

Maryland DNR
Winter Meeting of the Tidal Fisheries
Advisory Commission

Thursday,
January 29, 2015

Held at the
Canvasback Conference Room
Chesapeake Bay Foundation
Philip Merrill Environmental Center
Annapolis, Maryland

***Maryland DNR
Tidal Fisheries Advisory Commission Meeting***

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TFAC Members Present:

William Rice, Chair
Robert Moochie Gilmer, Vice Chair

Robert Brown
Rachel Dean
Bill Goldsborough
Greg Jetton
Charles Richard Manley
Bill Sieling
Gail Sindorf
Aubrey Vincent
Lee Wilson
Richard Young

TFAC Members Absent:

Mike Benjamin
Dale Dawson
John Martin

Maryland DNR Fisheries Service

Lt. Art Windemuth
Jacob Holtz
Tom O'Connell

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KEYNOTE: "----" indicates inaudible in the transcript.

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

(1:16 p.m.)

Call to Order

by William Rice, Chair, TFAC

MR. RICE: Let's go ahead and get started here. All right, if we are ready to get started. I would like to welcome everybody into our first meeting of 2015. And moving right along, Tom would you like to give us our welcome announcements.

Welcome and Announcements

by Tom O'Connell, Maryland DNR Fisheries Service

MR. O'CONNELL: Yes, welcome everybody. For those that I haven't had a chance to say hi to, Happy New Year. It seems like it is a long ways away already. Just a couple of announcements. Without objection we would like to move the legislative update which was one of our last items up to after the NRP report. It is a brief agenda.

I think Rachel wants to bring up a bill that is being drafted that Steve Billing can respond to. Any objection with moving that legislative item up? All right. And on the regulatory updates, regulatory scope and I think Bill Sieling wants to bring up an issue on crabs. So we can talk about that at that time. Without that, I think we are good with the agenda. Is there any other changes to that?

(No Response.)

1 All right. I was asked to provide an update on the
2 new administration leadership at the time of the agenda, we
3 had a secretary and now we don't. Which I am sure most of you
4 know. Second -- Charlie Evans was asked to be secretary and
5 it was a pleasure working with him over the last couple of
6 months as well as when he was with the Department under
7 Governor Ehrlich. He, I think, had a really good transition
8 team and Mark Belton who was working along Charlie Evans, who
9 was a very productive couple of months helping them understand
10 what we do and where the new administration wants to go.

11 Charlie has decided to step down because of some
12 health issues that he is dealing with. And we are awaiting
13 for a new secretary announcement. Frank Dawson, our deputy
14 secretary is acting secretary right now and I am sure that
15 when the announcement is made, you will likely hear about it
16 before I do the way that word gets around.

17 So other than that, I have not heard of any changes.
18 Any questions on the new administration and where the
19 Department stands?

20 (No Response.)

21 Well that is all I have, Mr. Rice.

22 MR. RICE: All right, Tom, well this leads us into
23 the public comment and I guess comment might not quite be the
24 right word. Does anybody in the public -- because we don't
25 have anything to comment on yet because we haven't had a

1 meeting but does any body have any thing that is not on the
2 agenda in the public that they wish to bring forward? Yes,
3 sir?

4 MR. : Well, I wanted to speak out on the
5 proposed striper regulations for 2015.

6 MR. RICE: Yes, well when we get to that agenda
7 item, we will deal with it. Okay?

8 MR. : Okay.

9 MR. RICE: All right. So next tab 2, we would like
10 to have the NRP Activity Report from Lieutenant Art Windemuth
11 please.

12 MR. O'CONNELL: And just while he is coming up, you
13 will see that NRP provided a higher level detail of
14 information, so it may take a little while to get accustomed
15 to and maybe you can kind of maybe explain the different
16 components in the pack. We had a little confusion at the Sport
17 Fisheries Advisory Commission. So maybe a little introductory
18 of what is in the packet would be helpful. Thanks.

19 ***NRP Report***

20 ***By Lieutenant Art Windemuth***

21 LT. WINDEMUTH: Yes, I thought since we were starting
22 off a new year, I would show you a little bit of what we could
23 give you and I talked with Paul before the meeting. And if
24 you can get up with Paul and let him know what kind of data
25 you are looking for and we will try to tailor it to that. You

1 know some of the data is -- we might be able to get other
2 parts of the data, we might not be able to get but please if
3 yo have a suggestion, give it to Paul and Paul will relay it
4 to me and we will see if we can just kind of boil this down
5 just to the information that you are looking for.

6 For instance every month as you see up there, we
7 compile -- we have what we call a State STAT meeting where our
8 data is compiled statewide. And I wanted to show you -- let's
9 move --

10 (Slide)

11 I just wanted to show you what information we could
12 get. That is last month's December data and as you can see
13 the headings, we have eight areas in the state and you can see
14 how many officers we have for the area. Roughly dealing with
15 actual tidal portions of the Chesapeake Bay, we have probably
16 about 72 officers statewide. The rest of it is out ---. And
17 you can see, we have conservation inspections again the number
18 of --- inspections. And then just below that is our year to
19 date -- is our total.

20 I included that in case somebody wanted to see what
21 we did for an entire year. If there is no questions, I will
22 move on to the next one.

23 MR. GILMER: Oh, I got one questions.

24 LT. WINDEMUTH: Yes, sir?

25 MR. GILMER: Where is the lower and upper eastern

1 divide as --

2 LT. WINDEMUTH: Right at the Nanocoke River.

3 MR. GILMER: Nanocoke River?

4 LT. WINDEMUTH: Yes.

5 MR. YOUNG: Can I ask a question?

6 LT. WINDEMUTH: Yes, sir?

7 MR. YOUNG: Can you go back? The last column, what
8 is the homeland security check?

9 LT. WINDEMUTH: Those are just those 17 sites
10 throughout the Chesapeake Bay that are called critical
11 infrastructure. Those sits are vital economy of Maryland. So
12 part of the officers duties that are -- so if they are out in
13 the Bay checking fisherman, boaters, whatever they are doing,
14 and they are near those homeland security sites. They call in
15 and they take a 5, 10, 15, however long it takes just to do a
16 brief look around that structure to make sure that everything
17 looks okay. There is no suspicious boats, vehicles, packages
18 whatever that might be left in that area.

19 So for instance, the Chesapeake Bay, while they are
20 out checking the Bay Bridge, while they are out checking
21 boaters and fisherman around the area, they are also looking
22 around. It is just a way -- it is our contribution to
23 maintaining Maryland' security and protecting our economy.

24 MR. YOUNG: Okay, so I guess the reason why Hartford
25 and Baltimore County have such a high ratio -- high number of

1 security checks is because there is more of those areas around
2 the Baltimore than there are --

3 LT. WINDEMUTH: Yes, that is correct. There could be
4 such things as train trestles going across, maybe a vital -- I
5 don't know exactly what is up in that but maybe there could be
6 a vital petroleum import/export place there, terminal there.
7 Just things that the Governor staff has identified to be a
8 vital importance that need extra scrutiny. And again those
9 are done while they are out patrol and doing their normal
10 duties.

11 MR. YOUNG: And they are doing this for homeland
12 security or they are doing it for the State of Maryland?

13 LT. WINDEMUTH: Well, Maryland is Homeland Security,
14 okay. We don't see a difference. These are the vital
15 infrastructure that Maryland has designated that they want
16 extra protection on.

17 MR. YOUNG: I just saw that when I looked at the
18 chart for the last statement to get ready for the meeting, I
19 saw a large number in my area and relatively few in other
20 areas and I am just --

21 LT. WINDEMUTH: Like on the lower shore you won't
22 see any because we have no -- on the lower three counties
23 there is no vital Homeland Security sites down there. So you
24 won't see any. Up in our metropolitan areas that have major
25 industrial complexes, there is a lot more.

1 MR. YOUNG: And I guess the cost of those checks
2 would be distributed equally amongst recreational fishermen
3 and commercial fishermen?

4 LT. WINDEMUTH: Yes, I am glad you brought that up.
5 When this was -- these were enacted shortly after 911. And we
6 are out there anyway. And like I said, when officers are out
7 there checking boaters, fisherman and these are maritime
8 structures. Not that they just call in. Just so happens like
9 again, like the Chesapeake Bay Bridge, natural areas where
10 people are fishing. So while they are out there checking,
11 they are looking at these things.

12 So the -- I think if I understand your question, is
13 there any additional time that we are devoting to this? Very
14 minimal in the grand scheme of things. And what we -- what
15 did we get out of doing this? We received Homeland Security
16 grants(sic) from the Department. I don't know the exact figure
17 but it resulted in conservatively probably at least a dozen,
18 maybe two dozen vessels we were able to purchase over the last
19 10 years. 10-15 years this has been going on.

20 And these as you know, vessels aren't cheap. Some
21 of these vessels are well over a quarter of a million dollars.
22 And by our participation in this activity, the Department was
23 able to purchase these vessels that were used for boating and
24 fishing enforcement along with that. So, if we are looking at
25 cost benefit, you know, as a Maryland tax payer myself, we got

1 the good end of that deal.

2 MR. YOUNG: Well, now I am starting to wonder and
3 can some of the members of the commission refresh me, when we
4 were doing cost recovery, did anybody ever mention Homeland
5 Security grants for the Department of Natural Resources police
6 as far as the -- offsetting the costs that we were charged to
7 operate?

8 MR. BROWN: I was the on that committee also and I
9 may have missed something but I don't believe I did, I did
10 not --- we were getting any money for no grants on -- it was
11 all pretty much what the Department spent on all of it. They
12 had -- an economist came in and statistician and he did the
13 whole 9 yards. This is how much is contributed blah, blah,
14 blah and that wasn't included in the total.

15 MR. YOUNG: No, I didn't think it was either. So
16 where does this fall into our cost recovery? How much money
17 can we get back from our license?

18 MR. O'CONNELL: I got a thought but Gina wants to
19 comment, so Gina why don't you come up to a mic here.

20 MS. HUNT: So back to cost recovery. What was done
21 when that economist came in was they looked at Fisheries
22 budget. Not NRPs, not the Department's budget. And what was
23 considered was how much money was Fisheries giving to NRP?
24 And other divisions and units within the Department, besides
25 our own. But knowing that NRP is serving that Fishery's

1 function, we give money to NRP to serve that function. And
2 what came out in your cost recovery was of that money, how
3 much of it was commercial, how much of it was general public,
4 how much of it was recreational? So there is a piece of that
5 money that we give to them that was considered in cost
6 recovery.

7 NRP has a much bigger budget than what Fisheries
8 gives them. So if they get more money from Homeland Security
9 grants or goodness gracious, a whole lot of places I hope,
10 maybe that would mean somewhere down the line that we don't
11 give them as much. But we are not at that point. We are not
12 giving them less than we did last year or the year before.

13 MR. YOUNG: I don't mean to be a trouble maker but
14 just these questions pop into my head --

15 MS. HUNT: I like them. Dream up ways to get money,
16 that would be great.

17 LT. WINDEMUTH: Did I answer your question?

18 MR. YOUNG: Yes, yes thank you very much.

19 LT. WINDEMUTH: Sure. No other questions then I
20 guess we can move on to the -- and again this is -- these CAD
21 statistics are basically calls that the Department receives
22 that we, NRP, responds to. Like 2014 that is our total calls
23 that we received over the year. And as you flip through it in
24 your packet, you will see all the numerous types of calls that
25 we have to respond to. And I added this just to give

1 perspective on what we do as an NRP in addition to fisheries
2 to some of the other things that we are tasked to do.

3 (Slide)

4 And you will see -- I will go back up. There is one
5 that is commercial vessels, all right. 2,451 commercial
6 vessels were checked last year. That number will go up this
7 year. We implemented that commercial fisheries check about
8 half way through this session. So it will be least double if
9 not triple that figure.

10 MR. YOUNG: What does that do?

11 LT. WINDEMUTH: What happens is, when officers go up
12 and check a commercial boat, they just go up. They tell our
13 dispatcher, "I am doing a commercial fisheries check." They
14 give the vessel ID number, the commercial fishery ID number,
15 what they are doing and what they have onboard. And if there
16 is any violations. Then that information is given to the
17 Fisheries Department and they use it for their statistics.
18 So, we are kind of working together.

19 MR. MANLEY: I got a question on that.

20 LT. WINDEMUTH: Yes?

21 MR. MANLEY: We're, as a commercial fishing vessel,
22 we're required to get our vessel inspected for cold weather.
23 Why?

24 LT. WINDEMUTH: Well --

25 MR. MANLEY: The reason I am asking it is just about

1 every day damn time a cop comes to us now and they make us
2 pull every damn emergency, they want to see all the life
3 preservers and they check everything on the paperwork out. I
4 tell you the reason it bugs me, we had a guy -- a super nice
5 guy checked us on like a Thursday. A young guy, myself, ---
6 held the boat and he got on and checked licenses, every thing
7 and it was fine.

8 You know, checked the fish, they all looked good.
9 Monday here he comes with another guy and he wants to check
10 every damn thing again. Every day. Survival suits, pulling
11 them out from under the bunks and everything and it wasn't
12 even a month old, the sticker on the side of the boat. And
13 after a while -- we had like 7 or 8 checks in December. Right
14 out here in front of Annapolis. It gets old.

15 LT. WINDEMUTH: Well, I am sure it does --

16 MR. MANLEY: And look, licenses don't expire in two
17 or three days. We got commercial fishing licenses that
18 expires in September. Why do they keep coming back --

19 LT. WINDEMUTH: It shouldn't have been the same --

20 MR. MANLEY: -- the guy that was on there like
21 Thursday, was running the boat and he put another guy on
22 Monday to check every damn thing again. Now come on now. You
23 know, I mean, you guys got to do your job. And sometimes like
24 and I asked him, I said, "The guy just checked us the other
25 day." "Well, I didn't check you." And that was the answer.

1 LT. WINDEMUTH: I understand where you are coming
2 from. Usually down in my area, we encourage to do it one
3 check, once a year and -- licenses and -- the officers get to
4 know who is -- the only thing I can say is that maybe this
5 officer forgot -- I have no idea.

6 MR. MANLEY: He didn't forget because I pointed it
7 out, this guy was must on the boat the other day and he was a
8 really sarcastic answer, "Well I didn't check it." And I can
9 tell you his name if you want --

10 LT. WINDEMUTH: Sure we can --

11 MR. MANLEY: Look, you are supposed to try to work
12 with guys and not trying to be -- that was the way I took the
13 answer.

14 LT. WINDEMUTH: I certainly agree with that. Right,
15 right. Well, all I can say is usually -- that is not our
16 typical way of doing things and I would encourage you to get
17 to know the supervisor. If that is a every day occurrence
18 then we need to retrain --

19 (Simultaneously speaking.)

20 MR. MANLEY: I don't have any bad feelings for
21 water --- I got --- so I don't have a bad rapport with the
22 cops but after while things get a little bit harassing.

23 LT. WINDEMUTH: No, I certainly --

24 MR. MANLEY: I mean, down in this area is terrible.

25 LT. WINDEMUTH: Well we, again -- I will address

1 that at our next meeting but that is normally not the way we
2 do things.

3 MR. MANLEY: And one other question on that.

4 LT. WINDEMUTH: Sure.

5 MR. MANLEY: And I will make it short. How do you
6 measure rockfish?

7 LT. WINDEMUTH: What do you mean how do you measure?
8 You lay them down, tip of the nose to the end of the tail why?

9 MR. MANLEY: We had one guy, same time, pinching the
10 tail. We were taking the net up and they were waiting for us
11 to take it down so they could check the fish. They hadn't
12 gotten on the boat yet and we were in the process of taking it
13 up. I am -- as soon as they got in -- I mean, they were 100
14 feet away from us, 200 feet away from us. I thought they were
15 going to check it --- was 35 inches. Good to go. If it was
16 any closer, I would have checked it over but I ain't taking
17 the ticket for nothing. Not for fish.

18 He got on there and he must have pinched that son of
19 a bitch six, seven times and he got up about 35 and three
20 quarters but he could never make it. And boy, --- was on the
21 boat, he dropped them all off. So --- and my son was on there
22 too. Him and the other boy were cousins, you know. And he
23 already asked him how did he measure? And this guy kept
24 pinching it and I said that is not the way you are supposed to
25 do it. That is the way they told us to do it over at

1 Mattapeake. And my son said, "Well my cousin is over at
2 Mattapeake and he asked a cop and they don't do it that way."
3 "Well that is the way that I teach them to do it."

4 LT. WINDEMUTH: Who said this?

5 MR. MANLEY: I am not sure of the guy's name but
6 anyway, my brother was captain on the boat and boy right after
7 that, he said, "Roy, how do you measure the fish?" He said,
8 "You pinch his tail." He said, "So in other words, you are
9 altering his length? Right?" "What do you mean?" He said,
10 "Does the fish swim with his tail pinched?" "You got a point.
11 I will get back to you" and we haven't heard nothing since.

12 But I mean if that tail had touched, we would have
13 had a ticket. And the -- I tell you the problem we have with
14 a lot of this stuff is left up to police officer's discretion.
15 And those kind of rules are no good. One guy let's you go and
16 the other guy doesn't. You know just -- and --

17 LT. WINDEMUTH: Certainly I hear you and --

18 MR. MANLEY: -- maybe down the road here, maybe just
19 think instead of taking that tail measurement, go to the V
20 inside the tail.

21 LT. WINDEMUTH: It would -- again fisheries want to
22 change the way we measure the fish, that is certainly
23 something that we don't have a problem -- I mean, again if you
24 go to the V and --

25 MR. MANLEY: You don't pinch the V. You just drop

1 it. And if it touches, it touches but it if don't, it don't.
2 But you don't pinch it.

3 LT. WINDEMUTH: And it is hard to trim up a V, I
4 guess. I guess I could do it -- I guess they could.

5 MR. MANLEY: That is the way that New York measures
6 their fish, they don't go to the tip, they go to the V. Drop
7 it down and it measures, it does and if it don't, it don't.

8 MR. O'CONNELL: Anybody else have thoughts on the V?
9 Using the V for the measurement? Something maybe they can
10 give some thought to. Come back and thing about it.

11 MR. BROWN: Going to the V, you know, that is okay
12 on the big fish but when you get to the small fish, if you are
13 going to an 18inch fish and if you go to the V and it is an 18
14 inch fish, it is going to be closer to 20. 19 plus.

15 MR. MANLEY: I mean, where the V is is like 17 or
16 something.

17 MR. BROWN: I mean, if it is altered to something
18 like that, that would be okay. But I mean, it has to be
19 altered or --

20 MR. MANLEY: Yes, that is what I am -- whatever your
21 fish is but changes according to it but that pinching the tail
22 and stuff, that is no good.

23 MS. DEAN: Hi Gina. Quick question to give him a
24 break for a second. He mentioned initiatives that are focused
25 on doing commercial checks, when our cost recovery was done,

1 would that make our number of commercial checks go up and then
2 give us more of a cost share? Did you see a relationship
3 there? Is that how that works?

4 MS. HUNT: I have -- what was the comment that you
5 made that she is referring to?

6 LT. WINDEMUTH: Now what I was referring to was the
7 -- I am not sure -- I don't know anything about cost share.
8 All I can say is that information like commercial fisheries
9 checks, we started those -- we used to give fisheries a
10 separate sheet. So officers had to come back and do separate
11 sheet at the end of the day and give it to them. Instead of
12 doing that separate sheet, they are now recording them through
13 the COM center and they are sort of giving that to them
14 electronically.

15 So I don't know if the numbers would probably -- the
16 numbers probably wouldn't shift any.

17 MS. DEAN: It was a misunderstanding on my part, I
18 thought you meant that you are sometimes -- you have an
19 initiative to go out and check the --

20 LT. WINDEMUTH: No, we just started this system
21 here last year.

22 MS. : Well, crabbing season, police go
23 check crabbers. Oyster season, police go check those -- those
24 are the initiatives that you get out of fisheries and none of
25 it affects the amount of money that --

1 MS. DEAN: It doesn't trickle down okay.

2 MS. SINDORF: Is there going to be a standard of
3 what --- doing in this cost recovery, a standard of -- every
4 two years, every three years? Is there a --

5 MS. HUNT: You know, that was never put in cost
6 recovery reports. Tidal Fish had a number of times brought
7 that up and the -- nobody ever came to an agreement but I
8 distinctly remember Gibby Dean saying, "You know I don't want
9 to go back to this year." That was his comment. He didn't
10 want to have to keep coming back because what if the numbers
11 don't add up -- what if -- let's please now just keep -- give
12 it some time to play out.

13 But how much time is that? There was never a
14 decision or discussion to what point we would come back and
15 look at it. And I don't think anything in legislation gives
16 us any time frame either.

17 LT. WINDEMUTH: That is just the fourth quarter.
18 This is the fourth quarter there was 1,000 commercial checks.
19 I think we just did that. There was that one that has --
20 there was one that actually had the citation broken down for
21 the counties. I sent you a revised version there. And this
22 was -- somebody had asked if at prior meetings if they had --
23 if I could provide any citation data, broken down according to
24 county.

25 And under the current system, this is what I can

1 provide. And this is just dealing with tidal fish, I can do
2 the same for oysters, crabs and clams. Obviously it is going
3 to be a lot smaller. Again, if want that data, we can provide
4 that. If there is any other data that you might want to see,
5 just again get up with Paul and I will see if I can generate
6 it. There is a lot of information out there, it is just trying
7 to sift through it to get what you want.

8 MR. WILSON: I think it would help us a lot if all of
9 it was broken down into two separate categories. The Sport
10 Fishing or the Commercial Fishing. Because I know some of
11 these statistics on here, all this stuff, some of it you know,
12 small fish is commercial and commercial is -- sport and --

13 LT. WINDEMUTH: Yes, I will --

14 MR. WILSON: We have a sheet of sport fish
15 violations and a sheet of commercial violations. And not just
16 running them together.

17 LT. WINDEMUTH: Yes, I don't know if we can do that.
18 But I will make a note to see if we can do that.

19 MR. WILSON: With these computers now, you can
20 filter that pretty easy.

21 LT. WINDEMUTH: You know what they say. Data in and
22 data out. So it is just whether we got --

23 (Whereupon, both parties speaking at same time.)

24 MR. WILSON: --- violations is --- I think most of
25 it is sport fishing.

1 MR. GILMORE: Just like here it says --

2 LT. WINDEMUTH: Oh I would imagine that a great deal
3 that is sport fishing.

4 MR. GILMORE: In Baltimore City, it says, it is two
5 or it was six undersized striped bass possessions and then the
6 base -- you know, I guess the licenses, it says "Baseboard
7 fishing licenses" so I know that is a recreational license. I
8 am just saying that it is hard for the -- to tell the way it
9 is all lumped together.

10 LT. WINDEMUTH: I will have to see --

11 MR. GILMORE: Really we don't worry about as much
12 about the counties because the county -- I mean, the --- and
13 we are not sure what county we are in anyway.

14 LT. WINDEMUTH: I agree. Again there was a question
15 of somebody had brought it up and --

16 MR. GILMORE: -- we would rather have it ---
17 commercial and sport ---

18 LT. WINDEMUTH: I will see if we can do that. I
19 will put that note down. I will get back with you about that.

20 MR. O'CONNELL: So Art, one of the other things that
21 I am hearing is that some of these categories, it is not clear
22 if it is not sport or commercial, like the one Moochie
23 mentioned, possession of undersized striped bass for Baltimore
24 City. Is that commercial or recreation or is that combined?

25 LT. WINDEMUTH: Well, what happens is that I know we

1 do not have a specific code that differentiates between
2 recreational and commercial. We do include a commercial
3 person's -- commercial ID number. Whether I consort with that
4 information to get this data, I don't know, I will have to go
5 back to Bob Swann to see if we can separate it that way.

6 MR. O'CONNELL: Right. Sometimes it is helpful that
7 a numbered -- a high number jumps out and you want to look and
8 see and if you want to dissect it, it is like will that be
9 commercial or rec.

10 MR. : They don't have numbers, they are
11 recreational because all commercial guys have a license
12 number. It would be on it. That --

13 LT. WINDEMUTH: Well that is what I am thinking. We
14 might be able to separate that way.

15 MS. DEAN: I think previously you had presented, it
16 was kind of a one page sheet and it just said you know, some
17 of the real big ones that we might want to draw our attention
18 to, but it also broke it down you know, there were 22 of this
19 and I am a little overwhelmed by these sheets.

20 LT. WINDEMUTH: Okay, well sure just -- so that
21 sounds like you are interested in citation data if I hear most
22 of it. And it is citation data between commercial and
23 recreational. So you really don't care about the counties so
24 we can throw that out. All right, I have that down.

25 MS. SINDORF: I would personally like this once a

1 year. I mean, not that -- you know, seeing this once a year is
2 kind of nice for me. Having all of this down. I actually --
3 I thought it was very interesting. You had to --- but once a
4 year, you know.

5 MR. GILMORE: And the county --

6 MS. SINDORF: I think it was. But overall, just
7 talking about -- nice, the one we just had -- it was one sheet
8 and it was good for what we normally comment for me. I don't
9 know what anybody else needs.

10 MS. DEAN: And maybe you could add things that you
11 thought were of interest that we should know about that we
12 might want to address.

13 LT. WINDEMUTH: You mean like that violation and --

14 MS. DEAN: Yes, if there is something that --

15 LT. WINDEMUTH: -- okay I heard negative and
16 positive about that, that is why I didn't include it on this
17 one. So --

18 MS. DEAN: We need to see it all. Not all, just --

19 LT. WINDEMUTH: Here it is all.

20 MR. O'CONNELL: Any objection to Gail's idea were
21 NRP just comes with this level of detail once a year? Just
22 want to make sure we -- all right.

23 LT. WINDEMUTH: I can do that at the end of the
24 year. Give a wrap up. And then I -- so I hear that you also
25 want the more noteworthy violations?

1 MR. O'CONNELL: Yes, I think what I am hearing is
2 that areas of concern for which maybe this group can offer
3 some advice and you know, address that issue. And they can
4 communicate the concern to others or help us determine better
5 rules so that it is more enforceable or make sure everybody is
6 communicating the rules better. Things like that.

7 MS. DEAN: Although I like seeing the number of
8 vehicles in the water, that was interesting. Thank you.

9 MS. SINDORF: We didn't confuse you did we?

10 LT. WINDEMUTH: I try to revise it for next quarter
11 and then we will look at that and then we will -- so it is
12 going to be a work in progress I think. Okay.

13 MR. : We will tell you when you got it
14 right.

15 (Laughter)

16 LT. WINDEMUTH: Thank you. Any other questions?

17 (No response)

18 LT. WINDEMUTH: Thank you.

19 MR. GILMORE: Before you leave, sir.

20 LT. WINDEMUTH: Yes, sir.

21 MR. GILMORE: This just has to do with -- I
22 actually had a guy get charged by -- and I am not questioning
23 whether he done right or wrong, I am not questioning that. I
24 am questioning more, this was a citizen's complaint(sic) like
25 and they went and gave the guy a ticket. It is more in the

1 writing of how it was written. I mean, the land owners
2 complained about a guy clamming too close to shore. Well, in
3 writing the ticket, it was to -- he was -- they went to the
4 people's house twice, two different people. And response time
5 was delayed both times and I am not sure in writing the
6 ticket, you know when it says "Delayed" is that an hour, two
7 hours? You know and I don't know how that is taught or
8 specified in the writing of the ticket? You know, what is
9 delayed time?

10 And then -- but I guess in writing the ticket, he
11 called the landowner a victim and I am not sure that that is
12 very good wording of you know, of this. I can see it as a
13 complainant or something like that.

14 LT. WINDEMUTH: On that -- we are talking about a
15 citation.

16 MR. GILMORE: Yes.

17 LT. WINDEMUTH: And all the citation will have on it
18 will be the offenders', the person that is being charged, name
19 and, address and --

20 MR. GILMORE: Yes, I mean, I have a copy of it but
21 this is just -- this is the application for the statement of
22 the charges and --

23 LT. WINDEMUTH: Oh, you are talking about an
24 application for statement?

25 MR. GILMORE: Yes.

1 LT. WINDEMUTH: All right, I misunderstood you. I
2 thought it was a handwritten. Some of that wording is a
3 difference between a victim and a complainant. You know, I
4 guess it would all depend upon context of the way it was
5 written. I can tell you that when it gets to court that
6 probably looked at as is the same. The victim being somebody
7 that was aggrieved and that somebody that had something done
8 to them.

9 Whereas a complainant might be somebody that is
10 making an accusation and not necessarily incurring any damage.
11 And that is the only thing that -- and really, as far as
12 victim and complainant, they are synonymous in a lot of ways.

13 MR. GILMORE: Yes, I mean, I know a lot of it is how
14 the Judge determines that and all that. And there is one
15 other thing here, oh it says, "Officer" I won't give his name,
16 "responded to the scene after a delayed response and noticed
17 once again that the victim had moved away from or the vessel
18 had moved away from the pier." So again in that -- he never
19 seen the vessel there so does he really know that it was at
20 the pier or is he just taking those people's --

21 LT. WINDEMUTH: Well, when he -- actually that is
22 probably, if I look at that correct I haven't seen that, it is
23 probably an application for statement of charges I would
24 imagine.

25 MR. GILMORE: Yes.

1 LT. WINDEMUTH: Okay and what an application is, it
2 is basically the -- actually the officer can do it or a
3 citizen can do it.

4 MR. GILMORE: Right, yes.

5 LT. WINDEMUTH: So anybody can go down and basically
6 what that does is it sets forth information facts if you will
7 that is pertinent to the incident. And the commissioner looks
8 at that and has to ascertain whether there is probable cause
9 beyond reasonable doubt that a crime was committed. So when
10 you are writing those things out in general and I give this to
11 the same spiel of when it is an officer or to the public, you
12 want to try to be as detailed as possible.

13 Because you are going to have a third party that is
14 going to sit down and read that information that knows nothing
15 about what has happened. And might not know anything -- and
16 really commission is a lay person. They have no formal
17 education as far as to the law - what they are doing is, they
18 see the law in front of them, they pick out what is called the
19 elements of the offense like for instance, clamming within --

20 MR. : 50 feet.

21 LT. WINDEMUTH: Clamming within 50 feet. Basically
22 that commissioner, all they have to determine is was this
23 particular person clamming, that is one element -- was it
24 within 50 feet? That is the second element. So both of them
25 need to be present in that to issue -- I am sure in this case

1 was a summons. So whoever wrote that, I would imagine
2 probably wanted to make sure they were as detailed as possible
3 so that the commissioner, the third unbiased person will look
4 at it and determine whether or not the accused may or may not
5 have committed that offense.

6 MR. GILMORE: Okay. All right, I was just a little
7 curious as to how these were written.

8 MS. DEAN: And is it the officer who used the word
9 choice of victim?

10 MR. GILMORE: Yes.

11 MS. DEAN: So the commissioner would then receive
12 that seeing an officer using the word victim and it may be
13 implied that the officer has advised, is that where you were
14 going?

15 MR. GILMORE: That is where I was going with it,
16 yes.

17 MS. DEAN: Okay.

18 LT. WINDEMUTH: I think -- well you certainly could
19 use the word -- again you could use the word defendant. You
20 would -- you could also assume but what these commissions
21 are --

22 MR. GILMORE: Because it says here, it says, the
23 officer called him complainant and then he says to see if the
24 victim will fill out a statement. It doesn't say complainant
25 will fill out a statement. Now he has changed his words to

1 victim.

2 LT. WINDEMUTH: Yes, again I think a lot of times
3 they are used synonymously whether it is a choice of words,
4 better choice of words maybe. But again that is just -- that
5 commissioner, all he is to determine is whether there is
6 elements there. He is not interested in guilt or innocence.
7 That is just whether there is just a probable cause to believe
8 that that offense has been committed to go before the--

9 MR. GILMORE: Well, you say that but then there is a
10 fine here that can be paid.

11 LT. WINDEMUTH: Yes and on the summons, that person
12 is given that opportunity to either pay the fine. So that is
13 nothing more than a ticket. You know, many summons go --

14 MR. GILMORE: You are calling it a summons but it is
15 actually a ticket?

16 LT. WINDEMUTH: Well, the reason it is a summons is
17 because it is coming from the Court. A ticket is coming from
18 the officer. That is basically the difference between the
19 two.

20 MS. : So will be looking for -- should be
21 standardized wording?

22 MR. GILMORE: Yes, yes I just saw the wording was
23 very bad. And --

24 MS. SINDORF: I mean, I can see his point, you know,
25 when you call somebody a victim and --

1 LT. WINDEMUTH: Oh certainly.

2 MS. SINDORF: -- in the complaint -- and a complaint
3 is made, it kind of makes them sound like two different ends
4 of the spectrum.

5 LT. WINDEMUTH: Oh, oh certainly.

6 MS. SINDORF: It really does. So I can see you want
7 something in the middle of the road.

8 LT. WINDEMUTH: Yes, I think it is -- yes, sir?

9 MR. SIELING: So there is going to be a fine
10 attached to a summons?

11 LT. WINDEMUTH: Yes, there certainly can.

12 MR. SIELING: And the Court would determine what the
13 fine would be -- they would determine what the fine would be?

14 LT. WINDEMUTH: No, the Court doesn't. The -- just
15 like tickets. Fines are determined by -- they are set fines by
16 the Chief Judge. We go through -- I saw we, us and the
17 fisheries sit down and we talk about fines. And you got a
18 penalty work group that discuss those. And they are then
19 forwarded to the District Court and they look at them and
20 adopt them under our recommendations -- our being the
21 Department's recommendations.

22 MR. SIELING: So you could just pay the fine on the
23 summons as you would a ticket?

24 LT. WINDEMUTH: Yes, yes. You certainly can. Yes.
25 Again the difference between the two is one is coming from the

1 officer and one is coming from the Court. And the reason that
2 is is, if an offense doesn't occur within the officer's
3 presence, then generally there is some exceptions, generally
4 speaking they can't issue a ticket for it.

5 MR. SIELING: Okay.

6 MR. O'CONNELL: I kept track of all of these ideas
7 and I will have Paul e-mail them to you.

8 LT. WINDEMUTH: Okay, great thank you.

9 MR. GILMORE: Just to let you know, I think it would
10 be -- would be out of line to ask for a more standardized
11 writing or --

12 LT. WINDEMUTH: Well, let me say that is a person's
13 impression and it is there when they are filling out charges
14 or requests for applications, it is that officer's -- he is
15 swearing that, so he has -- it is up to him what wording to
16 use. Let me say, he is held accountable for what he --
17 because he is swearing under oath that these things -- just
18 like any other person going before the Court, when you apply
19 for charges, you are swearing under oath.

20 So that is why it is -- that why the officer needs
21 to use his own language because he has to feel comfortable of
22 what he is swearing to. And he is held accountable to what he
23 is swearing to. Just like any other person would be, because
24 you have perjury and other things that might attach to it if
25 found to be false or untrue.

1 MR. GILMORE: All right.

2 LT. WINDEMUTH: Sure, any other questions I would be
3 happy to answer.

4 MR. RICE: Thanks once again. You satisfied, Robert?

5 MR. GILMORE: Yes.

6 LT. WINDEMUTH: Thank you.

7 MR. RICE: I was reading your name tag, I thought it
8 was kind of cool to say that. Anyway. Well, you in your
9 official capacity. We are going to move tab 6 up in between 2
10 and 3 now. So, if we could move on to the Legislative
11 Updates. Gina, can you take over for that, please.

12 MS. HUNT: I sure can.

13 ***Legislative Updates***

14 ***by Gina Hunt***

15 MS. HUNT: Well, this is going to be short.

16 MR. RICE: And that is good because we are a half
17 hour behind.

18 MS. HUNT: Right. Although like Tom mentioned, I
19 think there are some other bills that maybe folks want to talk
20 about but at this point there is only two bills that are
21 dropped already that are affecting fisheries services. You
22 know there is a lot of new people in both the House and the
23 Senate. A lot of people have shifted around on committees.
24 So all of these freshman are coming in and really they are not
25 going to be dropping bills as quickly as you have seen in past

1 sessions.

2 So this isn't unusual that it is almost February and
3 we don't have a lot going on. It doesn't mean that a lot
4 won't happen, it just means that you know there is a lot of
5 new people, so they are going to take some time to get up to
6 speed and get their background on their bills. The two that
7 we do have right now, there is Senate Bill 83, offered by
8 Senator Simonaire. It is a Vibrio notice and this actually
9 doesn't affect commercial. But what it is is the requirement
10 for the Department to print when somebody buys a recreational
11 fishing license, recreational crabbing license or boater
12 registration that we print some information on that license
13 form about the risk of Vibrio.

14 The actual contact with Vibrio and you might like
15 Vibrio in the sense and I usually do too of ingestion it with
16 oysters and that kind of public health risk but there is a
17 public health risk because of bacteria that just naturally
18 occurs in the water and again if you have cuts or something
19 like that.

20 The Senator I think just wants to bring some
21 awareness to the fact that that is out there, people are not
22 aware of it. Obviously people have a hard time getting
23 treated when doctors aren't aware that bacteria exists. So,
24 you know the idea is really just to require the Department to
25 print some information on recreational licenses so that the

1 public understands that there is this risk.

2 We can need to either print it or print something
3 and then refer them to a website. This is going to be heard
4 on February 10 over on the Senate Committee, Education, Health
5 and Environmental Health at 1:00. If anybody has you know,
6 some concerns about that. But again, it doesn't actually
7 require us to print anything on commercial licenses.

8 House Bill 67 is kind of a housekeeping reporting,
9 housekeeping bill. It affects the entire Department but what
10 it does is take out some reporting requirements that are in
11 law, that are otherwise either just not being done because the
12 issue is no longer an issue. The report period is long past,
13 sometimes there is reports that you only have to do under
14 certain conditions.

15 So this is moving some of the legislative reporting
16 that is necessary currently law or under a couple of cases,
17 under units, not fisheries, and it actually changes the date
18 in which the report has to be submitted. Because sometimes
19 the bill goes in, requires a certain court date and then it is
20 right in the middle of your sampling or something else and you
21 can never meet that deadline.

22 So this bill basically gets rid of obsolete reports,
23 requirements for the Department or changes some dates. And
24 that one is being heard on the 4th of February. If you want
25 to know any of the reports that are going to be changed out of

1 fisheries, I can let you know but there is nothing that you
2 would have otherwise already seen. Anybody? Good?

3 MR. O'CONNELL: Then I think Rachel I think wanted
4 to mention a bill that is being drafted and Steve Vilnit can
5 come up and you guys can tag team that.

6 MS. DEAN: I gave a copy to each of you, I will just
7 let you know real quickly how it landed on my desk. It is
8 nothing we haven't seen before except it has been edited. I
9 was sent it because I had expressed support in the past.
10 Albeit with some revisions. It is the Seafood Labeling Bill.
11 Of course I think the most concern was around whether or not
12 restaurants and suppliers should be required to report that
13 their crabs are blue crabs and more importantly whether or not
14 they should be required to report whether they are Maryland
15 crabs.

16 I personally couldn't get behind it as long as it
17 required the Maryland requirement just because I don't know
18 that logistically it can be done. I don't even know that we
19 could -- I don't want to deter markets but I will let Steve
20 take over from there and you guys can decide whether or not
21 you want to support it. Again, this is -- this didn't come
22 from our industry.

23 I know Robert T. has seen it before and I think you
24 guys have seen it before and I think you guys have too. But I
25 just -- it came across my desk, so.

1 MR. VILNIT: And this isn't a departmental bill
2 either, just putting that out there. This is something
3 that --

4 MR. RICE: Steve, just say your name for the record.

5 MR. VILNIT: Oh, Steve Vilnit, V-i-l-n-i-t. This is
6 statement that Delegate Luedtke put out there from Montgomery
7 County. He came to us a couple of years ago and asked what
8 could be done to help the industry and I said one of the
9 biggest things in the industry that we are facing is battling
10 imports for prices. So that is where this all came about and
11 he kind of drafted this whole thing and last year, brought it
12 out with everything had to be labeled by state.

13 And that is restaurants and retail stores. I saw
14 this as a big problem because as a restaurant, it is virtually
15 impossible to label on your menu daily where your crabmeat is
16 coming from. You know there isn't enough Maryland crabmeat to
17 assure a restaurant that they are going to have Maryland
18 supply every day.

19 So he took it out -- he removed it last year and he
20 brought it back this year with it being a country of origin.
21 This is already done in the retail world. All the major
22 retail stores, Whole Foods, Wegman's, all the way down to
23 Giant, Mars. They all already have to have country of origin
24 in their display cases. So this wouldn't be an added burden
25 on the processors or the whole sale seafood companies or

1 anything like that.

2 And this is something like I said that is already
3 being done in the retail world, so this is kind of bringing it
4 over to the restaurants. I think this would have a positive
5 benefit for the -- it would be very positive for the industry
6 in that we are not going to be fighting against Chinese
7 crabmeat or imported crabmeat from Indonesia or Vietnam,
8 Philippines.

9 And it will give an added benefit for our local
10 crabmeat as we are going to be going into a restaurant and it
11 is going to say, "Maryland Style Crabcakes, product of China"
12 I don't think we are going to have a lot of restaurants really
13 going for that and consumers really getting behind a
14 restaurant that is going to say "Product of China" on the
15 menu.

16 So I think it is going to help our crabmeat locally.
17 That is where I stand on that. Right now there is one under
18 page 4, I don't know if we have the same version --

19 MS. DEAN: I think they are still numbered the same.

20 MR. VILNIT: Okay, A2. Is, "A person may not
21 knowingly sell or offer it for sale, within a state a crab
22 product identified as being from Maryland unless the State --
23 unless the crab contains meat from whole crabs landed in
24 state." I have asked them to remove that or consider removing
25 that. Only because this pretty much makes it so even a cup of

1 Maryland crabmeat, if they are using Virginia crabs at all, it
2 would make it so that they couldn't sell it as Maryland
3 crabmeat. So I think that they are going to remove that. And
4 then I have also asked them to consider soft crabs in there.
5 Just because this is a -- this is not a big problem but I
6 think it should be -- if we are going to be writing this up
7 anyway, soft crab should be in there.

8 MS. SINDORF: One other implication really quickly
9 is, it says that --

10 MS. : I am sorry, Steve -- I am sorry, can
11 you say the soft crab thing I didn't get that?

12 MR. VILNIT: I think the soft crab should just be
13 written into the bill. I think it should also -- I think
14 should be country of origin. Just because again soft crabs
15 are something that change so rapidly from restaurants that
16 this would be very difficult to do. When we are talking
17 restaurants, I mean to reprint a menu is anywhere from \$400
18 to \$800. If they did product of the USA, domestic, it would
19 be fairly easy because restaurant that is using domestic isn't
20 usually flip flopping between domestic and imported crab meat.

21 The state of origin of the crabmeat often changes.
22 So it would be too difficult, you can't require restaurant to
23 reprint in the morning an \$800 menu run or whatever it is just
24 because they got Virginia crabmeat instead of Maryland.

25 MS. : And the soft crabs are also mixed in

1 walk ins as far as --

2 MR. VILNIT: Right and there isn't a huge problem
3 with you know, there is not a huge problem with soft crabs. I
4 mean, the country of origin with the soft crab really isn't
5 going to come into play much anyways and I think we are
6 discussing a couple of us before this, if someone put an
7 Indonesian soft crab on your plate for a sandwich, it would be
8 really evident really quickly because --

9 MS. : I would just try it just because I
10 would want to try it.

11 MR. VILNIT: I have tried it.

12 MS. : Different?

13 MR. VILNIT: Different.

14 MS. DEAN: So this might mean for our restaurants too
15 that instead of claiming to have Maryland crabcakes, they
16 would have to maybe claim Maryland style crabcake if they
17 weren't using?

18 MR. VILNIT: Correct.

19 MR. YOUNG: The soft crab issue is being brought up
20 because soft crabs are generally cleaned and they wouldn't --
21 couldn't -- might not be considered whole crab?

22 MR. VILNIT: Correct. And again I think this is a
23 fairly minor portion of this whole thing. But I just want --
24 if we are writing this up anyways, I figure you might as well
25 cover all avenues of crab.

1 MR. O'CONNELL: Just mentioned that Delegate Luedtke
2 has been working very closely with Steve and the bill hasn't
3 been filed yet and this is a great opportunity to Delegate
4 Luedtke agreed to have Steve talk about it in this commission
5 and offer some input. So if you have some more after the
6 meeting, you can channel that through Steve I guess or talk to
7 Rachel. I don't know if you are talking to Delegate Luedtke,
8 would it be Steve best person to call on?

9 MR. VILNIT: Yes.

10 MS. DEAN: Yes, because mine actually came just to
11 give you guys some background through the Baltimore Aquarium,
12 the lady contacted me. And I asked her, I said okay I have to
13 ask, what is your interest, what is your purpose? And she just
14 said that she thinks anytime that they can make consumers more
15 aware then they get behind an industry or they get behind a
16 region and that is what they were after. So, interesting.

17 MS. SINDORF: I am going to open up --- Steve, you
18 were discussing about labeling where the crabs were coming
19 from.

20 MR. VILNIT: Yes, they also have in here the 22 and
21 23 it is a C1, last year we had it so that even live crabs --
22 well everything was state of origin and there were some
23 concern that with state of origin, that it should be -- I
24 mean, with the whole crabs, it should remain state of origin
25 instead of country of origin. Again, you are not going to get

1 a live Indonesian crab in here, it just -- it is not possible.

2 So that is why they -- it was left as state of
3 origin for whole crabs.

4 MS. SINDORF: Well, as you know, I struggle with
5 that because it is some logistical problems for me,
6 personally. You know, when crabs come in in the morning, we
7 get them from many different states. They are mixed together
8 immediately called and separately into sizes, so you have a
9 load of mediums sitting there, a load of smalls sitting there,
10 everything is mixed together. If the customer comes in and
11 says can I have a dozen Maryland mediums, I honestly --
12 besides maybe visually look and see if it looks like from
13 Maryland because the points are a little different, I honestly
14 couldn't give someone a dozen medium crabs from Maryland.

15 You know, when people order crabs, they come in and
16 you know, five customers in a row and they get a dozen mediums
17 let's just say, I didn't steam that dozen mediums for him and
18 that dozen mediums for individual person. I steam them all
19 together, so it is impossible to separate these things. You
20 had said about putting on the sign again, you are saying that
21 I have to label my smalls as being from Maryland and my
22 mediums could be from Georgia. You are saying that I have to
23 separate sizes?

24 MR. VILNIT: I mean --

25 MS. SINDORF: Is that what we are talking about?

1 MR. VILNIT: -- and I don't know the specifics of
2 exactly what the -- how the enforcement would be. That was
3 something that they had mentioned, that you could simply put
4 you know, mediums Virginia, Maryland just so that people know
5 what states they are coming from just so they have -- they are
6 aware of that. That was one thing that was mentioned. I don't
7 know this and then the final version of it, how it is going to
8 be done?

9 MS. SINDORF: For me, at the end of the day, when I
10 am going to wind up doing and just to be very honest, I am
11 going to put a sign up and that says pretty much where all my
12 crabs typically come from. Because intermittently through the
13 day it is going to change and I am not going to go off and
14 like -- I would never have the time or would have the deserve
15 to change my sign.

16 And I can't promise -- I mean, it is unfortunate
17 because then it hurts someone like me if somebody comes in and
18 --- dozen of Maryland crabs and I am going to look at them and
19 either tell them the truth and say I have no idea which ones
20 are Marylands or I am going to be forced to lie to them? I
21 mean, I think this puts me in a bad situation.

22 MS. DEAN: I think that argument is too much
23 different than a restaurant having to change their menu. I
24 wouldn't mind seeing country -- here would you be comfortable
25 with country there? I would and --

1 MR. VILNIT: And at that point it wouldn't have any
2 impact to the retail because you mean, you can buy Chinese
3 crab if you wanted to, live.

4 MS. SINDORF: I would have to agree with it having
5 no impact. I mean, this is -- it is very --- for me.

6 MR. : State is just too --

7 MS. : There is a lot of states going into
8 this.

9 MR. YOUNG: What I see is when we get into a period
10 where there is a lot of crabs, there is a lot or Maryland
11 crabs and there is a lot of North Carolina crabs. North
12 Carolina crabs don't care what they get for their crabs. I
13 mean, they do but they will sell them dirt cheap. Those crabs
14 come into our market, flood our market and the price drops.

15 If the retailer can sell those North Carolina crabs
16 and call them Maryland crabs, then the price of Maryland crabs
17 drops with the North Carolina --- and that hurts the crabber
18 at the boat. Because the price will go down and go down and
19 go down. We have seen it happen time again in September and
20 October. Demand is down but the number of crabs is up. And
21 so the market gets flooded, if the demand in Maryland -- and
22 it is, is for Maryland crabs, and the retailer can take the
23 North Carolina crab and say this is a Maryland crab.

24 And a North Carolina crab he gets for half the price
25 of a Maryland crab, then the Maryland crabber in order to sell

1 his product is going to have to accept a low price. And if we
2 continue to -- if we require the crabs being labeled -- and I
3 don't care whether you say what state they are from, but keep
4 Maryland crabs separate from everybody else.

5 You can say I got Maryland crabs and I got crabs
6 from everywhere else. But keep ours separate so that we have
7 it and I don't know whether this is going to work or not. But
8 what I am thinking is, it at least gives the crabber an
9 opportunity to maybe have a higher price.

10 MR. BROWN: Richard, that sounds all fine and good
11 but these big restaurants and crab houses cannot have Georgia
12 crabs here, Virginia crabs here and sometimes when the crabs
13 come in and they are taken off the trucks, they come in and
14 they get -- it is almost impossible for a person who is in the
15 crab business, selling volumes of crabs to do it. Now if you
16 have somebody who is only selling a couple, it may work. But
17 you can't make a law like that. You got to make one that
18 covers it.

19 MR. YOUNG: So what can we do to brand Maryland
20 crabs? That is what this is going to have to be. To brand our
21 product.

22 MR. VILNIT: If I can also make a point that if we
23 get this to that restaurants have to label country of origin,
24 I think this is really going to inflate the price of domestic
25 crabs as a whole, the North Carolinas, the Marylands and the

1 Virginias, because those restaurants that are currently using
2 Indonesian crabmeat are more than likely going to switch to a
3 domestic crabmeat. My opinion, just because they don't want
4 to have that product of Indonesia on the menu, so that is
5 going to increase the amount of domestic crabs that are needed
6 for the picking houses which is going to increase the price
7 because it is going to help some of that supply go up.

8 That is just a hypothesis but I mean that is my
9 personal opinion will happen. It is not going to do something
10 specifically for Maryland but it is going to raise the price
11 of domestic crabs as a whole.

12 MS. SINDORF: I am going to expand upon first what
13 Robert T. had said. Crabs will come in volume aren't
14 necessarily put by state at all. They are put by date of when
15 you need to use them. Meaning that a crab that is five days
16 old let's say, would certainly put in the front to be used
17 first versus that a crab that is one day old. You don't
18 necessarily go by the Georgias are here, the Texas are here
19 and you mix them into how you can pull them out. That is it.

20 MR. YOUNG: Yes and you cull them by size.

21 MS. SINDORF: Yes, and you are mixing your number
22 bushels when they come in by how the order they are going to
23 be used. The number ones are going to be used first, so they
24 are in front versus not in lines by state is what I am saying,
25 they are mixed together.

1 MR. YOUNG: I understand that.

2 MS. SINDORF: Now as far as your statement about
3 these flood of crabs taking the price of these locals down,
4 you are really -- there is a problem with the transportation
5 costs. Transportation costs are high. I was telling
6 everybody, it costs me \$46 for a 45 pound box that is 40
7 pounds worth of crabs and 5 pounds worth of box and newspaper,
8 gel packs and things like that. It costs me \$46 just to ship
9 one bushel of crabs here.

10 Now in the fall when there is a lot of crabs, \$46 is
11 more than I am paying for a bushel of females, so I am
12 certainly -- it is certainly not going to impact more for her.
13 Now as far as the Carolinas go, yes there is a lot of those
14 and they do come up and they do impact the price. However,
15 there is a quality issue.

16 Because Marylands have --- then in North Carolina or
17 a Georgia crab they live longer. You can hold them longer and
18 the quality is better. So the price even though it may be
19 cheaper in the long run it can actually be more expensive
20 because you lose them, they die in trash and junk. You can't
21 control a crab that is out of state, it is must more difficult
22 what they are putting in the basket.

23 So I don't agree with Richard that these prices
24 really get pulled down by these out of state crabs. And also,
25 I said this before -- there is a 20 percent buffer that I

1 always maintained as far as having an out of state crab and
2 what it does is, it smooths out basically -- if you are having
3 all Maryland crabs. That is all you have is a Maryland
4 crabber, and suddenly that becomes a flood of crabs and they
5 are everywhere. Immediately you take your prices and you have
6 to bring them down.

7 I mean, you have no choice. You have to sell them,
8 so you have to make them cheaper. So the crabber winds up
9 getting stuck, getting less money for his crabs. However, if
10 they are trying to buffer(sic) out of state, you can actually
11 decrease the amount you are buying and keep buying all
12 Marylands now and you don't have to adjust the price. So out
13 of state crabs are actually a good thing. They actually, for
14 me, help the local watermen.

15 I don't know why there is such a -- there is this
16 fight with this. I understand it in the crabmeat industry but
17 not so much in the whole crab industry.

18 MS. VINCENT: I have to agree from a crabmeat
19 perspective too because the only reason I can process Maryland
20 crabs is when they have more than what they can sell on the
21 retail market is because I can supply myself and ramp up my
22 production when other markets have additional crab. If it
23 wasn't for those, I wouldn't be there for my Maryland boats. I
24 just physically could not be able to do it.

25 So I can pay them more for their sooks later because

1 I am able to ramp up production and I need those crabs versus
2 not having the workers to be able to take care of it. So it
3 kind of -- it has a similar affect on ---.

4 MS. SINDORF: Just my thoughts.

5 MR. YOUNG: I can understand in a crabmeat industry
6 but as far as -- and I am right off next to --- okay and it is
7 a lot of asking -- and it -- you can say, Gail that you know,
8 well this is how we do it, you know, we bring all of the crab
9 states together and we mix them all together and I am saying,
10 I am thinking to myself and I can't get this out of my head.
11 They are already separate.

12 You are bringing them into your store and you are
13 mixing them together. Why not leave them separate?

14 MS. SINDORF: Because you don't have walk in space.
15 You don't have the width and depth -- I mean, you have to
16 bring these -- let's say you bring 10 bushels in, are you
17 going to leave one row of 10 bushel when you can fit 40 bushel
18 in that row. So now you got 10 bushel there, 10 bushel there
19 and you didn't have enough width in your walk ins if you keep
20 doing this.

21 MR. YOUNG: I am just seeing -- what I am seeing is
22 we want -- I am saying we because I thought this is a great
23 idea for Maryland crabbers to be able to find a brand of crab
24 and be able to set the whole product --- with --- safe crabs
25 and I think it is great idea. I still do. You know, because

1 our crab is -- I am going to say it is a superior crab. And
2 people want Maryland crabs. And people should have a right
3 actually when they go into a store or restaurant/store and a
4 sign says "Maryland crabs" and just about I would venture to
5 say about 85 percent of the places in Baltimore that sell
6 crabs say "Maryland crabs".

7 But I venture to say that about 25 percent of the
8 crabs that are sold there are actually Maryland crabs. So the
9 consumer is being mislead. And it may not be in your
10 situation but the situation is that the customer deserves the
11 right to know if they go into a place and they want Maryland
12 crabs, they deserve to get what they want. They don't need to
13 get Louisiana crabs and pass them off.

14 MS. SINDORF: But you said yourself, our crab is
15 branded then. Because it is a superior product. Maybe --

16 MR. YOUNG: Yes, but it is not.

17 MS. SINDORF: --- that bag, they either like the
18 products or they don't. And if they don't like it, they are
19 not coming back. I mean, it is all part of doing business.
20 You lie to your customers and they are going to know in 15
21 minutes when they open that bag up and eat those crabs. They
22 are either going to like them or they aren't, Richard. So our
23 crabs are branded, they are a good product. And we sell them
24 and we sell them with pride and they go home and they know it
25 and they come back and that is how we stay in business.

1 MR. YOUNG: And so what you are saying then is that
2 your people get more money -- your Maryland crabbers get more
3 money for their crabs than you pay for -- off the truck?

4 MS. SINDORF: It depends. I mean, I am not going to
5 make that as a blanket statement, no. I mean, it depends. But
6 no I don't believe -- for me personally, I look at this a
7 little differently, I back off of crabs. I take --- the guys
8 on vacation calls so that I can handle the --

9 MR. YOUNG: Your guys? Your Maryland crabbers?

10 MS. SINDORF: No, the crabbers that are out of state.
11 You know, just say they go on vacation for a couple of weeks
12 and they can use a break and they do. Again they don't have a
13 long -- a long business dealing with these guys and ---. But
14 I don't see your point, I really believe that out of state
15 crabs is not as big a detriment --- you made, that is just my
16 opinion on it. For my business --- and I talk to the --- and
17 they would agree with me.

18 I think this is -- this is going to cause problems
19 for me and I am going to be honest with you, no matter how
20 hard I would try, I am not going to be able to do it, so I
21 would be lying by giving the customer too much information
22 just to stay --- trouble with the Department. I am going to
23 saying that they are from states that they are not even from
24 just because I don't have time -- I can't figure out where
25 they are from. So it is going to have -- so it is almost -- it

1 is going to have an opposite impact -- effect for me I mean.
2 So, that is my thoughts. I don't have to list --- you know.

3 MR. YOUNG: No, I don't actually --

4 MS. SINDORF: I am telling you Richard, all the crabs
5 that come in that morning, all the together --

6 (Whereupon, participants are speaking simultaneously
7 over each other.)

8 MR. YOUNG: -- and that is one issue that I -- I
9 can't comprehend that because they are separated. And what I
10 am seeing is -- what this will require in a change in the way
11 you do business. That is --

12 MS. SINDORF: Bigger walk ins, crab pots.

13 MR. YOUNG: Okay well besides that, we are talking
14 about the sign, a white board, a dry erase board. You can
15 have in black permanent magic marker that says "Today's crabs
16 are from" and then you just have a dry erase marker that says
17 "Maryland, Virginia" Wherever and just wipe it off and then
18 write MD, NC, LA and FLA. And that is going to take 30
19 seconds.

20 MS. SINDORF: And it would say the same thing every
21 day because Richard, I might not have Georgia crabs in the
22 morning but they might come right in the middle of the day in
23 the middle of a Saturday, in the middle of the busiest time.
24 Might as well -- oh excuse me, customers, we have to write
25 Georgia on there now. Oh, we don't have mediums, we only have

1 large in Georgia. This is not going to happen. It is just
2 restrictive. I don't even know where the --- is from. Where
3 does your crabber get them? I mean, come on now.

4 MR. RICE: All right, well I don't think we are
5 going to sold this issue by debating it any further, so if you
6 want to wrap it up Rachel.

7 MS. DEAN: Yes, I just wanted to remind us too that
8 without the restaurant industry, the packers, the dealers and
9 people being behind this, it won't go anywhere. So if we can
10 make any progress or if anybody wants to support it with or
11 without that language, I think that it has some merit beyond
12 that. And then maybe those details we can work out later.
13 But I see the points, those were the two things that I
14 highlighted, I knew that we had the discussion about so thank
15 you. I am glad that we got the opportunity and thank you Steve
16 for working with them to work on that.

17 MR. VILNIT: I just want to add one short thing.
18 This is -- this would be a first in the nation bill if we
19 could even get to this -- we can't -- we refocused on the
20 crabs here but there is a fish part in this too. This would
21 be a first in the nation bill to be passed that requires you
22 to actually call a fish what it legally is. I mean, right now
23 I can go into a grocery store and they can be calling it
24 snapper all day when it is actually Vietnamese catfish.

25 If we get this passed, this would make it so that

1 they can't call Vietnamese catfish snapper. And this is -- I
2 mean, really it is a bigger thing than just the crab. I just
3 want everybody to remember that as well.

4 MR. RICE: Thank you, Steve. Bill?

5 MR. SIELING: So we are basically going to support
6 this with the exception of Section 2?

7 MR. VILNIT: The A2, the being from Maryland unless
8 the crab product contains meat from all crabs -- yes.

9 MS. DEAN: And C1.

10 MR. VILNIT: So is that --

11 MR. SIELING: Other than that we all are agreed with
12 the --

13 MR. VILNIT: Right.

14 MR. SIELING: Just want to make sure.

15 MR. VILNIT: That is what I have heard at least.

16 MR. : You want to summarize that, Steve
17 and make sure that everybody is board and try to wrap up if
18 there is agreement on it.

19 MR. VILNIT: So the only two points of contention on
20 this whole -- on this bill would be the A2, which would be,
21 "The person may not knowingly sell or offer for sale within
22 the State, any crab product as being identified from Maryland
23 unless the crab product contains meat from the whole crabs
24 landed in the State", which is A2.

25 And then the other contention was C1, "The crab must

1 be labeled with the state which the whole crab is landed in,
2 if the crab originated in the United States."

3 MS. SINDORF: Is that the one I was just arguing?

4 MR. VILNIT: Yes.

5 MR. : So it will be amended?

6 MS. DEAN: It is not --

7 MR. VILNIT: It is not our bill to amend. I am
8 going to -- I am going to bring these two points to them and
9 let them know what the two points are but it is not our bill
10 to amend. They are just asking for some feedback from us.
11 And then the other thing I was going to add is the soft crab
12 thing that we discussed.

13 MR. O'CONNELL: So is it safe for Steve to go back
14 and tell Delegate Luedtke that this commission is okay with
15 this draft minus those changes or -- I just want to be clear?

16 MR. BROWN: Tom, I can't along with this until I see
17 a final draft. Because you don't know what is going to happen
18 between now and then. And just a few words get off a little
19 bit and our crabbing industry will be -- it can be put into
20 trouble -- in harm's way.

21 MR. O'CONNELL: That is why I am trying to get
22 clarification --

23 MS. DEAN: Yes and the intention was not for me to
24 make a motion or to ask you to make a motion but rather to
25 report back because I didn't want to speak out of turn for the

1 commission when she e-mailed me because I had some of these
2 same concerns and knew that you guys would like to share your
3 concerns too.

4 MR. : And Mr. Brown, I am not --

5 MR. WILSON: I would like a motion that this
6 commission cannot support this bill as written. If we can't
7 support this --

8 MR. VILNIT: This is not asking for support of the
9 commission actually, I am just -- basically wanted feedback so
10 when they do write it, the final version, at least we have
11 your feedback and we are not putting it out there just blindly
12 without any input from you guys. And I don't think we should
13 actually even need support of the commission.

14 MR. O'CONNELL: That is fine, I mean, I am not
15 advocating. I am just trying to make -- every one leaves here
16 with the same expectation and there was a comment made, it was
17 like we are good with this bill, with these things. And we
18 are not. From what I am hearing, is that Steve can provide
19 some comments back but this commission is not going to take a
20 position when the bill gets dropped, everybody can -- so I
21 just want to try to clarify.

22 MR. VILNIT: Yes, when the bill gets dropped, you
23 can take a position at that point in time but I think at
24 this -- we are just getting feedback at this point.

25 MR. WILSON: Okay, I will withdraw my motion.

1 MR. O'CONNELL: Thank you, Lee. Okay so we are good
2 now.

3 MR. VILNIT: We are good.

4 MS. DEAN: Thank you.

5 MR. YOUNG: Steve, --- when we can't back
6 to --- it seems like a lot of people were against having crabs
7 labeled as state of harvest in lieu of country of harvest.
8 Please carry my --

9 MR. VILNIT: Oh, I certainly will. Like I said,
10 there is a mixed review on that point and you know, people are
11 arguing on both sides of that -- both ways.

12 MS. SINDORF: Just to clarify, was it really mixed?
13 Or is it everybody -- does anybody else agree with Richard?

14 (Laughter)

15 MS. SINDORF: I don't believe we are mixed or --

16 MR. GILMORE: You got both feet on the gas.

17 (Laughter)

18 MR. VILNIT: Maybe the vocal minority would be.

19 MS. DEAN: Thank you.

20 MR. RICE: All right, regulatory updates. Jake Holtz
21 and Tom O'Connell. Jacob?

22 MR. O'CONNELL: I will let Jacob go first.

23 MR. RICE: Okay.

24 *Regulatory Updates and Scoping Items*

25 *by Jacob Holtz and Tom O'Connell, MD DNR*

1 MR. HOLTZ: How are you all doing today? So I will
2 try to get through this real quick. As far as public notices
3 that we issued in the last quarter, the vast majority of them
4 were aquaculture leases and --- striped bass, openings and
5 closings and modifications. We did have a couple that were
6 for recreational fisheries. Black sea bass and summer flounder
7 in the Atlantic Ocean Striped bass.

8 Regulations that became effective, we removed the
9 Declaration period for the snapping turtle fishery. Based on
10 feedback from a number of commercial harvesters. There are a
11 number of folks that participate in the snapping turtle
12 fishery that do so on a transfer. Like on a temporary
13 transfer basis, they will get the license for maybe like April
14 through June or something which wouldn't give them the ability
15 to declare the fishery -- so we got rid of that Declaration
16 period so everybody can keep fishing.

17 We finalized the dealer penalty regs with after a
18 lot of feedback from the dealers. I think we have something
19 that we can at least -- there is a basis to start working
20 with. Oysters, we corrected some coordinates in the --- para
21 dredge(sic) lines, we moved them just a couple of feet one way
22 or the other to -- so there weren't little pie slices that
23 were overlapping and now the lines all should be lining up to
24 save ---.

25 We created the para dredge study areas in Eastern

1 Bay Wild Grounds and Swan Point. And in Eastern Bay, on the
2 Wild Grounds, the way to work is that all current gear types
3 will still be allowed in that area except for those areas
4 which we planted and have designated as the study areas within
5 that larger area.

6 And those smaller areas, it is only going to be
7 power beds(sic). And then in the Swan Point, it will be just
8 power dredge allowed in that area. The Yellow Perch, we
9 extended the season through the end of March. If we hit the
10 quota is set, we can still close that season earlier but
11 because the last couple of years we have been extending that
12 season, extending the season, we just in the red, we just
13 extend the season to a point where we feel comfortable that we
14 hopefully won't have to keep messing with it as much.

15 It also extended the declaration period and it
16 removed the tag requirement for the live market. Those folks
17 participating in the live market will still have to contact a
18 DNR representative to get them at the docks that way we can
19 make all fish accounted for. It just won't be -- they won't
20 have to purchase tags to hand over tags that you never had to
21 use. So it will save more than money too(sic).

22 Also with oysters, we added the --

23 MR. BROWN: One question, you extended -- what was
24 the date that you extended the yellow perch to?

25 MR. HOLTZ: March 31. The oysters we added a NSSP

1 requirement to the fishery regs. These were already in the
2 Department of Health and Mental Hygiene Regs as a requirement
3 for folks to be complied with. It is really just easier for
4 NRP to enforce these regs in the fishery ---. And then for
5 spiny dogfish, we extended the declaration period for the
6 permit and we changed the operator provision based on the
7 spiny dogfish workgroup.

8 They asked that the operator for the spiny dogfish
9 permit actually have to be named on the premise. So that is a
10 change. Regulations that have been proposed in the last
11 quarter that are working their way through the process. The
12 penalty update for the commercial recreational and charter
13 fishermen were updated based on the recommendations of the
14 penalty workgroup. That comment period closed two weeks ago
15 and if everything holds true, it will be effective mid March.

16 Sharks, that comment period is also closed. What
17 that did was it clarified that if you are fishing in state
18 waters, you don't need a federal shark permit. And there is
19 not a catch on it for sharks in state waters, also if you
20 don't have a shark permit. If you do have a shark permit, you
21 still have to maintain -- you still have to abide by the ---
22 that is on the card.

23 Licensed targets is more of an administrative thing.
24 Folks break down their TFL or if in the buy back programs
25 people sell their licenses back and we have to adjust our

1 targets, so this reflects those updated numbers. Licensed
2 free fishing areas, this is a recreational thing. There are a
3 number of areas that we have that you don't need a
4 recreational license to fish there. You still need a
5 registration if it is in the tidal waters.

6 We had some new ones and we removed some old ones
7 based on feedback as far as whether these areas were safe or
8 used or if there were better areas nearby that folks have
9 actually used more. The blue crab ones that we proposed that
10 comment period will end February 23. This is peeler crab
11 change. It only increases the size for peeler crabs in
12 Chesapeake Bay and its tributaries to three and a half inches
13 just for 2015 but all year long. So it won't be three and a
14 quarter from April 1 to July 14 anymore. It will be there and
15 a half all year long.

16 There is a public hearing for these -- this
17 regulatory proposal. It is at the Wicomico Public Library at
18 6:00 p.m. on February 10. So, if you or anybody you know
19 might want to attend that, that is when it is and obviously we
20 are viewed to be taken any phone calls or faxes or e-mails or
21 anything like that for public comment also.

22 The striped bass regulation that we did, it changes
23 the Atlantic Ocean reg. We used to have a quota as a number
24 in the reg, we are just -- this reg has changed and the quota
25 is set by the ASMFC. Just so that way we don't have to go in

1 the reg and change it every time that ASMFC changes the number
2 that we are trying to hit the Atlantic Ocean.

3 Fishery management areas. Fishery services has a
4 number of properties that we own and manage that allow for
5 things other than fishing. So this reg is a consolidation
6 mostly of things that we already had on the books and also
7 just rules that have been posted on signs in these areas, just
8 so that way people know what they are getting into or what the
9 are allowed to do before they actually get there.

10 Snapper Grouper, it changes the commercial harvest
11 limits for tilefish to match requirements for Virginia and
12 Federal partners, the numbers -- the amount of fish that
13 commercial harvesters can harvest. And I don't have the
14 numbers in front of me but it was increased and it also gets
15 broken out if you laying them out whole versus gutted. Just
16 so that way before we hadn't specified and so now it is just a
17 lot more clear.

18 The aquaculture regs -- I am sorry, the snapper
19 grouper and fishers managements and the shellfish, all of
20 these -- their comment period closed on February 23 also just
21 like the crabs. The aquaculture updates the list of
22 violations for which a person can be suspended or revoked from
23 the aquaculture fishery or the aquaculture business and it
24 permits the demonstration lease program.

25 MR. BROWN: These -- you are talking about the ones

1 that if you are found guilty -- then you believe your intent
2 was to do it on purpose that you get your licensed revoked for
3 life for one strike, is that correct?

4 MR. HOLTZ: No, no these are -- it is -- so there is
5 already a list of things that you might not -- that would
6 preclude you from getting like aquaculture lease or a permits
7 harvest. These are -- this just updates that list. It doesn't
8 have anything to do with the --- the offenses that you are
9 thinking of then.

10 MR. BROWN: All right, I will talk to you later
11 because I want to know what that is, because there is some
12 legislation that looks like it is getting ready to be -- a
13 bill that is being brought up now to add some stuff with
14 lease ---.

15 MR. HOLTZ: Okay.

16 MR. BROWN: And also that one strike and you are
17 out.

18 MR. HOLTZ: Yes, this doesn't have anything to do
19 with that. And then lastly we submitted a emergency
20 regulation for lobster. We are going to change the season
21 closure from right now it is most of February and March and
22 move it to the last day of April and all of May. The reason
23 for this is that we have been required to take a 10 percent
24 reduction in the lobster fishery. And it also removes the v-
25 notching requirements. And that is the regulatory update.

1 MR. YOUNG: And that requirement comes from? ASFMC?

2 MR. HOLTZ: Yes, sir.

3 MR. GILMORE: Yes, Jacob, what was the thing about
4 the Eastern Bay and the dredge bottoms?

5 MR. HOLTZ: So that was -- do you remember last year
6 during the legislative session there was an agreement between
7 the Department and the commercial industry to do a study on
8 the effectiveness of power dredge as far as could it increase
9 productivity and other things like that? And these regs
10 implement that agreement.

11 MR. GILMORE: Okay, so it remains a dredge area if
12 there is no other form of harvest on that dredge area?

13 MR. HOLTZ: The one on Swan Point right and then the
14 Wild Ground what it is is because we are not planting the
15 entire area and because that area is -- we do have reports of
16 people using with other --- types. What we are doing is so
17 for instance if this whole area -- if this whole page was
18 Wild Grounds area, we might be planting a square here, a
19 square there.

20 And so we would be closing these squares to the
21 other gear types and once we planted them and so then only
22 power dredges would be able to use in to those actual areas
23 that we planted in --

24 MR. GILMORE: Okay, so it remains a power dredge
25 area?

1 MR. HOLTZ: Those planted areas, yes.

2 MR. GILMORE: But the other areas there, the power
3 dredged now --

4 MR. HOLTZ: If they were already power dredged, you
5 can still use a power dredge there.

6 MR. GILMORE: Right, but right now those in the
7 study, there was no type of harvest going on?

8 MR. HOLTZ: Right, the study area is -- it is only
9 power dredged.

10 MR. GILMORE: Okay, all right. Then on a couple of
11 leases here, we filing for protest or whatever --- wants me to
12 do but you know, ---

13 MR. HOLTZ: Right.

14 MR. RICE: Tom, did you have something?

15 MR. O'CONNELL: Yes, just on the lobster regulation,
16 as Jacob responded to Richard that ASMFC is requiring states
17 to implement a 10 percent reduction in the area 5, which is
18 the immediate area offshore. At the meeting next week, I just
19 thought about covering it now rather than later and I guess
20 Luisi and John is not here, but Maryland has requested a
21 reconsideration of that requirement.

22 We collectively the States that are in area 5, like
23 New Jersey through Virginia missed achieving the 10 percent
24 reduction by 1,000 pounds. And that is -- I mean, that is a
25 pimple on so unfortunately the staff person gave incorrect

1 information which suggested that the overage was much higher,
2 so I have been working with the board chair and we are going
3 to ask for reconsideration.

4 If we get that approved, we will maintain our
5 existing February/March closer and allow the lobster fishermen
6 to continue lobstering in the May period which is much more
7 valuable to them. Just stay tuned on that. We had to submit
8 the regulation to maintain compliance but we are hopeful that
9 we will get reconsideration and be able to keep our existing
10 rules in place.

11 MR. RICE: All right, Tom, can you continue on with
12 your part of it?

13 MR. O'CONNELL: Yes, one other item -- let's see, do
14 you have more Jacob?

15 MR. HOLTZ: Yes.

16 MR. RICE: Oh I am sorry, I thought you were done.

17 MR. HOLTZ: That is all right. So that was the
18 regulatory update, we still have the scoping to go through
19 real quick. Just as a reminder with scoping, these are things
20 that we are planning on working on. We are giving you what we
21 see is the problem with a recommended solution as far as what
22 we are planning on doing to bring this issue out for public
23 comment before we actually --- regulations. Just to try to
24 address any problems you might see or others might see with it
25 beforehand.

1 So what I am going to do is I will just go issue by
2 issue and then after each one I am going to just double check
3 and see if you agree with what our plan is, okay? All right.
4 Spiny dogfish. Based on what the Atlantic States Marine
5 Fisheries Commission Database Addendum 5 to the spiny dogfish
6 fisheries management plan, spiny dogfish can no longer be --
7 have their fins removed at sea.

8 Currently we allow for a 5 percent, so when they
9 land the dogfish, they can have 5 percent fins unattached to
10 the carcasses. This would have -- still allow for the dogfish
11 to be gutted at sea but fins would be required to remain
12 naturally attached through landing.

13 Our current plan for bringing this out to the public
14 would be to scope it on our website and send it out to our
15 contact e-mail lists and then post it on Facebook and Twitter.
16 Is there anything else that we should do with regards to that
17 issue?

18 (No response.)

19 MR. HOLTZ: All right, next would be striped bass at
20 the commercial fishery. The plan is to have several striped
21 bass work group meetings over the next couple of months. You
22 should have a letter that was sent out to the work group in
23 their packet from Mike Luisi dated January 15, that goes
24 through what they are planning on talking about. Mostly it is
25 permit transfers, permit renewal issues for both single and

1 multiple permit holders and what to do with expired permits
2 and folks on the wait list as well as permit or tag return.

3 The reason that those are at the top of the agenda
4 right now is we are trying to do -- we are approaching
5 probably two regulatory --- the first one would be to get all
6 of the issues done for -- before renewal so that would be
7 things like transfer and permits and allocation or shares,
8 permanently or things like that that need to be done in that
9 August renewal period.

10 Then later on in the year, we will be making any
11 needed changes to our actual fishing rules as far as gear and
12 check times and things like that. So the first meeting that
13 they are going to have is on February 17 at Tawes Building.
14 It is an open meeting for anyone that wants to attend. But I
15 think our plan is once we get some recommended actions by the
16 work group to have actually a public scope meeting so that
17 folks can come and we can talk face to face if there is any
18 issues that people actually out in the fishery, they are not
19 on any of these work groups.

20 Yellowfin tuna. We are planning on listing it as
21 "In Need of Conservation". The reason for that is because we
22 have a fairly sizeable tuna fishery in Maryland on the coast
23 and right now as far as yellowfin goes, the Natural Resource
24 Police can't write a Maryland citation for any violations that
25 they encounter. They can with bluefin tuna because we did

1 this process, we listed as "In Need of Conservation" a while
2 ago. It is a lot easier for NRP and it is a lot less time
3 consuming and they can get back to doing their job if they can
4 just write these easy ticket. It is a lot easier for someone
5 to write a state ticket to have to go with the federal process
6 also.

7 So hopefully it will save everybody some time if
8 they are any violations in that fishery. Yes, Richard?

9 MR. YOUNG: Are they scientifically in need of
10 conservation?

11 MR. HOLTZ: Yes. And as part of this process what
12 we do is we write up a whole, we have the violation -- write
13 up a whole justification provided would be listed as in need
14 of conservation. The tuna species are internationally in need
15 of conservation so this all fits in with plans that have
16 already been drawn up, it is just that we don't have them in
17 Maryland's regs.

18 MR. YOUNG: I just -- I want to be careful about
19 labeling things in need of conservation if they are not in
20 fact in need of conservation. Because that just sets a
21 precedence that is just -- but

22 MR. HOLTZ: I understand.

23 MR. YOUNG: My understanding was that bluefin -- is
24 in need of conservation and that the yellow fin was not. I
25 have read --- I -- and I am concerned that if we list

1 something as in need of conservation and it is not in fact in
2 that need and what is to stop the Department from doing that
3 to something else just to stop us from fishing it?

4 MR. HOLTZ: Understood and all we would be doing with
5 the regs that we would write, after we list them as in need of
6 conservation, just say you have to abide by the Federal Rules.
7 It wouldn't actually be putting any new rules on anybody, it
8 is just --

9 MR. YOUNG: Not yet.

10 MR. HOLTZ: I don't know how many yellowfin you are
11 catching in state waters.

12 MR. YOUNG: Okay.

13 MR. O'CONNELL: I just want to clarify that. Our in
14 need of conservation regulation doesn't suggest that the
15 species are threaten or endangered which some people may
16 interpret by any conservation. Basically saying that the
17 species is in need of management. Need of conservation and
18 that gives us the authority to establish rules like this, so.
19 I just didn't want to leave with the interpretation that
20 yellowfin tuna or any other species that is listed as in need
21 of conservation is at a greater risk of sustainability. It is
22 basically meaning that the species is in need of management
23 for conservation. So I don't want people to think that is
24 like threatened or endangered.

25 MR. YOUNG: That is beyond my pay grade. Because I

1 have a lot of questions that probably don't belong here but
2 why can't we just write the regulations anyway, why do we have
3 to go through that process? If they are being landed here in
4 Maryland, you should have the authority to write the
5 regulation?

6 MR. O'CONNELL: Yes, we don't have the authority so
7 this is how we are able to do it, maybe there is a better way
8 ultimately to give authority but that is our --- authority
9 too.

10 MR. YOUNG: Okay, sorry.

11 MR. O'CONNELL: No that is a good question.

12 MR. HOLTZ: And then two updates for you. I am
13 sorry, so for those in need of conservation --- just scope it
14 on the website. E-mail it out to constant contact and also
15 the Facebook and Twitter. Two updates for you on crayfish, we
16 talked about this for a bit last year. At first we scoped the
17 idea of prohibiting all live possession of crayfish in the
18 state based on actions of regional partners specifically
19 Pennsylvania and Virginia where we are walking that back a
20 little bit and what we plan on scoping right now is allowing
21 folks to catch up to 50 crayfish a day for personal use.

22 Of which five of those could still have their heads
23 on if kids want to play with crayfish or in the streams or in
24 buckets or whatever or if folks wanted to use them as bait
25 while they are fishing in the stream, you know, you catch a

1 couple, use them for bait, catch a couple and use them for
2 bait.

3 It would also allow someone to ship live crayfish
4 into Maryland for restaurant and personal consumption as long
5 as the crayfish are accompanied by that mutation statement
6 origin destination. So it would be like a bill of sale or
7 bill of lading, something like that. And it would require, a
8 permit from DNR to possess live crayfish for educational
9 purposes, scientific for education permit that we already
10 issued.

11 It would be permit the import possession of live
12 crayfish by pet store and bait shops and it would
13 prohibit(sic) commercial harvest for crayfish. Rachel had
14 asked about this back in sport fishery meeting and based on
15 our records, it was about 115, 120 pounds of crayfish two
16 years ago, less than 20 pounds last year and -- I am sorry, in
17 2012, it was 120 -- 2013 it was 120 and then we didn't have
18 any record of crayfish in 2013.

19 So as far as impacts and commercial fisheries, we
20 don't see it putting anybody out there --- or anything like
21 that. Yes, sir?

22 MR. MANLEY: I just got I guess a comment or
23 question, whatever, why would you prohibit commercial harvest
24 but yet allow people to bring them in to sell them here? And
25 the only reason I am saying that is I was here earlier and you

1 talk about invasive crayfish come in here, looks like you want
2 people to go to try to catch them, so you get rid of those
3 invasive ones that is eating all the habitat and stuff up for
4 the natural ones. I mean, that is my only -- it don't effect
5 me one way or the other but I am just saying, the logic of it.

6 MR. HOLTZ: And the reason behind that is just as
7 far as I understand it, so if you are shipping them into
8 Maryland with a destination -- if you have them anywhere
9 other than that destination or in route to that destination,
10 it is pretty obvious that you shouldn't have you know a whole
11 box of crayfish wherever you are.

12 When you are inside the state, I think that there is
13 a just a greater risk of somebody ending up with a bucket of
14 live crayfish and putting them somewhere where they --

15 MR. MANLEY: If they don't' have a commercial
16 license, that is -- that takes care of it all right there.
17 You know somebody is doing something wrong and somebody is
18 trying sell them. If it is commercial with a commercial, TFL
19 or whatever you want to call it, he is going to have that
20 license because he is doing something else. It is not his
21 main objective.

22 And I mean, I just bring up, like I said the reason
23 that I heard it, that was a problem was the invasive ones that
24 have been transported here from bay wells or whatever that are
25 giving you problems.

1 MR. HOLTZ: Tom, did you want to address that at
2 all?

3 MR. O'CONNELL: Not sure if I have much more to add,
4 Jacob. I think we are trying to mitigate impacts to the
5 restaurant trade in trying to address other vectors that
6 provide a greater risk for introduction and I think the
7 restaurant trade going to consumption is viewed by the
8 biologist(sic) involved in that is a low risk. But having the
9 bait shops selling them and fishermen going out and then not
10 using all of their bait and then just discarding them. So I
11 think it is an examination of you know, where are the greatest
12 vectors for risk of introduction. And then trying to
13 recognize some of the economics behind it to try to allow some
14 of the things to continue that are minimal risk.

15 MR. MANLEY: I am just thinking you know when it
16 said no commercial, just say --- applies and he can turn
17 around and sell them if he had enough to sell, you normally
18 don't. But if you had enough to sell you could and they would
19 be going to somewhere that is sold and meet(sic) that don't
20 take the bait job(sic).

21 MR. O'CONNELL: And then something can be looked at
22 and --

23 MR. MANLEY: I mean it is a thought.

24 MR. O'CONNELL: Do you guys know if there is much
25 commercial harvest?

1 MR. HOLTZ: I know --

2 MR. O'CONNELL: For crayfish?

3 MR. MANLEY: It is not much but --

4 MR. GILMORE: It is not much but I know when I am
5 talking to Stevie Lay(sic), it said it was an increase up
6 there on the flats where in that fresh water where you know,
7 he thought he could actually bring up the catch some.

8 MR. MANLEY: Yes, I mean, I was just saying that
9 everybody was talking about the invasive ones, you can damn
10 sure catch some of them up.

11 MR. GILMORE: Right if you restrict the sale at the
12 restaurants or whatever. You know.

13 MR. MANLEY: Yes, you just sell them at bait shops.

14 MR. GILMORE: Yep.

15 MR. O'CONNELL: Well that is something we can look
16 into, we are in that scoping process.

17 MR. GILMORE: Right, yes, because I wrote Stevie's
18 name next to this and I will contact him about that.

19 MR. O'CONNELL: Yes, have him follow up with myself
20 or --

21 MS. DEAN: I raised that question and I think a good
22 analogy is I don't think we had a snakehead fishery a few
23 years ago either. You know and the bluecats too. So I think
24 that there is a possibility that this could be something. And
25 I don't now that there is a benefit from making it prohibited.

1 MR. O'CONNELL: I think of one -- one additional
2 concern is most of these invasives are in non-tidal waters and
3 I think we want to be -- we have to think through whether or
4 not we allow commercial activity and non-tidal --

5 MS. DEAN: Maybe that is what it was because this
6 has come up before.

7 MR. O'CONNELL: There are a few people it sounds
8 like that do harvest in tidal waters and it is an opportunity
9 to see if there is a way that can allow them to continue
10 without presenting increased risk.

11 MR. WILSON: Yes, if it was up at the head of the
12 bay, that may give them something else to fall back on. You
13 know, many places that --

14 MR. GILMORE: Stevie told me that sometimes he
15 catches a 50 pound net(sic).

16 MR. MANLEY: I mean, my brother has caught a half a
17 steampot full -- come home and eat them but he could sell
18 them.

19 MR. GILMORE: Right, but it is something he could
20 fish for.

21 MS. DEAN: We could make it tidal.

22 MR. MANLEY: Yes, I mean, --- catch them, just ---
23 catch them. Catch them at certain times.

24 MR. O'CONNELL: We will look into that.

25 MR. HOLTZ: And lastly the update to this sport fish

1 and tidal fish advisory commission regulations, that is also
2 an attachment for you. We reviewed them and as far as what
3 needs to be changed in the regulation, all we are going to do
4 is changed administrator of the Tidewater Administration
5 to the Director of the Fishery Service. These regs haven't
6 been touched in close to 20 years. And so that is just how it
7 will be referenced.

8 The one thing that we would point out is that the --
9 both the statute that enables these commissions and the
10 regulation, it calls for the commission of the chair person to
11 serve a one year term and the operating guidelines that we
12 adopted for the commission in 2009 calls for a two year term.
13 In sport fish, they recommend to just changing the operating
14 guidelines, recognizing the fact that the chairperson could be
15 re-elected.

16 Just because otherwise the operating guidelines are
17 in conflict with the statute of --- so.

18 MR. : Billy Rice's permit.

19 MR. RICE: Yeah right.

20 (Laughter).

21 MR. RICE: Might not be too long, I might --

22 MR. : Part of the -- Department of ---

23 MR. O'CONNELL: So sport fish thought that you know,
24 you can either go the legislative route or we can just change
25 the operating guidelines to one year. And the chairmen can be

1 re-elected or not. You guys okay with just changing the
2 operating guidelines to address the discrepancy of the terms
3 of the chair?

4 MS. DEAN: Yes.

5 MR. O'CONNELL: All right.

6 MR. GILMORE: Jacob, the thing discerning there that
7 says the shellfish --- clarification changes or procedure ---
8 erosions(sic)?

9 MR. HOLTZ: Yes.

10 MR. GILMORE: Is that again --

11 MR HOLTZ: It is -- we are trying to figure out with
12 hydro-ography how to write it so that as the shoreline erodes,
13 if we drew a line across a river mouth or something that the
14 line doesn't stop where it used to stop.

15 MR. GILMORE: Well, I know that we have a lot of
16 clam lines that run to a point of land, you know and but it is
17 definitely an issue.

18 MR. HOLTZ: Yes, so the part of the problem was
19 that -- excuse me, we put in GPS coordinates on a lot of the
20 regs. So those coordinates are a fixed point whereas if you
21 say to a point of land, or point of road and say it goes with
22 it. So, we just trying to figure out how to --

23 MR. GILMORE: Yes, I know there is four or five
24 different ones in my area but -- that have changed.

25 MR. HOLTZ: If there is nothing else, that is all I

1 had.

2 MR. MANLEY: I got a different question. Mike told me
3 to ask you same home(sic) for mud shad and Clark? In Richmond
4 it goes to -- we were told that --- a few years ago, they
5 changed in Baltimore County so that you can do that on
6 weekends, for just mud shad and Clark? And we were wondering
7 if that was the case, it could have been done in Kent County
8 too. You know if not for mud shad and just something to help
9 fill in -- especially in the spring, we don't have much.

10 MR. HOLTZ: So you would want to extend that to all
11 of the jurisdictions?

12 MR. MANLEY: If it could. I mean, we are in Kent
13 County.

14 MR. HOLTZ: All right, so we have a couple
15 different, most of the --- guys, I think it is just Monday
16 through Friday there also.

17 MR. MANLEY: Yes, but we were told that they only
18 had a change over there so it could do it on weekends, for
19 just those two things. And they said what he done is he went
20 to the County Commissioners, Jay was the one who told us and
21 they had put a -- asked for a regulatory change or something
22 at DNR and he had done just for Baltimore County and you had
23 to be a Baltimore County resident to be able to do it. You
24 couldn't come in from somewhere else to do it.

25 And I don't -- personally don't care whether you

1 open up the whole works or just each one --- own county. That
2 part, you know, was just --- before we could.

3 MR. HOLTZ: Or you could -- see if we could do it
4 statewide and have to have it approved through the county.

5 MR. MANLEY: Yes, right, whichever way it goes but
6 just to check in.

7 MR. HOLTZ: So off the top of my head, I am pretty
8 sure that --

9 MR. MANLEY: I know Danny worked pretty hard at it,
10 he always had something going on.

11 MR. HOLTZ: I am pretty sure that is not in
12 regulation, I am pretty sure that is the statute. There was a
13 bunch of county laws and --

14 MR. MANLEY: You don't think that is -- Gina, you
15 are shaking your head?

16 MS. HUNT: I agree with Jacob, I think it is
17 Baltimore County law, not saying that --- are involved by
18 county, so if Danny did work on that, he would have worked to
19 and I was going to go look it up and maybe I will have the
20 answer by the end of the meeting, but look to see what
21 Baltimore County's net restrictions are and if they are
22 different than the other counties, they are really all over
23 the place.

24 MR. HOLTZ: I am pretty sure that that one
25 specifically is in Baltimore County.

1 MR. MANLEY: And that is okay, that --

2 MS. HUNT: That immediate goes to ---

3 MR. MANLEY: You know --

4 MS. HUNT: You need to go to your legislature to get
5 that changed and the Department regulations.

6 MR. MANLEY: But you don't know that right now if he
7 had the -- I just want to say that if it was done --

8 MR. BROWN: I believe a lot of that is in the
9 statute. It was -- I was checking into the riparian rights a
10 few years ago on it and each county -- all the counties are
11 different. Lots of counties are different looks on that and a
12 lot of that is statutes, so I mean it is -- I know the
13 Baltimore -- like Baltimore County a couple were in one group
14 and St. Mary's and Charles County was in another group and
15 Baltimore Eastern Shore was in one group and a different
16 place. I mean, it is all over the place.

17 MR. HOLTZ: But we can double check that to make
18 sure --

19 MR. MANLEY: I appreciate it. Thank you.

20 MR. RICE: All right, Tom?

21 MR. O'CONNELL: This is the last item in Tab 3. It
22 is just a policy summary. Robert T. and some others brought an
23 issue to us around the holidays about commercial unit for
24 striped bass and having a couple of individuals on board. One
25 individual that is -- has ownership of a net and other people

1 on board that are harvesting from that net. And there is an
2 existing statute that would prohibit that and that statute was
3 to protect people from having people steal fish from their
4 nets. Obviously that is not the intent of the operation that
5 is going on.

6 So we have worked with NRP and we got some
7 clarification on what can be allowed to allow individuals to
8 work together like that as long as individual who owns the net
9 is on board and has their commercial license with them. It is
10 an issue that we need to take to the stripe bass work group so
11 that we can -- if the industry work group wants this to
12 continue, then we need to change the regulations to make it
13 clear that this is allowed and this is just a write up to
14 summarize that in case you get any questions that you want to
15 pass it along.

16 The last item under this agenda item was just to
17 clarify how tidal fish commission motions are handled by the
18 Department. Rachel had inquired about this and asked that we
19 respond. So the Tidal Fish Advisory Commission provides
20 advice to the Director of Fisheries, which is myself. So, as
21 motions are made, we have a meeting and go back and explore
22 how to respond to those.

23 And I took some time earlier and just looked at the
24 motions that were made over last year. And a lot of them
25 relate to regulatory actions, member of the charter crabbing,

1 yellow perch work group and we act upon those. One of those
2 was related to the shell policy that we are going to be
3 talking a little bit later today and I think one of the issues
4 with the shell policies is that it is not clear how we
5 responded to that motion.

6 When we do a regulation, it is very clear and if it
7 is an item to take to a work group that is very clear but
8 sometimes there is motions that are made and there is -- we
9 probably -- we don't do a well enough job to clarify how we
10 respond to that, so you know one suggestion that I had is that
11 you know, motions are made and we have those in the record for
12 the meeting, we clearly document how we responded to those.
13 And so you guys -- it is more transparency that we took in
14 consideration. We were able to proceed in this manner. Or we
15 were not able to proceed in this manner and if so, why?

16 And they would provide you know, more formal
17 documentation of how the motions are handled. So that is one
18 idea and Rachel may want to add a little bit more or others to
19 how we can do a better job making sure that you understand
20 that we took the motion seriously, we evaluated it and we
21 responded to it. So.

22 MS. DEAN: You hit the nail on the head, it was
23 specifically geared toward the oyster shell. We had made a
24 motion and we were concerned about you know, why the counties
25 couldn't use their monies to purchase that shell and not

1 hearing anything back, I assumed that that meant you went with
2 the OAC's recommendation which was to retain shell for the
3 state hatchery and not permit.

4 So I wasn't sure -- I think in addition to what you
5 said which was letting us know the motion was handled is and
6 this is a case where -- a case by case basis but who's voice
7 is the loudest and is there a ranking for who -- so who really
8 weighs in the most, I guess was my concern. And especially
9 when it came to that shell(sic).

10 MR. O'CONNELL: Now you know, looking at back to
11 address specific issue, the Department had made a shall
12 policy, it came up at the Tidal Fish Commission meeting in
13 February. And you know we took the information back and
14 concerns back to the secretary and the policy wasn't changed.
15 But it wasn't clear that that was the case.

16 I think what you are going to see later when Mike
17 Nalley gives a presentation is, you know, we are going to go
18 back and look at what our policy was, we want to leave the
19 meeting clear of understanding what the concerns are and what
20 the new administration allows us an opportunity to re-
21 evaluate. So that is the focus of an agenda item to come here
22 shortly.

23 All right, so we will have an effort to better
24 document our response to the motions. All right.

25 MR. RICE: All right, while you got the floor, Tom,

1 can you move on into Tab 4?

2 ***ASMFC UPDATE***

3 ***by Tom O'Connell, MD DNR***

4 MR. O'CONNELL: Yes, so Atlantic States Midfisheries
5 Commission meets next Tuesday through Thursday in Alexandria,
6 Virginia. Just to highlight a couple of the more significant
7 meetings. We have already talked about lobster. Atlantic
8 menhaden. As you may have heard through the news media and
9 other communication channels that there is a new peer review
10 stock assessment for menhaden which suggests that the fishing
11 mortality is well below the target.

12 Obviously that leads to the conclusion that there is
13 an opportunity for some liberalizations in the rules. The
14 board is going to be presented with the new stock assessment
15 and begin to discuss you know how to go forward. The peer
16 review stock assessment does highlight that it is still a
17 single species stock assessment and it is not clear if the new
18 reference points will provide adequate protection for
19 ecological goals that menhaden play.

20 But I think from our -- from the fisheries services
21 assessment, we do believe that there is likely an opportunity
22 for some liberalization but there is a need to have the
23 technical committee provide some advice as to where that might
24 be.

25 So we imagine that there is going to be an interest

1 to you know go down a pathway that allows some liberalization,
2 there is going to be another constituency that feels like we
3 should hold up right now. There is another effort that is
4 going on to develop these ecological reference points that
5 will provide some guidance as to how many menhaden need to be
6 protected for the ecological -- that is still like a year
7 away.

8 Some people will advocate that you know, we should
9 wait until then. So this is going to be a meeting for -- kind
10 of reflection on the new stock assessment and a determination
11 on how to go forward. There is a possibility that somebody
12 will move to make some changes right away. Our sense in
13 talking to a few other states is that people want to ask the
14 technical committee some questions and perhaps come back in
15 May with some better information to move at that time.

16 But that is you know, that is the discussion that is
17 going to happen next week. Bill Goldsborough, he is very
18 involved and even though Russell Dietz is not sitting in for
19 Senator Colburn right now because of the election results, I
20 will still be reaching out to Russell to kind of get his
21 perspective from the industry and look forward to any
22 conversation today. We will keep you guys informed. So any
23 questions on menhaden and then I will just jump to stripe
24 bass? Robert T.?

25 MR. BROWN: What day does the menhaden --- come up

1 this week or next week?

2 MR. O'CONNELL: Wednesday? Tuesday or --

3 MR. GOLDSBOROUGH: Next Tuesday.

4 MR. BROWN: Okay.

5 MR. O'CONNELL: I will look up a time and let you
6 know before --

7 MR. BROWN: I want to know when Rockfish is too --

8 MR. : I think it is 1:45.

9 MR. BROWN: What time?

10 MR. : I think it is -- I will check, 1:45.

11 MR. O'CONNELL: Check with striped bass and menhaden
12 and then we can make an announcement at the end of the
13 meeting.

14 MR. GOLDSBOROUGH: I think striped bass is Thursday,
15 first thing in the morning, 8:00 a.m.

16 MR. O'CONNELL: Any other questions on menhaden?

17 You know it is a -- unlike striped bass meeting where we took
18 some hits on the chin, that meeting was up in Connecticut.

19 This one is right in our backyard and it is a great
20 opportunity to examine the process and also some opportunity
21 to make some public comments and -- so for menhaden, the next
22 couple of meetings are going to be very important. And for
23 striped bass, particularly in May, that is going to be a
24 really important one and it is right here in Alexandria too
25 that it would be great to have some stakeholders at.

1 So we have striped bass to talk about but any other
2 questions on menhaden?

3 MR. SIELING: Can you send all of us a notice of
4 that hearing?

5 MR. O'CONNELL: Sure. We will put it in the meeting
6 notes, okay. All right. So striped bass, Paul if you can
7 bring up that one presentation, the two slides. So we don't
8 have to go back in history. None of us are happy with the
9 outcome of the striped bass situation. Before I get into the
10 specific options, which are the ones you have seen before, I
11 will let you know that my staff are working with me on
12 developing an appeal to the Atlantic States Commission on
13 striped bass.

14 There is an appeal process. Appeals have to be
15 submitted 45 days before a meeting. We weren't able to pull
16 that together for this meeting next week. There is a lot of
17 stuff to do when preparing it and we had a lot of stuff going
18 on with the transition team. It doesn't impact -- doesn't
19 impact whether or not we go February or May. So our plan
20 right now is to develop the arguments for the appeal and there
21 is certain criteria that we have to meet.

22 And then we are going to present it before the new
23 administration, the secretary when he gets appointed and then
24 asks for support to go forward. If we go forward, the appeal
25 will be sent to the chairman and vice chairman of the Atlantic

1 State's Commission and they review it to determine if it has
2 merit. If they don't, it won't go any further. If it does
3 have merit, it will then go before the policy board at the May
4 meeting and that is like May 3, 4, 5, 6 I believe and the
5 policy board will have a conversation about whether or not we
6 have a justified appeal.

7 If we do, we have an opportunity to ask for an
8 alternative management action. And you know, we need to have
9 some time talking about that. One likely option would be to
10 consider the 777 -- 7 percent reduction over three years. At
11 the same time, the technical committee is making some
12 advancements with the bay records points that we have had for
13 20 years but lost.

14 And there is not -- there is a possibility that the
15 technical committee will come to the May meeting with some
16 options for the board in regards to reference points. If they
17 develop reference points, we may be able to ask for
18 consideration of going back and using reference points and we
19 may find ourselves a little below 7 percent or a little above
20 but at least we would be going back to the reference points.

21 So the May meeting is going to be very important.
22 And we will keep you informed. We have a meeting before that
23 ASMFC meeting that will be able to provide more information
24 and briefing on our arguments.

25 MR. GILMORE: You said that would go before two

1 people your recommendation, are they from -- are they separate
2 or what states are they from or what?

3 MR. O'CONNELL: Yes, so the chairman is from North
4 Carolina, Lewis Daniel and the vice chairman is from New
5 Hampshire, Doug Grout. It is going to be a tough crowd but
6 hopefully they will look at it objectively. Delaware
7 submitted an appeal in December for consideration at the
8 February meeting. They admitted that they don't have a strong
9 enough arguments as we do.

10 But their appeal was reviewed and rejected for not
11 having merit. But I feel like we have much stronger arguments
12 to make and I am very confident in our staff to put forth the
13 best argument.

14 MR. GILMORE: Okay.

15 MR. O'CONNELL: Robert T.?

16 MR. BROWN: Yes and if we do get the appeal, like you
17 say we could possibly get the 777? I would request that the
18 Department request to start with status quo until we get
19 reference points?

20 MR. O'CONNELL: That could be an option to consider
21 as well. Yes. And hopefully the bay reference points if
22 there are some ones that are brought forward, we will have a
23 better ability to ask for an alternative based upon the
24 science. I mean, the bay reference points, you know, it could
25 suggest that no reduction is needed and it may suggest that

1 you know some reduction is needed. But from our best
2 assessment of where we were last fall based upon different
3 ideas of reference points, we felt like we could be at a
4 situation with minimal reduction or a little bit higher but no
5 where near the 20 percent. So we will keep you informed and
6 we should have a conversation as to what those options should
7 be going forward.

8 MS. DEAN: Robert T., you said stay status quo at
9 the 22 percent reduction until we have the bay reference --

10 MR. BROWN: What we had last year.

11 MS. DEAN: Okay.

12 MR. O'CONNELL: Yes, status quo was meaning no
13 reduction --

14 MR. BROWN: Yes, go back to what we were.

15 MR. MANLEY: Why do we have to abide by the ASMFC,
16 if we have a model -- a working model -- a scientific model
17 that we have had for 20 years and they come in and tell you
18 that you have to do this, what is the ramification if we say,
19 hell no, we are not. We have something here that works. Why
20 do we got -- and the reason I am saying this, I am talking to
21 Robert --- they had the same --- in the ocean, they put them
22 all out of business because they didn't want in the business.

23 Massachusetts was a big one. Up there, I mean I
24 heard -- Larry always talking about these guys up there, they
25 not doing boat --- down here. They have their own equipment

1 and they are going to push their own agenda. So what is the
2 point? Same deal with watermen. We have just been pushed and
3 pushed. So everyone who says they push us out of the rest of
4 the fishing business ---. And I asked Jay Jacob(sic), I said
5 what is the ramification? And he said I am going to check into
6 it.

7 MR. O'CONNELL: So there is federal legislation that
8 establishes the Atlantic States Marine Fishery --

9 MR. MANLEY: And once you go home with it -- because
10 what I understand is, the menhaden thing, did ---? On the
11 menhaden regulation that they had?

12 MR. O'CONNELL: They still went forward and
13 implemented the rules. So just to quickly your point, there
14 is federal requirements that if a state does not comply with
15 the commissions plan, that the Secretary of Commerce under
16 NOAA can shut down your state's fishermen. So if we don't
17 follow suit with the commission's plan, we may risk having our
18 fisheries shut down.

19 MR. MANLEY: But the point I am making, it is
20 something different if we were just out here with regular
21 resource and taking everything we caught. But we got a model
22 that we worked on, for a long -- so how can it -- that be, you
23 know, done like that?

24 MR. O'CONNELL: Yes, it is --

25 MR. MANLEY: It don't seem right.

1 MR. O'CONNELL: I mean, I may overspeak a little bit
2 here but I don't think it was right and that is why the
3 commission has strategic plans why --

4 MR. MANLEY: That is why I asked that and --

5 MR. O'CONNELL: -- values -- values to guide
6 management decisions which is fairness, economics, best
7 available science and as we pointed out in our white paper and
8 in our last commission meeting, we don't believe this
9 decision reflects that that commission is supposed to be
10 operating under. And we are going to highlight those issues
11 again because if state's start to abuse their values, the
12 whole thing just falls apart.

13 MR. MANLEY: That is my point. That is my point.

14 MR. O'CONNELL: All right, so striped bass. So that
15 is the appeal update. I am just going to go over the
16 commercial options and they are pretty straight forward. This
17 isn't the right one, Paul.

18 (Slide)

19 MR. O'CONNELL: All right, the Coastal fisheries, we
20 have to take a 25 percent reduction on the coastal commercial
21 fishery. The coastal operates on a 28 inch minimum size
22 limits, we have for years have allowed a 24 inch size limit
23 which is under conversational equivalency. In order to get
24 that 24 inch minimal size limit, we have to give up some of
25 our quota. The fishermen down on the coast still want to

1 maintain that 24 inch size limit, so we take the 24 percent
2 reduction and you factor in 24 percent -- the 24 inch
3 conversational equivalency, we end up with a quota of just
4 under 91,000 pounds. So pretty straight forward. Next slide.

5 (Slide)

6 This is the last slide. Coastal -- I mean, the
7 Chesapeake Bay Commercial Fishery, we submitted two options.
8 Both were reviewed and approved by the technical committee and
9 one of the areas where we would like to get some input from
10 you today is on the size limit. We can go with option 1 which
11 is maintaining the 18 inch size limit which I believe is where
12 the preference is and we would take a 25 percent reduction
13 from the 2012 harvest and as you see is just below 1.5 million
14 pounds.

15 If we went with a 20 inch size limit, to be
16 consistent with the recreational fishery in the summer and
17 fall, we thought that the conversational equivalency we might
18 be able to get a greater amount of poundage but as you can see
19 there is minimal quota benefit with the 20 inch. Some of the
20 sport charter fishermen expressed concern about user conflicts
21 with one commercial hook and liner, catching 18 inch fish with
22 the recreational charter guide being had and 20 inch fish.

23 One benefit of the ITQ Fishery is that we no longer
24 have high number of hook and liners out on one bay on like a
25 derby style fishery. Whereas before we may have had like 60

1 hook and liners out in one day, that is really reduced to I
2 think it is like less than 20, 15 to 20 a day now. So my
3 preference as I told Sport Fish Advisory Commission is that I
4 am going to rely upon what the industry wants to do in regards
5 to the size limit and if the industry chooses 18 inches, we
6 will do the best of our ability to just kind of monitor the
7 conflicts on the water this year and if we feel like they are
8 significant, we will come back to the table.

9 But I don't think they are going to be significant
10 enough to cause the economic ramifications of going to with 20
11 inches if you guys don't want to go 20 inches. So I would
12 like to hear some input on the size limit.

13 MR. BROWN: We want 18 inch size limit like we have
14 had. It is enough --- to start it as it is.

15 MR. O'CONNELL: Okay, does anybody object to staying
16 with 18 inches?

17 (No response.)

18 MR. O'CONNELL: All right, that is what we will go
19 forward with. All right. I mean, we don't normally get into
20 the weeks too much on recreational limits but I know Rachel
21 wanted an opportunity to explain a little bit of Sports Fish
22 Advisory Commission and then I think Marty from the Solomon's
23 Charter Association wanted to provide an opportunity. And if
24 the Commission wants to get into a review of what the
25 recreational options are, I have those available today if you

1 want to look at those. So Rachel, do you want --

2 *Presentation*

3 *by Rachel Dean*

4 MS. DEAN: I asked that the chairman and Tom let me
5 speak because you guys put me on the sport fish and I am
6 always nervous because the sport fish meeting happens before
7 the tidal fish and I don't always get to ask you guys where
8 you stand. So I wanted to I guess ask forgiveness later but
9 anyway. So here is what happened I guess just before the
10 sport fish meeting, the commissioners received a letter that
11 offered an option that was not on the table and was not
12 presented at the Sport Fish to the commissioners.

13 And after looking at it and putting aside the fact
14 that I live in a commercial charter home, I guess, I had to
15 think about the fact that I needed to view it from a
16 commercial standpoint. So that is what I did and I hope I did
17 the right thing. There is not a motion made to support any
18 one way but I did make a motion so I wanted to clarify that
19 for you.

20 There were four options on the table. The first
21 option was to go to 36 inch fish. And stay at the one fish
22 minimum and anything -- stop me.

23 MR. GILMORE: Just talking about trophy season --

24 MS. DEAN: Just the trophy season. I can speak to
25 the other season but there was not much discussion on that.

1 That was one of the options. And that focused -- that focused
2 on the trophy fish which we as a commercial industry are
3 interested in obviously conserving. And that option -- good,
4 okay, thanks. Great. So it went from a 28 to 36 and I
5 thought that that might be something that we would want to
6 comment on because it moved to a 36 inch fish.

7 Recognizing -- Paul, can you pull up the graph for
8 me? Thanks for bearing with me because this is my train of
9 thought and I want you guys to know what it was.

10 (Slide)

11 Recognizing that the majority of the spawning stripe
12 bass are over 36 inches, I thought that targeting those fish
13 might not be optimal for us and I hope that you guys would
14 have seen it the same way.

15 (Slide)

16 So I wanted to know if there were other options that
17 were viable that we might support and I wanted you to see
18 these options.

19 (Slide)

20 The next one option two, here, this is separated
21 the charter boats from the recreational fishermen and correct
22 me if I am wrong, Tom, but I don't think that the Department
23 was ready to make that change or to make that distinction.
24 Allowing the charter boat industry something different than
25 what the recreational fishery had. That was the Department's

1 kind of maybe --

2 MR. O'CONNELL: I would say that we were seriously
3 considering it knowing that just like the commercial fishery,
4 the charter boats and commercial entity and getting hit
5 extremely hard. We don't like separating the rules but this
6 was going to allow a slight modification where a charter boat
7 could have one fish between 20 and 36 inches per boat. So
8 everybody would be at 36 inches but the charter boats could
9 have one smaller fish so that later in the spring season they
10 have a great opportunity to bring a fish home for their
11 customers.

12 (Slide)

13 MS. DEAN: And then the next two options I think --
14 I took it home to a charter captain and he kind of got
15 excited, he was like yeah give me two fish and then I said
16 okay now think about the other stakeholders. I particularly
17 was thinking about the coast on this.

18 (Slide)

19 They went from a two fish to a one fish. Yet we
20 would be turning around in the bay and going from one fish to
21 two fish. And I just couldn't see that as being something.
22 Again any time you talk increasing from one fish to two fish,
23 CCA wanted to stand up and pound on the table and again,
24 because I went in the room with a commercial mindset, I didn't
25 see this as being an option that maybe we would be in favor

1 of. The next option, did the same thing. It increased from
2 one fish to two fish during the spring season. So at the end
3 I kind of diverted back to the e-mail that we had gotten prior
4 to the meeting and one of the options that was provided by
5 this group was that they would opt for a 28 to 36 inch fish
6 with the ability to substitute one of those fish for a fish
7 over 40 -- their position was 44.

8 MR. O'CONNELL: They thought it could be 44 but it
9 could be 40.

10 MS. DEAN: But then we found that it could actually
11 be 40 and still meet the requirements possibly set forth by
12 ASMFC. So that -- with that being said and with Dave Sakorski
13 sitting next to me of CCA and him saying that that was a
14 possible option that they would possibly support and thinking
15 in terms again we are a commercial group, I said well if this
16 option isn't even on the table, then we can't discuss it.

17 So I went against everything that I kind of look up
18 to Bill for doing. He usually takes a hands off approach with
19 us. And I made a motion. I made a motion to include this
20 option not to support the option but to ask that it be added
21 as a fifth option. I like the fact that we -- it reached
22 across lines again and it is up to you still about whether or
23 not we would consider reaching that line.

24 But CCA was really willing to reach across the line,
25 some other stakeholders at the table were willing to reach

1 across that line. So again I did not make the motion on our
2 behalf of support this option but I certainly made the motion
3 to include this option because I wanted this option available.

4 As far as adding it, it was added with a 9 in favor
5 vote and there were two abstentions to it that chose not to
6 again, just add the option. So with that being said, like I
7 said before, I wanted to bring that to you, I had to make a
8 split minute decision and I wanted to make sure that I
9 represented you guys. So not asking you to take a position on
10 it, certainly we can discuss it but again if I had not done
11 that, it might not have made it to the table for a
12 discussion. Did that do it?

13 MR. O'CONNELL: Yes. So just to be clear that
14 additional option would be a 28 to 30 -- one fish, 28 to 36 or
15 above 40 inches. So appreciate Rachel clarifying her
16 involvement at the last meeting on that issue. I don't know
17 if the commission wants to talk anymore. We do have -- we do
18 have -- we had someone from the public, Marty Simounet from
19 Solomon's Charter Boat Association that wanted an opportunity
20 to speak and probably a good time to come on up, Marty.

21 MR. : Real quick, is that only one fish
22 that can be over 40 inches or you can have three and three --

23 MR. O'CONNELL: Kreel(sic) limit is one, either 28
24 to 36 or --

25 MR. : Just for clarification.

1 MR. O'CONNELL: If you want two fish, that second
2 fish would have to be above 42. Marty if you want to come up
3 to the microphone and introduce yourself and your affiliation.

4 ***Public Comment***

5 MR. SIMOUNET: All right, my name is Marty Simounet.
6 I am representing the Solomon's Captain -- Charter Captain's
7 Association. Known as SCCA. The reason I am here today is to
8 voice the concerns of the SCCA and Southern Maryland Small
9 Bayside Businesses. Together we may all suffer a negative
10 financial impact from some of the current 2015 proposals at
11 hand.

12 From a marketing standpoint, we believe over time
13 the original 36 inch minimal proposal could negatively impact
14 the general public's perception of our fishery. This coupled
15 with what we have heard from a number of states and their
16 desire to retain a two trophy fish reel with one being a 28
17 inch minimum, could cause a significant amount of attrition
18 to our charter boat clientele.

19 So with that being said, we are supporting proposal
20 E which is the motion that Rachel made. While this proposal
21 is protecting a slot of the spawning stock it will also give
22 our customers a chance to harvest some quality fish. With all
23 of these factors in mind, and the fact that other states are
24 using conservation equivalency to generate an inequitable
25 stances, we believe proposal E is better for a more

1 sustainable spring fishery.

2 In closing, we wish that you would please consider
3 supporting proposal E where the primary focus is conservation
4 of the portion of the female spawning stock while at the same
5 time allowing us to harvest a portion that may be more
6 balanced between males and females. Thank you.

7 MR. O'CONNELL: Okay, Ken may want to offer some
8 perspective from the Maryland Charter Boat Industry
9 Association representing more of a geographical spread
10 throughout the state. But I think you will hear there is a lot
11 of different perspectives amongst the charter community and
12 the sport community. There is people that want the ability to
13 catch a large trophy fish and there is people that want to be
14 able to bring home a fish -- smaller fish and have a great
15 probability.

16 And so the slot idea, you know tries to provide both
17 of those opportunities but there is going to be a no take zone
18 and in the past that has caused some concern. People catch a
19 38 inch fish and the fish of a lifetime, you have to throw it
20 back. And I think if we go down that road, you just -- every
21 one just needs to work together and educate people that you
22 know, releasing that fish is good for conservation and all
23 that. So Ken?

24 MR. JEFFRIES: I was tasked on Tuesday to kind of
25 get a consensus of not only the Maryland Charter Boat but the

1 upper bay. And as of right now, which every day this changes,
2 we too are kind of in support of the option E because it does
3 allow for every one to catch something on the smaller side and
4 allow the tournaments to continue and it gives you a better
5 opportunity.

6 Now with that, I would say everybody that told me
7 that they were in favor of option E are opposed to slots but
8 for this specific scenario we are in, it is the most -- that
9 is probably the best one for us. I can't give you percentages
10 for the whole bay, for the upper bay, I polled 65 percent of
11 our members which was roughly 50 people. And option E I think
12 had 19 or 20 votes.

13 Option D had a lot. But again those guys were on
14 one of the two fish thing because they are competing with
15 states that now are going to be going to two fish and you have
16 to kind of look at it regionally and again, I know this is
17 going to change several times. Option C we didn't have
18 anything on because we thought it would be too hard to catch
19 two fish if they were that big.

20 So I mean we two were looking at a conservation
21 perspective but right now, I would say we were looking at
22 option E, what we would like improvements too and when all the
23 facts and figures come in. I know like I said, I know it is
24 sliding scale but and I don't want to seem like we are the
25 ones preaching. We need help all the time but on this one, we

1 got to have it. We are losing votes like crazy and it has
2 created such dissension amongst us that people have been
3 friends for 20 years are now almost coming to blows after
4 these meetings.

5 So I don't know what the perfect scenario is but
6 right now I would say it is to support option E.

7 MR. MANLEY: I was worried about this from the get
8 go when they were talking about 36 or more. The mortality that
9 we have. We got -- long fish, double hooked and you are
10 throwing all these fish back, you know, it is just going to be
11 so much dead, they catch them and release them not patrolling
12 them. It really isn't. I mean, it is all nice and you know if
13 you could but it is not the way we want to do it. I mean, if
14 we had people taking fish --- we would be out of business in
15 trophy season I think. That is just my opinion.

16 MR. RICE: Robert T, did you have something?

17 MR. BROWN: Yes. On standpoint for the Maryland
18 Watermens Association, we have a lot of people who are charter
19 boat in our association. And we even have sports fishermen
20 that have joined us as associate members also. We support
21 this 28 to 36 with the slot for 40. One fish per person and
22 the reason for that is, if you catch a fish, say 42 or 43 and
23 if you look at the charts you had it was like I saw 7 fish out
24 of a number of years that were trophy fish -- you know when a
25 person finally catches something, suppose they catch one that

1 is a world record that they need to be able to keep that fish.
2 You know.

3 It still only catching only one fish per person.
4 Also, they need the smaller fish because at not to keep them
5 on the -- or throw them back like Richard said, you got
6 mortality rate so that they can catch and fishing going on and
7 we support this also.

8 MR. RICE: Thank you. Bill?

9 MR. GOLDSBOROUGH: I just had a question for Ken if
10 that is all right. Just, when you said some guys or a lot of
11 guys as a general rule but on slots, is that because they
12 don't allow for maximum --

13 MR. JEFFRIES: No, it is just a fact that according
14 to year class, you might get a day where you got all -- let's
15 pick a number 38 inch fish and you keep dragging 38 inch fish
16 through the water and you are just -- you are killing them.
17 Every year that is different. If you kept a slot over a
18 period of time, it would annihilate all probably a four or
19 five year span of fish. You know a year class. And I mean
20 that is the main reason.

21 And it is sad that we are at this point, we are
22 talking about a three week season that is only five percent of
23 the catch on the coast. I mean, it is ridiculous if it is
24 coming to this. We could live with anything but this is
25 something that we got to have a decision on now, I mean, we

1 are steady booking customers and what do you tell them?

2 We don't know and at this point we can't delay it
3 and I know that these meetings have a lot to do with it but as
4 soon as -- my challenge would be to everybody, once the
5 Marine Fisheries makes the decision on Thursday that a -- that
6 we somehow address this or have something to tell the
7 customers. We are at a point now where less than two and a
8 half months from fishing. And we don't have anything to tell
9 them. We don't know. I don't know if you can catch a 28 inch
10 fish or a 52 inch fish. I don't -- we just don't know.

11 MR. O'CONNELL: And all the states are in the same
12 situation. Unfortunately but after next week, we should be
13 able to make some final decisions.

14 MR. JEFFRIES: And at some point I can break it down
15 reasoning to you but like I said the two fish options, the
16 only guys that would kind of be -- that were in favor of that
17 like I said are the guys that are competing real close to
18 states that have a two or sometimes three fish option and at
19 the same time period. But the consensus is option E.

20 MR. RICE: Any further comments? One from --- Ed?
21 Just come on up -- we all know you but just for the record,
22 can you come up to the mic. We need to capture what you say
23 in the microphone.

24 MR. O'BRIEN: Well you know usually when it comes to
25 striped bass, we get together, I appreciate the cooperation

1 that came from the watermen on this relative to our proposal
2 and appreciate when we saw how bad it was going up there in
3 New England. I went to you and I said we got to think about an
4 appeal and you immediately picked up on that. Got in touch
5 with legal and that kind of thing.

6 So we appreciate that. And appreciate the fact that
7 you all have agreed with us typically and you all weren't up
8 there but boy you can see how these people are unified against
9 Maryland. And so that makes a reference points so important.
10 And that is about it. You know, you have also had some --
11 well basically what we did was we wanted to wait and see what
12 New York came in with. New York, New Jersey, Rhode Island to
13 see if we can learn from that.

14 And once they started asking for more and more after
15 they were the ones that wanted the more restrictive
16 regulations, you came up with agreement that we could go for a
17 fish, a -- in fact a trophy fish, that one fish. And that
18 meant a lot. And just want again, we work together and we
19 usually come up with something that we can all live with.

20 MR. O'CONNELL: Well thanks, Ed, as you know Ed is
21 very involved with ASMFC and has a lot of respect with other
22 states and there is a lot of work behind the scenes to try to
23 help us go forward in Maryland. All right, well I know we are
24 running short on time. Any other questions about striped
25 bass?

1 MR. BROWN: Yes, I wanted to bring up, we talked
2 about the spring season but we didn't talk about the summer
3 season.

4 MR. O'CONNELL: Yes, so the summer season, the
5 recreational -- so the recreational community has determined
6 that you know the ability to go fishing -- the number of days
7 is very important. So they wanted to maintain a season. There
8 is some people that have asked us to explore a seasonal
9 closure periods and I will get to that in a second.

10 But right now, we are going to have the same season,
11 May 16 through December 15, we do have an option that would
12 allow the fishery to go to December 20. Which is only five
13 days. But if it is going to have to go to 20 inch size limit.
14 It is going to be a two fish kreel limit which is the same,
15 the same season but go to a 20 inch size limit.

16 People that wanted us to explore a seasonal closure
17 to see if we can get to 19 or 20 inches, the only way that we
18 can justify going to a 19 or 20 inches is looking at taking on
19 a one and a half to two month closure right in the summer
20 time. And you know that is just too many days, people are
21 still going to be out there fishing and they are going to be
22 interacting with the striped bass or releasing them and all
23 that. So, I expect that some of the concerns is the amount of
24 discard mortality.

25 And based upon our understanding of the word in the

1 2011 year classes, about 50 percent of the 2011 year class
2 that people are going to interact with are going to be less
3 than 20 inches this year. So it is going to be a lot of
4 releases and it is going to be discards. Go fast forward to
5 next year, most of those 2011 year classes are going to be
6 above 20 inches.

7 So that will help reduce that. And ultimately what
8 we are hoping for is our appeal is successful and that we can
9 potentially go to a 19 or 18 inch fish. But we don't know
10 that at this point. But we know is that if nothing changes, we
11 are going to have to go to a 20 inch minimum size limit, two
12 fish kreel.

13 MR. BROWN: Tom, this two fish -- the charter boats
14 have to have that to make a living. They cannot live with one
15 fish. And it is time for us to put common sense ahead of some
16 of this technical community that the Atlantic States Marine
17 Fishery Commission thinks that whatever they say is like the
18 rules -- walking on water, telling us what it is. That is not
19 a precise science. At best it is an estimate, a guestimate is
20 what it is. They need two fish and 18 inches and they need
21 to give up maybe one day during the week to help do it or
22 maybe the five days at the end of the season but they have to
23 be able to run their season as long as they have been running
24 it over the past years to stay in business.

25 The amount of fish that will be killed and just by

1 throwing them back by going to a 19 or a 20 inch fish is going
2 to be far far more than what they are going to harvest. And
3 it is time to put common sense back into this and tell them,
4 look I am sorry but you know, we just can't live with this.
5 And if we have to go out of compliance to get this -- well
6 let's look at that and research it. Because before they would
7 want us to go out of compliance, they might come back to the
8 table.

9 Because what we have been doing here lately whatever
10 they say pretty much goes. And sometimes you got to hold the
11 far --- of somebody so you can get what you need to get to
12 survive and I am talking about these charter boat captains
13 trying to survive. And not only that, you take the sports
14 fisherman, he goes out there and he has to catch his -- he is
15 allowed two fish at 20 inches. The next thing they are going
16 to be hiding them in coolers so that they got some fish to
17 take home. This is going to all lead to a bad scenario.

18 MR. O'CONNELL: I think you are preaching to the
19 choir, Robert T. I know this is where --

20 MR. BROWN: I will preach to the Atlantic States
21 Marine Fishery Commission, I don't have no problem.

22 MR. O'CONNELL: I know and you have done so in the
23 past and I appreciate that. I think that is where you know, I
24 said this since last summer. I said from what my advantage
25 point is, this is a political decision from New England States

1 and I can only do so much. I need all of our stakeholders to
2 start sending the letters, going to the meetings and voicing
3 their concerns. Just like the New England fishermen did.

4 So when we get to that point in May and we advance
5 an appeal, more people there, right in our backyard is going
6 to be more helpful to us. And I agree completely with you,
7 Robert.

8 MR. BROWN: And as far as it goes with the State of
9 Maryland, we have been more conserved(sic) than what we have
10 been for a number of years. Also, what we can do is we can
11 tell them look, Atlantic States Marine Fishery Commission, you
12 all go ahead and take the coast. All the coastal waters. We
13 want to be like North Carolina. They got Albamarle Sound,
14 Wicomico Sound, we got the Chesapeake Bay. And we can prove
15 according to our records that the Department has done such a
16 good job and I would agree with it a lot, with all the
17 conservation that we had.

18 But we had that and we can do it. And we have got to
19 plead the case to them about what there is a difference
20 between --- than now. What we are harvesting? If you go back
21 then, we harvest a 12 inch fish. Now minimal size is 18
22 inches. We could catch as many fish as you wanted to if you
23 were trolling or a commercial fishing in any kind of way. If
24 you wanted to go out trolling you got on the school --- and if
25 you want to catch 100 fish, you could 100 fish.

1 Now they are allowed two fish. The commercial man
2 look at the quotas that he has. You don't fish during the
3 spawning season except for this little bit of a trophy season
4 that they had and we don't fish on the spawning grounds and
5 all of us have a quota. We have done more than enough. Thank
6 you.

7 MR. O'CONNELL: Okay, look forward to all you being
8 at the meeting in May.

9 MR. RICE: Just a word of caution, choose your words
10 carefully they will pull the plug on you.

11 MR. BROWN: I know.

12 MR. RICE: Rachel? You had your hand up.

13 MS. DEAN: Yes. With that being said, my role on
14 the Sport Fish, are we comfortable? I didn't want to like I
15 said, I didn't want to step on anybody's toes here and with
16 their meetings coming before ours, which I like, I just --
17 that is why I brought it up. That is why I spoke -- that is,
18 so that is where I am.

19 MR. RICE: Number 1, you asked whether I think I can
20 speak for us, we are all comfortable. Such as these chairs
21 maybe. But anyway, thank you very much for making that motion
22 and bringing that forward. Because without that, it wouldn't
23 happen. So is it safe that it is a general consensus around
24 the table that we are in support of our colleagues and that
25 they have a --- option E, Bill?

1 MR. GOLDSBOROUGH: I will just say from the
2 standpoint of sport fishing that I can assure you that
3 retroactively represents a commercial viewpoint and it adds to
4 our discussion which is very helpful and with respect to the
5 striped bass, we had lots of different opinions around the
6 table the other thing on this and I thought it was a really
7 productive discussion, everybody was respectful, with
8 different view points and Rachel had contributed was a key
9 part of that and if all went really well, there were no final
10 decisions or motions on the final preference of that
11 commission.

12 But in the way we ended was that all the different
13 participants and groups that were represented there could
14 provide some final thoughts to the Department by the end of
15 the week. And that was because it was a new option that was
16 added right then. And then some of them wanted to go back and
17 talk to their folks about the --. I think we had a good
18 dynamic.

19 MR. JEFFRIES: Did you ever decide what the size of
20 the big fish would be? You were debating between 40 or 41,
21 did we ever --

22 MR. O'CONNELL: 40.

23 MR. JEFFRIES: It is 40.

24 MR. O'CONNELL: How does that --

25 MR. : So it would be 28 to 36 or 40 and

1 up?

2 MR. O'CONNELL: Yes. Is that --- it has been a
3 great addition and we have learned from these contributions,
4 Bill on tidal fishing and it was only a year ago that we
5 didn't have any tidal fish members at sport fish. And I think
6 it has been a great way to you know balance conversations and
7 share different perspectives while deliberating issues. All
8 right.

9 MR. RICE: Moving forward --

10 MR. YOUNG: Can I ask a question on the striped bass
11 and the conservation and not about that but a few years ago,
12 didn't you authorize and say it was okay to have a pre-season
13 trolling catch and release in the bay?

14 MR. O'CONNELL: What we did was -- it was basically
15 no rules on the pre-season catch and release and so from March
16 1 through the third Saturday in April, when the spring season
17 opens, we did a review of the situation because we had
18 concerns that the effort was increasing and instead of
19 prohibiting that pre-season, we put guard rails on it. And
20 there was a presentation that was given Tuesday and it is on
21 the Sport Fishing Commission website and just kind of reviews
22 the science to that.

23 And it basically concluded that with the guard rails
24 that we put on, in 2010, we brought that effort back down and
25 the mortality is very low. It is an acceptable level and it

1 is providing some economic opportunities for people to go out
2 there. So the commission and Rachel could you know, she saw
3 the presentation, felt like it is a minimal impact on
4 providing the contributions and we will continue to monitor
5 it.

6 MR. YOUNG: So it is very limited mortality from it.

7 MR. O'CONNELL: Yes.

8 MS. DEAN: Richard, it was a definitely a question
9 that came up and we all have it and it is -- there are guys
10 that are running trips on it and there is recreational -- CCA
11 is a big supporter of that season. But interestingly was the
12 graph that they put up and once those guidelines were in
13 place, they dropped it down to 6 rods, they didn't want
14 mortality of you know, you got 12 rods go down what do you do?
15

16 I felt satisfied. I would encourage you to ask to
17 see that presentation or maybe to forward it to us. But it
18 was good and you know for the guys that might be hurting in
19 the charters, it is an option that they have to -- so there
20 could be some increase but you know, with the guard rails the
21 Department put in place, it was a slight deterrent maybe and I
22 think they were satisfied and I was kind of satisfied with the
23 presentation.

24 And I know often we kind of look at that and we are
25 like, let's give that up. I don't want to give this up, let's

1 give that up. But I mean, that is you know, I don't know. It
2 was just --

3 MR. YOUNG: Just a drop in the bucket.

4 MS. DEAN: Yes, it wasn't going to cover our butts.
5 The guard rails were put in place after that spike.

6 MR. YOUNG: Because I know that after --

7 (Whereupon, many people speaking at once)

8 MR. YOUNG: Effort --

9 MR. : If you stick your fingers in there
10 and pull them out, they freeze and these people stick their
11 hands up there and got them all in pictures and got them all
12 in Facebook and that --- is done.

13 MS. DEAN: Oh yeah, and there is mortality and I
14 don't think anybody was arguing that.

15 MR. : If they would just bring them up to
16 the boat and unhook them and leave them in the water, it would
17 be a whole lot better. But when do all that stuff, it --

18 MR. MANLEY: There is some efforts to like careful
19 catch to try to educate people on the proper handling.

20 MR. : Yes, you like you see them doing on
21 TV with the trout and stuff, they bring up and get the hook
22 out of them.

23 MR. RICE: Go ahead, Tom.

24 MR. O'CONNELL: So we are at 10 to 5. I have a
25 quick, I forgot to have Bill mention crabs and I will cover

1 that real quickly and while I do that, think about the next
2 agenda item to shell fish, we have two items on there. First
3 one was to provide an overview of the Oyster Advisory
4 Commissions recommendations which they have finalized but they
5 have not submitted to the Department yet.

6 So the Department has not seen them but there was a
7 request to review those. The second one is an overview of the
8 shell policy. The OAC is probably going to take a half an
9 hour, shell policy is a little quicker. Give some thought to
10 whether or not -- one thought was we could forward the Oyster
11 Advisory Commission recommendation to all of you to look at
12 and we can talk about it again in the spring.

13 Or if you feel less imperative to do it now, we can
14 talk about having a meeting continue late. So give that some
15 thought. But Bill had sent an e-mail after discussion with
16 Jeff for two issues. One was related to the five and a quarter
17 inch size limit that goes into effect -- well it is already in
18 effect but it goes like July 15 and moves over to five and a
19 quarter inches.

20 And whether or not that can be changed. Talking to
21 staff, you know, we have an obligation to our bay partners to
22 achieve certain reductions each year and if we change that
23 five and a quarter inch, we would likely have to find it
24 somewhere else. That said, you know we are going to a new
25 management year. Remember how every year we came in year ---

1 and we came out and we rushed to get the science done and we
2 rushed to have the stakeholders meetings. Well we are going
3 to a July 1 to a June 30 management year now, so we are going
4 to have to dredge the results in April, they will be able to
5 have some peer review in science, and we will have the
6 stakeholders meeting and it won't be as rushed. And we will
7 have management for July 1.

8 If we find that the winter crab survey results are
9 positive, that may provide an opportunity to see some
10 liberalizations and maybe that is one topic. So I think for
11 that topic bill, if there is people that want to explore some
12 changes of that size, we probably should take it to the blue
13 crab industry advisory committee to have that discussion.

14 MR. SIELING: I appreciate that and I think one of
15 the things to that -- at least some people that I know of,
16 have some concern about is whether that quarter inch is really
17 you know accomplishing anything? I mean, is this something
18 that is there because somebody thought it was a good idea or
19 is there any really demonstrated value because there sure is
20 having a big impact on our industry.

21 MR. O'CONNELL: So one suggestion would be and we
22 can see if the blue crab industry workgroup would like to have
23 more details on that and I imagine that they are going to be
24 meeting there shortly and we can come back to tidal fish on
25 that.

1 The second item -- is everybody okay with that?

2 (No response.)

3 The second item was in regards to the importation
4 rules for sponge crabs. Right now we have a -- is it a
5 regulation Gina, is it -- we have a regulation right now that
6 allows a window of opportunity to import sponge crabs. There
7 has been desire amongst some of the processing companies to
8 have flexibility in that window. So if you have a cold spring
9 or a warm spring, you can better optimize when those sponge
10 crabs are available.

11 So in order to do that, we need a regulatory change.
12 The issue though is, the industry's desire is to have kind of
13 a floating window, so as we know what the spring season is
14 looking like, we can adjust that window according to when the
15 crabs are available. So, in order to do that, we need public
16 notice(sic) authority. And you may remember a year ago the
17 whole discussion about public notice authority.

18 So we got two options. One is we can change that
19 fixed window in time through regulation and you may hit it
20 better some years and not others. Or we can do a regulation
21 with public notice authority and slide that window accordingly
22 on short notice but in order to do that, you need legislation
23 to give us the public notice authority to do that. So,
24 Aubrey?

25 MS. VINCENT: I may --- is there a reason that

1 sponge crabs are handled differently than like for example, a
2 five inch crab caught in Virginia is perfectly legal to ---
3 but a sponge crab which is perfectly legal in Virginia is not
4 legal --- why are sponge crabs -- why wouldn't it be a better
5 idea to eliminate that and --- with the bill of lading?

6 MR. O'CONNELL: I don't know the whole history of
7 this, I know that there has been a policy and -- a long
8 standing policy but Bill do you know?

9 MR. GOLDSBOROUGH: It used to be. I believe they go
10 back and forth and it is a public opinion thing in part and --

11 MR. SIELING: I couldn't hear everything that Aubrey
12 said but I think I know what she asked. It goes way back I
13 guess I don't know what years it was but I remember the fact
14 that when Pete --- was the director of tidal fishery and the
15 Department was all set and basically was not going to be any
16 "Window or unwindow" if they were legally caught in Virginia,
17 or North Carolina but mostly in Virginia, they could be sold
18 in Maryland and processed. Just like in Virginia.

19 And then there was a -- I don't know where it all
20 originated from but there seemed to be like a hue and cry,
21 like oh my God we are going to be killing all of these baby
22 crabs. You know which of course, they were all going to be
23 caught anyway. As of -- despite Pete --- best efforts, he was
24 forced into imposing this band. Well, that was really
25 unrealistic and then the band was modified to allow this

1 "Window" after a study that Doug lifted to show what the
2 economic value was and it was basically no adverse biological
3 impact. In fact there was no biological impact.

4 So anyway, so where we are right now is is sort of a
5 modified band which basically in my opinion and I think in
6 many others, has no biological justification whatsoever. The
7 crabs are going to be caught and they are going to be
8 processed and why should we be penalized when other states can
9 buy the same crab and process it. And then sell the crabmeat
10 back in Maryland.

11 So there is where we are. So why is there a window
12 at all? Why do we need a window?

13 MS. VINCENT: That is my --

14 MR. SIELING: Exactly this is ridiculous.

15 MS. VINCENT: If it is legal with a bill of lading,
16 for example, if I can buy a certain size crab at North
17 Carolina with a bill of lading, why can't I buy a sponge crab?
18 And I don't even know harvest wise, if it is necessarily a
19 fact that you can't harvest them in Maryland and it won't ---
20 that is particularly detrimental except for some of your boats
21 closer to the Virginia line. Naturally that is when the crabs
22 are moving but the transportation issue, I am just not sure
23 why sponge crabs are giving a different treatment than other 5
24 inch crabs or other products that you would be able to buy as
25 long as you have that invoice.

1 MR. RICE: Moochie?

2 MR. GILMORE: Can we discuss this in the -- crab --
3 on the state crab committee and I think right now it is a 75
4 day with what you are allowed sponge crab, 75 days. Something
5 like that. And we had talked at the crab committee on the flex
6 time and I think we agreed that we would go to a flex time and
7 didn't go to July or something, but I can't remember the date.
8 But it was a concern of the watermen that sponge crabs coming
9 in after that when we had crabs would drop the price down. And
10 that was a concern --

11 MR. RICE: Well basically correct me if I am wrong,
12 but Jack spoke on it and he more or less said that the sponge
13 crabs and they filled the gaps in when they could and didn't
14 have local crabs and that kind of thing. And they really
15 didn't want them because they wouldn't yield with the local
16 crabs if they could do better.

17 MS. VINCENT: Yes and well the -- the certain times
18 of the year your sooks are the ones that you are your
19 basket(sic) market. So what is happening is, as far as a
20 dealer in Maryland and I am having trouble fulfilling my
21 basket market because I can't buy the sponges to supplement my
22 picking house, you know by the demand of 300 bushels a day in
23 my picking house, I can't supplement that picking house
24 because I have to use my basket crabs.

25 I can pay more for those basket crabs and sell them

1 into the market versus having to pick them because Virginia is
2 going to yield x amount on the sponge crabs. They are going to
3 pick a cheaper packing and I can't pay as much for that
4 picking crab. Which is what that basket still turns into.
5 Because I have to supply my picking house because I am
6 obligated there as well. It would give me flexibility as far
7 as I could just funnel your sponge crabs into that picking
8 house, which the price tags in Virginia, I mean, it is a \$13
9 crab after Maryland --- applies.

10 So it benefits those watermen as well. And I am not
11 sure -- I would have to run the numbers but I would argue that
12 potentially, as long as that basket market is strong, which it
13 has been on Maryland sooks, that potentially could be good for
14 them as well. I don't think it would tank the price like ---
15 because the supply isn't there, because we are limited on the
16 bushels.

17 MR. O'CONNELL: How about -- how would we bring this
18 up at the blue crab industry committee that this commission's
19 committee again and we will have our staff -- we just got this
20 yesterday so we will be a little better prepared to explore
21 these questions and see if the committee can come forward with
22 a recommendation. Maybe we will learn that there is not a
23 need for the window. Or maybe it is something different.

24 MS. VINCENT: I just --

25 MR. SIELING: And just one last comment, I think

1 everybody around this table realizes that we have to "wash" in
2 crabs the last few years. Many people in the processing
3 sectors are being really hard pressed for the meat -- you know
4 they are really (inaudible due to coughing in background) in
5 the mass much less stay in the market of -- so I don't think
6 there is a question about this --- the present on the price of
7 crabs.

8 MR. GILMORE: I know in --- Virginia, when Maryland
9 stops providing sponge crabs, a lot of guys there stop buying,
10 stop harvesting it because of the cheap price that it gets to
11 be in Virginia. And are we going to want to you know, make
12 either you are creating a market and I understand that part of
13 it, one of the harvest --- sponge crab hard all year long?

14 MS. : I mean, it would almost completely
15 the --

16 MR. GILMORE: It would increase the pressure by
17 them.

18 MR. O'CONNELL: And it gets back to you know we have
19 a fishing mortality target for females. So if we are staying
20 below it, we should be good. But that does create increased
21 harvesting for -- that could cost (Whereupon, a buzzing
22 sound/interference is heard over voices.) All right, so we
23 will do that. We will bring it before the blue crab industry
24 committee. So thoughts on how you want to proceed the
25 remainder of today? It is 5:00. We had two presentations, the

1 shell policy is shorter I think, than the oyster OAC policy.

2 MS. DEAN: I will jump in on the OAC, I requested
3 that the OAC policies or recommendations be brought up. I have
4 seen the draft regulation recommendations and there is some
5 issues that we really need to look at. Maybe not now because I
6 didn't realize that the Department hadn't even been handed so
7 I guess I got a preview through the draft.

8 And that final copy might not be as of concern as I
9 think the regulate -- the current ones are. For example, one
10 of the draft things that I saw was just that the state needs
11 to stock pile the shell before we as an industry can touch it.
12 Things like that.

13 So I guess as long as the Department -- I mean the
14 presentation on how the Department handles shells right now
15 might negate the necessity to see that presentation right now.

16 MR. O'CONNELL: Other thoughts? I kind of agree with
17 Rachel that the shell policy is more important because we are
18 getting ready to go to the county oyster committees to plan
19 the work for the summer and the OAC report and recommendation
20 have not been delivered to the Department. When we get it, we
21 can make that available and we can also share with you the
22 presentation that was prepared to kind of give you a sneak
23 preview and we can move forward accordingly if you have
24 significant issues, give us a call and we can put on the
25 agenda for future meetings.

1 All right, so Mike, thanks for your patience today.
2 Can you bring up the Fresh Shell Policy. I think it is about
3 10 slides there and so we will do that and then have some
4 discussion. Mike, just introduce yourself for the record.

5 ***Fresh Shell Policy***

6 ***by Mike Naylor***

7 MR. NAYLOR: Yes, right for those that don't know
8 me, I am Mike Naylor. I am the Director of the Shell Fish
9 Program. I am glad that we are having this discussion here now
10 because we are getting ready to go out in the next four weeks
11 and meet with all of the Oyster county committees and we have
12 been a lot of discussions internally about the shell policy
13 and implications for different scenarios.

14 (Slide)

15 I think we all know this. Shell is important for
16 everything that I do in my job. When I first took this
17 position, I could really buy anything that we needed in state
18 for 50 cents a bushel and now we are paying as much as \$5 a
19 bushel and we can't get what we want even at that price. Our
20 supply in states.

21 Our supply in states that we are able to buy now,
22 this year we have been able to buy a little over 40,000
23 bushels. The last two years combined was about 20,000 bushels.
24 So in state shopping houses simply aren't selling us their
25 shell.

1 Out of state we have been able to find and purchase
2 something like 200,000 bushels a year. But by the time we get
3 it where we need it, whether that is on public bond or one of
4 the state hatcheries or remote setting operations, it ends up
5 costing almost \$5 a bushel. That is a terrific amount of
6 money.

7 Our demand for hatcheries and all remote setting
8 that is done around the state, we need about 200,000 bushels
9 of shell a year. The public fishery, that is a guess I think
10 most counties would buy -- would spend nearly all their money
11 just on the shell. If enough shell was available. So I would
12 say about 200,000 bushels a year is the normal.

13 Private growers using their own funds to purchase
14 shell for their own remote setting and or the bottom --- has
15 been something like 100,000 bushels a year and that is really
16 where the shell we used to buy is going now. People are coming
17 to the shell --- houses and outbidding us. And getting the
18 shell before we have the opportunity to purchase it.

19 (Slide)

20 So you know we have this private -- this private
21 demand for both spat shell and bottom --- and we have all of
22 our uses there on the right. So the state money that we have
23 including county funds for the state hatcheries, we produce
24 the spat shell for restoration and spat on shell for public
25 fishery. The public fishery has been purchasing about 100

1 million spat on shell a year for the last decade. It has been
2 going up lately and --- actually -- I anticipate it will be
3 pretty high this year for some of those --- successful where
4 people are fishing --- now.

5 Product growers need shell for remote setting for
6 aquaculture and public bars and for the most part, any
7 aquaculturist who wants shell, we have provided them shell
8 just for remote setting. Because those demands are pretty
9 minimal. They only really need a few thousand bushels each
10 even if they are pretty big. So we try to make that
11 available, even if we sell it to them, washed or unwashed or
12 we will trade them and they can find a source of shell that is
13 green and not ready to sell, we will trade them. Their green
14 shell for our aged shell and they can sell it --- more quickly
15 in the ---.

16 So last year what we said was based on the very
17 limited amount of shell and the high demand for shell for the
18 sort of the top three on the right there. Top three items.
19 Like we said that the shell was get is going to be
20 preferentially used for setting spat on. Instead of being
21 used for directly planting on the bottom in hope of having a
22 natural setting.

23 So I think that was effectively our water shell
24 policy (sic) rule --- and I am thinking the next slide is --

25 (Slide)

1 So, as we all know our set rates in Chesapeake Bay
2 have been very poor for almost two decades now with really one
3 exception. If you scatter shell on the bottom and hope for a
4 set, most of the time it doesn't pan out. If you can take it
5 to a hatchery or a private permit setter, we can guarantee
6 that there will be spat on those shells and all the estimates
7 that I have ever seen them, what is the most cost effective
8 way to do it and would suggest that you are better off taking
9 it through a second time at a hatchery and putting spat on it.

10 However, to 2015(sic) funding and shell availability
11 has changed. And we are reviewing our policy. Next slide.

12 (Slide)

13 So we want to make sure that we have something in --
14 we want to make sure that we have enough for restoration for
15 public fishery and for our private growers. We would like to
16 maintain a two year stock pile because we are not super
17 confident in our ability to continue to find shell and we want
18 to make sure that we don't have the shut down the hatcheries
19 and not be able to make shell available for aquaculturists.

20 As I sort of said earlier, -- Don Merrit and Don
21 Webster pretty --- nice paper where they put some numbers to
22 what happens when you put spat -- when you put shell on the
23 bottom or put shell through remote setting and you get a much
24 greater return on investments, so it is a better use of these
25 public fund that we are charged with funding. If you put spat

1 on it as opposed to planting bare shell. Next slide please.

2 (Slide)

3 So what we are thinking as a possible policy moving
4 forward is if we run out of state funds that we have
5 available, to purchase shell for our stock pile and the
6 hatcheries, county funds would be used to purchase any
7 remaining available shell up to the point that the counties
8 want. We are going to go to them at these county committee
9 meetings and say how much they want. They are going to tell
10 us they want this amount.

11 We are going to tell them exactly how much money is
12 in each of their counties and they can tell us, we want to
13 spend it all on shell or spat on shell or we want to divide
14 it. In these different ways. If the demands for producing
15 spat on shell for restoration for the public fishery and
16 aquaculture are met, even if we still have funding, then
17 county funds can be used to purchase available shell for
18 planting.

19 And one of the things that we want to ask everything
20 is whether there should be criteria for where we put shell if
21 we put it on the bottom or the public fishery? If we take
22 shells and we put them up on the Susquehanna flats at the
23 request of the county, there will never ever, ever get a spat.
24 We took those same shells and put them in Tangier Sound, it
25 will definitely get a spat set first year at some level.

1 Should there be a cut off, should we put the shells in the
2 areas that are most likely to get a spat set or should we just
3 put them equally distributed across the different counties --
4 I think it will be very easy to make argument that the highest
5 return on investment is going to be putting it in your
6 highest salinity area to get the best spat set.

7 That means you potentially exclude some of the upper
8 bay counties that don't get live spat sets. So just posing
9 that question to the group. Next slide please. Yes, that is
10 it. Let's go -- can you just go back two slides because I
11 think that is what I want to focus on.

12 MR. O'CONNELL: So some questions to clarify?

13 MS. DEAN: I have a fundamental problem. You
14 mentioned that Don Webster and Don Merrit suggested that the
15 best use of shell in the paper, I highly respect both of those
16 gentlemen, one is very vested in agriculture although he keeps
17 our interest in mind. I know Don Merrit is extremely vested in
18 Horn Point and I would think that if they put out a paper, our
19 industry would not of top priority, I respect that and I would
20 probably do the same if I had the opportunity.

21 Your comment about the public funds being put out,
22 the county monies are generated off of a public fishery. But
23 I would like to put the trust in the guys' hands that they are
24 not going to put something on the Susquehanna Flats. If the
25 upper bay feels they need seed, they should have that option.

1 If the lower bay areas or other areas, counties feel that they
2 can better manage it and know where to put their shell, I
3 think that that should be left to the people that are five
4 feet from the problem.

5 The people that are working out there every day and
6 the -- I feel strongly about this and I don't know why we are
7 third on the list as far as priorities. I understand there is
8 other stakeholders but these guys are harvesting oysters that
9 aren't out of hatcheries. There is spat fall in the bay and in
10 areas we are seeing an increase. And that is directly evident
11 from the amount of harvest and the increases in harvest. So I
12 think this is important and I think it needs a little bit more
13 time and I would like for you to review the shell policy.

14 MR. O'CONNELL: That is what we are planning on
15 doing and you know, in either the remaining time today or
16 after the meeting, we just want to -- want to the best of our
17 ability to understand the concerns so that we can evaluate and
18 talk to the new secretary about this and see if there is some
19 modifications or not.

20 MR. RICE: All right, Robert T. and then Richard.

21 MR. BROWN: This talking about where you need to not
22 plant these oysters up into the Susquehanna. That is almost
23 insulting to hear that. I mean, and it is not almost, it is
24 insulting. We are businessmen, we run -- and need that --- to
25 run it more and we will. Each county will tell you right

1 around this table here who wants shells and the reason why
2 they want them, this gentleman right there --- because he is
3 going to want for --- because it does down the bay. Billy,
4 what do you prefer up in your area?

5 MR. RICE: Spat on the shell.

6 MR. BROWN: We live there, we work it every day.
7 The men know what they need. They are elected by their peers
8 on this oyster ---. I think it needs to be left up to the
9 oyster committee to see what they do and I got all the
10 confidence into them and they know what is best for them. They
11 are out there working on it day in and day out. Thank you.

12 MR. RICE: All right, Moochie? I am not going to
13 call you Robert anymore.

14 MR. GILMORE: All right. I have a real hard time
15 with aquaculture being put ahead of the public fishermen. I
16 mean this is a -- I understand there is -- want to create a
17 aquaculture but I don't see where we have to be behind them in
18 line for shells when this is a -- this is a commercial
19 business that is proving to be you know very good and with the
20 proper management can do very good. But I don't see how we are
21 behind them and I definitely agree with Robert T. on this.
22 Something that it -- it is an issue. I mean, we know where we
23 can plant a shell that is beneficial and I am in an area of
24 Eastern Bay that has some spat and shells are -- whether we
25 buy hatchery seed or not or seed or wild seed or whatever,

1 there are certain areas that we will need a certain amount of
2 shell to put those on because of the bottom -- because of the
3 change in the bottom.

4 So, you know that is my comment but I will have a
5 real hard time with the aquaculture being put ahead of the
6 public fishermen.

7 MR. O'CONNELL: Paul, can you just back up a slide or
8 two? I am not sure which one it is but -- this one here. So
9 in regards this blue area and then that yellow area, I think
10 that is where it is clear that you know in regards to shells
11 being used for public fishery on the bottom for natural spat
12 set that is currently given a low priority.

13 In regards to the shelf or hatchery in remote
14 setting, you know, that is benefitting all parts of our
15 programs, restoration, public fishery and aquaculture. I just
16 want -- so in regards to aquaculture given a higher priority,
17 it isn't one regard because being made available for them to
18 you know use for remote setting but we also do provide the
19 opportunity for the public fishery to buy spat on shell, so
20 but I get your point, I just wanted to make sure that you saw
21 that and I guess the question is, is you know, how do we begin
22 to make shell more available for the public fishery for bottom
23 improvement and fresh shells one option, we are still trying
24 to advance the Man O War Shoal shell dredging permit. Is
25 there other alternatives? But we don't disagree that there is

1 a critical need to replace the shell and improve the public
2 oyster bars. Just trying to figure out the best way to do
3 that.

4 And I think this is a good opportunity to see if
5 there is a better way with this policy.

6 MR. NAYLOR: I just want to provide a little sense
7 of the scale of this. About 20,000 bushels of shell will
8 supply every one who does aquaculture or who wanted to do it.
9 All remote setters of any kind. That is enough for maybe
10 three or four acres of oyster ---. When we plant these shells
11 and we know where they go and we see bar by bar harvest
12 records of what is yielded from that.

13 And we have evaluated those records. And we do not
14 see a return on that investment. You can spend \$100,000
15 planting oysters with this combination of public funds,
16 private generated funds to return \$20,000. And that is just
17 how we have looked at it. So we have looked at areas where
18 hatcheries shelves are in play and we have looked at areas
19 where public shelves are in play and compared that and tried
20 to make a rational decision.

21 Best case scenario I think you might be looking at
22 \$200,000 bushels. Dividing by all the counties, each county
23 is going to have a couple of acres area that they can apply
24 shell to every year. I just want everyone to understand that
25 even if we go -- even if we were to just do everything the

1 public fishery needs, we don't have nearly enough shell for
2 Maryland, Virginia combined to even scratch the surface of
3 what the counties want.

4 I mean, the total amount is I mean --

5 MR. O'CONNELL: It is obviously the fresh shell is
6 not the answer but it could be part of the solution.

7 MR. MANLEY: --- he is talking about the -- don't
8 plant oysters up on Susquehanna flats. Common sense says you
9 don't get --- but Kent County -- give a little bit of seed and
10 put them up on Peach Orchard. My brother worked there the
11 whole month of October and caught his limit every damn day. So
12 I mean, they will grow and live up there. But the --- say no
13 you can't send them up there because you know they are going
14 to die or not going to reproduce, is wrong. It is on the
15 record. He sold them to all to DNR, he got his limit every
16 day the whole month of October. Until he went to --- and
17 caught them down there too.

18 But through Kent County --- had to --- which was
19 fine but to say that they won't grow up there is hogwash.

20 MR. NAYLOR: Just keep in mind, Peach Orchard is the
21 most heavily planted hatchery seed bar in the whole bay. That
22 is also the best fishery -- so that is where we have been
23 planting hatchery seed and that is what the guys are fishing
24 on, those aren't all natural --

25 MR. MANLEY: Didn't say it was natural --- called up

1 there but the county had to pay for them. You all weren't
2 going to send them up there on your own.

3 MR. NAYLOR: I understand.

4 MR. RICE: Are you waving or do you have a --

5 MS. VINCENT: Well, I was going to say something.

6 MR. RICE: Okay, go ahead.

7 MS. VINCENT: I am not sure what kind of return you
8 are seeing because --- looks like private entities are beating
9 you guys to the shells as far buying it, what kinds of prices
10 are you seeing that they are paying? Because it almost seems
11 the value now has switched from oyster resign(sic) the oyster
12 that is locked(sic) into its shell and that sort of value is,
13 what kinds of prices are you seeing?

14 MR. NAYLOR: They don't tell us, that is a private
15 transaction. But what I have been told and what I have heard
16 and I know most of the shell --- at least a little bit now, is
17 that they are not necessarily paying a lot more but they are
18 making the deal with the shucking house --- there is a
19 gentlemen who has --- but he will sell his oysters at a
20 certain price and get his shell back.

21 So they are doing things like that, that is
22 beneficial for both parties.

23 MS. VINCENT: Especially when you get ---

24 MR. NAYLOR: But Virginia, State of Virginia,
25 proposed to us to sell them for \$3 a bushel and that is for

1 some Virginia shucking houses. The State of Virginia calls us
2 and says please don't pay that because that is going to drive
3 the price up for everyone. So we are sort of caught in the
4 situation where our counter parts in Virginia don't want us to
5 keep raising the price.

6 MS. VINCENT: What I was thinking and I don't have
7 pen and paper right now. But it almost seems to me if your
8 shell was coming from your public fishery, that almost your
9 value is in putting in --- see the lower return and I
10 understand what you are saying, is marginally yielding so
11 much. But if there was a way to maximize that then your value
12 would be in providing the shell versus the actual oyster? Does
13 that make sense?

14 And I have to draw it out and see what you are
15 return will be with. Almost to use them as a shell growing
16 versus an actual oyster growing program? And then you could
17 just sell that shell to a shucking house and they could market
18 those meats and then you have your continuous flow of shell.

19 MR. NAYLOR: There is a --- with a meat presentation
20 together about that whole shell interest, about how we would
21 have more shells and grows more oysters and spills over time.
22 But what happens is when we have an excellent oyster season
23 like last season, a lot of our shell meets the state. So
24 whether that works I don't know.

25 MS. VINCENT: Well that is -- yes, I would have to

1 draw it out but it almost seems like -- it would have a shell
2 raising because essentially all of the main priorities can't
3 exist without that public fishery producing shells.

4 MR. NAYLOR: That is right.

5 MS. VINCENT: So I mean --

6 MR. NAYLOR: All of this can --- I have the public
7 fishery produces those shells, then we all lose.

8 MR. RICE: Okay, so it is safe to say that we can
9 kind of get ready to --

10 MR. BROWN: I got one more thing that I would like to
11 add since we are talking about shells. I have talked to
12 Senator Sailing from Baltimore County, up there Man O War
13 Shoals, that is in his district up there. And I talked to
14 several other senators and delegates to push the Langley Field
15 shell we want it to go through. And they are -- if it is
16 already been a bill passed, I think it was about two years ago
17 and it is sitting on the desk up there somewhere, somewhere
18 between there and --- engineers, whatever.

19 But they have told me that they are -- going this
20 session that they are going to do whatever they have to do to
21 try to get this underway. So we will have shells. Because
22 fresh shells is not enough to do what we need to do and as far
23 as it goes, planting shells on the bottom, the Langley Field
24 shell does a much better job than any other shell for planting
25 in the wild.

1 I mean, when we -- what did we use on our seed areas
2 down in the lower bay? To magnified the shells and -- so I
3 just wanted to give you that little piece of information and I
4 have one more thing to say, oysters sanctuaries produce no
5 shell for our industry. Thank you.

6 MR. O'CONNELL: So the Man O War Shoal, I was asked
7 to meet with that Senator here, I think it is Monday evening.
8 The Man O War Shoal -- actually the law was 2009 and required
9 the Department to apply for a shell dredging permit due to
10 specified where and going through the process of dealing with
11 the advisory commission with determined Man O War Shoals.

12 Initially the corps(sic) advised us that they would
13 probably reject it because it was no purpose and need, it was
14 all materials are variable. We held it up for a while and we
15 learned that some of these alternative materials were not
16 working as well and we thought it would be another opportunity
17 to go with the corps.

18 And they were like yeah things have changed and you
19 know, you probably can go forward. While it has been a long
20 time you know it may be a blessing in disguise for your view
21 point because you remember that if it was going to be
22 submitted 90 percent of the material was going to be used for
23 the sanctuaries.

24 You know, now there is maybe an opportunity to look
25 at it through a different lens. And see if there is more --

1 MR. BROWN: It'll be amended.

2 MR. O'CONNELL: What?

3 MR. BROWN: I believe it will be amended.

4 MR. O'CONNELL: So just know that whichever way it
5 goes, it is going to be significant public opposition, not to
6 say that it is not justified to go forward. If we have a nice
7 permit that allows kind of this as a study of the impacts but
8 it could provide 2 million bushels of shell the second year
9 and an additional 3 million bushels in the fifth year. So it
10 is a significant amount of material that could help address
11 some of these shell demand issues.

12 MR. JEFFRIES: I am kind of naive to this, but isn't
13 Man O War an active oyster bar and they are dredging it? I
14 took the divers up there for the state. I thought it was one
15 of the problems.

16 MR. : The last remaining -- up there was
17 sold as --- as I understand it now. So it is not a very
18 active fishery bar.

19 MR. JEFFRIES: No, I mean like live oyster. There
20 are a few live oysters there.

21 MR. O'CONNELL: There is only a small area of the
22 entire shelf. The charter boat guys work that area, sports
23 fishermen work that area. Commercial guys have worked that
24 area, not recently because of I guess because of a variety of
25 reasons but we have a really good -- we have a really good

1 permit proposal that allows us to assess the impacts and
2 allows us to begin dredging so, we are optimistic that if it
3 gets filed, we stand a good chance of getting it.

4 MR. YOUNG: How much shell are you planning to take
5 from there? How much of the --

6 MR. O'CONNELL: The best estimates of the bar are
7 like 100 million bushels in the area that we are looking and
8 our proposal -- I may not have that correct.

9 MR. NAYLOR: 5 million out of 111.

10 MR. YOUNG: Is it actually taking a portion of the
11 bar or is it taking a --

12 MR. O'CONNELL: What we would be doing is taking
13 perpendicular cuts in certain areas, not -- we would not go
14 all the way through the bar. We would leave certain amount
15 of feet of shell on the bottom of the cut and by doing these
16 almost like the teeth of a pumpkin, doing perpendicular cuts,
17 we can actually perhaps increase diversity of habitat that
18 could benefit sports and charter fishing but also provide an
19 opportunity for shelf for all these needs. So we have been
20 working with the geologist to make sure that the manner in
21 which we would dredge, would minimize the impact of the bar,
22 where you can silting in and caving in and all that.

23 MR. YOUNG: Well a few years ago back in the --- was
24 working, they took a portion of a 9 foot pole and that bar was
25 a pretty popular recreational fishing spot and right now, if

1 you don't know right where it is, you can't find it because it
2 is a little pimple now. A few years ago, two years ago, three
3 years ago, you all were working on six foot line and I was
4 coming to --- that was off of the edge of the bar, it wasn't
5 the actual bar. My concern is every time you take one of
6 these bars, you change the hydraulics of the area and you
7 know, I mean, I mean it affects bars, it affects currents,
8 fish feed there, crabs hang there. And everything goes on
9 there and when you take those and take the shell down the bay,
10 that takes away from the aquabank.

11 And I understand the need for shell. But I am not
12 sure that the way to do it is to rape(sic) one portion and to
13 rob Peter to pay Paul.

14 MR. O'CONNELL: And one of the most significant
15 reasons -- well we have dredged shell for 40 years and look
16 where we are? The -- one of the people that have opposed
17 shell dredging are raising the question, what strategy are you
18 using today that will show that this will be a positive
19 benefit to the state? Are we just going to dredge this bar,
20 have an irreversible impact, see a short term benefit but no
21 last benefit? And that is -- there are some new approaches
22 that I think we have to demonstrate and the study through our
23 permit proposal allows to evaluate that before dredge a
24 substantial amount on the bar. So you know.

25 MR. YOUNG: I am just concerned that a --- and his

1 guy up in the upper bay they got a limited number of bars
2 that can fit and each time you take some of that structure,
3 that structure is gone forever.

4 MR. JEFFRIES: They are dredging up there right now.
5 Not on Man O War but right next to it.

6 MR. YOUNG: In the channel?

7 MR. JEFFRIES: Yes.

8 MR. RICE: All right, well I think we have reached a
9 part of the meeting where I get to make closing remarks. I
10 understand that the weather is not that great outside so I
11 just -- I would like to say this much. That I think the oyster
12 business is a business that we can all work together on and
13 enhance it and do a better job because we finally started to
14 get some cooperation with mother nature and I think that it
15 probably would be some different things looked at in the
16 future and that as long as we cooperate and work together,
17 this is possible that we will come up with a solution that
18 might have us moving forward in this business. We don't have
19 to deal with a whole lot of outside people looking in, such as
20 people from New Hampshire can't tell us what to do with our
21 oysters yet.

22 So we might be able to move forward with this one.
23 So thank you all very much and please drive carefully going
24 home and the meeting is adjourned.

25

1 MR. O'CONNELL: We will send those ASMFC meeting
2 dates out so that you guys can have those.

3 (Whereupon, the meeting adjourned at 5:30 p.m.)
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