

MARYLAND DEPARTMENT OF NATURAL RESOURCES

MEETING OF THE
TIDAL FISHERIES ADVISORY COMMISSION

HELD AT
TAWES STATE OFFICE BUILDING

C-1 CONFERENCE ROOM

ANNAPOLIS, MARYLAND

ON

THURSDAY, NOVEMBER 17, 2011

FROM

6:39 P.M. to 8:30 P.M.

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COMMISSION MEMBERS ATTENDING:

Billy Rice
Larry Simms
Bill Sieling
Gail Sindorf
Mike Benjamin
Brian Keehn
Danny Webster
Robert Brown
Scott Todd (for Gibby Dean)
Richard Young
James Wommack (for Bill Goldsborough)
Dale Dawson
Moochie Gilmer

DNR EMPLOYEES ATTENDING:

Lynn Fegley
Marty Gary
Sarah Widman
Allison Luettel
Matt Lawrence

DNR Police - Officer Nick Powell

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P R O C E E D I N G S

(6:39 p.m.)

MR. RICE: I'd like to welcome you all here this afternoon or this evening rather. Marty, could you give us the announcements, please?

MR. GARY: All right. Thank you, Chairman Rice. Welcome members of the commission, public to the November 17th meeting of the Tidal Fisheries Advisory Commission. All of the Tidal Fisheries Advisory Commission meetings are court-reported. The verbatim transcript is available from the Tidal Fisheries Advisory Commission website ten working days from the time of the meeting.

I would like to ask you at this time to silence your cell phones. You do not have to turn them off but please silence them so we're not distracted. It also interrupts the signal from conversations going on.

We do have tonight, Chairman Rice, two commissioners who are unable to attend. One is Steve Gordon who is out of town and his proxy was unable to make it. Commissioner Gibby Dean was unable to make

it and his proxy, Scott Todd is here for the Chesapeake Bay Fisherman's Association. And also the designated attendee from the Sport Fish Commission Bill Goldsborough was unable to attend. James Wommack is from the Sport Fishery Advisory Commission. He is here attending as proxy for Bill Goldsborough.

Apart from that, I'll just remind the Commission and the attendees from the public tonight, (unintelligible). There are two opportunities for the public to provide comments during the meeting and we're pretty strict about it. That is before a formal vote takes place and during the formal public comment period which is the last part of the meeting. Apart from that, we don't accept any public comments.

If there is public comment, Chairman Rice is going to ask that individual to acknowledge who's able to go up. And you'll come up to the front of the room in front of the microphone because we're having the meeting recorded. You'll identify yourself and then go ahead and speak.

So with that, Chairman Rice, the meeting is yours.

MR. RICE: Thank you. First thing we have

on our agenda this evening, we'd like to have a National Resource Police Report from Mr. Nick Powell, please.

OFFICER POWELL: It's a short report. Since the last meeting, seven citations have been written in Worcester County for toll (unintelligible) six undersize, one over the limit. Recreational striped bass citation, undersized. We did a Dorchester County saturation patrol, writing seven citations (unintelligible) fish and creek Hoopers Island area. That was recreational. I think it's in your handouts for the, going out as a news release.

And then two citations in Somerset for over limit, 14 fish were seized. And in Somerset County for oysters, they did a saturation patrol, checked 29 vessels. And two warnings for failure to tag the oysters before they (unintelligible) and no license in possession and a citation, six for oyster violations in Talbot County. That's all I have. Any questions?

MR. RICE: Seeing no questions, we thank you for your report.

MR. BRILL: I have a question. I'm sorry. Rob B. Here in the past, might have been the week

before last, I sold to a number of different buyers and one of my buyers was telling me that he had purchased some rockfish that had been confiscated by Department of Natural Resources. If it's an ongoing investigation, I know you cannot reveal a whole lot but I'm also on the striped bass task force workshop. And if it has been some striped bass that has been confiscated or seized, I know we have a meeting coming up in the first part of December, we would like to have some information on that.

Because we are running into problems with quotas and who's supposed to get, you know, the way the quotas are divided up. It's supposed to be a big meeting on that. Am I right, (unintelligible)?

MALE: November 30th.

MR. BRILL: November 30th. I said December, November 30th. And if we just had, if this is true which I believe it is, that information may be very valuable to us. Not to pick names or places but if this has been done, you know, for an example if a hook and liner got fish out of a (unintelligible) net, it would be important to us at that meeting to know that. We wouldn't need to know a lot of ins and outs but if

something like that is in the process, it would be very valuable to us.

MR. KEEHN: And actually I know what he's talking about. I saw NRP escorting a commercial boat around the same time in and I think that's probably related to that 'cause I heard the same thing. And you don't know anything?

OFFICER POWELL: I know a little bit about it but I can't comment on it 'cause it's an ongoing investigation.

MR. KEEHN: Okay.

OFFICER POWELL: But I'll write down that you would like to have something by the 30th for your striped bass workgroup meeting.

MR. BROWN: It'd be very valuable for us to have, not all the details, but some of the parameters of it. It may help us in our decision on what we have to do about quotas next year.

MS. FEGLEY: So essentially you want to know which bureaus those fish came from? Is that what you're asking?

MR. BROWN: Just, like, number one was it hook and line fish that came by the pound net.

Because that's one of the things that's coming up. How much quota the pound net is going to get; how much the hook and liners are going to get. And if that has happened then that sheds a little different light on our decision I believe or it may make some impact with that.

OFFICER POWELL: Is there an NRP officer that attends those meetings?

MR. BROWN: Huh?

MALE: I don't think so.

MALE: Lloyd comes sometimes.

OFFICER POWELL: Lloyd comes?

MALE: Yeah.

OFFICER POWELL: Lloyd would know better me.

MALE: I mean I can speak to Lloyd about that before the meeting.

OFFICER MEETING: Yeah, that would be the best avenue for it.

MALE: What time is that meeting on the 30th?

MALE: Six p.m.

MALE: Six? Richard?

MR. YOUNG: Nick, I heard some scuttlebutt

in the last week or so, and I don't remember exactly what the details were, but apparently somebody, I think it was a recreational vessel had a bunch of people on it and had 75 fish over their limit or something like that. Do you know anything about that?

OFFICER POWELL: I haven't heard that. That maybe the seven citations and nine warnings from fish and creek in Hoopers Island case.

MR. YOUNG: Okay.

OFFICER POWELL: I haven't read the press release yet but I know there is one about it to that case. I'm not sure if it's the same one you're talking about.

MR. YOUNG: No (unintelligible).

OFFICER POWELL: It's not? I haven't heard other than that one, no.

MR. KEEHN: I have, I was going to bring it up at the striped bass but since we're on this subject, I've gotten over a dozen phone calls in the, since the first week of November. And I guess it's more to, since Tom's not here, you and Nick combined but everyone's got, has huge questions about how 26, 27,000 pounds of hook of line fish were caught on the

first and second. There was hardly anybody fishing. That's down the bay, up the bay, and fishing wasn't that good.

How does that happen? I mean I've gotten a dozen phone calls asking me, how does that happen? What, how do I respond?

OFFICER POWELL: I'd like to know myself.

MR. KEEHN: Larry?

MR. SIMNS: Yeah, I've got some phone calls, too. Same thing.

MR. KEEHN: I mean, and it's kind of repetitious so I guess insanity is doing the same thing over and over again and I'm starting to go a little insane here.

MS. FEGLEY: Well, I just, I would say that this is something that is really, that the striped bass workgroup really needs to start thinking about. I know, you know, this business of these piers, I know Mike and Matt are thinking about putting together a subcommittee of this group to start looking at real alternatives, let's try to get away from pier specific. Let's just try to stop the madness. I think that's a really good goal for the workgroup.

MR. KEEHN: And I think it's exasperated by the fact that, you know, the hook and liners lost a hundred and 50 thousand pounds which we've all talked about and I'm not going to bring it back up. But then you get this pound net hook and line, you know, they're both complicit on both sides, you know what I mean? Tags got to come from a hook and liner; fish gotta come from a pound netter.

But there's got to be something. Every year we have this same conversation this time of year. Don't we, Larry?

MR. SIMNS: Yup. Yes.

MR. KEEHN: And I guess my question to DNR and NRP is what are we going to do different?

MS. FEGLEY: We're going to figure it out in the striped bass workgroup and change the way we manage that fishery.

MR. KEEHN: Okay.

MS. FEGLEY: And that's what we need to do.

MR. KEEHN: Can we do that before the season begins next year?

MS. FEGLEY: I don't know about that.

MR. KEEHN: Is that an achievable goal?

MS. FEGLEY: 2013. I don't know about 2012.

MR. KEEHN: So it's a free pass on stealing
for 2012 --

MS. FEGLEY: I (unintelligible).

MR. KEEHN: I don't mean to keep pushing,
Lynn, and I know you guys are working.

MS. FEGLEY: I know.

MR. KEEHN: But the frustration that the,
the frustration I hear in the phone calls I get, it
just wears me out.

MS. FEGLEY: I know. Well, it wears us out,
too. So, you know, I hear ya. I hear ya.

OFFICER POWELL: I get those calls, too.

MR. KEEHN: Well, I'm just trying to spread
the love here. That's all.

MR. GILMER: We all get 'em.

MR. RICE: All right, well, does that
conclude the questions? Thanks, Nick. We appreciate
it.

MR. GARY: Billy?

MR. RICE: Yeah.

MR. GARY: Before you start,
(unintelligible) I just wanted to let you know that

our assistant secretary for aquatic resources, Frank Dawson, has been kind enough to stop on in. Let's hear (unintelligible). Thank you, sir, for coming.

MR. RICE: Thank you, Mark. Next on the agenda is apprenticeship hearing. Sarah and Allison, are they here? Come up, please.

MS. WIDMAN: Hello. For those of you who don't know me, I'm Sarah Widman. I'm the Director of the Policy and Planning Division for fisheries. And tonight we're going to do something we haven't done before. Allison's giving you guys some information that you'll use for this portion. You should have gotten in your e-mail, in your packets, you should have some background on what we're talking about tonight. It's about an apprenticeship program.

In particular, we're looking at one issue we have with Mr. Shirriel who's going to also present the case to you. And Allison will present what we have from the Department side. And ultimately we're asking you guys to listen to both sides and look at the information and give us a recommendation on what you would like us to do. So I'll be here facilitating it. Allison's going to start off by just giving you guys a

little bit of background about the apprenticeship program so you kind of know what we're talking about and then she'll get into specifics of everything that's in front of you.

MS. LUETTEL: Hi. Just, at the end of this portion, you will have to pick up the handouts that we just handed out. You won't be able to keep these.

So to start off, the, for those of you who don't know, the apprenticeship program is a program we have for individuals who are looking to get a commercial fishing license that don't necessarily want to buy a license. Depending upon what license type they want, depends upon the requirements, you can get resident fishing guide, non-resident fishing guide, hook and line, TFL, LCC, CB3, oyster harvester, thin (unintelligible) and lobster. Pretty much the only ones you cannot get is the CB6 and a CB9 through the apprenticeship program.

The requirements for the most part are 1200 hours working under a commercially-licensed waterman. It's everything from crabbing, to culling, cleaning the boat, maintenance on the boat, building pots, baiting pots, building lines, baiting lines, unbaiting

lines. You name it; anything that goes into working on the water. Our requirements can go into the hours.

Individuals who are going for multiple license-types or a TFL it's 1,440 hours in two different activities. A minimum 480 hours in the second activity. They will also need to get a boater safety course certificate or a captain's license, obviously, to proceed regardless of age. And attend an apprenticeship class. As soon as those three requirements are completed, I look over the hours, verify them, and if everything checks out I will send them a letter saying congratulations go get your license. And they will take the piece of paper to the service center.

They already paid for the license when they applied. They'll just turn it over; they pay their ten dollar secret service charge fee and they can get their license. They can also use that if they currently hold a license to upgrade their license by adding authorizations.

In the case tonight, I was checking over Mr. Shirriel's hours and comparing them to the license-holder who signed off on those hours, checked his

reports that were submitted and found out that it didn't match up. We had, according to this, he turned in 1400 hours that showed 912 hours of crabbing, 288 hours of baiting line, and 200 hours of cleaning the boat.

In the packet, you'll see the first one is from May of 2007 from Mr. Shirriel and right behind that is the waterman who signed off on his reports, his, the reports that he submitted to the Department. You'll notice some of them, there were no reports submitted by the waterman. And as you can see, several, several reports that were turned in have did not crabbed on the reports. So --

MS. WIDMAN: Did you guys want to, at this time, just ask Allison any questions you have on the material she just presented and then I'll ask Mr. Shirriel to come up and talk with you guys? No questions for her?

MR. GILMER: Sarah, the only question that comes to mind with me and I've talked to you guys about this is, is what is the responsibility of the licensing signature guy of, if he falsely signed this report?

MS. WIDMAN: There's an issue that we have. You'll notice the reports from 2007. So there's kind of two parts to the answer to that. One is the missing reports. And those, that issue we've dealt with with reporting suspensions that (unintelligible). As far as falsifying information on your reports, we do tend to, or we have in the past sent out letters to people who have reported illegal activity on their reports or incorrect information to say hey we are reading this. This looks wrong or there seems to be something wrong here. If you'd like to correct it (unintelligible) and those types of things.

We can proceed with some forms of suspension if you've actually falsified information that you're telling the Department.

MR. GILMER: Okay.

MR. BROWN: You know, I'm on the, I mean it's a complete conflict here. He has where he's crabbing so many days here on a month and then he has three days this other month then he has, then they got everybody has got this form is supposed to be working eight hours a day on the boat and signed off on it. You just can't let it go.

MS. LUETTEL: And it really is a big red flag to me. This is the first time. I've recently taken over the program. The first time when I was checking it out I saw this and I was like something's wrong here. So, and we thought you guys would be the best venue to bring this to and have, and your guys's fishery out there so we wanted you to weigh in on this.

MR. YOUNG: Allison?

MS. LUETTEL: Yes?

MR. YOUNG: This is the (unintelligible) reports are from 2007?

MS. LUETTEL: Yes.

MR. YOUNG: Has this young man been issued his license?

MS. LUETTEL: Not, no. Individuals can go back and report, go back ten years to report any hours --

MR. YOUNG: Right, I understand.

MS. LUETTEL: -- any hours that they have worked. Sorry, I forgot about that. So this year they can go back to 2001; next year it'll be 2002. So yeah. He --

MR. YOUNG: So he's just --

MS. LUETTEL: No, he has not been issued his license yet.

MR. YOUNG: So he's just gotten in to the apprenticeship program and he's using back hours to try to --

MS. LUETTEL: Correct, correct. And honestly with this case was he was in the program. You have three years once you get your permit to complete the requirements. If you don't, you are then asked at that time do you want to receive a refund or would you like to go back on the waiting list. He requested to be back on the waiting list and we had another permit available pop up and he was issued and then we proceeded. So he's been in the program for at least six years or I'm sorry at least four years because he, it's three years and then expired.

MS. WIDMAN: So I'll just point out, since you brought that up, at the bottom of your handout we had thrown out some options for recommendations. You could certainly come up with your own. But some of the options that we've come up that you can consider for tonight would be going ahead and grant a request

to issue the license requiring the individual to go back and complete the hours over again. Or removing them from the apprenticeship program altogether. And we would refund the money he paid for the license. Or you could come up with different suggestions.

MR. RICE: Is this individual here to state his case?

MS. WIDMAN: Yes. I'm getting to that. Unless you have any more questions specific to Allison at this time, we can come back and ask more questions after, too.

MR. KEEHN: I would just like to say I appreciate the fact that you caught this. Job well done.

MR. YOUNG: Yeah, nobody's, this is probably the first time that anybody's ever correlated --

MR. KEEHN: Yeah.

MR. YOUNG: -- actual apprenticeship hours with actual harvest and actual work.

MR. KEEHN: I think it's deserved said, good job.

MS. WIDMAN: All right.

MR. SIMNS: You know, we were pretty liberal

in there saying and that's rightly so but this is way above being liberal. I don't know what your next step is here. We can't grant him a license with this.

MS. WIDMAN: I would ask Mr. Shirriel to come up at this point and try to (unintelligible) his case today. So Mr. Shirriel if you're here if you'd like to come up, come on up and --

MR. SHIRRIEL: All I got to say I guess the hours was mixed up some kind of way but I can guaranty you I have way over the hours that you require for crabbing. It's just I was under the impression he was supposed to do my hours on the days that we went out. Trust me, like I said, I done been out way over the hours crabbing with him then what it says on that paper. From the date, what is it, three years?

MS. LUETTEL: Yeah, this is from 2007 if you want to see our copy.

MR. SHIRRIEL: Right, that's what I thought.

MR. RICE: Does anybody from the committee have any questions for Joseph?

MS. FEGLEY: Yeah. Did Mr. Swan, was there a reason why he didn't come along with you? I'm just curious.

MR. SHIRRIEL: No. It was, it was based, like I said, I don't know how the dates got, you know, the dates were wrong. There was plenty of times he done went when I wouldn't.

MS. FEGLEY: I'm wondering why he didn't come with you tonight.

MR. SHIRRIEL: I mean I asked him about it but I think he's working also tonight.

MR. YOUNG: So what you're telling us then is that these dates here that you went with him crabbing but that when he reported to the Department -

-

MR. SHIRRIEL: No. I'm saying I went crabbing on these days.

MR. YOUNG: That's what I'm saying. You went with him crabbing though, right?

MR. SHIRRIEL: On certain days.

MR. BROWN: What do you mean on certain days?

MR. SHIRRIEL: Like I was saying, I didn't think he had to deal with me every day.

MR. YOUNG: If you don't have a license, you can't go crabbing.

MR. SHIRRIEL: Yeah, I can crab what a bushel?

MR. YOUNG: Well, recreationally crabbing but --

MR. SHIRRIEL: (Unintelligible).

MR. YOUNG: -- but these recreational hours don't count toward this. This is for commercial.

MR. SHIRRIEL: See that's what I was confused about. He has to be with me the whole way.

MR. YOUNG: No, you have to be with him. You're serving as an apprenticeship to him. He's teaching you how to do it, supposedly.

MR. SHIRRIEL: See that's what I was confused about. He has to be with me, every hour I put here, he has to be with me.

MR. RICE: And basically what you're telling us, this is your crab report. You (unintelligible) were actually crabbing recreationally but you really in all reality were not on a commercial crab boat. Is that correct?

UNKNOWN: Who's teaching who?

MS. WIDMAN: Do you guys have any more questions for either of us or Mr. Shirriell? Nope.

MR. GILMER: Did he answer the question that you asked? Did he answer the question that you asked, Billy?

MR. RICE: Not necessarily. My question was basically when I look at this, this appears to me like you're filling out a report on the days that you were in the river. Is that correct?

MR. SHIRRIEL: Right.

MR. RICE: Okay. But in all reality you are not in the river with Mr. Swan, you are in the river in your own boat.

MR. SHIRRIEL: Right.

MR. RICE: Catching a bushel at a time.

MR. SHIRRIEL: Right.

MR. RICE: Okay. Okay.

MR. SHIRRIEL: And I was thinking he could just sign off if I said that I'd been out there, he could just sign off. Now there's days we have been out together and --

MR. RICE: Actually, how much time do you think you actually spent on the commercial vessel crabbing?

MR. SHIRRIEL: I want to say at least, at

least 50 times with him and probably a hundred and 50 times myself. Over the years, you know, like the last ten, 15 years.

MR. YOUNG: Lynn, did you have a question?

MS. FEGLEY: I was just going to make a comment but looking at the apprenticeship form, you know, the, I admit it's small font but number one it does say eight hours spent in a particular fishing activity under the presence of a tidal fish licensee. So I just, I don't, I don't as much have a question. It's just, you know, obviously there was some confusion here but there were also, you know, there are two of you who were involved in this confusion. And I think that there's two of you who are, you know, essentially responsible.

MR. SHIRRIEL: Well, what about baiting the line? He doesn't have to be there for that, right?

MS. FEGLEY: I mean I would, just by reading what it says here, under the presence of a tidal fish licensee, to me that would imply that if you're, that you are supervised by that person which may be he's not the entire time if you're baiting the line but he's certainly checking in, yeah.

MR. BROWN: I also have another problem with this. I've worked in the river all my life and I never seen anybody work for eight hours every day. And if you look on this it's eight hours on every day that I've seen in here. And then as far as I'm concerned I think this is all a falsehood.

MR. YOUNG: Well, if there was a problem, it's been stated now I believe but the original, when you step back before what you're reading there, Lynn, the regulation said also in there, there was a line that said eight hours will constitute a day of crabbing. So that could be interpreted to say that the Department is only going to accept eight hours in a day. And that might be the reason that somebody had eight hours. And, you know, I mean even if he worked ten hours, there's no point in putting ten down because they're only going to accept eight. See what I'm saying?

MS. FEGLEY: Um-hmm.

MR. YOUNG: Now, at the last meeting, I had said I had an issue that I wanted to talk about on the apprenticeship thing and that was the issue and Jean I think has taken care of that and they're removed that

line. It says the Department recognizes eight hours as a day of crabbing. So now they'll take ten hours in a day.

MS. LUETTEL: Right. With the way it was worded, it actually, it still is on these sheets because we haven't reprinted yet. But it was worded something along the lines of like eight hours is equivalent to one day but we said you need 150 days of crabbing which is equivalent to 1200 hours. So since I've started taking over the program, I, you know, said you and I both know it's not eight hours in the water. It might be two hours here. It might be ten hours here. It might be 14 hours one day. Write those hours down.

You, it's, it's, we just want that total 1200 hours. Or 1440 hours depending upon what license you're getting.

MR. YOUNG: So we're taking the day thing right out of it? Yeah. That probably shouldn't have been there to begin with.

MS. LUETTEL: Essentially, yes.

MR. YOUNG: But I can see where if I had a man working for me and on my boat, a day of crabbing

is ten hours. We've got an hour of travel time out, hour of travel time back. I can't cheat the man. He's on the boat; he's working. He gets paid for it. But if they're only going to accept eight hours, that's all we can put down as for the day. And then you've got to figure out what to do with the other two hours.

Now, that created a problem too but that's been taken care of now. And it'll no longer be an issue. But I can see where, because I've seen apprenticeship hours that I've signed and it's been eight hours every day. And that's the reason. Because when we go it's ten hours but they're only going to take eight. At least that's what we thought. You know, that's what we --

MS. LUETTEL: Right. I do send out example sheets now that say, you know, I spent four hours baiting lines here and the next day it was 12 hours out on the water and, you know, just so people know what we're looking for and also that we're looking for signatures on every single day of activity as well.

MR. YOUNG: Well, what I see here is that he's put down all his time that he crabbed

recreationally and that can't possibly count toward a commercial apprenticeship. Can't possibly do it. He was just out catching a bushel on a 300 foot trout line or 1200 foot trout line or whatever he's authorized.

MR. SIMNS: I would suggest that you go back and get his real hours working with the commercial craft and see what he comes up with. Just forget all this and go back and get the commercial crabbers to sign off on the actual hours you worked under him. Maybe somebody else you worked under, you might have enough hours, you might have to get more. But that's what I do for the man.

MR. SHIRRIEL: Can I ask a question? Now, if I were to do that, do I fill out this portion and he signs off that day. Should I do this every day?

MR. SIMNS: That's what I'd do.

MS. LUETTEL: Yeah. I've had people call and either you fill it out and they go back and check their logs and they sign off on the hours that you worked --

MR. SHIRRIEL: That way it will --

MS. LUETTEL: -- or you sit down together or

--

MR. SHIRRIEL: -- compare it together. I mean, 'cause like I said, I have way over the hours of crabbing but if the dates are mixed up --

MR. YOUNG: Well it ain't the dates that are mixed up. It's that you have the hours crabbing but you were crabbing recreationally.

MR. SHIRRIEL: Right. And you're saying he has to be there.

MR. YOUNG: We're commercial crabbers. That's what, this is a commercial license. Recreational hours don't count for that.

MS. WIDMAN: So would you guys like to make a formal motion?

MR. RICE: Larry, is that in a form of a motion?

MR. SIMNS: Yeah, I'd make that into a motion.

MR. GARY: Larry, could you state the motion once more?

MR. SIMNS: That he go back and get the actual hours that he worked under the commercial crabbers.

MR. RICE: And submit those hours to the Department?

MR. SIMNS: Yes. And resubmit it after the commercial crabber signs off on those hours. If he needs more hours, he'll just have to wait until he gets more hours.

MR. RICE: Okay. Can I have a second to Larry's motion?

MR. SIELING: I second.

MS. SINDORF: I would also like to say that DNR really doesn't have any other form of check and balance other than these catch reports matching. So just for future, I mean, setting precedent, if they don't match I mean basically you should never get your license. I mean, it's the only check and balance that you have. Am I correct? To make sure that they're doing what they're supposed to be doing.

MS. LUETTEL: Correct.

MS. SINDORF: So I mean should this really ever come up again, there really is no other alternative than to reject.

MR. SIMNS: Yeah and it needs to be explained to the new outfits and everything because it

looks like there's a lot of misunderstanding here, using recreational license. Probably didn't understand that but --

MR. SHIRRIEL: Right and I didn't.

MR. SIMNS: That needs to be explained.

MR. RICE: Well, we have a motion on the floor and it's been seconded (unintelligible).
Questions?

MR. DAWSON: Would he have to reapply with the starter fee again or would they, would you all waive a fee, the application fee?

MS. LUETTEL: He's already paid the fee. Once you've paid the fee, you're in the program until you've requested a refund or you get the license. And if you get the license you're obviously no longer, so currently his apprenticeship permit is valid right now 'cause he just received it like a few months ago. So it's good for another three years or up to three years so it can still be valid. If for some reason he doesn't get those hours within those three years, he would get the letter, do you want to go back on the wait list or receive a refund.

MS. WIDMAN: You guys could recommend that

we make him start all over again. And then we'd refund that and if he wanted to enter back again he could but.

MR. BROWN: The only thing I have, if he goes back to the same man, if you go to his catch reports, he only worked three days in May, none in June, none in July, none in August. So I mean I don't see how he can, I'm not saying, I don't know what he has done or whether he's been with somebody else but according to these reports, this man can't give him no more than three days. The way I look at it. I just, but that's for this year and that 2007. Now whatever he comes up with is different but all I can see that he's got out of this right here is three days. I just wanted to bring that up.

MR. GILMER: And I agree with you. Whatever valid hours he can come forward with, I think, you know, he's eligible to come forward with whether from this guy or whether he worked with somebody else or whatever, you know. But, you know, from these, he doesn't have much to go on but let's give him the opportunity to validate what he has done.

MR. BROWN: Well, I don't have no problem

with that. But I'm saying the most he can get is three days out of this.

MR. GILMER: You're right. Yeah.

MR. SIMNS: But he's got from 2007 to now --

MR. GILMER: Right. He's got, right.

MS. LUETTEL: He can actually go back to 2001.

MR. GILMER: He can go back to 2001. So let him validate his, you know, see what validation he can come up with.

MR. RICE: Right. Thanks for your comments. No further questions. Call for the questions. All those in favor of Larry's motion?

MR. GARY: Billy?

MR. RICE: Yes.

MR. GARY: Just, at this time, should I offer the proper comment (unintelligible)?

MR. RICE: Okay. Well, I'm sorry about that. Does anybody in the public wish to comment on this issue? Seeing none, I call for the vote. All those in favor of the motion, raise your right hand.

MR. GARY: Hold it.

MR. RICE: Good. All those in opposition?

It's unanimous. Thank you, sir.

MR. SHIRRIEL: Thank you for giving me the opportunity to go back and get the hours but from what you all are saying he has to be there baiting the line, he has to be there, so I just got to go back and do it that way.

MR. YOUNG: You've got to work with a commercial crabber.

MR. SHIRRIEL: All right.

MR. BROWN: One other thing I would like to bring up right now is if this same man is going to be validating it, check his reports and see if he crabbed at that time. And I, and if you've worked with somebody else, I would prefer to see you use somebody else.

MR. SHIRRIEL: Can I use different people?

MS. LUETTEL: Yes.

MS. WIDMAN: You can use multiple people.

MR. YOUNG: You can use 15 or 115.

MR. RICE: All right.

MS. WIDMAN: Allison is coming around to collect them.

MR. RICE: All right. Next item on the

agenda, please, Sarah, would you like to give us a regulatory update?

MS. WIDMAN: Sure. You guys should have gotten the usual regulatory update and e-mail and I'll give you a folder. This is the time of year where we're winding down so we'd like to say to the committee that use all the state regs asks us not to submit them basically mid-December to mid-February. So we only have next week and December 7th are the last two submission dates for the year.

We have a couple that we're working on, on page three. Horseshoe crab, Summer flounder, black sea bass, the fishery game staff has asked for us to make their permit regulations more consistent, giving a little more flexibility in things like quota. So we're working on that regulation for them right now.

We have a housekeeping reg which really is just adding some existing (unintelligible) reciprocity agreement language for recreational licenses into the reg. Targets, the new targets adjustments that we do for upgrades. We're working on that package right now. And unfreezing the limited crab harvester licenses for this following the three year abundance

target that we'd set in regulation so they would be back in the fishery for the 2012 fishery.

Any questions on anything from the reg handout? I also wanted to go over our new scoping procedure with you real quick if there's no questions. Okay.

Feel free to call me or e-mail me if you have questions on that. We also have had some issues with our scoping process in the past two years. A lot of people aren't coming to the scoping meetings. We try and have scoping meetings three times a year, February, May, and September. We go out and try and scope everything we're going to be working on over the next few months with the public before we propose the regulations to get the public the opportunity to give us some feedback and insight on our ideas. And we're able to make more changes at that point to any regulations that we're writing.

So we've been having these meetings for a few years. Having few poor turnout, usually no one or one or two people show up and we would like to change from the kind of one-size-fits-all way of scoping to what I'm calling the non-one-size-fits-all scoping

process. And that should be in your handouts, too. It kind of goes through, based on the type of regulation we're proposing we would have different ideas for how we would go about scoping it.

So we could have one public hearing. This Fall we had a really successful open house on the striped bass reg that you proposed and we got a lot of good feedback that way so we could do an open house or two open houses and we could do it in multiple regions and areas.

Our website has been doing really well. We post the draft regs or ideas and have you guys comment by e-mail so we continue that. But perhaps add some more forum ability into that website. So there's generally a list of ideas back here that we would be looking to do based on the controversial status of the regulation. If we've gotten a lot of feedback early on that people really want to come and talk more about it, we could add more to it. Something like a housekeeping reg that no one wants to comment on, we certainly wouldn't go out and have a public meeting where no one would want to come comment.

So we're trying to move in that direction

and you guys have a copy of that and I'd be happy to take questions or if you guys want to send me e-mails once you have a chance to look over it, I'd be happy to answer them by e-mail or phone as well.

MR. RICE: Thank you.

MS. FEGLEY: One of the things I just want to make sure everybody looks at is the last paragraph that talks about the advisory commissions. And one of the things, you know, we really want to encourage you as our commissioners and also our workers is to really, because we'll be talking about regulatory ideas during these meetings and we would really encourage you, in fact we consider it your charge, to take those ideas back to your constituents and get their feedback.

Encourage them, you know, inform them, and if they don't want to come to us with their feedback, bring their feedback to us. So we're going to rely also on you to help us, help us, that's not going to replace our scoping but we also want to make sure you guys are aware that that's one of the things we would like your help on.

MS. WIDMAN: Thank you, Lynn. And also if

you guys are getting a lot of feedback or there's a lot of buzz on something we put on the web and you think we should have, you know, an open house or a meeting or something about it, please come and let us know that, too.

MR. RICE: Thank you much.

MR. GILMER: I want to take a minute to thank Sarah for, she helped me get some SAV areas changed in Eastern Bay. It took us a little while but we got it done and I just want to thank her for doing that.

MS. WIDMAN: No problem.

MR. RICE: Lynn, you're up with the -- fishery report, please.

MS. FEGLEY: Yeah. I was really just going to go over quickly the events of the ASMFC meeting up in Boston. It was a very busy week. I think that the two events that this group will be most interested in is one is striped bass, the addendum that was on the table that would reduce fishing mortality on striped bass was postponed until the next stock assessment is complete which will be in June of 2013.

I will say that after the addendum was

postponed the watershed, the interstate watershed task force briefed the striped bass board. These are the officers, federal and state, the cooperative group of law enforcement who had the big case several years ago and they put up quite a presentation about illegal activities in Chesapeake Bay in the last decade. It really, there were a lot of facial twitches happening around the table as this was going on.

And I bring this up because there were, it just means that, it's just a very clear reminder that the Chesapeake Bay fisheries, Maryland and Virginia, we do not operate in a vacuum. People are watching this fishery very closely. There were commission members. This presentation happened right at the end of the meeting. There was really no time for discussion after the enforcement team got done but there were commissioners afterwards who made it very clear that they want further discussion about this.

There were some recommendations of a task force that are going to be talked about. One of them is that all of the tags and all the jurisdictions be the same color each year and the size limits be placed on the tags. And those are all just discussions but

I'm just bringing this up because, you know, we went forward with this new regulatory package on striped bass. We are requiring gill nets be marked. We're building a hale system. We're asking for more accountability. We're going to be at check stations, monitoring check stations. It is so important that we tighten up. Bring it out there; tell it on the mountain because people are watching.

That's striped bass. Any questions before I move on?

MR. KEEHN: I would like to say, too, that one of the things the officers brought up at ASMFC in front of all the states was this pound net, gill net, I mean hook and line and pound net tagging. I mean he brought that to the forefront for all the states to see. And if we don't get control of it, what's going to happen, I know what's going to happen but in dealing with ASMFC on the charter boat side, it's just going to go okay we're going to just make a 30 percent reduction due to theft. And then we all lose.

And we all know somebody who's doing it. Now is not the time to sit back and not be a rat is the hundred excuses I always get. They just call me

and I'm like it's not my job. I wasn't there. I didn't see it. It's your job. But if we don't get control of it, I guaranty you we will lose pounds. And the fact that they know the ins and outs of everything that's going on, it's not going to take long for it to catch up to us.

MR. RICE: Robert B.?

MR. BROWN: With the pound net and the marine police, I'm saying, they were the ones that went up there and said that they had a problem with the pound netters in --

MR. KEEHN: The federal people that --

MR. BROWN: -- the federal people said that they were having trouble with the pound netters or the hook and liners getting it from the pound netters.

MS. FEGLEY: They described the situation, yes, where we have tags misapplied, illegally applied from the wrong tiers.

MR. BROWN: You know, it's wrong and I'm hoping that what I've heard is true. I know it hasn't got all of them but I know it's got some. But you got to realize that these feds that are in this, they will let it go on so long before they will let somebody

make an arrest. They don't go do it like let it get one year or how long it takes to get somebody. They'll let investigations go on for three years.

MR. SIMNS: Or five.

MR. BROWN: Or five. I mean, they're acting like, you know, the head man up here is J. Edgar Hoover and they got Elliott Ness. Let's go ahead and let's go. All they want to do is get their names in big lights. I mean I know when they had a bust down home there with some of the pound netters that the Coastal Conservation, the salt water people, that they were giving these inspectors, you know, take 'em out to dinner and stuff and give them a little plaque and stuff how a great a job they were doing.

Well, while they were taking so long to do that investigation, the people who are trying to make a living and trying to do right, it's just like they know it's going on now, give that man a ticket right on the get-go. Go get it. Because what happens is it goes on and on and on and it puts the honest, the hook and liners and the ones that's trying to do right, it puts them at ends, and just like you said Lynn, we gonna have to change management on this.

Well changing management is not going to do no good. You got laws on the books now that's not being enforced enough. So I mean changing the management strategy is not going to do it. I don't know what else you can do. I mean you could, unless you do like they do in Vancouver, have us have cameras and stuff on the boats. But when you have that, the man who is doing it illegally is not going to be in that boat anyhow.

MS. FEGLEY: Well, you know, just to respond to that a little. You know, the issue with the con-ed and the hook and line tags is, you know, and these officers did bring that up but that is in a way, the issue there is really, those fish are not necessarily being hidden from the quota because they're still being tagged.

What is more worrisome that was brought up at this meeting is this weights and numbers game where waterman are taking a certain number of fish and recording a different weight so that, or recording a certain weight of fish --

MR. KEEHN: Get extra tags.

MS. FEGLEY: -- and, you know, so that they

can get extra tags. And what that, what the officers did at that point is present an estimate of how much unreported fish that has been harvested and that's the very, very worrisome part of this. Because there's no way that we can make a case that we know that those fish were harvested. And that's, that is what we're after with the hale system and the check station audits. The hook and line pound net, I mean one way that is something I again would encourage the worker to think hard about because boy you get rid of those year specific quotas and you solve a lot of problems.

MR. KEEHN: I agree with you on the federal point. As far as I'm concerned whenever the federal government gets involved I lose, you know. It's just my opinion. So my take and this is what I keep saying and I'll say it again, we got to clean up our own backyard. Everybody knows Nick's phone number, you know. It's, you know, you can call Nick and say this is what's going on. Let the state handle the problems. 'Cause if the feds handle the problems, we all lose.

And that's all of our, Larry, wouldn't you say that's all of our responsibility.

MR. SIMNS: Yeah. Yup.

MR. KEEHN: You know, you gotta make a phone call. It may be a hard thing to do but do you want to turn in a friend of yours and lose your livelihood or not turn in a friend of yours and lose your livelihood? Or turn in somebody you know's doing something wrong so you can make a living and feed your family? That's what it's come down to.

MR. SIMNS: And that don't mean call you or call me.

MR. KEEHN: No.

MR. SIMNS: That means call --

MR. KEEHN: That means call Nick. Or call a NRP officer and let them handle it. And on the flip side, I'd also kind of challenge the Department, they've done great strides in Anne Arundel County, Joe has with the judicial system. But we need to do, we need to get that done on the Eastern Shore. 'Cause nothing's worse than making a phone call and sticking your neck out and then the guy going to a judge in his hometown and getting off. Then you feel like what did I stick my neck out for?

Now I know the Department's done some great

things with that in Anne Arundel County. I'd just like to see it migrate throughout the state.

OFFICER POWELL: It is. It's slow but it is.

MS. FEGLEY: Okay. I mean, so moving on, (unintelligible) was the other big one. Folks have probably heard something about that. The management board did set new reference points for (unintelligible) along the coast. So essentially we are fishing under a new fishing mortality threshold and a new fishing mortality target.

Setting a new threshold means that the (unintelligible) fishery has been over fishing has been occurring for 52 of the last 54 years. So where under the old threshold we were just over fishing, we were over fishing a lot but we were really just over fishing in the last year, in 2008. Once that threshold's moved down, there's never been a year except a couple years back in the 1950s when over fishing wasn't happening.

And what, and the reference points were changed based on recommendations from the scientists who reviewed the last stock assessment. They said

whoa, hold the bus. These reference points are not sufficient for this animal. So the board made the decision to move the reference points. It's hard to know what the actual harvest reduction is going to have to be to get to the target but the number that we have right now is, this is coast-wide, a 37 percent reduction to get to the target. That is from 2010 harvest levels which by the way were quite high compared to the year before.

So the next step in this process is menhaden as a fishery where there's been some gear restrictions like we don't allow pursing in Maryland. New Jersey doesn't allow pursing in state waters but there has never been any control on this fishery where we can move levers and control fishing pressure. And we're going to have to set that up. And that's going to be a challenge. It's going to take a year. It's going to be in the form of an amendment. You will all be hearing about this process as it goes forward but the bottom line is there will not be any action in 2012. 2013 would be the first year that we would potentially be fishing under new rules from menhaden. Questions?

MR. RICE: You can continue with the motion

striped bass update.

MS. FEGLEY: Actually, I wasn't done.

MR. RICE: Oh, sorry. Okay.

MS. FEGLEY: But these will be quick. These are real quick.

MR. YOUNG: Lynn, can I ask a question now?

MS. FEGLEY: Yeah.

MR. YOUNG: You said for the last 50 some or what did you say? That it's been over fished?

MS. FEGLEY: Yeah, it's an over fishing. So the fishing mortality rates have been too high for 52 of the last 54 years.

MR. YOUNG: Okay. But is the stock --

MS. FEGLEY: But the, but it's not over fished.

MR. YOUNG: So how --

MS. FEGLEY: Isn't that great? Don't you love those words.

MR. YOUNG: No.

MS. FEGLEY: So in other words --

MR. YOUNG: So you're over fishing --

MS. FEGLEY: It means the fishing mortality rates bid --

MR. YOUNG: -- for 52 years but it's not over fished. How can that be?

MS. FEGLEY: Well, the reason that can be is because, do you really want to get into this?

MR. YOUNG: Well, I'd like to understand. You can call me at home or e-mail me or something but I'd like to understand how something can be over fished for 50 some years but not be over fished.

MS. FEGLEY: How the fishing mortality can be too high for so long but it's not over fished.

MR. YOUNG: Yeah.

MS. FEGLEY: Because in menhaden they measure the health of the population, the numbers, the biomass part and they calculate the number of eggs. And menhaden do this funny thing as there are fewer menhaden they get, they mature faster and they produce more eggs. They compensate. So we have a menhaden population where we see that the actual numbers of fish, the bodies in the water, are lower than we've ever seen in 54 years. There's fewer menhaden.

But paradoxically, ironically, unusually, these, this low number of fish is producing a not dissimilar amount of eggs. And what we're assuming is

that, and this is where the board starts to get worried, is that this little number of fish, even though they're producing all these eggs, those same eggs well (a) you know, it's a lot of math to estimate those number of eggs. We don't actually go out and count eggs. But are those eggs laid by those little number of fish as effective at making (unintelligible) as the same number of eggs laid by a whole bunch more fish. Because that fewer number of fish can't be in all the same places at the same time that the larger number of fish can be.

How is that for a straight-forward explanation? Pretty good, huh? Anyway, --

MR. YOUNG: So they're saying it's not over fished because they got a bunch of eggs.

MS. FEGLEY: Correct.

MR. YOUNG: They don't have fish; they got eggs.

MS. FEGLEY: Correct. That's it. That was well-summarized.

So just real quick, spiny, and this is, we're going to be headed down to the coast to talk to our coastal commercial fisherman probably in January

but there were some moves on spiny dog fish and lobsters. Spiny dog fish quota went up about 30 percent this year. We're going to be increasing daily possession limits up to 4,000 pounds from 3,000 pounds.

And lobster, we have a big lobster fishery. We actually don't but we may be looking at a ten percent reduction in our coastal lobster fishery if we can't get National Marine Fishery Service to (unintelligible). So I'm done now.

MR. RICE: Okay. Bill, did you have something?

MR. SIELING: Yeah. I, it's I believe the same question but how in practical terms how is this going to affect our pound fisherman? Pound net fisherman here in Maryland?

MS. FEGLEY: We don't know. That's the simplest answer because we don't know, one of the things that's going to have to be set up for menhaden is allocation. So if say if the board chooses to set an annual catch limit, which is probably what'll happen, every year will have a menhaden quota. That quota is going to have to be allocated first between

the reduction sector and the bait sector. And then the bait sector is going to have to be allocated among the states. There are states who are talking about herding a set aside for the bait fisheries. In other words, the reduction fishery can harvest so much. There's a set aside to the bait fisheries and the bait fisheries don't have to reduce at all unless they pass that set aside.

So there's all these sort of tools and thoughts and that's why it's going to be so important for us to get with the netters and start talking with them about, you know, what sort of things could work, what couldn't work. We also have a new stock assessment coming on line at the end of 2012 which will make it more clear what the reductions in harvest will look like. So there's a lot of balls in the air. We're going to be spending the next six months doing a lot of work on this.

MR. SIELING: As a practical matter, roughly what percentage of menhaden that are caught in the Chesapeake Bay are caught in our, in pound nets versus what is caught by --

MS. FEGLEY: Well, let's put it this way,

the reduction from a coast-wide scale, the reduction fishery catches 80 percent of the annual harvest. The coastal bait fisheries catch about 20 percent. Maryland may be one-quarter of that 20 percent, if that much. We land somewhere between five million and 11 million pounds of menhaden a year.

MR. SIELING: So we are a proverbial drop in the bucket.

UNIDENTIFIED: Correct.

MS. FEGLEY: We are a drop in the bucket.

MR. SIMNS: And if they take it, it's going to really hurt us.

MR. SIELING: That's my point.

MR. RICE: Scott, did you have something?

MR. TODD: That's what I was just getting ready to bring up. Our, what we take out in pound nets is just only a very, very tiny part of that. The cat food and fertilizer industry, I think you call it the reduction, they're getting the biggest slice of it. So, you know, we're just a tiny, like you said just a tiny drop in the bucket of what's being taken out 'cause --

MR. SIELING: There are substitutes for

those things but there isn't a substitute for baiting.

MR. TODD: Well, let's hope that's the route they take so we can keep having our lot for our crab box.

MR. SIMNS: The biggest problem is if they cut us across the board and every fishery gets cut 30 percent, that's going to be a big cut to the Maryland fishery.

MS. FEGLEY: There's going to be --

MR. SIMNS: Because if you figure how many fish you're catching --

MS. FEGLEY: That's understood.

MR. TODD: But if you say (unintelligible) 2013 anyway.

MS. FEGLEY: It won't be 'til 2013. And I can tell you and, you know, Gibby and I talked about this and, you know, I really can't do anything more but speculate but I do know that there will be support --

MR. TODD: For our pound netters?

MS. FEGLEY: Well, there will be support from a lot of different states to scale reduction so that the reduction fishery, you know, if we're

reducing 20 percent, the reduction fishery's going to take 80 percent of 20 percent and the, you know, it'll be scaled proportionally so it, there's a lot of support for that. There's a lot of support for this set aside notion.

There's fisheries in New England that are opportunistic. They don't have menhaden every year but when they have the menhaden they want to be able to get them for the lobster fisheries. So, you know, the New England don't necessarily want to be totally located out. So it's going to be a rather long and complicated process. It's going to take up, there's going to be a lot of conversations among the states and we will certainly we'll keep you posted and be looking for your input.

MR. SIMNS: Well I tell you what worries me more than anything about this is I know how the fisherman operate. They figure menhaden don't mean anything. They're probably not reporting all they catch. Well, same thing happened to rockfish. We were probably catching ten times as many rockfish as we got a quota for. But because the fisherman didn't report it, it took what we reported and it reduced

that number.

Well, getting back to your pound netters, they better report every one they catch in the next two years because that's what they're going to base what they cut you back. And knowing how, you know, you think about menhaden --

MS. FEGLEY: Don't over report 'cause that won't help you either.

MR. SIMNS: (Unintelligible). If they catch, you know, two ton of fish today, you know, they might only put two ton of fish a week now just 'cause it's easy. But don't do that. Because you're going to, you know, if they do base it on your history then that means you're going to pay just like you do with the rockfish and we paid dearly. That's why we're fighting now for every rockfish we can get because we're catching about one-tenth of what we used to catch before the moratorium because of bad reporting.

MR. RICE: Thank you, Larry. Lynn, the commercial update is still under your name. Is there someone else going to do that?

MS. FEGLEY: I call Matt Lawrence.

MR. LAWRENCE: Let me give you guys an

update on the striped bass and yellow perch so feel free to stop me and ask any questions that you need but I might not yet have the answer to it.

So I'll start with gill net. Well, with striped bass obviously hook and line, commercial hook and line is now closed. Pound net's winding down very quickly. They should be done shortly. So we're gearing up for December. Striped bass active days during December are going to be Tuesdays, Wednesdays, and Thursdays. That's how we're going to start off.

The first day of the season will be December 6th. So we'll start on Tuesdays, Wednesdays, and Thursdays. Each week we're going to be looking at what the harvest is. Obviously we have no idea what's going to come out of this season. We don't know if there's going to be a high catch rate like there was in January or if it'll be much slower like it has in the past during December.

So we're going to reevaluate things each week. We, you may see us open a day up or even open two days up if things are moving along rather slowly. Or it may be like last December where we had to shut it down quickly. I, we'll see what happens. We're

going to open it and we're going to see what happens. So, again, that's Tuesdays, Wednesdays, and Thursdays.

MR. YOUNG: How many pounds are we going at exactly?

MR. LAWRENCE: I do not have a final confirmed answer on that. It's going to be between, probably between 200 and 225 thousand pounds.

MR. YOUNG: Thank you.

MR. LAWRENCE: The allocation will start at 300 per pounds per permit per day. There will be a vessel limit of 1200 pounds. Again, all that is subject to change via public notice. We'll see how the season progresses.

Following up that striped bass industry work group, it was discussed a little bit earlier. We've got the next work group coming up on November 30th. I know you guys have a number of concerns and we'll be addressing issues related to those concerns at that November 30th meeting.

First thing we're going to address though, but it'll be at 6:00 p.m. here in C-1 conference room, for those of you who are interested. Some of you guys are already on the work group. Others of you, if

you're interested, it's open to the public so feel free to come and listen in to what the work group has to say.

And anything that occurs in the work group, of course, will be presented back here to Tidal Fish. Next time we'll meet, Tidal Fish is in January. We won't see the results until then but we will be presenting it to you then.

First thing that is on the agenda for that particular meeting is the 2012 commercial quota. We do not know what the commercial quota is yet. They'll have a hard number on that then. Hopefully we will have a number by November 30th and at that time we'll start to discuss what we're going to do with it including year allocations. So, again, some of the concerns that have already been expressed tonight are going to be addressed at the work group meeting on November 30th.

In addition to that, we're going to put together a subcommittee from the work group. We've already had a couple of discussions, a couple of meetings with the work group where we've looked at alternative management ideas. So far nothing's really

come of that. What we want to do is pull five or six guys aside, it'll be up to the worker who is going to participate, and just bounce some ideas around.

Any ideas that come out of that subcommittee will get brought back to the work group. Nothing moves forward without being vetted through the work group and then, obviously, through Tidal Fish. But we just want to bring in some guys to bounce a few new ideas around. See what you guys are thinking. Are there any questions on that?

Okay, well that's all I've got for striped bass. I'm going to move into yellow perch and this is just a real quick update. For 2012 yellow perch, we have 67 total declarations, 67 total participants that have turned in their declaration form for the 2012 season. That's up a few from, up five or so from last year. There were 62 last year. So there's a few more guys that are going to participate.

The quotas that have been established for 2012 are 38,950 pounds for the upper bay, 2,500 pounds for the Patuxent River, and 6,770 pounds for the Chester River. That season will start on January 1st. Okay, any questions? Okay. That's all I've got for

you.

MR. RICE: You did a real good job. Thank you. Marty, would you like to --

MR. GARY: Before we get to that, I don't know if you or Mike, I've got a note here to mention to the TFAC the recreational commercial fishing moratorium on river herring. Did you want to update them on that?

MS. FEGLEY: Well, there, it goes, there is a moratorium on river herring that goes into effect on January 1st. So there's, Sarah, is that in the regulatory? Is Sarah here; she's not here?

MS. WIDMAN: It's proposed that will be effective on I think December 26th.

MS. FEGLEY: Yeah. Is it in the regulatory update?

MS. WIDMAN: It's in the regulatory update.

MS. FEGLEY: So you can read about it in the regulatory update. Essentially, there are some nuances there, it's a, there are some nuances there. If you're using river herring as bait that you purchased, you'll have to have a receipt. Sarah, do you want to go over the declaration piece that we have

--

MS. WIDMAN: Yeah.

MS. FEGLEY: -- going on?

MS. WIDMAN: This is just, you just want river herring? Is that what we're talking about? Yes?

MR. GARY: Yes.

MS. WIDMAN: Okay, just want to make sure. The river herring regs in your reg handout, halfway down on page two, essentially what we're doing is closing the fishery within state waters on the 26th. However, you would be able to, some of the states that are able to track can have a sustainable fishery kept open. You will still be able to buy those fish from the few states that are going to do that and bring it here for sale.

And as long as there's a bill of sale with it, and we are working on trying to come up with some sort of agreement that people could essentially register with us if they have existing bait to be able to, that's frozen, to be able to sell that bait into 2012 to get rid of the bait that they have stockpiled. So we're trying to work on something with that.

MR. SIMNS: Is there a zero tolerance on having herring? (Unintelligible) three or four herring with --

MS. WIDMAN: We don't have anything because it's going in place after the fine schedule and we don't have anything on the penalty schedule yet. So for now it would be, if they issue you a ticket you would just go to court on it. So we'll have to sit with the penalty work group and figure out what we want to do, I'm guessing they'll be tolerated like other fisheries that we've closed in the past.

MR. RICE: Thank you. Lynn, you said (unintelligible). I'm sorry.

MR. BROWN: We, 'cause I'm a pound netter myself and in the Spring of the year 'cause we, in the Potomac we have (unintelligible) we putting in that. And they get rid of probably, well I don't know how many it gets rid of but it's very, very few herrings staying in the net with these in there. It also helps get rid of the little rock, the small perch, the small flounder. And it's designed, the bottom part of has got flat places like where they can grab things like (unintelligible) rings for when you're spooling stuff

to go out.

The spooler bait, a lot of the spooler bait gets out which we really don't want that little, tiny stuff like this anyhow down in our area. A lot of that gets out and it does a good job. But when we go pounding and if we're in, let's say April, May, it's impossible to get every one out even with those. And if you've got to stand in the color board and try to pick menhaden out and throw them in and not get, I can see where it's going to be tickets written, you know. I mean you need some type of tolerance. I mean you can't have, you know, a load coming in, if a man's allowed to have a half bushel or a bushel of something, he's got something he can go by, you know. Or a half of one percent of the catch, you know.

MS. WIDMAN: Well when penalty worker meets in, usually in the beginning of the Summer, we'll sit down 'cause right now the District Court just --

MR. BROWN: Well you say in the Summer?

MS. WIDMAN: In the Summer, 'cause the District Court, what happens is the fine schedule for all your pre-payable fines is actually issued by the District Court. We get to make annual recommendations

to them on it and they just signed off on it in October so they just signed off on it and we can't give them any more recommendations. They won't change it 'til next October is what happens. So --

MR. BROWN: Well, that doesn't help us much in April and May, does it?

MS. WIDMAN: So, yeah, it won't --

MR. SIMNS: So if you're saying zero tolerance to them --

MS. WIDMAN: It would be up to the officer's discretion until we can get them to change it on that schedule. So we'll look at it in early Summer in the penalty work group and try and figure out how we want to have it worded.

MR. RICE: Robert T., I've got a question for you. You've been a pound netter on the Potomac (unintelligible), your experience with the cull panels, don't you think you've got the problems and stuff ironed out pretty much now?

MR. BROWN: It's one of the best things I ever put in the pound net.

MR. RICE: And don't we allow a tolerance on certain species due to the fact that you're using cull

panels?

MR. BROWN: Yeah.

MR. RICE: So I think that's something that this committee should recommend to the department to encourage the use of cull panels. That's what we did in our fishery was to help promote the use was allow a tolerance for certain fish within the catch. And what one or two got by was minute compared to hundreds of fish that they're saving. They work really well and I'm sure Robert T would be more than glad to help put his input in, you know.

MR. BROWN: These panels weren't designed by scientists. These were designed by commercial fisherman. And they started out it was this big and they had a (unintelligible) so you could see what was going out of it. And now we've got it down to where it's like this size and we got one, two, three. We got three on the flow tide side and three on the ebb tide side. And we got two of them down low near the bottom; we got one up near the top. And just the difference in bait, when bait is running small, you can see the small bait over into your pockets and stuff. When it comes over it just goes right on

through.

Of course, when a fish goes into a pound net it's just like a crab when it goes into a crab pot. The only difference is when a crab goes into a crab pot he's going to try to feed a little bit and then after he feeds he has only one thing on his mind, getting out. Well when a fish goes into a pound net, just soon as he, before he even gets all way into the pocket which we fish up, he's already running around side-by-side trying to find how to get out.

And they work very good and it was one fellow from Maryland one fellow from Virginia. They were pound netters on the Potomac and they worked with it a year or so. This year we had one little problem with them to start with. They made it mandatory down there this past year and the problem we had was they were breaking in the Summer. And what we did is they made them out of a different material which was a little more flexible. And that worked a whole lots better.

But even when they broke, I had some of my fish that was broke all year 'cause once it had broke in 'cause there was a lot of tide where I was at and

it was breaking when we were fishing it up and it was coming across the side of the boat and sometimes they break open (unintelligible). And what I did was I just tried them together with twine real good. And they never broke no more. But the problem was they needed to flex in that area.

So I mean we've got it, we've got it pretty much down to a science. So I mean and it, the last thing we need, we bail the fish in the boat, we don't need a whole lot of little, tiny fish. We don't need no little, tiny rock; don't need no little, tiny perch. And it, it doesn't get them all but it does a very, very good job. I say, if you didn't have them in there you'd probably, you may be catching one percent or less. Probably more like a half a percent. Whereas you would catching maybe ten or 15 percent, you know. It's, I mean it's all the difference of night and day. You put one net hand trot, you put the other one just down the shore and trot. And it's a difference when you fishing net. Being at a net and say leaving it in 45 minutes and being at the net and staying there an hour and a half to two hours.

MR. RICE: Thank you, Robert T. Lynn?

MS. FEGLEY: Yeah. I wanted to go back to Matt's update on striped bass. I was reminded we aren't going to know what the December gill net quota is until we can balance the books on the hook and line and pound net fisheries. But there is a decision that we will be implementing the hold back in December which will be five percent. So whatever the, whatever that number turns out to be for December, we are going to take five percent off of that as part of our, as part of our package going forward and this is squarely to counter this presentation up at ASMFC. This, sort of this accountability problem of weights and numbers.

Going forward into 2012, we'll be evaluating what happens during the December gill net fishery. Hopefully we can maintain a five percent hold back through 2012. If we have a lot of problems in December, it may have to be larger. We're just going to be, we're going to be tracking but I just wanted to let you know that there was, that the percentage hold back of starting in December is going to be five percent.

MR. YOUNG: Why is it we didn't put a, go back to the river herring thing, why didn't we put a

tolerance in there? We talked about that at these meetings a couple, at least a couple of meetings. We talked about putting a tolerance in. Even if it's 15/20 fish.

MS. FEGLEY: Yeah.

MR. YOUNG: Why didn't, you couldn't put just a little tolerance in there to let these guys (unintelligible)?

MS. FEGLEY: Because when you put an official tolerance in, the --

MR. YOUNG: People take advantage of it.

MS. FEGLEY: Well, no, no, no. I mean, well the ASMFC took the stance that a tolerance equates to a fishery. So if we were to go forward and as, we wouldn't pass compliance with ASMFC if we had a tolerance unless we could demonstrate the monitoring and everything else we needed to demonstrate to prove that it's sustainable and we ain't got it.

So what that brought us back around to was no possession and the tolerance needs to come in the form of what the penalty work group decides.

MR. YOUNG: Then --

MS. FEGLEY: We are in a real box on that

one.

MR. BROWN: And then yet here are these herring, they go up the head of the Potomac and they spawn up there and they are hatched out up there. And we got the largest amount of blue catch that's ever been known. I mean once we had this storm, now when I fish my pound nets from Cobb Island down to almost Piney Point, that neck of the river, very seldom do you catch more than a couple catfish if you have a fresh year. This year I've been catching two to three thousand pounds a week easy. Sometimes can't sell all of them. And that's not counting the flat head catch. It's so many down there. They were trolling for rockfish and the blue cats were biting on bucktails and spoons and they're catching them up to 14 and 18 pounds. And that's not only in the Potomac. It's happening all over the Bay and --

MR. TODD: We're catching in the crab pots.

MR. BROWN: Yeah. And I'm not so sure as that they're not even eating the younger year on your rockfish up. I have heard that in fact.

MS. FEGLEY: Yup.

MR. RICE: We appreciate all that input, Rob

T. And I can say that I share the pain on the herring issue because I fought at the fisheries commission to get a get a tolerance and I lost. And it's a, as Lynn said, it's being in a box and that's about the best way to put it. But I felt that our fisherman deserved better 'cause they, they put forth an effort to cull their fish at, you know, with the cull panels and stuff and we still couldn't allow them to have a tolerance. That was a sour bag of grapes.

Moving right along, Martin would you like to talk to us on the meeting schedule?

MR. GARY: Sure. Thanks, Mr. Chairman.

Well before we talk about the 2012 meeting schedule, seeing we're 61 minutes ahead of time, I have my schedule tonight, let's keep it here.

MR. RICE: Don't rock the boat.

MS. FEGLEY: Easy.

MR. GRAY: (Unintelligible) wincing but he didn't see it coming. I'll be fairly, fairly quick. But I just want to kind of reflect back on this past year. I've been working with the commission, both commissions, since '92. It's an honor and a privilege and I'm sure my colleagues all feel the same way. And

I've known some of you for a short period of time like Gail, I just literally met you when you came on board. Others I've had the honor to meet and work with a long, long time ago.

Dale Dawson, his dad and his brother, I was a biologist in the striped bass stock assessment crew back in the late 80s, early 90s, and worked with them and people like Larry, Billy, Brian. I mean I've had the honor to meet you guys. I look around this table and there's literally centuries of institutional knowledge. And you know knowledge is the most powerful thing you can offer anybody, anything. And you guys are an advisory commission for commercial fishing in Maryland, a great tradition throughout the ages here.

And you guys play a strong and pivotal role in the co-managing process. And I know I speak for all my colleagues that we're humbled and honored to work with you and be a part of that. I want to see it continue.

This particular year was I think pretty interesting for me personally. You know, we had a change in the commissions. Expanded to 15. Showed

some new members. Some folks with familiar faces left. Some new faces came on. Still, I mean I look around this table and who's better to handle the challenges that we deal with than what, who we have assembled here. And I hope we continue to have them.

I look back with a little bit of sorrow to see a lot of folks that aren't here anymore, literally. Somebody like Glen James who was a fixture on this commission. And JR who passed away. And we had some tragic things happen. We had Danny Beck who wasn't on the commission but may as well been, he's here all the time and if he has it his way he's not going away any time soon which is a really good thing.

And so we've had some things to go through this year. Not only personally, I mean we have the economy that we're all dealing with. It's affecting our budgets; it's affecting you guys. We see it; we feel your pain. And I mean we are all in it together and I really mean it. I'm not trying to pontificate. I just want you guys to know how much it means to us for you guys to take the time and show up and come here.

You know and I hope, I hope it continues

'cause I know we're all dealing with the things that are going on and you know Larry I'm not going to try to single you out but you know, you're, not that anybody in this room is any more important than anybody else but your contributions over the ages have been, have been just unquantifiable and you know what you're dealing with and our thoughts and prayers are with you and we're hoping you're here for making and having an impact for a long, long time to come.

So it's been quite a year. And you add on the environmental conditions we all dealt with. The first shed from the Spring. How it affected all of you personally. How it affected your livelihoods. The tropical storms. I mean it's a pretty fascinating year but I can tell you when I step in the room and I know all my colleagues feel the same way, I mean there's a comfort level. We feel good working with all of you, especially, you know, the old faces and the new faces. So I just felt like, you know, I wanted to look back and look at what we had to deal with this year and we've got more challenges that they all just keep on coming, going into 2012.

So speaking of 2012 and with the theme of

using your knowledge and your talents to the very best of their abilities, we've talked for quite a while and I've had a chance between myself and Tom O'Connell, we've had a chance to individually reach out to each of you and Gibby's not here tonight but I know Tom reached out to Gibby and hopefully they, you know, we've got his feelings on this.

We just want to make sure you guys are coming from all over, driving here, giving of your time, so are we. We wanted to make sure that that time is spent in the most productive and efficient and effective manner we can. And to that end, and I'm saying that the current schedule for when we meet nine times a year, realistically it's seven this year but scheduled for nine three-hour meetings which require, in the evenings, which require all of you to work beyond where you are, work beyond when our staff typically works. And give up that time and get together. I'm not saying it's not the best way to do it but we think there is a better way.

And so I think I've already had the discussion, myself or Tom, to look to be more effective, more efficient, and we're looking at two

areas to go to with your approval and support. And that would be to have fewer meetings but make those meetings better, make the content, I'm not saying tonight wasn't a good use of all our time, but when we get here, let's have a wall-to-wall three hour meeting or whatever it's going to be and let's have some compelling content, compelling discussions, and make the best use of your institutional knowledge so that we can use that going forward.

So meet less frequently but more effectively and efficiently. So that's fewer meetings. And then also the timing of the meeting. And I don't want to sound one-sided and it's not. It's two-sided. We're all here after hours. We're all getting home late. Steve Gordon's not here tonight but he's not the only one that's going to drive two, two and a half hours. Billy's got a long ride. Larry, you're two hours over Rock Call. I'm 32 miles away. I'm probably as close as anybody but we're all getting home late. We're taking time away from our families and things like that.

Tom O'Connell's not here tonight and he shouldn't be because his daughter is having a

birthday. But everybody's got things going on. So the discussion I've had with you and the discussion Tom had with some of you was to see anyway possible to move these meetings up. I know it's a little bit of a sacrifice but if we can only do this maybe four times a year, quarterly, and that's one of the, that's the option we prefer to put out to you and move these meetings up, I think we can deliver a meeting that we can really use your skill sets, your knowledge, your talents, and get that feedback from you and bring that forward in this co-managing fishery process.

So the document we put out to you had a whole host of options that we could certainly entertain. But I just wanted to be out in front on behalf of Fishery Service and ask you to see if we couldn't go to that format that I talked to most of you over the phone and go to a quarterly format. That's half the meetings we have. But really make those meetings productive and make them worth while. And solve these problems and tackle these things we have to deal with on and on and on.

And then the second thing we're asking you, and we're really, I'm just being open with you, we're

asking you and this is the staff that feels this way, all right. And we've felt this way for a while. See if we can't all make a sacrifice, all of us, and move these meetings up into the afternoon and the slot we're going to propose after I've had a chance to talk to all of you and really listen to you is two to five.

We can go in different directions and talk a little bit here but there is a basis for why we're going that way and I don't expect you to read this, all the fine print here but the red dots, I mean I'm sorry the green dot would be chronologically moving from January to December would be the sport fish commission meeting. The red dots reflect an Atlantic states marine fishery commission meeting. The yellow dots reflect the mid-Atlantic fishery management council meeting.

And from a timing perspective, the highest value would be for us to meet prior to an ASMFC meeting and tackle those subjects that Lynn brought to your attention from the most recent meeting, the annual meeting. So the timing we set up after we talked to you is a late January meeting which precedes the January 31st to February 2nd ASMFC meeting, mid-

Atlantic council is shortly thereafter. And then we would go to, the next meeting would be in mid-April which would precede the trophy striped bass fishery which I know some of the, Larry yourself, Brian, several of you participate in.

And that would put us in a position to take your input to the Atlantic States Marine Fisheries Commission in the very end of April and the very early May, I think it's April 30th through May 2nd. And then we have a mid-Atlantic council meeting and then the next green dot is July. It would be mid- to late-July which we have had the commissions meet which would precede an Atlantic States Marine Fishery Commission meeting July 30th, August 1st, 2nd, 3rd, somewhere in that neighborhood followed by a mid-Atlantic council meeting.

And then finally we'd have the last quarterly meeting in mid- to late-October which would precede the last quarterly meeting of ASMFC. And we're syncing this, ASMFC has also scaled back from six meetings in a year to four meetings a year. So we're trying to, there is a strategy here. It's also looking at being more efficient, more effective and I

mean there's a number of different angles here but also want to let you all know that, retrospectively when I started working with the commissions in '92 and several of you were on it, there was only two or three advisory groups.

We had a group in here before this meeting. And Billy came up for it, Larry was here; several people were here. Bob you were in on it. So, I don't know exactly how many committees and work groups and meetings we have but there's more and more to tackle the complexity of these issues. And we're just trying to get to a point to provide adequate staff support for you and really so we can bring our A game so we can give you the best information and we can have the best collaboration and do it in a manner that's least intrusive on everybody.

So if I could be so bold, that's what I'd like to on behalf of my colleagues in fishery service ask you and bring to your attention and open it up, Mr. Chairman, for discussion. And, again, this isn't two-sided. We're thinking about you guys, too. There are a lot of our commissions and work groups that meet in the morning. And if you asked a lot of our, my

colleagues they might say it would be great if we could work in the morning. But we know that's not realistic.

So we're asking to go to quarterly and maybe move those meetings to two to five to at least give you guys a chance to get some of the work day in and we're hoping that it's only four times a year. It could be more. The caveat is we can always add a meeting. I think I mentioned that to all of you. If we need to do it, we'll add it. But if it's only going to four times a year, hopefully everybody can get on it. So, Mr. Chairman, I'll turn it over to you guys to talk about.

MR. RICE: Thank you very much. Larry, go ahead.

MR. SIMNS: Well, you said we only had seven meetings last year, right?

MR. GARY: This year.

MR. SIMNS: Well two of those meetings were joint meetings with but that, as far as I'm concerned, those two meetings are wasted. So if we can do away with the joint meetings then the four meetings would be fine. I think we can consolidate all our stuff

into four meetings which makes it better for everybody.

And, you know, I think the key to that is nobody likes a joint meeting. Sport fish don't like it; we don't like. 'Cause we're sitting there and you're talking about sport fishing we're wasting our time. When we're talking about commercial fishing, you're wasting their time. So I think you're not losing a whole lot but one meeting if we do that. So I wouldn't be opposed to going to quarterly meetings if you do away with the joint meeting.

MR. GARY: And if it's helpful to the commission, correct me if I'm wrong Lynn, but my understanding is we've decided that we aren't doing joint meetings unless there's a specific request.

MS. FEGLEY: That's correct.

MR. RICE: And Larry, how do you feel about the time of day while you got the floor.

MR. SIMNS: Well, you know, and I'm going to tell you, I've always been the spokesman for having night time meetings so watermen can be here. So 'cause we all working out on the Bay and everything so I've always fought hard to keep the meetings late.

You know, I don't even like starting them before six or seven or something like that because looking at when we had nine and ten meetings a year, that's a lot of time loss.

But when you cut it back to looking at four meetings a year, and we got them scheduled ahead of time so all of us can schedule our time and leave those four dates open, then I don't have a problem with it going, and this is a long, this is a big stretch for me to say I don't have a problem with it going in the afternoon. I think probably we'd get more done and now the caveat to that is if we have a special thing come up and we need emergency meeting, I think that would be a nighttime meeting because if you have emergency meeting you want to be accessible to the rest of the watermen and we don't want them to have to drop everything and come to a meeting in the daytime.

So if you've got something that's special coming up, we'll schedule a nighttime meeting then everybody can get here. But it's really not necessary for everybody to get to most of these meetings. You know, a lot of people come 'cause they afraid

something going to happen if they don't come. But if you're only having four meetings and we can keep them informed of what's going on, they don't really have to give up their time to come. So I would agree to going to two to five. I mean that's a long stretch for me. I mean I had to do a lot of soul searching but four meetings a year makes a difference. So that's my opinion now. You know, I'm sure a lot of other people don't feel that way but.

MR. RICE: Thank you, Larry. Anybody else like to speak on this matter? Moochie?

MR. GILMER: No, I was, I can go with the four meetings. I don't have a problem with that. And time's not a big issue if I know in advance when it's going to be. But the point I was going to stress, and Larry brought it up was, emergency meetings should be in the evening.

MR. KEEHN: All I'd like to say is instead of two to five could we play with it and maybe make it like three or four? 'Cause with me, you know, I can't, if I take a day off, you know, if somebody wants a trip that day, I lose money. But if it's at 2:00 I lose money 'cause I won't be able to make it

here. If it's at three or four, preferably four, I could at least make money that day and get here. For me, it's different. You know how it is, Larry. When somebody calls and wants to go on the 17th, I'm not going to say no. And the trip runs from six to two and then it takes me an hour to get up here, you know. That's the only thing I request.

MR. SIMNS: And I'm personally not hung up on the time itself so --

MR. KEEHN: The four meetings is fine.

MR. RICE: Robert, yes, sir.

MR. BENJAMIN: Yeah, one thing to consider if we do have it earlier, say it again, say you do decide to go from two to five, our day's, you know, like me, my day's messed up anyway, you know. We all really think about getting out of here at four 'cause I know going across that Bay Bridge at 5:00, you can't get across but 4:00 you can. Going north up through Baltimore, if I don't get out of here at four I might as well just stay 'til seven.

It's just something to consider. If we're going during the day --

MR. KEEHN: Yeah, that's a good point.

MR. BENJAMIN: It's one hour, you know, we're here, if we got to be at two, being here at one wouldn't make much difference. But anyway just consider that.

MR. RICE: Bob T?

MR. BROWN: Well, it doesn't make any difference to me what time we have it. But if it's a three hour meeting, I think we should have the flexibility that if we need to stay another half hour or hour to finish up what we need to do, I would much rather do that than to have to come back for another meeting.

MR. SIMNS: Right. Exactly.

MR. BROWN: You know, that's just, you know, whatever time we start, if we start early enough if it takes another hour so we're not rushing through things to, you know, get it all done.

MR. RICE: Dan, did you have a comment?

MR. WEBSTER: I want to clarify something. On here it says February. Didn't you just say January?

MR. GARY: Yeah, I did, Danny. I put that out prior and I didn't have the exact date.

MR. WEBSTER: 'Cause I was saying, January and April works better for me than February and May. 'Cause May is the middle of soft crab season.

MR. GARY: I don't know if this helps you all out but for instance the sport fishing commission, it was a big leap for them, too. They adopted the quarterly meetings and the two to five slot. They put a caveat in for the Summer because the charter boat guys are on that commission to bump to three to six but not beyond that.

We felt like once you hit four to seven, by the time we clean up and get out of here, you haven't really accomplished anything. So we're really leaning back on you guys on behalf of my colleagues to say it's only four times a year, can we just bite the bullet and go two to five or one to four. Brian, I hear what you're saying. Trust me, I get what you're saying.

MR. KEEHN: The difference is you're getting paid; I'm not.

MR. GARY: No, no. Let me comment on that and I don't want to, please don't take this the wrong way. Please don't take this the wrong way. Tom

actually brought this up in front of the sport fishing commission. Are we getting paid? Are we? I'm going to lose 347 hours of compensatory time and a hundred and 54 hours in annual leave this year. And most of that's being accrued during these meetings.

I'm, I'm going to come to the meetings. No matter when they are I'm coming. And my heart's in it. Tom O'Connell told the sport fish commission that he's going to lose 300 some odd hours. Are we getting paid? I mean it's kind of a relative term.

MS. FEGLEY: I get paid four dollars an hour or --

MR. GARY: I don't mean to say this sarcastically. I'm not saying that (unintelligible). I'm saying we're all giving and I think and on behalf of my colleagues I'm asking you guys if you can. Can we all, all, give. I think if we drift from the day, that's why we're saying quarterly, just bite, if we all bite the bullet for four days. Let's move this thing up and do some really good work and we'll bring full bore resources and make sure you're not disappointed with what time you get us and what you sacrifice to do that. I feel confident after talking

to all the folks that that's where we're going to be. I'm not saying we didn't bring it tonight but we're going to make sure it's darn well works better. So --

MS. FEGLEY: Can I just clarify that it would be, if it was quarterly we're saying January and April, August and November.

MR. GARY: Yes. And so we're talking about mid- to late-January preceding the very end of January ASMFC meeting. We're talking about mid-April, clearly in advance of the start of the Spring trophy season.

MS. FEGLEY: Before trophy season.

MR. GARY: And the ASMFC meeting there I think it's the end of April --

MS. FEGLEY: Correct.

MR. GARY: -- catching right into May.

MS. FEGLEY: Yup.

MR. GARY: And then we flash forward to mid- to late-July and prior to the August 2, 3, 4, or 5, whatever it is, ASMFC meeting. And the next, the last one would be in mid-October preceding the late October/early November ASMFC meeting. I think Tom actually said that that wasn't on their calendar but it's pretty sure that's where that's going to fall.

MR. SIMNS: Let me ask you a question, what day of the week would it be?

MR. GARY: I mean we have flexibility but when I talked to everybody they seemed to be inclined that Thursday was the preferred day.

MR. SIMNS: Well, Brian, what would be your least likely day getting a party in?

MR. KEEHN: Monday.

MR. SIMNS: Monday, that's what I was going to say. Monday in the Summer time would be a better time for us.

MR. GARY: Well, you're all here except for Gibby and Steve. And I don't know whether that's (unintelligible).

MR. TODD: Well, he'd probably go along with that.

MR. GARY: Monday?

MR. TODD: Monday, yeah.

MR. RICE: Is that an issue for you, days of the week?

MR. WEBSTER: (Unintelligible) Monday is for me. I mean the second and fourth Mondays is taken up for me.

MS. SINDORF: I can't do Mondays either.

MR. SIMNS: Can't do any Mondays?

MS. SINDORF: None.

MR. SIMNS: Well Tuesday's better than say Friday or something.

MR. GARY: Well, I mean, we didn't ask the sport fishery commission. I can inquire if they were willing to flip-flop with you guys or something like that, would Tuesdays be, solve your problem? I don't know it helps you out Brian, Tuesday.

MR. KEEHN: I meant that's the second least likely day.

MR. SIMNS: Right, that's what I mean. So -

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MR. KEEHN: So that's fine.

MR. GARY: What about if we could maybe see if we could do a flip-flop with them and invert.

MR. SIMNS: Well the only trouble with sport fishing is you're going to have the same problem 'cause you got charter operators on there, too.

MR. KEEHN: Yeah.

MR. GILMER: They don't have to be in the same week, do they?

MR. KEEHN: Yeah because of the ASMFC scheduling.

MS. FEGLEY: But it wouldn't necessarily have to be in the same week. I mean if we're two weeks out and one week out, that's fine.

MR. GARY: That's true. That's true. We can stagger them.

MS. FEGLEY: Yeah, we could do, yeah. That shouldn't be an issue. We're doing quarterly. We ought to be able to do one one week and the other the next.

MR. GARY: Well how about a stagger. Keep you both on Tuesday. Would that be --

MR. SIMNS: Yeah, that would be better if it's all right with you.

MR. RICE: I don't think we need a motion on it if you all are okay with that. Yeah in a perfect world we'd have meetings on days the winds blew 30 mile an hour but --

MR. KEEHN: Yeah, that's my preference.

MR. RICE: -- you know I think it says a lot for this committee to sit here in about ten minutes come up with a reasonable compromise so I, judging

from what I hear we recommend the two to five time slot, four meetings a year, and on Tuesdays.

MR. SIMNS: Summer time.

MR. RICE: In the Summer time.

MR. SIMNS: It don't matter --

MR. GILMER: Just might as well make them all Tuesdays if we're going to do this. Don't confuse us on anything else.

MR. WEBSTER: Anybody worried about traffic besides me getting out here at five?

MALE: Yeah.

MR. WEBSTER: Okay, one to four?

MR. KEEHN: Can't go any earlier.

MR. SIMNS: Either that or three to six.

MR. KEEHN: Three to six would work much better for me.

MR. SIMNS: Three to six --

MR. GILMER: Not me, three to six going to put me in traffic.

MR. SIMNS: Oh, is it?

MR. GILMER: Going to put you in traffic, too.

MS. FEGLEY: We'll buy ya'll books on tape

to listen to while you're sitting in traffic.

MR. RICE: Well I tell you what, the scenery's pretty good sometimes in those traffic jams so.

MR. SIMNS: Well I tell you I'd rather have the meeting on the Eastern Shore.

MR. GILMER: All right. No problem. You'd go for that, wouldn't you, Dan?

MR. RICE: All right. So we don't need a motion. You got our course of direction?

MR. GARY: I believe so. From what I've heard, for the record, is quarterly meetings and we have the approximate time frame, staggered. Keep you on Tuesday, sport fish Tuesday. Tidal Fish on Tuesday. Two p.m. to five with the opportunity to go later and not make you come back. I mean if we have an emergency meeting requirement that either you bring to our attention or we bring to your attention, we would have those in the evening. Does that capture the essence of it, you think?

Thank you, on behalf of all my colleagues, thank you.

MR. SIMNS: You think that's all right with

Gibby?

MR. TODD: I'm sure it will be. I just sent him a message.

MR. SIMNS: Okay.

MR. GARY: Sincerely, thank you all very, very much. You don't know --

MS. FEGLEY: Yeah, thank you.

MR. GARY: -- you really don't. So, Mr. Chairman, over to you --

MS. FEGLEY: Tom's kids and Tom's wife thank you.

MR. GARY: -- and I appreciate it. I think we're in the public time frame.

MR. RICE: All right. Do we have anybody here tonight that has an issue to bring forth to the commission from the public?

MR. EVANS:: Yeah, I have.

MR. RICE: Bob?

MR. EVANS: I'm going to bring this up again and I'm not going to stop. For the, let's see now, seventh year in a row and I'm glad that you brought this up, about the zero tolerance on fish. After five years of it, I'm fed up with it. I went and took it

to legislature. In legislature, it was opposed by all the environmental groups and DNR. And the environmental matters from the House led it to summer study and still we're here seven years later with nothing done on tolerance for fishermen.

And now we're getting into the herring thing and it's just not fair and it's time that somebody does something about this. Because those of us that fish for a living, it's just not fair. Now we don't have a tolerance for our fish like every other fishery in the state. Clams, oysters, crabs, all have a tolerance.

MR. SIMNS: In the county, not just the state.

MR. EVANS: Huh?

MR. SIMNS: I say in the whole country.

MR. EVANS: Yeah. We have a zero tolerance and it's one excuse after another. The first one was striped bass. Well, guess what, we don't care if you take striped bass out of it. Give us a tolerance for the rest of the fish, brookers, white perch, catfish. I've explained it time and time again about let's say I go out and catch 5,000 pounds of catfish. We put

those catfish in the boat. Now I have cull rings in the pots that cull out all the little ones. But if I got 5,000 pounds of catfish and I get one that's undersized, that's a ticket. If I get one that pukes up a little white perch, that's a ticket.

And I have gotten tickets for that type of stuff. So I think it's, please this year do something about it. Thank you.

MR. RICE: Thank you, Bob. Robert T.?

MR. BROWN: Billy, one question to ask you. If I was to pack my bait up like I generally do and I freeze it and I got, I sell it to some people and some of them on the Virginia side carry it across the bridge and go in to Virginia. And after they go across the bridge and say they're crabbing in Virginia or whatever and it gets halfway down through the bait and the man comes along and there's one herring in the middle of it.

Well, it's, if you're on a moratorium and the fish was caught in Maryland and it went across state lines, is that the Lacey Act? That's the way I read it.

MS. FEGLEY: That's Lacey Act.

MR. EVANS: Yeah, it is the Lacey Act.

MR. SIMNS: Put you in the penitentiary.

One fish.

MR. RICE: I'd say you just described the worst case scenario.

MS. FEGLEY: Yeah, and I, you know, --

MR. BROWN: And it does happen.

MS. FEGLEY: There is, there is tolerance that's built into our penalty system and I think that, you know, that scenario would be extremely unlikely, you know, and that is why Sarah was saying when the penalty group meets they're going to set these levels up so that if you have one herring, you know, that's not going to be, it may, maybe it would be a citation but it wouldn't be any points on your license.

MR. BROWN: Okay. That's fine for you. But you're not a fed. When the feds look at it, suppose it had two herring or I had five boxes and there was one in this box and one in another one when they went through it. I mean I'm just bringing the worst case scenario out. But these are some of the things that we're facing.

MS. FEGLEY: I understand. I just, I don't,

there, it's not something that we could solve through ASMFC but I will tell you I think the odds of that scenario arising are, if that scenario arises we're going to cross that bridge but I think it's extremely unlikely that it will. For one, now if you've got five flats of herring, yeah, then we're going to talk. But one herring buried in a flat of menhaden.

MR. BROWN: But that's the point of a tolerance.

MS. FEGLEY: I understand. I do understand.

MR. EVANS: What about taking a little catfish (unintelligible). We're not talking about herring. And guess what? Blue catfish, I put them on the truck and haul them to Virginia. Why won't you all do anything about it? Would you please let me know that and maybe I'll go away.

MR. RICE: Point well taken. Do we have anything further?

MS. FEGLEY: Let me call you.

MR. RICE: Seeing none, meeting adjourned.
Thank you.

(Whereupon, at 8:30 p.m., the above-entitled meeting was adjourned.)

