

MARYLAND DEPARTMENT OF NATURAL RESOURCES

MEETING OF THE SPORT

FISH ADVISORY COMMISSION

HELD AT

TAWES STATE OFFICE BUILDING

C-1 CONFERENCE ROOM

ANNAPOLIS, MARYLAND

ON

TUESDAY, JULY 19, 2011

FROM

6:10 P.M. TO 9:10 P.M.

P R O C E E D I N G S

MR. GARY: Welcome to the July 19, 2011 meeting of the Sports Fisheries Advisory Commission. Before we get started, I'd like to remind everybody that this meeting is being recorded by court reporter David from the Hunt Court Reporting Company seated down at the far end of the table.

Please turn off any alarms on your phones. You can silence them if you want. You don't have to turn them off, but at least silence them, because they can interrupt the signal. And just a couple of quick mentions.

We have two opportunities for public input. They occur before a Commission vote, after their discussions, and then there's a designated comment period at the end the meeting.

So before we get started we have one commissioner that could not make it. First proxy and Bill Windley was the current vice chairman is expecting surgery any day, so he's unable to walk at this point so he was unable to make it. And those are

the only two, I believe, are missing. And Mr. Chairman I'll turn it over to you.

CHAIRMAN GRACIE: Okay. I'm not sure I could conduct the election (indiscernible). I'm not the (indiscernible). I was a member of the -- you can do the announcements and then I'd like for you ask for nominations for the officers.

MR. GARY: That will be fine. All right. I did pass out to each of the commissioners a -- we'll do this as quickly as we can, a list of announcements and I do know there's a couple of questions on a couple of these topics.

The first one I want to mention is the passing of one of the Tidal Fishery Advisory Commissioners, Mr. J. R. Gross and many of you have had the privilege to work with J. R. over the years. He fought a long and valiant battle against and he passed away last week. There was a service for him this past Saturday. He tried to keep everybody apprised of his health because, you know, he was great to the end. And I had a chance to go to the service and I know Lynn was there, some of others were there, and I've got to tell you -- it was pretty inspiring to

see how the community he belonged to, not only his family but their church is rallied around him to support him and he really is an icon that we've lost and we wish the best to his family.

We will be honoring J. R., at Thursday night's Tidal Fishery Meeting with the governor's accommodation. And we're going to pass that onto you as well.

All right. The next item we have is the Marine Storage Council and the certification process for Maryland's Commercial Stripped Bass Fishery.

A few of the commissioners emailed me with questions about this because it would have been out -- it's been out in the press. In fact Candy Thompson wrote an article on it recently.

So I did email back some information to the commissioners. I'm not sure if you saw it or not. Moody Marine has scheduled the public meeting August 9<sup>th</sup> at 6:00 to 8:00 p.m., at Calvary United Methodist Church, right next door. And that, I understand, is going to be published in the Sun next week. So the public can get that information.

And the contact for this process is Don

Aldus of Moody Marine and sent all those emails to you.

Steve Early is our staff member who has been following this process and is most knowledgeable. Steve had a commitment of -- Steve is here, right? He's here?

MS. FEGLEY: Yes.

MR. GARY: Okay. And we appreciate Steve you sticking around. I know you've got some emails from a couple of commissioners and they will have questions. So we'll provide that opportunity to you.

CHAIRMAN GRACIE: Yeah. I had actually talked to some commissioners and said we had a really packed agenda and unless something was moved maybe we could discuss it next month, but I wasn't aware that this thing was coming up that soon. So it's good opportunity to do that.

MR. GARY: Thank you, Steve.

CHAIRMAN GRACIE: Does anybody have questions for Steve? Ed O'Brien did you have one?

COMMISSIONER O'BRIEN: I'm waiting to hear, you know, what Steve presents and then I might.

MR. GARY: There is no presentation. It is

more an opportunity for you all to ask the questions on the process.

MR. EARLY: Would you like to hear a brief synopsis?

COMMISSIONER O'BRIEN: Yes. Yes, please. Please.

MR. EARLY: About eight years ago the Department (indiscernible) Foundation of SINGO (phonetic), a private group, Ecologist and the Maryland Waterman's Association had a pre-assessment of striped bass commercial fisheries done for a number of reasons including loss (indiscernible). We never moved forward with the full assessment. We did contact this year with Moody Marine to do the full assessment for five potential units of certification. Chesapeake Bay Gill Net Hook and Line (indiscernible) and the Coastal Troll and Gill Net Fishery. That assessment process is underway. It involves selection of the peer review team with experts in species management, administration, the early management structure, if you will, essentially DNR, ASMFC kind of processes and the environment.

The peer team has scheduled a visit to

Maryland the week of August 8<sup>th</sup>. They will be holding a public meeting the afternoon of August 9<sup>th</sup> as Marty mentioned. Public meetings are generally not part of this evaluation process. There is significant opportunity for public participation and comment. All this is through Moody Marine. Jay Lugar is the direct MSC representative. You're welcome to contact him as well. I believe Marty provided commissioners with the link to the public participation process. We expect the evaluation period will take on the order now of about six months. During that time there's opportunity for public comment and the peer team will write up its findings and there will be opportunity for the Department as the client to respond to those findings. It's not a DNR process. We're paying for it, but it's an outside run process. We are ostensibly the client. We're absolutely paying for it. Typically the client is not a management unit like DNR. Typically it is a group representing a fishery.

CHAIRMAN GRACIE: Is this unusual for the agency to be a client in this?

MR. EARLY: It is unusual for a management

agency to be a client, yes.

COMMISSIONER O'BRIEN: Tell me something about Moody Marine. I mean, I've never heard of them before.

MR. EARLY: Moody Marine is an international company involved in everything from gas and electric in doing these kinds of certification appraisals under the Marine Stewardship Council. They pursue that as well on an Internet basis. They have offices in the U.S. in Texas and in Nova Scotia.

We're working specifically through the Nova Scotia office. There are a number of companies that do that kind of work certification evaluation and while they have assigned to it an individual that has experience in fisheries management. Don Aldus is experienced for example on extensive method for North American Fisheries management and international fisheries management with ICAP.

The principal reviewing process takes place through three peers, as I mentioned in the three subject areas who are contracted from outside the company.

COMMISSIONER O'BRIEN: Okay. There was an



article in the Baltimore Sun this Sunday about this process. And that's where our phone calls are coming from, people that have read the article. I'm sure you've read the article, Marty, Jim, and I'd just like to get a consensus of how accurate that article is because there's some things in there that really concern us about, whatever bias might exist at Moody Marine that could relate to a lot of decisions that we've got to make on enforcement, sustainability.

MR. EARLY: I didn't pick up on the notions of bias. There have been a couple of articles in magazines, opinion pieces that suggest that from the views of those scientists that the process may not consider in a holistic enough sense the ecosystem problems associated with some fisheries. It may not be considering in a fashion, again, except for the scientist who commented the differences between a fishery on a top of the line predatory species like striped bass versus a fishery on krill, something at the bottom of the food well. There have also been criticisms that the process involves the exchange of money and therefore there it could be something said about the part of the reviewers as well as MSC

(phonetic).

MSC has responded to those criticisms to the extent that it can, given that some of them are pretty broad. It is, I believe, incumbent upon the Department as a client that an unusual role to pay attention closely to how the evaluations are done and has a responsibility to be as open and transparent as we can be.

COMMISSIONER O'BRIEN: I really appreciate Steve's comments here. It clears some things up and obviously we got this August meeting that we can go to.

MR. EARLY: Yes.

COMMISSIONER O'BRIEN: But sustainability from an allocation sense, for instance, gets into a lot of things, enforcement, therefore, and I was just wondering how much of a credential this could be when it comes to those cat fights that are somewhere down the line. And again we've got ASMFC decision making coming up, possibly very shortly.

So I think --

CHAIRMAN GRACIE: Okay, I don't -- I guess I certainly don't know how those things would influence

the process.

Dave you had a question.

COMMISSIONER SMITH: You said that the DNR entered into a contract with Moody this year?

MR. EARLY: Yes.

COMMISSIONER SMITH: Prior to that, I think you said eight years ago? Was there like a -- you entered into a contact prior to this year's contract?

MR. EARLY: Yeah. Eight years ago the contact was actually through Ecologix.

COMMISSIONER SMITH: And now --

MR. EARLY: With the Department CBF and the Maryland (indiscernible) Association as participants in the process.

Is that right, Bill?

COMMISSIONER GOLDSBOROUGH: Yes.

COMMISSIONER SMITH: And so then did that contract say that you then have to go through with this whole process -

MR. EARLY: No.

COMMISSIONER GOLDSBOROUGH: -- this year you have -- you entered into another contract with Moody?

MR. EARLY: No.

COMMISSIONER SMITH: Okay.

MR. EARLY: There is no obligation as a result of the pre-assessment.

COMMISSIONER SMITH: Okay.

MR. EARLY: We have recently completed a pre-assessment with the Moody's of the Blue Crab Fishery. The Blue Crab Commercial Fishery. The principal finding of that pre-assessment was that there have been no directly ecosystem studies of the impacts of the fishing gear, principally crab pots on the Bay bottom and arguably they occupy a substantial area of the Bay bottom during the crabbing season.

COMMISSIONER SMITH: And they might be able to answer this on August 9<sup>th</sup>, but how do they determine if a fishery is sustainable if it's a migratory fish? So there's a lot of other -- they just don't stay in Maryland.

MR. EARLY: Right.

COMMISSIONER SMITH: Is it just --

MR. EARLY: The evaluations aren't necessarily directed at a fishery. The striped bass fishery in Maryland it works within the ASMFC process. We've been over that management structure with ASMFC.

We have provided all the background materials related to the development of reference points and enforcement, etc.

So at this point then they're evaluating the Maryland Fishery and does it adhere to all of the management guidelines under the ASMFC process.

COMMISSIONER SMITH: Okay.

MR. EARLY: So there is an apparent that we review to some extent of the ASMFC process. It does not review the process as a whole, rather its looking specifically does Maryland operate within those guidelines and does its science and monitoring programs support that.

COMMISSIONER SMITH: Thank you.

CHAIRMAN GRACIE: Larry, next question.

COMMISSIONER COBURN: Steve, may I ask what the term of this contract and what's the budget?

MR. EARLY: The budget is \$131 thousand and the length of the contract is a year and a half provided for completion.

Assessments typically take anywhere from six months to ten, 12, 14 months.

The contract is actually technically not

with the Department, it is with the Maryland Environmental Service and it is paid for by Fisheries Research and Development Fund. That fund is all of the income from tidal marine revenue funds.

COMMISSIONER SMITH: Including recreational?

MR. EARLY: Yes. It includes recreational.

CHAIRMAN GRACIE: Okay. I think we're going to have to cut it off there. We're already 20 minutes behind schedule.

MR. GARY: All right. Thank you Steve for making yourself available.

I'm going to get through the rest of these unless you have questions.

There is a regulatory update that you don't have on the agenda but all of the four packets under Tab Number 3. They're composed of four different things. The July summary, which is the standard, what are we doing, what are we going to do. It's more an FYI.

There's the fine schedule which has made its way through the Penalty Work Group which is made up of members of both sport fishermen and tidal commissioners and this is something that those

members made aware of.

Look it over. The feedback to Sarah Widman by the end of July, if you have any questions or concerns.

There's also a Fine Summary. Again it's gone through the same process through the Penalty (phonetic) Workgroup. And feedback on those proposals to Sarah by the end of July.

Also in there is a revocation regulation which was sent out to both commissions back in early June, and we only received two comments. One was from the penalty worker member, a penalty worker member. There was a revision and then that went back out and we have one comment from Richard Young from the Tidal Fish Commission which said, it looks great. That's all we got back in terms of feedback.

So we're moving forward with that standard and moving some packets for that regulation. There is a copy there. Sarah asked me to tell this Commission and the Tidal Fish Commission on Thursday that there's still an opportunity. So look it over and if you have any issues to let her know as soon as possible.

So that's going both emergency and standard.

Hydraulic Fracturing. This is a topic that Commissioner Stevenson brought up and made a request to see if we could get a speaker for this Commission. She made that original request back in maybe April or May. We have been talking to Jeff Horan (phonetic) that this group is only here working with MDE and we had a discussion that Charlie here and Deputy Secretary Joe Gill (phonetic) would like to ask the Commission if they could just be a little bit more patient we'll have a full presentation for them either in September or October. So that gives you an update for that.

Wind Energy updates. In Tab 2, I believe, there were handouts from Catherine McCall. Make sure you're up on the latest on that. An email I had sent out to you essentially to let you know that there has been a change. The (indiscernible) for the lack of a better term had diminished in size and there's two graphics in there. And one tells you what the current proposal is. And there will be an opportunity for public comment coming up in August.

So we'll make sure we email and keep you aware of that process as it unfolds.



The Radford Sinking. For those of you or Commissioner (indiscernible), after nearly two years it looks like we are a week or two away from the sinking of a 563-foot navy destroyer off Ocean City. Thirty nautical miles off the inlet and we're hoping it will be a big boost for fishing off of the ports of Ocean City, Indian River, Cape May and Lewes.

So that's going down probably not next week but the week after. The three states, New Jersey, Maryland and Delaware, along with Navy have procured the Cape May Lewes Ferry so if you would like to go on the VIP trip that day, email us. It's going to be a great time offshore, so if you'd like to come out either email me or Erik Zlokovitz. But we think it's going to be the first week of August.

There's a Tidal Fish Commission this Thursday here in this room starting at 6:30.

There's a Diamond Jim Tagging trip on July the 28<sup>th</sup>. Anybody interested in going bring the kids along on that.

ASMFC Summer Meeting on August 1<sup>st</sup> through the 4<sup>th</sup> in Alexandria, Virginia.

And two last items, we just want to let

everybody know this is something that started here with the Sport Fish Commission Chairman Gracie getting all the fishing groups, all the state holding groups to work better on their youth events. We consolidated all the events into a universal database through the Cindy Atkins (phonetic) Program. That's evolved in something bigger than that. It's now -- we've now established a Maryland Fishing Club of which we're going to allow kids at all the partner events and DNR youth events to join the Fishing Club with a parent's consent. We've gathered the parents' contact information and that's something hopefully we can all share and help all of us communicate better and share information with kids in the (indiscernible). So that's a good followup to the (indiscernible).

And finally the Simkins Dam update. Erik Zlokovitz are you here?

MR. ZLOKOVITZ: Yes.

MR. GARY: Do you want to give them a short report on that?

MR. ZLOKOVITZ: Hi, I'm Erik Zlokovitz. I'm the artificial reef coordinator. I work on the MARI Projects. I've been working on the USS Radford

Project in the Atlantic Ocean which is getting close to completion. And I just wanted to give everybody a quick update on two reef projects with Chesapeake Bay Foundation (CBF). They've been working on this for the last two years with support from MARI.

We'll talk about the Simkins Dam Project first and then I'll give a quick update to explain.

The (indiscernible) where a brief (indiscernible) marsh free areas within the Lower Chester River Sanctuary were presented which met the right criteria. That (indiscernible) and (indiscernible) history. The three sites were Swan Point, Hickory (Indiscernible) and Ferry Point. The site scan survey of the three areas has been completed. A public meeting about the project was held in Chestertown. The survey confirmed (indiscernible) and evaluated the (indiscernible). And we've identified seven two-acre plots, two in Swan Point and Ferry Point and three at Hickory (Indiscernible) as viable sites.

These were all presented at the public meeting in Chestertown. Based on the input from the commission at the public meetings and site scan survey

we've identified Swan Point Number 1, as the best site in terms of sub-straight and industry preference.

So we'll be going with Swan Point Number 1, as the site for Simkins Dam material. I'll be presenting this TFA on Thursday night as well. Okay.

CHAIRMAN GRACIE: Bill did you want to add anything to that?

MR. ZLOKOVITZ: Any other questions on that you can talk to Bill after the meeting.

MR. ZLOKOVITZ: The Cooks Point (phonetic) site.

For the last three years CBF and MSSA have been making (indiscernible) folds in MARI sponsored project on a two-acre site within Cooks Point Sanctuary on the Choptank River. Nearly 600 (indiscernible) also with oysters have been placed on the site which achieves the target density of 300 (indiscernible) per acre.

As was described in the March meeting to the Commission the March presentation, CBF has the first shifting this year's placement to another two-acre site adjoining the first one and this site will be slightly to the west. The expansion has been endorsed

by MARI. It need (indiscernible) requirements and it does not conflict with the Corp of Engineers or Oyster Recovery Partnership Restoration work in the area.

That's basically all I have on that. It's an expansion or it's an additional two-acre site within the Cooks Point Sanctuary.

Again if you have any questions on this you can talk to Bill after the meeting.

CHAIRMAN GRACIE: Okay. All right.

MR. GARY: Our next item on the agenda is the election of chairman and vice chairman per operational guidelines for both sport fish and tidal commissions. Chairman and vice chairman have two-year terms. Those terms run out at the end of June. So we're (indiscernible). And according to the operational guidelines chairmanship can be perpetuated if it's the wish of the commission, and also for the vice chairman.

So lets start off with the chairman's position and what I'd like to get from the commission -- we have 12 members here tonight. The nomination requires a motion, followed by a vote and you need a simple majority vote.

So we have 12 commissioners here so I assume if one is nominated there will be 11 voting and it will require six votes. And then we'll have questions after that.

All right, can I have a nomination for a chairman for the Sport Fish Advisory Commission?

COMMISSIONER LYNCH: I nominate Chairman Gracie.

MR. GARY: Do I have a second?

COMMISSIONER COBURN: Second.

MR. GARY: Any discussion?

(No verbal response heard.)

MR. GARY: All right. We have a motion by Commissioner Lynch, seconded by Commissioner Coburn. By a show of hands who is in favor of extending Chairman Gracie's chairmanship for another two years?

(A vote is being taken.)

MR. GARY: Maintain your hands in the air please.

(A vote is being taken.)

MR. GARY: Eleven. It's 11-0. Unanimous vote. Chairman Jim Gracie's term as chairman will be perpetuated for another two years.

Now we'll go to the vice chairmanship which is currently held by Bill Windley. And Bill Windley is unable to attend as I had mentioned earlier.

I do understand in talking to Jim that it is the wish -- if he were here he would be expressing to you that he would like to be considered for another term as the vice chairman; is that correct?

COMMISSIONER SMITH: Yes. And if anybody -- I tried to call all the commissioners last week to answer any questions they had but if anybody wants an update because I didn't reach everybody. A couple of people didn't return my calls but I will answer them if anybody has any questions.

Bill is having surgery this Friday. He's having a hip replacement and he thinks he's going to be in rehab for four to six weeks and he'll be back to full speed after that.

MR. GARY: So he would like to be considered but we will need a nomination and still have to have a majority to carry it.

A motion by Commissioner Lynch for --

COMMISSIONER LYNCH: I nominate Bill Windley.

MR. GARY: Seconded by Commissioner  
Goldsborough.

Any discussion?

(No verbal response heard.)

MR. GARY: All right. Then can I have a  
show of hands who would be in support of Bill Windley  
carrying another two-year term as vice chairman?

(A vote is being taken.)

MR. GARY: Eleven to -- are you abstention  
or opposition?

COMMISSIONER WHITE: Abstention.

MR. GARY: Eleven votes in favor and no  
opposed and one abstention. The motion passes.  
Chairman -- the vice chairmanship extends to Bill  
Windley for another two years.

Mr. Chairman congratulations you have been  
elected to another term, it's your meeting.

CHAIRMAN GRACIE: Thank you. Some of you  
have expressed some reservations about Bill, and I'd  
like to address before we vote. I understand that.

It is my intention to see how this works out  
and I'll be back to this commission asking if they  
think that we should ask him to submit his resignation



if by the end of the year he's not fully participating.

So I don't think anybody wants to give (indiscernible) for another two years. I mean, he's not here because of health reasons. It wasn't any, you know, unwillingness on his part to participate, but if can't participate fully then I think we need to deal with that. So I'm prepared to lead that discussion if that occurs.

COMMISSIONER GOLDSBOROUGH: Just to clarify for those that may not have been in those discussions, when you say there were some reservations expressed, they were solely about his health; right?

CHAIRMAN GRACIE: Yes.

COMMISSIONER GOLDSBOROUGH: Okay.

CHAIRMAN GRACIE: Okay. I think we have an NRP Report?

LIEUTENANT JOHNSON: Hello, I'm Kelley Johnson, Natural Resource Committee. Everybody should have gotten the addendum.

Tonight is pretty self-explanatory, pretty routine. If anybody has specific questions, I'll be happy to get the answers for you.

But tonight I did have a specific topic to mention and update you on and that's our recruitment in academy class which Mr. Sikorski asked specifically on that unless somebody has a question on the actual agenda that you guys have for the last two months routine stuff going on out in the field.

The current academy is in right now, and we've got eight recruits. They are scheduled to graduate October 21. They just finished four weeks of extensive navigation and seamanship, boat training as well as two weeks of firearms training.

They've passed all that, so come October 21 we'll have eight new recruits out in the field.

I have provided and if anybody in the room is interested or knows (indiscernible) if you know anybody that wants to be hired as a Natural Resource Police, I've got -- I've made copies of a business card. Our old recruiter is Officer Mance McCall. His sole job is recruitment. He is doing a fantastic job. What he's focusing on is he's going to military bases. He's going to colleges. He's going to local events statewide to try to get recruitment statewide.

I've got copies of his business card with

his email, his phone number and everything, so if you guys know of anybody that would want to be hired by us, see me in the back room and I'll be happy to give a copy with just his information.

Our last recruitment letter for a position announcement the closing date was July 27<sup>th</sup>, however they just extended it to October 28<sup>th</sup>.

So the current people who are interested in becoming a natural resources have until October 28<sup>th</sup> to apply. After that, there's an extensive background investigation. It takes months for the applicant to get an extensive background and all that done.

So I've also got the position announcement for anybody that would like a copy of that to handout to friends or family.

Again Nancy McCauley (phonetic) is solely the officer for you to talk to for details on that. But our role is to hire about 25 new recruits in April of 2012. That's when the goal is to put in another academy class. Oftentimes when we hire 25 we may end up with 20. People drop out. People quit when they're in the academy, and there's many different reasons but sometimes we don't end up with what we

started with. We ended up with eight this summer but I think we started with about 15.

The background is very extensive and it's difficult to find enough applicants that can pass it.

So if anybody is interested in this information please just see me in the back and I'll be happy to give you a copy.

CHAIRMAN GRACIE: Thank you. Are there any questions for Kelley?

COMMISSIONER STEVENSON: Lieutenant Johnson how many kayaks does the -- do the resource police have pretty much per district or region?

LIEUTENANT JOHNSON: Well in all the cases I've worked and all the years I know I've got three or four at my office. Up in Garret County they've got three or four. They brought two more last year on the Fisheries grant. They already had a couple.

I know Montgomery County had a few. Each region should have at least two.

COMMISSIONER STEVENSON: Okay, thank you, because I noticed that there was something in here about a violation had been issued in a kayak. So I'd like to talk a little bit about that.

LIEUTENANT JOHNSON: Sometime we use those kayaks for undercover work.

CHAIRMAN GRACIE: We're going to have a discussion probably with the NRP related to that issue later.

LIEUTENANT JOHNSON: But with that said how kayaks are pretty much what we come to launch so we can do undercover work.

COMMISSIONER STEVENSON: Thank you.

LIEUTENANT JOHNSON: Anything else right now?

CHAIRMAN GRACIE: No, thank you.

LIEUTENANT JOHNSON: Okay. Just see me if any of you want an application.

(Lieutenant Kelley Johnson leaves the speaker's area.)

CHAIRMAN GRACIE: Scot, Roger. It says you have 15 minutes.

MR. SEWELL: I don't need 15 minutes.

CHAIRMAN GRACIE: Good.

(Laughter)

MR. SEWELL: For those of you who don't know me, my name is Scott Sewell. I'm not involved

(indiscernible) with this commission. I'm also the Conservation Director for the Maryland Bass Federation and an avid fisherman all my life. And I own a bass boat that I like to tow around the State. I like to do a lot of fishing on the Eastern Shore and on Potomac River, and I live up in Middle River in the White Marsh area.

The point I'm leading to that when I tow my boat obviously if I'm at Middle River when I go to the Potomac River, Eastern Shore I've got to go across the Key Bridge or through the tunnel. Eastern Shore you can add onto the Bay Bridge crossing there. Right now when I go -- this week I will be going out of the Potomac to help out with the Paralyzed Veterans Association Program that they're holding down there. I'm going down there as volunteer, I'll have to pay \$18.00 in tolls just to cross the Key Bridge because I have a pickup with a two-axle trailer with a 20-foot boat. It cost me \$9.00 each way to go over the Key Bridge.

The new proposals that they're bringing up - - oh, by the way, right now the tolls cost me \$12.00 to go across the Bay Bridge.

So an Eastern Shore trip costs me \$30.00 just in tolls as of right now.

You've probably all heard by now that the proposal to raise the tolls on all the toll facilities that we have, and when it comes to the year 2013, if this goes through as proposed, they will cost me \$18 each direction going across the Key Bridge, so that's a total of \$36.00. And it will cost me another \$36.00 to cross the Bay Bridge.

So if I want to take my grandson fishing on the Eastern Shore, like I like to do in the upper of the part of the (indiscernible) and Nanticoke that type of thing we'll go bass fishing it will cost me \$72.00 just in tolls.

I'm not here just to cry on my behalf, I'm here to talk on behalf of all fishermen and anyone who owns a recreational trailer be it a camper, a horse trailer, or whatever if you've got two axles and you're pulling that vehicle, you're going to pay \$72.00. The same rate that a tractor trailer rig that weighs legally 66 thousand pounds. That's what they would weigh, that's the rate that they would pay yet my big old truck weighs about five thousand and my

boat weighs about 12 hundred and then another hundred for the trailer. So you're talking about less than seven thousand pounds having to pay \$72.00 just in tolls for a fishing trip.

And Roger asked me to come here today and give you this information that hopefully this Commission could get behind the effort to contact the Maryland Department of Transportation and say make an exception for people with recreation trailers.

It's literally killing us. My bass club is literally canceled trips to the Eastern Shore because of these tolls that they cost us. Why would we want to go over there as much as we like to fish new water and stay here and not have to pay any tolls? It's hurting the hotel and motel industry on the Shore, restaurants on the Shore, gas stations, because normally we'd go over there spend a couple of days fishing on weekends and then come home and now we don't because it's just gotten out of hand.

CHAIRMAN GRACIE: It's got a lot of -- I think you're aware that MSSA had a meeting with the governor last month and raised this issue and that there's actually some movement to come up with a



compromise.

Do you have a recommendation on what that should be?

MR. SEWELL: Yeah, in a letter that I passed out. I went to a public hearing on it on June 21<sup>st</sup> up at the Dunbar Middle School, one of them up there, and I suggested that they either -- like I have an E-ZPass® that I go to work every day though the tunnel and they could program that so that when I go through pulling a trailer it would know that it's a recreational trailer, not a commercial vehicle, so that it picks up two additional axles it will not hit me at that much higher rate that the commercial vehicle would pay or we could go through the man toll collection booths, so the toll collector could see it's a little fishing boat, it's not a big trailer hauling 66 thousand pounds and actually doing damage to the highway.

So that was my recommendation. I sent that letter also to Maryland Department of Transportation and sent you a copy, Jim and --

CHAIRMAN GRACIE: Yeah, refresh my memory. What's the dollar figure you're suggesting for the

recreational trailer?

MR. SEWELL: Well I feel that I'll pay that extra \$2.00 per axle. That's what it was years ago before we got this first increase to what it is now. I'm paying \$2.00 for my truck right now and I'm paying an additional \$7.00 because I've got a two-axle trailer that weighs less than half of my truck.

CHAIRMAN GRACIE: I'm having trouble with the math here.

MR. SEWELL: What it is now, you know, right now its \$9.00 each way and if I go through without a trailer its \$2.00.

CHAIRMAN GRACIE: For the Key Bridge?

MR. SEWELL: The Key Bridge and any of the three tunnels.

CHAIRMAN GRACIE: Okay.

MR. SEWELL: And if I put my trailer on for some reason -- I don't know how they came up with that math. And I wrote a letter back when this happened, the -- was it in '09 was it and they raised it up to what it is now, I wrote a letter to the Department of Transportation and they come back and said, we understand your problem but that's the only way we

have to do it is by axles. That's how we were paying these high fee trailers.

CHAIRMAN GRACIE: I think that's being questioned right now at the MTA. John Griffin (phonetic) got involved in discussion with the woman from the MTA and they're supposed to come back to the governor's office with a recommendation on how to give relief to recreational vehicles.

I guess what I'm asking is first of all I'd be happy if the Commission wanted to pass a resolution recommending that, but I think it ought to be for specific relief not just -- I mean, if we just say some relief I don't know what we'll get.

MR. SEWELL: Yeah. Well how about the vehicle plus \$2.00 per axle. If you've got a single axle trailer, you would pay \$4.00.

CHAIRMAN GRACIE: If you did that today without the tolls going up that would reduce your cost wouldn't it?

MR. SEWELL: Absolutely.

COMMISSIONER STEVENSON: But that's not realistic.

COMMISSIONER WOMMACK: Well, what I don't

understand is why -- why doesn't the proposal be for just the cars paying this, because I understand that its grief for boats and campers and everything else, but I carry a boat too, but I as well, I've run rigs and I've paid \$550.00 extra tax a year just for the tractor trailer to run on the state roads. Then I pay another \$1,800.00 a year for tags and then I pay the tolls at \$24.50. so if you're going to directly go after trailers why not just go after leaving all the trailers where they are and putting the more tax on just the cars.

CHAIRMAN GRACIE: Well if we -- if we suggested that, we're not going to get anything. Okay?

COMMISSIONER WOMMACK: The reason --

CHAIRMAN GRACIE: The reason the governor was admittable to some compromise is because if you just give a rate to recreational trailers then you're not killing your revenue stream in a big way.

So it was a small giveaway in terms of their loss of revenue.

COMMISSIONER WOMMACK: Then you're going to have the Maryland Truckers Association and everybody

else --

CHAIRMAN GRACIE: We're not -- I don't think we're going to speak for the Maryland Truckers Association here.

COMMISSIONER WOMMACK: I was just saying what's going to come back.

(Everybody is talking at once.)

COMMISSIONER STEVENSON: I think what he's saying, Jim, is that just the consequences if the Commission votes X, as a trucker he's going say they're going to come back and say, this. And I do think it's relevant in the discussion at some level.

COMMISSIONER WOMMACK: A trailer is a trailer.

MR. SEWELL: Actually the voice of sport fishermen are around, correct?

CHAIRMAN GRACIE: That was my point.

MR. SEWELL: I'm calling on you as the representative for sport fishermen of Maryland say, hey we need some help.

COMMISSIONER WHITE: We do need help, but we need to take it all into consideration in making a recommendation based on what our recommendation is and

what other groups and how they're probably going to react to that and I think it's insightful to understand that that's going to happen because otherwise we're just making some recommendation based on whatever we're making one. I mean, we want to win.

MR. SEWELL: GRACIE: Absolutely and I understand where you're coming from, but this group doesn't represent commercial vehicles.

COMMISSIONER WHITE: I just said --

MR. SEWELL: This group --

COMMISSIONER WHITE: I completely agree and understand, but he's lending some insight based on the recommendation that we might make based on what another group might come back with which could make our recommendation just a mute point. My point is that we need to take all the groups that are going -- that are involved into consideration when we make a recommendation, so our recommendation has credibility and doesn't just get thrown off the table. The one of two axles -- adding two dollars on, would decrease it, and given the economic situation of this state, and the feeling that you hear and read in the paper, I just don't think that would even fly.

CHAIRMAN GRACIE: I feel the same way, Scott. I don't think a decrease on the current rates is not something that is going to be credible.

COMMISSIONER TRAGESER: A request to keep the rates status quo.

CHAIRMAN GRACIE: Yes, for trailers.

COMMISSIONER SMITH: For trailers.

CHAIRMAN GRACIE: And recreational vehicles.

COMMISSIONER WHITE: You might be able to clarify, but I know the (indiscernible) come out with the MTA. Have they reported back? Have you any sort of timeline of when they're going to report back to that?

CHAIRMAN GRACIE: No. When they make their decision.

COMMISSIONER SMITH: Okay.

CHAIRMAN GRACIE: In fact all they said was they'll take that into consideration.

So we don't have any firm commitment and that's why I thought it would be useful if we wanted to make a recommendation so that they've got something concrete to work with.

I do agree with Brandon that is has to be

realistic and \$2:00 per trailer is not.

MR. SEWELL: The other axle.

CHAIRMAN GRACIE: That's a reduction though. I don't even think -- I mean, we might do better just saying hold a line for recreational vehicles. The reason that recreational vehicles should be an exception, I think, is that a commercial vehicle can bill it into its cost. And the recreational vehicles support an awful lot of business --

COMMISSIONER SMITH: Exactly.

CHAIRMAN GRACIE: -- supporting the fishing, we know that.

COMMISSIONER SMITH: Talking about being realistic let's be realistic about the times we're in. We want people to be out there spending money. That's real. And so maybe a \$2.00 increase or maybe status quo is real. Maybe that's a realistic request right now. I don't know. I mean, it's --

CHAIRMAN GRACIE: Anybody want to make a motion to see if we can agree on something?

COMMISSIONER LYNCH: I have a question. What is the current or axle rate?

MR. SEWELL: The axle rate is same as the



rate for the vehicle. If you pay \$2.00 for the vehicle, you pay \$2.00 for each additional axle. If you pay \$3.00 for the vehicle -- I think that's what it is.

COMMISSIONER LYNCH: You're saying it cost you \$9.00 right now to go across the Key Bridge?

MR. SEWELL: Right. Yes.

COMMISSIONER LYNCH: And how much of that is for the car and how much of that is for two axles?

MR. SEWELL: Two is for the car and \$7.00 is for the axles.

COMMISSIONER LYNCH: So its \$3.50 an axle?

MR. SEWELL: Yes.

COMMISSIONER LYNCH: Well I would -- I think what we're saying is we don't want to go below \$3.50 an axle. So perhaps the motion should be structured that recreation vehicles would be limited to a -- the current rate of \$3.50 per axle.

COMMISSIONER WHITE: Is that true on the Bay Bridge as well?

MR. SEWELL: It's not (indiscernible) four axles is \$14.00. So its \$2.00 for the vehicle and \$12.00 for the three axles.

COMMISSIONER LYNCH: Yeah.

COMMISSIONER WHITE: And what about the Bay Bridge?

CHAIRMAN GRACIE: How many recreational vehicles have this many axles?

MR. SEWELL: I don't know.

COMMISSIONER WHITE: The Bay Bridge -- is the Bay Bridge different currently than the Key Bridge because we need to first baseline --

MR. SEWELL: Yes, it is.

COMMISSIONER WHITE: It is.

MR. SEWELL: The John F. Kennedy Memorial Highway Bridge on 95 --

COMMISSIONER WHITE: Its \$23.00.

MR. SEWELL: -- is \$23.00.

COMMISSIONER WHITE: But you said they're --

COMMISSIONER TRAGESER: There's not a consistent rate per axle.

COMMISSIONER WHITE: That's what I'm saying, so in order for us to make a recommendation it would have to be done by bridge it looks like. Is that correct?

(Administrative chatter.)

CHAIRMAN GRACIE: Or weight per axle.

COMMISSIONER WHITE: Yes.

(Administrative chatter.)

COMMISSIONER LYNCH: I don't think you're saying that you have an objection. Well you have an objection, but you're not finding the increase on the vehicle. Is that true?

COMMISSIONER TRAGESER: Yes. That's right.  
Yes.

COMMISSIONER LYNCH: So if the motion could be made it could be addressing the axles on a recreational tow.

CHAIRMAN GRACIE: Why don't you make a motion now?

COMMISSIONER LYNCH: I'm trying to get to that language.

COMMISSIONER WHITE: Status quo of current tolls for recreational vehicles.

CHAIRMAN GRACIE: Per axle?

COMMISSIONER WHITE: True for trailers.

CHAIRMAN GRACIE: Wait a minute we've got a motion on the floor, and when I get a second, then we can discuss it.

COMMISSIONER LYNCH: Maintain the current rate schedule for recreational towed vehicles.

CHAIRMAN GRACIE: Okay. Is there a second?

COMMISSIONER SMITH: I'll second that.

CHAIRMAN GRACIE: A second was made by Dave Smith. Okay. Discussion?

COMMISSIONER WOMMACK: To me personally I think you might do better just talking the Bay Bridge and leave the rest of these toll facilities alone because you're going to run into a whole lot of conflict when you talk about two axles going across. They don't care if it's a camper, truck or whatever it is, its still two axles.

So maybe if you could get a break just on the Bay Bridge you might do better since most of the people that do a majority of the fishing go across the Bay Bridge to the Eastern Shore instead of trying to go after all the toll booths with different, you know, breakdowns.

COMMISSIONER WHITE: But I think the motion says that. It just stays status quo for other bridges. Is that correct?

COMMISSIONER TRAGESER: Absolutely.

CHAIRMAN GRACIE: Yeah, that's the motion.

Any other discussion?

(No verbal response heard.)

CHAIRMAN GRACIE: If you not I'll draw the question. All in favor of the motion raise your hand?

(A vote is being taken.)

MR. GARY: One, two, three, four, five, six, seven, eight, nine, ten, 11, 12, 13. Okay.

MR. SEWELL: Thank you, gentlemen.

(Scott Sewell leaves the room.)

MR. GARY: Maintain the current rate schedule at tollbooth facilities for recreational vehicles per axle; is that correct?

CHAIRMAN GRACIE: For recreational vehicles.

(Administrative chatter.)

CHAIRMAN GRACIE: I think what the consensus the motion should be is to maintain the current rate structure for recreational vehicles with the current rate structure per axle.

COMMISSIONER LYNCH: But not including the towing vehicle?

CHAIRMAN GRACIE: Just for the towed vehicle, yes.

COMMISSIONER LYNCH: Right. Just the towed vehicle.

COMMISSIONER TRAGESER: Recreational towed vehicles.

CHAIRMAN GRACIE: Okay. Update.

MR. ALDUS: At the top of my list here tonight is fishing the Gunpowder River and use of the Gunpowder. Mainly tubers or floaters in general on weekends. This is something that has gone on forever. In the last years in particular the tubers reached the point where it's become a real issue. I've just recently blown this up. I think Commissioner Stevenson this a while back, and she was probably in the area. I'm not going to go into a great description like he does but I think we'll let Theaux Le Gardeur who is an owner of a fly shop on the Gunpowder and also who recently become a river-keeper for the Gunpowder River and you can see (indiscernible).

MR. LE GARDEUR: Thank you, Don. My name is Theaux Le Gardeur, I have Backwater Angler up in Monkton, Maryland and I have a couple of guides in the room with me tonight.

CHAIRMAN GRACIE: You need to be near a

microphone.

MR. LE GARDEUR: Okay.

CHAIRMAN GRACIE: To make sure we can hear you.

MR. GARY: David did you get his name, Theaux Le Gardeur?

COURT REPORTER: Yes.

MR. GARY: Okay.

MR. LE GARDEUR: I drove from Monkton, Maryland tonight along the Gunpowder River to talk to the group, Jim Latowski, (phonetic) drove from Havre de Grace and Jason DuPont from Jacksonville, Maryland and Max Minniwell (phonetic) from Baltimore City. They all have spent all or part of their livelihood is now teaching you how to fly fish on the Gunpowder River and they are licensed guides. They all have Maryland licenses in the State of Maryland.

Additional I'm a nature tourism partner with DNR. And all the permits to conduct guided services within Gunpowder State Park and any waters along state park grounds. I am a licensed agent, so we sell hunting and fishing licenses that provide revenues for fisheries and also serve in the role as the Gunpowder

River Keeper.

The River is 53 miles long and it covers coldwater trips of maybe 217 miles altogether that flow into a very important trib. of the Chesapeake Bay Region. And I have a small presentation. It's very short. Jim's cautioned me about being long. I'd like to get that started.

And is there a microphone over where you are Marty?

MR. GARY: It might be better for you to direct from here.

MR. LE GARDEUR: Thank you.

(Administrative Pause.)

MR. LE GARDEUR: The Gunpowder River is a closed system, it flows between Prettyboy Reservoir and Loch Raven Reservoir. It's become a regional fishing destination for a wide variety of anglers. We have about --

(Trouble with the PowerPoint Presentation.)

(Administrative Pause.)

MR. LE GARDEUR: Let's get back to the Gunpowder.

It's a regional fishing hotspot. We have



residents that drive upwards to two and a half to three hours each weekend that come into my shop specifically to fish this resource as well as friends we have. We have a number of folks from Pennsylvania and Northern Virginia. You can see a plate from New Jersey and Pennsylvania in the parking lot. They come to fish this river because we have 18 miles of coldwater resource between reservoirs.

We have Wild Brown Trout and here are some stats on why it's so viable.

The 37 of 50 states always get folks attention, you know. These are out-of-state from Alaska. Montana and they find their ways to the Gunpowder to fish these areas.

So all total we have a lot of balanced use among the fishing population. We also have a lot of opportunities in the Mid-Atlantic to fish this river in particular. In the summertime when the water freestone trips are much warmer and much slower.

The reason this is such a viable resource is because the City of Baltimore partnered with you many years ago under Jim's stewardship to allow for a coldwater release. We have 1.9 million residents now

that base their drinking water supplies on this system, and the river is unregulated water. And more importantly we have a lot of woody debris. Woody debris serves an important biological function.

We've been working with Maryland Parks Service Fisheries and other stakeholders to make sure that this river continues in its natural state because we've found that the woody debris, the stuff that you call a snag or a screener or a hazard if you're a boater, can be about six times more biologically productive than gravel. It provides habitat for trout food. You know trout eat bugs like we eat popcorn at a movie. So it's really important that to find a place for them to hide.

The park is also designated as one of 29 State wild (indiscernible) areas and the statutes assure that the park and the river corridor remains in as natural a state as possible to provide for protection of the resource.

This is a typical summer scene along the Gunpowder. Our water temperature this morning was 49 degrees to start out the day. And you can see that river corridor is full of woody debris that provides

habitats.

In the past two years it has become what I call the Preakness of tubing destinations.

This is what it looks like on the weekend to any angler that would drive two and a half to a three-hour one-way trip to come to the river.

This is the detriment of resource. When we talk about community impacts, we're talking about other user groups such as kayakers and boaters as well as hikers, folks that are looking at birds. The coldwater habitat is also being impacted and the fishermen are being impacted.

This coldwater is all shared. It all goes into the Bay eventually. And what I'm concerned about is the community of rock fish and crabs that are in the tidal Gunpowder may well be affected by the impacts in the upper watershed.

No one is going to drive three hours to see that.

So what's changed? In the past two years we've talked about limited parking along the river. It's always protected the resource, once the parking lots are full folks have to go somewhere else.

The Gunpowder State Park in the Hereford area, where the river flows through, is not regulated by a gate. We don't have a defined park entrance. We have many parking lots along the river corridor and as these lots are filled folks can no longer park and access the resource.

This is from blog called Bows and O's that talks about this route does require two cars. One in each -- this is specific to tubing or any kind of floating activity along the Gunpowder. There's also a mention of bringing along some (indiscernible) which is prohibited by state parks statewide.

So these shuttles and we have an Annapolis circulator down here, we have a Baltimore City circulator. These shuttles have become the Gunpowder River facilitator and they're providing unlimited access to the resource.

With that said, we have two tubing vendors currently that have three shuttles that are being used to drop the band, if you will, off at various access points along the river.

Another quote from a blog. I mean the word is out, this is not the Maryland Tourism Department

asking folks to come up and drink along the river. This is, you know, public -- in the public forum. It's on Facebook. People are tweeting about it as they're floating down the river. The shuttles are facilitating this.

So I'm here before Sport Fish advisory and I see you guys in this role. I see you as folks that can make a difference on this issue and Lord knows people have been asking me to help out along the river, but I don't have any enforcement capability. All I can do is bring this to your attention.

This is what we do in Louisiana. We use a little snake oil, that kind of thing, and sometimes we hope that the problem just goes away. But I can assure you that we don't have the resources through Natural Resources Police, Baltimore County precinct or Maryland Park Service to actually regulate this type of activity. It's too large a scale.

These are some efforts from the CDC. And these certainly got out county councilmen's attention. I want to share with you because again when we talk about woody debris we have a natural water setting here in the Gunpowder. Its habitat, but it can also be

a hazard. And these numbers should not be ignored.

Park users should be enjoying the park. They should not be facing something like this that could be prevented.

So I have some suggestions for the Commission and of course the first is in this quote that I sent back, May 5<sup>th</sup> to Gunpowder State Park asking for a public comment period of 30 days or prior to any further commercial activity along the river. I was denied this comment period. And I do feel that the Maryland Park Service and Natural Resources Police -- we talked a lot about, you know, these folks don't go on the Gunpowder and in the area that we are. We can't use a boat like this. That was probably the Commissioners Stevenson asked for a kayak because this won't work where we are. This works where I'm from. Signs tend to work as a compliance tool, like if someone gets written up there's no sign, they're not going to get very far along as far as a compliance or enforcement rule.

So what I'm asking for are four points. And Maryland Parks Service provide a 30-day comment period to the public on any proposed or permitted commercial

recreational use in parks statewide. That MPS coordinate with the fishery service and other resource management stakeholders during the permit review process to assure that the fisheries' resource and fishing interest including access issues are properly represented and protected statewide. Additionally I'd ask that Maryland Park Service and IRP partner with local law enforcement jurisdictions such as the Cockeyville precinct and Baltimore City Watershed Police to develop a no tolerance alcohol policy on the Gunpowder River specifically, and that MPS should develop a regulatory plan to limit the number of tubers along the Gunpowder River to assurance a balance of recreational uses and afford the river much needed protection from overuse.

And that's it Council. Thanks.

CHAIRMAN GRACIE: Are there any questions? Is there any interest on the part of the Commission in passing a resolution to give a letter to John Griffin to do something about this? Larry.

COMMISSIONER COBURN: Yeah, I'd like to make a resolution to probably consider that.

I mean this was in the beginning with Bob

Bachman (phonetic) all them studied this river, and it became a blue-ribbon trout stream. I personally feel the Department should protect that because we're very limited on trout streams in Maryland as it is and they're always under pressure.

Considering the facts here, maybe the Department should think about maybe a blue-ribbon trout stream or trout streams in general shouldn't be used as commercial floating areas. The next thing you're going to hear the kayaks are going to get involved and then they're going to be petitioning to open flows. They're going to be wanting sometimes 50 CFS per se because they want to kayak for the weekend.

CHAIRMAN GRACIE: We had those discussions about the (indiscernible) you know that, don't you?

COMMISSIONER COBURN: Well I'm bringing it up here because I think we have to really consider you have a blue-ribbon system and its been --

CHAIRMAN GRACIE: Yes, but its still down to a motion if you would?

COMMISSIONER COBURN: I motion that the Department consider not allowing commercial tubing and also alcohol on the park in the Gunpowder River.



That's --

CHAIRMAN GRACIE: Alcohol is not allowed in the park. It's already a law. Carol.

COMMISSIONER STEVENSON: I understand where Larry is going and I appreciate the support on that. One of the things that we found over these last couple of years it's not just the commercial people who are escalating this problem. There's a huge number of private individuals bringing tubes on the weekend to the river and some of them using the shuttle, the commercial shuttle, other just going directly to the different access points. So I think this might have to expand beyond just the commercial to some limitations on the tubes.

CHAIRMAN GRACIE: Would you like to say something to the effect that since this is a premier trout fishery and that's a pretty high value use of that corridor that the Department ought to limit incompatible uses and leave -- in other words put the park service on notice to say rather than promoting all the other uses which is what they've been doing that they limit incompatible uses? And rafting, kayaking, I guess, get incompatible when they get to a

certain volume.

CHAIRMAN SIKORSKI: Are any of these shuttles permitted or are they required to be permitted?

CHAIRMAN GRACIE: We're getting into a can or worms here. There's a permit required to provide services in the park.

They had -- one of these guys had a permit that was revoked Saturday.

The question is, can the park regulate with their permits somebody stopping on the county road?

COMMISSIONER SIKORSKI: Probably not.

CHAIRMAN GRACIE: The state regulations. So we had -- Carol and Theaux and I were in a meeting with some other people in the county councilmen in that district yesterday and went through -- and there was a Baltimore County police officer who actually got called into his supervisor's office for harassing this guy thorough a harassment complaint against the outfitter. And, I mean, there are a whole lot of things that need to be done that I don't know how to get done. But I don't think they're in the Commission's purview anyway. I think it's our

responsibility to speak to the Department about fisheries management issues and I think we can speak to that. I don't know if the alcohol enforcement is tough, they're trying to do it and people are just hiding it when they get to a takeout. I don't think we have enough in our Natural Resource Police to be paddling kayaks up and down or down the river every day. There might be some targeted effort where they can do some big splash enforcement like they've done elsewhere.

So I think we probably should have some discussions later in a small group.

But I really think it's our responsibility to speak up for the fishing use of this. This is one of the outstanding streams in the Eastern United States and its unfishable on the weekend when these people are there. They had 600 tubes down there Saturday morning.

Ed O'Brien did you want to say something?

COMMISSIONER O'BRIEN: I'm just curious, is there a kind of regulation that we'd like to see for the Gunpowder. Is there any precedence for this in other streams in other parks in Maryland? I mean, and

then my second question is this a matter that would have to go to the general assembly? I mean, for instance I look at certain areas on the Bay and, you know, what if somebody wanted to prohibit outboard boats or boats under 16 feet or, you know, it just seems like a very difficult thing. If you had some precedence to fall back on.

CHAIRMAN GRACIE: Yeah, we believe that the park service can regulate uses in the park. They have that authority. Don Cosden did you want to add something?

MR. COSDEN: Yes, I did. A lot of this is going on outside the parks, so that would be out of the control of the part of the park service.

On Deep Creek Lake they do control personal watercraft the times that they can be on the water and certainly on the weekends and I don't know if that's done because that's administered by the State Parks or if that's something that could be done through park boating. We'll have to look into that, I don't know.

COMMISSIONER SIKORSKI: I think there's a whole lot of unknowns that a lot of these people don't understand what we have or exist or at least with the

(indiscernible). I see your concerns and I know it is very unfortunate that we're having the conference that we're having. But for us just to sit here today and say, you know, absolutely no paddle in the river I think it would be unfortunate just from a standpoint of allowing citizens of Maryland to have access to a resource. On the other side I understand that the situation that we're going through protecting the river is extremely important resource for recreational anglers. So there's two sides to the argument and you know, I don't have a problem with the trout fishermen so, but I do also feel the burden to have it properly managed things for all citizens.

CHAIRMAN GRACIE: Theaux didn't ask for those training prohibitions in his request.

MR. LE GARDEAU: And I understand you concerns and I want to let everyone know that this permit was issued by Maryland Park Service did not have a limits to the number of folks that could be put in the rive. So that was a concern.

Secondly the permit was issued without relying on the expert guidance of our fisheries department to assess whether there would be resource

impacts related to the permitted activity.

So those are the two things that I'd like to leave, you know, the Commission with as far as thoughts to address these four points that I've brought before you. I do feel its appropriate that the parks service should provide a 30-day comment period much as when we talk about yellow perch regulations, there's ample time for the public-at-large to comment on what any regulations would be.

I also feel that fisheries is expert at the biological resources and they should be asked to be a part of the discussion as it relates to how these resources are managed by the Maryland Parks Service.

Finally the law enforcement aspect of this is something that is the most difficult because of the jurisdictional controls, but I have to tell you that the shuttle aspect of this and the alcohol aspect is the driver of this recreational activity. No one in their right mind would get in 48 degree water unless they were bust.

CHAIRMAN GRACIE: More in waders, right?

MR. LE GARDEUR: And then finally number four, just to reiterate when we're looking at

eliminating the number of tubers, the picture that some of the guys were going on about if those girls sitting on the sandbar were Girl Scouts and the shuttle brought out 35 Girl Scouts to an access point every 20 minutes, pretty soon there would be too many Girl Scouts in Gunpowder State Park along the river.

So I don't feel this is an attack on any aspect of tubing as a recreation, but the pervasiveness of tubing is disenfranchising other use. It is occupying significant access because we have limited parking lots and the access should be open to any and all responsible users.

What I'm trying to address is that on a whole we're seeing irresponsible use and I do feel that this is a nuisance activity that on a whole should be self-regulated by the actual vendors. But it is brought before the Commission because it is that egregious. It is that reprehensible and its out of control.

COMMISSIONER SIKORSKI: Yeah, because no doubt it is something that needs to be done and the Department has to look into it but prohibiting people at this point would probably be improper.

CHAIRMAN GRACIE: Brandon go ahead.

COMMISSIONER WHITE: Well I always say that I grew up in Monkton and I fished that river every day after school, not necessarily the part over by you Theaux but I fished Baldwin more because there was less people and there's less parking over there and there's a heck of a lot of trout and they did stock it and we enjoyed it. But the only thing I'll say about -- today what I understand about limiting Maryland anglers use of natural resources having said that, having grown up there, and know how much work was done to get that river to what it is and the fact that you can go out west and fish the Snake River and talk to a guide you're fishing with and he knows where you live because the Gunpowder River would mean that we ought to do something to make sure that all the work we've put into this thing since I can remember -- well I don't think I'm that old anymore, but feel like I'm getting old, it's a lot of years, that we should be --

CHAIRMAN GRACIE: I believe I started in 1973 Brandon.

COMMISSIONER WHITE: Well I was three then Jim. Great respect for you homework. And I'll remember



you in your younger years of how you do that work.

MR. LE GARDEUR: Was he drinking?

COMMISSIONER WHITE: I'm not sure about that.

But I just think that we -- that's a blue-ribbon trout stream that is known all over the world. You can go to Southern Argentina and tell them that you've fished the Gunpowder River and they may not have fished it, but they know it. And given the significance of that in Maryland, we need, we owe that river to do that.

So we need to do something. I don't think we're going to come to a decision what that answer is, but to make a recommendation that the Department somehow use whatever influence they can to preserve that river is important.

CHAIRMAN GRACIE: If there's no motion I'm going to end the discussion. But I would like to ask Chris Bushman to say something. He's here.

I understand they've had some discussions about this. I was told there was that the owner of the permit was revoked Saturday. I don't know what's going to happen next.

OFFICER BUSHMAN: Thanks for the opportunity to address the whole group.

On this issue I would like to make sure its perfectly clear that the Maryland Parks Service has been working with stakeholders such as Mr. Le Gardeur and the guides and also the Fishery Service and the Baltimore County Government, Baltimore County Police, the State Highway Administration and a lot of stakeholders including the community as the Commissioner Stevenson knows. We've had a lot of different community meeting which have had Maryland Parks Service representation on to discuss this issue. We have done the best we can with our piece of this entire issue which is preventative measures have already addressed the fact that much of this activity is occurring outside of state park property. As a matter of fact I would argue that the brunt of this is actually occurring outside of the state park property because it occurs below Big Falls Road down to Sparks Glencoe Area.

In the state park itself, its very well regulated. We do not permit alcohol in the state park. We have not permitted alcohol in the undeveloped areas

of Gunpowder Falls State Park for 30 years.

So the Hereford area has been -- has had that band place for that amount of time. We do know from our experience that that prohibition of alcohol does make a big difference in how people act whether you're in state parks or outdoor recreational facilities.

In fact our commitment to that is so strong that we have in the last three years starting in 2009 we have expanded the prohibition on alcohol to other area state parks where it was previously allowed. That being some of our developed areas where you have a picnic areas and beaches and places like that. We've expanded it although our campgrounds.

Which the point I want to make right now about our experience and to reinforce what Theaux is saying and what everybody else is saying that we know that alcohol is a cause of this entire thing. Because when we expanded our restriction in state parks in 2009 and 2010 in our campgrounds, the atmosphere changed, the culture changed. We found we got a different clientele and even though we had to go through a fairly controversial period there where

people were telling us they would no longer camp in a Maryland State Park because they couldn't drink there, we found that our campgrounds were just as full as ever. They were just as full --

CHAIRMAN GRACIE: Chris can you stick to the issue we're concerned about. You're telling us its not a problem in the park?

OFFICER BUSHMAN: I said that part of the issue is that alcohol is not allowed in the state park. The Maryland Park Service already regulates that. If alcohol is occurring on the Gunpowder River outside the state park that is why we've being targeted by the Baltimore County Police to try -- and the Natural Police to find a way to enforce that.

CHAIRMAN GRACIE: Chris the concern on the part of the Commission, I think, is related to the incompatibility of the volume of the use we getting with fishing. That's the issue.

OFFICER BUSHMAN: It's not the alcohol?

CHAIRMAN GRACIE: No, we're not regulating alcohol at this Commission.

COMMISSIONER STEVENSON: Right. That alcohol problem has been in the park and outside of

the park for over two years now. And fortunately just in the last week or so we've had a lot of action and cooperation from the DNR and the Natural Resources Police to address that, and its making a difference.

So I think there should be some kind of more seamless interface between the DNR and the National Resources Police and the local police who rightly are responsible for the areas outside the park. There doesn't seem to be very much coordination.

So I would hope that at a minimum we can start to address the need for a master plan or something from the DNR maybe in conjunction with the police department or local authorities that will help us to restore the balance that we previously had enjoyed that will give the different user groups access to the river especially on the weekends. Its not right as people here have already said to deny one group particular, the fishers, who can't use the river anymore on the weekends. But there has to be -- there is a huge gap between the enforcement, DNR enforcement and police enforcement if everything just seems to be falling through the gaps and its just this past weekend that we've see some real improvement that I

would like to build on.

So maybe there is a motion that we can put on table that would look at asking for some kind of master plan to restore this balance and to get the user groups equitable access to the river. Maybe that's where it should start.

CHAIRMAN GRACIE: Has the Gunpowder Park Conserve Plan been abandoned?

MR. LE GARDEUR: There is a master plan.

OFFICER BUSHMAN: No it hasn't been abandoned, however its 40 years old. So I think that, you know, that it would be wise to continue to evolve with the time that we could apply the master plan.

CHAIRMAN GRACIE: Is there any other questions? Larry.

COMMISSIONER COBURN: Well first, I mean, I'm getting a little confused here about this river, I mean, the trout section of that river technically for the fly fishing that's released is from the dam down to Big Falls Road; is this not correct?

CHAIRMAN GRACIE: That's correct.

COMMISSIONER COBURN: And so below that they can tube all day long technically without interfering

with the fly fishing.

CHAIRMAN GRACIE: Yes.

COMMISSIONER COBURN: All I'm saying is do we want to put this blue-ribbon trout section under some kind of regulation referring to the tubing or kayaking or whatever?

MR. LE GARDEUR: The traditional use of the tubing vendors has been to be sensitive to the park boundary and there are two tubing vendors. One has been in town for 18 years and he has traditionally not used the catch-and-release area which is artificial only, so spin fishermen can come up as long they're releasing fish and had a ball. But we have a new vendor and this new vendor had secured a permit through Maryland Park Service to conduct his commercial recreational tubing venture within the catch-and-release area from Big Falls to Blue Mount Road and there was another permit in draft from York Road through Blue Mount.

So that would be nearly a third of the entire catch-and-release area that has not traditionally been used for commercial use for this tubing activity, that would have been expanded and

allowable without any set limits on the number of people that would be going down the river.

COMMISSIONER COBURN: So correct me if I'm wrong, and if you look what Dave's saying we're not taking nobody's rights to be able to use the public resources, all we're doing is wanting to protect the blue-ribbon trout section that was created when Jim started in 1971 with Bob Bachman and them. And the reason you're hearing what Brandon's saying about you can go to Argentina and mention Gunpowder is because this river has been written up in the premiere fly fishing magazines in the United States that go all over the place.

COMMISSIONER WHITE: Can I just make -- move forward with the motion to adopt -- you articulated something before that that seemed to make sense.

CHAIRMAN GRACIE: I wanted the Department to limit incompatible uses.

COMMISSIONER WHITE: And I'd like to make a motion to that extent that the Department do that with that language.

CHAIRMAN GRACIE: Is there a second?

Discussion on the motion?



MR. GARY: Who was the second?

CHAIRMAN GRACIE: Larry.

COMMISSIONER SIKORSKI: I think Carol brought up a big point which I was going to say prior to the motion I guess it can be included in the discussion of the motion is, there is a master plan through the park so maybe master plan we can to take a look at it and decide if its today --

COMMISSIONER COBURN: Yeah, but if its 40 years old I doubt there be any tubing in it.

CHAIRMAN GRACIE: Its actually not 40 years old because I worked on it.

COMMISSIONER COBURN: Did you put tubing in?

CHAIRMAN GRACIE: We talked about it.

(Administration is talking all at once.)

COMMISSIONER SIKORSKI: All I'm saying is the master plan, maybe -- maybe we should open up the master plan and that should be included in the motion and then if the problem tends to exists outside of the park now maybe there's something that needs to be done by the Department in coordination with various Baltimore County folks to work on a plan for the entire river.

COMMISSIONER COBURN: But can we do that?

Can we do that.

COMMISSIONER SIKORSKI: We can request it.

CHAIRMAN GRACIE: Let me explain something Jeff. The way we function here is if we're going to have a vote on something we allow the Commissioners to finish their discussion and then we'll take public input before we vote. Okay. I'm not going to recognize you yet.

MR. MORAN: Okay.

CHAIRMAN GRACIE: So is there any other discussion on the motion?

COMMISSIONER SMITH: So what specifically is the motion?

CHAIRMAN GRACIE: The motion is to ask the Department to limit the incompatibility users in the catch-and-release area.

And that may not eliminate it.

Any other discussion on the motion?

(No verbal response heard.)

CHAIRMAN GRACIE: Any public comments.

Jeff?

MR. MORAN: Yeah, the one thing I think we

want to keep in mind as far as the user. User group conflicts as it relates to fishermen and the tuber. Mind you fisherman also pay. Every fisherman that visits the upper portion of the Gunpowder River of the Maryland State Fishing license he contributes to his - - to us and to our state and to the resource, okay. Not to mention most fly fishermen that we take on the river and I've been taking folks fishing on the river for over 16 years, all sorts of folks from beginners to pro athletics, you name it, they are -- we try to teach them stewardship of the resource. So as you go on in with your fight to hopefully protect the upper section of the river, keep in mind that the fishermen play a big part in contributing to the resource where otherwise as a tuber gets to utilize the resource and is without much contribution.

CHAIRMAN GRACIE: Jason?

MR. DUPONT: Yes, I just wanted to say there has been like a precedence set, you can't

MR. GARY: Can you stop for one second just and -- You've got to get the court reporter -- give the court reporter your name.

MR. DUPONT: My name is Jason DuPont, I'm a

guide on the Gunpowder.

One of the things that I noticed when I moved to this area ten years ago is that you cannot ride a bike in the Gunpowder State Park. That might be one example of something that is regulated because it does create a -- I think it was an issue with erosion or issues on the trail. So that is one group that is an example.

I'm not trying to take away anything from anyone as Theaux point out Jim White had rented tubes down at Monkton for many years. The volume grew and many landowners became unhappy and then now the traffic is spread out as a result of limited parking.

The issue is the upper section is 48 to 50 degrees with 100 degree air temps. There are very limited sections you can fish right now with respect to releasing the fish unharmed. Below Monkton being an example of any area that's probably not a great place to fish right now due to the warm water influx from Little Falls and the main tributary at Blue Mount which is a section why I think it became popular with tubers is it became a warm-water increase from that cold flow.

So I think there could be a balance there or a compromise in sections of the river being, as I just said, unfishable for us and yet they'd become fishable in the upper areas with the overflow of tubers. So that's just what I wanted to add.

CHAIRMAN GRACIE: Any other comments from the public?

Don did you want to say something?

MR. COSDEN: No, I think you've covered it.

OFFICER BUSHMAN: Yes, I'd like to have an opportunity to clarify some things.

First of all the reason I was making my point I was before is because I want to make sure the Commission understands that we are about a year and a half into discussions, very comprehensive discussions with the community and Baltimore County Police and Natural Resources Police and other folks and as part of that I understand that from meetings and Commissioner Stevenson can correct me if I'm wrong, but that a lot of the interest has been to move this activity out of the Monkton area into other areas including part of what we've heard is they would like to move it into the park to spread it out. This is

part of what we're hearing.

So while we're not interested in moving the problem at all, what we're interested in doing is try to partner and try to find a solution. And one of the things and the reason I was talking about the alcohol is its helped out a lot with the people causing the problems and in the state park we can regulate that a lot better because you know its prohibited. Outside the state park becomes problematic.

So if the good-faith effort to try to respond to the concerns of the community to try to find a way to regulate these commercial vendors. They are unregulated where they are right now. If we move them into the state park we have regulatory authority and ability to regulate the alcohol, the numbers, etc, and we have that ability, and it also is not fair to say at all that we have not been working with the fishery service in advance of this because over the course of time we had. I will say that we could have done better specifically in regard to this one particular permit. And we will do better in regard to that in the future.

The York Road consideration was not in draft

form in any way shape of form. It was simply a request. A request that we had not acted on.

So Don and his guys have been talking to our guys and we have been working on this. And when this issue came to our attention I think we deserve some credit for the fact that the fishery service after we go together and we knew what we needed to do and case in point, proof of what we can accomplish is that when alcohol was brought to the river in the state park we're able to revoke that permit. It is not within the ability of the Maryland Park Service or DNR for the most part to deal with that issue outside of the park.

So we're trying to get some regulatory control over this in the efforts that we've made so far and we've been somewhat successful. A lot of lands are more protected and to Theaux's point there, we can certainly provide a 30-day comments period for that kind of thing. It's not something we normally do, but it would certainly apply to Mr. Le Gardeur and anybody else who wanted to operate a commercial outfitting venture in that area as well. We would be fair about it. That's one thing I want the Commission

to understand as much as anything else is we're talking about regulating other uses, the Maryland Park Service has an absolute mandate to be fair to the public who want to use the state parks. Whatever activity they want to participate in we have an obligation to be fair to consider the way that they would like to use the park and it is pretty much our entire existence to try to resolve these user problems whether it be equestrian versus mountain bikes, whether it be tubers versus fishermen and that's what we work toward. And Ms. Stevenson knows that that's what we've been talking about for more than these last couple of weeks. For the last year or so because it folks and I have been talking or our guys have been talking (indiscernible) roads and access there.

CHAIRMAN GRACIE: I'm going to call the question now.

We're not going to have any more discussion.

OFFICER BUSHMAN: Okay.

CHAIRMAN GRACIE: Dave.

COMMISSIONER SIKORSKI: I just have one more question for the officer.

OFFICER BUSHMAN: Okay.



COMMISSIONER SIKORSKI: Do you think those four recommendations are fair and would aid the process if this Commission were to support those four recommendations?

OFFICER BUSHMAN: To answer that as I've already stated we're already doing that.

COMMISSIONER SIKORSKI: Okay.

OFFICER BUSHMAN: Except for the first one and we can certainly consider that in regard to all commercial use of that area. And by the way I haven't been -- I'm really sorry I really need to make this one point.

We have consulted with the office of the attorney general and right now they're providing us information as soon as available to determine the applicability of that regulation with the commercial enterprise.

We can answer that. The rest of them, I mean, we've been doing this. We've been doing this.

COMMISSIONER SIKORSKI: Thank you.

CHAIRMAN GRACIE: Can I call the question, now?

All in favor of the motion raise your hand.

(A vote is being taken.)

CHAIRMAN GRACIE: Marty right down here at the end.

MR. GARY: Yes.

CHAIRMAN GRACIE: We had 13 the last time. All right. The motion carries unanimously.

Thank you.

OFFICER BUSHMAN: Thank you.

MR. COSDEN: All right, I'm still up here.

CHAIRMAN GRACIE: Okay, real quick.

MR. COSDEN: The issue is (indiscernible) and (indiscernible). We canceled that permit. (Indiscernible) the rest of the fish and what came out of that is we developed a new protocol with (indiscernible) fish importation in general and not just for fisheries. We may find despite that the citizens provide would not have to be permitted.

CHAIRMAN GRACIE: Participation and development of those regulations?

MR. LE GARDEUR: There are a lot of organizations out there that are fishing now for events for kids and they buy fish.

MR. COSDEN: Fliers or file a report on the

North Branch. I'm not going to go over that you guys can look at it and see what it is. And if you feel that it's a loss to the trout population.

We have a meeting August 3<sup>rd</sup> to discuss the discharge of Deep Creek Lake beyond the Youghiogheny River. As I previously mentioned there a number of things that are proposed with the new permit which (indiscernible) so and I will report on that later.

CHAIRMAN GRACIE: You say you have a meeting scheduled, who are the participants in that meeting?

MR. COSDEN: He called the meeting in our office and that includes us, the Brookfield Power Company. I think that's it.

CHAIRMAN GRACIE: Okay. Thank you.

MR. COSDEN: Any questions?

(Mr. Don Cosden leaves the speakers' area.)

CHAIRMAN GRACIE: Okay. Dave Sikorski?

COMMISSIONER SIKORSKI: Is the report up there?

MR. GARY: It should be up there.

(Administrative pause.)

COMMISSIONER SIKORSKI: They say the third time is a charm, so the third time on the agenda we'll

try to sell it tonight.

(PowerPoint presentation.)

COMMISSIONER SIKORSKI: It won't be too much of a problem, but I think we all remember the letter of April 8<sup>th</sup> that was prepared and I drafted to the Commission to explain the kind of situation we have here. And that's a shortfall on some of the information that was gathered within the recreational anglers and within the recreational fishery and the problems that causes.

I have moved to the Department to discuss the issues, presented them with what's in that letter and then Commission decided convene a work group of myself, Commissioner Wommack, Commissioner Stevenson, and both Commissioner Herb and Dave Smith. We've had multiple discussions and passed around a few emails and pretty much parallel with what the letter stated.

A few of those facts were, to discuss the letters and the issues and present to the Sport Fish will be -- the recommendations that the fishery service for the next -- just for a quick review of what was said in the letter, and this is all the information provided by the Department in various

conversations about the dock set survey methods. Use (indiscernible) managers and some money for that and the surveys are currently are 50 percent of optional levels. The state funding has been directed to increase the number of surveys for the sport fishery and task force recommendations apparently happening. The survey locations are being reviewed and determined most accurate. Some of them had changed but (indiscernible).

The stripped bass fisheries remain at an acceptable level or manageable level. And that's the managers' recommendation.

Charter captains maintain accountability by reporting their catch. They record a log. And many of the charter clients are being counted in dockside surveys as well.

That's seemed to be one of the slight issues we have here with our accountability is we have the funding going toward these surveys, yet we have the harbor and the charter captains keeping these logs which are then, you know, returned to the Department so that the Department has information. Again we've heard from a number of charter captains that their

clients are being interrogated more than once.

So we're kind of missing the opportunity to survey (indiscernible) that we're focusing the surveys on people that are already being counted. That's a slight problem that exists within the system.

CHAIRMAN GRACIE: Is the issue the double counting or the fact that they're using resources they could have used to reach others?

COMMISSIONER SIKORSKI: I think double counting is a use of resources. And I think there are some efforts, maybe, to change where surveys are being done and that's an important step forward.

Another issue that has come up to our attention is private anglers do not always provide accurate information during their interviews. That's unfortunate and that's something that I know can be somewhat bothersome to be stopped when you're trying to get your boat out of the water or fishing. I mean, you really don't want fishermen being harassed, but it is important that we all work together to manage the fishery properly.

So that's something I think we have in our individual groups within the -- begin to explain to

people that, you know, this isn't the -- that the Department is not sitting here trying to do these crazy things to us and take all this information and we should work with them as much as possible.

So in an accountable fishery angler impact is understood by managers, anglers participate honestly in surveys, managers are always trying to obtain the best available science and recommend that anglers behave in an admirable manner. Anglers carefully handle the catch they intend to release and anglers pass on proper practices to friends, families, family members and fellow anglers.

The recommendations that the worker came up with -- you could work these in a number of different ways. But I think -- I tried to get these two, you know, best capture of the issues at hand. The owner maintains a proper level phone and intercept survey to anglers and works to increase the accuracy of the survey as much as possible. And that's the -- and also the DNR should work to educate recreational anglers in ways to promote lower (indiscernible) morality for targeted and untargeted species.

So we'll open the floor for any discussion

on these two issues and recommendations to the Department.

CHAIRMAN GRACIE: Any questions or comments from commissioners?

COMMISSIONER GOLDSBOROUGH: What about the difference between the MRFS survey and MRIP. We're trying to phase one out and phase one in. Does the first recommendation apply to both?

COMMISSIONER SIKORSKI: Does it apply to both?

COMMISSIONER GOLDSBOROUGH: Does it apply to both in the way you're proposing it?

COMMISSIONER SIKORSKI: I would say so. I think there are some efforts being made to make the MRFS data more accurate by changing calculations and such. That's already being done. I think generally we're moving forward. The Department did advise that these two surveys from the intercept of the basis two that we can use at least for a stripped bass fishery. They generally accept that type of survey.

So I would say they would you know work -- they're going to be continuing to move forward in MRIP.



COMMISSIONER GOLDSBOROUGH: Well I guess where I'm coming from is I think we all pretty much know that MRIP is going to be much better than MRFS and that's the whole reason for it.

So I would agree with this tying to both as you say as long as applying both those resources to extend MRIP to MRFS does not take away from the work you're doing to bring MRIP on line.

COMMISSIONER SIKORSKI: Right. I think regardless of which system we're using as long as we keep up the -- you know it's really asking the Department to use the resources as best as possible to give us the best data possible for the resources what you're expecting.

CHAIRMAN GRACIE: Dave as I recall when we started this discussion the questions the question is do we have accountability.

COMMISSIONER SIKORSKI: Correct.

CHAIRMAN GRACIE: I don't see the answer to that question, yet. What's your opinion? I mean what does the worker say?

COMMISSIONER SIKORSKI: The accountability of very -- it's -- it means something for every single

user group or -- and if you ask different employees here in the Department who has worked on this stuff, I mean, they each have a different input.

CHAIRMAN GRACIE: I'm asking you. I'm looking for a definition of accountability.

COMMISSIONER SIKORSKI: Okay. I'm getting there. I think basically an accountable fishery is -- can we go back two slides? There you go.

This is basically, you know, what a worker came up with what an accountable fishery is. And you know obviously we got in this list and we can sit here and brainstorm all day.

CHAIRMAN GRACIE: I guess my question is are we meeting that in your opinion?

COMMISSIONER SIKORSKI: In my opinion, no. I think we can always move forward and then be better at what we do.

CHAIRMAN GRACIE: Anything else?

COMMISSIONER SIKORSKI: That's it.

CHAIRMAN GRACIE: Any other comments or questions?

COMMISSIONER WOMMACK: When you said recommendation, Dave --

COMMISSIONER SIKORSKI: Yes.

COMMISSIONER WOMMACK: -- to the DNR, how about some kind of recommendation for entry to the state parks for the sport fishery advisory, free to go into the state parks and -- because a lot of times I will go into a Sandy Point and some people will let me in and sometimes they don't, but I've talked to a lot of different fishermen and take surveys of different things going on and everything, and I feel that we should have some kind of thing to enter into these state parks, because, I mean, it's just like work when I go in there really, and even though I'm going out on the boat, but I mean, I'm surveying a lot of different things and talking to a lot of fishermen --

CHAIRMAN GRACIE: I think you're confusing us and changed subjects on us. I think I've caught up with you now.

(Laughter)

CHAIRMAN GRACIE: I think what Mack is saying is there should be some special provision for a Sport Fish Commissioners to go in and talk to anglers without having to pay an entry fee.

COMMISSIONER SIKORSKI: That's the last

item.

COMMISSIONER WHITE: He's a very strategic person. I like the way you operate. If you want to get something in, you got to get it in when you can get it in.

(Laughter)

COMMISSIONER SIKORSKI: I like to make a motion for these two points and ask that the Sport Fish Commission recommend these two recommendations to the Department?

CHAIRMAN GRACIE: Are they not -- are you suggesting that the Department -- or is the committee suggesting that the Department is not now doing these two things?

COMMISSIONER SIKORSKI: No. Not necessarily but with that being said I think we can always improve in what we're doing.

COMMISSIONER WHITE: I think that if you --

CHAIRMAN GRACIE: Is there a second to the motion?

COMMISSIONER GOLDSBOROUGH: I'll second it.

CHAIRMAN GRACIE: Bill seconded it.

COMMISSIONER WHITE: Well I just thought

there would be specific points. Those seem general. I think that to the Department we can certainly make that recommendation but without being specific I think it's a pretty general recommendation to the Department that couldn't be measured.

COMMISSIONER SIKORSKI: I think my goal here to start the conversation that they're now (indiscernible) worker process on.

Commissioner Stevenson brought up a few things that need more conversation amongst the whole commission and means something different to every single user group when we have a conflict with one thing and not another and the charter boat captain (indiscernible) and maybe the people the (indiscernible) have been counted in the same place and maybe three times.

COMMISSIONER WHITE: I would --

COMMISSIONER SIKORSKI: It's a very complex issue and the recommendations are ambiguous in (indiscernible) get recommendation (indiscernible) because it is such a complex issue and does look at so many different things at different anglers and the main goal here is simply say recreational anglers that

we are looking forward to being responsible and we're hoping that the Department can lead the way.

COMMISSIONER WHITE: If that -- I mean, if it makes us all feel better to make that recommendation that's great, we can make it, but there's nothing measurable in there and if we don't make recommendations as a committee that are measurable that people can work toward, to be a goal, then it's just out there. I mean --

COMMISSIONER SIKORSKI: There is absolutely something measurable on the first one. The proper level to do intercept surveys.

COMMISSIONER WHITE: Well you didn't define proper level of doing an intercept survey.

COMMISSIONER SIKORSKI: By the Department. It was defined in the letter. I apologize for not doing it further in here, but again you're beating a dead horse.

COMMISSIONER JETTON: I'm coming (indiscernible) on this one. Like you said its kind of ambiguous, we're really not directing anything to anybody in particular as to specific. I feel like the Department (indiscernible) had a catch-and-release

program for educating kids. I've taken some of them myself at times. I don't have a problem voting for them. I'm just not sure what we're gaining from it.

CHAIRMAN GRACIE: Lynn you wanted to say something?

MS. FEGLEY: I guess I just wanted to clarify two things real quickly. The first point in terms of measurability, you know, we are doing work. There's a lot of things that we're doing to improve the measurable precision of our estimates. So, you know, we look at if we add X many surveys can we see a difference in standard error of our estimates. We're trying to develop survey methods that will allow us to functionally separate the Chesapeake from coastal bays which we've never been able to do frankly it closes things up.

On the second point, one of the most important things with angler participation what we've found were people for whatever reason feel if you tell our biologist that they're actually giving us false information because they want to change the answer to reflect their perception of reality. Then I think one of the things that everybody around this table can

bring back to their constituents is that it is always fine. It is always okay to decline a survey. To say I don't want to participate, go away. That's great. But it is really a bad idea to make stuff up because if you say, well I only caught, you know, one fish today and you think you're -- you think you're skewing their results to what you think reality is, what you're really contributing to is a nonsensical answer at the end of the day.

So if you don't want to participate, say no, but if you do, don't make stuff up because you're going to make it worse for everybody.

COMMISSIONER WHITE: And just to be clear, Lynn, I wasn't criticizing the Department, I was saying that you guys were already actually doing this and were just recommending that if they're going to --

MS. FEGLEY: No, and I don't mean to sound defensive, I just wanted to say that.

COMMISSIONER SIKORSKI: Let me just clarify. Lynn brings up a good point and maybe I can clarify it.

It may not be a recommendation but it's more or less a support for our (indiscernible) for



recreational angler groups that the Department continues doing these things that they're doing to make the recreational fisheries better.

CHAIRMAN GRACIE: If I may say something. I guess I would feel better if we asked the Department to tell us what they're doing to increase the accuracy of the surveys and what they've done. Then there's something we can look at and participate in the measurement of the evaluation. I would be, granted this -- I don't feel like that we're really giving them any -- we won't know if they've done it or are doing it. When we make this recommendation I don't how we know if they responded to it.

COMMISSIONER SIKORSKI: Okay. My last comment was a recommendation of supporting the efforts that they've already made and will continue to make.

You know, we're not here to micro manage the Department, over something -- advise them in the path that they should take and if it's a path they are taking and we can have conversations all day long on which exact things need to be done and they've asked, hey, do you want us to do this or do that.

CHAIRMAN GRACIE: So on here where it says

maintains their proper level that assumes they are using -- they are maintaining the proper level and you want them to keep doing it?

COMMISSIONER SIKORSKI: Yes. Yes. Of if they feel that they're not maintaining the proper level we recommend that they do so, because it does take an expenditure, it does take support from the recreational angler community for them to do these things. It's not just simply their managing the system. They're not all (indiscernible) let's say (indiscernible) with it.

CHAIRMAN GRACIE: Okay. Any other comments any other discussions?

We have a motion on the floor, people from outside the commission (indiscernible)? I'll call the question. Those in favor raise your hand?

(A vote is being taken.)

MR. GARY: Ten in favor.

CHAIRMAN GRACIE: Opposed?

(A vote is being taken.)

MR. GARY: One opposed.

CHAIRMAN GRACIE: Abstentions?

MR. GARY: One abstention. Ten, one, one,

motion passed.

CHAIRMAN GRACIE: Thank you. Thank you Dave.

COMMISSIONER SIKORSKI: Uh-huh.

CHAIRMAN GRACIE: Anything else?

MS. FEGLEY: This is going to be Mike Luisi.

CHAIRMAN GRACIE: Okay.

MR. LUISI: Good evening everyone. I'm going to deviate from what there is on the agenda just based on the SEGWAY (phonetic) into what I was going to talk to you about regarding some of the efforts that we have underway.

Bill alluded to this transition from the MRFS to the MRIP Program. It's going to be a few years in the making. There are a -- it's a stepwise transition. There was also mention of a telephone survey and an intercept survey or access site survey questionnaire meaning that when you get off the boat you get intercepted and asked questions.

Each one of those parts of that survey estimates something different. The intercept survey estimates a catch rate and the phone survey gives an effort that you apply to one another to determine the overall catch in the Bay.

So we -- as MRFS is planning to make this stepwise transition into MRIP, and we have taken an approach to cooperate with the developers of MRIP on a couple different projects that I thought I'd spend a few seconds discussing with you tonight.

Linda Barker (phonetic) is our point of contact and she had every intention on being here tonight to talk about this. So I'm not going to be the best person to answer any detailed questions but we'll certainly allow -- Linda will be available if you have any followup after I go over this.

The first one is the summer flounder catch-rate survey in -- its taking place in the coastal bays. The focus of this project, and again its in coordination with MRIP, is to look at the private -- I believe she referred to it as the private access fishermen versus those fishermen who are using public facilities.

So in the coastal bays in a lot of areas of the Chesapeake Bay you have people who leave their docks go fishing and come back to their dock and there's never an opportunity for them to participate in the so-called MRFS Survey which typically goes to

boat ramp locations and other access points to interview people who were fishing that day.

So this one particular project is looking to determine whether or not private -- fishermen that are fishing privately leaving from their own private residence and returning to their own private residence are fishing at any different rate than the general public who are using the access areas in any particular area.

So this is an ongoing project. It's going to take place over the month. There's already been a great deal of interest. It's generated -- the MSSA of Ocean City has volunteered to assist in supplying the fishermen with this information. And basically how it works is MSSA volunteers go out to the flounder alley what they call it at Ocean City and they hand out these cards. And what they're assuming is that some of the people are going to be using the public boat ramp, others are going to be turning around and going back to their condo or their dock somewhere along the rivers.

So we're able to gather catch information from these volunteers. We've received about -- there

have been 130 cards distributed at this point and we have about a 40 or 35 percent return rate.

We're going to be able to use this information to determine whether or not there's a difference. If MRFS is missing something when they're not taking into consideration, the people, who are coming and going from their own private residence.

So as this program develops and we have some final results that will be something that we can present or Linda can come and present to you guys.

The second project, again, is one that was a competitive -- there was a competitive process to obtain money for. Part of this project is going to look estimating catch rates for both the coastal bays and the Chesapeake Bay independently of one another. Currently the coastal bays are included in the MRFS inland estimate. And there's issue there with effort depending on what species are being caught and the catch rates depending on what species because some species are much more prevalent than in the coastal bays that they are in the Chesapeake Bay.

One of the things, and this is where you guys can get involved, Linda has taken this program on

a road show. She's actually meeting with an MSSA group this evening to discuss it. What we need to do is to identify the site list or the site registry that the National Marine Fishery Service uses when they designate where their contractors go to do the intercepts.

So think of it as just the Maryland -- you know, picture a map of Maryland and about 250 to 300 pins all the map. That's where the MRFS considers the areas where they're going to send their interviewers to do the intercept surveys.

There are specific attributes to each of those places that are currently not being considered in the estimation procedure, (and I'll give you guys an example in a second) however the end MRIP design is going to take and going to use certain specifics about those sites as they estimate the catch rate when they interview individuals.

So think of it as this. You have a place that's out in the middle of nowhere. It gets very little pressure, let's say. One of the specifics would be the amount of pressure this area receives. If we don't identify the rate of pressure that that

area is receiving accurately, when an interviewer uses that site and applies what they've learned from that site and they expand the estimate -- let's say we -- let's say, you know, they think this has high pressure but it really doesn't, the expansion is going to be more extreme than it would have been if the site had been identified as an area of low pressure.

So we've -- Linda has taken this -- is taking this on the road. She's been working with MSSA, Natural Resource Police, tackle shops and others to try to get the most accurate information that she can get about all these sites around the Bay.

If certain sites aren't -- don't exist anymore, we want to get rid of them. If there are places that have grown and developed and you're seeing high pressure or even low pressure in the particular areas we want to know about them so that we can supply the National Fishery Service with the MRFS and/or MRIP with the most accurate site register that they can use to pry for these estimates.

So it's currently -- they're working through this as we speak, however beginning in August or at the end of August there's going to be a website that



you guys can logon onto and actually it will be an interface between us and -- between you guys and us about supplying specific information about these sites.

So those are two projects that are ongoing. These are the things that we're kind of in a SEGWAY into more of the conservation that was just had. You know, we are trying to maintain and trying to work as best we can with new design at working on these projects which we hope are helping to be incorporated into the overall process time down the road.

So these are just two things --

CHAIRMAN GRACIE: I'm afraid to ask you what happened to these interviews that went to sites that don't exist anymore? They've been doing it overall --

MR. LUISI: I'll tell you and I'll keep it real short.

The current way that MRFS works when -- and when an interviewer gets a site -- they get a couple -- they are given two sites and they get to pick and choose which ones they go to. If they know there's going to be something somewhere -- they'll go to

whatever site that they know there's going to have some anglers to interact with.

The new design is going to give them a list of sites in clusters and they're going -- they need to spend specific amounts of time at all the sites within that cluster. And --

CHAIRMAN GRACIE: That's the way they've been doing it since --

MR. LUISI: -- you're going to get specific sites. The thing that's most important is that they're going to start using this pressure as part of their analysis. It's going to be included in their estimation.

So if a site is listed on the list as being a high pressure and it's not, and they interview somebody there, they're going to assume that there's going to be 20 more people there doing the same thing.

So, you know, it's the concept that you guys kind of need to understand and we'll be working to update you and to get you more actively involved in the process.

CHAIRMAN GRACIE: The process refining those site descriptions are built into the process?

MR. LUISI: Yes, it's very -- and it's extremely important that we do that and be accurate.

CHAIRMAN GRACIE: David?

COMMISSIONER SMITH: Yes, I just want to speak real quick about those two points.

This kind speaks to Dave was talking about accountability and getting the correct information. The DNR should use resources as such as necessary to get this. Its volunteer, it's free. We're here. That comes with great risks as Lynn touched on when we have an MSSA member out there asking people what they give in the surveys. That can reflect badly on us. There was debate within MSSA about is this the right thing to do and do we believe it is the thing to do. And we do want it continued because I think we can't supply you with good information.

CHAIRMAN GRACIE: Yes.

COMMISSIONER O'BRIEN: Just a couple of old subjects. When you come up with this data, you've got to really make sure that people in the future understand the conditions that existed during this retrieval time period.

For instance right now we've got what

amounts to a recession when it comes to utilization of the Bay. People not charting boats. During the week its amazing how dead the Bay gets and that didn't use to be the situation, you know, when we had a better economy.

I've seen this around the country over the years to where that kind of thing wasn't taken into consideration. To the extreme we've had surveys in the Gulf, up in the northwest where, you know, the data presented seemed to be a constant when there were hurricanes. And, you know, some of these general situations just haven't been taken into account. And, you know, I've got a lot of examples on that.

So that's one thing. The economy is really important in flagging that when you have -- where your data comes from with the right generalizations as to the conditions at the time.

And the second thing, MSSA guys and other people that the Department has used, you know, are expert fishermen. I mean, they're pretty good. They're in association which breeds that. And when their success rate on my favorite subject, the flounder, where we want you again to get into

conservation equivalency when it comes to the Bay is when the expert fishermen go out there and catch flounder that they're targeting all day long. They're going to do it, and that data can be very misleading relative to all the people that go out on charter boats.

What are the people that go out recreational fishing that don't have access to the expertise that the type of people that will volunteer to support your efforts and we've seen that particularly on flounder?

So I just want to bring that up again, you know, I've brought it up before. And I hope we do get back to conservation equivalency on the flounder. We use it in many other fisheries and it's the whole strength of our fishery when it comes to stripped bass. Conservation equivalency.

CHAIRMAN GRACIE: Any other comments or questions?

MR. LUISI: All right. I'll move on.

CHAIRMAN GRACIE: Oh, you've changed the order here on the agenda.

MR. LUISI: I've changed the order. Just on what we're doing here and I'll step back up.

CHAIRMAN GRACIE: How about the request?

MR. LUISI: I had a request from Val and I thought I would spend a few minutes just giving you a brief update on where we are in our management on (indiscernible).

What I'm talking about is on a coastwide basis. There's a coastwide DPA that's used to estimate the fishing mortality rate. The current estimate puts us well over what the target for management is. A recent move made by the United States Marine Fisheries Commission back in March, I believe, there was movement to reduce -- they actually reduced the target fishing mortality rate from .2 to .15. And they increased the amount of conservation on this population and the most recent estimate is .38. So you've got .15 and .38 so something has to happen in order to bring the fishing mortality down.

A reduction is necessary and that reduction is on the coastal wide basis is 53 percent.

So we were tasked with coming up with options for reducing that of (indiscernible) Maryland (indiscernible) Fishing by 53 percent.

You can do that three ways. You can cut

seasons. You can increase size or limits or you can decrease the bag (indiscernible).

We currently have a proposal that we have submitted for technical committee review. The proposal goes through the options of -- or presents options that would for that reduction. There options were based on a meeting that we held in Ocean City back in June. It was a public meeting. We sat with fishermen in the area and came up with some of the ideas and the things that they felt that we could do in order to achieve these options.

To boil it all down, what it looks like we're going to end up having to do is increase the size limit of them by about two inches. It is currently at about 14 inches and it looks like we're going to probably going to have to go somewhere up around 16 inches on this fish. With that we're looking at two 15-day closures. Most likely sometime in June and then sometime maybe in November or September or October depending on the different time and time periods that we would choose.

COMMISSIONER SIKORSKI: You mean of the current season?

MR. LUISI: Of the current season. So you're looking at two additional 15 days.

Right now the season is open all year long except for December. It's closed in December.

You know, where this is going to go I don't -- there are no -- you know, there are technical representatives within each state that meet at these meetings and there are some technical issues that have been raised. One being that, you know, the most recent assessment goes back five or six years. There hasn't been an assessment of this stock. There have been reductions that were made a few years ago. I remember sitting here and telling you guys, you know, we're looking at taking cuts and doing this and that. The impact of that having been assessed in a full-blown assessment -- it was on the list to be done, however it was cut from the list based on other priorities that the ASMFC have come up with.

So there are some technical issues about using this old assessment from a long-lived slow-growing species to determine whether or not there really are problems with the stock. The technical committee meets next week. Bill is our -- the



chairman of the ASMFC Board on this species and he's trying to attend the technical committee meeting.

The Board will be meeting on this in the first week of August to determine whether or not they would accept the state's proposals to make these reductions or do whatever the Board will decide to do at that time depending on some of these technical issues that the TC is planning to discuss next week.

So that's where we are. I'm sorry I can't give you any more concrete information. That's kind of what -- that's what's in the plans at this point. And we'll know more in a couple of weeks and I can certainly present whatever the outcome is at the ASMFC Meeting at the next meeting or maybe not the joint meeting but at the next meeting of just you guys.

COMMISSIONER LYNCH: My concern is highlighted by this tog assessment. And we clearly respond to this asking by identifying options and saying are we going to have a closure, are we going to reduce the krill a little bit, or we going to expand the minimum size and so on.

But I think that we're overlooking a very important part and that is on the tasking itself and I

don't know that the mechanics and (indiscernible) of questioning as asking. But clearly in this tog assessment, and I'm relying on a large part on what Chris Hyatt (phonetic) recently in New York State and what RFA reported and that is that the -- New York State took actions on closing and changing and basically in effect for all practical purposes shutting down tog in New York because of -- and here we come back to this that we hear over and over again, the best available science. And in this case clearly the best available science is ancient. Its outdated and the data that is -- I shouldn't say the data, the conclusions that comes out of the analysis of the data are clearly faulty in that the numbers when you start looking at them, and I'm referring you to times that Monty Harkens (phonetic) was in here the times he sent us emails about how catch reporting from MRFS is relied upon with such credibility and given such weight that absolutely unreal numbers are taken as safe and taken as gospel.

And I think we have an essential problem up and down the east coast and I don't know we address in Maryland but I think we should address it that we need

to look at "the best available science," because the best available science may be bad science and decisions made on bad science are going to be bad decisions.

And it's not like we're just going to stop listening to what the sayers are saying, I think we have to put an element of common sense into it so that if we get conclusions and analysis that just don't make any sense at all, I don't think we can just automatically say, okay, let's figure out our options on how we're going to deal with this nonsense. Because I think even DNR would agree that sometimes you're dealing with nonsense.

CHAIRMAN GRACIE: Can I ask a question? Mike does the Department feel that this mortality estimate is -- this fishing mortality is way off? Is the concept bad that it should be called into question?

MR. LUISI: I don't know if -- it's hard to say.

CHAIRMAN GRACIE: Have you had an opportunity to --

MR. LUISI: It's hard to say. Well the

modeling is science that -- the statistics that goes into the model are sound. It's not having a full understanding of the spawning stock of what's out there because of the lack of complete assessments over the last -- over the few -- over the last few years. The last time that this -- that a benchmark assessment or one that's peer reviewed has been done is five or six years ago. And we're still basing -- we're just doing what they call a "turn of crank," where they kind of run all the numbers, run all the data through this model and its estimating the fish mortality. And, you know, without a real understanding of what the spawning stock is, it's difficult to determine the fishing mortality and to be able to and really be on top of that.

COMMISSIONER LYNCH: But we are doing it.

MR. LUISI: Yeah, we're doing it.

COMMISSIONER LYNCH: And we're using the data that everybody would agree is not absolutely today's fishing environment.

MR. LUISI: What we haven't seen though in this stock is any sign of a recovery at all. Even given the --

COMMISSIONER LYNCH:

And you haven't seen a decline -- a sign -- any sign of decline are there?

MR. LUISI: No, it's hard to say.

MS. FEGLEY: And I think its also as pointed out that they -- I think and I can look, but I think there are signs of decline in some of the indices they use and I think its also fair to say that this is indeed a core fishery. Its data for -- there's not a lot of data. There are fisheries that way. But it's also, I know, Tom would want it pointed out that -- and Billy you've sat on this Board -- the Board has not followed the advice of the technical committee for several years. The Board has been very (indiscernible) to act. There have been scientists on the other committees who have been waving their hands.

So if the states are not acting together they're not acting in concert that could also be a reason why we're not seeing the recovery because the states haven't taken sufficient action together.

I think that goes to --

MS. LYNN: So that .25 to the claim.

COMMISSIONER LYNCH: Yeah, but I think its

fundamentally fair to say we're making decisions without enough information. And I think the response of that should be, don't make it a decision. If you don't have enough data to make a decision, you don't have enough data to make a decision. And I don't think we're looking at it that way. And I can get in -- (indiscernible) day in and day out saying we've got a healthy population of them across the Bay.

But its (indiscernible) and I wouldn't put that up as a rationale for saying, we don't need a trip or a major activity.

If anything is going to be done, I think there has to be a recognition that we have to work with what we got. We've got MRFS and we've got MRIP on line. There's a lot of money in that. And we're going to have to work it as best we can so to include the things that are going on with MSSA and others.

But here we're coming up on July 15<sup>th</sup>, I think it is -- I mean, next week, July 26<sup>th</sup> or whenever your meeting is.

MR. LUISI: Yeah, that's a technical meeting.

COMMISSIONER LYNCH: Technical.

MR. LUISI: That's in August.

COMMISSIONER LYNCH: And there's when to have the input and that input is gonna be put before the Board in August and then a decision isn't going to be made until next year. That's one more year away from where the baseline data is.

So all I'm suggesting is that -- in Bill's capacity on the Board, and in our capacity as a member I think that we have to logically say, wait a minute, what's going on here, do we really have enough data to go into following a recommendation here, can't we just postpone that until we really have hard data and maybe that will get the recommendations from the technical committees back on track. I don't know.

CHAIRMAN GRACIE: Bill.

COMMISSIONER GOLDSBOROUGH: I hear you, Val. Thank you for all the input.

First I want the Commission to know that I have not been the chairman of Tautog Board. I am the incoming chairman of the Tautog Board.

(Laughter)

COMMISSIONER GOLDSBOROUGH: I don't have a lot of background in catching tog. I mostly fish in

the Bay. I have caught a tog in Chesapeake Bay. So I kind of thought, you know, glass-half-full way of looking at it that I was coming on with not a lot of pressure baggage. As I came to understand the circumstance --

CHAIRMAN GRACIE: (Indiscernible).

COMMISSIONER GOLDSBOROUGH: -- you know as I came to understand the circumstances with this stock bridge has been basically depleted when you look at it in gross fashion for 15 years. And we've been ignoring the technical advice for that long.

I kind of realized that my better description my role in this is that I was the only sucker they could find to sit in that chair.

So that's -- I'm -- but I'm going into it understanding that what this movement represents is an attempt by the ASMFC to really try and improve some of these fisheries that have been begging for it a long time.

Now having said that, I think the point you're making about the data and I've talked to Monte (phonetic) quite a bit and I've seen some of his calculations and I think he makes some good points



too. I'm going to go to the technical committee meeting next week mostly to listen, but I do plan to try and interject some common sense as well. You know, its tough when you have to make a fishery management decision to make it all subjectively, you know. You want to try and be as objective as possible. If the data is limiting you've got to do the best that you can. So that's how I'm looking at that.

MR. LUISI: And I appreciate that.

CHAIRMAN GRACIE: Any other comments or questions for Mike? Dave.

COMMISSIONER SMITH: I just want to say I agree with Val 100 percent that this is widely known to be (indiscernible) and we need to (indiscernible) to have an answer and be compelled to make a decision on. So I just wanted to say that.

COMMISSIONER LYNCH: (Indiscernible).

COMMISSIONER SMITH: If we can we've got to fight that urge to -- we know we have to make a decision because that's the way (indiscernible).

MR. LUISI: I think one that's going to be -  
- and again like I said, I don't know -- I can't tell

you -- I can't even begin to predict what's going to take place in August at the board meeting. But this whole idea of, you know, using this type of argument to try to maybe get this species put back on the list of the species who are -- where they're going, you know, look, at the assessment in more depth and have a peer review assessment done. You know, this is an action that the Board can certainly take to try and get the ASMFC to reprioritize and get them back on board.

I will certainly be updating you guys.

CHAIRMAN GRACIE: Is it your sense that there's likely to be a battle over this 53 percent reduction?

MR. LUISI: Yes, it will bring it to a head. Indeed.

COMMISSIONER GOLDSBOROUGH: Well, yes. Every state feels we're looking for their angles on this. And there are a lot of different circumstances, so there will be different angles.

MR. LUISI: Yeah, and we've also been looking at some different things trying to figure out a way of looking at the information.

So if that's all you guys have -- Marty did you put up the presentation?

MR. GARY: Yes.

MR. LUISI: We're got 30 minutes and I know Jim's going to start twitching if we go too much past that tonight.

I'm going to only plan to do over the next few minutes is to present to you --

MR. GARY: I don't know about the remote, but it is working now.

MR. LUISI: So we had a meeting with the stripped bass industry worker where we presented some of these ideas now. What you're going to see from me tonight is a presentation that kind of outlines a package, the form or a regulatory package, some administrative work and other regulatory actions that we would like to move forward with. What Lynn and I and Marty are here to obtain from you tonight are recommendations as to issues that you have with some of the ideas that we have and other ideas that maybe able to be part of the solution as you might want to say in our addressing some of the concerns that you're going to see.

Now the management principles that we use is the core of what we -- how we look at the way we do management, our sustainability, harvest accountability, enforceability, and cost recovery.

Now there has been some recent conversations back and forth in emails and phone calls regarding cost recovery. And what you're going to see tonight is that there is a quite a large discrepancy between the revenues that are generated on the commercial -- by commercial fishermen and the costs to the Department in managing that commercial fishery.

This is something that I thought before I get down to the presentation that I would address and first say that you're going to see that the Department has identified that issues as a problem.

It is something that we intend to look deeper into to figure out more completely where all of the funding is coming from that being used in management in the commercial fishery. It's something that once we have finalized that and we've looked back a number of years and try to figure out where -- what's happening, we'll be certain to present that to you. A lot of issues involved, a lot of Natural

Resources Police is a major competent to that. We have to coordinate that whole action with NRP to determine the overall cost to the commercial management.

So although cost recovery is up here (indicating), and you're going to see that we've identified it as a problem tonight, I would hope that in the interest of time we can certainly talk about it but I just want to tell you, I don't have all the answers right now. Hopefully we'll have more answers later and I would rather focus on recommendations or a direction that we can take as we begin -- as we plan to implement some of these other regulations over the next course of the next couple of months.

So with that said I'll go ahead and move on. I want to go ahead and skip this. I just want to give the commercial guys an option to look at their goals and know that the sustainability, the accountability and the enforceability is all part of what they're working on each time they meet.

So what I'm going to do is step through some of the problems associated with our management principles. And this again is related to commercial fishing.

First sustainability. You know we look at this and we say, you know, the current biological targets are being met (indiscernible) stripped bass fishing with more quality.

So we don't necessarily have a problem with sustainability, however (and there is this big however there) that if we fail to address the problems associated with the other components to our management albeit enforceability and harvest accountability and cost recovery we're not going to -- we don't -- there could be a problem with sustainability down the road.

So we need to address the other problems in order to maintain this -- that we use as our principle.

All right dealing with harvest accountability. It was too many months ago, you know, illegal gill nets were seized in the Bay during the February gill neat season. The Department came out immediately. We were committed to addressing this problem. And we worked very hard over the last few months in coordinating with the Natural Resources Police to identify where the problems lie so that we can come up with solutions to solve them. And with our

work with NRP was determined that there is a harvest accountability problem with individual commercial fishermen and not only the individual fisherman but there's also problems with our system that we have setup for the check stations are involved.

There are a couple of examples here, but you guys all know about the issues that -- some of the accountability problems with harvest with southern Maryland fishermen and then the federal investigation that took place years ago. There are under reporting issues. Falsifying reports all as a result of that investigation.

We're still seeing the misuse and the illegal use of tags whether it be putting hook and line tags on (indiscernible) fish or falsifying reports in order to have more tags available to be used outside of the check station process that the state has already assumed that you've used them.

One of the things that came about from the meetings that we had with the police was -- and we've been, you know -- we just weren't aware of this being as big of a problem as much as it was. And you guys remember back in February of last year we put together

a kind of saturation of that where the last two days of the -- when we reopened the gill net fishery at the end of February, we coordinated with NRP and we had -- we took that thing to the top 10 or the top 12 check stations that were active during that time and we had an officer and fishery staff at each and every one of those check stations from the moment that it opened its doors until the minute that it closed at night and we were recording information and NRP was taking down all the people who were coming and going throughout the day and what we found after the fact was that there were people that had checked fish that day at certain locations that never physically went there. We're still -- the only thing that we can assume is that were just -- there were phone calls that were made, hey, I've just landed and I've got this and this many fish, this many tags and they wrote it down and reported it. The check stations reported it, yet when we compared it to the information we got from a saturation patrol they didn't come out. And it wasn't all check stations. And I wouldn't say that it was -- well lets just say it happened.

So we identified that as a problem.



Our system is set up so that when fish come through the check stations each and every one of them are supposed to be counted and there's supposed to be weighed and that information is supposed to be told to us.

If call-ins are being made, there's a lot of potential for falsifying reports in that case.

Regarding enforceability. Obviously there was a problem last year with the use of anchored gill nets, illegal anchored gill nets. And it is just the same with harvest. We have the illegal misuse of tags and falsified harvest reports, as well.

So I guess you can kind of look at harvest accountability and enforceability being much as the same.

Now for cost recovery our fourth principal. These are a few numbers that we have put together for the meeting last week. What we're looking at here is a revenue of about \$450 thousand, and that's coming from the permit fees that the commercial fishermen pay and the license fee that they pay each year when they renew their license.

Not all of the fees -- not all of the

license fees -- if I'm a striped bass fisherman with a (indiscernible) and I renew my TFL (indiscernible) I have -- there are other activities that I can participate in, so therefore we -- in this case we included all of the fees generated by striped bass fishermen when they renewed their license as part of this overall revenue, yet there are other things that could be done.

So we're looking at a revenue that would be the total management and enforcement costs -- again this is a pretty -- it's an estimate, but we're looking at a little over \$1 million on the actual costs of -- as far as costs go we have biological monitoring and permit monitoring.

So we have staff that deal specifically with permit -- the permits and the tags, keeping track of the quotas and we have other staff that are out there collecting the appropriate information and the necessary information so that the striped bass population can be assessed so that we can continue to have a recreational and commercial fishery. So those costs are listed there.

Enforcement was able to come up with what

they felt was a decent estimate of costs and we're looking at about a half a million dollars there.

Now just so you know and I think I saw somewhere today that there was a reference that the costs were just for the gill nets fishery and that's not the case. This is an annual cost as it is an annual revenue. So this isn't specific just to the gill nets.

CHAIRMAN GRACIE: Enforcement is just in our peak.

MR. LUISI: Just in our peak.

And they try to give us an idea on what -- it's very difficult because when they're out patrolling they're not just out patrolling striped bass. They're out patrolling and then they actually -- something striped bass related happens.

COMMISSIONER SIKORSKI: So it is not specific to striped bass?

MR. LUISI: It is specific to striped bass. It's on an annual basis though and not on just the gill net fishery.

COMMISSIONER SIKORSKI: And the total (indiscernible)?

MR. LUISI: Annually.

COMMISSIONER SIKORSKI: Just striped bass or all --

MR. LUISI: Part of the \$313 thousand is the license fee. So you renew your T I Bell and that's permit. That goes into that \$313 thousand.

CHAIRMAN GRACIE: And it's a loss.

MR. LUISI: It's all a loss. The revenue is all straight -- it's the revenue from people who hold striped bass permits. But the license fee renewal -- when they renew their license they have an option to crab and do other things as well.

So for the purposes of this discussion we just pulled -- we didn't split, we didn't try to separate that all out.

COMMISSIONER SIKORSKI: So it's not other -- is there other license revenue?

MR. LUISI: There's plenty more license revenue. This is just for the permit holders of the striped bass permits.

MS. FEGLEY: This is for the population of people holding a striped bass permit.

MR. LUISI: Right. And there are --

CHAIRMAN GRACIE: Brandon you had a question.

COMMISSIONER WHITE: There are three questions of which I know you probably don't have the answers but I'm going to ask them specifically because I -- when you --

MR. LUISI: I know just about --

COMMISSIONER WHITE: -- no, I don't think you do have these answers but I would ask the Department specifically to come back to answer these.

MR. LUISI: Sure.

COMMISSIONER WHITE: Where is the delta coming from between the revenue and the license fee? Who approved it? When it was approved? Meaning the person at DNR, which could go back however long. And how long has it been happening? Meaning how long has the delta in that -- in those two numbers been coming from that source. And what is the total amount of that source over those years?

MR. LUISI: Just bear with me while write so I can read it tomorrow.

COMMISSIONER WHITE: Okay. I can email it to you if you have any questions.

MR. LUISI: That would be -- an email would be good as well. But those are things -- those are the answers that we've --

CHAIRMAN GRACIE: I wonder if the Commission would like to have these questions too.

COMMISSIONER WHITE: No, I'm not asking for all of us, but I'm willing to clarify it but I just wanted to be specific on those questions.

MR. LUISI: And I can address it by saying that I -- you know, Tom is serious about --

COMMISSIONER WHITE: I understand that.

MR. LUISI: -- hearing about what's going on here. And I think I might not be able to get back to you in a week, but when we finally -- we do understand what's going on, we are going to -- that report will be made available.

CHAIRMAN WHITE: Did you have a question Ed?

COMMISSIONER O'BRIEN: Yeah, Brandon just some -- the words right out of my mouth. But there's one thing relevant to the difference between the total cost, or the cost recovery, is how -- where did the money come from to supplement the underage here? And how much of that came out of actual recreational

fishing dollars? I know some did, but I don't know how much.

COMMISSIONER WHITE: I think that's included. That's part of what I said.

MR. LUISI: Yeah, that's part of what he asked, so I think that's what we're all --

COMMISSIONER O'BRIEN: I just wanted to get specific on that.

COMMISSIONER JETTON: The biological cost, obviously that's commercial and recreational and charter boat. Did you take that whole dollar costs for everything or did you just put that up in the three different user groups?

MR. LUISI: What we did was we took U.S. Fish and Wildlife Grant and that pays for our biological staff to collect that information and we split. So we had used -- the cost is only a portion of the commercial which we assume 50 percent and the 50 percent for recreational and charter.

COMMISSIONER JETTON: The biological gets split up between recreational --

MR. LUISI: Yes. That reflects that split.

COMMISSIONER JETTON: Okay. I wanted to make

sure.

MR. LUISI: Yes.

CHAIRMAN GRACIE: Mike one of the things that will help us and I don't know if you're looking into that is that the costs of enforcement are not borne by licenses fees for any fishery. If we had that comparison, too, so we could kind of see how it all balances out. Enforcement cost for professional fishing only covered by license.

MR. LUISI: Right.

CHAIRMAN GRACIE: There's a lot of general fund money in there and there's some other allocations that go into that.

MR. LUISI: I think that's one of the major question marks is how enforcement -- first of all coming out that estimate which they did in a short amount of time. It was -- we'd like to get a more complete answer.

CHAIRMAN GRACIE: The point is we don't collect enough license money to allow fishermen to pay for all the --

MR. LUISI: Sure.

CHAIRMAN GRACIE: -- if it were all used for



that.

MR. LUISI: Okay.

CHAIRMAN GRACIE: So a comparison of the non-striped bass enforcement cost to other fisheries would be helpful to put it in perspective.

MR. LUISI: Okay.

CHAIRMAN GRACIE: I know it makes the job bigger, but --

MR. LUISI: Okay.

CHAIRMAN GRACIE: Val did you have something to say?

COMMISSIONER LYNCH: One question. It's a general question. Are recreational revenues and commercial supposed to be segregated for these purposes?

MR. LUISI: As far as license fees, again this is something that I --

COMMISSIONER LYNCH: I think you know the expense.

MR. LUISI: -- you know, I don't know if I can answer that question accurately enough. We collect information -- we collect license fees from commercial when they renew their license. I imagine -

- I can only say that I imagine that they're separated because recreational license fees -- they are two different pulls.

COMMISSIONER LYNCH: I believe they're two different pulls from the revenue file. My question is, are they segregated for expenses?

CHAIRMAN GRACIE: Are restrictions on the use of freshwater and saltwater license fees? The ones is fisheries management protection fund and the other one is fisheries use service and development. That's the tidewater portion. And there are restrictions on those uses.

COMMISSIONER LYNCH: Now is direct money not used for commercial money?

CHAIRMAN GRACIE: I don't know that the restrictions totally disallow.

MR. LUISI: One of the restrictions -- the restrictions in the way that they're worded with those recreational funds, you know, for instance we buy a great deal of the tags through the money that's made available through the U.S. Fish and Wildlife grant that supports our biological monitoring. And how we've been able to get to that is that by a better monitored

commercial fishery which the tags allow us to do it goes to allowing for a better recreational fishery I the long-run if you can monitor your commercial fishery.

You know what I was telling you guys tonight is that we're -- and I'll get to it in just a second. We're monitoring the commercial fishery and we've realized that there's some problems in the way that we're handling that. So what you're going to see next, if it's okay to move on, are some of the ideas that we have that I want to get through here with you guys.

These options here are things that would be looking at the enforceability on the short-term. The upcoming gill net fishery being the short-term of what we're thinking about.

We're proposing to require that fishermen's license numbers -- the fishermen's and watermen's license number be identified on all the corks or every other cork on the entire net that they're going to be using whether it's in the boat or it's the deployed. This would allow for NRP to more easily identify a net if set illegally.

The thing that's come up is well, if I'm going to take the risk at setting an illegal net and I have to identify it, I'm going to go set it anyway. Well even if you're on a boat with a net without any of this -- its going to make it more difficult. Enforcement has stressed the importance of this and they feel that its going to do some good as far as keeping people from taking out nets that they intend to set illegally.

Another issue that we'd like to address is the elimination of the net reels on the back of the boats in the Chesapeake Bay Fishery only. The enforcement concern is that on a spool you can only see the outside of what's there. You can't see what mesh sizes or what's on the inside of the spool. So without being able to inspect the entire spool unless it's completely deployed it makes it difficult for them to determine whether or not it's a legal net when it's on a reel like that.

CHAIRMAN GRACIE: Are they able to handle their nets as effectively without the reel?

MR. LUISI: Yes.

COMMISSIONER JETTON: I've never seen one of

those in the Bay.

MR. LUISI: Yeah, its more down in the lower portion of the Bay.

CHAIRMAN GRACIE: We've sure seen that.

COMMISSIONER JETTON: Okay.

MR. LUISI: Yeah. One of the issues that was also raised some of the guys fish later for croaker and other things later in the summer and later in the year and they use the net reels. So we were looking at possibly just eliminating those net reels during the December through February gill net fishery for striped bass and allowing these guys to respool them to do what they need to do in summer.

COMMISSIONER JETTON: I don't have a problem with that.

MR. LUISI: We're working with our IT Department to make available to NRP the tag sequences for fishermen immediately through a query tool that they can use on their (indiscernible) so that if they do stop somebody and they punch in that code number the number on the tag it will immediately tell who the fisherman is that's supposed to be there and they can enforce whether or not it's the right person of if

they're misusing tags with one another while they're out on the boat.

We do give them the hard copies of that information and emailed copies but its not as easily accessible, so we're working on that.

Increases in penalties. This was existing penalties and the new penalties that we're putting forth.

I believe either Marty or Lynn, one of you guys mentioned it right at the beginning, what was it House Bill --

MS. FEGLEY: Eleven.

MR. LUISI: -- 11 something.

MS. FEGLEY: Eleven-45.

MR. LUISI: Eleven-45, gave the Department authority to develop penalties for knowingly egregious or repeat offenses. And those are in the works and so therefore we're going to see increased penalties and increased consequences for any illegal action.

MS. FEGLEY: And just -- again that regulation which also allows for revocation is due -- is on track to be effective in the middle of August providing no hang-ups.

MR. LUISI: The next thing -- this is something that is new to Maryland. It's not new to fisheries' management at all but we're considering -- we'd like to put forth a proposal to develop and implement a "Hail-in/Hail-out" system for commercial fishermen. This would be something that we would be shooting for to get in place for the gill net fishery this December. Yet we would also expand that to all of the fisheries, all the stripped bass fisheries. With the Hail-in/Hail-out system would allow the NRP, the officers, real-time information on who is out in the Bay fishing and who is not.

So therefore the way that this would work, before someone leaves the dock in the morning they would call this number, they would either text or enter certain information into the phone which would be a realtime -- into a realtime data system an NRP could use to understand who is going out. The information would be what your license number is, what date is, when are you leaving and where are you going, what gear are you using could be the questions that they were asked.

CHAIRMAN GRACIE: You don't have the

authority to require that now?

MR. LUISI: We don't yet but this is something that we'd like to put forth in this package that would reach all of this. We don't have authority to do any of this yet except for the penalties part.

Now the other components of this would be hailing back in on your way back. So you go out fishing and before you return and you have decided whether or not you'd have to get this information an hour or two hours prior to being -- to fish being landed. But we would require the fishermen to call the same number, text the same number with an estimated time of return, the location of landing, where are they going to go. Are they going to go to their dock or are they going to go to a residence or are they going to go directly to a check station? We would like to know what that check station is and an estimated number of fish or pounds of fish onboard.

This again is what NRP would use in realtime to know the amount of activity that's taking place in any given area and use it as a way to be able to be at the right place at the right time in order to do inspections on the fishermen when they come to the



dock.

CHAIRMAN GRACIE: You have a question here from Dave.

MR. LUISI: Yes.

COMMISSIONER SIKORSKI: When you say those are required, (indiscernible) boat?

CHAIRMAN GRACIE: To get it place by December it has to be --

MS. FEGLEY: We have -- we have the authorities of proposing regulations.

COMMISSIONER SIKORSKI: Okay.

MS. FEGLEY: Right. So we don't need anything statutory.

CHAIRMAN GRACIE: Brandon.

COMMISSIONER WHITE: Do you have a proposal where the extra money from all this is going to come?

MR. LUISI: Not yet.

COMMISSIONER WHITE: You can institute it without the money.

COMMISSIONER O'BRIEN: Recreational.

COMMISSIONER WHITE: Can you add that to the questions that I have for us?

MR. LUISI: Sure.

COMMISSIONER WHITE: Thank you.

CHAIRMAN GRACIE: Val.

COMMISSIONER LYNCH: Yes. Do you have a sense of how you're going to enforce that?

MR. LUISI: Enforce?

COMMISSIONER LYNCH: The hail-in/hail-out?

MR. LUISI: Well I think the way that it works around the world is if you're caught out there, you know -- you're expected to follow the rules and if a fisherman -- if you're found to be out without hailing-in or hailing out, if you're found to be at a check station without hailing-in there's going to consequences to that.

COMMISSIONER LYNCH: Well that's what I'm getting at --

MR. LUISI: Those consequences --

COMMISSIONER LYNCH: -- you don't have any sanctions. You don't have any enforcement?

MR. LUISI: -- well failing to --

COMMISSIONER LYNCH: How are you going to get the sanctions? You're saying you do that through regulations? Eventually regulations?

MS. FEGLEY: It would be an administrative

penalty such as your permit gets yanked or more.

So it's rather than trying run it though the -- it wouldn't -- since we don't have to go to the courts it would be a shared administrative penalty which is the way sort of classic (indiscernible) obligation, yes.

COMMISSIONER LYNCH: And you feel that DNR can implement this and enforce it without legislation?

MS. FEGLEY: Uh-huh. We feel with the revocation emergency package we just put in -- the emergency package based on House Bill 11-54.

MR. LUISI: We're working right now on how -- I wouldn't say it's -- knowingly egregious, if you were able to say that this was egregious and you knowingly did this in order to get around the system, I mean, that's the working in the current penalties package that we're working on.

But, no, these are all things that we still need to be talking about.

The last thing on this enforceability is that we're going to work with NRP to develop a system for random audits of the check stations kind of like the saturation controls that we did last February and

it wouldn't necessarily be 10 of the areas but maybe one or two of the places that perceived to be getting the most activity. We would either have a staff member or an NRP there over the course of a couple of days in order to inspect what's happening.

CHAIRMAN GRACIE: Dave did you have a question?

COMMISSIONER SMITH: Lynn you said that all this was already in the emergency package in the process right now?

MS. FEGLEY: No. No, no, no. No.

CHAIRMAN GRACIE: The revocation.

MS. FEGLEY: Yes.

MR. LUISI: Yes, the penalty stuff is in the emergency package. Just for the timeline purposes all of these things that will be part of some type of regulation we need to have that package purposed by the middle of August, in order for it to be in place by December.

CHAIRMAN GRACIE: In order for it to be in place by December?

MR. LUISI: In order for it to be in place by December.

Some of these things we realize are going to take some time to develop therefore we're probably going to -- let's say for the hail-in/hail-out we may say in the package that the Department may initiate a program, blah-BLA-BLA. That would give us the authority to initiate it once its complete and thought out and planned. But our intention is to get this stuff done by December.

CHAIRMAN GRACIE: You have a bunch of questions?

COMMISSIONER JETTON: I just have one about your check stations. Are all of your check stations pretty much fish buyers or are they still check stations that are people that handle it could be a personal home or something like that? At one time I know that were a couple like that in Rock Hall where individuals had their own check station where they used to catch fish and check their own fish and I'm curious if that's been looked at?

MR. LUISI: Yes we still initiate -- there are still a few that aren't necessarily buying fish. They're checking them for themselves and possibly maybe five other people in order to keep the location.

We try to scatter the locations the best we can to minimize the amount of running around that folks have to do.

COMMISSIONER JETTON: And where's -- those do get audited, too? Those are kind of off the radar?

MY LUISI: Yes. They can certainly get audited just as well.

COMMISSIONER JETTON: Okay.

MR. LUISI: And again another thing that we're working on how to develop this type audit.

COMMISSIONER JETTON: Okay.

MR. LUISI: Any other questions?

CHAIRMAN GRACIE: When they hail-in/hail-out are then coordinated with the tidal station commercials?

MR. LUISI: Well I presented this last week to the Board group and I'm going to present this again to tidal fishing on Thursday.

CHAIRMAN GRACIE: What kind of reception are you getting?

MR. LUISI: You know the major issues they had with the hail-in/hail-out was that the phone coverage is going to be pretty tough. They didn't

seem as if -- there was -- I didn't get the sense that they were overly pissed off about having to go through some of these motions in order to develop a system that is more accountable for the actions that are happening out in the Bay. Phone coverage is going to be a problem especially down in some of the lower --

CHAIRMAN GRACIE: I know a loophole.

MR. LUISI: -- remote areas.

(Laughter.)

MR. LUISI: That's the thing. These are things that we still need to work on.

CHAIRMAN GRACIE: James.

COMMISSIONER WOMMACK: All these are good and everything but this basically is just dealing with the Maryland side for the Chesapeake Bay, right? This isn't going to reach down from White Tower (phonetic) and Reedville (phonetic) going down to the Cape?

MR. LUISI: No, we don't have anything to do with those places.

COMMISSIONER WOMMACK: And what I just see you tightening more and more on the Maryland fishermen but until you try another -- if the whole Bay can come together -- those guys down there are just going to

keep on slaughtering rock fish like they usually do. There isn't anything going to change for them because all you're doing is tightening up on top of the Bay but once you get passed the Virginia line everything is wide open.

CHAIRMAN GRACIE: You've got to get on another commission --

COMMISSIONER WOMMACK: Yes, but I'm just saying that sooner or later you're going have to come together because you're just talking to the Maryland fishermen.

MS. FEGLEY: Things get hard having your house in order.

COMMISSIONER WOMMACK: If the fish get here.

MS. FEGLEY: That's true.

MR. LUISI: I'm going to put all of these up and some of them are repetitive.

I want to talk just for a second about another --

CHAIRMAN GRACIE: It's 9:00, so you've got to minimize the repetition.

MR. LUISI: Good. I'm going to just touch on the new stuff here.



CHAIRMAN GRACIE: Okay.

MR. LUISI: One of the things that we -- based on all of this and I'll just come out and say it. We're -- as far as our management certainty at meeting the target goals or the quotas that we've set to manage toward we're less certain that we're hitting those targets exactly where they're supposed to be given some of the foul play that's happening out on the water.

So in an effort to address that management uncertainty it's our intention at this point to work with our NRP in trying to figure out exactly how much uncertainty we have as far as what's being reported and what's actually being harvested and we plan to apply that to both the December gill net and 2012 commercial Chesapeake Bay quotas.

So therefore how you can look at that is if you have 100 thousand pound quotas for the month of December, if we feel that there's an uncertainty of 20 percent we're going to take the top 20 percent from that quota and we're going to manage to 80 thousand. Once it hits 80 thousand we're going to cut that

fishery off and go from there.

What we feel though, is that a lot of these rules that we're going to put in place, the hail-in/hail-out system, enforcing that a fisherman needs to with their fish when they check them in and they can't just have a truck load with one guy and a bunch of permits.

Some of these things that we're going to go forward with are going to go a long way in helping us feel more certain but we have to assess that first. We need to let it start happening and start figuring out whether or not its accomplishing what it is we want to accomplish before we go any further.

CHAIRMAN GRACIE: Brandon.

COMMISSIONER WHITE: I think in addition to that you also have to access if the industry can pay for itself to monitor itself and if it can't then we should not talk about all this stuff about enforceability because if they can't support themselves then the fishery itself is unsustainable.

MR. LUISI: Yes, you're absolutely right. We can talk about that at another time. But, yes, the cost recovery is an issue that we're going to focus

on. There are ways of getting more money from fishermen. One of them is to increase their fees, increase their permit costs, and increase their license fees. Another way to obtain more revenue from the commercial industry is to tax their landings. These are all ways that -- it's accomplished in other places and these are all of things that we're going to be considering as we try to reduce that delta, as you put it.

CHAIRMAN GRACIE: Brandon asked a question earlier about have you figured out how you're going to pay for these additional things. The question I didn't hear asked and I hope its part of what you're going to do is, do you know what that additional cost is?

MR. LUISI: We don't yet but we will.

CHAIRMAN GRACIE: You will. That's good.

MR. LUISI: Okay.

COMMISSIONER WHITE: And that will be covered before you open the December gill net fishery?

MR. LUISI: The cost will be covered?

COMMISSIONER WHITE: Well, yes. You can't open the fishery if you don't --

CHAIRMAN GRACIE: I think he said they have to assess what measures they have to take and how that improves the accountability before it be fully implemented.

COMMISSIONER WHITE: Understood. My point is that until you've done that you shouldn't open it if you don't know how much the cost is or where the money is coming from. So until we have the answers to all those things then -- are you going to continue to have the fishery when the money could be coming from somewhere else?

MR. LUISI: I can't answer whether or not we're going to open the gill net fishery, correct.

COMMISSIONER WHITE: But you see my point?

MR. LUISI: I see your point. Sure.

MR. LUISI: I see your point. I think -- I hope --

COMMISSIONER WHITE: And if they were to borrow the money if the money is coming from the recs and there will be some interest rate and they'll pay it back (indiscernible), right?

(Laughter.)

MR. LUISI: I'd like --

CHAIRMAN GRACIE: We're not going to get that answer tonight.

COMMISSIONER WHITE: Absolutely, I'm certain we're not going to, but I needed to make the point.

CHAIRMAN GRACIE: Yes.

MR. LUISI: And I hope to be getting back to you guys sometime in the future here. Sometime in the near future with these answers.

CHAIRMAN GRACIE: You want regulations in August.

MR. LUISI: Yes, the next meeting is a joint meeting so that could be where we present what's going down.

CHAIRMAN GRACIE: That would be the agenda for tonight, then.

MR. LUISI: Yes, I recommend that that's -- that's going to be what it is the agenda.

(Laughter)

COMMISSIONER LYNCH: I must say I'm getting more and more on commercial.

CHAIRMAN GRACIE: All right. Is that it? Is that it?

MR. LUISI: That's all I have. I know we

ran out of time tonight.

CHAIRMAN GRACIE: It's not all your fault.

MR. LUISI: We're looking at -- what we need from you guys and you can do this outside of this venue here, let me, let Lynn, let us know what question -- you've already given me some questions, but if you have other recommendations, other things you'd like us to consider, if you think something is terrible and you want us to throw it away, those are all the things we need to know because we're going to be moved fairly quickly on developing this package to get it implemented in time.

MS. FEGLEY: We're hoping to have something posted on the website for public comment in the next week, the week of July 25<sup>th</sup>. That's the goal.

CHAIRMAN GRACIE: Okay.

MS. FEGLEY: So mind you this is not specific in terms of what it does in the hail-in/hail-out. It was a specific hail-in/hail-out system and it will say something to the effect that the Department will develop a system by which BLA-BLA-BLA so that we have it in the regulations. Just be aware that that's going to be going up.

COMMISSIONER SMITH: I think Brandon made a great recommendation in that you don't open it until you can pay for it. I think that was a really good recommendation.

CHAIRMAN GRACIE: I think we will take some comments from the public. They might want to say something they've been sitting all night.

No comments?

MR. LICCIONE: I just going to add though what Brandon said, if you're responsible to look at -- is seems though it's irresponsible if you don't know what the costs are going to be for the (indiscernible) and how you're going to get the money. How can we talk about (indiscernible?). You can't separate the two. There's a cost. There's a gap there and that has to be brought into discussion. I mean, very good (indiscernible) on measure when you don't know what the cost is, one, and two, where the money is going to come from.

So I think that's got to be part of it because this is obviously a big issue and God forbid if the gap is being taken care of by sport fishing dollars, yesterday, today and tomorrow.

CHAIRMAN GRACIE: With Commission permission I would be happy to compile these questions if you'll give them to me and put them in a letter to the secretary saying that we want these questions addressed. That's the only thing we can do and wait for them.

COMMISSIONER WHITE: I don't think so, but I appreciate you doing the work.

CHAIRMAN GRACIE: Well I think it probably needs to be done. It will make Tom's job easier, too.

So if you guys would repeat these questions. Marty I don't know if you captured all of them, but if you have any additional ones send them to me, I will compile them into a request and then I'll send them to the secretary and copy you all with the letter.

COMMISSIONER WHITE: Okay.

MR. GARY: Are you finished?

CHAIRMAN GRACIE: Yes.

MR. GARY: I need to talk about the next meeting.

We sent you the annual schedule it's up on the website. We committed to having a meeting, the joint meeting with sport fish tidal fish Tuesday the



20<sup>th</sup> of September, however there is an issue with the Calvary Methodist Church because (indiscernible) and we could do it in the cafeteria, but my question is the church is available the next night, Wednesday the 21<sup>st</sup>, --

COMMISSIONER SIKORSKI: You're saying September?

MR. GARY: Yes.

COMMISSIONER SIKORSKI: So it's not August?

MR. GARY: There is no August meeting.

COMMISSIONER SIKORSKI: Okay.

MR. GARY: So the next meeting --

CHAIRMAN GRACIE: It will be on the 21<sup>st</sup>? It will be 40<sup>th</sup> anniversary of me and my (indiscernible).

MR. GARY: We can either look at Friends Meeting House or Bill I hate to go, I mean double dip on (indiscernible) and have it over there.

MR. Goldsborough: No problem. I mean as long as it available.

MR. GARY: All right. So we'll keep it on the 20<sup>th</sup> and then we'll figure it out.

CHAIRMAN GRACIE: Where is Friends Meeting?

MR. GARY: Right down the road by the --

