and it is going to be very, very clean, nice fishery. I

am not going to go through it all here tonight, but if we had plenty of time -- you are welcome to call me on the phone and I will explain it to you. But it will work.

The very limited amount of fish, it is good for the market, we can go out and catch the fish any time day or night Saturday or Sunday, twenty-four hour a day. When the market is good, we are all buying allocations. When I was rock fishing, I paid for four separate licenses and two pound net licenses. So you can't tell me that if I got a buy somebody else's tags I haven't done that before. The only difference is, I am paying for tags that I am going to use. The other way, I was paying for tags that I never used sometimes.

So just food for thought, please, if we go forward and try to fix this fishery, don't let unlimited anchor net fishery throw you off, because I know a lot of you are against it. But it will work and I know how we can make it work. The commercial fishermen will be behind you. So thank you for your time.

MR. BROOKS: Brian.

MR. KEEHN: I just wanted to comment on the first and second motions. The third and fourth I really don't -- they are fine with me. On the first motion, the hook and line fishing on Friday, I can say this week we had a tournament meeting. It was unanimous, I believe, or one vote shy of unanimous votes on it. Our venue's days are Friday -- well I

think recreational fishing is the same thing. The fishing days are Friday and Saturday being the two busiest and Sunday being the third busiest. I know that a few years ago we got those extra two weeks in December which greatly helped our industry. Then we lost them last year. Larry said at one of these meetings I can't support it, it is a gear conflict. So we lost those two weeks due to gear conflict with gill nets.

Here we are asking for a gear conflict and especially this year with the economy, the weather, everything, business in the charter boat and recreational fishing industry is way down. Then taxing one of the busiest days that charter boats, recreational fishermen have trying to compete for the same fish on a Friday I think would even further hurt our industry and the recreational industry. So I am against it.

The second motion, I would just -- before I made the decision, I would like to know why it was an hour before sunset originally. What was the thought behind it? Was it enforcement? If so, then pushing an hour back as Tom says further stretches our limited enforcement resources even that much thinner. So those are just my comments on point number one -- motion number one and two.

MR. BROOKS: I supported all four of these because before, but especially subsequent to the allocations vote, you know, the pound netters or the gill netters say well hook and

liners can't catch them anyway. Then you talk about the big spike in November and the big spike in November concerns everybody, we all know that.

This will help allow the hook and liners to legitimately get to fish. You know, they are hamstrung right now because they are -- and however we can do that as a body, recommend it at least, I think it would be good to help the hook and line fishery.

MR. KEEHN: That is my question to you though Jack. You pick up the first motion and take 150 thousand pounds away. Well I know last year they came 80 thousand pounds closer to quota. The year before that, they actually caught their quota. Is that a fairly correct --

MR. LUISI: I know they have been close the last few years. I don't have exact numbers.

MR. KEEHN: So now you are taking that number off the board whether it happened via the motion or you do it the way they did it last year. So now you are taking 150 thousand pounds off the quota and then giving them an extra day? It just seems the quota is going to be caught up. Then you do have market issues where the quotas will be caught up quick and the market goes to pot.

Or you know, it can be sustained like it was with gill nets because the market. The market is important to me, especially when hook and line. You have -- most my hook and

line that I did was in the summer time when the market was good. Those big spikes, I mean the \$1.75 a pound or cheaper in the fall, you know, that was not worth it, going out and doing it. So I am just saying be careful on all these motions because --

MR. BROOKS: I understand and we only advise the DNR. We don't know if they are going to do 100, 150, or what they are going to do.

MR. KEEHN: Understood.

MR. BROOKS: Mike and then Gibby.

MR. BENJAMIN: Yeah (Away from microphone) -- I think we should have Friday.

MR. BROOKS: I couldn't hear you Mike. Speak up a little bit.

MR. BENJAMIN: I think we should have Fridays --- everybody else gets five days. We have insufficient times of day to fish. I mean, we are restricted more days. --- every fishery restricted four days. I think it is unfairly restricted towards us.

We should move it to sunset. I am not asking until dark. I am asking for sunset. Everybody look out there. The sun set, you know, an hour and half ago. It is still daylight out there. That is what happens in the summer. We are not looking for the cover of darkness to sneak fish into the boat. We have an hour before it gets dark after sunset.

MR. DEAN: Well, this deal on Friday -- I think it should be noted that when we asked for Fridays we did not ask to increase the weekly quota. We left the quota if you want to call it status quo at what it was at the beginning of last year and I think we all can assume that that is how it would have normally started out this year. Correct?

MR. KEEHN: Uh huh.

MR. DEAN: By going to an extra day which puts us on an even playing field with pound nets and gill netters, that gives us an extra day to catch our fish. We are not asking for an additional amount toward our weekly quota. If for some reason in Brian's case and my case -- I am a charter boat captain as well as a commercial hook and liner -- if I have a party on Monday and Tuesday, that still gives me Wednesday, Thursday, and Friday to hook and line.

We are not catching any additional fish. At one time, and I am sure Eddie was aware that the reason Fridays were not allowed is because the Charter Boat Association did not want it because of the conflict that we are talking about.

MR. KEEHN: That is not the case today.

MR. DEAN: Excuse me. I am sorry. I say that because everybody in the charter boat industry now has experienced a big decline in business. There are not as many boats out there on Friday, both commercial and recreational, particularly with \$4 per gallon gasoline that we are used to

seeing.

Anybody that has done any commercial hook and line and fishing knows that we are a big reason, whether you are chumming or live lining that we are holding those fish in a particular area for you. It is the feeding those fish in those areas that allows them or keeps them in that area. And anybody that knows me knows that it is the charter boat or recreational guy, if I am out there commercial hook and lining, they can come right next to me as long as they are courteous and doesn't rip and rare(sic) their engines. Because they are just adding more bait to the water for me. So I don't see where it is a problem at all.

MR. KEEHN: If you say --

MR. BROOKS: Excuse me. Moochie? Moochie and then I will come back to you Brian.

MR. KEEHN: Okay. I am sorry.

MR. GILBERT: Brian on your point, you were talking about the fish being worth more in the summertime. Well, I think that is reason the five days should be allowed because that is when the fish bring the most money.

MR. BROOKS: Okay. Brian.

MR. KEEHN: I just wanted to say most of my trips are -- I mean the busiest days -- and I think recreational -- I would like to hear from recreational -- are Friday and Saturday. Those are the busiest days. You know, after the

spring season, those days are prime fishing, Friday and Saturday and --- on Sunday. But most of my guys are Friday and Saturday.

And again, you know, because of gear conflict we lost two weeks in December. Our industry is just as depressed if not more because we -- rockfish is it for us. If we ain't got rockfish, we don't have nothing. And gear -- so that is my concern is Friday when the bulk of my guys are fishing and the bulk of recreational guys are fishing, I think, but I would like to hear from them.

MR. BROOKS: Okay. Ed.

MR. O'BRIEN: You bring up some valid observations Gibby, no question and you have been there and done that. But what we are facing is a situation where there are much -- you talk about your attitude if a boat comes up next to you. Well, it is a different population of hook and liners now. These are people you have never seen before, but they have hook and line licenses.

If I leave the dock at 6 o'clock and I get over Eastern Bay at 7 o'clock, and those fish are in one spot, they have already been drawn to one spot. The hook and liners have it covered. They are not going to leave. They are going to stay there until they catch their quota. There is not as many fish out there now. We all know that. Let's quit kidding ourselves. So that is the conflict on a Friday.

MR. BROOKS: Okay. Thank you. Richard.

MR. YOUNG: I am having a hard time getting my head around what is the gear conflict? Charter boats use hook and line, hook and line fishermen use hook and line. It is more of a method. It is more one is taking people to go fishing and the other one is catching fish itself. It is not like the two weeks in December you talked about. There are gill nets stretched out there. You come by with your rod and hang a gill net. That is a gear conflict. But if you are both fishing with rod and reel, I don't understand the gear conflict.

MR. COBURN: You know, I missed some of this trying to thread together this information which I am still confused. But you know, you are sitting here saying something about hook and line and I see guys over there that have these hook and line licenses. I want to kind of speak on what Ed spoke about.

What is the percentage of the hook and line licenses are you guys? You know, what is the percentage of the hook and line that are gas station owners, convenience store owners, or lawyers and stuff that are abusing it? You know, we sit here saying it is all out of balance and everything and now I am beginning to wonder how abusive is this hook and line license? And if that is the case, to protect you guys, because you are doing it for a living, maybe we ought to look

at if you are going to own a hook and line license, maybe you should make 80 percent of your life off the water which you guys do. And the guys who are sucking up these hook and line licenses that own gas stations or own convenience stores, maybe there ought to be a question here to check in on this.

MR. BROOKS: Okay. The department, I think -- time is stretching out and we have had a lot of good discussion. I think Tidal Fish, we need to address these things one by one. We have four things on here. Let's move this -- move it left and right, but let's take them up. Anybody have a motion on the first one? Gibby?

MOTION

MR. DEAN: I move we allow hook and line fishing on Fridays.

MR. BROOKS: Do we have a second to that motion?

MR. DYZE: Second.

MR. BROOKS: Second Russell Dyze. Okay we have a motion by Gibby that we allow hook and line fishing on Friday and seconded by Russell Dyze. Any more discussion?

(No response)

MR. BROOKS: Public comment?

(No response)

MR. BROOKS: All in favor raise your hand.

(Show of hands)

MR. BROOKS: 13 for. Opposed?

(Show of hands)

MR. BROOKS: 2 opposed. Okay. No abstentions.
That accounts for everybody. Okay. Motion passes.

MR. GRACIE: I want to get Sport Fish to change the
comment on --

MR. BROOKS: Yes. If you would like to take it up
--

MR. GRACIE: Do I have a motion on the first
recommendation from the Sport Fish Commission?

MR. BROOKS: David.

MR. SMITH: I think I might be able to make this
easier. Can I make a motion to not allow hook and liners on
Friday, not allowing fishing until sunset?

MR. GARY: Dave, hold on for a second. I apologize,
but let me just get this clear. Who made the motion?

MR. BROOKS: Gibby made the motion and Russell Dyze
seconded.

MR. GARY: Go ahead Dave. I am sorry.

MOTION

MR. SMITH: I would like to make a motion to not
allow hook and line on Fridays and also not allow hook and
liners to fish until sunset.

MR. BROOKS: Is there a second?

MR. WHITE: Second.

MR. GRACIE: Brandon White seconded. Moved by Dave

Smith, seconded by Brandon White. Have we had enough discussion?

(No response)

MR. GRACIE: Is there any public comment? I am sorry Dave, I did not mean to cut you off.

MR. SIKORSKI: I would like to make a comment. I don't know -- you know, I have heard from people I represent on both sides of the story. Some fish and recreational fishermen are concerned with some conflicts. Others don't seem to feel that there is any conflict.

Given that, hook and line fishermen do have trouble catching their quota and it is a quota, so the fish are going to be caught. We talked about that tonight. You know, I would much rather propose the hook and line fisherman are given that opportunity to catch their quota. I picked up the phone and called a hook and line fisherman today and, you know, that was his basic attitude. He is a legal fisherman and he does not have any -- he is also a guide. So is there a conflict there? Not necessarily. I spent a lot of time on the water and I have had very little conflict with hook and line fishermen, if any. But I do share concern for those that do. So I am coming differently --

MR. GRACIE: I just want to bring us back to the beginning of this discussion with two concerns. One is enforcement.

MR. SIKORSKI: Absolutely.

MR. GRACIE: Any other comments from commissioners?

MR. JETTON: (Away from microphone) I am a little bit opposed to Fridays too. We have a little different situation than Gibby in the Upper Bay. A lot of our hook and liners are crabbers. So whatever it does today for the market is fine. We can slide, the weekend is coming. They don't commercial hook and line on Fridays and they probably won't. That was my main reason for voting against it.

The sunset thing, I would like to separate into two issues. I will vote for it because I would rather not see the Friday, but the sunset thing -- I really don't have a problem with it. That is pretty much happening anyway. I know that we are backed up making it legal because it is already happening, but as far as the Friday goes, I would rather have the market four days a week and then go crabbing or charter fishing on Friday.

MR. GRACIE: Any other commission comments?

(No response)

MR. GRACIE: Public comments?

(No response)

MR. GRACIE: All in favor of the motion raise your hand.

(Show of hands)

MR. GARY: Nine in favor.

MR. GRACIE: Opposed?

(Show of hand)

MR. GARY: One.

MR. GRACIE: Abstentions?

MR. GARY: Three.

MR. GRACIE: Motion carries.

MR. BROOKS: I would like to take up the second motion. As I recall, it was about the weekly allocation which is, I guess, status quo is the term being used here tonight. Does anybody want to make a motion or entertain a motion that we adopt that?

MOTION

MR. DUKES: I will make a motion

MR. BROOKS: Russell Dukes. Second? Gibby.

Discussion?

(No response)

MR. BROOKS: Public discussion?

MR. : This is 1500 pounds per week. Is that what we are talking about?

MR. BROOKS: I think. Mike?

MR. LUISI: Yes. I was -- we were rolling so I was going to let you go.

(Simultaneous conversation)

MR. LUISI: 500 pounds a day, 1500 pounds per week.

MR. : I think 1500 pounds a week is a good

idea because if they had done that in the gill net fishery, you would probably would not have the anchor(sic) net problem because unless (sic) you work on days, blowing 45 an hour, --- anchored after --- some kind of sore spot because if you didn't catch your fish on that Monday or that Tuesday when you work, you are out of business. You don't get another chance. But if they have a weekly quota, you have more of a chance and you are not likely to set a net because you have another day you can make that up if you didn't make nothing that day. So it is something to think about.

MR. BROOKS: Any other public comment?

(No response)

MR. BROOKS: Okay. All in favor please raise your hand.

(Show of hands)

MR. GARY: Fourteen.

MR. BROOKS: Fourteen in favor. Opposed?

(No response)

MR. BROOKS: Abstentions?

(Simultaneous conversation)

MR. : He raised his hand.

(Simultaneous conversation)

MR. BROOKS: Did anybody vote against it?

MR. : No.

MR. BROOKS: Alright, so that is good. Unanimous.

MR. GRACIE: Mr. Chairman, I don't believe the Sport Fish Commission has any comment on that.

MR. : But you did not vote on the sunset.

MR. BROOKS: No. That is next. We are going to take them individually real quickly. I think sunset was next. Or what, did I jump out of order?

MR. GRACIE: Yes. You jumped out of turn. I thought you skipped it. That is why I said that.

MR. BROOKS: We didn't have it up and I didn't have it on a piece of paper. The sunset proposal to fish until sunset, hook and line, move to adopt it?

MOTION

MR. Rice: Move to adopt it.

MR. BROOKS: Billy Rice. Second? Mike Benjamin.
Any discussion?

(No response)

MR. BROOKS: Public discussion?

(No response)

MR. BROOKS: All in favor please raise your hand.

(Show of hands)

MR. GARY: Fourteen. Brian, no?

MR. BROOKS: Against? Opposed?

(Show of hands)

MR. BROOKS: We have Bill Goldsborough opposed.

MR. GARY: Two. Is that abstain or opposed?

MR. GOLDSBOROUGH: Opposed.

MR. GARY: Opposed and opposed.

MR. BROOKS: Does that account for everybody?

MR. GARY: Yes. Thirteen and two.

MR. BROOKS: Alright, the motion carries. Then the last one was -- what was it?

MR. LUISI: Tagging.

MR. BROOKS: Tagging.

MR. LUISI: Flexibility to tag --

MR. BROOKS: Flexibility to tag the fish so -- okay. Any motions on that one?

MOTION

MR. EVANS: Well, I will make a motion that it goes through the way we recommended it and I have a comment about that. I think everybody in this room are hook and line fishermen. We all know that there are lots of time when it is a short slot on when fish bite. You can fish all day and for fifteen or twenty minutes you can bail them in the boat and then it is done with. That is the nature of the animal. Any time a man has got to stop and take fish that are flopping and have to tag them at that time, he is losing money.

You know, this was an issue and the enforcement of it has gone the other way. The guys that were trying to do right had two fish in the bottom of the boat and got a ticket. I just think, you know, I will make a motion that it goes

through, but that is the reason why. A man who is hook and line fishing and has got the toughest way to catch them that there is and he needs every alley that he can get. He needs to put them in the boat quicker.

MR. BROOKS: Okay. A motion. Do we have a second on this motion?

MR. GARY: Hold on it. Okay.

MR. BROOKS: You guys are killing me tonight.

MR. GARY: Bob, go back to your motion. What is that?

MR. LUISI: You can put motion to adopt as recommended.

MR. GARY: For the last option the ---

(Simultaneous conversation)

MR. GARY: For the tagging.

MR. LUISI: Yeah.

MR. GARY: I will go back to it and patch it up.

MR. BROOKS: Are you ready? Just holler when you are ready.

MR. KEEHN: I have one more comment. I agree with you, Bob. I mean this is a problem that we talked about. My question is before we vote on it, this is to the department, I mean, whatever the reason that those regulations were in place. I mean, do you feel like that is important to their motion -- enforceable?

MR. : Yes.

MR. KEEHN: So I guess it can add Nick or Tom. I guess it is up to you Tom.

MR. O'CONNELL: Well, you know, we have had several discussions, the last one in January where Gibby came. Larry was not able to make the meeting. We had the Colonel NRP and his staff, we had my boss, Frank Dawson, and my staff, and the email I sent out in response to Richard Young's question confirmed that we don't. We don't have the enforceability and the accountability yet and I will not recommend that the department take any action on this until we do.

There is a problem. I understand that it removes flexibility and its disadvantaging the honest watermen because it is still going on. But, you know, the department is not the reason why we have this going on right now and we need to solve that problem. We agreed at the minimum level, we need to increase the penalty because we know there are people still doing it. But we also need to solve the problem, get a system in place so that we can give that flexibility back, but we do not have that right now and I won't recommend that the department move forward with this.

MR. BROOKS: Before we have any more discussion, is there a second to the motion?

MR. DEAN: Second.

MR. BROOKS: Second the motion. Gibby. Okay. Any

more discussion? Bob, you had your hand up, then Richard.

MR. EVANS: I just wanted to ask Tom on that. I thought we solved that problem when we made the pound netters add their pitch at the net.

MR. O'CONNELL: We began to address that problem, but I hear publically very often that we still -- and we heard tonight that we still have hook and liners that are giving pound netters hook and line tags.

MR. BROOKS: Richard. Then Gibby.

MR. YOUNG: I still can't get -- and I appreciate your taking the time to send me an email and I appreciate where you are coming from, but I have trouble getting around the idea that it would be so hard if a guy sitting at anchor live lining or drifting, if he had five or ten fish on his deck and the bite is on, and his rod was bent, and there are two other guys and they both have rods bent, why is it so God awful that he have a couple of fish on the deck that he has not tagged when he has been out there eight hours. He has two or three more hours to go to fill his quota, and he is just now starting to catch fish. It is really a difficult situation for me to see a regulation that requires the man to stop making money to put a tag in the fish when he has such a short window to do it.

Some days ---, but a lot of time no.

MR. BROOKS: Gibby then Billy.

MR. DEAN: Well, their association as well has testified and I myself, many subcommittee hearings, house hearings, about providing additional funds to NRP people so they can do the job as necessary. I think we are all in agreement here tonight that what is currently being done is not completely working because obviously some of it is still going on.

I can tell you that with some of the new surveillance equipment and everything that is now being utilized, I think everyone at least I would hope that NRP would admit that those issues have been on the decline for the last two years in any event, at least that.

So again, allowing the hook and liners to tag their fish prior to landing is only equal to what the gill netters are allowed to do. I think as Bob says, it puts us at a heck of a disadvantage. It is almost -- for any of you who have never done it, it is almost impossible to abide by that law without hurting your catch rate.

MR. BROOKS: Billy and then we will vote.

MR. RICE: I couldn't agree with anybody anymore about how the fish bite in spurts. Anybody that has ever fished realizes that. I think at this present time, what has kind of put this motion in somewhat jeopardy is possibly the motion tried to take too big of a bite out. If it was refined to the point where you need to tag your fish before you under

power and head home, it would make more sense than before you got to the landing because all of us don't land at a public dock or public marina. Some will stop at the end of the pier and gut and morsel*. I think it is perceived as your chance to cheat if you are allowed to go that far.

MR. BROOKS: Okay. Public comment on the motion?

(No response)

MR. BROOKS: Vote on the motion. All in favor, raise your hand.

(Show of hands)

MR. GARY: Twelve.

MR. BROOKS: Against?

(Show of hands)

MR. BROOKS: Mike, Bill Goldsborough two, and Brian. Three.

MR. : Brian has to raise his hand ---

MR. GARY: Twelve to three.

MR. BROOKS: Okay. Mr. Chairman, do you want to take any of this stuff on before we move on?

MR. GRACIE: Does the Sport Fish Commission want to weigh in on this?

(No response)

MR. JETTON: I think the department has already told us they really can't -- their hands are tied anyway.-

MR. BROOKS: Okay, we are only an hour behind.

MR. LUISI: Turn the page over. I have about six more motions.

(Laughter)

MR. BROOKS: Mike, I am sorry, are you done? Okay next, Steve Early.

Discussion of Draft Fisheries Resource Allocation

Policy Document Update

by Steve Early

MR. : I hope you can get us back on schedule Steve.

(Laughter)

MR. : No pressure.

MR. EARLY: So the department circulated a paper to both the commissions regarding allocations. The department has been considering allocations since, I guess, before 1988 when the FMP law was adopted which discussed allocation convened a committee to discuss allocation back in 1997 which came up with a draft policy. More recently, with Fisheries Management past support, promised to look at the issue of allocation and address how allocation issues would be considered and processed by the department.

The paper you have on allocation is a draft which discusses the background to allocation and gives some of the history, attempts to identify the issues associated with allocation issues and fisheries management and provides for a

process for the department to address allocation issues largely within the context of the Fisheries Management Plan process which is where our allocations direction is addressed by the general assembly.

My question to you basically is, number one, have you read it? You don't have to answer that. It is okay. Does the paper as it stands address the issues of allocation? Does it represent all of the issues? Are there issues that we have not addresses, and do you have comments then on both the utility of the document and the proposed process which we would follow in addressing allocations amongst fishery sectors? Dr. Morgan?

DR. MORGAN: Just call me Ray please.

MR. EARLY: Just call me Joe.

(Laughter)

DR. MORGAN: I have read through this and it looks to me like you are maybe one step close to a limited entry type of policy which would mean the creation of an exclusive class. Have you thought about how you are working in this allocation with that kind of fisheries management philosophy?

MR. EARLY: I had not actually thought about it from that perspective. The intent was to address the factors that would be evaluated in addressing a potential allocation issue between sectors, sectors being broadly described as recreational and commercial. They could in some instances

also include charter boat which in Maryland is described as recreational. This is not a document intending to address limited entry, catch shares, or anything else of that nature.

It is very simply resources are inherently limited and becoming more limited by the day. Allocation is an attempt to meet many demands societal, cultural, economic, and divvy up scarce resources. So how do you go about evaluating those variables which are contingent on that? It is not an attempt to describe a process which would move us towards limited entry per se, although inherently an allocation could achieve that impact.

It is all about design. And it is all about how you evaluate the several factors, the variables, that you would evaluate, the information that is available indeed to evaluate them. Not all fisheries would have the same level of information and the same issues. We have arrived at various allocations for various reasons. Black drum, for example, is largely a societal allocation. Striped bass as it exists today is largely a historical allocation.

MR. GRACIE: I have probably read this thing five or six times. I don't see where you get that conclusion that it leads to limited interests.

DR. MORGAN: I didn't say it was a conclusion.

MR. GRACIE: Oh, okay.

DR. MORGAN: I was just saying that with this kind

of approach, you are just step below limited entry fishery but --

MR. GRACIE: You did say that. That's right.

DR. MORGAN: -- we like some of the --- and that has a lot of inherent problems.

MR. GRACIE: There are some limited entry provisions in this -- in some of our fisheries already, but they are not the result of an allocation policy.

MR. BROOKS: Okay. Any other comments?

(No response)

MR. BROOKS: Questions? Steve?

MR. EARLY: If you all are tired and you want to call me up or fire an email, please feel free to do that.

MR. GRACIE: I think the department is looking for feedback from the commissions on this tonight. They have made a commitment to go public with this the end, I think, of May. Isn't that correct?

MR. O'CONNELL: In the letter earlier this year, the department made a decision to, you know, formalize this policy as early as June 1. Given the amount of time that we do not have tonight, you have had it for almost a month. I would be willing to allow a week, say until May 24, to provide any written comments to the department. If you could forward those directly to Steve Early.

MR. GRACIE: I guess I would like to give the Sport

Fish Commission an opportunity to discuss it and move on it if they would like to. Dave, you had a comment?

MR. SMITH: Yes. It will be quick. Steve, I think in general, I think it is very well done. I don't if this was solely your whole project or if you had other people working on it, but there is really no major issues with it. I just wanted to echo what you said to the doctor down there that I don't think this creates any limited entry.

I understand that you did say that, but the resource itself, I think, sometimes is a little -- allow that to happen. So this I believe and I think, you know, maybe if you -- I would use different words in some cases, but that is something I could email to you. We don't need to go over that right now. But I think, in general, this is a very, very well done piece of work.

MR. GRACIE: Have any of the Sport Fish Commissioners had an opportunity to vet it with the groups that they deal with.

(Some nodding of heads)

MR. GRACIE: Are you a yes? No. Dave Sikorski, yes. Good.

MR. BROOKS: Obviously Trout Unlimited doesn't have any problem.

(Laughter)

MR. BROOKS: Tom, are you satisfied with leaving it

like that then?

MR. O'CONNELL: Yes, just reiterate and written comments or you want to call Steve and let's try to get those in by May 24.

MR. BROOKS: Okay. John, do you have a quick comment about this?

MR. VAN ALSTINE: It was answered.

MR. BROOKS: It was answered. Okay. Is that agreeable with our Tidal Fish?

(Nodding of heads)

MR. GRACIE: The next item on the agenda is coastal recreational license outreach update. We are going to postpone that. We are going to deal with in the Sport Fish Commission through email exchange that fish groups will send to us.

MR. BROOKS: Okay. Thank you Mr. Chairman. All right. Public comments? Gibby, you are not the public. You are on the commission. Make it quick.

MR. DEAN: Marty, I understand that some of our commissioners this is their last meeting and I would like to acknowledge them and thank them for all their --

MR. GARY: We are about to. We are actually going to do it right. I hope.

MR. BROOKS: Okay, hearing no further comments, do we adjourn?

Closing Remarks and Awards

MR. GARY: Not yet. We do have one other item to mention and we are going to acknowledge the commissioners so hold up one moment.

Don Cosden wanted to let everyone be aware that while he was up talking earlier tonight he neglected to mention there are some brochures and outreach brochures. Please pick those up as this warns of whirling disease. It is a fact brochure so they are back here on the table directly behind me. Please grab one on the way out.

But Tom I will yield to you in a moment. Just to make everybody aware, I am not sure that they are, Gibby started to mention, we have five of our commissioners that they have implemented the staggering of terms per the bill that was introduced last year. So five are going out and we want to honor them tonight. They will be effective through June 30, but this should be the last meeting since we won't be meeting again until July.

So Tom, we will give these to you if you want to go up front and read this. What we would like to do is Tom is going to read off the governor's commendation to each of the commissioners that fulfilled the two-year term. Steve Vilnit is going to take a group photo. So what we would like to do is one by one come up. We will have a group photo with Fisheries Director, Tom O'Connell.

MR. O'CONNELL: I really appreciate this opportunity. As Marty has mentioned, other fish advisory commissioners serve two-year terms and we are looking to implement a staggered -- so we have some fresh people coming in, but we maintain some older members to carry on the substance. So we have six members who are staying on plus the Sport Fish Advisory Commission we have five to replace. It was not an easy decision, but we had to come up with five and we did.

What I want to do is just bring those people up and then read this statement and formally acknowledge you guys. I would love to get pictures so we can put it on the website.

First, Andrea Jacquette; if you could come up Andrea. Andrea has been one of the longer serving members of the Tidal Fish Advisory Commission from Kent County and representing the seafood dealers. Andrea, how long have you been serving?

MS. JACQUETTE: Twenty years.

MR. O'CONNELL: Twenty years. Anybody here --

(Applause)

MR. O'CONNELL: And we did notify these people yesterday and asked them to provide us some recommendations as we try to fill these positions. Can I also get Russell Dukes. Russell please come up. Russell has been representing the trib* fishermen, something that we have not had always and we

appreciate his commitment. I think he has been someone who has been here all the time and very constructive in your comments. We appreciate your participation. Hopefully, you will continue on working with the Striped Bass Workgroup, Russell.

Greg Price. I appreciate Greg coming down representing the Watermen for Summerset County. Greg had a long drive to these meetings. He has been a regular participant and constructive in his conversations.

John Van Alstine. John if you would come up. John represents the Working Watermen's Association and Watermen from Anne Arundel County. He also, you know, provided a unique cooperation, given his role with the Aquaculture --- Council. I know him and I have gotten into it a couple of times but I have learned some things from those debates and hopefully I added a few -- yes, we appreciate your drawing us to your criminal history reports and public discussion.

Lastly, Jack Brooks. Jack has been a great chairperson for the Tidal Fish Advisory Commission. We have had some very hot topics and we appreciate his leadership ---

(Laughter)

MR. O'CONNELL: Also, we have had several public scoping meetings at the commission meeting, so I will just read this and then everybody I am sure will give their thanks to all them. This is the State of Maryland, Governor of the

State of Maryland to each of these individuals.

(Reading of the Governor's Award)

(Applause)

(Handing Awards)

(Taking photo)

(Applause)

MR. BROOKS: We are adjourned.

(Whereupon the meeting was adjourned at 9:19 pm)