

Maryland DNR
Tidal Fisheries Advisory Commission
Meeting

Thursday,
October 20, 2011

*Maryland DNR
Tidal Fisheries Advisory Commission Meeting*

October 20, 2011

TFAC Members Present:

Billy Rice, Chair

Mike Benjamin
Robert Brown
Dale Dawson
Gilbert Dean
Robert Gilmer
Bill Goldsborough
Steve Gordon
Larry Simns
Bill Sieling
Gail Sindorf
Danny Webster
Richard Young

SFAC Members Absent:

Brian Keehn

Maryland DNR Fisheries Service

Lynn Fegley
Marty Gary
Gina Hunt
Tom O'Connell

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KEYNOTE: "---" denotes inaudible in the transcript
 "*" denotes word was phonetically spelled

E V E N I N G S E S S I O N

(6:34 p.m.)

Welcome and Announcements

MR. RICE: Okay, I would like to call the meeting to order at this time. It seems like if you start on time, maybe we will end up on time. Marty, could you bring us up to date on any announcements?

MR. GARY: Thank you, Billy. All right. Welcome, everybody, commissioners and public, to the October 20th meeting of the Tidal Fisheries Advisory Commission. This meeting is being recorded. Lisa Burns from -- I apologize, Lisa. You are from --

MS. BURNS: Audio Associates.

MR. GARY: Audio Associates is recording it so there will be transcript available up on the Tidal Fish Commission Website approximately 10 days from today or sooner. If anybody has a cell phone, you don't have to turn it off, but please mute it so if it comes on it doesn't distract anybody if you don't mind at this time.

We have an agenda that has been posted up on the Website. It has been up for about a week or so. I apologize to the commissioners as I met them as they came in. We have modified some items. So we have -- the apprenticeship agenda item has been postponed. We are hoping to bring that forward to you in November. And we have moved a couple of items.

1 So there was an agenda that is in your binders, but
2 I am asking you to please use the one I put on top if you
3 don't mind. So hopefully everybody has that one sitting on
4 top of your folders. And Billy, you have yours, right?

5 MR. RICE: Yes.

6 MR. GARY: Okay, and then we do have a request from
7 one of the commissioners to add an item if no one objects to
8 that. Commissioner Sieling has asked for a few minutes to
9 talk about the female crab season. Not right now but during
10 the meeting. Any objection to adding that item from any of
11 the commissioners?

12 (No response)

13 MR. GARY: Okay, very good. Other than that, just a
14 couple of other items I am going to mention to you. We
15 started with the Sport Fish Commission on Tuesday night, and
16 we are doing this again tonight. We don't expect a whole lot
17 of critical mass early on in this process but we actually have
18 a live link into the Internet for this meeting.

19 The folks that get a message on their computer, and
20 we put it out through our Twitter account and posted to our
21 Website, and we can push that information out better in the
22 future.

23 But basically for folks who can't make the meeting,
24 and that would include the commissioners in the future, if for
25 some reason, if you are not feeling good, you can't be

1 here -- obviously we would like to have you here in person --
2 but if you just can't make it, there is a method by which you
3 can go in very simply, click on a Web link, and basically it
4 allows you to see everything that is being projected on the
5 screen, and also hear the audio.

6 Now right now the only audio you can hear -- and we
7 are live and I don't know how many people have tuned in -- but
8 we did this put this out through social media today, the only
9 thing they are going to hear is coming from this laptop in
10 this general area but they will be able to see everything here
11 and theoretically we can also take public comment.

12 So if somebody is listening and we get to the latter
13 part of the commission meeting where we reserve public
14 comment, and we have finished here in the room, we can go
15 online, and if somebody is there, we click and they can speak
16 right through the microphone from home. So we are really just
17 trying to push the technology, give people an opportunity
18 wherever possible to view what is going on, to see what is
19 happening.

20 And also if any of the commissioners have laptops,
21 we have a special software package that makes it even easier
22 than clicking on -- the Web link is pretty simple -- but more
23 or less makes it bulletproof. If you want to bring in your
24 laptops in future meetings, feel free to do that. We have
25 some extra licenses and we can load that on there for you if

1 | you would like.

2 | If that is helpful to you. Other than that, I think
3 | we are clear to go. Just want to make one more mention
4 | that -- Steve, you want to mention a couple of words about our
5 | catering, what we have been doing?

6 | MR. VILNIT: We started this a few meetings ago with
7 | buying local foods. Like I said before, we have asked the
8 | public to support us and buy our local seafood. I think we
9 | should do the same in terms of supporting our local farms, our
10 | local agriculture, our local bread companies, local cheese
11 | companies, everything.

12 | You will notice on the sign behind the food back
13 | there it shows exactly where the farms, all the different
14 | products are coming from. Chicken is coming from Sparks. The
15 | bread crumbs on the chicken is coming from a company in Fells
16 | Point, Maryland. So you will see this at all the meetings
17 | now, trying to make a push toward more local products, not
18 | just seafood.

19 | MR. GARY: All right, thank you, Steve. And just a
20 | couple other things. In your folders, we just put them in as
21 | handouts, but you should have a Young of the Year striped bass
22 | press release. Hopefully you all saw that. It was e-mailed
23 | out to you. And the Simkins Dam handout. There are a couple
24 | of those in here. So that is good news on this year's striped
25 | bass Young of the Year.

1 The last thing I will mention to you is if you all
2 have been following the e-mails, I have been trying to push
3 information to you as it becomes available. I have been doing
4 that under the auspices of trying to get you the information
5 as timely as possible. So I mean if I get it on a Friday
6 afternoon, I try to send it out to you right away.

7 What that has resulted in is potentially a high
8 volume of e-mails, which you may or may not prefer to sort
9 through. And we discussed this with the sport fish commission
10 on Tuesday night, and I would just ask you all really quick if
11 you have any quick feedback for me, if you prefer, I can
12 bundle all the information and send it out once a week, as
13 like a weekly update to you if you prefer.

14 Or continue to do it as I have been doing it, which
15 is essentially as soon as I get it, I package it and put it
16 out to you so you are the first one to know and somebody else
17 doesn't hear about it first.

18 Or we can take a discretionary perspective and say,
19 you know, if it is minor details, things of interest but not
20 critical, we can maybe send that out on Fridays to you or once
21 a week. And then the things that are important and you need
22 to see right away, we will go ahead and send that out. I
23 think with sport fish we left it in a discretionary mode so
24 maybe that would cut down on the e-mails a little bit.

25 So if you have any thoughts on that, I will just

1 entertain that really quick and we will start the meeting.

2 MR. SEILING: I like the present system.

3 MR. GILMER: Me too.

4 MR. GARY: You like it pushed as quickly as
5 possible, as soon as possible. Okay. Everybody good with
6 that? All right. Mr. Chairman?

7 MR. RICE: All right, the first thing we have on the
8 agenda tonight, we would like a United States Marine Fisheries
9 Commission Update from Lynn, please?

10 *Estuarine and Marine Fisheries*

11 *ASMFC Update*

12 *by Lynn Fegley and Tom O'Connell, MD DNR Fisheries Service*

13 MS. FEGLEY: Sure, Mr. Chairman, and I would -- can
14 you hear me? Are you okay if I put my two agenda items
15 together?

16 MR. RICE: Absolutely.

17 MS. FEGLEY: Okay. So ASMFC, the first -- there are
18 really two important items at this ASMFC meeting, which is
19 going to be in Boston the first full week of November.

20 The first one that I want to talk about is menhaden.
21 And I know that several of you were at the ASMFC menhaden
22 hearing that we had I believe it was last week. Maybe it was
23 the week before, on the 11th of October.

24 The management board is going to consider -- there
25 is an addendum that has been out for public comment that

1 presents more conservative reference points for the menhaden
2 fishery, and it is at this board meeting that the board will
3 decide which of those options to go forward with, to choose to
4 manage the fishery.

5 There is a status quo option in there. There is an
6 option for a more conservative threshold, and then a series of
7 options for targets. So this meeting, that is what will be
8 decided. The hearing also covered a series of management
9 tools, things that can be used to achieve those new targets.
10 It is important that everybody understands that the board is
11 not going to be making any decision on that aspect of menhaden
12 management at this meeting.

13 So all those things like quotas, spatial closures,
14 size limits, all those things you were hearing about are going
15 to be tackled in another oncoming process. What you heard on
16 the 11th was there simply for scoping purposes.

17 Also want to say that I have talked to several
18 fishermen, pound netters since that hearing. I caught Gibby
19 really quickly before this meeting. I would like to make sure
20 that we have a chance to have a conversation with commercial
21 pound netters, with bait fishermen prior to this meeting.

22 I felt like what I was hearing in the ASMFC hearing
23 was -- I just want to make sure that you all are very
24 well-informed about exactly what is going on here. Where we
25 are in the process and what it means to you, what it may mean

1 to you, and I want to make very sure that all your questions
2 are answered.

3 So I would encourage you to call me or tell people
4 to call me. I am going to try to get with Gibby's people, go
5 down there and meet with his guys a little bit so we can kind
6 of make sure questions are answered, everyone is clear.

7 That is menhaden. The next one is striped bass.
8 You want to cover that, Tom?

9 MR. O'CONNELL: Sure. On striped bass, at the
10 August meeting of the Atlantic States Marine Fisheries
11 Commission, The board considered issuing a draft addendum for
12 public review that would result in reducing the harvest of
13 striped bass along the coast, in the Chesapeake Bay, as high
14 as 40, 50 percent.

15 And that push has largely come from the New England
16 States who, whose fishermen are experiencing significant
17 declines in seeing fish catch rates. And they kind of pushed
18 that issue. The draft addendum was developed for the board to
19 review, but at the board meeting, the board decided not to
20 approve that document for public review, recognizing that
21 striped bass are not overfished. Overfishing is not
22 occurring.

23 Yes, the population has declined as we have
24 experienced the lull of below-average juvenile recruitment
25 events. But fishermen need to realize that these populations

1 can't maintain at these high levels every year. They go up
2 and down.

3 So the board decided to not initiate that addendum
4 for public review at that time. The other decision for that
5 was there was a pending stock assessment. There was a crank,
6 you know, turn the crank stock assessment for striped bass,
7 and that would be available for the November meeting, and the
8 management board wanted to see the results of that stock
9 assessment before considering changing the management
10 strategy.

11 So that stock assessment has been completed. It will
12 be presented to the board in November. What I have heard from
13 the stock assessment is that the stock remains not overfished.
14 Overfishing is not occurring. The population is healthy. Yes,
15 the spawning stock biomass has decreased in relation to these
16 lower levels of recruitment but remains at a healthy level.

17 Because of these below average recruitment events
18 recently, we should expect that spawning stock biomass is
19 going to continue to decrease in the near future, but we are
20 very fortunate that we did obtain a very strong juvenile
21 recruitment this year. That was announced earlier this week.
22 It is the fourth highest on record in Maryland since the
23 survey began in 1954.

24 Virginia's numbers look like they are record
25 numbers, highest they have ever experienced, and some

1 preliminary information from Delaware Bay is suggesting some
2 high numbers.

3 So this is exactly what we needed to I think remove
4 some of that anxiety that -- you know, we had significant
5 sacrifice with the harvest moratoriums, significant investment
6 to restore the stock, and we don't want to go back there
7 again.

8 So this juvenile recruitment event this year is very
9 positive. Stock assessment remains at a healthy status. I
10 anticipate that the New England States will still make a push
11 for some harvest reductions but I think a lot of the managers
12 along the coast will be satisfied that the stock assessment
13 shows a healthy population. We just had a big recruitment
14 event, and they will just support status quo management up
15 until the next stock assessment is made available in a couple
16 years.

17 That is just my forecast of the discussions. I feel
18 optimistic about that. So that is what is going to happen at
19 the November board meeting with the ASMFC up in Boston in a
20 couple weeks. If there are any questions, I would be happy to
21 answer them.

Questions and Answers

22 MR. SIELING: Just out of curiosity, has anybody
23 ever figured out any correlation between any natural events
24 that contribute to good or bad year for reproductions,
25

1 recruitment?

2 MR. O'CONNELL: Yes. The NOAA Chesapeake Bay office
3 scientists have been doing some modeling, and they have
4 actually been predicting the recruitment of striped bass for
5 the last four years, and they have accurately predicted it
6 three out of four.

7 Some of the factors that seem to be influencing
8 striped bass recruitment is No. 1, you know, winter snowfall
9 and runoff, the runoff releasing some nutrients into the water
10 that stimulate algal growth and food for those small juvenile
11 fish.

12 The other thing is, you know, relatively constant
13 early, late spring/summer water temperatures. I think it was
14 last year we had a late freeze, and that was anticipated to
15 have killed some of the eggs and larvae. This spring, if you
16 remember, was relatively mild. We didn't have any late
17 freezes. So we think that had something to do with it as
18 well.

19 Like blue crab and like a lot of these --- fish,
20 these recruitment events are driven by environmental factors,
21 but water temperature and runoff early in the season seem to
22 be two factors that --

23 MR. SIELING: So there is a model now that is
24 somewhat predictable.

25 MR. O'CONNELL: Yep.

1 MR. SIELING: Okay.

2 MR. RICE: Do we have anything else on ASMFC?

3 MR. O'CONNELL: No.

4 MR. BROWN: Mr. Chairman?

5 MR. RICE: Yes?

6 MR. BROWWN: On this menhaden assessment that we
7 have coming up, I did have a comment I wanted to make on that,
8 which is that it affects the pound netters in Maryland very
9 much, and also the crabbers because they use it for crab bait.

10 The menhaden fishery -- we are considered the bait
11 fishermen. And on the East Coast, 20 percent of all the
12 menhaden caught goes to the bait fishery. Also one of the
13 things -- the assessment they had back in 2008, showed that we
14 hadn't overfished, but overfishing by 800ths of a point. And
15 that has only happened once in nine years. And now they want
16 this assessment.

17 And the problem is, as I see it, is with the model
18 the way they have got it set up. They take an assessment done
19 in 2008. That is what they are basing everything on. They
20 are not going to make another one until 2012. Then I don't
21 know when the next one is after that.

22 But if you go on a management fishery you can't do
23 it on no former cycle because if you put a regulation in now
24 or a quota in now and it is four years before you get -- it
25 will 2012 and -- you are running in four-year cycles. You

1 can't manage a fishery like that. If you are going to manage
2 a fishery, you have to have it every year like you do on the
3 rockfish.

4 I think that by it only be 800ths of a point, not
5 overfished but overfishing area, it is -- you know, you should
6 recognize it. And that is in a nine-year, the past nine years
7 only this one time.

8 We should be very cautious with it, but with the
9 plan, with the 2008 to 2012, making those assessments, I don't
10 see where it is correct to give us -- cut our quota by any
11 substantial amount until they get down to a year-to-year basis
12 where they can look at it like they look at the rockfish.

13 MR. RICE: Tom?

14 MR. O'CONNELL: Yes, I want to respond to the
15 assessment cycle. Lynn might want to. But in regards to the
16 reference points and the overfishing of that minor fraction,
17 one thing that is important to note is that the current
18 biological reference points do not take into consideration the
19 ecological value of menhaden.

20 And that is one thing that came about during the
21 peer review of the stock assessment, recognizing the
22 importance of menhaden as a forage fish, there should be more
23 conservative biological reference points to allow that forage
24 species to be valuable for the fish that rely upon them.

25 So while it is true that the overfishing, based upon

1 the current reference points, is very minor, if you accounted
2 for the ecological value of that species, and you incorporated
3 more conservative biological reference points, I think that
4 the picture over the last nine years would be different than
5 just overfishing one time.

6 MS. FEGLEY: Yes, and just to add to that, so the
7 board is really going down this road not just because there
8 was that one overfishing event but because there was this
9 international peer review that basically said that the
10 reference points are faulty, that they are not doing the job.

11 So that kind of puts the board in a position where
12 they had, we need to go down this road and consider the
13 ecological value. The assessment that we are basing this off
14 was the final data point in that assessment, I believe it was
15 2010. Or was it 2009, Bill?

16 MR. GOLDSBOROUGH: 8.

17 MS. FEGLEY: It was 2008, you are right. You are
18 right. It was 2008. So you are right, there will be another
19 one in 2012. I am actually going to be talking to the ASMFC
20 Assessment and Science Committee on Monday morning to talk a
21 little bit about the assessment cycle for this animal.

22 MR. BROWN: Just like I am saying, a four-year
23 review on that is not satisfactory to manage our fishery. And
24 it is not only -- I am not talking about the ecological value.
25 I know what that is. But what I am talking about is if you do

1 something and suppose you go too far, it is four years before
2 you can bring it back to where it should be at. It needs to
3 be just like we do on the rockfish. If you are going to
4 manage it, you have to manage it.

5 MS. FEGLEY: Right, but just to clear your mind on
6 that too, the assessment wouldn't, it wouldn't change -- the
7 assessment cycle wouldn't change the fact that these more
8 conservative reference points are on the table. So it
9 wouldn't change that story.

10 But what story it would change would be when we go
11 down the road to decide how to manage this fishery -- there
12 are no quotas for menhaden right now. There is a cap in the
13 bay for the ---, but other than that there is no, there is
14 essentially no management.

15 So there are -- you do not fish under a menhaden
16 quota right now as a pound netter. So when, if, when and
17 if -- and I don't know if we will, but if a quota is a tool
18 that is chosen at that point, then it becomes important to
19 know more than every four years how to set that quota. And
20 that can also be done through just using the juvenile indicies
21 each year.

22 But that is something, that is something I think --
23 you know, I would like to call you and have a conversation
24 about that, and maybe make sure that we are all understanding
25 what is happening here.

1 MR. GOLDSBOROUGH: Two points. I want to -- first
2 off I agree with Robert about the periodicity of assessment.
3 The more frequently you have it, the more information you have
4 and the better you can do the job of management. I agree with
5 that. The current interval is three years though, it is not
6 four. It is every three years they do an assessment now.

7 And I have to say, you know, we have been doing it
8 that way for a while and nobody has objected to it. But as
9 Lynn says, we are getting into a new management regime. We
10 are going to need data more often. So I agree with that.

11 The other thing I want to say is, you pointed out
12 that 20 percent of the catch coastwide is bait and the other
13 80 percent is a reduction fishery. That is just the way it
14 breaks down. I mean, you are right on that point, but I don't
15 want people thinking that is because someone decided we would
16 cut the pie that way and reserve only 20 percent for bait.

17 It actually -- It could be more.

18 MR. BROWN: No, that is just actual harvest.

19 MR. GOLDSBOROUGH: I mean we could end up saying --

20 MR. BROWN: Actual harvest.

21 MR. GOLDSBOROUGH: Yes, yes, but if they go to
22 quotas, they could end up saying, okay, actually, given all
23 the socioeconomic values of the bait industry, we think it
24 ought to get a higher percentage, you know, than the one that
25 it just happened to work out to be. You know what I am

1 saying? So that is not set in stone is what I mean.

2 MR. RICE: Nothing further on that subject?

3 (No response)

4 MR. RICE: Can we have a commercial striped bass
5 fishing update from Mike?

6 MS. FEGLEY: You want me to go through the LCCs
7 first?

8 MR. RICE: Oh, okay. Sorry about that.

9 MS. FEGLEY: Then I can leave the table and you
10 won't have to hear from me again.

11 MR. RICE: I was just following the agenda, Lynn.

12 MS. FEGLEY: Yes, I know. Sorry about that.

13 ***LCC Licenses Update***

14 ***by Lynn Fegley, MD DNR Fisheries Service***

15 MS. FEGLEY: Marty, you have the slides?

16 (Slide)

17 MS. FEGLEY: We have a situation I know that you all
18 are aware of where we have approximately 80 LCC licenses that
19 were frozen as part of that latent effort, regulation that we
20 put forward. So we had offered people a choice to either
21 voluntarily freeze their LCCs until the crab population was
22 above the interim target for three consecutive years or they
23 could choose a male-only option.

24 So we are now in a situation where the blue crab
25 population has been above the interim target for three

1 consecutive years. Could you flip to the next slide?

2 (Slide)

3 MS. FEGLEY: So by regulation it is time for us to
4 assess the number of inactive LCC authorizations that we can
5 restore to full active status. We have to make that
6 assessment now, and that is why we are asking you this. We
7 really want your feedback, how the industry feels about
8 letting these 80 licenses return to full activity. And you
9 can flip forward, Marty.

10 (Slide)

11 MS. FEGLEY: So just an assessment of impact. This
12 is 80 LCC licenses. We just did a quick exercise to look at
13 over the last few years what the average number of days by
14 month that a fully active LCC fished was, and we then
15 multiplied that through by the female bushel limits. And what
16 that gives you is a maximum estimated female harvest for these
17 80 licenses that would come out to be about 411,000 pounds.

18 And that is probably a pretty high-end estimate
19 because you are assuming they are going to crab -- these
20 people who haven't used their licenses in years anyway are
21 going to crab at the very same level. They are going exceed
22 their full bushel limit every day.

23 So we are looking at a harvest of 411,000 pounds up
24 against a 2010 female harvest of 12.7 million pounds. It is a
25 pot potential of 4,000 pots. Through the buy-back programs

1 that we have issued, we have removed the potential effort of
2 66,000 pots, and again, if these 80 LCCs re-enter, they would,
3 like everybody else, be subject to the bushel limits and
4 closures that we adjust each year based on the crab abundance
5 and also fishery performance relative to the target.

6 So essentially from DNR's position this is a minimal
7 impact, letting these licenses back in. We need to make a
8 decision because of the regulation so we are here tonight to
9 ask this commission how -- what your opinion is on allowing
10 these licenses to re-enter.

11 MR. RICE: Is there discussion or a motion?

12 *Questions and Answers*

13 MR. GILMER: Well, I mean, when you set this up and
14 they agreed to this and you reached the target, I think it is
15 time to let them back in. They agreed to this and they didn't
16 crab for those three years. It is time to let them back in.

17 MR. SIMNS: I don't see how we can keep them out
18 with the agreement that we had if we have reached the target.
19 I don't think we can go back on that. That would destroy what
20 you call a good-faith agreement.

21 MS. FEGLEY: It is, I believe, a regulatory action
22 that we would need to take so that is something we will aim to
23 do so they can be on top to re-enter for the 2012 crabbing
24 season.

25 MR. RICE: Do we need a motion?

1 MR. SIMNS: Can I ask a question? Is there any way
2 that you could find out from those if they were going to use
3 them or still not going to use them?

4 MS. FEGLEY: I don't know that we can do that, but
5 the other thing that we are planning on doing -- yeah, we will
6 make a final decision -- we would offer another round of
7 buybacks for all LCC licenses at the point that this decision
8 is made.

9 So at that point, one of these individuals would
10 have the option to say they are going to renew and they are
11 going to get back in the fishery or they can sell it back to
12 us. That is as much as we would know.

13 MR. RICE: Do we just need a general consensus or do
14 we need a motion?

15 MR. GARY: Are we looking for a motion from them,
16 Lynn?

17 MS. FEGLEY: I don't feel like we need a motion. It
18 is up to you.

19 MR. O'CONNELL: It sounds like there is general
20 support. If there is any opposing viewpoints, this would be
21 the time to make those available, make those known.

22 MR. GOLDSBOROUGH: I just wanted to ask how the
23 department feels about the significance of the increased
24 effort that will represent, and how that affects our
25 circumstance with respect to the population target where we

1 are not at the population target yet. We still want to build
2 to that target to get to as productive and stable a fishery as
3 we can, but we are not there yet. So any thoughts on that?

4 MS. FEGLEY: So what you are referring to is there
5 has been a new benchmark crab assessment that reconfigures
6 crab management to a female specific framework. So where
7 everybody in this room is used to -- and this is something we
8 are finalizing a report right now that will be done by the end
9 of the month. Once this stock assessment report is finalized,
10 we will be coming back around to present this information to
11 you.

12 But the bottom line is that the blue crab fisheries
13 management framework is going to change, so that while you are
14 all used to hearing that we fish, we aim for 46 percent target
15 of all crabs, we are now going to be aiming for a target only
16 for females. There will also be a target abundance that is
17 only for females.

18 So the target we are all used to hearing is 200
19 million age 1 plus male and female crabs. That will become a
20 target of 215 million female spawning age crabs. Under that
21 new target, we have only exceeded that target level once in
22 the last three years. The department does feel that given the
23 time when this was put into place, we don't want to get in a
24 situation of raising the bar on a regulation that we put in
25 place.

1 And in terms of the impact of these 80 licenses on
2 effort, looking at the potential harvest, both the harvest and
3 the effort is minimal. But it is also important to realize,
4 and it is in that last bullet, that every year we look at how
5 the fishery performs relative to the target.

6 So if these LCCs re-enter in 2012, and the 2012
7 fishery runs through, and we are fishing over the target, this
8 will now be the female-specific target, if we exceed that
9 target, then the fishery as a whole is going to have to
10 adjust, including these new, these 80 people who are coming
11 into the fishery.

12 So we are not just -- and this report that we are
13 working on now, this is the Chesapeake Bay Stock Assessment
14 Committee that is crafting recommendations for the management
15 jurisdictions, the most important thing that we need to focus
16 on under this new framework is that target removal, the
17 percentage of females that you remove. We really need to
18 focus on that.

19 So again if these 80 people re-enter, it is unlikely
20 that they would have a significant impact, but the Maryland
21 crab fishery is now set up with these catch limits and
22 closures so that we can be responsive and we can act if we are
23 exceeding the target.

24 MR. RICE: The other bit of uncertainty that would
25 come into play is what parts of the bay these 80 people are

1 from. Some parts of the bay have minimal impact on females
2 and some parts have more impact.

3 MR. SIMNS: I want to go back to the same issue. I
4 think it is very, very important that you find out from these
5 80 people if they plan on using their license or not. Latent
6 effort, we need to know if they are going to use their license
7 or not. I would be willing to bet you that less than 50
8 percent will even use them.

9 MS. FEGLEY: And to follow that through, if 50 of
10 them said they weren't going to use them, then what should our
11 action be?

12 MR. SIMNS: Well, I think it would give us some
13 knowledge as to how many -- what latent effort we might have.

14 MR. O'CONNELL: I think the point that Larry is
15 trying to make is we really need to be trying to find out what
16 the latent effort is among all license holders, and if we can
17 get to that --

18 MR. SIMNS: Then we can start with that.

19 MR. O'CONNELL: -- that may allow us to give more
20 opportunity to one of the issues the Blue Crab Industry Design
21 Team has been talking about.

22 MR. RICE: And the other thing that would come into
23 play once these licenses are reactivated, I guess they would
24 be free to sell them to someone who wants to buy them. If you
25 sell somebody a license, they are not buying it to put it in a

1 frame and look at it on a wall. They are buying it because
2 they want to use it.

3 MS. FEGLEY: That is exactly right.

4 MR. O'CONNELL: Lynn, I can't remember for sure but
5 I know -- I mean the new target abundance is 215 female
6 spawning age crabs. Where are we now?

7 MS. FEGLEY: We were at 190 in 2011. We were at
8 about -- we were over 215 in 2010. We went down -- and, you
9 know, one of the interesting things is that really we fell
10 below that target. We went down to 190 in part, in 2011,
11 because of that very significant over winter mortality that we
12 had that winter.

13 So we did dip below the target, but we exceeded that
14 new target in 2010, and then dipped down below it in 2011.

15 MR. O'CONNELL: I just wanted to, you know, despite
16 these targets doubling basically, pretty much doubling, our
17 recovery efforts have been so successful, we are pretty much
18 at those new targets now. We have just got to, you know,
19 maintain that and push it back up a little bit.

20 The point I just wanted to make is that despite the
21 targets doubling, we are pretty much at those targets now.

22 MR. SIMNS: I would like to make a suggestion. I
23 have made it a couple times before in other meetings. Right
24 now LCC licenses are on the open market. Some of them are
25 going for as much as \$5,000. And if you want to get some, buy

1 | some of them back, I think you ought to put a higher price tag
2 | on them, which you did the last time. I think you will get a
3 | whole lot more if you put a higher price tag on them.

4 | MR. YOUNG: Yeah, Larry, I agree with that. I think
5 | the money that they offered before was laughable actually from
6 | what it was. You know, when you all put this in, I stroke you
7 | for actually stepping up and bringing this to for our
8 | suggestion to reinstate these because that was the promise
9 | that we have made. I was at every one of these female
10 | meetings, and that was the promise, and it very important that
11 | the department at this stage in the game, live up to the
12 | promises that you make to us.

13 | We have had some issues before where we feel like
14 | the department didn't actually do what they promised us they
15 | were going to do. This is a step in the right direction as
16 | far as I am concerned. I think you need to follow through
17 | with it.

18 | As far as the 4,000 crab pots that this going to do,
19 | not even close. The majority of LCC guys don't put their 50
20 | pots out there. They don't even put one pot out.

21 | MS. FEGLEY: Right. Well, I mean, exactly. This is
22 | all sort of the maximum. If they threw everything they could
23 | throw in, and much as they could throw in, that is what it
24 | would be. So it is on the high end.

25 | MR. YOUNG: Unless, unless those whole -- what was

1 | it, 80 people who were frozen? Unless those, all 80 of them
2 | sold their licenses, the majority of them probably, they
3 | might, for your sort of quasi-declaration of intent or
4 | whatever they want to do to find out whether -- the majority
5 | of them might say I might use it three or four times, you
6 | know?

7 | I don't think the impact is going to be real great.
8 | I think it is probably going to be very, very small. I say go
9 | ahead and give them their licenses back.

10 | MR. RICE: I think Lynn was using the worst case
11 | scenario, so.

12 | MR. YOUNG: Oh, of course she was, yeah.

13 | MR. O'CONNELL: I just want to be clear. I think
14 | Lynn said it but maybe it was lost. We brought this
15 | issue -- the department is supporting of proceeding with
16 | unfreezing these licenses. We wanted to bring it to your
17 | attention to see if there was any reason not to. So with the
18 | support of the commission, we will proceed with the regulatory
19 | process to unfreeze these licenses. That will include a
20 | public hearing and, you know, final decision, but we will be
21 | proceeding with that.

22 | MR. YOUNG: So this isn't a final decision now.
23 | They are not definitely going to be unfrozen.

24 | MR. O'CONNELL: We have to go through the regulatory
25 | process but the department --

1 MR. YOUNG: But you are going to take the steps to
2 do that.

3 MR. O'CONNELL: (Nodding of head; yes)

4 MR. RICE: All right. If we are done with that
5 issue, Mike you can give us your report now, please, on the
6 commercial striped bass fishing.

7 ***Commercial Striped Bass Fishery Update***

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

9 MR. LUISI: Good evening, everyone. I know we are
10 running a little bit behind schedule so I will try to be
11 brief. I asked for the opportunity to provide you with an
12 update on two different topics regarding the commercial
13 striped bass fishery.

14 The first is in relation to the hailing system that
15 we are developing. For those of you who have followed along,
16 there is a regulatory package that the department has put
17 through. It is a proposed regulation at this time that goes a
18 long way to addressing some of the issues of harvest
19 accountability and enforceability in the striped bass fishery.

20 One of the mechanisms that we would like to have in
21 place for this is what we talk about a hailing system. It is
22 a system where information about a trip is sent to the
23 department and the Natural Resources Police prior to and
24 before -- prior to leaving the dock and before landing the
25 fish.

1 There is a certain amount of information that is
2 provided to help DNR managers know the amount of effort that
3 is being placed on the fishery at any given time, and it also
4 provides enforcement an opportunity to focus and be more
5 specific about where they put their efforts in the enforcement
6 of striped bass.

7 So we had an original implementation date when this
8 was first proposed for December first. We had hoped to have a
9 system in place, a working, a very well-run and working system
10 by December first. But as we have progressed through the
11 development of this, through the research that we have done,
12 we have come to the conclusion that we will not be able to
13 have a fully implemented system as of December first.

14 So at this point, we are shooting for the June first
15 summer fishery for hook and line and pound netters as being to
16 when the system will be in place. But we are at the point
17 right now where we are looking at proposals from a number of
18 different vendors from all around the country, and, you know,
19 we are considering how best to accomplish this task.

20 What we would like to do, and this leads me to the
21 reasoning for this update right now, what we would like to do
22 is use the winter gill net fishery as a time for when we can,
23 once a vendor is selected and we begin working on the
24 development of this program or this tool, we would like to use
25 the December gill net fishery to pilot and do some test runs.

1 We are looking for individuals who are going to be
2 actively participating in the fishery this winter who could
3 perform the tasks that would be required of them daily. They
4 wouldn't necessarily have to do it daily but we are looking
5 for people who we could count on and who we could trust to
6 help us test out the system.

7 Not only do we need fishermen to be involved but we
8 need check stations to be involved as well because there is a
9 check station component to this whole hailing system, which is
10 a kind of checks and balances with data transmission to the
11 department. So this is my call to you.

12 We have mentioned this to the Striped Bass Workgroup
13 and have already received some feedback from members of the
14 Striped Bass Workgroup. But I am looking specifically for
15 people who want to work with the department in helping us
16 develop this system.

17 The other component of that, the other part that we
18 are looking for, is for people who would like to come to sit
19 down with us and talk through the process with us so that when
20 we do have a system up and running we are gathering
21 information that we need to do our jobs, but it is also
22 realistic that the information that we are asking is going to
23 be something that the fishermen or check stations will be able
24 to provide in a timely manner.

25 Over the next few weeks, I am going to be working

1 with the Striped Bass Workgroup. Members of the workgroup who
2 have already expressed interest in helping with the design of
3 this program, I am going to be contacting them, kind of taking
4 the show on the road, as you can say, traveling to some of the
5 different, you know, hot spots for commercial fishing around
6 the State.

7 And I am hoping to generate some interest from
8 fishermen so we can talk about things and get this system
9 working and operational by the start of the summer. So it
10 might be good if you have any questions before I move on to
11 the next topic.

12 MR. RICE: Does anybody have any questions for Mike?

13 ***Questions and Answers***

14 MR. DEAN: What type of vendors are you considering
15 for this?

16 MR. LUISI: What type of vendors?

17 MR. DEAN: Or what type of equipment?

18 MR. LUISI: Right now everything we have been
19 talking about has been dealing with a phone. There are three
20 different ways that we have been told that the data can be
21 transmitted. It can be through a voice call, where you
22 actually speak to someone at a call center, and they enter the
23 information for you while they ask you questions.

24 There is a text messaging component to these
25 systems, where you can do what is referred to as an

1 interactive text message where you send information, and as
2 long as that information meets the criteria that is expected,
3 you get a return question of which you answer, and it is a
4 back and forth until all of the information is acquired, and
5 then you receive a confirmation number for that hail.

6 The third type of data transmission would be through
7 a smartphone application, which would be a Web-based drop down
8 box, you know, tailored to you, where you can use an I-phone,
9 any type of Android, an I-pad, things that are 3G capable or
10 compatible, and there will be a screen. It will be the same
11 screen that you would use if you were on your home computer to
12 enter the information as electronic reporting.

13 So those are the three things right now. One thing
14 that has been brought up about this system is the ability to
15 transmit this information at all areas of the bay, and we
16 realize that there are areas where transmission may be
17 difficult.

18 We at first thought in our investigations on this
19 that we would require fishermen to provide that information to
20 us prior to them leaving the area where they are fishing on
21 their way in. But in conversations with the Natural Resources
22 Police, it is most likely -- we are going to be requiring
23 fishermen to provide that information to us prior to tying up
24 at their dock. So it will be before landing but it would be
25 in an area much closer to home than somewhere out in the

1 middle of the bay.

2 We are not as -- we still have concerns regarding
3 cell phone coverage because there are places where it is
4 difficult. We are trying to accumulate some of that
5 information right now so that we can determine the areas where
6 the cell phone coverage is going to be very limited, but the
7 concern is less after our conversations with the officers
8 about how soon they need the information prior to the fish
9 hitting the shore.

10 MR. RICE: If you don't have anymore questions,
11 Mike, move on to your next item.

12 MR. LUISI: The next item is dealing with -- I just
13 wanted to give you guys a quick update on some of the work of
14 the Striped Bass Workgroup. We met on September 22, and one
15 of the things that we spoke about at that meeting were the
16 challenges that the department has faced dealing with gear
17 allocation and quota monitoring throughout this year.

18 I have to say that this has been -- it has been a
19 very challenging year to manage the quotas throughout this
20 year, to keep the fisheries open, to keep them moving forward.
21 It has been very challenging. Matt, who you guys all know
22 very well, he struggled through this year too trying to, you
23 know, find ways to keep the fishery open. We have had a lot
24 of openings, a lot of closures.

25 Through some of the work of the workgroup and then

1 | advice that we received from this commission, there were quota
2 | transfers from different gear types to other gear types, and
3 | we were very heavily criticized about some of the actions that
4 | we took based on the advice that we were given.

5 | And I wish I could sit here and say that was a one-
6 | time deal and we don't expect that type of situation to come
7 | up again, but based on the rules that we currently have within
8 | this fishery that allows for people to transfer freely in and
9 | out of different gear types, and policies that have been
10 | determined where quotas are shifting with people that move in
11 | and out of these gears, it is not going to be any better in
12 | the future.

13 | We are going to face even more challenges next year
14 | if we continue to operate the striped bass fishery allocations
15 | and gear allocations and quota monitoring the same way we do.

16 | So we used the last meeting of the Striped Bass
17 | Workgroup to begin discussing -- at the request of the
18 | workgroup. It was not something that we brought up. The
19 | workgroup requested that we begin looking at alternative ways
20 | of managing the quota. Alternative strategies. An example
21 | would be to kind of clear the gears, the historical
22 | allocations, and have an individual choose one gear each year.

23 | And the entire Chesapeake Bay would be split up --
24 | the quota would be split up into those three gears, and then
25 | whatever gear type you select, there would either be a monthly

1 | quota or an individual allocation that person within that gear
2 | would receive, and they would be able to manage their quota
3 | accordingly throughout the year with transfer provisions
4 | provided.

5 | We began this discussion. A presentation was given.
6 | And it was the initial discussion that we planned. And there
7 | was some positive feedback. There were some criticisms, but
8 | it is our intention at this point to continue working on these
9 | thoughts.

10 | These guys -- one of the comments at the end of the
11 | meeting was that there are enough people in this room that we
12 | should be able to work something out and figure something out
13 | so that we don't continually have these same challenges each
14 | and every year.

15 | So that is just something to look forward to. We
16 | are hoping to have another meeting in early to mid-November,
17 | and again we will be bringing this back up and I will continue
18 | to provide updates regarding these alternative management
19 | strategies for the future. If we can get something in place
20 | for 2012 it would be fantastic. That would be very
21 | optimistic. But 2013 is -- I really hope to have a new
22 | outlook on how we deal with it.

23 | MR. RICE: Thank you, Mike. Does anybody have any
24 | questions on that?

25 | (No response)

1 MR. LUISI: All right, thank you.

2 MR. RICE: Bill, would you like to present us with
3 your proposal at this time, Bill Sieling?

4 ***Discussion on the Extension of Female Blue Crab Season***
5 ***by Commissioner Bill Sieling***

6 MR. SIELING: Okay. I know earlier several
7 watermens' groups had requested that the department could
8 maybe extend the harvest season for female crabs past the
9 November -- what is, 10th, a date that is supposed to end now.
10 And they based their request on the fact that we had several
11 really stormy periods, hurricanes or near hurricanes, making
12 everybody have to take their gear up and put it back down
13 again and so forth.

14 But also from the processors standpoint, we are
15 finding that there are a lot of crabs that are not moving down
16 the bay, at least they are not moving down in great numbers,
17 because the water temperature is apparently so warm that the
18 crabs are just sort of laying back a little bit.

19 And it could well be that we won't get that bigger
20 migration until maybe after the normal -- the time you could
21 plan on closing the harvest season for females.

22 So from that perspective, because a lot of
23 processors depend on getting a fairly good number of crabs in
24 the fall for their winter pasteurization and so forth, that we
25 also would think it would be a good idea if maybe the

1 department would consider extending the season at least one
2 week past the November 10th present cutoff date.

3 MR. RICE: Tom, would you like to comment on that?

4 MR. O'CONNELL: Maybe a week and a half, two weeks
5 ago, the Chesapeake Bay Commercial Fisherman's Industry
6 Association, through Gibby Dean, requested an extension of the
7 female blue crab season by at least a week. We also received
8 support for that request by Delegate Jacobs, Senator Pipkin,
9 Senator Coburn and Delegate Eckhardt.

10 We committed to evaluate that request, and we are
11 completing our internal discussions tomorrow, and we should
12 have a decision that I can distribute to those who requested
13 it and this commission on that response. I will say that it
14 has been challenging for us to assess that request because as
15 the Blue Crab Industry Design Team knows clearly, we have
16 problems with our harvest reporting system and we don't have
17 accurate nor timely harvest information.

18 We currently do not know what the harvest is until
19 late winter, before the winter dredge survey comes out so it
20 is challenging for us to determine where we are with the
21 harvest this year, and how that will relate to our harvest
22 target. And, you know, I have heard that catch rates are
23 down, but we also need to recognize that we saw a 30 percent
24 reduction in the population last year. And while we still
25 strive for 46 percent harvest target, the harvest should be

1 lower this year.

2 So it is a challenging request to assess. We will
3 make a decision tomorrow. One thing that I am optimistic
4 about is that the industry-led Blue Crab Design Team has
5 recognized this problem, and it has been a focus of their
6 discussions, and I am hopeful that we can solve this problem
7 where we can get accurate and timely harvest reports, and with
8 that will have greater flexibility with establishing the
9 seasons and for mid-season adjustments.

10 But I am hopeful that we will have that decision
11 tomorrow, and I will forward that to the commission so you
12 guys are aware of it.

13 *Questions and Answers*

14 MR. SIMNS: I would just like to point out we made
15 our request through Delegate Jacobs, and that is why he made
16 the request so you know where it came from.

17 MR. YOUNG: Tom, I would like to ask the department
18 to, when you are making your final decision tomorrow, to take
19 into consideration that the watermen left 25 percent of the
20 available females last year. And that even if the harvest is
21 down, but the female harvest is up a little bit, there is a
22 little bit of room for play. We would really like to see the
23 extension.

24 MR. O'CONNELL: I would just comment so you
25 guys -- it seems like we always have bad news for you guys.

1 We have had a lot of focus on the poaching incidents, and
2 hopefully you saw the press release on the 60 recreational
3 guys whose licenses were proposed to be suspended.

4 Earlier this week when the Sport Fish Advisory
5 Commission met, there was a request to extend the recreational
6 striped bass season through beyond the year. It currently
7 closes mid-December. We are in a similar situation with them.
8 We rely upon on the Federal MRFSS data. That data is only
9 available through August. We don't have the impacts of
10 September, and we have denied that request.

11 We are kind of in a similar situation with crabs,
12 but we will take the input that Bill and Richard and others
13 have provided as we make our final decision tomorrow.

14 MR. RICE: Thank you, Tom. I hope that things will
15 work out. Seems that we are running a little bit behind. The
16 next on the agenda is the Natural Resource Report.

17 ***NRP Report***

18 MR. RICE: This is a handout of information on the
19 report. Unless somebody has questions or something, would it
20 be in a word just to accept it as information and move
21 forward?

22 MR. SIMNS: I think that would be all right but I do
23 have a couple questions.

24 MR. RICE: Okay, go ahead.
25

Questions and Answers

1
2 MR. SIMNS: As you are probably going to find out
3 when the next Watermen's Gazette comes out, we are quite upset
4 with the Natural Resource Police coming out with that poaching
5 on TV about two weeks ago that has to do with National Seafood
6 Week. We feel like every time you want --- you want to ask
7 for help, but you are going to roll that film out on that
8 poaching. And what you are doing is you are slapping the
9 people in the face -- don't take this personally because it is
10 not aimed at you.

11 But you are slapping the people in the face who help
12 you find those nets. That ain't never going to happen again
13 because we would be a damn fool to tell you where nets are and
14 who is doing what, if it going to spread all over the TV and
15 make us all look like a bunch of thieves.

16 And you need to take back to your department, that
17 was an improper thing to do, and some of the things that you
18 are putting out there are not quite accurate, and we are
19 probably going to call you to task on that, mainly because we
20 are aggravated with you using that poaching thing to get
21 whatever it is you are to get because we can't just keep
22 having that because the public thinks all of us are poachers
23 because of that film.

24 It came out on seafood week. You killed our
25 rockfish market that we were told was going to get more ---.

1 In our area we didn't get as much as we were getting. And I
2 will tell you just mainly because of that poaching film. I
3 don't know if you had control over when that TV station will
4 run that again, but you know, you guys, when this was going
5 on, you know we had seafood dealers who were going out to buy
6 the fish and the marine police guy, he was telling the
7 newspapers right when I was there telling them how many pounds
8 he thinks it is. I am exaggerating how many pounds it is.

9 I think you really used all that to help get some
10 laws passed. It was detrimental to us in the legislature.
11 And I understand your doing that but I don't understand that
12 you keep bringing it up again. I hope you take it back to
13 your colonel and everybody else who is involved that is not
14 the right thing to do if they want to help out the watermen.

15 LT. POWELL: Well, that is above my pay grade but I
16 will pass that on to them.

17 MR. RICE: Mr. Powell, are you okay with us
18 accepting your report as informational and we can move
19 forward?

20 MR. POWELL: Every time if you want. I do have a
21 couple things I would like to add. Today we graduated eight
22 people in our police academy that will be going through field
23 training and be out. They are out now working with officers
24 from today forward, and then early in January I think they get
25 released on their own.

1 MR. WEBSTER: Are any of them going to be down on
2 the lower part of the bay?

3 MR. POWELL: There has been some movement around.
4 These guys are going where some officers were, and one guy is
5 getting moved down toward the lower shore, and one guy is
6 going to get ---. Four guys are going on the upper Eastern
7 Shore, and then a couple in southern Maryland. Most of them
8 in Anne Arundel.

9 MR. WEBSTER: The reason I am asking that is because
10 Troy Brimer is the Natural Resources Police in our area on
11 Deal Island, and he is by himself. And there are seven buying
12 stations right on ---, and --- area. Not counting about 15
13 pickups that take their oysters back up to ---.

14 MR. POWELL: I feel your pain.

15 MR. WEBSTER: He cannot monitor that by himself.

16 MR. POWELL: I am in charge of units in Cecil,
17 Harford and Baltimore County, and right now I have four
18 officers working Cecil, and they are covering the water, the
19 hunting, the parks and they have a top 10 list of parks where
20 most of the violations occur. And three of the top 10 are in
21 my area. And I got four guys working Harford and four guys
22 working Baltimore.

23 MR. WEBSTER: I would hope to see some in Somerset
24 County.

25 MR. POWELL: And I did see the thing where the

1 | suspensions of the recreational fishermen was commented there
2 | weren't many of them in the upper Bay. I looked in my records
3 | and through December there was 160 citations wrote for fishing
4 | and 60 for crabbing, so there should be something coming out
5 | in suspensions from that area.

6 | MR. RICE: Thank you very much. Next on the agenda
7 | we have a presentation on the monitoring of Tropical Storms
8 | Irene and Lee and impacts to the Chesapeake Bay from Mark.

9 | ***Presentation on Monitoring of Tropical Storm Irene's***

10 | ***Impacts to Chesapeake Bay***

11 | ***by Mark Trice, MD DNR Resource Assessment Service***

12 | MR. TRICE: Should I sit at the table and give this
13 | with the microphone?

14 | MR. GARY: It is up to you. If you want to tap the
15 | screen or do whatever you need to do, Mark, you can do it that
16 | way if you want.

17 | MR. TRICE: I will probably just go through our
18 | slides and mention the Website we have instead of going
19 | through it.

20 | (Slide)

21 | MR. TRICE: As you know, before Hurricane Irene and
22 | Tropical Storm Lee, it has been a very wet year. In terms of
23 | fisheries, I am not in the Fisheries Department. I actually
24 | focus on water quality. But I think some of this
25 | freshwater -- you may see some expansion of some of the

1 | invasive species such as zebra mussels. There is a report
2 | this week that they have been discovered in the Sassafras
3 | River.

4 | Perhaps an expansion of northern snakehead, and also
5 | in response to the striped bass recruitment, you might want to
6 | look at some work by Dr. Ed Hood and Elizabeth North. They
7 | studied this issue and showed a positive correlation between
8 | freshwater flow and the recruitment of striped bass partly due
9 | to the expansion of habitat for larval fish and more
10 | availability of prey for those juvenile and larval striped
11 | bass.

12 | So I just want to mention we have a Website. I
13 | don't know if anybody has gone to it or used it. It is called
14 | Eyesonthebay.net And we have real-time water quality,
15 | near-time water quality at stations across the bay as well as
16 | satellite data, news stories and other information, and a lot
17 | of this presentation, our graphics have been extracted from
18 | that Website. Next.

19 | (Slide)

20 | MR. TRICE: So Hurricane Irene, if you remember,
21 | that was back on the 27th, 28th of August. Mainly it affected
22 | the Eastern Shore more than the Western Shore. I think where
23 | we were at in Easton, where I live in Easton, we got about 8
24 | to 10 inches of rain from that event.

25 | But the main impacts were up maybe the upper Eastern

1 | Shore, the coastal bays. We saw some declines in salinity of
2 | about from --- public landing from about 25 parts per thousand
3 | down to 5 parts per thousand. And a decrease in temperature
4 | briefly. But it didn't really stick around that long. The
5 | major impacts were up in New Jersey and in the Delaware River
6 | basin, not in the Susquehanna River. Next.

7 | (Slide)

8 | MR. TRICE: This is just an image of the
9 | precipitation from Irene, just for the week preceding when it
10 | went up the coast. So you can see the concentration of about
11 | 12 to 16 inches of rain over here in this pocket, and around
12 | 10 to 12 in this area. Next.

13 | (Slide)

14 | MR. TRICE: But Tropical Storm Lee was the one that
15 | really had the impact for the bay, with most of the
16 | precipitation centered in the Susquehanna River basin.
17 | Freshwater flow ranked second all-time of the recorded events
18 | at the Conowingo Dam in terms of freshwater flow, and that is
19 | behind Tropical Storm Agnes. Next.

20 | (Slide)

21 | And this is just another precipitation map showing
22 | those areas of 15 to 20 inches of rain all throughout the
23 | watershed. Next.

24 | (Slide)

25 | MR. TRICE: So this is a USGS flow gate that they

1 have at Conowingo Dam. And you can see normally they open and
2 close the floodgates here, and you have these up and down sort
3 of patterns that maybe peak around 80,000 cubic feet per
4 second of flow. But during Tropical Storm Lee passing
5 through, it reached up to 800,000 cubic feet per second and
6 continued for quite some time. Next.

7 (Slide)

8 MR. TRICE: This is another USGS graphic, but this
9 is comparing the flow here from Lee versus Agnes. Agnes had
10 three straight days that were above a million cubic feet per
11 second of flow versus -- so this is a daily measurement. The
12 peak flow was actually more around here but this is an
13 average.

14 But this line right here, at 400 cubic feet per
15 second, is when scouring starts to occur behind the dam, and
16 you get all that sediment that has been retained behind the
17 dam actually coming over and into the bay.

18 It was estimated by USGS that it was four million
19 tons of sediment just during this scouring event right here,
20 just these five days. I am not a hydrologist. I did some
21 quick calculations based on conversions of that amount of
22 sediment, the volume, just to give you a concept of how big
23 that is. That might be around three or four full cargo ships
24 full of sediment coming into the bay.

25 Some of the researchers at the University of

1 Maryland, they anticipate the northern bay might -- they are
2 predicting two to three centimeters of deposition but I don't
3 think anybody really knows yet. Some more people at MGS,
4 Maryland Geological Survey, have been out and looked around,
5 and haven't seen anything that looks much different in terms
6 of accumulation of sediment in the past.

7 I was actually curious if any of you had seen any
8 oyster bars that had seen a lot of sedimentation from this
9 event or any regions, you know. If anybody has seen anything.

10 MR. SIMNS: Yes, some of the oyster men working
11 on Small Point see a lot of sediment when they oyster but
12 nobody is oystering now because all the oysters died. Or 95
13 percent of them died from the freshwater. So whatever
14 sediment is there is going to stay there until we clean it up
15 somehow or another.

16 MR. TRICE: Next.

17 (Slide)

18 MR. TRICE: This is an interesting graphic of flow
19 across the Unites States during the storm event. If you could
20 just click on that link. It should open your Web browser.

21 (Pause)

22 MR. TRICE: Just skip over that. This is just
23 a -- it was just an animation to show as the two storms came
24 through, the record and high flows and where they were
25 occurring across the whole basin.

1 (Presenting at Smart Board away from microphone)

2 MR. TRICE: So here we are in the middle of August,
3 and you will start seeing the dark blue appear when Irene
4 comes through, and mainly hug the coast as it gets darker
5 blue.

6 (Slide)

7 MR. TRICE: So here as we get toward the end of the
8 month, this will just erupt in blue or black along the coast,
9 and then you will see Lee come along and these record flows
10 just keep pumping out the whole basin. Next slide, please.

11 (Slide)

12 MR. TRICE: We host satellite imagery from NASA and
13 NOAA on our Website, and we get a lot of people coming to look
14 at water quality data on our Website. But a large portion of
15 the viewers come here for these striking images that really
16 hit home, and people can relate to, as to what is occurring in
17 the bay. So this is just the animation, and you have to keep
18 clicking through each, to show each, but this is September
19 10th, this is September 11th. You see the plume resulting here
20 from Lee, reaching -- it is hard to see on this -- down to the
21 Patuxent almost -- the 13th, almost at the Potomac. Next.

22 (Slide)

23 MR. TRICE: And this is the 14th. You can see it is
24 almost at the Virginia line. So we have products on the
25 Website that are visual imagery like this, and then we have

1 one that is total suspended matter that is actually a map of
2 this same information but maybe a little bit easier to see,
3 some of the lighter areas and what is being impacted by
4 sediment.

5 Okay, I have got another set of animations here from
6 more recent. Everything between the middle of September to
7 October 5th was cloudy and there were no images. Next.

8 (Slide)

9 MR. TRICE: At the beginning of October, the major
10 part of the plume that is visible here is probably down to the
11 Bay Bridge. Next.

12 (Slide)

13 MR. TRICE: And then finally this is the most recent
14 satellite image that is available October 15th that is clear.
15 Next.

16 (Slide)

17 MR. TRICE: Okay, so now to some of our water
18 quality information.

19 (Slide)

20 MR. TRICE: We have three basic kinds of monitoring
21 that I will just cover really quickly. We have continuous
22 monitoring, which has these data --- that we put out and
23 collects data every 15 minutes on a suite of parameters like
24 dissolved oxygen, turbidity or water clarity, chlorophyll in
25 the water, or algal concentrations, water temperatures,

1 salinity peak and depth.

2 These are out there. We do assessments of water
3 quality criteria and that is the main reason they are out
4 there. So they tend to move around in three-year cycles
5 around different parts of the bay. Each year when you go to
6 the site, they may -- some of the sites may be in different
7 places.

8 In those same systems where we have those monitors,
9 we do water-quality mapping once a month which is a surface
10 mapping of all these same parameters. And we have this
11 long-term fixed station monitoring program which is throughout
12 the bay and the tribs, and we have been collecting data on
13 that since 1985, either monthly or twice monthly.

14 And they collect water-quality profiles, nutrients,
15 sediment. Next.

16 (Slide)

17 MR. TRICE: So this is one of the screen capture
18 maps from Eyes on the Bay but these are charts of a secchi
19 depth or how far you can through the water. And through much
20 of the year we were hitting record lows. This red line that
21 you see in these charts is this year's data, monthly data.
22 The blue line is the average since 1985, and the yellow area
23 is the max and the min over that long time period.

24 So we are pretty much hitting minimums throughout
25 the entire year in terms of clarity. Next.

1 (Slide)

2 MR. TRICE: Now this is continuous monitoring data
3 from a monitor we have up on the Susquehanna flats right out
4 there in the middle of the grass beds. And just to give you
5 an idea of what turbidity, which is a measure of water
6 clarity, usually is, up in that area it is hovering under 10
7 NTU units.

8 But this is from 2011. This is after Lee, and we
9 had some peak turbidities almost reaching 1,000. And we have
10 never quite seen anything of that magnitude and duration occur
11 at any of our sites, and also this lag effect. Next.

12 (Slide)

13 MR. TRICE: This is a segment that we monitor
14 between the Bay Bridge and up toward the Patapsco. And this
15 is before all these storm events and what the normal
16 turbidities look like around zero to seven and a half units.
17 Here we are getting up almost to 300 in a lot of these areas,
18 and it is the entire area. And now in October we are about
19 twice of what normally it should be.

20 And salinities normally in that area -- even in
21 August it was already depressed in terms of the salinity
22 levels, sort of in this under 10 area, but still now, back in
23 September, hovering still below 2 ½ in a lot of places. Next.

24 (Slide)

25 MR. TRICE: We also have a continuous monitor there

1 at Sandy Point that has been there for several years. This is
2 just to show this is what salinities looked like in the
3 previous four years, generally between 8 in the spring during
4 high freshwater flows up to maybe 14 or so, and now we are
5 much lower. And you can see the impact of this freshwater.
6 Next.

7 (Slide)

8 MR. TRICE: So dissolved oxygen, habitat, for all
9 the critters. This is just one example, but this is from
10 June. And the level or the volume of dissolved oxygen in the
11 bay and some of the mouths of the tribs, the volume of that
12 low dissolved oxygen water, under two milligrams per liter, is
13 the largest amount we have seen since we have been keeping
14 these records since 1985, with this blue line being the
15 average over that time period.

16 Now I am going to show several slides going
17 throughout the summer of dissolved oxygen. Next.

18 (Slide)

19 MR. TRICE: This is a view that shows the lowest
20 dissolved oxygen that occurs anywhere in that pixel but
21 usually on the bottom, and anything red obviously is bad.
22 This is, if you are looking sideways through the bay, and this
23 is the top of the bay and this is the bottom of the bay so you
24 can see the stratification of that.

25 This is the first June cruise, beginning of June.

1 Next.

2 (Slide)

3 MR. TRICE: This is the first July cruise that we
4 had. Next.

5 (Slide)

6 MR. TRICE: The second July cruise. You can see how
7 far this spans. Next.

8 (Slide)

9 MR. TRICE: First of August. Next.

10 (Slide)

11 MR. TRICE: And then this is the dissipation with
12 Hurricane Irene, when we got mixing -- you know, the higher
13 winds that came to the area -- and mixed out. And this is
14 basically just one station at the bottom where we had low
15 levels after that, that hurricane. Next.

16 (Slide)

17 MR. TRICE: So this is September, and it is starting
18 to build back up. Next.

19 (Slide)

20 MR. TRICE: And this is the beginning of the October
21 cruise, and you can see where it has built back up in the main
22 channel. This is the last slide. We just did a cruise this
23 week at the beginning of the week, and we haven't done up the
24 next one, but it looks very similar to this, so October is
25 looking like one of the worst Octobers in term of dissolved

1 oxygen level in the bottom waters that we have seen on record.

2 Next.

3 (Slide)

4 MR. TRICE: We worked to help maintain the NOAA
5 buoys that you may go to at buoybay.org that have real-time
6 water quality as well in some of the more open waters. So
7 this line represents Irene, this one Lee, and this is the
8 Patapsco buoy at the mouth of the Patapsco. A little bit of
9 an effect in salinities but really a drop off when we came
10 across Lee here.

11 Not much impact in Annapolis from Irene but
12 definitely Lee and you can see the result here down at the
13 Gooses Reef. Next.

14 (Slide)

15 MR. TRICE: So this is that same salinity graph, but
16 then we have turbidity and algae. You can see the lag time of
17 when you have an event up in the upper bay and how long it
18 takes for that turbidity --- to come down to that area of the
19 Gooses. You saw a little bit of a response maybe in a bloom
20 there but not much. Next.

21 (Slide)

22 MR. TRICE: So this is just an example of the kinds
23 of charts you can get at Eyes on the Bay in terms of water
24 quality and see things like how turbidity is impacting the
25 system. How far is salinity actually dropping because of an

1 event, either in the bay or our stations in various
2 tributaries. Next.

3 (Slide)

4 MR. TRICE: So basically in summary, we have seen
5 these elevated turbidity levels that still are out there
6 today. Very limited clarity in the upper bay. The dead zone
7 temporarily alleviated through Irene but it has reoccurred.

8 We haven't gotten all of our laboratory samples back
9 in terms of how much sediment, how many nutrients were out
10 there as a result of this. It takes a few months for those
11 laboratory analyses to be done but we are sure that they are
12 going to see, you know, very, very high levels of various
13 nutrients.

14 And, you know, what can we expect out of this? In
15 the past, these kinds of events, we may see some winter
16 blooms. There are winter blooms, a species called heterocapsa
17 and we have even seen hypoxic or anoxic conditions in some of
18 the tributaries in February after bad years like this. And so
19 we just have to wait to see what the impacts are to living
20 resources. Next.

21 (Slide)

22 MR. TRICE: And this is just the information. I am
23 going to leave my cards up here in front. If you have any
24 questions or want any additional information I am available
25 through e-mail or phone.

Questions and Answers

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MR. SIMNS: Just one question. How deep a water is that no oxygen, and how --- does it go?

MR. TRICE: How what does it go?

MR. SIMNS: How far in shallow water does it go?

MR. TRICE: Well, right now in October we are just seeing that in the main deep channel. So those stations, I mean, depending on where you are at, it is 18 to you know 20-something meters of water but we are not --

MR. SIMNS: What is that in feet?

MR. TRICE: 30, 40 feet. 30 feet.

MR. SIMNS: Some of our crabbers, they work in the middle section of the bay. They can't catch anything in water deeper than 17 feet because the water is dead, and that is all the way down, up and down the whole bay.

MR. TRICE: This past cruise this week we weren't seeing those low levels out on the --- away from the deep channel but it is definite still residing in that whole channel.

MR. DEAN: Correct me if I am wrong, but you can -- we can access this information also, and I know you all want to write this down. On I-phones on Smartbuoys, correct?

MR. TRICE: The NOAA information is available through smart phones. You can look at ours on a browser but it is not formatted yet to be viewable on a smaller --

1 MR. DEAN: Well, there is an app called Smart Buoys
2 that gives all those -- but I mention that because some of the
3 guys, for example, they are going to be gill netting this
4 winter. It gives you wind speed, wind direction, wave height.
5 I mean, you don't have to actually go out there to that area
6 and see what sea conditions are like.

7 MR. TRICE: That is through Buoybay.org, and that is
8 the NOAA Website. We help to maintain the water quality
9 information on those buoys. Our stations are more in shallow
10 areas of about six to seven feet off of piers or pylons that
11 we have out there. And the buoys from NOAA are more open
12 water devices.

13 MR. RICE: Thank you. Just for the record, in the
14 area that I live in, which is the Potomac River, we had far
15 more rainfall that we did at Agnes. The only thing that made
16 it not as catastrophic was we didn't have the upstream. It
17 was localized. I use a five-gallon bucket for my rain gauge
18 on my boat, and it overflowed one night and the bucket is 14 ½
19 inches tall. I think we got about 22 inches out of Lee alone.
20 Thank goodness they didn't get it in the mountains.

21 Gina could you give us an update on the scoping
22 project?

23 MR. GILMER: I have one more comment. Ten days ago,
24 I had an eeler off Chesapeake Beach. I had 90 percent of this
25 rig in 35, 40 feet of water, and it killed every eel there.

1 He probably went in, and he just pulled crab pots and started
2 seeing something that had a crab in it, he had to get in about
3 12 to 13 feet of water before he saw anything that had
4 anything in it.

5 We also had an incident this week, earlier this
6 week, where we did the mouth of the Miles River and killed
7 every eel in the pot in about 25 feet of water.

8 MR. SIMNS: In my experience I have done a lot of
9 eeling, and eels, when they are running away from bad water,
10 for whatever reason they run in a pot because they think they
11 are going to get away from it. They fill the pots up and then
12 they all die.

13 MR. RICE: Gina?

14 ***Regulatory Update/Draft Regulatory Scoping Process/Penalty Workgroup***
15 ***by Gina Hunt, MD DNR Fisheries Service***

16 MS. HUNT: For the sake of brevity, I will just ask
17 do you have any questions on the regulatory update in your
18 folder? There are things that were proposed, things that ---.

19 If there aren't any questions on the handout, then I
20 am going to move on to scoping. As you know, we have for the
21 last several years been running a scoping process, which
22 includes three meetings a year, February, May and September.

23 These are public scoping meetings where we basically
24 go out to the public with ideas for regulations before they
25 are proposed. We also post the drafts of these ideas on our

1 Website and obtain feedback through a table, something that
2 you can enter data and your comments right online.

3 So the draft Website has been working very well. We
4 don't get comments on every proposal through the draft
5 Website, but certainly the really controversial ones we get a
6 lot. So that seems to be working out well. But the public
7 meetings, the triannual meetings, we have had, over the last
8 several years, the participation from the public has really
9 trickled down to almost nothing at some meetings, where it is,
10 you know, one or two people, and the staff outnumberes the
11 public.

12 So the intent was to be able to get the message out
13 to the public and get those comments early, and it seems like
14 that forum is really not working to serve that purpose. We
15 have a couple ideas internally, but I wanted to ask the
16 commission if you have some ideas on what you think we ought
17 to be doing either in addition to those meetings to get the
18 word out and get this public comment or instead of these
19 public meetings.

20 ***Questions and Answers***

21 MR. SIMNS: I can just tell you that we are all
22 meeting to death and that is why half of us don't show up to
23 these scoping meetings. We kind of know what it is, and I
24 think the general public is the same way.

25 MR. RICE: I think you need to take into account

1 that this -- it comes with a large price tag to hold these
2 meetings, and if they are not working then we would like to
3 also get some feedback from this group on what do you think --
4 how can the department reach out to the public and get their
5 input?

6 MR. GILMER: Gina, I mean, is there a way when these
7 are posted, after you have a certain number of response, then
8 you can determine whether a public meeting is needed or not?

9 MS. HUNT: Sure, and that is one of our ideas.
10 Management team, Fisheries Management Team has talked this
11 over quite a bit. And some of the thoughts were that, you
12 know, the public meetings do serve a purpose. It seems to be
13 well-attended when there is a controversial issue. But we
14 have these meetings, three a year, and there will be maybe six
15 things on the agenda, and if none of them are really
16 controversial nobody comes.

17 So the thought was that, and this is subjective, but
18 that if we had a package that we thought was controversial
19 either through the draft Webpage or by coming to our
20 commissions in advance and just taking it to the commissions
21 and saying, you know, is this something we should have a
22 public meeting on first? That we could do that.

23 But -- and that would work to still get that comment
24 on those controversial packages, but we also want to make sure
25 that on the ones that are not controversial it is not just

1 that people just didn't know. So to that end I will just say
2 that a couple of the thoughts we had was, you know, using some
3 social media like Facebook to get messages out.

4 We do have a Facebook page soon that would be
5 launched. We could send things through Twitter letting folks
6 know that these things are up on the draft page because, you
7 know, people don't just come to our draft regulatory Webpage
8 every day looking for something new. Even though there is
9 probably something new every week.

10 So trying to get the message out through social
11 media or -- sport fish did ask this week if we could have an
12 interest list by e-mail where we would send out a note to
13 folks who would subscribe to get an e-mail from us and say,
14 hey, here is some stuff coming up.

15 That is also an option or, you know, if you wanted
16 to we could have meetings before commission meetings. We
17 could have quick kind of scoping meetings before the
18 commission meetings too if we thought we don't want to add
19 another meeting date, but utilize the date that we already
20 have.

21 So there was a number of ideas tossed around the
22 management team but it sounds like you would still want to
23 have a public meeting if it is controversial.

24 MR. GILMER: Well, I mean, if you got enough
25 response you almost serve the purpose of those --- to have one

1 or you can make the one before this meeting a public meeting,
2 you know.

3 MR. RICE: I think anything that would streamline
4 the amount meetings but we still accomplish the goals of
5 getting the information out there would certainly be a step in
6 the right direction.

7 MR. GILMER: I came to the last two. I was the only
8 one in one.

9 MS. HUNT: Yeah. Are there any other thoughts/ideas
10 for scoping?

11 MR. O'CONNELL: Just to add to what Gina said is
12 that I think what we are recommending is, you know, we just
13 don't have one thing that fits all packages. That we look at
14 the scoping idea individually to see how controversial they
15 are, and then develop the best mechanism to get that input.

16 And to be sure everybody who is interested in
17 fisheries issues has a good opportunity to be aware of these
18 issues and use an e-mail and the Facebook and the Twitter an
19 the text messages and our Website, people can subscribe and
20 they will know when something is being discussed, and then we
21 will have the best mechanism to obtain that input.

22 Some of them we could just may do online. Other
23 things we want to have a meeting and have a presentation. So
24 I think we are looking at developing a strategic plan for each
25 item rather than just automatically having scoping meetings.

1 Unless there is any opposition to that, that is kind of the
2 direction we are looking at going.

3 MR. RICE: Seeing the look on everybody's face, I
4 think you are in pretty good shape.

5 MS. HUNT: Mr. Chairman, may I add one more thing.
6 Also you will notice in the reg handout there were a couple
7 penalty packages. And as you probably know, the penalty
8 regulations are under development from the Penalty Workgroup.

9 And our workgroup is made up of commissioners from
10 sport fish and tidal fish. We have a couple representatives
11 from this group, but I wanted to mention to you all, and you
12 don't have to give me a name today unless you want to, but
13 Russell Dukes, who is no longer on the commission, used to be
14 a seat on the Penalty Workgroup, so we are shy a tidal fish
15 commissioner on the Penalty Workgroup.

16 In addition, on Tuesday sport fish, two people
17 volunteered themselves to look at some information on
18 recreational penalties and it wasn't clear to us whether or
19 not they wanted to join the workgroup or they just wanted to
20 work on this one issue. But I guess I am throwing it out
21 there that we need at least one new tidal fish member if not
22 more.

23 And the timing of it is kind of important because we
24 are going to have a workgroup meeting in the next two or three
25 weeks. So if there is anybody that would like to start

1 participating on the Penalty Workgroup, this is the group that
2 comes up with -- Larry?

3 MR. SIMNS: Well, I am going recommend, I am going
4 to draft our chairman to be on the workgroup.

5 MR. O'CONNELL: Since we have had some new people
6 join in July, everybody may not know who is on the Penalty
7 Workgroup, so maybe just by show of hands who is on the
8 Penalty Workgroup so everybody knows.

9 (Show of hands)

10 MR. SIMNS: So Larry can't be recommended again.

11 MR. O'CONNELL: So Larry can't be recommended again.

12 MS. HUNT: Well, that is -- when he raised his hand
13 I wanted to say, shhh, Larry, you are on it.

14 MR. SIMNS: I was just getting ready to recruit
15 somebody, that is all.

16 MS. HUNT: There is also Brian Keehn.

17 MR. SIMNS: Yes, Brian is on it too.

18 MR. RICE: Okay, I accept your recommendation.

19 MR. SIMNS: Billy accepts the recommendation so put
20 him on there.

21 MR. RICE: Larry is hard to say no to.

22 MS. HUNT: Is there anybody else? Or you can
23 certainly e-mail us or e-mail me if you an interest later, but
24 like I said, the next meeting is coming up in two or three
25 weeks, so the sooner the better.

1 MR. RICE: Do you have anything further, Gina?

2 MS. HUNT: I am done.

3 MR. RICE: All right. Okay, Dave Sutherland from
4 the U.S. Fish and Wildlife Service. Can you bring us up to
5 speed on the Hail Cove Artificial Reef, please?

6 ***Hail Cove (Chester River) Artificial Reef Presentation***

7 ***by Dave Sutherland, U.S. Fish and Wildlife Service***

8 MR. SUTHERLAND: Absolutely. Thank you for the
9 opportunity to speak with you. I am Dave Sutherland from the
10 U.S. Fish and Wildlife Service. My e-mail is right below my
11 name up on the slide there, and I welcome anybody getting back
12 to me after the meeting whenever anything comes up regarding
13 this presentation. I will be glad to speak with you.

14 I would like to make three main points here: talk
15 about the partnership at the Hail Cove Living Shoreline
16 Project. Talk about the project's final phase, which is an
17 artificial reef, and then to talk about the ecological
18 benefits to the Chester River and the Chesapeake Bay from the
19 reef project.

20 Just to start off, the location where we are here,
21 we are in Eastern Neck National Wildlife Refuge in the Chester
22 River. In the background you are looking at Kent Island
23 there. The Chester River flows this way around Hail Point,
24 which is just less than a mile downstream of what we have
25 called Hail Cove. And this is the creek, Hail Creek, that

1 comes right in behind.

2 The initial reason for the shoreline project was to
3 protect the 100 acres of SAV habitat in Hail Creek. This is
4 one of the top five waterfowl habitats in the State, and of
5 real major interest really to the department as well as the
6 Fish and Wildlife Service.

7 The partnership has been excellent with the
8 department. Watershed Services, Migratory Waterfowl Stamp
9 Program, now with fisheries -- the coordination has been
10 great. The support has been great and we hope to continue it
11 with the rest of the Hail Cove -- the final stage of the Hail
12 Cove Reef Project. I guess we are ready for the next slide
13 please, Marty.

14 (Slide)

15 MR. SUTHERLAND: From that first photo we saw we
16 were looking at Hail Cove, just we are taking the cove and
17 just kind of twisting it on its end here. This is the river
18 flowing down here. Kent Island is behind there. This, in
19 fact, is the shoreline right along through there. It is about
20 an acre cove.

21 This is the living shoreline. It is protecting that
22 thin isthmus between the Chester River and the creek. It was
23 about 30 feet, 40 feet wide. It is now twice that with the
24 living shoreline. There are also -- and this is stuff that
25 has already been constructed. This is back in '09, I should

1 mention.

2 Headland breakwaters were constructed. These are
3 stone structures that were put in here to protect the cove in
4 addition to the living shoreline. This is about 300 foot and
5 this one on the north is about 200 feet. Connecting the two
6 breakwaters is what we call the arc of stone. It is about a
7 quarter acre reef. Right now it runs from three feet to one
8 foot in height.

9 Where we are in the cove, this is really shallow
10 water. This is less than a foot at low tide, three feet at
11 low tide here to five feet at low tide at the furthest point
12 channelward in the project.

13 It was determined there really was not much of any
14 activity in the cove going on before. There was no SAV. It
15 was flat, clay sand bottom and really no structure at all.
16 And really the threat of this breaking through and ruining
17 that 100 acres of SAV habitat in the creek behind was just a
18 real threat to really one of the finest waterfowl habitats,
19 you know, in the northern part of the bay.

20 Back to the reef, we would like to complete reef.
21 Fully constructed it would be 2 ½ acres when you include the
22 arc of stone and what we are planning on doing in the near
23 term. We are hopefully going to be going to construction
24 within a month or so. If possible this is really shovel
25 ready, and we are looking for your support and your

1 suggestions and feedback on this.

2 And anyway this is the location of it. I think that
3 is probably as much -- we have talked about the shoreline, the
4 breakwaters, the arc of stone. I think we are ready for the
5 next slide.

6 (Slide)

7 MR. SUTHERLAND: Okay, I will give you the
8 highlights from this text. In this box here, arc of stone.
9 These are the mounds we would like to create within the reef
10 area, the permitted area. What we are planning on doing with
11 these mounds, they are going to be from 6 to 18 inches high.
12 This is based on the Shulte reef and oyster work done on the
13 Great Wicomico. The highest productivity, the best
14 protection, the best success comes from getting these oysters,
15 reefs off the bottom.

16 The total reef is going to end up being just about 2
17 ½ acres. The structures that we want to build in here are
18 about 100 feet long and 50 feet wide, and the material we
19 would like to use is a mix of materials. We were planning on
20 using granite, which we had used for the breakwaters and the
21 reef initially.

22 In talking with the department and others, the use
23 of limestone has come up, and we want to see if we can do a
24 side-by-side test at this location with half the reef in
25 granite and the other half in limestone. We were considering

1 other materials, but that is what we have resolved, what we
2 have decided on to date.

3 We are looking for suggestions. We think this would
4 be a really good opportunity to test these two substrates in a
5 side-by-side comparison at Hail Cove. The limestone is
6 probably twice as expensive as the granite and certainly a
7 whole lot more expensive than any recycled materials such as
8 cement and whatnot that we could possibly be using also.

9 So it is -- it is basically this is a test. The
10 department has tested limestone to a certain extent. It is
11 the closest thing you can get to oyster shell. So that is the
12 comparison we are going to be making, is basically, you know,
13 if we had a lot of oyster shell, that is what we would be
14 using to build this reef, but there is just not enough
15 material, so we are looking at the limestone and the granite
16 on the side-by-side comparison.

17 *Questions and Answers*

18 MR. SIMNS: I would just like to say that I like the
19 idea of using limestone, and even if you didn't have as a big
20 an area using limestone, I would much rather see you use a
21 small area of limestone versus a big area of rubble we call it
22 and trying to get rid of it because in our experience we don't
23 see the rubble piles creating any oyster reefs.

24 But the limestone may, so we encourage you to use
25 it. Don't fall back and use the cheaper material.

1 MR. SUTHERLAND: Okay. It is hard. In this
2 climate, we are scraping and working hard just to get our two
3 and a half acres here. Yeah, we are trying to build capacity
4 for you. Everybody is trying to get those oysters out there.
5 Certainly this -- I will be talking about it in the next
6 slide. The habitat is going to end up being really great, and
7 the evidence shows that the --- will volunteer and that the
8 reef community will be there also.

9 Are there any other questions on the construction
10 and the technical stuff on what we are planning on doing here?

11 MR. : What are you comparing when you are
12 looking at the granite and the limestone? What are you
13 actually looking at in comparison?

14 MR. SUTHERLAND: Reef construction, we will be
15 looking for various reef communities. We will be -- hopefully
16 we will be seeding this with spat on shell and placing that
17 over the two test materials. We will be looking for survival
18 and productivity. It is, you know, we are looking for basic
19 stuff. This isn't going to be a hard-core experiment in
20 testing and whatnot.

21 We are going to be, still be in shallow water. We
22 will be able to snorkel it pretty regularly. And video
23 tape -- we have already taken, we have got videotape from this
24 location and, you know, the water clarity is starting to get a
25 little better now, and certainly we would be getting in the

1 water at this time of year. Marty, that last slide.

2 (Slide)

3 MR. SUTHERLAND: It is really -- taking a right from
4 the marsh to the shallow water habitat, we will be promoting
5 and restoring and protecting waterfowl habitat up in the
6 marsh, in the creek behind, for waterfowl feeding and forage,
7 nesting, and it cascades right down into the shallow water.

8 Terrapins nesting on the beach, the living shoreline
9 that we placed there. It took a matter of three weeks -- we
10 tried to do some hydrograding. Three weeks after the sand was
11 placed there, we exposed nine turtle nests after three weeks
12 of the sand being there. We hadn't planted anything. It is
13 really just an amazing habitat that really needs to be
14 restored to the bay, and it is certainly a --- factor
15 potentially to terrapins.

16 The reef community, the gobies and blennies. We are
17 finding a lot of American eels. All the monitoring we are
18 starting to do now -- I mean it is probably no secret to you
19 guys that these American eels are really, you know, drawn to
20 these habitats.

21 And the shell piles, the Maryland Grows Oysters, I
22 mean, from these cages that are hanging from the docks, you
23 are getting eels in there. I mean -- this is potentially a
24 habitat that has really been lacking for that species also.
25 Juvenile fish and crab refuge: This is the shallow water

1 habitat that has really been lost in the bay.

2 And we are trying to bring it back. We are trying
3 to build capacity, and hopefully working with the department,
4 we want to start providing these shallow-water habitats. And
5 that is pretty much it for the presentation.

6 MR. RICE: Thank you. Does anybody else have any
7 comments or suggestions?

8 (No response)

9 MR. RICE: We appreciate your work, and thanks for
10 your presentation.

11 MR. SIELING: Are you looking for a -- you said you
12 wanted support? A resolution or something in support of it or
13 something?

14 MR. SUTHERLAND: That would be great if I could get
15 that.

16 MR. SIELING: Could we do that? Could we make a
17 resolution? Could we support this?

18 MR. SIMNS: We don't see no opposition to it. That
19 is good enough.

20 MR. RICE: Is there any opposition?

21 (No response)

22 MR. RICE: Seeing none, it seems that you have the
23 support of this group.

24 MR. SUTHERLAND: That is fantastic. Thank you very
25 much.

1 MR. RICE: Noreen and Steve, can you give us an
2 update, please, on seafood marketing?

3 ***Seafood Marketing Update***

4 ***by Steve Vilnit and Noreen Eberly, MD DNR Fisheries Service***

5 MR. VILNIT: There is a handout in all your folders.
6 There is quite a bit of work that has been done over the past
7 few months. There are lots of projects that we have been
8 working on. I am going to highlight some of the bigger ones.
9 You can hit the first slide.

10 (Slide)

11 MR. VILNIT: The biggest one we worked on over the
12 past couple weeks was From the Bay, For the Bay. Here are a
13 couple -- you can see the top image there. That actually was
14 up at all the MTA stations around the State. Anybody who went
15 on the train saw that. There was a QR code, which is kind of
16 that grayish dotted block over there. Anybody could hit that
17 and find out all the restaurants in Maryland that are
18 participating.

19 The image on the bottom was actually posted in all
20 the restaurants that were participating. This was a static
21 cling that you could see in all the windows. You want to hit
22 the next one, Marty?

23 (Slide)

24 MR. VILNIT: These are just some images. I was down
25 in D.C. talking to a lot of the restaurants that are

1 participating and just threw up some images there. You could
2 see that static cling was actually up in a lot of windows at a
3 lot of restaurants around D.C. Hit the next slide?

4 (Slide)

5 MR. VILNIT: From the highlights of the week, we
6 have about 200 restaurants participating from 5 states. The
7 furthest north was up in Bethlehem, Pennsylvania. And we were
8 all the way down in southern Maryland, Ocean City, through
9 Delaware, out toward western Maryland. We had someone out in
10 Frostburg out there participating.

11 The highest majority was certainly in Baltimore and
12 D.C. just from the fact that that is where the highest
13 majority of restaurants were. You can hit it, Marty.

14 (Slide)

15 MR. VILNIT: What we are expecting based on the
16 numbers that we got back so far from the restaurants that sent
17 in their donations already -- and I am sorry if some of you
18 didn't realize what the promotion was. I should have touched
19 on that actually a little bit earlier was that these
20 restaurants participating were agreeing to put Maryland
21 seafood on the menu.

22 One dollar from every plate that they sold was going
23 back to the Oyster Recovery Partnership to help fund putting
24 oysters back in the bay and all their efforts. So we were
25 expecting that during this week, 40 to 50,000 plates of

1 Maryland seafood were sold based on the estimates that we are
2 getting back from the restaurants.

3 I spoke with Jack Brooks over at Clayton, and they
4 saw about a 15-percent increase in sales over the previous
5 year. Kevin at --- said he saw a 30-percent increase over the
6 previous year in sales.

7 I heard from the wholesalers that they were paying
8 about 50 cents to a dollar a pound higher than the same period
9 last year, although I spoke with Larry at the beginning of the
10 meeting, and he said his guys didn't see that, so I am not
11 sure if they are giving me improper information or what the
12 case may be. There could be a bunch of reasons why Larry is
13 seeing a lower number.

14 My concern was we kind of opened the season right at
15 the last second right before that week went on in hopes to
16 gain some of the benefits of this week. And a lot of the
17 restaurants weren't planning on being able to have striped
18 bass, so I think that kind of hurt us a little bit in that
19 aspect. Just things we can look at for next year when we go
20 ahead and do this again, wrap it up a little bit more, and I
21 can try to plan it out a little bit better. Next slide,
22 Marty.

23 (Slide)

24 MR. VILNIT: Another thing we did was at the
25 Maryland State Fair in September. We did a blind taste test

1 of crab meat. We had Maryland crab meat put up against
2 Venezuelan, Indonesian and Chinese crab meat. And we had
3 about 1,000 people take our taste test.

4 It was a great opportunity to actually talk to
5 people and make them understand that what they are having in
6 the restaurants isn't necessarily Maryland crab meat even
7 though it says Maryland crab cake on the menu.

8 You can see by the results the overwhelming majority
9 picked Maryland crab meat. It was almost 600 votes for
10 Maryland crab meat versus the other ones. Indonesian was the
11 second. And I basically attribute this to the fact that most
12 people are eating Indonesian crab meat in the restaurants when
13 they go out to eat.

14 So it is a taste that they are familiar with, but I
15 think it also opened a lot of people's eyes to what exactly
16 Maryland crab meat is and how much better it is, and to ask
17 for it at the restaurants. Even if they see Maryland crab
18 cake on the menu or Maryland crab cakes on the menus, it is
19 not necessarily Maryland crab meat.

20 So it was a good opportunity to interact directly
21 with the public, give them a good understanding of why
22 Maryland crab meat is better, explain why Maryland crab meat
23 is better. It is not just we think it is better. There is a
24 biological reason in terms of the fat that our crab meat has
25 versus other crabs. It was a good overall experience. A lot

1 of people came through there.

2 MS. EBERLY: This is just some examples of some of
3 the advertisements we have been doing lately. The one in the
4 center, in the yellow, is a consumer ad for magazines. We
5 placed some magazine ads in Baltimore, Bethesda, Delaware, New
6 Jersey trying to get the word out.

7 The one on the right, the large one there is a crab
8 promotion in the Baltimore Sun and BaltimoreSun.com. The
9 lower one is a billboard that is actually on Route 50, and it
10 is actually still there. It was July, August, September but a
11 lot of times with billboards you get the benefit that if
12 nobody rents it after you do, you keep your message up there.

13 Actually, I think we have two other billboards on
14 Route 50 that still have our message on it that we haven't
15 paid for in over a year. That helps.

16 The one on the left is for October seafood month,
17 and that one is currently on WJZ-TV Internet. So we have been
18 promoting that, and you click on there and go to our Website
19 and get more information about Maryland seafood. Any
20 questions on that?

21 *Questions and Answers*

22 MR. WEBSTER: I have got one. Where is the soft
23 crabs up there?

24 MS. EBERLY: I couldn't fit everything in the
25 picture.

1 MR. WEBSTER: How come I get left out of everything?
2 One other question is you are promoting Maryland crab meat.
3 There is a shortage of Maryland crab meat, and if they pass
4 that law, they would have to pay \$9 and a quarter an hour. It
5 is going to be even less. So I don't know what we can do to
6 change that.

7 MS. EBERLY: Well, currently the money that we are
8 spending on this is for the Blue Crab Disaster Relief Fund.
9 We don't usually advertise after November anyway.

10 MR. VILNIT: And the good thing is when we have a
11 limited market like that, but you keep advertising -- well,
12 supply and demand. If people are demanding it more and the
13 supply stays the same, the prices are going through the roof.

14 So that is the ideal situation there. And you can
15 see on the handout there, if you flip to the back of that
16 handout, on the left-hand column there, it shows a lot of the
17 other things that we are involved in. We just wanted to touch
18 on a few of these for the presentation here tonight.

19 We did things like at the Maryland Seafood Festival
20 at Sandy Point this past year, we did a soft-crab demo. You
21 know about that? So what we had were celebrity chefs from
22 around the area coming in and preparing the different items of
23 Maryland seafood so that the public could see how easy it is
24 to make Maryland seafood, how easy it is to make it taste
25 great.

1 And actually they handed out everything they were
2 preparing so people were having soft crabs and oysters and
3 things like that. We had quite a following at the tent the
4 whole time. We had 35 seats in there, and I think it was
5 packed with standing-room only for most of the entire
6 festival.

7 So next year they are going to double the size of
8 our booth. They are going to give us a little better kitchen
9 set up. What I would really ideally like is to get some of
10 the watermen down there to talk about the products while the
11 chefs are doing the dishes. I think it a great way to connect
12 you guys directly to the people, the consumers, and that way
13 you don't have to do the cooking.

14 You have the chef there, and he does all the stuff
15 for you, and you just get to talk about how great your product
16 is.

17 MR. WEBSTER: When is this?

18 MR. VILNIT: It is usually around September 10th,
19 11th, that weekend after Labor Day. I think it is a great way
20 to connect you guys directly to the end users, both the chefs
21 that are using your products in the restaurants every day as
22 well as the general public that is eating your products. To
23 just, you know, put a face to the fish basically really helps
24 in terms of creating value.

25 Some of the other projects we are doing -- we are

1 getting some of these chefs out on the water and bringing them
2 out there directly to see you guys, to see what you are
3 working on. I have some guys going out on Thursday that are
4 actually going to hand tong some oysters, and I can't wait to
5 see these chefs that don't do much physical activity actually
6 going out there and hand tonging some oysters and see what is
7 going to happen to them.

8 But I think just by them seeing the work that goes
9 into hand tonging, they are going to understand, and when they
10 see their product and they see that we have to label all our
11 oysters now, and they see that this is a hand-tonged oyster,
12 they will have a greater appreciation for how much goes into
13 that.

14 And you might start seeing a better price for hand-
15 tong oysters versus patent-tong oysters versus dredged oysters
16 just because of the fact that these guys understand and
17 appreciate the value that it takes to get that product to you.

18 We are also bringing out culinary schools. We
19 brought a bunch through Jack's Place. I don't want to take
20 the students out on boats in case of liability issues, in case
21 somebody falls overboard. But we had a bunch go through
22 Jack's Place at Clayton's, learn about crab meat, learn about
23 how much work goes into crab meat there.

24 They saw that we took 10 bushels and it basically
25 broke down to about 20 or 30 pounds of crab meat, and they

1 understand how fast crab meat goes in the restaurant and they
2 saw how much work it took and how many crabs it took to get to
3 that pound of crab meat. Again it builds value for the
4 product.

5 So we are going to continue doing this. I think we
6 are going to do maybe one or two more trips this fall until
7 the weather starts turning. Might try to get some guys out to
8 look at some yellow perch over the winter, to get that
9 promotion going again, and then we will pick it up again in
10 the spring.

11 MR. RICE: Thank you very much. Tom?

12 MR. O'CONNELL: Just for a second. The other thing
13 I want to mention is the department now has a Seafood
14 Marketing Advisory Commission, and we had our first meeting a
15 couple weeks ago, and this is one of the most exciting
16 products that we have going on in the fishery service, at
17 least in my view. I am really excited about it. I think it
18 is a really good way to help all of you guys.

19 But at the Seafood Marketing Advisory Commission, we
20 did a strategic planning exercise looking at where our
21 strengths are, our weaknesses, opportunities and threats. And
22 when that analysis gets completed, we will make you aware of
23 it. But we have some great opportunities here. Some of the
24 strengths that the Seafood Marketing Advisory Commission
25 identified, it is no surprise to you, is that we live in an

1 area that has good distribution networks, high population,
2 high per capita seafood consumption.

3 We have great opportunity to promote our seafood
4 locally and I know Steve and Noreen are doing a great job on
5 that, and we some really good opportunities ahead of us.

6 MR. RICE: Thank you, Tom. Thank you. Personally I
7 think you do an excellent job, and we appreciate it. If you
8 don't have a market, then there is no sense in catching it.
9 Danny, you have an issue you would like to bring before the
10 commission, please.

11 ***Concerns with Processing of Undersized Oysters***

12 ***by Commissioner Danny Webster***

13 MR. WEBSTER: I talked to Marty, I e-mailed him,
14 about this problem we have had in the past, not only in
15 Somerset County but in the lower part of the bay about
16 undersized oysters being taken and processed.

17 I haven't seen it personally. I have been told
18 about it from several different people who didn't have to tell
19 me this, so I took it for granted that they were telling me
20 the truth. They told me they were handed sack bags to put the
21 small oysters in and hide them in their cabin until they got
22 in and he would buy them.

23 These are oyster buyers who process oysters
24 themselves privately. I have been told from Talbot County, a
25 couple watermen from up there, that when power dredging was

1 brought into Broad Creek, they were told to dredge them up as
2 they come, put them in your boat, dump them on my bed on your
3 way in from an oyster buyer. I probably don't have to name
4 names but this is coming from the waterman who did it. So it
5 happened.

6 I wanted to make the commission aware of this, and I
7 am glad he is getting eight new officers so maybe we can get
8 to address this situation. And I have talked to watermen I
9 know just feeling them out, and they tell me that if you take
10 away the desire to do that, then there was no need to do it.
11 I mean, if you take away the market, like you said, there is
12 no need to go catch the little oysters and stuff.

13 But if it is a by-catch that you can keep and get
14 money for it, a waterman is going to do it. He is no fool.
15 He is going to get paid for it so he is going to do it. I
16 don't know how we can address this problem unless we do
17 saturate the areas with marine policemen. I don't know. I
18 have talked to the local marine policemen down in my area, and
19 they are aware of it, and they are looking for it.

20 And just like I said, we need more marine police in
21 our area. We have got 75 to 80 percent of the watermen
22 working in that area, so why not have at least a few more law
23 officers in that area to monitor and to help us out.

24 Most watermen are honest, I will say that. I am one
25 of them. I try to be. I am not bragging on myself. I am

1 just being honest. That is the way it is. And with all the
2 hoopla about poaching going on, it is time to focus attention
3 away from the watermen and to the source, why the waterman is
4 even doing it.

5 He is out there at nighttime because he has got a
6 market for it. I was told from one waterman that one buyer in
7 Talbot County had at least 15 to 20 bushel at his doorstep
8 every morning before the sun comes up. They were caught that
9 night. I mean, I haven't seen it this year. They haven't
10 said it this year. This was in years past.

11 I don't know what you guys or what the department
12 can do about it but I wanted to make them aware of it. That
13 is basically what I wanted to do. Want everybody to be aware
14 of it, try to help us out. Most of us watermen don't want to
15 see it happen.

16 MR. RICE: Thank you. Anybody have any comments?

17 *Questions and Answers*

18 MR. SEILING: What is the market for these
19 small -- I was --- on somebody else's ground, but if you
20 brought them ashore --

21 MR. WEBSTER: I was told that the guys who dredge
22 them up and put them in baskets and dump them on the
23 guy's ground, he was getting \$20 a bushel. And it is simple,
24 simple math. If you have got a leased area, you can catch
25 oysters yourself, put them on your leased area, pay the tax on

1 | them, you have got a bushel of oysters for \$1. So who
2 | wouldn't do that.

3 | MR. SIELING: So they are going back to --- some
4 | place, but not back where they --

5 | MR. GILMER: I wouldn't say all.

6 | MR. WEBSTER: The majority of them, yes. And they
7 | were dumping them on the way in, and just dredging them up,
8 | dumping them on the way in.

9 | I witnessed one guy, I will say that I witnessed one
10 | guy. I thought he caught his limit early or he broke down and
11 | went in. Then I saw him come back out. I was told that day
12 | he made three trips that day. And I was working in the same
13 | area he was. I seen that. So I know it is true and what was
14 | going on. It is only a few, and that is what we have got to
15 | address to get those few away from it.

16 | MR. SIMNS: You know, it is nothing new. The reason
17 | we always opposed leasing was for that very reason, because
18 | years ago the State would plant seed oysters on the bar, and
19 | the whole fleet would go there and catch them and put them on
20 | somebody's lease bottom.

21 | And I don't know how you are going to break it up
22 | now because we had more marine police back then than we do
23 | now, and actually were more involved back then, watching
24 | everybody than they do now, so it is going to be a problem.
25 | No question about it.

1 Of course, some areas --- we don't have no oysters,
2 so you are not going to get a problem there. But if you have
3 got oysters, small oysters, in places, they are going to steal
4 them and put them on lease bottom. No question about it.

5 MR. WEBSTER: And they are going to get paid good
6 for that.

7 MR. RICE: I think the problem, Larry, is that when
8 you are speaking of, there was so much resource that honest
9 watermen really weren't affected by the dishonest ones because
10 it wasn't that much motive to be dishonest. Now with a
11 limited amount of anything, it promotes that type of activity.

12 MR. O'CONNELL: I appreciate your bringing the issue
13 to the commission and the department's attention and talking
14 to NRP already. Obviously given the limited resources and
15 broad scope of our Natural Resources Police, information as
16 detailed as possible gives them the greatest ability to, you
17 know, catch these people who are behaving this way.

18 Recognizing that is often challenging, I think, you
19 know, it would be good for us to go back and look at what the
20 penalties are associated with possessing undersized oysters,
21 not only for the harvester but also for the buyer or anybody
22 along that chain to make sure there is a strong deterrent for
23 that action.

24 You know, the leasing issue, that is going to be
25 challenging. The only thing that we can do, I am thinking of,

1 to try to keep an eye on it is, you know, the lease holders
2 now have to submit a business plan. They have to submit their
3 harvest reports, and if you begin to see a lease holder having
4 some pretty significant harvest, but he is not purchasing any
5 hatchery seed, it raises suspicion.

6 And you think that -- the people doing this behavior
7 may try to get around the reporting. Well, the reporting has
8 gotten a little bit more intensive so there are less loopholes
9 to get around, but they still exist. So again I just
10 appreciate your bringing that to our attention and we will
11 work with NRP and try to see if we can address it.

12 MR. WEBSTER: I would just like to see more officers
13 in that area though.

14 MS. HUNT: To Tom's point, you know, we can look at
15 the lease plan and look and see where people are getting their
16 oysters but honestly if we went back and said that, hey, you
17 didn't plant on this lease they would say, hey, I have got a
18 natural spat set.

19 So I am just thinking realistically. I am wondering
20 if -- I understand the desire. The waterman would be doing
21 this because he can put them on the lease. When they become
22 legal size, they will be harvested and sold I assume is the
23 point.

24 But the point then is it is not that they are trying
25 to escape the dollar tax, because I am wondering if the dollar

1 tax was across the board, that would have no effect on this.

2 MR. SIMNS: I don't think that --

3 MS. HUNT: They don't pay it anyway so it doesn't
4 really matter.

5 MR. SIMNS: I don't think that matters.

6 MS. HUNT: Okay.

7 MR. SIMNS: It is just a matter that you are going
8 to get \$20 for oysters that you couldn't get anything for.

9 MS. HUNT: Right. Okay.

10 MR. WEBSTER: I am not clear on that. There is a
11 question. On lease bottom -- Tom, you can answer that -- is
12 it three inches? It has to be at least three inches, right?

13 MR. O'CONNELL: Yes, it has to be three inches.
14 There is discussion among the Aquaculture Coordinating Council
15 to provide greater flexibility but it is issues like this that
16 are making it difficult for the department and the Natural
17 Resources Police to allow that. That discussion is ongoing
18 but it requires legislative change.

19 MR. RICE: While we are on the subject of natural
20 resource, and I understand we are supposed to get eight new
21 officers, I hope it is part of their training that they are
22 made aware of the fact that just because we wear oilskins and
23 white boots, we are not all outlaws.

24 And that it is not how many tickets you write, it is
25 how many of them you don't have to write, because when these

1 | guys were not strapped for personnel, and we knew when we went
2 | in the river, went oystering or whatever we were doing, that
3 | we were going to get boarded that day, we had the incentive
4 | not to do nothing wrong.

5 | But when you spend months on the water at a time and
6 | you never get boarded, if you are not living at the foot of
7 | the cross, you could be led in the wrong direction a lot
8 | easier. So hopefully we will get more visibility, and that
9 | would be a big help.

10 | MR. GILMER: Just like when you are going down the
11 | highway driving 70 miles an hour and see a policeman. You
12 | slow down. It is the same issue.

13 | MR. RICE: Do we have anybody in the public who
14 | wishes to make a comment?

15 | MR. ZLOKOVITZ: Mr. Chairman, can I give a quick
16 | update on the Simkins Dam Reef? There has been no change from
17 | the previous meeting but I just wanted to explain it.

18 | ***Public Comment***

19 | MR. ZLOKOVITZ: Hi, my name is Eric Zlokovitz from
20 | fisheries service. I am the artificial reef coordinator, and
21 | one of my jobs is to keep sport fish and tidal fish updated on
22 | reef projects, and also to make sure that any reef projects
23 | that we are involved with stay in compliance with the permits,
24 | which would be Army Corps of Engineers and MDE.

25 | I just wanted to give you an update on the placement

1 of the Simkins Dam material. There has been no change in the
2 site location I believe at the last tidal fish meeting and
3 also at the sport fish meeting this week. We indicated that
4 we are going to stick with the site that we are calling Swan
5 Point No. 1.

6 On your handouts, all the material is going to Swan
7 Point No. 1 near the top of the sheet up to the north there.
8 It is on a 20-foot contour line, and all material is going to
9 that one site.

10 These other sites are the other sites that we have
11 been discussing and that we have considered, and Bill
12 Goldsborough has done extensive outreach work with folks up in
13 Kent County, representatives from the Kent County Watermen's
14 Association, and also a couple of delegates. I don't remember
15 the names of the delegates but he met with a couple of
16 delegates about this.

17 We are going to be sticking with Swan Point No. 1.
18 We also have permission from the Coast Guard to deploy there
19 because they have to review everything for navigational
20 concerns. We have permission from the Army Corps of Engineers
21 to deploy there. And at this point we just have a paperwork
22 issue actually with our MDE license where the water quality
23 certification letter is only a three-year letter, and it is
24 attached to a 10-year permit.

25 So the letter expired on October 1. We put in a

1 request for a new letter back in September, we just haven't
 2 received it yet so we can't actually deploy any material until
 3 our paperwork is renewed and up to date.

4 So we are basically just waiting for the renewal on
 5 the water quality certification letter so that everything is
 6 valid and we can deploy there at Swan Point No. 1. That is my
 7 update. So if we get this letter by the end of this week,
 8 early next week, we are pretty much ready to go. We might be
 9 able to go out there with Langenfelder's middle or latter part
 10 of next week. It all depends on the MDE paperwork at this
 11 point.

Questions and Answers

13 MR. : Before you guys go doing this right
 14 now, Swan Point No. 1 is heavily -- and Swan Point
 15 No. 2 -- heavily loaded with crab pots. I mean heavily loaded
 16 right now.

17 MR. SIMNS: They are on underwater lines so you
 18 won't see any buoys there. Make sure you get a hold of the
 19 Kent County Watermen's Association so they can be out there
 20 with you so you don't mess any pots up.

21 MR. ZLOKOVITZ: We are aware of that. Bill?

22 MR. GOLDSBOROUGH: I am in touch with Chucky White,
 23 and we have an agreement that I am going to let him know, and
 24 the buoy's are going to be placed three or four days
 25 beforehand so we can tell people, you know, watch out for

1 | those buoys and move any pots out of there.

2 | MR. SIMNS: Can you give them a little longer than
3 | that? Sometimes they don't fish those pots every three or
4 | four days. So give them a week or 10 days so they can get
5 | them out of there.

6 | MR. YOUNG: Or better yet maybe wait until the crab
7 | season is over. Why would you come in there and disturb a
8 | crabber who -- obviously he has got pots there. He is
9 | catching crabs there. Why would you decide you want to place
10 | this debris there and make an artificial reef when he is
11 | actually making a living there? Can we wait three weeks or a
12 | month until the crabs move on?

13 | MR. GOLDSBOROUGH: Well, it is very temporary,
14 | Richard. You know, within a couple days they can put their
15 | pots right back there, and building something like this and
16 | planting seed oysters is a seasonal thing as you know. We
17 | have got 4 million spat on shell been sitting --- and way too
18 | long already. And you don't have the liberty to just wait for
19 | whatever. Of course, you get --- in the season, Langenfelder
20 | can't get out there either because of weather.

21 | MR. YOUNG: Okay. I just don't -- I hate to see a
22 | guy have to move his gear off of some crabs because you are
23 | going to put -- I mean, the Oyster Recovery Program is a
24 | worthy thing. And it is a good thing. But it took blue crab
25 | Federal disaster money, which was supposed to go to crabbers,

1 and went to the oysters. It went to the oysters, a whole
2 bunch of it.

3 And now you are telling the crabbers they got to
4 move off of their crabs they are catching right now so you
5 guys can do more for the oysters. And I really -- I am a
6 crabber, and I don't oyster. There are no oysters in my area
7 that I can get to. I don't have any oyster gear. I can't go
8 scraping. I mean, I can't clean bars because I don't have the
9 gears. I can go work on some of these boats for chump change.

10 But there is nothing that came from that blue crab
11 disaster except for one week of ghost pot recovery. And, you
12 know, I feel like the crabbers are slighted, and here I feel
13 like being pushed out of the way again for the oysters. The
14 oysters are important, and don't get me wrong. But the
15 crabbers are important too.

16 MR. RICE: Anybody have anything else?

17 (No response)

18 MR. RICE: Do we need a motion?

19 MR. GILMER: No, not on that stuff. Are we done
20 with that?

21 MR. RICE: As far as I am concerned.

22 MR. GILMER: In the September meeting that got
23 canceled, I asked for a little time, and I didn't get back to
24 Marty on this agenda, and that is my fault. Just on the clam
25 reports, everybody can tell their people in their area -- I

1 talked to Mike about this and we got this straight on our clam
2 reporting -- that we had three types of different clam
3 reporting: soft shells, razors and hard shells.

4 If you were only harvesting one instead of sending
5 in all three reports, just put down the one type that you
6 harvest and put Did Not Catch in the other two on that same
7 report just to cut down on paperwork. So everybody can tell
8 their clammers in their area that is how the reports need to
9 be done.

10 MR. RICE: If we have no further business, the next
11 meeting --

12 MR. YOUNG: Mr. Chairman, can I ask a question
13 before you go to public comment?

14 MR. RICE: I have already been there once but go
15 ahead.

16 MR. YOUNG: Marty, we postponed the apprenticeship
17 discussion. Is that going to come up at the next meeting or
18 is it going to get postponed indefinitely?

19 MR. O'CONNELL: The plan is to go to the next
20 meeting. That is my understanding.

21 MS. HUNT: We talked to the individual and told him
22 the next meeting is the last shot. If he cannot make that
23 meeting, we will present the case for him or his other choice
24 was the original proposal. He could withdraw from the
25 program.

1 MR. WEBSTER: I have got one question. It has been
2 asked of me and I forgot to say it when I was talking. The
3 containers that hold the oysters, how full do they have to be?

4 MR. : They can be as full as you want them
5 to be.

6 MR. WEBSTER: What I am getting at is we hear things
7 about the oysters are not shucking very much, but then we see
8 the containers they are putting them out in are not full. So
9 what we decided on, we decided on the clam crate, right? That
10 has to be full and level. The Maryland bushel tub has to be
11 level. And the only reason a basket could be down halfway,
12 some of them --- down this far, but that is not a full bushel.

13 So what I was asked, and I am going to find out
14 myself, how far up does that have to be to be a full bushel?
15 It is one liter difference between the Maryland tub and the
16 orange crate.

17 MS. HUNT: (Away from mic) I will just say that the
18 regulation states that it can't be fuller than the top line.
19 So if you want to fill up a half an orange basket, that is
20 filling up a half an orange basket. It doesn't change the
21 fact that, you know, a bushel for the measurement, a basket is
22 the top line.

23 MR. WEBSTER: But isn't there some law that says it
24 has to be a full bushel to be bought?

25 MS. HUNT: To be bought?

1 MR. WEBSTER: Well, what I am saying is to be a
2 Maryland bushel it has to be to the level, a level bushel.

3 MR. SIMNS: That is only on oysters.

4 MR. O'CONNELL: Are you asking, Danny, since the
5 orange basket contains a slightly higher amount than a bushel,
6 is it legal to still fill that to the top?

7 MR. WEBSTER: No, what I am asking is what are we
8 required to do? Do they have to be filled to the top or can
9 they be down to the checks or the opening of the basket?
10 Because there is some clarification that isn't settled
11 anywhere that I know of because everybody has a different
12 interpretation of what a full orange basket is.

13 MR. NAYLOR: I am Mike Naylor with the shellfish
14 program. I think where some of the confusion comes from is
15 because the orange basket is a little bit bigger than the
16 bushel you have used.

17 And we had requests going back some years to allow
18 the orange basket to be used and only filled to the top of the
19 holes. If you filled an orange basket to the top of the
20 holes, that is like exactly how the old bushel was. But now
21 with these new orange baskets, you can legally have them, if
22 you are harvester, you can legally have them all the way to
23 the top.

24 And when you go in, if you get them tugged out, it
25 is going to measure out a little more than your full limit

1 would have before.

2 MR. WEBSTER: I see that right now.

3 MR. NAYLOR: So I think that is where some of the
4 confusion is coming from about how full -- but you can fill
5 it, as a harvester, all the way to the top.

6 MR. O'CONNELL: It doesn't have to be full --

7 MR. NAYLOR: No, you can put one --- in each bushel
8 basket.

9 MR. WEBSTER: But I was told by a buyer that he was
10 told by a law officer that it had to be level to the top to be
11 a full bushel.

12 (multiple discussion)

13 MR. WEBSTER: I didn't know there was a law that had
14 to -- I know sometimes when we put oysters out in the metal
15 tub, that if it not full, the law officer will make you fill
16 it because it is not a legal tub.

17 MR. SIMNS: If you measure out --- tub has got to be
18 level. --- stripe across the top.

19 (multiple discussion)

20 MS. HUNT: That is not what the reg says. For all
21 the measures --

22 MR. WEBSTER: We don't sell the oysters in the
23 orange baskets. We bushel them out in the --- tubs. It has
24 to be level.

25 MR. O'CONNELL: Maybe what we can do is when Marty

1 | sends out the --- from this meeting tomorrow, to go ahead and
2 | include the regulations that pertain to this so all of you
3 | have that and can read it.

4 | MR. WEBSTER: Some kind of clarity.

5 | MR. RICE: Are we clear on how full to fill a
6 | basket? It looks like we don't have much public comments. We
7 | are scheduled to have another meeting on November the 17th. We
8 | will be getting all the information prior to that time. At
9 | this time, we stand adjourned.

10 | (Whereupon, the meeting adjourned at 8:55 p.m.)

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