

Maryland DNR
Meeting of the Sport Fisheries Advisory
Commission

Tuesday,
July 21, 2015

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Maryland DNR Summer Meeting of the Sport Fisheries Advisory Commission

July 21, 2015

SFAC Members Present :

Bill Goldsborough, Chair
David Sikorski, Vice Chair

Micah Dammeyer
Rachel Dean
Mark DeHoff
James Gracie
Leonard Grier (*proxy for James Womack*)
Phil Langley
Valentine Lynch
Dr. Raymond P. Morgan, II
Edward O'Brien
Vince Ringgold
Tim Smith
Roger Trageser

TFAC Members Absent

Beverly Fleming
James Womack

Maryland DNR Fisheries Service:

David Goshorn, Ph.D., Acting Director
Paul Genovese

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KEYNOTE: "----" indicates inaudible in transcript.
 "*" indicates phonetic spelling in transcript.

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

(3:04 p.m.)

Welcome and Announcements

by Bill Goldsborough, Chairman, Sport Fisheries Advisory Commission

MR. GOLDSBOROUGH: Good afternoon, everybody.

Welcome to our summer meeting of the Sports Fisheries Advisory Commission. My name is Bill Goldsborough. I'm the chairman. Thank you all for being here.

Any visitors that have not signed in yet, please do so on the sign-in sheet over by the door. That would help us out a lot.

We have a couple folks, a couple commissioners, who are not here. Kate Chaney had resigned from the Commission earlier. So she won't be here. Beverly Fleming called in. She had some issues and will be late, if she can make it. And we do have Leonard Grier --

MR. GRIER: Grier.

MR. GOLDSBOROUGH: Grier. Grier. Sorry, Leonard -- here for Mack, because Mack couldn't make it, James Womack. Thank you, Leonard.

And with that, I guess I will pass it to you, Dave, for any announcements.

1 *Welcome and Announcements*

2 *by David Goshorn, Ph.D.,*

3 *Acting Director, MD DNR Fisheries Service*

4 DR. GOSHORN: Okay. Thank you.

5 For those of you who don't know me, my name is Dave
6 Goshorn. I'm Assistant Secretary here and also Acting
7 Fisheries Director for the time being. Let me just make a
8 few comments.

9 First of all, I wanted to introduce -- where did he
10 go? -- George O'Donnell. George is a new person on the DNR
11 staff. Some of you know him; some of you don't. But his
12 role is going to be working with stakeholder groups,
13 fisheries stakeholder groups. So hopefully all you guys will
14 get a chance to interact with George over time.

15 A couple other things. As some of you, as I think
16 all of you know, some of your terms are up, or were up, I
17 should say, June 30. And I think some have asked to be
18 reappointed; others not. And we have a variety of other
19 folks who want to be appointed.

20 We are now well past June 30. So just so you know,
21 we haven't forgotten about you. All the information is down
22 at the Appointments Office right now, and they are working
23 through the process. So we appreciate your patience while
24 that process works itself out. But we do know everything is
25 down there. It is out of our hands, and they are working on

1 it.

2 Similarly, you know, I'm sure everybody is
3 wondering who the next fisheries director is going to be.
4 The answer is I don't know. But that, too, is working its
5 way through the process downtown. And I don't know when a
6 decision will be made on that, but it will be at some point.

7 And then in keeping with that, I'm here. Maybe
8 this will be my only meeting sitting in this seat. But I
9 would ask you just to be patient with me, because I don't
10 have the depth of knowledge certainly that Tom did. And I
11 know from the ones I have sat in, Tom could provide input and
12 answers and clarification on a lot of things that I'm very
13 unclear on. So don't expect that level of clarification out
14 of me.

15 But we do have some wonderful DNR staff scattered
16 all over the room that I will be referring to, as need be.
17 And so I ask you to be patient with me. These people are
18 great. They do a fantastic job. They know what they are
19 doing. And we are very, very proud of them. We appreciate
20 them stepping in and helping out.

21 That's my two cents.

22 MR. GOLDSBOROUGH: That's it?

23 DR. GOSHORN: Yes.

24 MR. GOLDSBOROUGH: All right. Thank you, Dave. So
25 Tom O'Connell is no longer with us.

1 I thought it appropriate on behalf of the
2 Commission to, he is not here to hear it, but to express our
3 gratitude. I know we all feel for his service, dedicated
4 service, to the Department.

5 Tom, it seems to me, set an excellent example. He
6 worked very hard, as we know. Honorable guy. But he also,
7 to me, the most striking thing was that he based his work on
8 principles, formal principles, that have been adopted for the
9 Fisheries Service. You all will recall them. He mentioned
10 them often: Sustainability, accountability, cost recovery,
11 and enforceability.

12 I think they have done well for the Department. I
13 certainly feel like the staff of the Fisheries Service was
14 suitably inspired.

15 So just for my part, I can't speak for the rest of
16 the commissioners, but for my part I certainly hope they
17 continue to be foundations for the Fisheries Service work
18 going forward.

19 Dave?

20 MR. SIKORSKI: Yes. I will say that the change was
21 disappointing and disconcerting to me personally. And I
22 think many at CCA and many of the recreational fishing
23 community, I know there was a groundswell of support for Tom
24 prior to his removal. And it is really unfortunate that he
25 was removed in such a way.

1 And, you know, elections do have consequences.
2 That is understandable. But to have somebody that did follow
3 those principles and really did move the ball down the field
4 or set the bar a lot higher here at DNR, especially in the
5 Fisheries Service, it is unfortunate that we have lost him.

6 I am happy to see that the leadership that was
7 behind him, the staff, are still here. And I think it is --
8 the way things kind of fleshed out were unfortunate. But it
9 is good to see them still here. And there are some really
10 capable people in the Fisheries Service, and I look forward
11 to continuing working with them and anxiously await the
12 appointment of a new Fisheries director and some of the other
13 changes which have been rumored.

14 A lot of us here are volunteers and we're very
15 dedicated to working with the Agency and look forward to
16 continuing working with the Agency.

17 MR. GOLDSBOROUGH: Thanks, Dave.

18 Jim?

19 MR. GRACIE: Would it be appropriate for the Chair
20 to write a letter on behalf of the Commission thanking Tom
21 for his service?

22 MR. GOLDSBOROUGH: The Chair is at your disposal.

23 **MOTION**

24 MR. GRACIE: Well, I'll make that motion.

25 MR. LANGLEY: Second.

1 (A chorus of "Second.")

2 MR. GOLDSBOROUGH: Did you get that second?

3 MR. SIKORSKI: A bunch of seconds.

4 MR. GOLDSBOROUGH: We have a bunch of seconds. Any
5 comment on that?

6 (No response.)

7 MR. GOLDSBOROUGH: All in favor?

8 (A chorus of "aye.")

9 MR. GOLDSBOROUGH: Any opposed?

10 (No response.)

11 MR. GOLDSBOROUGH: Motion passes unanimously. The
12 Chair will take a shot at that. Would the Commissioners like
13 to see a draft or --

14 MR. : Please.

15 MR. GOLDSBOROUGH: Yes? Okay. Will do.

16 All right. If there is nothing else under
17 announcements, let's move on to public comment.

18 ***Public Comment***

19 MR. GOLDSBOROUGH: I know we have some folks here
20 that are interested in addressing the Commission on a couple
21 of different issues that are on the agenda. I feel like the
22 dialogue that the Commission has will be best served if we
23 get those comments when that agenda item comes up. So that's
24 the way I would like to do that.

25 But we do typically allow public comments at this

1 time in the meeting for anything that is not on the agenda.
2 So if there is anybody in the audience that has something not
3 on the agenda, I'll be happy to give you a moment at the mic
4 right now.

5 MR. GRACIE: Would members of the public have an
6 agenda at their disposal, share the rest of them? Because
7 they wouldn't necessarily know if it's on the agenda
8 otherwise.

9 MR. GOLDSBOROUGH: I think it's online, but that's
10 a good point. If you could scroll up, that would be great.

11 And we do have one brief comment. I have agreed to
12 let Robert T. Brown make comment on an agenda item now,
13 because he has to slip out. And he'll come back.

14 Do you want to come up to the mic, Robert?

15 MR. BROWN: Yes. Robert T. Brown, President of the
16 Maryland Watermen's Association. The main thing on the
17 Rockfish is the reference points. The Maryland Watermen's
18 Association is in favor of getting the bay reference points
19 as we need them so we can, hopefully we can get our quotas
20 back to where it needs to be.

21 As all of you know, all of us took a big cut this
22 past year because we didn't have the reference points. And
23 it was to protect the female spawning stock. And these
24 reference points will prove that most of the fish that we
25 catch in the bay are male fish, as much as anywhere from 70

1 to 90 percent at certain times.

2 I'll probably be addressing you more in -- well,
3 most of the time we didn't address it, but I'll be coming in
4 more often because we've got a number of charter boats in our
5 association, and also a large number of sports fishermen that
6 are in our association, that are not really happy with what's
7 happened this past year with the slots and size limit that we
8 had in the trophy season.

9 Another one of them was this 20-inch recreational
10 fish that they have to catch instead of an 18-inch fish,
11 which I don't see it's any savings between 18- and 20-inch
12 fish. It's all the same year class fish, pretty much.

13 The main thing is the reference points. And I'll
14 be talking to you as things go on and addressing you as our
15 charter boats and stuff see. Our charter boats have lost a
16 number of parties for the simple reason that they go out
17 there, it's four, five, six head on a boat. And they catch
18 ten, twelve, fifteen fish and can only bring, say, two or
19 three fish in because most of the fish were running into the
20 slot limit.

21 Our position is -- you know, they say, well, you're
22 catching that fish before it spawns. Well, if they're
23 catching a fish that's 36 inches on the coast right now, it's
24 before it spawns next season. So that doesn't really hold
25 much weight with me. We have a short season, about three

1 weeks during the spring, for a trophy. And our charter boats
2 and sports fishermen who are also into it, they need to be
3 able to, when they go out, to catch their one fish. And I'll
4 talk to you later about it.

5 Thank you very much.

6 MR. GOLDSBOROUGH: Thank you, Robert.

7 We will get to the issue of Chesapeake Bay-specific
8 reference points for striped bass later on in the agenda, as
9 you know. So we can keep Robert's comments in mind then.

10 I will say right now, just so everyone in the room
11 knows, this Commission has been strongly in support of
12 Chesapeake Bay-specific reference points all along. So --
13 and, of course, we have charter boat representatives here at
14 the table. So I don't think there is any difference of
15 viewpoint there. But we will get back to that issue.

16 Is there anybody else that had something they
17 wanted to address the Commission about that's not on the
18 agenda?

19 (No response.)

20 MR. GOLDSBOROUGH: Okay. Let's move along to the
21 NRP activity report. Lieutenant Parker? Is that who we
22 have? Yes. Great.

23 ***NRP Activity Report***

24 ***by Acting Lt. Aaron Parker, MD DNR NRP***

25 LT. PARKER: How is everyone doing today? Acting

1 Lieutenant Aaron Parker from the Maryland Natural Resources
2 Police. For the Commissioners, you should have got your
3 handout that has the list of violations, the citations, and
4 warnings. I know last quarter when we did it, we broke it
5 down by county. And we got word back that you like it better
6 if we didn't go that far down. So I'd just ask for feedback
7 on this and see if this is favorable to you all the way this
8 is, and if anyone has any questions or anything.

9 MR. GOLDSBOROUGH: Questions or comments from the
10 Commission for Lieutenant Parker?

11 (No response.)

12 MR. GOLDSBOROUGH: I can tell you I found it much
13 easier to draw down and glean information for myself.

14 LT. PARKER: Okay.

15 MR. GOLDSBOROUGH: Any other thoughts?

16 (No response.)

17 MR. GOLDSBOROUGH: Very good. That was easy. You
18 got off easy.

19 LT. PARKER: Thank you very much.

20 MR. GOLDSBOROUGH: Appreciate it. Not that that
21 task was easy; I know it was hard.

22 All right. Let's move on to the Regulatory Update.
23 Sarah and Jacob? Who is it going to be? Jacob?

24

25

1 ***Regulatory Updates and Regulatory Scoping Items Update***

2 ***by Jacob Holtz, MD DNR Fisheries Service***

3 MR. HOLTZ: Hi. How are you all doing today? We
4 are going to start with the scoping first. As a reminder of
5 what the scoping process is, we bring you these ideas. They
6 are ideas that we have been approached to take a look at or
7 plans to -- ideas that we are going to work on in the next
8 couple of months.

9 What we need from you all is feedback as far as our
10 plan to take this information out to the public. We will
11 have a plan on this document. And what we need to know is if
12 we're providing enough outreach to the public to get adequate
13 feedback in your estimation.

14 So the first item on the list is the eel. This is
15 something we're going to have be working on more in the
16 future, based on actions that ASMFC is going to be
17 undertaking. Mike will give more information on that when he
18 goes.

19 I'm going to gloss over some of the commercial
20 stuff that doesn't affect folks in this room as much, just
21 for sake of time. So that commercial license target is just
22 an administrative thing.

23 The FMP for black bass, we need to incorporate this
24 into regulation. We are currently working off of it, but we
25 don't actually have it incorporated in the regulation. So

1 we're just going to -- we have a list of Fishery Management
2 Plans that are in reg that we use as authority, and we're
3 just adding this FMP to that list.

4 In general, as far as altering the fish, based on
5 the request from the Natural Resource Police, we're going to
6 add a reg just saying that you can't alter the size of a
7 fish. We have language currently in the striped bass reg and
8 in non-tidal, but as far as generally across the board, we
9 don't have a reg. The current plan is to scope that on the
10 website and then send it out to all our electronic contacts,
11 which is Constant Contact, Facebook and Twitter.

12 Gear, this is recreational minnow traps. We have
13 been asked by a number of folks to explore the expansion of
14 the use of recreational minnow traps.

15 What we were thinking about presenting would be
16 allowing folks to set a minnow trap on public property, if
17 they're actually present. So it wouldn't -- so right now you
18 can't set a minnow trap, for instance, like at a state park
19 unless you have the permission of the park manager or, you
20 know, someone from the department.

21 This would let you know, if you're out on a river
22 or a lake and you had a boat or you're just standing on the
23 shore, you can toss a minnow trap out there and catch your
24 own bait as you're fishing. The current plan would be to
25 scope it again on the website and send it out to electronic

1 contacts.

2 Commercial use of another person's gear, that
3 pertains mostly to marking requirements for commercial gear.
4 I'm sorry. The first one is letting a commercial licensee
5 use somebody else's net, if that person is present with them.
6 The second one there on the commercial labeling is the
7 marking of their gear.

8 Going down to the next page, the pilot program for
9 the yellow perch -- Mike, you're talking about that? Okay.

10 That is -- we are looking at doing a pilot program
11 for commercial yellow perch that will address or hopefully --
12 the plan is to see if adding an electronic reporting
13 requirement to folks who want to use a box tag for yellow
14 perch, if that electronic reporting -- we are hoping that the
15 electronic reporting combined with the hail-in/hail-out will
16 address our enforcement concerns.

17 We are doing it as a pilot program for a number of
18 reasons, one of which is we're not sure if the software is
19 going to be ready. If the software isn't ready, we can't do
20 the program.

21 That is the plan for that. There will be a public
22 notice and a bunch of other information when that program
23 gets set.

24 The Youghigheny River Reservoir, it was -- the
25 Youghigheny Reservoir-specific regs were removed from COMAR

1 last year. There was some confusion over as far as who has
2 management authority in the Youghigheny River Reservoir,
3 because most of the reservoir is in Pennsylvania.

4 So the plan is to put our regs, those reservoir
5 regs, back into COMAR or reference the Pennsylvania regs, one
6 or the other. We haven't figured out what is going to be
7 legally sufficient. But just so that way, because
8 Pennsylvania does all of the monitoring and the biology to
9 basically run the reservoir, we are just going to try to
10 mimic their regs rather than have the Maryland-specific reg,
11 the Maryland general regs, on that reservoir.

12 The plan would be to scope it on the website and
13 send it out again to the electronic contacts.

14 Put and take trout stocking, we would remove the
15 closure period for Harrington Creek and New Germany Lake. So
16 rather than have it closed for a month or a week or whichever
17 it was, they would be open as soon as we started stocking.

18 MR. GRACIE: Question?

19 MR. HOLTZ: Pardon me?

20 MR. GRACIE: What is the rationale between the
21 Harrington and the New Germany Lake closing ---?

22 MR. HOLTZ: It was a request from park managers
23 just this --

24 MR. GRACIE: The reason behind it?

25 MR. HOLTZ: I don't honestly know what the reason

1 behind it is.

2 MR. GRACIE: Is somebody going to know that before
3 we make the decision to scope it or --

4 MS. HUNT: What is it?

5 MR. HOLTZ: New Germany Lake. It was just a
6 request from the park manager to not have the closure.

7 MS. HUNT: All right. We'll follow back up with
8 him and get back to the Commission through an e-mail.

9 MR. GRACIE: Thank you.

10 MR. HOLTZ: Northern pike in Deep Creek Lake, so
11 this would create different regs for northern pike in Deep
12 Creek Lake versus the rest of the state, to -- the purpose
13 being to develop a trophy fishery in Deep Creek Lake. Rather
14 than have a two-pike-a-day limit, two in possession at 30-
15 inch minimize size and no closed season, we would change it
16 to one pike a day, one in possession with a 40-inch minimum
17 size and a closed season from January 1 through April 30.

18 The biologists working on this have done
19 recreational angler surveys on it, and that's how we ended up
20 with this idea to scope. So as far as additional scoping,
21 our plan is just a standard on a web site and then the
22 electronic contacts. But I wasn't sure if we needed to do
23 anything else on that seeing as how we had already done an
24 angler survey.

25 River herring, we are closing the season on river

1 herring to make it consistent with tidal waters. This was
2 mostly just an oversight. When we closed the season in tidal
3 waters, we just never did it with non-tidal. They aren't
4 overly present in non-tidal waters. It would just be during
5 the spawning run and only in a couple of river systems
6 probably. So that way -- I mean, if they weren't present in
7 non-tidal waters, it would be where they're spawning. So
8 that would be to protect them.

9 Again, scoping on the website and then electronic
10 contacts.

11 The penalty changes, you also got two handouts on
12 those. We had our penalty workgroup meeting in early June.
13 Roger was there. And who else?

14 MR. : ---

15 MR. HOLTZ: Right. But we had Robert and, oh, and
16 Val.

17 MR. : Yes.

18 MR. HOLTZ: Yes. Robert and Val were present from
19 Sport Fish, and we really, really appreciated you all being
20 there. It had been awhile since we had somebody from Sport
21 Fish come to that, that annual review. And so having you
22 guys there, it was nice to have that feedback from you all.

23 The two handouts that you got on it, one is titled
24 "Penalty Workgroup Summary," and one is titled "Penalty
25 Workgroup Handout." If you look at the two things, they look

1 awfully similar. The handout is what the folks who came to
2 the meeting got. The summary is what we are planning on
3 moving forward with.

4 So we took a couple of items off, and we changed a
5 couple items. So if you are looking at as far as what we're
6 going to do either in the scoping document or in the penalty
7 workgroup summary, those would be -- they should be
8 identical. That handout is just so you knew what went in it.

9 Because there are so many changes, I'm not going to
10 go through them all. If you all have questions on any
11 specific changes, absolutely feel free to give us a call or
12 shoot us an e-mail. But we are going to move on.

13 And that's actually the last of it as far as what
14 this Commission would generally be concerned with. We're
15 declassifying a portion of the PSA, PSFA, public shellfish
16 fishery area, to open that part up for leasing. We have a
17 lease for that area that's been applied for. We haven't
18 issued it yet because we have to declassify the PSFA first.

19 And then lastly, some changes to the spiny dog fish
20 commercial fishery that was made -- those were all made based
21 on the feedback from the Spiny Dog Fish Workgroup.

22 MR. GOLDSBOROUGH: Any questions for Jacob on the
23 scoping items?

24 DR. MORGAN: I have one quick question on the
25 northern pike in Deep Creek Lake.

1 MR. HOLTZ: Yes.

2 DR. MORGAN: You have got January 1 through April
3 30. Is there any reason why you couldn't make that November 1
4 to give them an extra couple months of protection, you know,
5 when the water temperatures are changing, their metabolism is
6 changing, and all that? There aren't many fisherman out on
7 Deep Creek Lake at that time of year. You know, October is
8 still pretty good, but then November starts getting a little
9 dicey. So I was just wondering if that would be something
10 potentially to slide back to.

11 MR. HOLTZ: I would imagine we could --

12 DR. MORGAN: Let me check with Al.

13 MS. HUNT: We can check with ---

14 DR. MORGAN: Is that Alan Klotz's*

15 MS. HUNT: Matt Sell and -- yes.

16 DR. MORGAN: Oh, god. We're really in trouble now.

17 MS. HUNT: I can make kind of --

18 DR. MORGAN: I'll ask Alan. I'll check with Alan,
19 because he is right downstairs.

20 MS. HUNT: I was going to say you can walk down the
21 hall and, you know --

22 MR. GRACIE: You ought to be able to find him.

23 MR. GOLDSBOROUGH: Jim?

24 MR. GRACIE: My concern is that I think it's set up
25 to protect them during spawning, because that's when they are

1 in shallow water and vulnerable in very early spring.

2 DR. MORGAN: Yes, but they could move it back the
3 other way, which would give them even a little bit more
4 protection. I mean, through April 30 is fine, but I would
5 suggest maybe going back a little bit because that's actually
6 when they're starting -- varying development and all that. So
7 that would give them a little bit less stress from, you know,
8 being caught and things like that.

9 Let me check with Alan. I can do that.

10 MR. GOLDSBOROUGH: Great. Thanks, Ray.

11 Jacob?

12 MR. HOLTZ: All right. As far as -- so we are
13 going to move on to the Regulatory Update. As far as public
14 notices that were issued in the last quarter -- so that's
15 from April 21 through the first week of July -- we had a
16 bunch of aquaculture leases and a bunch of commercial. We
17 had some spiny dogfish stuff, striped bass common pool. But
18 we didn't have anything, I don't think, that applied to
19 recreational harvest. We did not.

20 There weren't any regs that became effective in the
21 last quarter that would have required, other than sport fish,
22 tidal fish. We just changed the reference from the Tidewater
23 Administration to the Fishery Service.

24 Regulations that have currently been proposed or
25 have been submitted for proposal and are following the APA

1 process, there are recreational crab rule changes. So that
2 would be to change the recreational crabbing license to a
3 365-day license. That would be to mimic the legislative
4 change for the fishing license. Our crabbing licenses are in
5 reg, so we have to go through the regulatory process to do it
6 for them.

7 And then there are also a couple of license
8 exemptions that we are either clarifying or getting rid of
9 just to make the whole process cleaner. That comment period
10 opens up when it is proposed in register next Friday, or this
11 Friday, I'm sorry.

12 We will have a public hearing on it August 11 at
13 6:00 o'clock in this room. So for anybody who wants to give
14 us their feedback in person, that is when we will be doing
15 that. Otherwise, the comment period is open from this Friday
16 through August 24.

17 And that is everything as far as recreational stuff
18 goes as far as regs.

19 MR. GOLDSBOROUGH: Questions for Jacob on the
20 regulatory update?

21 Jim.

22 MR. GRACIE: Is there a process by which you
23 reclassify public waters to leased waters?

24 MR. HOLTZ: Yes. So --

25 MS. HUNT: Want me to do this?

1 MR. HOLTZ: Could you, please?

2 MS. HUNT: Gina Hunt, Fisheries. Yes. There is a
3 process that actually the basics of it are laid out in the
4 statute, which are that if -- the PSFAs are areas that were
5 designated as commercial areas, they are bigger, broader than
6 necessarily NOBs, natural oyster bars and yates* bars, but
7 with the intent that if this was an area that had oysters on
8 it, you would be able to determine that when you went out and
9 did a field survey.

10 So these areas are basically off limits for leasing
11 unless somebody applies for a lease application. And then
12 that prompts the field survey. Biologists go out there and
13 basically take samples to see if it meets a density to mean
14 that it's commercially viable. The definition of
15 commercially viable is actually in regulation. And it's one
16 oyster per meter squared.

17 So if they find that density, then the area will
18 not be declassified. If they do not, then it can be
19 declassified and open for a lease.

20 MR. GRACIE: Thank you.

21 MS. HUNT: Sure.

22 MR. GOLDSBOROUGH: Any other questions for Jacob?

23 (No response.)

24 MR. GOLDSBOROUGH: I think we're good.

25 MR. HOLTZ: All right. Then lastly, I have been

1 asked to give the gill net.

2 MR. GOLDSBOROUGH: Okay.

3 MR. HOLTZ: And lastly, we were asked to give a
4 brief, I guess, synopsis of our current gill net rules. This
5 is a summary that we have as far as nets and mesh size.

6 Right now the mesh size would have to be between
7 two-and-a-half and three-and-a-half inches. Folks can only
8 be using drift gill nets. They can't anchor gill nets. If
9 they are in the Chesapeake Bay, the main stem, they need to
10 be within two miles, the commercial harvesters need to be
11 within two miles of their net. If they are in a tributary,
12 it would be one mile.

13 There is a list of where you can and can't gill
14 net. Right now the only two things would be the first two,
15 within 1,200 feet of the Chesapeake Bay Bridge or in the
16 waters between a line from Kent Point to Curtis Point and
17 then from Hal* Point to Taylors Island Point. So in that
18 area they wouldn't be allowed.

19 So as far as -- I think the question had been in
20 Eastern Bay. There's not a whole lot of restrictions, just
21 other than the mesh size.

22 There are a couple of local laws and county laws
23 that would restrict net use in certain areas. Eastern Bay is
24 not one of those areas.

25 Are there any questions on current gill net use?

1 MR. GOLDSBOROUGH: Questions for Jacob?

2 (No response.)

3 MR. GOLDSBOROUGH: We do have a public statement
4 someone would like to make on this issue, but I want to give
5 the Commission a chance to clear up any questions they had
6 for Jacob's report first.

7 Ed?

8 MR. O'BRIEN: Yes. Not to be misunderstood, I just
9 want to say up front that *The Watermen's Gazette* had a very
10 complimentary picture of me when I opposed the game fish bill
11 when it really meant something years and years ago. So I
12 don't want to confuse this with commercial fishing in
13 general.

14 Also, working with Larry Simns in Washington, I've
15 worked with the Watermen's Association. And that has
16 continued very vitally recently when it comes to the Clean
17 Water Act, which would affect charter boats whether they are
18 Charter Boat Association watermen and would also affect
19 private boats. But they also would affect commercial boats.

20 But there is something that has come up recently
21 that I think can be taken care of possibly in a very simple
22 matter, and that is the summertime gill netting for spot and
23 perch. And it has really become an issue. The fishery out
24 there now is like one I have never seen before. All the
25 boats are going way up the bay. I mean, there are charter

1 boats doing 70-mile round trips. They catch the bait going
2 up the bay, and it's really a tough situation right now.

3 Bait is key, which of course spot is bait. But
4 also in this environment a lot of the fishing parties, they
5 are not going to put up extra money to go way up past Love
6 Point to go rock fishing right now. So they want to bottom
7 fish. And that means the spot, particularly, and the perch.
8 And we have a situation where a few summertime gill netters,
9 they get in there with their drift gill nets. And they can
10 really clean an area out fast.

11 Now, there seems to be confusion as to just what
12 are the boundaries and that kind of thing. And I know I'm
13 confused. I have learned a little in the past couple days,
14 because this has just recently come to a head.

15 When it comes to the regulations on summer gill net
16 fisheries, I'm asking the department to come up with a map or
17 maps to show just what is legal and where and what the time
18 considerations are. Like most of the time these netters go
19 out early in the morning, 2:00, 3:00 in the morning, and then
20 they are on their way back by 6:00. And they have been very
21 successful.

22 And, of course, in the bycatch there's a lot of
23 problems when it comes to the small rockfish. And these are
24 visible to a lot of people because recreational charter boats
25 are out there. They're not out there in the wintertime.

1 So the only thing I'm talking about is the summer
2 gill nets. I would like to see some department come out with
3 more descriptive literature, when it changed. Evidently
4 there has been some changes to it in recent history. And I'm
5 talking about in the last 10, 12 years, where I thought we
6 had this put to bed.

7 So I think it would be good for the Department to
8 come out with the maps. I think it would really be good to
9 have a work group between some watermen interests, some
10 recreational interests, and some charter boat interests, to
11 talk about this. And it shouldn't be a complicated deal. I
12 think we could really come up with an agreement on how these
13 nets should operate, where they should operate, and maybe
14 make some changes, maybe not.

15 So that is my recommendation.

16 MR. GOLDSBOROUGH: I know there is a Charter Boat
17 Association officer here to make a statement. Would you like
18 me to ask the Department to provide any feedback to your
19 statement first or go ahead with the --

20 MR. O'BRIEN: I would like to get a reply to my
21 request first.

22 MR. GOLDSBOROUGH: Okay. Any thoughts on that,
23 Dave, you or your staff?

24 DR. GOSHORN: Yes. I mean, the map shouldn't be a
25 problem. You are asking for two things, I think. One was

1 the maps.

2 MR. O'BRIEN: One was the maps.

3 DR. GOSHORN: Right. So the maps --

4 MR. O'BRIEN: Which would include, you know, as
5 part of this little package, times when this fishery could
6 occur.

7 DR. GOSHORN: Right. Maps. So what is allowed
8 where and when.

9 MR. O'BRIEN: Yes. That puts it better than I did.

10 MR. GOLDSBOROUGH: Okay. Then you proposed a work
11 group?

12 MR. O'BRIEN: I think that's something that should
13 be considered. I think particularly there may not be a
14 negative response coming from the watermen. I don't know. I
15 suspect there are several -- there's not many of these
16 summertime netters. But anyway, it is a subject that needs
17 discussion, particularly right now. It is sort of electric,
18 for instance, down around Chesapeake Beach.

19 MR. GOLDSBOROUGH: Well, let's see if we can get a
20 little more comment from the Commission, and we will come
21 back to that issue. I have Dave Smith first.

22 MR. SMITH: So I guess I will just be real quick,
23 and I don't know -- I agree with Ed on that, just creating a
24 work group. I would support that. I would like to be part
25 of that because spot in particular are very valuable as a

1 bait fishery to the recreational anglers here in Maryland.

2 And we just talked about it last month at our board
3 meeting, MSSA, and there was a lot of talk on where these
4 nets are and what they're doing and where the spot are going.
5 We can certainly provide a lot of feedback on what we would
6 like to see happen with spot, the spot fishery, and the bait
7 fishery. But what may be -- I won't say that now. We will
8 leave it for the workgroup, if there is one.

9 And then as far as the gill net, it has been a
10 while. What is going on with the -- and you might have
11 talked about this before, so I apologize, but what is going
12 on with the hail-in/hail-out? Because that's part of this
13 fishery. Is that actually operational yet?

14 MR. GOLDSBOROUGH: Jacob, can you address that?

15 MS. HUNT: What is your question?

16 MR. HOLTZ: Hail-in/hail out, what the status is.

17 MR. LUISI: Oh, yes. I can --

18 MR. HOLTZ: Do you want to talk about it?

19 MR. LUISI: Sure. I'm sorry. Mike Luisi,
20 Fisheries Service. We were chatting. So you are just
21 wanting to know where the --

22 MR. SMITH: Is it operational, the hail-in/hail out
23 for the gill net fishery?

24 MR. LUISI: Not for the gill net fishery.
25 Currently, the hailing system and the electronic reporting

1 system that we have been working on to develop is being
2 piloted in both the blue crab and the striped bass fishery.
3 So we don't have a multi-species component or element built
4 into the hailing system yet. Our intentions are to have that
5 hailing system allow for multiple species, such as spot and
6 perch and other things, by January of next year, so January
7 2016.

8 MR. SMITH: Okay. So speaking just with striped
9 bass, so you have a pilot program for striped bass gill net
10 fishery though.

11 MR. LUISI: Yes, but that operates in the
12 wintertime.

13 MR. SMITH: Yes, certainly. So did that operate
14 this past winter?

15 MR. LUISI: We did. We piloted. We had about 30
16 people participate. So they were hailing. They were
17 submitting their reports through the system. It was -- we
18 used it as a tool to get the watermen involved so that they
19 could inform us as to things that needed to be modified. We
20 made the modifications.

21 Right now any striped bass fisherman out there
22 commercially has the opportunity to volunteer to use the
23 pilot system. We have a few signed up. And we are, you
24 know, working to promote and get more and more people
25 involved.

1 MR. SMITH: Do you have any -- like do you guys do
2 any reports or do you have any -- like did it work well? Did
3 it -- are there some kinks? Is it going to work?

4 MR. LUISI: It's going to work beautifully.

5 MR. SMITH: Beautifully.

6 MR. LUISI: It will work beautifully. I promise
7 you. No, I mean, we're building -- the system is evolving
8 through each phase as it goes, that we do it. It's software.
9 It's touch screen. It's dynamic. We can write modifications
10 to it on the fly, as things are needed. In my opinion it is
11 going to work very well.

12 MR. SMITH: Okay.

13 MR. LUISI: Right now our main focus, as far as the
14 Fisheries Service right now, is to work to promote the use.
15 We are getting a little push-back, not just on the electronic
16 reporting part but the hailing component of it, you know,
17 fishermen having to tell the state and the enforcement agency
18 of their intentions to fish is the hang-up. It's the thing
19 that's keeping people from just jumping in.

20 We are working on ways to promote, you know, to try
21 to get people interested in that, to realize that there are
22 benefits to them, as well as to the Department for the use of
23 a system like that.

24 We have been having discussions with the Striped
25 Bass Committee on possible incentives, things that would make

1 their fishing trip and their day a little more smooth or
2 easy. You know, because of the hailing and the
3 accountability that comes with it, there are certain things
4 that we could consider, like adjusting different times of the
5 day when they're prohibited or, you know, not able to fish.

6 So we just hired a coordinator to coordinate this
7 program. She starts, you know, feet on the ground running
8 next week. So we're looking forward to it.

9 MR. SMITH: Okay. One more question and then I'm
10 done.

11 MR. GOLDSBOROUGH: Go ahead, Dave.

12 MR. SMITH: Is the intent to have this hail-
13 in/hail-out system for striped bass gill netting mandatory or
14 part of that you must do this? That's the intent, right?

15 MR. LUISI: Well, I think down the road we would be
16 looking at a situation where something like this could
17 potentially be mandatory. In discussions that we have had
18 with our new administration and with Secretary Belton*, there
19 isn't the interest right now to throw the hammer down and
20 make it mandatory.

21 So what we are trying to do is we are trying to get
22 fishermen to see the benefits through incentives, through
23 being able to fish more efficiently, which is part of this
24 pilot program we are going to do for yellow perch that Jacob
25 mentioned. It's a mechanism for those fishermen engaging in

1 that operation, that fishery, to fish more efficiently using
2 the system.

3 And I think as more and more people get used to
4 it -- you know, we've been throwing around a lot the idea
5 that it's like ordering a sandwich at WaWa. You know, it's
6 just kind of you click around, anybody can -- it's a pretty
7 simple tool. And we hope more people will get involved, but
8 mandatory is going to be down the road.

9 MR. SMITH: All right. Thank you.

10 MR. GOLDSBOROUGH: Thank you, Mike.

11 Thanks, Dave.

12 I have Phil, then Jim, then Val. Go ahead, Phil.

13 MR. LANGLEY: I was just kind of going to echo on
14 what Captain Ed was speaking of. I think what seems to be
15 happening is that the market is changing today from what it
16 was 10, 15 years ago. And there are species like spot, maybe
17 perch, that weren't as heavily targeted in the past that are
18 being targeted now, and maybe more in future depending on the
19 market.

20 So, you know, we are starting to see a little bit
21 more user group, I don't want to say conflict, but -- of
22 where I have heard of a couple issues. It's very sporadic.
23 I don't think it's up and down the bay, but I think
24 addressing it and perhaps a work group to discuss some of the
25 issues at an early stage, depending on the market, before it

1 becomes a problem later on is a good idea.

2 MR. GOLDSBOROUGH: Jim?

3 MR. GRACIE: Mike, I'm a little confused. I
4 thought you answered my question, but I'm still not sure.
5 You said you are only using it for striped bass and --

6 MR. HOLTZ: Crabs.

7 MR. GRACIE: -- crabs. And we heard earlier that
8 you are using it for yellow perch.

9 MR. HOLTZ: Not yet, but the hope is to do it. But
10 the multi-species part is not ready yet. So that's why the
11 pilot -- we are doing it as a pilot program instead of regs.
12 Because if we put it into regs and said you had to do this
13 and the software is not ready yet, then we have a problem.

14 MR. GRACIE: So with yellow perch, I mean, there is
15 an obvious advantage to those guys. You don't have to tag as
16 many fish.

17 MR. GOLDSBOROUGH: Val.

18 MR. LYNCH: Thank you. I support what Captain Ed
19 is asking for, but I would have a cautionary comment. The
20 last item on the page talks about numerous areas of the bay
21 having restrictions on nets. And there is a reference to the
22 coverage. What is the practicality of collecting those
23 prohibited areas and putting them on the truck?

24 MR. HOLTZ: It's not that hard. It is just as far
25 as for an easy handout, I mean, what it is, most of the

1 tidewater counties have county-specific laws. And so for an
2 easy handout, it is just not as practical. But as far as if
3 we are going to make a map, we should, you know, color code,
4 you know, you can't use a gill net here or whatever the case
5 may be.

6 MR. LYNCH: Thank you.

7 MR. HOLTZ: No problem.

8 MR. GOLDSBOROUGH: Ed?

9 MR. O'BRIEN: I want to focus more on the areas of
10 concern, which relates to population, you know, the fishing
11 population in these areas. Herring Bay is one. Eastern Bay
12 is another. And the Choptank River complex is another.

13 And I just wanted to see a map listing, as Dave put
14 it, the who, what, when, and where, and also a little
15 historical write-up as to when things may have been changed
16 in recent history. I thought some things were nailed down
17 about 12, 15 years ago that I guess weren't.

18 MR. GOLDSBOROUGH: Thank you, Ed. I will come back
19 to the work group.

20 Dave, you have something? Go ahead.

21 MR. SIKORSKI: I just want to say in general I
22 think the work group is a fantastic idea. I commend Ed for
23 bringing it up. I know there is quite often conflicts out
24 there. And I think a big part of what we do at Fisheries
25 management is to try and alleviate these conflicts with, you

1 know, some sort of process.

2 And, you know, Ed has it right. You bring
3 everybody together. You talk about it. And I definitely
4 support this moving forward and hopefully something
5 constructive will come out of it. And you can eliminate, you
6 know, the conflicts that aren't necessary, or not necessary,
7 but you know what I mean.

8 MR. GOLDSBOROUGH: Thanks, Dave.

9 Okay. So Ed, I am going to allow for that public
10 comment now. But, first, be thinking about the wording for a
11 motion you want to make that would include the charge to this
12 work group. Okay? And then we will come back to that. And
13 then, assuming it passes, we will try to populate the work
14 group.

15 Now, who was interested in making a comment? Yes,
16 sir. Would you come up to the mic and introduce yourself?

17 ***Public Comment***

18 MR. GIBSON: Thank you. Hello. My name is Shawn
19 Gibson. I'm a third generation charter boat captain. I've
20 worked with charter boats since 1992.

21 I own and operate a 46-foot private charter boat,
22 as well as a 65-foot head boat business in the Chesapeake
23 Beach area. I'm here before you to express publicly my
24 concerns over the commercial summer drift net fishery taking
25 place in the middle of Chesapeake Bay and the impact of this

1 fishery on the recreational fishing community and other fish
2 species that will suffer should this fishery continue.

3 White perch and spot fishing have always been a
4 gateway fishery for the novice fishermen. For most kids,
5 myself included, the first fish you catch in the bay is
6 either a spot or a white perch. The easy access to near
7 shore hard bottom where these species school during the
8 summer make it easy for the novice fisherman to enjoy a
9 successful trip on the bay.

10 For charter operations like mine, we rely on these
11 species to get through the summer when striped bass fishing
12 tends to slow. With the lack of bluefish and croaker in
13 recent years, mid-bay charter boats have relied even heavier
14 on these species to keep our customers satisfied.

15 Unfortunately, we are now beginning to endure the
16 consequences of heavy pressure from drift net fishermen on
17 the same productive bars that for years sustained hundreds of
18 boats from Memorial Day to Labor Day Weekend. I can count
19 the number of drift net fishing operations on one hand that
20 are destroying this recreational summer fishery, and I have
21 seen firsthand the devastation this fishery is having on our
22 juvenile striped bass populations.

23 This past Monday, July 20, I was heading out of
24 Herring Bay at 6:00 a.m. when I spotted a commercial boat in
25 the area that I was bottom fishing the day before with 30

1 other boats. Fishing was great that day before, so it made
2 me curious to see what the commercial boat was up to. As I
3 approached, we could see what appeared to be net hanging on
4 the starboard side of the boat with two individuals hauling
5 it in.

6 As I closed in, the commercial boat started making
7 waves toward Deale, Maryland. The captain waved to me as he
8 discarded juvenile striped bass back over to the bay. What I
9 encountered after he left was an unbelievable amount of dead
10 fish, belly up, 12- to 15-inch rockfish left behind. To that
11 waterman, the dead rockfish were merely bycatch, but to me
12 that's my future and for a lot of other businesses.

13 I video recorded what I saw and went about my day
14 with my paying customers on board. What seemed to me and my
15 crew as a criminal offense was merely the cost of operating
16 an illegal drift net business.

17 I'll end by putting a few things into perspective.
18 Commercially pricing for white perch hovers around \$1 per
19 pound. Comparatively, white perch on your average charter
20 boat can range between \$10 to \$20 per pound based on the
21 sailing rate for charter boats. That same figure could
22 easily apply for a family of four fishing on a private boat
23 once you account for fuel, tackle, bait, food to cover a day
24 on the bay. So if we're going to manage our fishery based on
25 a dollar sign, please let us be prudent.

1 So you've been promising to take the kids fishing
2 for weeks. You get all geared up, bought fuel for the boat,
3 bought tackle for bait, sandwiches and beer. You go to bed
4 dreaming of the next day's adventure. Before your alarm even
5 goes off, the commercial drift net operation has left the
6 dock. They can legally start at 3:00 a.m.

7 Don't be foolish to think that these nets aren't
8 illegally set the evening before, as well. The high flyers,
9 the ---, they all blend in with the crab pots. This further
10 compounds policing of this fishery. So before you have even
11 reached the boat ramp, the drift netter has finished his
12 haul.

13 Believe me, it takes weeks for these fish to
14 rebound in these areas. So the robust fishery that sparked
15 my interest in the bay fishing and lures novice to avid
16 anglers alike is now a crapshoot fishery where you hope the
17 crabbing is good enough to keep the netters occupied so the
18 bar is loaded with fish.

19 The netters can fall back on crabbing, but for me
20 and a lot of businesses, 95 percent of my business depends on
21 these fish. I have nothing to fall back on in the summer.

22 In addition, drift netters can target white perch
23 in the winter months. I don't have a supplemental
24 recreational white perch fishery to pay my bills in the
25 winter.

1 I ask this Committee and the Department to use
2 common sense and stop the summer drift net fishery that's
3 killing recreational fishing in Maryland and is costing the
4 state a tremendous amount in lost tax dollars.

5 Thank you.

6 MR. GOLDSBOROUGH: Thank you, sir.

7 Okay. Ed, do you have a motion for us?

8 MR. O'BRIEN: Well, I am going to go back to a
9 technique I used to use in my former life and profession.
10 And I'd like the Department to interpret the motion that I'd
11 like to make. And I think Dave is pretty much on it.

12 DR. GOSHORN: Well, you want a work group. Right?
13 I am not exactly sure what the work group is going to
14 address. We are a work group of folks from here. Right?
15 Charter boat and rec. And we can reach out to tidal fish and
16 get some representatives from there. Correct?

17 MR. O'BRIEN: The work group would be charter boat,
18 watermen, and recreation.

19 DR. GOSHORN: Right. Right. So I think we can get
20 the charter boat and recreation from this Commission.

21 MR. O'BRIEN: Right. And probably the charge could
22 evolve from that, but I'd like to see the charge real time.
23 Because even the marine police that we talked to, you know,
24 aren't sure exactly what the law is when it comes to this
25 summertime gill netting.

1 DR. GOSHORN: So the issue is to address summertime
2 gill netting.

3 MR. O'BRIEN: That's correct.

4 DR. GOSHORN: Okay. Well, I am not going to make
5 up something off the top of my head, but, you know, we can
6 request members from this group. The charter boat and rec
7 community from this group. We will reach out to tidal fish
8 for some commercial watermen to address the issue of
9 summertime gill netting. But I guess the specifics of
10 that --

11 MR. O'BRIEN: Super. Thank you.

12 MR. GOLDSBOROUGH: So you have enough info to go
13 ahead and put out a motion?

14 DR. GOSHORN: Yes.

15 MR. GOLDSBOROUGH: Okay. That's fine.

16 Anybody have any further comment?

17 Rachel?

18 MS. DEAN: I just -- I guess I have a question for
19 the Department, too. But of course I would like to comment
20 on that.

21 Obviously if the Commission decides to go forward
22 and ask for the work group, the concern from the fishing
23 commercial industry would be how it is prioritized. Which
24 user group gets the priority when it comes down to managing
25 the fishery? Obviously the anecdotal stories that we have

1 can be told from both sides.

2 That would be a concern of mine, and I'm sure it
3 would be a concern of the commercial fishing industry, as
4 well, prioritizing the resource and exactly who the resource
5 would belong to.

6 But I think this Commission was also presented with
7 an FMP. It did not show a concern for the spot fishery at
8 the time. And we talked about the age of the spot and the
9 fluctuations. And I think we were operating it under the
10 stoplight management fishery, and those targets hadn't been
11 triggered yet. So, you know, again, I sympathize with the
12 anecdotal and the very passionate feelings of all of us.

13 MR. : It is empirical, not anecdotal.

14 MS. DEAN: Oh, okay. Well, it could be done with
15 both sides. But I also want to then revert back to the
16 science and look at that FMP again and see if it's something
17 that is of concern.

18 DR. GOSHORN: Thank you. Let me a little
19 clarification. Are we talking -- is the focus on the gear,
20 the summertime gill net, or is the focus on the spot as the
21 species? I guess that --

22 MR. O'BRIEN: The focus is on spot, perch, bottom
23 fish.

24 MS. DEAN: And I wasn't sure if it was user
25 conflict or if it was the species.

1 DR. GOSHORN: Right. So it sounds like it is more
2 the use of the gear and its impact on those species. Right?

3 MR. GOLDSBOROUGH: Almost in a local sense, it
4 seems to me. I mean, where Rachel is exploring the concept
5 of the status of these fish populations and then the
6 allocation between user groups, it almost seems that it's a
7 finer issue than that, where some kind of spatial management
8 might be a good resolution, that sort of thing, and that that
9 might be the kind of thing this work group would discuss.

10 MS. DEAN: There was quite a list thrown out,
11 though, from Herring Bay to Eastern Bay to Choptank to the
12 Chesapeake Beach. So it might not be as isolated. Those
13 were all listed.

14 MR. GOLDSBOROUGH: Well, those are the three that I
15 heard him say, Herring Bay, Eastern Bay, and Choptank.

16 MR. O'BRIEN: That's right. That's right. And,
17 Rachel, the FMP, we all know how that process goes and how
18 long it takes. We've got a problem now. And I think it's a
19 problem that can be reasonably and easily solved. And I
20 think it can improve the dialogue among the user groups. I
21 really feel it's --

22 MS. DEAN: And mine might have been a knee-jerk
23 reaction when I heard the request to shut down the summer
24 fishery.

25 DR. GOSHORN: So let me suggest this. Let us draft

1 the charge for this group, and then we will run it by Ed and
2 Rachel. You guys can collectively come to agreement that we
3 have the right charge. Then we will put the group together.

4 MS. DEAN: I like the clarification. I think we
5 need it.

6 DR. GOSHORN: Right. So we are all on the same
7 page on what the charge is before we get there. Does that
8 sound --

9 MR. GOLDSBOROUGH: Any objections? Dave?

10 MR. SMITH: So I will take back my support of that
11 commission or that work group. Then when I hear the
12 charge --

13 MR. GOLDSBOROUGH: You mean really don't --

14 MR. SMITH: Because I was all for Ed. You know,
15 Ed -- I think sometimes people interject to try and make it
16 more complicated to maybe just get rid of it, which I would
17 do that, too.

18 But I think Ed, you know, Ed put it simply. I
19 think he just wants to get a group together and have a
20 discussion and see where that goes. And maybe, if we have to
21 have a charge, maybe make it pretty ambiguous. And I know
22 you might hate that, but to try and put real fine lines,
23 boundary lines, on this thing, I think that's a mistake.

24 And so, you know, I think Ed had it right, just
25 make it -- it's pretty simple. I think we all know what the

1 problem is, and maybe it's just a matter of having that
2 discussion in the work group.

3 So I didn't mean to say I won't support the work
4 group, but I'm interested to see what exactly happens there.

5 MR. GOLDSBOROUGH: Sure. Sure. Right. Any other
6 thoughts from commissioners?

7 MR. GRACIE: Do we have a motion on the floor?

8 MR. GOLDSBOROUGH: No. We decided we didn't need a
9 motion.

10 DR. GOSHORN: So we are going to draft a charge.
11 We'll run it by you guys to make sure -- and it's not going
12 to be complicated. It is going to be simple. I just want to
13 make sure we're good with it before what I just rattle off
14 off the top of my head. And then we will get the group
15 together.

16 MR. GOLDSBOROUGH: Dave?

17 MR. SIKORSKI: You know, it's funny. We oftentimes
18 sit here and talk about the regulatory stuff and this
19 laborious process and all the time spent and money spent.

20 And I think, ultimately the way I see it, I think
21 maybe right along the lines of what Dave is saying let's get
22 some fishermen together to talk about their conflict. And I
23 don't know whether that has to happen some official way with
24 commissioners and everything else.

25 I mean, the gentleman right behind me here that

1 just made those comments, those are great comments. He knows
2 his area. He knows his fishery. That's what matters. And,
3 you know, the first obvious step is to sit down as gentlemen
4 and women and have a conversation. And then maybe we have to
5 progress through this more laborious process as fisheries
6 management.

7 But hopefully, like Bill something along those
8 spatial lines, is more of how we can resolve this conflict.
9 And I, you know, I think we can do it. I mean, we put a man
10 on the moon.

11 (Laughter)

12 MR. SIKORSKI: Not this group, though. You're
13 right.

14 MR. GOLDSBOROUGH: All right. Why don't we move on
15 then to the next agenda items. And that would be -- thank
16 you, Jacob -- the black bass. Is Joe Love here?

17 MR. : Yes.

18 MR. GOLDSBOROUGH: Hey, Joe, come on up to the mic.

19 ***Possible Black Bass Catch and Return Regulation***

20 ***by Joseph Love, MD DNR Fisheries Service***

21 MR. LOVE: I'm Joe Love. I'm the tidal bass
22 program manager. And I do have a presentation for you today,
23 about 14 slides. It's relatively brief. I am here to
24 essentially ask for your advice and wisdom. We have an issue
25 on the Potomac River with largemouth bass fishery. And you

1 may know that the largemouth bass species is the top, if not
2 one -- one of the top, if not the top targeted sport fish in
3 the state and the region.

4 The fishery itself supports millions of dollars in
5 business from tournaments and bait shops and Bass Pro Shops.
6 There are school groups and high school bass fishing clubs
7 that depend on this species. And that gets kids into
8 fishing.

9 We have charter boat guides who depend on the
10 species so that they can support clients. And we have a
11 large recreational angling constituency.

12 And at our annual stakeholder meeting that Roger is
13 a part of in February we discussed the issues on the Potomac
14 River. We have actually been talking about them for a couple
15 of years. And a potential controversial regulation that we
16 may propose, and I'd like your advice, your thoughts on it
17 and perhaps some scoping mechanisms that we could use next
18 year.

19 So let's see if we can get this thing to work.
20 I'll just hit a bunch of buttons and see what happens. Hit
21 the space bar, arrow keys, escape button. Oh, brilliant. We
22 can just do that.

23 (Slide)

24 So the Potomac River Fishery for largemouth bass is
25 probably the top fishery in the state. It was once ranked by

1 BASS as the -- I think it was number 30 or number 35 on the
2 top bass fishing lakes in the nation. And that was ranked in
3 2011, I believe. Since then, it has been removed as a rank.
4 And that's our concern, part of our concern, that the fishery
5 is in decline.

6 And that fishery is managed by four different
7 jurisdictions. Maryland is just one of them. They're the
8 green tribs there. PRFC, which we had a meeting at last year
9 to discuss these issues. The Virginia side, the yellow
10 tribs, and then D.C. fisheries, of course, in the upper part
11 of the tidal freshwater area there.

12 These four jurisdictions tend to work together to
13 try and maintain a sustainable population so that we can have
14 a good fishery up there, and we can support the diversity of
15 constituents that rely on it economically or simply as a
16 pastime.

17 (Slide)

18 In 2012, unfortunately, in the fall we started
19 receiving fairly consistent reports of bad fishing from
20 anglers. You know, they call us, they e-mail us. We see
21 them on the water. I see them on the water. I talk to them.
22 I go to tournaments, and I talk to those anglers as well.
23 And in 2012 we began getting fairly consistent reports of bad
24 fishing.

25 And Kevin Hunt, who is the tournament director for

1 the college series of the FLW phrased it well, that they just
2 weren't catching the fish that good. And that kind of
3 emphasizes the sentiment that we were receiving from a lot of
4 other anglers.

5 But not all anglers were reporting bad fishing, as
6 Captain Steve Jaconis* mentioned in an e-mail to me. He's a
7 prominent charter boat guide on the river and also a
8 participant in our stakeholder meeting in February.

9 The springtime fishing is pretty good, and they
10 were able to catch them pretty well. It's just that in the
11 summer and fall fishing began to decline. And he attributed
12 it to a thickening of hydrilla and perhaps the
13 inaccessibility to catch the fish because the bass are in
14 more thick vegetation.

15 (Slide)

16 We began looking at the data sets that we had to
17 assess angler success. And the only data set that we have
18 depends on tournament angling. So we have a data set that
19 spans a number of years with angling, tournament anglers.
20 And we indeed found some support for Steve Jaconis's view
21 that, again, spring fishing is pretty good.

22 The empty circles there -- these data are from
23 2013. And the empty circles, each one represents a bass
24 tournament's catch. So these anglers bring in fish, weigh
25 them at the staged area, and then release them. So we're

1 talking about a pretty intensive catch and release fishery.
2 So we know how many fish are being weighed in per angler per
3 day. And we can obtain an average based on that across
4 years.

5 And the black triangles represent averages for
6 2008/2009, which were reportedly very good years for bass
7 fishing. People were calling the Potomac River on fire, and
8 that was great news to us because that means we were getting
9 less complaints. So that's my year comparison there.

10 And as you can see, during the spring, those
11 catches brought in by tournaments were pretty similar to the
12 good years of fishing. But as, again, Steve pointed out,
13 later on in the year, particularly during mid-summer to late
14 summer, fishing dropped off. Not for every tournament. I've
15 just ellipsed the tournament that had below average catches,
16 but quite a few. So there was evidence that some
17 tournaments, at least, were bringing in fewer fish to the
18 scales.

19 But that's only one part of the data that we looked
20 at, that's fishery dependent data. And sometimes that can be
21 a little suspect. And it always depends upon the veracity of
22 tournament directors and our own ambitions at collecting the
23 data.

24 (Slide)

25 So we do have a fishery independent survey during

1 the fall. And these simply are catch data for age one or
2 older fish. These are the fish that recruit to the fishery,
3 the ones that the anglers are catching.

4 And from 2012 to 2014 the catches that we were
5 obtaining during our fall electrofishing surveys were lower
6 than our targeted reference points. Perhaps you remember the
7 fishery management plan you reviewed for tidal bass last year
8 or the year before last. There are references points in it,
9 and we manage to them.

10 (Slide)

11 And those three consecutive years of poor catches
12 triggered an investigation and possible management actions by
13 our program. So we did a little bit of investigating.

14 And the first bit of investigation that we did
15 regarded grasses because if you know anything about
16 largemouth bass fishing, you know that grasses are very
17 important for getting the fish in a lot of cases and for
18 production of the fishery. And in the Potomac River, grasses
19 in these tidal freshwater area are incredibly important for
20 largemouth bass.

21 In 2009 when fishing was really good -- I'm not
22 sure you can see the red very well, but those areas are all
23 grasses. These data come from VIN, so they do aerial images.
24 And those reddened areas all depict grassy areas. But in
25 2012, there was quite a lot of habitat loss. We saw a loss

1 of grasses, particularly in the upper part of this tidal
2 fresh area around National Harbor.

3 And another way of looking at that, simply using a
4 scatter plot, I can show you here that the area of grass in
5 2008 to 2010, that was pretty good. Grasses were up on the
6 Potomac, probably leading to some really good bass fishing in
7 the hot fishery that we heard about. But in 2011, we lost
8 about 50 percent of grasses in that tidal freshwater area,
9 and that's because of some tropical storms that hit the area.

10 (Slide)

11 We likely think that the loss of those grasses
12 explained why we were catching fewer than usual juveniles
13 during our fall surveys. Each one of these points represents
14 an average number of juveniles that we collect during the
15 fall.

16 And between 2012 and 2014 we were seeing fewer
17 juveniles during that time period. It could very well be
18 because there was less grass out there, less refugia for
19 these young fish. And more simply died because of natural
20 predation or other factors out there. But that's what we
21 think went on.

22 (Slide)

23 Now reproduction related to grasses is only one
24 aspect of the fishery. We also monitor mortality, annual
25 mortality, specifically the proportion of fish that die every

1 year from natural and fishing mortality. And in 2008 and
2 2009 -- I don't have a figure for this, but you'll have to
3 trust me on it -- 2008, 2009, and 2010 we saw elevated levels
4 of total annual mortality beyond what is normal for this
5 fishery.

6 And at that time, 2008 and 2009, we also saw a lot
7 of tournament anglers out on the water fishing. Now I'm not
8 going to pin this on tournament anglers, because the folks
9 fishing the tournaments in 2008 and 2009, those were
10 recreational anglers, too. We just don't have a record of
11 recreational angling.

12 So during that time period, fishing on the Potomac
13 was really good by a lot of people. And we can just evidence
14 that by the number of tournament anglers fishing that
15 waterway. And so those are the empty circles.

16 You know, in the mid-nineties we also had a high
17 number of anglers out on the water. But the unique thing
18 about this time period here is that catch rates were also
19 very high. So not only were there a lot of anglers on the
20 water, they were also catching more fish than usual. And
21 that, we believe, contributed to a greater-than-normal total
22 annual mortality.

23 So more fish were dying, largely because of
24 handling stress. There is a lot of handling stress
25 associated with this fishery. Catch and release mortality is

1 an issue. Bringing fish to the scales is an issue. And
2 releasing fish from a tournament is also an issue.

3 (Slide)

4 So we believe that there was a combination of
5 angling effort and habitat loss that led to problems on the
6 Potomac River Fishery, which, again, affects a lot of
7 people's lives in Maryland. And so we began asking, well,
8 what can we do about that? And in -- what management actions
9 can we take to prevent it? Because we don't have any tools
10 in our arsenal to prevent this from happening again.

11 In 2014 we initiated a survey suggested by Captain
12 Ken Penrod, who is a very prominent and lauded charter boat
13 guide on the Potomac River. And he suggested that we need to
14 perhaps consider some regulation changes. And we conducted a
15 survey of about 600 bass anglers, black bass anglers, the
16 majority of whom fished the Potomac River, and asked them
17 what they thought, whether we needed to have a regulation
18 change or not.

19 We laid out the case like I'm laying it out to you
20 here. Of the current tournament anglers -- perhaps this
21 might not be a surprise -- a majority did not think we needed
22 to have a regulation change. Whatever regulation action we
23 can possibly take will likely restrict fishing for tournament
24 anglers.

25 Because, again, this is largely a catch and release

1 fishery. It has little to do with possession. And the only
2 possession associated with this fishery mostly, with a small
3 group that harvests the animal, relates to tournaments and
4 their maintaining those fish to the weigh-in.

5 (Slide)

6 So what I thought was really surprising is about 40
7 percent of those tournament anglers, knowing that whatever
8 regulation action we propose will restrict their fishing,
9 about 40 percent of them thought that we needed to have some
10 regulatory action. And I thought that was really impressive.
11 Of the non-tournament anglers, a majority did think that we
12 needed to take some sort of regulatory action.

13 The regulatory actions that these anglers would
14 like to take tended to not be confined to the Potomac River.
15 They wanted to also impose them in the upper Chesapeake Bay,
16 and for good reason.

17 In the Upper Bay, the fishery is really incredible.
18 Catch rates are not as high as they are in the Potomac, but
19 the fish are a lot fatter. They are Jersey folks,
20 Pennsylvania folks that come down to the Upper Bay
21 specifically to go fishing for tournaments. It's a huge
22 economic driver for places like Cecil County. BASS is going
23 up there in August and they're bringing their pros with them.

24 So it's a really great fishery. And it's gaining a
25 lot in popularity, a lot of popularity that it used to not

1 have. The problem is that as that angling popularity
2 increases, so does the number of anglers, and so does the
3 effort on the water. And the Upper Bay still has to deal
4 with the same grass issues that the Potomac did.

5 This is a figure of grasses, the area of SAV over
6 time. And again, in 2011 tropical storms came in, knocked
7 back the grasses, and we still grass levels at pretty low
8 levels here.

9 So we think because the Upper Bay is as likely to
10 be affected by angling effort and as likely to be affected by
11 storms that can influence grasses and diminish habitat, we
12 believe that a regulation may be necessary in the Upper Bay
13 watershed, as well.

14 The good news is, I want to tell you that the good
15 news is that the grasses are coming back. And mortality
16 levels are down. So I believe, based on our data set for the
17 Potomac River at least, that that fishery is coming back.
18 It's coming back around. But we, again, have very little to
19 prevent the issue in the future.

20 (Slide)

21 So we took a look at the management actions in our
22 fishery management plan and the actions that are associated
23 with poor recruitment and too few fish specifically, because
24 those are the problems that we're dealing with.

25 And over here I have written out what those actions

1 are. Some of these we already doing. We are working with
2 Maryland BASS Nation, BASS, and other groups. We are funding
3 work at Mississippi State University and BASS to get some
4 better angler awareness strategies for catch and release and
5 for live well maintenance for these tournaments so that more
6 fish survive. So we are working on that angle.

7 We are also working to improve habitat. Maryland
8 BASS Nation is working with us, as well as Chesapeake Bay
9 Foundation and the National Harbor, to hopefully put in a
10 reef ball reef or a couple of them right there at the
11 National Harbor. And you guys probably have a little one-
12 page write-up of that in your packet.

13 We are stocking the river, in the Potomac, as well
14 as in the Upper Bay, but stocking won't be a sure fix for the
15 issues that we are dealing with because of the time it takes
16 for the individuals, for the juveniles, to recruit into the
17 fishery. I don't believe the fishery needs to be closed, but
18 what we are proposing are perhaps no possession areas or
19 catch-and-return areas.

20 (Slide)

21 This is controversial in that the areas that we are
22 talking about turning into catch-and-return areas are some of
23 the most productive bass fisheries in these waterways. So in
24 the Potomac River we are talking about three major areas for
25 catch and return: the Spoils, which is just upstream of

1 National Harbor, Chicamuxen Creek, the whole creek, and a
2 large part of Mattawoman Creek.

3 So we're talking about, if you fish on there, we're
4 talking about that six-mile-an-hour zone, all up and through
5 that river.

6 In the Upper Bay we're talking about a small
7 portion of the Lower Susquehanna River. In the upper
8 northeast we're talking about an area around Anchor Marine,
9 if you're familiar with the northeast river and the Upper
10 Bay, and Lloyd's Creek, which is on Sassafras River. So some
11 of these areas were identified as productive, based on our
12 work, as well as our regional manager's observations.

13 We do believe, based on some theoretical work that
14 I've been able to pull together, that they will improve the
15 fisheries, particularly locally, but we are planning some
16 field work this fall. We're working with Fish and Wildlife.
17 It was a suggestion Steve made at the roundtable. And we're
18 working with Fish and Wildlife to survey Chopawamsic, which
19 is on the Potomac River and is essentially off limits to
20 tournament anglers because of DOD restrictions. But that
21 work is going to be planned for the fall.

22 (Slide)

23 What we would like to do in the near future is to
24 gather input and information from anglers on these potential
25 catch-and-return areas, whether we should adopt them, how

1 many we should adopt, which ones, and what they think of the
2 ones that we are adopting. And if we do adopt them, what
3 kind of strategies can we have in place to make sure that
4 they work or don't work. If they don't work, then maybe we
5 can remove them.

6 So we will not be taking any action in 2016. We
7 haven't had a regulation in tidal bass management since 1989.
8 So there are a lot of anglers who are going to be adding
9 their own insight into what we are proposing here. So we
10 will be conducting some studies this fall.

11 In 2016 -- we're going to be in surveys this fall,
12 as well, of black bass anglers. In 2016 I'm hoping to begin
13 a formal scoping process. But for right now, for the rest of
14 this year and maybe into early next year, I am looking to
15 conduct some outreach.

16 And so if there are any suggestions on groups that
17 we can target or ways to go about it or whether you have had
18 experience with catch-and-return areas or whether you don't
19 think that they work or will work, I would greatly appreciate
20 the insight.

21 That's all I have to say.

22 MR. GOLDSBOROUGH: Thank you, Joe.

23 Any comments for Joe? Jim?

24 ***Questions and Answers***

25 MR. GRACIE: I have a few questions. You said you

1 measured mortality? How do you measure mortality?

2 MR. LOVE: We use catch-grab analysis. So we
3 have -- we go out, we catch the fish. We length them, figure
4 out how big they are. And then we have a length and age key,
5 so we age them, construct a histogram of those ages for the
6 population, and then essentially determine what the slope of
7 the line is of that relationship.

8 So basically how quickly does it go from age four
9 to age five to age six. And the slope of that line is
10 essentially instantaneous mortality rate. Then we can use an
11 exponential function to convert it to a proportion.

12 MR. GRACIE: So it's like an extension coefficient.

13 MR. LOVE: Yes, it's like an extension coefficient.
14 Yes.

15 MR. GRACIE: The other question is it looked to me
16 like you saw the same kind of mortality in the Upper Bay as
17 you saw in the Potomac.

18 MR. LOVE: So the Upper Bay was a little bit better
19 of a story in terms of annual mortality. Our catches were
20 still lower. The annual mortality was not suspiciously high
21 unlike the Potomac.

22 And I think part of that is because if we're
23 correct in that this is attributed to angling effort and
24 catch rates, then in the Upper Bay there are still fewer
25 anglers, up until last year, fewer anglers participating in

1 that fishery than on the Potomac. And catch rates are still
2 lower in the Upper Bay than on the Potomac.

3 But our fear is that as that system -- and it has
4 gained popularity in part because the Potomac River Fishery
5 is not doing so well.

6 MR. GRACIE: Sure.

7 MR. LOVE: But also in part because of regulations
8 in Pennsylvania, right, which have essentially prevented
9 tournaments from fishing in some of the areas there. So they
10 come down to Maryland to go fishing, which is great because
11 we want to support fishing for everybody. But right now
12 we're not at that level where we are seeing the same angling
13 effort as we do on the Potomac. But it's getting close.

14 MR. GRACIE: Yet what I saw is we saw the same kind
15 of population trend without the same kind of change in
16 angling pressure and over the same period of time when you
17 had some big floods. So it seems to me what you have proven
18 is that the environmental factors are the major factor, not
19 angling pressure.

20 MR. LOVE: The data that I showed were for
21 juveniles, for juvenile bass. And with respect to the --

22 MR. GRACIE: How do you relate that to angling
23 pressure?

24 MR. LOVE: With respect to the Upper Bay -- oh,
25 well, I don't. Juveniles are related to, you know, to the

1 availability of grass, in addition to other things, but
2 largely to the availability of grass.

3 MR. GRACIE: Not the availability of spawning
4 adults?

5 MR. LOVE: The stock recruitment relationship --
6 no. The stock recruitment relationship hasn't panned out for
7 this species. Most of the people who have looked at this,
8 particularly in Florida and us, other groups, they can
9 clearly demonstrate that environmental factors affect the
10 number of recruits more so than the brood stock.

11 MR. GRACIE: I believe that.

12 MR. LOVE: Right. That said, when annual mortality
13 rates go up, that means there are fewer fish that can be
14 caught by our anglers. And if that is followed by a period
15 of habitat loss where we are losing recruits, then we are not
16 going to replace those fish that are lost due to angling
17 effort.

18 So that leads to a fishery that is kind of in a
19 limbo where the anglers aren't catching as many adults, and
20 they're waiting for the habitat to come back so that
21 recruitment can improve to a level that will support the
22 level of angling effort that is on the water.

23 MR. GOLDSBOROUGH: Phil?

24 MR. LANGLEY: Yes, Joe. And actually, I was there
25 at the presentation about a year ago at the RFC.

1 MR. LOVE: Oh, yeah, Phil.

2 MR. LANGLEY: But I do have a couple questions, a
3 couple points, I guess. The black bass fishery, is it, what,
4 upper nineties, mid-nineties percent catch and release
5 mostly?

6 MR. LOVE: Yes.

7 MR. LANGLEY: So it is already predominantly a
8 catch-and-release fishery.

9 MR. LOVE: Yes.

10 MR. LANGLEY: As far as catch and release -- and
11 I'm not a biologist, but from what I understand, water
12 temperature on catch and release is a big factor in the
13 survivability of fish. I don't know what percentage you
14 think -- I guess ASMFC uses nine-percent mortality, I guess,
15 on catch and release?

16 MR. GRACIE: For striped bass.

17 MR. LANGLEY: Striped bass, that's what I'm saying.

18 MR. GRACIE: Bass and warm-water mortality.

19 MR. LANGLEY: Yes. As far as black bass, what is
20 it, as far as what you figure the percentage is as far as
21 catch and release and the time of the year, as far as the
22 fishery, whether it was catch and release, would that make a
23 difference? You know, is survivability higher in the spring
24 and in the fall versus, you know, mid-summer?

25 MR. LOVE: Yes. So there was a paper produced.

1 It's a really good review paper on catch-and-release
2 mortality. And for black bass they predicted about 20-
3 percent mortality is okay for the population. Now that's a
4 very pie-in-the-sky number because fisheries are very
5 different. They say 20 percent or lower for catch-and-
6 release mortality is good to sustain the population.

7 During the summer -- you know, we have tournaments
8 that go from March through November. And you're absolutely
9 correct. Between, say, March and June and September through
10 November, water temperatures are down. So mortality levels
11 are likewise down.

12 During the summer, we have measured upwards of 40
13 percent, but -- or upwards of 30 percent. But that's an
14 unusual case. The reality is we don't know. What we know
15 more of is mortalities associated with tournaments. What we
16 don't know is mortality associated with just catch and
17 release.

18 So we are doing work this year and for the next
19 three years to better determine what that number is. When we
20 worked with the Maryland BASS Nation youth about three years
21 ago at our hatchery with ponds, I wanted to get at that
22 question. And the estimates that we got were around nine or
23 ten percent. But that was really high. And these are young
24 kids.

25 And I think that we need a better study, and that's

1 why we're doing it this year, next year, and the year after
2 next.

3 MR. GRACIE: When you impose catch and release,
4 what does that do to a tournament? They are already doing
5 catch and release. Do they have to immediately release fish,
6 not delay it?

7 MR. LOVE: That's essentially the problem.
8 Unless -- so they could have -- there are some tournaments in
9 the Upper Bay that have kayak tournaments. There are paper
10 tournaments. They are using social media to report their
11 catch right there at the boat, and then they release their
12 fish. Absolutely okay. What this would do is prevent
13 anglers from putting the fish in their live well and then
14 transporting them to the weigh-in.

15 MR. GRACIE: Thank you.

16 DR. MORGAN: I have a quick question on Blue
17 Plains. I haven't looked at that data set for probably about
18 ten years. Have they increased their pumping rates into the
19 Potomac? Because, you know, Smoots Bay is right downstream.

20 And you could be getting lots of pretty nasty
21 things coming down that could affect endocrine functions,
22 endocrine disruptors, the whole nine yards. So I don't know
23 whether you have looked at that or not.

24 MR. LOVE: I don't know if they have increased
25 their pump rates. What I do know is that even this past

1 year, you know, I was talking to Keith Barker, who is another
2 guide on the river. And he was talking about problems with
3 pollution on Piscataway. Our regional manager -- wastewater
4 pollution. Our regional manager was discussing pollution
5 problems on Broad Creek. And at our next February
6 stakeholder meeting, we're going to talk about ways of
7 dealing with this.

8 But one of our guides from, you know, Salisbury,
9 Bruce Wooten, he commented on the pollution issues in
10 Salisbury. And over the past three or four years, they
11 have -- and we had some heated battles, e-mail exchanges, but
12 they have changed their -- they are doing better business
13 over there in the Upper Wicomico. And I think that pollution
14 is definitely a concern.

15 And if the anecdotal evidence on the Wicomico tells
16 me anything, it's that the fishery can get better when
17 pollution is removed. But, you know, in terms of their
18 pump-out rates from Blue Plains, I don't know.

19 And in terms of endocrine disruptors, you know, we
20 are working with people from the University of Maryland and
21 USGS on that issue. And there is a fairly low proportion of
22 fish that are intersects. And I don't know how widespread of
23 an issue it is for largemouth, but I know it's not a very
24 high proportion of the population, based on Vicky's and
25 Lance's work. But they are more interested in that actually

1 on the Eastern Shore where there is --

2 DR. MORGAN: The Chicamuxen.

3 MR. LOVE: Right.

4 DR. MORGAN: I know smallmouth bass are --

5 MR. LOVE: Yes.

6 DR. MORGAN: That's the model for intersects.

7 MR. LOVE: Absolutely.

8 MR. GOLDSBOROUGH: Val, did you have a question?

9 MR. LYNCH: I had a couple of comments and a
10 question.

11 MR. GOLDSBOROUGH: Okay.

12 MR. LYNCH: You had asked at the end of your
13 presentation about what you said that we might see the impact
14 of the closures. I for one think that recreational anglers,
15 the guy in this boat or from the shore, are probably not
16 going to have that much of a problem with catch and release.

17 Tournament anglers, however, those who are very
18 competitive, coming from distances, who are well-equipped, I
19 think you are going to get more push-back. Those are my
20 comments.

21 The question is this: You determined from your
22 research and your science that you have -- you are on the
23 cusp of the problem, and that is that unless you do something
24 about the juveniles you are not going to be able to replace
25 the mature fish. And I understand that. And closure is

1 certainly one response for this.

2 Do you have any data or do you have a sense of
3 where you are now numerically from whatever factors you are
4 using when you suggest closing, and where you want to be
5 before you reopen, and a way of measuring that so that people
6 will be able to see a window rather than a lifelong or a
7 long-term closure solution?

8 MR. LOVE: That's a good question. So just to
9 clarify, it's not a closure, per se, because we are still
10 allowing people to go fishing there, catch and release only,
11 which is exactly why we need to do catch-and-release
12 mortality studies, so we can understand what that impact is.
13 But, yes, I think we definitely do need to understand where
14 we want to go within these local fisheries, say Chicamuxen
15 Creek, for example.

16 We do have a fall survey. So we certainly target
17 these areas. And we are just really trying to get better at
18 this volunteer angler survey where we can get information
19 from recreational anglers on what they're catching. That's
20 really in its infancy. I think we need to do a better job
21 with that.

22 But there are some ways of developing those metrics
23 so that we can see how far up the ladder we actually want to
24 go. You know, I can do some theoretical modeling, but I
25 would rather have more empirical data to get to that

1 benchmark.

2 Within the fishery management plan, we have
3 reference points. Those reference points are built upon the
4 population for the Potomac, but they are not built upon what
5 is going on with Chickamuxen Creek or Smoots Bay or any of
6 the smaller tribs. So those reference points aren't
7 appropriate to use for addressing this issue of monitoring.

8 We would have to decide where we wanted to go. And
9 honestly, I think at the roundtable maybe we can have charter
10 boat guide go there. You know, Roger is the president of
11 Maryland BASS Nation. We have some tournament guys. We have
12 some --- guys. I think we could probably work toward
13 figuring out where we want that reference to go.

14 Do we want to see a doubling of catch? Do we want
15 to see a tripling of catch? You know, ultimately I think
16 that's going to honestly depend on what the anglers want.

17 What I would like to see would be an improvement to
18 the fishery in the Potomac River. And I believe that we can
19 get there with these catch-and-return areas. With the local
20 fisheries, like with the actual areas that will be catch and
21 release, I think we are going to have to have some
22 discussions to find out what those reference points will be.

23 MR. LYNCH: Well, I think you understood my point,
24 that if you want to have a catch and return -- forgive me, I
25 used the word closure. I didn't mean that.

1 MR. LOVE: Yes.

2 MR. LYNCH: If you want to have a catch-and-return
3 restriction, you need to have a take-off catch-and-return
4 target so that people can see that if it works and there is
5 measurable improvement, that they can go back to keeping the
6 fish.

7 MR. LOVE: Absolutely.

8 MR. LYNCH: And have you also thought about
9 equipment, terminal tackle?

10 MR. LOVE: We've thought about it. But, you know,
11 I -- circle hooks don't offer necessarily lower catch and
12 release. To be honest with you, most of the catch-and-
13 release mortality is related to whether the fish is gut
14 hooked or orally hooked. If they're orally hooked, it's like
15 98-percent survivorship. If they're gut hooked, it's about
16 50 percent. It's flip a coin sometimes. We encourage people
17 to cut the hook if it's inside their gut, but that fish may
18 still die.

19 And there is some work out there that indicates
20 that the soft plastics, those worms, something that has maybe
21 a scent will be taken into that gut better than, say, I don't
22 know, maybe a frog or something, if someone is fishing with
23 that.

24 Honestly, based on the work that we -- you know, we
25 go out to tournaments. We cut open a bunch of fish. And we

1 see a lot of worms in the guts. And we get a lot of fish
2 that die from gut hook injuries. And I believe that you're
3 right, soft plastics probably play a role in that, soft
4 plastic worms.

5 But the truth is it would be, in my opinion,
6 irresponsible to come out with a blanket regulation against
7 soft plastic worms in this catch-and-release fishery without
8 even knowing what the proportion of gut hooked fish are.

9 So I'm hoping that, you know, over the next three
10 years we'll know something more about the actual proportion
11 of fish that are gut hooked. And if it turns out that a lot
12 of those fish maybe are being fished with worms, then maybe
13 we can make some recommendations.

14 We already make recommendations to pinch down the
15 barbs on the J hooks, right, as perhaps a means of lowering
16 the probability of death. But we honestly don't know enough
17 to really come up with regulation on bait yet for black bass.

18 MR. GOLDSBOROUGH: All right. I hope this is good
19 input for Joe. I am going to allow just the questions I have
20 right now at the table, and then we're going to have to wrap
21 it up because we're getting behind. So I have Phil, then
22 Mark, and then I will end up with you, Roger.

23 Phil?

24 MR. LANGLEY: I'm going to be very quick, Bill.
25 And actually, I was going to try to give some input to Ray on

1 his question regarding Blue Plains. And I give kudos to
2 Tucker Bland*. About a year ago, we brought together a water
3 quality meeting for the Potomac River. And we got some
4 biologists and whatnot come in.

5 And it appears over the last 20 years that the
6 quality of the river is really consistent. In the last 20
7 years what has happened, we've had urban sprawl. But Blue
8 Plains is operating, due to regulations, about 80 percent
9 better than it was 20 years ago. So it kind of seems that
10 it's been stationary over the last 20 years.

11 MR. GOLDSBOROUGH: Thank you, Phil.

12 Mark?

13 MR. DEHOFF: I know two main user groups that are
14 fishing this area. Your recreational fishermen doing your
15 immediate release the majority of the time, then your
16 tournament fishermen are doing a delayed release. I have
17 heard the term both catch and release and catch and return in
18 this conversation. In this fishery is there a difference
19 between those two or is that just --

20 MR. LOVE: In my mind, no. They're both the same
21 thing. I think in regulation we call them catch and
22 return -- I don't know. I think we call them catch-and-return
23 areas. But, you know, broadly people just speak of catch and
24 release. So for me I use the terms interchangeably.

25 MR. DEHOFF: Okay. Because you can almost see that

1 a tournament fisher would be a catch-and-return guy, because
2 he's catching them and he's ultimately returning it, but he
3 is holding it first. So I wasn't sure if there was a
4 difference there.

5 MR. LOVE: No. We really just talk about returning
6 to the water body where they -- yes.

7 MR. TRAGESER: I would think maybe if you wanted to
8 quantify it a little more closely, catch and return could
9 apply to somebody who catches and returns the fish
10 immediately, whereas tournament anglers catch, put them in
11 their live wells, bring them in, and then eventually do have
12 those finished released, but not returned immediately into
13 that area.

14 I am certainly hoping and banking on habitat
15 improvement showing overall improvement to the fishery. You
16 were mentioning storms that took out a lot. I'll tell you
17 another item that occurred right around the time that all
18 this starting dropping off and that was the construction of
19 the new bridge. And there is an awful lot of feeling about a
20 lot of turbidity, settlement that occurred.

21 And you can put all the safeguards in, you know,
22 that you want during these kinds of massive projects that go
23 on, but something is going to go downstream. And there was a
24 lot of grass loss that occurred at the same time that the new
25 bridge was going in.

1 And these things do run in cycles. They take time
2 to come back, if they are going to come back. If you cover
3 them up too much, they may not come back. But certainly we
4 hope to see grasses coming back where there were grasses at
5 one time.

6 The National Harbor project that we're going to do,
7 you know, if things don't come back on their own, then we
8 make an effort to try to put things back in place and hope
9 that they grab a foothold and do that.

10 We have had, our groups have had, this discussion
11 numerous times about creel limits. We've had a very
12 supportive talk about reducing, voluntarily reducing, our
13 creel limits to three instead of five. In fact, part of our
14 tournament regulations right now have reduced them down to
15 three. And we do them boater/non-boater.

16 The boater still has the ability to catch and keep
17 five fish, bring them in and weigh them. But the non-boater
18 is a whole different group. They only can catch three and
19 bring them in. So we do that voluntarily, but I don't know
20 that any of the other tournament groups do that.

21 So, I mean, our relationship is pretty tight.
22 Anything you guys come up with, we sit down and discuss. And
23 we get out to our group. And I'll tell you, we've even had
24 some of our most adamant tournament anglers suggest -- I
25 don't know if anybody knows about a tournament series on TV.

1 It's called "Major League Fishing," where -- and I mean these
2 guys are pros. They take a scale. I mean, it is a certified
3 scale that goes on every boat. The fish are caught, they are
4 weighed, recorded, and those fish go right back in.

5 And our guys have talked about why don't we do
6 that, make an investment -- the scales are about \$100. We
7 average maybe 40 boats. We make an investment in buying
8 those scales for our boats. And if need be for a period of
9 time, you know, we just do completely catch and release,
10 weigh them right there and just put them right back in.

11 So we're aware of the problems. You were talking
12 about the rankings. Yeah, I was -- the Bassmaster just came
13 out with their rankings this month. And the Potomac is not
14 even in the top 100, when it used to be at least in the top
15 20 for years and years and years. And that's why back, you
16 know, '07, '06, bass was here with two elites, one right
17 after the other on the Potomac. It's dropped off.

18 Now, they're coming up to the Upper Bay. And the
19 Upper Bay has a ranking of 57 in the magazine this year. But
20 it isn't going to take much for that bay to tip the other
21 way. I mean, you talk about closures in Pennsylvania. And I
22 think New Jersey has a closure, too, spring closure between
23 March and June. You can't keep anything.

24 That's why you see so many of those groups come
25 down here. And I'm not saying that they are necessarily

1 hurting. We are all up there trying to fish. Habitat, the
2 first thing we need to address. And hopefully we will -- you
3 know, some the storms were --- we will catch a break this
4 year and maybe we won't have a major incident. Grab a
5 foothold, see what's going on with that.

6 But we have a lot to discuss and look at in 2016 as
7 far as closures go, if we talk about any of those things.
8 Our guys are probably going to get a little wacky on that,
9 but, you know, if we do it the right way, we'll figure
10 something out. Hopefully it may not come to that. We'll see
11 what happens.

12 MR. LOVE: Okay. It will take patience.

13 MR. TRAGESER: Yes, yes.

14 MR. LOVE: And in the meantime we'll address some
15 of these other things, particularly figuring out, if we do
16 tournament to a catch-and-return area, what the benchmarks
17 are that we want to achieve before we remove it as a catch-
18 and-return area.

19 MR. TRAGESER: Yes. I think if guys see a -- you
20 know, if they see something get closed with no -- well, to
21 what end are you closing that? If they don't see something
22 on the other end, then it gets a little scary.

23 MR. LOVE: Okay.

24 MR. TRAGESER: But if we have some sort of a model
25 that we are setting up and results that we anticipate coming

1 off of that, if we do that closure, and there is, you know,
2 sort of a maybe true end period in that, then they will do
3 that, they will support that.

4 MR. LOVE: Okay.

5 MR. TRAGESER: You know, my guys will support a lot
6 of things to keep this fishery going, you know that.

7 MR. LOVE: Well, it's also everyone else, FLW,
8 ABA --

9 MR. TRAGESER: Well, and that's it. We're just a
10 very, very small group. I mean, I can tell you I'm at every
11 tournament. I work with our tournament director. I'm the
12 weigh master of all our tournaments. I'm not seeing -- we're
13 doing a good job keeping our fish alive. I am not seeing a
14 lot of mortalities at our tournaments, not whatsoever.

15 And you were talking about gut hooking, Val, and
16 whatnot. A lot of times that does have to do with skill of
17 the fisherman, too. We should be able to, if you're on your
18 mark and you're paying attention to what you're doing, you
19 sense that bite going, you have that fish where you want to
20 get it in the lip, our guys, boy, our guys don't want to gut
21 fish any more than anybody else does, because a dead fish is
22 lost weight, lost points.

23 And actually, the style of fishing that a lot of us
24 are doing right now, which is wacky fishing, you know, that
25 uses a circle-style hook. So a lot of times those hook sets

1 are done more with a lift or just a side sweep than they are
2 a real hard hook set. So there's a little bit of, you know,
3 learning that ends up happening on our side, too. But
4 mortality, we have really improved that over a period of
5 time. But like you said, we have to reach out to all the
6 other ones that are there.

7 MR. LOVE: Yes. We need to talk a little bit more
8 about that. And maybe we can integrate some of that in some
9 of these videos on conservation --

10 MR. TRAGESER: Videos? Absolutely.

11 MR. LOVE: -- that we are putting together.

12 MR. TRAGESER: I'll do all the videos you want to
13 do.

14 MR. LOVE: All right.

15 MR. GOLDSBOROUGH: Thank you, Roger.

16 Thank you, Joe. Hope you got some good input.

17 MR. LOVE: I did. Thank you, guys, very much.

18 MR. GOLDSBOROUGH: Excellent.

19 All right. We're a little behind schedule, so
20 let's pick it up a little bit and move on to the Estuarine
21 and Marine Fisheries report. And I guess we're starting with
22 Mike.

23 MR. LUISI: With striped bass?

24 DR. GOSHORN: Yes. let me sort of get us started
25 on the striped bass.

1 ***Estuarine and Marine Fisheries Management Planning Topics***
2 ***ASMFC Update - Bay Striped Bass Reference Points Discussion***
3 ***by David Goshorn, Ph.D., Acting Director,***
4 ***and Michael Luisi, MD DNR Fisheries Service***

5 DR. GOSHORN: So ASMFC is the first week of August.
6 One of the issues, of course -- I think most of you are
7 familiar with this -- is the Chesapeake Bay reference point.
8 So the technical committee will present at that meeting.
9 They have done their work on that, and they will present that
10 information.

11 The question now becomes not if so much as when do
12 we move forward with an amendment to adopt those, to
13 hopefully, I should say, adopt those Chesapeake Bay reference
14 points. And whether we do it at this coming meeting in
15 August or whether we wait until the October meeting, there
16 are pros and cons to all of that.

17 We will be discussing this, as we typically do,
18 prior to ASMFC with our internal group next week. And then
19 we're also meeting with PRFC in Virginia the next day, also
20 next week, to sort of finalize where we're going with this.

21 But we're interested, obviously, in your advice on
22 how to proceed with this. What the technical committee will
23 not -- what will not be available, I should say, at the
24 August meeting is the assessment that tells us what does this
25 mean in terms of our catch in the near term. That won't be

1 available until October.

2 So we don't know if that's going to say -- it is
3 possible that adopting a Chesapeake Bay reference point will
4 allow for larger quotas. It's also possible it will allow
5 for smaller quotas. That's impossible to say at this point.

6 I think, speaking for myself, I think it's safe to
7 say that Chesapeake Bay reference points are to the benefit
8 of Maryland over the long term. So one could argue that,
9 well, why do we even need to worry about what the assessment
10 says. Whether it goes up or down in the short term, we have
11 to really focus in on the long term here. But that's going
12 to, you know, reality is that's going to influence people's
13 decision.

14 I think one thing we need to all, regardless of
15 what that assessment says, one thing that I think is clear is
16 it's not going to magically, you know, open the floodgates
17 the next day. I mean, I think there is some hope that
18 adopting Chesapeake Bay reference points will greatly improve
19 our situation, our quota. And I think it will improve it
20 over the long term, but don't -- you know, I don't think
21 we're going to have an immediate relaxation.

22 So anyway, so that's part of the argument. There
23 is also concern that if we go ahead now in August that we
24 won't have the votes, whereas some states aren't going to
25 vote one way or the other until they have those Chesapeake --

1 I'm sorry -- until they have the assessments done. We can
2 only go back to the well so many times on this vote. Are we
3 sort of wasting our time trying to push it in August? Would
4 we better served to wait until October?

5 If we do wait until October, however, it means that
6 we won't have anything in place -- it won't result in a
7 change good or bad in time for the 2016 season, just because
8 of the way the ASMFC process works. It will take too long.
9 So if we wait until October, that leaves us until 2017
10 realistically before we see the results of that.

11 So anyway, there is no clear answer of what the
12 best approach is. Like I said, we'll be discussing this next
13 week, but we are interested in this committee's/commission's
14 input on how to proceed.

15 MR. LUISI: I reckon I have one additional point.
16 And you are aware of this given the impacts that we had to
17 take as a result of the finalization of the previous
18 addendum. But the trophy fishery operates under what we
19 would call the coastal reference points, while the summer,
20 fall, and winter fisheries operate under the Chesapeake Bay
21 reference points.

22 So that's something to keep in mind as we move
23 forward. So essentially what we would be doing in this
24 addendum would be going from looking at one gauge of catch
25 along the entire Atlantic Coast, and we would now be

1 separating that catch into two, actually three pieces, but
2 two important one, one for the bay and one for the coast.

3 So impacts to one might have an impact on the
4 other. So it's entirely possible that if Chesapeake Bay
5 biological reference points are adopted, and the assessments
6 updated, that the bay might see some liberalization in rules.

7 It is entirely possible that while the bay sees
8 that liberalization, that a more conservative approach might
9 be needed for the trophy fishery, given how the reference
10 points along the coast come together, as far as that
11 assessment goes. So there are a lot of things up in the air,
12 a lot of unknown.

13 We do -- I will say the technical committee has
14 worked very hard to get us to the point where we are right
15 now, which is being able to -- you know, they are going to be
16 presenting those reference points and what their findings are
17 to date in a couple weeks. So that's where we sit at this
18 point.

19 MR. GOLDSBOROUGH: Thanks, Mike.

20 Phil?

21 *Questions and Answers*

22 MR. LANGLEY: And I guess my question, I guess to
23 Mike or Dave, either one, as far as the reference points and
24 the technical committee, will they be able to use the sex
25 ratio between males and females in the Chesapeake Bay or is

1 that not going to be used at this time, as far as in the
2 October meeting?

3 MR. LUISI: Okay. The issue of male-to-female
4 ratio that we have discussed, that we are a male-dominant
5 Chesapeake Bay, that element is not one of the elements that
6 has factored into the establishment of these recommended
7 reference points.

8 So the reference points that we would be adopting
9 would be -- we would basically be saying while we understand
10 that there is this ratio difference, the adoption of those
11 reference points would be like a 50 -- we would be saying
12 that we consider it 50-50 in the bay.

13 So it is kind of a first step to then make
14 adjustments to those reference points once they're
15 established to further workings by the technical committee,
16 but they're not there yet.

17 MR. LANGLEY: Is there a time frame on that? Do we
18 have any idea of how long that it may -- I mean, are they --
19 they have measures in place now or they're trying to get to
20 that point?

21 MR. LUISI: They're working on the issue. Alexi
22 Sharov, who is our assessment scientist who sits on that
23 technical committee, he is suggesting that at least another
24 year probably before that work can be done. But he can't say
25 because we don't -- you know, that is kind of his -- he said

1 maybe by next year at this time.

2 MR. GOLDSBOROUGH: Thank you, Phil.

3 Ed?

4 MR. O'BRIEN: You know, when do we get mad? I
5 mean, how can they take the male situation out of the
6 reference point evaluation? That just makes no sense. To
7 me, that's one of the key points of Maryland reference
8 points. I mean, the politics gets into the technical
9 committee, too. I mean, this emphasis, this pivot, really
10 upsets me. It certainly going to upset recreational
11 fishermen in their group.

12 MR. LUISI: Well, so the reason that -- so the
13 modeling approach that calculated the coast-wide reference
14 points that were previously adopted, the same approach, the
15 same models, were used to craft these Chesapeake Bay and
16 coastal reference points. And that model that's used does
17 not incorporate sex ratio.

18 So the technical committee has to basically go back
19 and determine a way to fold in the sex ratio, while we
20 understand it is an issue. The work will continue on that.
21 But the way to get it done at this point, to this point where
22 we are now, this was the approach that they saw to get us
23 where we are in 2015.

24 MR. O'BRIEN: That's a reflection. That's a
25 canard. And of course we sat there last meeting and listened

1 to the technical committee ramble on about the delays and how
2 it's going to take so much time to do this and that. But it
3 seems to me politically they were really looking at a way to
4 shoot down our key reference point, I feel, and that's the
5 male situation.

6 And if that's off the table, we're losing. And I
7 haven't heard that enunciation as much as I have today, that
8 it's off the table. So that's been something within the
9 technical committee that I guess just hasn't really been
10 manifesting itself yet.

11 Am I off-base here?

12 MR. LUISI: No, absolutely not. It was not part of
13 the process that the technical committee went through. That
14 doesn't mean that their arguments aren't still there, that we
15 can't still -- you know, when we made the argument to have a
16 reduced -- to reduce the reduction to 20-and-a-half percent
17 from 25, part of that was based on that argument. It's just
18 the science of it hasn't folded itself in yet.

19 But it is going to happen. The technical committee
20 will work on that. They just haven't to date.

21 MR. O'BRIEN: Well, we lost one of our warriors in
22 Tom O'Connell and his influence on some of these politicians.
23 Because the whole thing -- anybody who thinks the technical
24 committee is strictly, you know, science -- I mean, I've been
25 involved with this a long time. It's political.

1 That technical guy has to go back to his state and
2 to have to listen to all the pros and cons from the
3 politicians. You know, as what in the hell is going on with
4 Maryland. I mean, sitting in advisors meetings, there it is
5 laid out on the table for nobody to hide.

6 So I am just trying to figure what in the hell -- I
7 mean, this is bad news. This is bad news what you've come up
8 with today. I didn't mean you have come up with it, but the
9 evolution of this technical committee situation.

10 August, there is no way anything is going to happen
11 positive in August. I have seen sometimes it would go into
12 May and we'd turn something around, but that was back when we
13 were expanding the fishery year after year.

14 That one letter you all came up with that Tom
15 signed, that said it all. What a great position that is. I
16 mean, I'm really just heartsick to hear about this turn of a
17 key point relative to reference points.

18 MR. GOLDSBOROUGH: Thanks, Ed. Of course, we are
19 trying to give good feedback to the Maryland delegation of
20 the ASMFC, which you both are a part of. And I think a big
21 message there and what you said, Ed, is the importance of
22 lobbying other state delegations. And that is something Tom
23 was really good at. So we are going to have to step up our
24 game there. But let's keep that in mind.

25 Dave?

1 MR. SIKORSKI: Yes. I mean, we all have to
2 remember, as much as we disagree here at home, this is a
3 Maryland thing. And this Commission unanimously supported
4 the bay reference point concept, because it makes sense.

5 And the reality is, like Mike said and I may say it
6 a little differently, New England doesn't -- if we change and
7 get our bay reference point, then it's going to affect --
8 it's going to tip the scale, and it's going to affect New
9 England. And they're going to have to take even further
10 reduction.

11 It's --- it's Maryland dead fish. And if we
12 increase the number of dead fish down here, they have a
13 decrease in the number of dead fish up there. That's it.
14 It's politics, plain and simple. It's politics. We are both
15 on the advisory committee, and it's politics.

16 The technical committee, as much as we don't want
17 to believe it, guess what. Science is political, too. And
18 that's the reality. So there is no question we lost a
19 soldier when it comes to Tom, someone I highly respected and
20 was even on track to be the next chairman of ASMFC.

21 MR. GOLDSBOROUGH: Yes. Phil?

22 MR. LANGLEY: Yes. The only thing I was going to
23 comment on, Bill, and it's kind of along these lines, but I
24 am going to stray just a touch. But the charter boat
25 industry, I know we calculated in our spring fishery this

1 year a 25-percent reduction. And I can almost guarantee you
2 we took 50 percent this year. And I am probably being
3 generous.

4 And I am not sure, the charter fishery brings a lot
5 of revenue to the State of Maryland through hotels,
6 restaurants, service stations, wherever, when you look at the
7 total picture of the impact.

8 And I'm not sure how many years we can withstand
9 these type of reductions that we have taken this year as a
10 state, as far as to revenue for the State of Maryland.
11 Because these people are going to go to the other states.
12 You know, they're going to go somewhere else where it's more
13 liberal.

14 And unfortunately, I hate to put it like that, but
15 there are competitors within the State of Maryland for the
16 same fishery.

17 MR. GOLDSBOROUGH: Thank you, Phil.

18 Jim?

19 MR. GRACIE: I have a question, Mike. Are you
20 saying that there aren't incorporated sex ratios because they
21 don't have the data for that, they don't have it in the
22 model, or --

23 MR. LUISI: I think it is a -- I'm not an
24 assessment scientist, but I think it's part of the model that
25 was approved for use to determining those reference points.

1 It does not have a way to incorporate the sex ratio
2 relationship specifically.

3 MR. GRACIE: If the rest of them develop reference
4 points, which makes sense for the Chesapeake Bay, how can do
5 that without including the sex ratio, since that's one of the
6 big differences? That would make sense to me. I'm not
7 following it.

8 MR. LUISI: Yeah. And I'm sorry I don't have -- I
9 need to ask staff to help me with that one, for an
10 explanation as to why. But that's what I've been told, that
11 the sex ratio component, the offset of more males than
12 females in the bay, is not an element in this current
13 approach that determines -- that's recommending these
14 reference points.

15 And I could --

16 MR. GRACIE: So we will develop reference points,
17 but it doesn't incorporate the important data in it, but
18 we're going to do it anyway. I mean, that's my point. What
19 am I missing?

20 MR. LUISI: Well, it's one -- it's a step, this
21 initial step is a step to the true biological reference
22 points. It's one wave of multiple saves that I think we will
23 accomplish. It's just not happening as we speak.

24 DR. GOSHORN: And I was -- you know, again, like
25 Mike, I was not involved in the nitty gritty of this. But I

1 would -- to suggest that the different sex ratios are not
2 incorporated, I think may not be entirely accurate. The
3 population in the Chesapeake Bay by itself has different sex
4 ratios in the coast. So I think it's incorporated in that
5 sense, because we're looking at a different population. But
6 I don't think it is specifically incorporated is the point.

7 MR. GOLDSBOROUGH: The bottom line -- the common
8 denominator should be females. I think that is still the
9 case, isn't it?

10 DR. GOSHORN: (Technical difficulty) is the
11 indicator. Right.

12 MR. GOLDSBOROUGH: Yes.

13 DR. GOSHORN: Not females, female spawning sites.

14 MS. DEAN: So is your point, Bill, then that they
15 might not be looking at the males, but they might take into
16 account that we're not fishing on the females? Is that why
17 you asked the question?

18 MR. GOLDSBOROUGH: Yes. So in my mind, I mean, I'm
19 trying to get clarity here, too, that when they look at the
20 bay fishery, they will look at what they need to do to
21 preserve -- to meet the conservation targets for females for
22 the spawning --- biomass. And we catch mostly males.

23 MR. GRACIE: So taking more males shouldn't affect
24 it.

25 MR. GOLDSBOROUGH: Right.

1 MR. GRACIE: But they're not going to take that
2 into account.

3 MR. GOLDSBOROUGH: Well, I'm not sure what that
4 means. I don't think we've gotten to the bottom of that.
5 That is part of my query.

6 MR. LUISI: You know, another strategy would be for
7 us to take a look at what is being recommended at this point
8 and say it's not ready yet, that these Chesapeake Bay
9 biological reference points without the sex ratio factored in
10 is not where we want to be. And we would wait for further
11 development.

12 MR. GRACIE: How do you do that?

13 MR. LUISI: How do you --

14 MR. GRACIE: How do you, as a practical matter, how
15 do you inject that into the discussion?

16 MR. LUISI: After the technical committee reports
17 out next week or in two weeks, you know, any of us -- I am
18 going to be sitting in for Tom on striped bass, or actually
19 for Dave. I'm sorry.

20 So, you know, we all have the opportunity to say
21 that, put it on the record, and state -- thank the technical
22 committee for their hard work and effort, but we're not
23 feeling that this is -- you know, because I think what
24 they're looking at -- the original motion years ago wanted
25 Chesapeake Bay reference points built into this reference

1 point updates.

2 It didn't come together as we all had hoped. We
3 now have them, but are they the ones that we want to go
4 forward with? So we would make that point. We would maybe
5 possibly even charge the TC to again go back to the tables
6 and redevelop, rework on, you know, getting to that next
7 level.

8 MR. LYNCH: What I'm asking is, is this report
9 already done? Is it awaiting publication or do you have an
10 opportunity to ask the technical committee: Have you
11 included the male population? And if not, why not?

12 MR. LUISI: We have that -- we can ask them at the
13 table.

14 MR. LYNCH: I would suggest that that be done.

15 MR. LUISI: Okay.

16 MR. GRACIE: I guess if it's not Val's question,
17 it's mine. How do you make them go back and redo that? Is
18 that up to the Commission?

19 MR. LUISI: Right. The board can vote on guidance
20 to the technical committee. And it doesn't even have to --

21 MR. GRACIE: Why would we have more votes for that
22 than we had last time? It's the same fellows, isn't it?

23 MR. LUISI: We also have a technical committee
24 staff person that could try to drive this, as he did with the
25 Chesapeake Bay reference points for the last year and a half.

1 MR. GOLDSBOROUGH: Mark?

2 MR. DEHOFF: Is it safe to assume that when we
3 asked for the Chesapeake Bay reference points, they basically
4 used the same equations, for lack of a better term, and just
5 put Chesapeake Bay data into it instead of creating a whole
6 new set of equations based on what our needs are on the bay?
7 Is that basically what they did?

8 MR. LUISI: That's a good way to think about it.

9 MR. DEHOFF: So what the future brings is that we
10 have them tweak what those equations in our data set are to
11 make it more reflective and an accurate picture of what we're
12 fishing on here in the Chesapeake Bay. Whereas right now all
13 they did was they said: Hey, this was the big picture. Now
14 we're going to give you a snapshot of what the little picture
15 is using the same data. Is that a pretty safe assumption?

16 MR. LUISI: That's a good way to say it. Now, to
17 go back and do it all a different way would have there be a
18 peer review. There is a lot more to it.

19 MR. DEHOFF: Right. So --

20 MR. LUISI: It is just much more involved.

21 MR. DEHOFF: -- in order to get new data as part of
22 that set, then you have to go through that whole peer review
23 order to do it. Whereas we got what we asked for was our
24 snapshot, but it's not exactly from the view that we wanted
25 it to be taken from.

1 MR. LUISI: It's not the best we could get, but
2 it's closer than what we have.

3 MR. DEHOFF: Right.

4 MS. DEAN: And just for a point --

5 MR. GOLDSBOROUGH: No, no. Go ahead, Rachel.

6 MS. DEAN: Okay. Just for a point of
7 clarification, did I hear correctly that because our spring
8 fishery is managed under the Chesapeake Bay coast fishery
9 that if we look at making this slide happen, then they could
10 be possibly looking at further reductions in the spring
11 fishery?

12 MR. LUISI: The way that I understand is we don't
13 know which way it could slide. There could be less
14 restriction in the spring fishery and more in the Chesapeake
15 Bay after the assessment update.

16 MS. DEAN: Okay. So --

17 MR. LUISI: So it just -- so what I'm saying is to
18 incorporate, to do this, if we were to go forward and have
19 these two gauges now adopted, one might better the Chesapeake
20 season of summer, fall, winter. The other may better -- just
21 when we run the model up, when we run the update on the
22 assessment and we get the data and finally get a chance to
23 look at it, which we don't have yet, we will know, we will
24 have a better sense as to which way the different scales are
25 going to slide.

1 MS. DEAN: Okay. Because my question --

2 MR. LUISI: But they're going to be different, like
3 they're not both going to slide -- well, I guess they could.
4 They could each slide to liberal versus conservative.

5 MS. DEAN: Okay. My question was when you said
6 that it was thrown in with the coast, I wanted to make sure
7 that there was a line between our Chesapeake Bay coastal
8 fishery and our spring fishery and not -- because, you know,
9 we said up in the north, if they get reduced, then, you know,
10 because we're going up -- so you're saying our spring fishery
11 could be reduced if our Chesapeake Bay comes back up.

12 MR. LUISI: Our spring fishery would adjust as the
13 coastal reference point is dealt with, as far as fishing
14 mortality. So the spring fishery could be restricted while
15 the summer, fall, winter fishery could be expanded after an
16 update. Or it could be vice versa. It could flip. We could
17 have a less restrictive spring and a more restrictive. We
18 could have them both be more restrictive. We could -- it is
19 just they will be independent of one another.

20 So just -- you know, the momentum in any one year
21 for Maryland could be in all different directions, depending
22 on which fishery we are talking about. Because that spring
23 fishery is the coastal fishery.

24 MR. GOLDSBOROUGH: Ed?

25 MR. O'BRIEN: It is just so sad. Again, it is hard

1 sometimes in these discussions to separate the coastal
2 fishery from what we -- our fishery in the summertime. But
3 this fishery in the summertime, we're really a hurting
4 resource on that 20-inch fish. You can go out there on
5 certain days and you'll catch 5 or 6 keepers and throw 40
6 back. And once this bait fishing picks up, that's going to
7 be predominant.

8 So what is a captain to do? He just sits there and
9 fishes and fishes and fishes. Instead of getting back on an
10 all-day trip at 2:00 o'clock, if he can, he keeps his party
11 out well into the evening just to try to catch a couple fish
12 that he can take home with him, and catching and releasing
13 and catching and releasing. It's sad, it really is, what
14 we're up against.

15 And then, you know, the other complication is the
16 hook and line fishery, as they are around charter boats. And
17 they can keep an 18-inch fish. And we have to wait for a 20.
18 That what I just described is getting worse and worse. And
19 it will get much worse as you get into August and September
20 and early October. I mean, it's just frustrating.

21 And then to hear they're taking out our reference
22 points that could go -- this key part, you know, just as Phil
23 said, this the worst kind of news.

24 MS. DEAN: Are there other options that we can look
25 at for that summer fishery instead of the 20-inch fish next

1 year? Do we have actions like we did for the spring fishery,
2 so that we're not dealing with that?

3 MR. LUISI: One of the points I was going to make
4 was that if nothing changes, we absolutely have every tool
5 that we have at our disposal to deal with -- we could make
6 changes to those fisheries, the spring and the summer, by
7 using different tools. You know, all the options that were
8 available this year would be available again to consider. So
9 if a slot just didn't come together like we had hoped, we can
10 certainly revisit that for the spring season.

11 MR. GOLDSBOROUGH: Bill?

12 MR. O'BRIEN: It gets sadder and sadder because all
13 of these options are very hurtful to the charter boat and
14 recreational fishery, particularly the charter boats.

15 I mean, what are you talking about? You're talking
16 about just taking away days. And that's one of the key
17 precepts that's kept us alive, to have the options of the
18 day. This boat can't run all those days. He will run
19 certain days, and the next boat, though, has other
20 opportunity in the other days. So keep in mind expansive
21 days is very important. That's always what comes up. That's
22 usually the first thing that comes up.

23 And then, you know, we have a very different
24 fishery down south in our Maryland portion of the bay than we
25 do up north. So it's just hard. And then to hear that the

1 reference points are being -- is being compromised like this,
2 because of this male-female situation, you know, it's
3 heartbreaking.

4 MR. GOLDSBOROUGH: Bill?

5 MR. LANGLEY: The only other question I had for
6 Mike is, are they included '13/'14 data in the latest report,
7 or is it -- I think the last time they looked at the
8 reference point it was 2012 data. Are they included '13/'14
9 or what year class, what years are they addressing? Do you
10 know?

11 MR. LUISI: Yes. The assessment update will have
12 two additional years, so '13 and '14. So fishing mortality
13 will be looked at for 2014 to determine where we sit. If we
14 sit at the target, we're in good shape. If we're between the
15 target and the threshold, you have to take reductions to get
16 to the target.

17 We're over the threshold, we're over fishing. And
18 so those are the things that we don't know. We won't know
19 until the assessment update, which is between the August and
20 the early November meeting of ASMFC. So we are just trying
21 to decide if we make the effort now with unknowing what those
22 impacts would be --

23 MR. : Careful what you wish for.

24 MR. LUISI: -- just be careful. So that's what
25 we're going to be discussing internally with our other state

1 commissioners, as well as the Chesapeake Bay jurisdictions,
2 next week.

3 MR. GOLDSBOROUGH: Yes. Ed?

4 MR. O'BRIEN: A follow up. I know you have been
5 talking to Virginia. And it is funny how that commercial
6 fishery of theirs in the spring seems to get by and by in a
7 way that our commercial fishery doesn't. And it certainly
8 hurts our situation in the spring. They get those big fish
9 going up and coming back. And that certainly affects the way
10 that these northern people look at the bay. They couple us
11 in with Virginia.

12 If we could do something about that Virginia
13 commercial fishery, easier said than done, that could have
14 some dramatic effectiveness. I listen to it all the time,
15 the advisors, and -- now we were -- Bill, you might comment
16 on this.

17 We were involved with a dialogue with Virginia on
18 this several months ago. And they seemed to be starting to
19 get to understand, because people were starting to focus on
20 it. That slot really brought focus on it. There are certain
21 fish that really bring a good price. The slot fish that we
22 can keep are those fish. Our commercial fishery in the
23 wintertime are those same fish, same sizes, same fish,
24 bringing the best price.

25 I mean, something is just cockeyed about this. And

1 you talk about tools. It seems to me that could be a big
2 tool if Maryland and Virginia could get together on that.

3 MR. GOLDSBOROUGH: You are referring mostly to the
4 discussions after ASMFC's annual meeting last fall, when the
5 bay jurisdictions were trying to figure out how they were
6 going to implement the cutbacks. And there was a discussion
7 about possible maximum size on Virginia's commercial fishery
8 like we have.

9 MR. O'BRIEN: That's right.

10 MR. GOLDSBOROUGH: Yes. And that is something Tom
11 was working hard on. I think we definitely need to keep that
12 in mind as we move forward.

13 MR. LUISI: We will be with Virginia next
14 Wednesday. So we can certainly put it on our things to
15 discuss with them.

16 MR. GOLDSBOROUGH: Yes. Okay. One more. Jim?

17 MR. GRACIE: On the 20-inch fish, isn't there a
18 logical treatment that says you may have higher mortality on
19 the 20-inch minimum than an 18-inch minimum, because of the
20 catch-and-release mortalities? That number goes way, you're
21 releasing so many more fish ---.

22 MR. LUISI: Right. You are releasing a lot.
23 However -- and some will die. But the theory is that you're
24 saving more by not harvesting them at 18 inches. Now --

25 MR. GRACIE: So I look at those numbers, even if

1 you just use the nine-percent mortality.

2 MR. SIKORSKI: It's 100 percent versus 90 percent.

3 MR. LUISI: So you are --

4 MR. SIKORSKI: The 90 percent will live if they are
5 released.

6 MR. GRACIE: Yes, but if I got home with three 20-
7 inch fish and I have released 40 18-inch fish, then there is
8 four dead fish and I killed two. I caught two. So that's
9 six. So that's higher mortality than if I had 18-inch fish
10 because I would stop after I got the first two. That's the
11 point. There's some math in there. How do we account for
12 that? How do you account for that when you do the
13 conservation of ---?

14 MR. SIKORSKI: I don't.

15 MR. GRACIE: You don't have a ratio of release
16 to --

17 MR. GOLDSBOROUGH: Well, again, that relies on the
18 quality of the data.

19 MR. LUISI: Yes, and also not everybody goes out
20 and catches two fish, two 20. So that's not an assumption
21 that a fishing trip is going to result in the two that you
22 killed plus all the released ones that you kill, as well. So
23 that's not --

24 MR. GRACIE: If my releasing -- it might result in
25 all the release ones and no recordable harvest.

1 MR. LUISI: Right. You might not have harvest and
2 kill two by releasing them.

3 MR. GRACIE: And I just caught those two natural,
4 but the question is, what's the real mortality? And are we
5 saving fish by having a 20-inch limit?

6 MR. LUISI: We are saving fish, but -- we are
7 saving fish, because there will be a lot of fish returned to
8 the water that would normally have been going home with the
9 20-inch minimum. Now, a 20-inch minimum was a management
10 action that we took because season and bag limits were not on
11 the table for a tool.

12 MR. GRACIE: Understand that.

13 MR. LUISI: So if we go back and look at all this
14 again, we could have an 18-inch fish or a 19-inch fish, but
15 something else has to play in. So that's all for what you
16 guys need to be thinking about moving forward.

17 MR. GOLDSBOROUGH: All right. Can we move on then?
18 Are we good? I think we have clearly sent the message.

19 MR. : We can move on whether we're good
20 or not.

21 MR. GOLDSBOROUGH: So you have something quick?

22 MR. LANGLEY: One more thing, and I'm not sure it's
23 to bring this into this or not, but I would like to touch
24 base on it. And I'm not sure that you can give us anything,
25 because it's still early.

1 But the young of the year, the samplings that have
2 been done so far, do we have any idea of, you know, just a
3 swag of whether it's an average year, four year, how -- or
4 maybe you don't want to address it. I don't know. But just
5 going forward to ASMFC, that may be some leverage that could
6 possibly help us or hurt us. I don't know.

7 MR. LUISI: So we don't like to usually get too
8 into the weeds of results before -- or even a third of the
9 way through the sampling. But I can say that when I got the
10 report today at my staff meeting, I was smiling. I was happy
11 to hear the news that was reported. So the indication is
12 good. However, it's one third of the way through.

13 MR. LANGLEY: I understand.

14 MR. LUISI: And it can happen in some cases where
15 the survey starts off at a high level and then something
16 throughout the rest of the -- it bounces around, but I can go
17 on record to say that all signs are looking positive at this
18 point.

19 MR. LANGLEY: When will it be completed? Is there
20 a deadline, a date? Will it be before the August meeting or
21 will it be October?

22 MR. LUISI: It will be before the October --

23 MR. LANGLEY: October.

24 MR. LUISI: And the meeting in October, the annual
25 meeting is actually in November. It's the first week of

1 November, and it's in Florida. But that information about
2 the JI will be available at that meeting, which could help.

3 MR. LANGLEY: All right. Thanks. I appreciate you
4 elaborating. I was just -- like I say, at this time --

5 MR. GOLDSBOROUGH: I know. It was a good question.

6 MR. LUISI: Be careful not to take that and run
7 with it too far. Leave it right at the door on your way out.

8 MR. GOLDSBOROUGH: Now Mike Luisi is smiling.

9 MR. LUISI: I don't smile too often anymore.

10 MR. GOLDSBOROUGH: All right. Let's move along and
11 move to the white perch. Are you doing that?

12 MR. LUISI: I would actually -- if I could have one
13 minute just to mention flounder and eels real quickly.

14 MR. GOLDSBOROUGH: Oh, yes. Go ahead. Go ahead.

15 MR. LUISI: It wasn't on there, but it's part of
16 the ASMFC update, if that's okay.

17 MR. GOLDSBOROUGH: Right. Yes. Go for it.

18 ***ASMFC Update - American Eel Amendment and Stock Assessment***

19 ***by Michael Luisi, MD DNR Fisheries Service***

20 MR. LUISI: Okay. So two quick things. One is
21 regarding ASMFC action that we might have to take on American
22 eels. It is more of a commercial issue than anything. It
23 has to do with a cap that was set for eels along the Atlantic
24 Coast. It incorporates all forms of harvest, both commercial
25 and recreational.

1 If that cap is reached, which signs are kind of --
2 we are kind of at that point where we can project that we
3 likely will reach that cap, it will set off a management
4 trigger. That management trigger would be for Maryland now
5 to have its own eel quota. It was about 57 percent total of
6 the coast-wide stock would be able to be harvested in
7 Maryland.

8 It sets a quota that is less than what our annual
9 landings have been over the last few years. However, we need
10 to engage -- and this is the thing that Jacob brought up as
11 far as his scoping.

12 We need to begin the process to be able to manage
13 an eel quota. Like I said, most of this is going to be on
14 the backs of the commercial harvesters. But we have zero
15 certainty in recreational through harvest, not by just
16 fishermen, but the regulations allow for crabbers, a
17 recreational crabber, to set eel traps.

18 So any harvest that is going to be happening in
19 Maryland needs to be understood. So we are starting the
20 process to identify how we would manage a quota for Maryland
21 and what impacts that would have for both commercial and
22 recreational anglers.

23 So that's my eel update.

24

25

Questions and Answers

1 MR. SIKORSKI: Do you have any sense for what
2 the -- I know you have no technical knowledge of what the
3 recreational harvest is, anecdotal, or any hints or anything?
4 Because I didn't even know that people did it necessarily.

5 MR. LUISI: There are some that are harvested. You
6 see pictures. I have no concept. MRIP estimated one a
7 couple years ago.

8 MR. SIKORSKI: One eel.

9 MR. LUISI: One eel. And it was, you know, 40
10 another year. So I'm not saying that recreational harvest is
11 a big contributor to the overall state harvest of eels, but
12 it's something that we need to be thinking about, if we have
13 to go forward in managing a quota. It's just one issue.

14 And my last update has to do with summer flounder.
15 So I got a call last week. The Atlantic States Commission
16 Board and the Mid-Atlantic Fisheries Management Council meets
17 jointly each August to discuss and set quotas for summer
18 flounder, black sea bass, scup, and bluefish for the next few
19 years.

20 And so in preparation for that meeting -- I chair
21 that meeting. And in preparation for that I got on the phone
22 and started trying to coordinate to set up pre-meetings so
23 that we can kind of get the plan together.

24 Thirty seconds after I hit the send button to call
25 that plan, to get that group together, I got a phone call

1 from someone at the council that said, "You must not have
2 seen the most recent information. Here it is."

3 It doesn't look good for flounder. We are looking
4 at some pretty sizeable restrictions that will be coming our
5 way. The first indication was that it could be upwards
6 around 40 to 45 percent as a cutback on flounder. And this
7 is not just Maryland, but the coast. A coast-wide cutback of
8 almost a half on a marked species is something that is going
9 to sting a lot of people.

10 So between last week and today I just received a
11 new memo from the council. Staff had been working with the
12 Federal Government because the Federal Government, NOAA, and
13 the National Marine Fisheries Service plays -- they are part
14 of this quota-setting process.

15 They have been working to try to figure out ways to
16 mitigate this cutback, this reduction, and take it over the
17 course of a three-year period instead of one, which would be
18 very helpful. We would still be looking at probably a 20-
19 percent reduction both commercially and recreationally, but
20 that is a lot better than 45 percent.

21 So there is a meeting tomorrow in Baltimore, which
22 I will be in attendance, where the scientists who were going
23 to review the recent assessment that recommended this.

24 They are going to have a discussion and come up
25 with a plan and a strategy for quota setting for the next few

1 years. And then I will be in New York City for the joint
2 meeting. And I know Dave sits on that board, as well, for
3 Bill, for the ASMFC summer flounder board. So we will have
4 an opportunity to have more discussions then.

5 All I can say is that I will do everything I can to
6 try to keep the impacts to the degree they don't, you know,
7 cripple industry. At this point we announced this to the
8 folks on the coast, so the commercial and the recreational
9 guys on the coast are aware of this, as well.

10 There is probably going to be some opportunity to
11 engage, you know, if this is something that is very critical
12 for you. The opportunity will be in front of us in the next
13 few months as we move forward.

14 So I just wanted to get that out to all of you. If
15 you have any questions, certainly let me know.

16 MR. GOLDSBOROUGH: Questions? Comments?

17 (No response.)

18 MR. GOLDSBOROUGH: Mike, on that note, cool.

19 MR. LUISI: And that's all I have.

20 MR. GOLDSBOROUGH: You are done.

21 Then we go to white perch.

22 MR. LUISI: Paul is going to give an assessment
23 update on white perch. I'm all done.

24 MR. GOLDSBOROUGH: Okay.

25 ***White Perch FMP Review and Stock Assessment Update***

1 *by Paul Piavis, MD DNR Fisheries Service*

2 MR. PIAVIS: I'm Paul Piavis. I work under Mike
3 Luisi's group. We're located over in Stevensville, Upper
4 Matapeake. And we do a white perch stock assessment. We
5 revisit about every three years as part of our federal aid
6 grant. And this year we just completed our assessment
7 with --- through 2014.

8 (Slide)

9 All right. The way we approach the assessment is
10 on a regional basis. We look at the Upper Bay, the Choptank,
11 and then kind of lump areas other than the Choptank below the
12 Bay Bridge. The Upper Bay accounts for about 60 percent of
13 the total landings. Some years it's mid 50, some years it's
14 as high as 70 percent.

15 We have been conducting a winter trial survey in
16 the Upper Bay since 2000. It consists of six rounds. You
17 usually have one round mid-December, and three or four rounds
18 in January, and then one or two rounds, depending on how many
19 we got done in January, we do those last couple rounds in
20 February. Obviously ice conditions has a big impact on the
21 timing of the survey.

22 The Upper Bay assessment, we use a model called a
23 catch survey analysis. It's a length-based method. It's
24 pretty robust. It captures trends very well. And if you
25 have good quality input data, it does a pretty good job at

1 calculating both F and total numbers.

2 As far as the Choptank River, we have been
3 conducting fishery independent, which means we set and we
4 fish our own fyke nets. That's actually one of the longer
5 term data sets that I think we have for adult fish, at least
6 in a multi-species kind of context. That survey was begun in
7 1988, and we're still plugging along with that.

8 Depending on other sampling responsibilities, we
9 generally try to start around President's Day, and we pull
10 our nets when rockfish start showing up. So that's usually
11 around the first of April. Of course, this year everything
12 was out of whack. Everything was at least two, three weeks
13 late, including set net. I don't believe we -- we didn't get
14 out and set until the second week of March this year.

15 Again, that analysis is also a catch survey
16 analysis, again link based. And you will see the same output
17 graphs that you would have for the Upper Bay.

18 Now for the Lower Bay. We don't have a widespread
19 fishery independent survey for that area. So we just are
20 looking for trends in a lot of the commercial fishery
21 indexes. We have a juvenile index, the white perch index
22 from the striped bass survey. And also, we get some data
23 from striped bass's spawning stock biomass survey, the gill
24 net survey in the Potomac.

25 So basically what we are doing there is looking at

1 similar trends among those indexes and how they relate to the
2 long-term averages.

3 (Slide)

4 This is a picture of the trull crew in the Upper
5 Bay this past year. And that's a particularly large haul.
6 We would get maybe one of those every year or every maybe
7 one, two around. This year they were quite common.

8 And I think if you pay attention to a lot of the
9 stock assessments and a lot of the data that's coming out,
10 you will see that one commonality with the different stocks
11 at the 2000 year class is pretty special. And white perch
12 are certainly no exception.

13 Again, this is from 2015. So I am going to bring
14 out -- and a lot of these results, these don't even come into
15 play. Again, since this is link based some of them are
16 partially coming in because of the great difference in growth
17 rates. So in other words, some of the 2011 year class is in
18 this data, but not all of it. The best is yet to come.

19 As far as the geographical coverage of the trull
20 survey, it's from between Colchester and Rock Hall all the
21 way up to Turkey Point, the head of the Elk, and then sites
22 up the Elk, up to Town Point, and then sites up the Sassafras
23 River all the way almost up to Georgetown.

24 (Slide)

25 So for the Upper Bay, we have white perch

1 estimates. As I said, this is a link-based analysis. The
2 light gray bars are what we term pre-recruits. And what this
3 model does is it looks for the number of pre-recruits, which
4 are the fish that you expect to grow into the recruited age
5 size the following year. So these pre-recruits are
6 essentially the number of seven- to eight-inch white perch.
7 And we use eight-inch white perch as the recruit size.

8 So the upper black bar would indicate the recruit
9 abundance. So if you take the 2000 data results, it's
10 slightly over 4.1 million pre-recruits. And then 4.1 million
11 minus 9.9, 5.8 million recruit fish.

12 So you saw we have a big -- we started off fairly
13 high, then had a -- started a general decline down through
14 the mid to late 2000s and then a rebound up. And I think if
15 you talk to the people, there was perhaps a little lag. I
16 remember fielding some questions back in -- it would have
17 been more like 2006, saying we're starting to see a decline.

18 Well, fishermen are pretty resilient. And they can
19 continue to fish at high levels on a declining stock, and
20 that's exactly what we saw. But again, those -- if you look
21 at the juvenile index and the history of it, that level in
22 the 2000/2001 area, it was very high, even historically a
23 very high abundance of fish.

24 We have the juvenile data that goes back to '62.
25 And we have a long stretch of well-above average recruitment

1 there from the late '90s into the early 2000s.

2 Now the decline was generally from low juvenile
3 production for, you know, three, four, five years coupled
4 with the removals. The good news is, of course, as you see
5 from the graph, that the big black bars are going up. And
6 again, this ends at 2013, this graph.

7 I didn't include 2014 because the last year of the
8 model, the only thing that the model estimates is the adults.
9 It doesn't estimate the juveniles. So where the 2013
10 estimated number of adult recruited fish was, I think, 4.2
11 million, the 2014 estimate was 5.5 million. So that's a
12 pretty good increase. And we're going to keep seeing that as
13 that 2011 year class comes in.

14 White perch have very, very different growth rates.
15 They grow -- especially in super year classes, a lot of
16 different fish species, the range of length of a certain age
17 class is super. You get super slow growers. You get
18 super-fast growers, more so than if you have just an average
19 or below-average year class.

20 So what I fully intend to see is, as this model
21 matures and we have more data on the 2011 year class, I
22 suspect a lot of these 2013 and 2014 bars are going to be
23 revised upward.

24 The one thing I would like to point out is a lot of
25 models, almost all models, rely on a lot of contrast. If you

1 just have a middling population, a model doesn't quite know
2 what to do with it. The best model results come from a big
3 contrast, which you see we have in here. We have, you know,
4 from down to, you know. 4-plus million fish up to 11 million
5 fish. So that's pretty good contrast.

6 But not only do you need contrast, what I like to
7 call directionality, you don't want it up and down. The
8 model still, especially if you're just in that first downward
9 part, it doesn't quite know whether to believe the data or
10 not. So if you have this full cycle, the models know how to
11 fit the data a little better. And this will be important
12 when I get to the Choptank analysis.

13 (Slide)

14 Now, I've termed -- this is the instantaneous
15 fishing mortality rates. I've termed them a proposed target
16 and a proposed limit. When Rick Morin goes over the FMP,
17 despite white perch being a fairly popular and ubiquitous
18 species, we don't really have an adopted FMP. We've been
19 working off of the proposed FMP from a while ago.

20 So we came up with an F target, which is .6, which
21 is kind of -- the idea is that's kind of where you want to
22 fish at or about. It should be okay. If you fish at F
23 limit, which is at the 1.12 or 6 -- I can't quite remember,
24 probably 6, I guess -- level, if you go above that for more
25 than an extended period of time, you are more than likely

1 going to be in trouble.

2 You can see the F in the Upper Bay has -- we were
3 fishing right at that target. And some of that is because
4 the population was coming down. Remember I said fishermen
5 can be pretty resilient.

6 So you can still catch your fish, even though you
7 are fishing on a declining stock. So that's going to keep
8 that F level stable. And then as the population grows out,
9 maybe the effort stays the same, but the catches lag. So
10 that's the reason why the F stays down, or that's a definite
11 distinct possibility.

12 Now, if you look at the -- if you think about this,
13 also, the target and the limit, there probably aren't a whole
14 lot of species that especially as a limit have that that
15 high. And yellow perch are just -- excuse me, wrong species.

16 White perch, a white perch this big can have eggs.
17 And, you know, they can -- white perch can be four years old
18 or it can be two years old or it can be five years old. We
19 get some very, very widespread girth in white perch.

20 So from a spawning biomass point of view, and given
21 the longevity of white perch, that's all indicative, or it's
22 illustrated by that high F limit.

23 (Slide)

24 Okay. Now as far as the Choptank goes, this is
25 where I wanted to bring up that directionality. We have

1 actually been doing this model for quite a bit longer than
2 the Upper Bay. This model, you don't really want to use it
3 with the F year, if you're in about ten years of good data.
4 So we have actually been doing this for a while.

5 And as you can see -- and this tracks our data, our
6 relative abundance data, very well. But as you can see, for
7 a large part of the time series it's going up and up and up
8 and up. There is that little plateau there in the nineties
9 compared to before and after, but that's essentially what we
10 see in the data.

11 However, once the data points started to roll over
12 in the 2011 assessment, it kept fitting it upward. And
13 that's that inertia, what I call inertia. We had the
14 contrast, but we didn't have the directionality.

15 And as we are starting to build back up, in three
16 years there will be a lot more clarity in this. I have a lot
17 more faith in the Upper Bay model than this. This, as far as
18 a trend, I'm sure it's right, but magnitudes, the magnitude
19 of the decline especially is probably not as great.

20 Again, this one does have the 2014 in it, but that
21 will, again in a subsequent model, run that -- that last data
22 point is going to be considerably higher, especially for the
23 pre-recruits. And as we go into 2014/2015, it looks like the
24 2013 year class was pretty good, too. So you are going to,
25 over the next couple years, you are going to have a couple

1 good year classes building into the recruited population.

2 (Slide)

3 As far as the F rates go, an empirical way to kind
4 of judge the proposed target and limit is to look at how the
5 population responded. And if you recall, there was that
6 little plateau in the early to mid-nineties. And you can see
7 that there. That's when we were just above the target. And
8 we were there for quite a while and then hit up to the limit.

9 And you can see that plateau and then that fall.
10 There can be some lag in the model, per se, but in general
11 the period of expansion -- wrong F -- the period of expansion
12 was on that declining F. And again, that can be a partial
13 function of the population going up and the take maintaining
14 itself. But at least as far as from an empirical point of
15 view, it looks like that F6 is probably a pretty good area
16 where you want to be fishing at or below.

17 (Slide)

18 Now as far as the Lower Bay, we looked at the fyke
19 net, commercial fyke net. Again, this is all aggregated for
20 all the systems below the bay. The fyke net, the gill net,
21 and the pound net data. Pound net data is a little more
22 noisy.

23 But in general -- and again, these are very, very
24 much generalities -- the trends are very much the same. And
25 they show fairly high abundances, very high abundances in the

1 early 2000s, a decline to lower abundances in 2007 and '09,
2 so kind of akin to the Upper Bay, with a build-back into the
3 most recent years. However, in almost every index in 2013 --
4 2014, I'm sorry -- instead of that continual upward in the
5 Upper Bay, it was more like the Choptank. It had a bit of a
6 fall-off.

7 And all the indices are right at, so maybe a little
8 bit below, maybe a little bit above, their long-term average,
9 long term for that data set is going back to the eighties, to
10 1980. So every indication there is that the populations are
11 in a little bit of a flux, but we're still at average
12 biomass.

13 The fishery independent Potomac River gill net
14 survey for the striped bass, it's not ideal, but it shows the
15 same thing. It's right at its long-term average. And that's
16 a continuous data set from, well, before 1985, but it was
17 more standardized in 1985. So that's when I started looking
18 at it.

19 And again, in the Lower Bay I took -- Eric Durell*
20 runs the striped bass survey, the juvenile index. I took all
21 of his sites below the Bay Bridge and assembled them into
22 kind of an aggregate index.

23 And as you can see, there is that big productivity
24 boom, you know, right around the 2000, '98, whatever, 2001.
25 Then some intermittent, very strong year classes since then.

1 But if you compare that to the sixties and seventies, you can
2 see that we were in a really, really good productivity cycle.

3 The black horizontal line is the data set average
4 for the juvenile index. So we have been, you know, at the
5 index, what, pretty close to two times and above it four
6 times in probably the last, it looks like, about ten years.

7 Now the red line, what I did was I took an eight-
8 year moving average of that to kind of use it as a proxy, if
9 the proportion of removals are about the same.

10 This is a very good, quick, rough look. It might
11 have been a little more accurate to do maybe a 10 or 12 year,
12 but I think this shows a pretty good picture of what the
13 population biomass has been doing at least as a trend. And
14 again, you see a decline from a very high level down to a
15 bottoming out.

16 And then here in the Lower Bay it is kicked up a
17 little bit here at the end. But the important thing is that
18 it is staying above the long-term average, bouncing around
19 it, and then popping up.

20 That's what I have for white perch.

21 MR. GOLDSBOROUGH: Excellent. Thank you, Paul.

22 Any questions for Paul about the white perch
23 assessment? Ray?

24

25

Questions and Answers

1 DR. MORGAN: I read through the management plan,
2 because obviously this group I've worked on a little bit a
3 long time ago. One of the things I was a little bit
4 concerned is you don't know whether you have a single stock
5 versus a multiple stock analysis approach to be used.

6 So what I would recommend, and don't have to do
7 this tomorrow or two years from now, but eventually you're
8 going to have to go out during the spring, sample a whole
9 bunch of spawning populations, take about 50 film clips, send
10 them off to someone to do micro satellite analysis.

11 It costs about \$20 a shot per sample, so it's
12 \$1,000 per river system. Do the Hudson, do maybe two or
13 three sites in the bay. The Potomac would be one, Upper Bay,
14 Choptank for sure, maybe James. That would give you a pretty
15 good range to see if you are dealing with a number of sub-
16 populations.

17 Mainly because if you are dealing with a number of
18 sub-populations, some of your analyses you might want to
19 change around. And that also builds in a little bit more --
20 you know, that that would build in more resiliency into your
21 system.

22 So, you know, overall the plan looks really pretty
23 good.

24 MR. PIAVIS: We do see that in a lot of other
25 species. And there was some yellow perch --- done.

1 DR. MORGAN: Right, right.

2 MR. PIAVIS: It is probably less likely for -- back
3 it up. It is more likely that yellow perch run, you know,
4 Upper Bay down to probably the Patuxent before salinity
5 becomes an issue. But for catfish and yellow perch, we do
6 know that in particularly light years that salinity barrier
7 is -- and there is movement out. Just from an assessment
8 point of view, at least for the yellow perch, those years are
9 thankfully very rare, but we did see evidence in that Fred
10 Getz* -- remember him?

11 DR. MORGAN: Yes, a long time ago.

12 MR. PIAVIS: He is up in Wisconsin now. We got him
13 a lot of genetic samples. He's actually working in
14 aquaculture, trying to, as best as I can tell, breed a super
15 yellow perch. And our growth rates and our genetics were
16 actually one of his top hits. There was another one from a
17 lake out in South Dakota, I think, that was way off the
18 charts.

19 But anyhow, so as a favor for doing this, he said,
20 you know, "Give me everything you've got from wherever." And
21 he and Carol Steppie* out in Lake Erie, they did quite a big
22 analysis of, you know, North Carolina fish, our fish, Erie,
23 everywhere. And there is evidence of mixing from the top
24 down. But to some degree, at least historical mixing.

25 But as you go down each one, the salinity, various

1 amounts, become such that there is much more distinct as you
2 go down the bay for white perch.

3 The only thing that I am familiar with, I don't
4 know, there was study done ages ago, I think in the eighties.
5 And you essentially see the same thing except it's that whole
6 block, because white perch are more salt ---. The whole
7 block is kind of shifted lower. I can't remember who did it.
8 It might have even been Chapman. I don't know.

9 But James -- essentially the Virginia tribes were
10 distinct. The Potomac and Patuxent were distinct. And then
11 you had essentially everybody else, as I recall.

12 DR. MORGAN: I will have to go back and see if I
13 can find that paper.

14 MR. PIAVIS: If I remember -- I can't even
15 remember. It might have even been ---. I'm not sure.

16 DR. MORGAN: I can check that.

17 MR. GOLDSBOROUGH: Thank you, Paul. Appreciate it.

18 MR. PIAVIS: No sweat.

19 MR. GOLDSBOROUGH: Rick, were you going to do the
20 FMP review, also?

21 MR. MORIN: Yes. I will try to be a little bit --

22 MR. GOLDSBOROUGH: All right. Can we get the
23 abbreviated version?

24 MR. MORIN: I'll try.

25 MR. GOLDSBOROUGH: Sorry about that. We are really

1 behind.

2 ***White Perch FMP Review and Stock Assessment Update***

3 ***by Rick Morin, MD DNR Fisheries Service***

4 MR. MORIN: My name is Rick Morin. I'm in the FMP
5 program. The reason why you heard from Paul is because we
6 have had a reorganization and a realignment in the FMP
7 program.

8 And the Fisheries Management team felt that the
9 species biologists should be more involved in the management
10 of the species that they are responsible for collecting data
11 and writing and doing the calculations. And that's why you
12 heard from Paul today.

13 My analogy is that it is like listening to the
14 mechanic who is working on your vehicle rather than listening
15 to the service advisor, who hasn't even seen your vehicle.
16 So I guess that's -- you know, I have insulted myself. I am
17 going to try not to be the service advisor.

18 Although I am not the species authority in this
19 state, I have a lot of experience with white perch and
20 knowledge of white perch biology. I have had the privilege
21 of having fished in one of the greatest white perch trophy
22 fisheries in the world in Buzzard's Bay, Massachusetts, where
23 nearly every fish you caught was two pounds.

24 I have caught white perch over three pounds. The
25 state record for this state is two pounds, ten ounces. That

1 fishery in Buzzard's Bay, the state record is four pounds,
2 twelve ounces. Those are very different-looking white perch
3 than what you are seeing on the hard bottom in Chesapeake
4 Bay.

5 By the way, the lure of choice to catch those
6 trophy white perch was the Al's goldfish that you can look
7 up, alsgoldfish.com.

8 I have heard some of the concerns and, you know,
9 encourage you to send the concerns and e-mails. Even if I
10 don't receive the e-mails, or Nancy, you know, the concerns
11 are on the transcript. And we will incorporate those
12 concerns in the fishery management plan review under the
13 issues and concerns, try to get comments in the next few
14 weeks. Nancy had to leave today, but she said, you know,
15 preferably before August 7.

16 So let's see. What happened? We lost it. Here we
17 go. Thanks.

18 (Slide)

19 The white perch is not a true perch. It's in the
20 perch order. It's a perciform fish, but it's in the family
21 Moronidae. There are only two species in our area, the
22 striped bass and the white perch. It formerly was in the
23 Percichthyidae. And the family has been split into two
24 different families.

25 This slide just shows that we consider this

1 committee and the tidal fish to be part of our FMP plan
2 review team. And we encourage both groups to send comments.

3 You know, what I'm presenting is what our species
4 biologists here and the FMP program have come up with to
5 date, but it's incomplete. We will incorporate comments from
6 these two committees.

7 (Slide)

8 The reason why we are doing white perch is that it
9 came up. We have a review schedule. And the next one to
10 come up is red drum. And it has an allocation date of
11 September 14, the same as horseshoe crabs.

12 (Slide)

13 The history of white perch management in Maryland,
14 there is no -- it is considered nonmigratory. I totally
15 disagree with that. There is some components of white perch
16 that are migratory. I believe especially in the Potomac
17 River there is some component of that population that is
18 going out to the ocean.

19 That was the case with these monster-like perch in
20 Massachusetts. We called them sea run white perch. They
21 came in. They were anadromous fish. They came into the
22 rivers as far as they could until a dam blocked them. And
23 then they went back out through Buzzard's Bay and spent the
24 rest of the year feeding around Martha's Vineyard to
25 Nantucket.

1 So they are somewhat migratory, but they are not
2 considered migratory by ASMFC. The advantage of that is we
3 don't have to take any guidance from ASMFC.

4 Fisheries Service wrote an FMP in 1990. This FMP,
5 as Paul said, was never formally adopted. There have been no
6 amendments. It was reviewed twice, ten years apart, 2005,
7 2015. But it has been updated every year since 2007. That's
8 been done by FMP staff until this year. Starting this year,
9 the species biologists are updating the FMPs.

10 (Slide)

11 This has already been gone over. The only limits
12 on white perch are an eight-inch minimum limit, if caught by
13 net. The gear restrictions overlap with other species. So
14 there were no specific gear restrictions to white perch.

15 (Slide)

16 The stock assessments that Paul does with Butch are
17 conducted every three to four years. The conclusion of the
18 stock assessments is that at present the stocks are not
19 over-fished, and over-fishing is not occurring.

20 These stocks exhibit a high variability due to
21 variable recruitment. And he already talked about the Upper
22 Bay population, about 10 million. And the Lower Bay
23 population, which experienced a qualitative study as opposed
24 to the more quantitative approach used in the Upper Bay,
25 suggested over-fishing is not occurring in either area.

1 (Slide)

2 We have already seen this slide. It shows, you
3 know, a healthy population that is as high now as it was in
4 2002.

5 (Slide)

6 The fishery status, white perch are one of the most
7 valuable fish species to the State of Maryland. Even though
8 the dollar value per pound is low, the harvest is so high
9 that it is the third most valuable fish. I am not going to
10 say fin fish. I detest that distinction, fin fish and shell
11 fish. We have fish, we have mollusks, and we have
12 crustaceans. Eels and striped bass are the two fish more
13 valuable than white perch.

14 Unfortunately, I have drift gill nets and pound
15 nets combined, accounting for 72 percent. Had I anticipated
16 some of the comments, we could have partitioned that out
17 better. But we didn't. So maybe we will do that in the FMP
18 review.

19 (Slide)

20 These are commercial white perch landings showing
21 the variability, but showing that it has been fairly high in
22 the past 20 years.

23 (Slide)

24 Recreational landings don't follow exactly the
25 commercial landings, because these are estimates, whereas the

1 commercial landings are actual reports that we get from
2 commercial watermen. So we are actually -- these are not
3 directly comparable. We are comparing apples with oranges
4 here.

5 These are estimates which are MRIP estimates. The
6 MRIP estimates, you have heard me in the past badmouth MRIP
7 estimates for some species. However, the PSEs are low for
8 white perch, indicating that we have precise MRIP estimates
9 for white perch. And I think it is because when they do
10 their phone surveys, everybody is hot for white perch. So we
11 have better precision in our estimates using MRIP.

12 (Slide)

13 In terms of compliance with the MFP, they were four
14 issues in the original 1990 FMP. And this is the order in
15 which they were presented. There was a mixed fishery. This
16 was largely a mixture of striped bass and white perch. We
17 have had increased net restrictions. We haven't had specific
18 white perch restrictions. We have had net restrictions
19 mostly on the striped bass fishery, but also on yellow perch
20 for fyke nets where they can be set.

21 And it has relieved our mixed fishery concerns. So
22 we don't believe there are any additional restrictive
23 measures necessary at this time. And we don't have the
24 authority to specifically impose them on white perch anyway.

25 The harvest is below the threshold. I think Paul

1 likes to use the term limits and FMPs use thresholds. Some
2 day we will both be on the same page.

3 The new surveys, what Paul has done is new since
4 the 1990 FMP. And, really, it is the closest thing you are
5 going to see to worldwide expertise on white perch
6 assessment. Nobody else bothers to do stock assessments with
7 the white perch.

8 And if you look up on the Internet white perch
9 FMPs, you will find a lot of -- and I looked at coastal
10 states. I was excited. I found one for Maine. And it is
11 all about how to kill them in freshwater ponds and lakes
12 because they quickly get over-populated. And the FMP
13 describes the various ways of reclaiming a pond that is
14 over-populated with white perch. Nobody manages these things
15 in tidal waters.

16 And it's unfortunate, because that population that
17 I described south of Cape Code has disappeared. And it
18 disappeared with no commercial fishery involved. They have
19 had a lot of oil spills up there, chemical spills, and
20 blockages. So that fishery that was so good in the 1960s is
21 no longer.

22 I considered studying it. I got my bachelor's
23 degree in marine biology in Massachusetts and thought about
24 staying up there and studying white perch. But I realized
25 that the techniques at the time for population genetics were

1 going to be very temporary, and the results would probably
2 not hold up over time. The big thing in population genetics
3 was starch gel electrophoresis.

4 I knew then that that was a very limited way of
5 looking a population genetics, and I moved on. Also, they
6 didn't have any assistantships. So in this field you only go
7 where you are going to be paid. You do not pay for grad
8 school.

9 Habitat issues, DNR supports the 2014 bay program,
10 watershed agreement, water quality goals. We support this.
11 It would be nice if the rest of the Federal Government
12 supported this. FERC has never seen a big polluter that they
13 didn't like. And they have chosen to ignore EPA completely.

14 And there is a major polluter under construction
15 right now in my neighborhood at Cove Point. And this is the
16 Dominion LNG refinery, liquefaction facility, power plant and
17 terminal. This big polluter will propel us past New Jersey,
18 if it's allowed to be completed.

19 Unfortunately, the state is doing nothing. The
20 Federal Government is doing nothing. The only people
21 fighting this are the community. All of my remaining pay
22 after my deductions go towards legal expenses to fight the
23 Dominion LNG refinery at Cove Point.

24 The amount of toxics they will be discharging will
25 be a minimum of 20.4 tons. This is untreated. This is --

1 there are no regulations for this. The greenhouse gas
2 emissions, when you compare it to the average vehicle
3 emission, annual emissions, is comparable to 425,000 cars in
4 one small area. And the state and the feds are doing
5 nothing. I'm not an at-will employee, so I can say these
6 things.

7 (Laughter)

8 (Slide)

9 The issues of concern identified by our fisheries
10 service plan and review team, watershed habitat issues, land
11 conservation should be a management concern for white perch.
12 Impervious surfaces and their reference points recommended,
13 just like we recommend for yellow perch. So we are
14 recommended a similar approach that we recommend for yellow
15 perch.

16 By the way, if you parked in the lower parking lot
17 and noticed all the potholes, that is not a state commitment
18 to reducing impervious surfaces.

19 (Laughter)

20 We are also concerned about species interactions,
21 especially blue catfish.

22 (Slide)

23 The Fisheries Service Plan review team
24 recommendations is that the old FMP is an appropriate general
25 framework for managing the species. We recommend that we

1 continue to collect data and that we let Paul continue to do
2 stock assessments on his current schedule of every three to
3 four years, and that we want to focus on habitat and water
4 quality as the primary concerns for white perch.

5 Thank you.

6 MR. GOLDSBOROUGH: Thank you, Rick.

7 Any questions for Rick on the FMP? Jim?

8 *Questions and Answers*

9 MR. GRACIE: Is there a plan to seek approval of
10 the FMP for the white perch? It has been around a long time.

11 MR. MORIN: I know. I've asked why. The obvious
12 question should be why wasn't this approved 20 years ago.

13 MR. GRACIE: No. I am asking if it is going to be.
14 It is too late for why wasn't it.

15 MR. MORIN: Well, at this point, you know, much of
16 what is in the original FMP is outdated. So someone in
17 management would have to order us to rewrite the FMP so that
18 the issues are current, rather than just approving.

19 MR. GRACIE: My understanding is you can't set
20 regulations unless you have an approved FMP for species.

21 MR. MORIN: Excuse me?

22 MR. GRACIE: You can't change the regulations
23 unless you have an approved fishery management plan.

24 MR. MORIN: That's correct.

25 MR. GRACIE: That is Maryland law.

1 MR. MORIN: That's correct. The fishery management
2 plan acts as the authority to regulate.

3 MR. GOLDSBOROUGH: All right. Thank you, Rick.

4 It is already after 6:00. And I just consulted
5 with Lynn. And I think we are going to put off the Menhaden
6 update until the next meeting. There will be more to report
7 then anyway. We will save a little time that way. So we can
8 move on to cow nose rays now.

9 *Discussion on Cow Nose Rays*

10 *by Bill Goldsborough, Chair, SFAC*

11 MR. GOLDSBOROUGH: All you folks who came here for
12 that, I appreciate your patience. The way I wanted to handle
13 this was I know we have some folks who want to address the
14 Commission. We are late. We are out of time, so I can't
15 give you too much time. But I wanted to give the Commission
16 an update first, and then I will take comments.

17 This was an issue that one of the commissioners,
18 Dave Smith, who had to leave -- he was sitting in this
19 corner -- asked to put on the agenda. Unfortunately, he had
20 to leave.

21 I thought it would be a good idea to have it on the
22 agenda, as well, because it is an issue in the news right
23 now. And I wanted to make sure that commissioners were
24 conversant with the issue, had some of the background in
25 case, you know, issues came up, they could address it. And

1 there may or may not be an action that this Commission can or
2 chooses to take at this time, but at least you will be
3 updated on the situation.

4 I guess it is fair to start the story in Virginia
5 where cow nose rays have been an issue now for a couple of
6 decades. It started mostly with the oyster planters, the
7 guys that historically bought seed, naturally produced seed
8 oysters, and planted them on leased ground and in many cases
9 saw schools of cow nose ray coming in in the spring and
10 decimating their seed oysters.

11 More recently, they have produced their own spat on
12 shell and seen some of the same results. So there has been
13 pressure in Virginia from that industry going back decades to
14 look into this issue.

15 There has been some science to suggest that cow
16 nose rays, numbers of cow nose rays, have been up in recent
17 years. There was a paper in 2007 that suggested that this
18 resulted from the over-fishing of large coastal sharks, which
19 were the primary predator that controlled numbers of cow nose
20 rays. There has subsequently been science that debunked that
21 or at least argued otherwise.

22 So I don't think it is very clear, really, where
23 cow nose ray numbers are in the bay relative to some normal
24 number. I do think, though, that there have been declines of
25 lots of other things. So relatively speaking, they may

1 appear to be more abundant.

2 But in Virginia, the way the story played out was
3 under industry pressure to do something about it, they
4 explored the possibility of developing a cow nose ray
5 fishery, thinking that that might keep numbers at a moderate
6 level commensurate with those other species that were
7 receiving harvest pressure, as well.

8 And so they proceeded to try and develop demand for
9 the fish so there could be a fishery. And they tried
10 marketing cow nose rays to restaurants and chefs in Richmond
11 and other places. They even tried larger scale marketing
12 overseas and so forth. Nothing ever really took.

13 But in the process of doing that, in their zeal,
14 they actually developed a slogan, "Eat a ray, save the bay,"
15 which was, I think, an unfortunate abbreviation or
16 oversimplification of the circumstances. And it certainly
17 was from the point of view of the oyster planters, who from
18 their standpoint -- and this applied to restoration plantings
19 of spat on shell, as well.

20 Some of ours in Virginia we saw cow nose rays
21 decimate. So there are those impacts. But there is evidence
22 of other tropic imbalances that might cause rays in local
23 circumstances to feed more on oysters than they might
24 otherwise.

25 So with good intention they had this marketing

1 campaign. It hasn't gone anywhere yet, so no fishery has
2 developed. But we actually organized a roundtable at the
3 Virginia Institute of Marine Science around five years ago to
4 try and bring the different interests together.

5 Because the scientific community for the most part
6 was very concerned about developing a fishery without having
7 reasonably controls on it, because the biology of cow nose
8 rays is that they are -- they take a long time to mature, and
9 their fecundity levels are very low. They only produce one
10 pup a year per female. So that puts them in a category of
11 species that are easily over-fished.

12 And they do have a relative, the Brazilian cow nose
13 ray, that went through a similar story a couple of decades
14 ago. And they did develop foreign markets for it, and it was
15 over-fished and is now on the endangered species list. So
16 there is reason for concern about proceeding with a
17 significant scale fishery without having a fishery management
18 plan.

19 And that's the problem the Virginia Marine
20 Resources Commission has been grappling with that. They are
21 trying to collect some data because that's the starting point
22 for a plan, but they haven't gotten too far yet is my
23 understanding.

24 More recently, as you all know, and why the issue
25 has come up here, some folks have gotten the sentiment that

1 "Eat a ray, save the bay" meant that we should -- we would be
2 doing the bay a favor by killing rays and taking it to the
3 next level.

4 We have had tournaments, bow tournaments in
5 particular. I was doing a little bit of research on that. I
6 know of at least one that is in its seventh annual phase, and
7 there are others. There was a video recently that was taken.
8 That was released. It caused a lot of concern about the
9 approach to that.

10 So I think there is a need for some public
11 education on the biology of this species and the need for
12 data to be able to develop management plans so we can have
13 some guardrails around whatever harvest is contemplated. As
14 far as the State of Maryland goes, as we discussed earlier on
15 other species, DNR needs to have a fishery management plan
16 before it can take regulatory action. We don't have that
17 yet, as I said.

18 They also -- the only other way they can take
19 regulatory action is if the species is declared in need of
20 conservation. That requires certain criteria to be met, as
21 well. And I know the Department does have plans to try and
22 pull together available information. I am going to let Dave
23 speak to that.

24 DR. GOSHORN: Yes. Right. So what Bill said is
25 correct, we currently do not have the authority to manage

1 this species. We have been in touch with the -- my
2 understanding is that there were two tournaments earlier this
3 year.

4 We have been in touch with the organizers. They
5 told us they have no plans for the remainder of this year,
6 but they do have plans, at least as of the moment, for again
7 next year. So assuming that's correct, they're not going to
8 do anything the rest of this year. That gives us a little
9 bit a time.

10 But as Bill alluded, we need -- the development of
11 a fishery management plan takes quite a while. But declaring
12 the species in need of conservation does not take that long,
13 but it still requires a scientific backing to support that.

14 So we are working with NOAA, in particular, and
15 other partners, but NOAA, in particular, in pulling together
16 a workshop hopefully this fall sometime to get a better
17 understanding of what the science is, what the technical
18 understanding of the species is, and whether or not we have
19 the data we need to declare the need of conservation. And
20 assuming we do, then we can move forward in that direction.

21 MR. GOLDSBOROUGH: Thanks, Dave.

22 Okay. What I would like to do now is give the
23 public a chance to address the Commission. Can I see a show
24 of hands of the number of people that would like to do that?

25 (A show of hands.)

1 MR. GOLDSBOROUGH: Okay. I see three. Four?

2 Okay.

3 MR. : I see four over here, Bill.

4 MR. GOLDSBOROUGH: What's that?

5 MR. : Does it have to be about cow nose
6 rays?

7 MR. GOLDSBOROUGH: If I could ask you all to come
8 up one at a time to the microphone and then introduce
9 yourselves. Have a seat right here next to Dave. And please
10 limit your remarks to a couple of minutes, if you would.

11 ***Public Comment***

12 MS. KULLBERG: Sure. Hello and thank you for your
13 time. My name is Kathryn Kullberg. I'm director of Marine
14 Wildlife Protection at the Humane Society of the United
15 States. On behalf of our members and supporters, I'm here
16 today to ask you to prohibit ray killing tournaments in
17 Maryland waters. And Mr. Goldsborough spelled out a lot of
18 these reasons.

19 In these cruel derbies, participants compete to
20 kill the largest rays using a bow and arrow. Cow nose rays
21 and other ray species are targeted, and participants are
22 encouraged to kill as many as possible since there are no bag
23 limits. There is no oversight or regulation. And tournament
24 participants disrespect these creatures by displaying their
25 kill pile all for prize money and trophies.

1 And since there is no management plan on these
2 species, there should be a moratorium on these contests
3 moving forward.

4 Even more atrocious is the fact that females
5 carrying pups are often targeted, as they are larger and
6 heavier. Killing pregnant females is detrimental to the
7 population and incredibly inhumane.

8 Cow nose rays take as long as seven years to reach
9 maturity and give birth to only one pup at a time. These
10 factors indicate that this species could be particularly
11 susceptible to over-exploitation. Shooting live animals for
12 fun or for target practice is animal cruelty. It's barbaric.
13 So-called wildlife killing contests have no place in modern
14 wildlife management and send the message that wanton killing
15 is acceptable, when it is not.

16 Ethical hunting involves fair chase and respect for
17 animals and their habitats. Wildlife killing contests do the
18 opposite, reward contestants for killing the most or largest
19 animals. Often the bodies of the animals are wasted and just
20 dumped right back into the bay after the contest is
21 completed.

22 Rays are essential to the environment. They are
23 native to the bay. And they play an important role in the
24 Chesapeake Bay's ecosystem. The presence of these
25 intelligent creatures in the bay can be a good sign for the

1 health of the bay, as their increase can mean that they are
2 finding bottom-dwelling organisms to eat besides the oyster.

3 In today's world, there can be no justification for
4 the continuation of these inhumane ecologically damaging and
5 counter-educational events. On behalf of the HSUS, I urge
6 you to respect rays and take immediate and responsible action
7 by prohibiting these killing contests in Maryland waters.

8 Thank you for your time.

9 MR. GOLDSBOROUGH: Thank you.

10 Who is next?

11 DR. LAMP: Thank you. My name is Dr. Joseph Lamp.
12 And I was a member of the Wildlife Advisory Commission for 14
13 years in the Maryland Department of Natural Resources. And I
14 want to thank you to you for all your time doing what you're
15 doing. Because I've been in many a battle in this room with
16 that group here.

17 So in any event all I am going to do is very
18 quickly say I'm now on the Board of Directors of Maryland
19 Boats for Animals. We are the political action committee in
20 Maryland, and we try to get better laws passed for animals in
21 Maryland and try to get animal-friendly legislators elected
22 to do just that.

23 I'm just here to support the Humane Society of the
24 United States for what they're saying. They are the pros in
25 this kind of thing, as far as we are concerned on the animal

1 welfare community and the other fine folks here who are here
2 to support them, as well.

3 And I am just asking this wonderful group of folks
4 to help us any way you can to try to remedy to try to remedy
5 this problem as best we can do and to do it in-house, if we
6 can do it. Let's try to do it if we have to as a regulation,
7 as opposed to going downtown, because we've been downtown
8 many times on many issues.

9 And I'd much rather handle it in-house with folks
10 who know what they are talking about, folks who definitely
11 know fisheries or know your rays and all that, and with the
12 help of our folks over there to get the job done.

13 And I'll shut up. Thank you all very much. Yes,
14 indeed.

15 MR. GOLDSBOROUGH: Thank you.

16 MR. LAMP: And here's my testimony. Thank you.

17 MR. GOLDSBOROUGH: Who is next?

18 MS. MISHLER: Hello. Thank you. My name is
19 Jennifer Mishler. I'm here on behalf of Sea Shepherd
20 Conservation Society. Sea Shepherd is respectfully urging
21 the Department of Natural Resources to prohibit these sport
22 bow fishing contests targeting cow nose rays in the waters of
23 Maryland.

24 We agree that these tournaments are undeniably
25 inhumane. And in addition, the fact that they could have

1 drastic impacts on the cow nose ray population must be
2 considered. As was emphasized today, the cow nose rays are
3 slow to reach maturity and birth only one pup at a time. And
4 pregnant rays are often caught in these tournaments, that the
5 dead ray is simply tossed back into the water.

6 As was also emphasized, the NOAA Chesapeake Bay
7 Office has stated that it does not support a commercial
8 fishery or other methods of reducing the cow nose population
9 in the Chesapeake, because if the population were to be
10 diminished, it would be slow to recover.

11 For all these reasons, Sea Shepherd is asking the
12 Department of Natural Resources to take action to put a plan
13 in place that will prohibit these cruel and unsustainable
14 tournaments and protect Maryland's rays.

15 Thank you.

16 MR. GOLDSBOROUGH: Thank you.

17 MS. FINELLI: My name is Mary Finelli. My
18 organization is Fish Feel. And I was -- actually, my
19 colleagues at shark were not able to stay for this part of
20 the meeting, but they did want to say they are in concurrence
21 with us.

22 I was an eyewitness to the recent massacres that
23 occurred on the Chesapeake Bay and the Patuxent River. And
24 there was nothing sporting about it whatsoever. These rays
25 are on the surface of the water. The bow fishers can ride

1 their boats right on top of them, shoot them with an arrow,
2 impale them, bring them up on the boat where they repeatedly
3 club them. Someone was actually using a hammer, trying to
4 hit them with a hammer.

5 It is just merciless and pathetic. It is wholesale
6 wanton slaughter. The rays were flapping wildly. You could
7 clearly see they were in distress. It's inhumane, and it's
8 also -- there is nothing sporty or humane about it.

9 Also, dead and dying rays were dumped back into the
10 water, sometimes as soon as they're pulled out, if they
11 didn't like the size or once they were battered. They would
12 put them back in the water. After the tournament, they're
13 dumping barrels of dead rays and blood and gore and God knows
14 what else back into the river.

15 I can show you a couple pictures. This is a ray in
16 a barrel of garbage. Here is a picture of the rays they are
17 holding up for weighing. You can see there is nothing humane
18 about the way that ray was killed. And there were little
19 girls and other children present, watching this gore and
20 inhumanity going on.

21 Scientists have expressed concern about the
22 indiscriminate and reckless slaughter of the rays. And it
23 was the subject of a scientific seminar on the subject.

24 Maryland DNR recently acknowledged that there is
25 little scientific data available on the ray population in the

1 Chesapeake Bay. And in his report for the National Oceanic
2 and Atmospheric Administration in 2010, Robert Fisher, a
3 fisheries and seafood technology specialist at the Virginia
4 Institute of Marine Scientists, explained that oysters
5 account for no more than eight percent of the cow nose rays'
6 diet in the Chesapeake Bay.

7 Rays are being scapegoated for decreases in
8 shellfish population, which have suffered from population and
9 over-collection for human consumption, as has been noted by
10 scientists.

11 The Chesapeake Bay Office of the National Oceanic
12 and Atmospheric Administration website states, "And CBO does
13 not currently support developing a fishery or using other
14 methods to reduce the number of cow nose rays in the bay."
15 Focus can be put on developing ways to protect oysters and
16 other shellfish from cow nose rays that do not involve
17 removing rays from the ecosystem.

18 And in reference to the rays, the Virginia
19 Secretary of Natural Resources stated recently on behalf of
20 Governor McAuliffe, "Even if the stock is flourishing, that
21 does not justify the intentional practice of catching,
22 killing, and discarding of animals. This appalling,
23 inhumane, and ecologically reckless slaughter of native
24 species is nothing that Maryland or any other state should
25 allow or want to be known for."

1 data for the fisheries management -- the fishery management
2 plan is a more exhaustive process. It requires more
3 information. So -- and it takes longer. So the in need of
4 conservation is a lower bar, if you want to think of it that
5 way, to meet.

6 MR. GRACIE: But not certain. That is my --

7 DR. GOSHORN: Right. Until we --

8 MR. GRACIE: Until we get some information.

9 DR. GOSHORN: Right, until we get the information,
10 we don't know if it meets that criteria or not.

11 MR. GRACIE: I hardly ever say this, but maybe
12 people interest in this should be going to the General
13 Assembly. Because the Fishery Service doesn't have the
14 authority to do anything about it right now.

15 DR. GOSHORN: Not as it stands right now. Right.
16 Right.

17 MR. GRACIE: I generally try to keep Fishery
18 Management issues away from the General Assembly. You never
19 know what you're going to get down there sometimes, that's
20 for sure.

21 DR. GOSHORN: Well, and that's part of the reason
22 why we are trying to hold this workshop as soon as possible,
23 because, you know, we have until, you know, January until the
24 session comes into session. It would be nice to have these
25 answers before that. So we are trying to hold this workshop

1 as soon as we can.

2 MR. GRACIE: Is there fairly good data on how much
3 of a factor they are in oyster predation?

4 MR. GOLDSBOROUGH: I don't know. No. I mean, it's
5 anecdotal. I know the statistic that was cited that oysters
6 make up eight percent of their diet is from Bob Fisher at
7 VIMS. I think that's defensible, but that's on average.

8 MR. GRACIE: I would rather hear what percent of
9 oysters they are getting rather than what you're saying their
10 diet is, because I'm telling what --

11 MR. GOLDSBOROUGH: Yes. Let me finish. That's
12 averaged over a year, over their life cycle, over geographic
13 region. But in local circumstances I know, and this is
14 anecdotal, but it also is direct observation, that it can be
15 much higher than eight percent on a given spot. But it's as
16 if you were putting out a chum line for something that you
17 plant all these delectable seed oysters, and there's a school
18 of rays there. They are going to eat them, you know.

19 MR. GRACIE: All that ray food.

20 MR. GOLDSBOROUGH: So it's an unfortunate
21 interaction that occurs. And as was alluded to, one of the
22 outcomes of the workshop we had a few years ago at VIMS was
23 to say, okay, we need to, planters need to develop ways to
24 plant their seed that are either sequenced or done physically
25 in ways that would minimize that interaction with rays. So

1 there has been some research on that that's continuing.

2 MR. GRACIE: Has there been some success?

3 MR. GOLDSBOROUGH: It's still underway.

4 MR. O'BRIEN: Do you have any data like that on how
5 much crabs they can consume and how much small fish they
6 consume? And is there any predator for cow nose rays in the
7 bay? I don't --

8 MR. GOLDSBOROUGH: I don't know. Well, to the
9 extent that we have sharks in the bay, there is. But sharks,
10 large coastal sharks, is their primary predator. But they're
11 only in the bay for their pupping this time of year, the
12 first half of the summer. The rest of the time they're
13 further south along the coast. So they are in waters where
14 you would find those predators.

15 MR. O'BRIEN: I think they're in the bay longer
16 than that.

17 MR. GOLDSBOROUGH: I do know their -- it has been
18 argued that several of those shark species have recovered,
19 and use that as the suggestion that maybe they're not lacking
20 in predation controls. And so this concept of trophic
21 imbalance is a little overblown that logic suggests. But --

22 Is there a hand over here?

23 MR. LYNCH: Yes. To me this raises more questions
24 than answers, but it seems to me that if one can look at this
25 as a ray problem, another way to look at it is an oyster

1 problem.

2 I kind of see it as an oyster problem, and that is
3 predation by the rays on the oysters. And that makes it a
4 fisheries issue. What can be done? And we don't need a
5 false choice. We don't need to eliminate the rays to protect
6 the oysters or give the rays protection and damn the oysters.
7 That to me is a false choice.

8 I think that it is a fisheries issue. Yes, you
9 probably have greater success legislatively for what you want
10 to do. But I think we have an issue that merits,
11 particularly the commercials, have an issue with merits the
12 study of what can be done to protect the oysters from the
13 rays. And from that point of view I see it as part of a TFAC
14 and an SFAC issue.

15 MR. GOLDSBOROUGH: Rachel?

16 MS. DEAN: I was just going to say that, you know,
17 Jim, I kind of -- I cringed when I heard maybe legislation,
18 because I'm thinking, my goodness, I hear the arguments and
19 all of them are so well-stated. But, you know, one of the
20 first arguments being tournaments. I would hate to see this
21 set a precedent for other things to go through legislation
22 about different tournaments.

23 I also, because I see it as multi-species, I
24 understand; I live on the Patuxent. I was approached as part
25 of another organization to be a sponsor for the tournament.

1 We share the same concerns. This is a commercial fishing
2 group that shared the same concern. We knew it was in the
3 fledgling stage, and we knew that there were some pieces that
4 hadn't quite come yet together. We even expressed the fact
5 that we thought it would be bad for public perception.

6 With that being said, I think that there have been
7 steps taken since it has been brought to the public, such as
8 an outlet for these animals. I think that there are also
9 things that we can do, if we look at the tournaments as we
10 have in the past with groups. I think we even had a
11 tournament committee.

12 This would certainly be a different species that we
13 would have to look at, but actually working with the people
14 who are running these tournaments -- nine years is a long
15 time to get something up and running and then to have it go
16 to legislation and say no, it's done, and then it be out of
17 our ability to change that here, especially if we see it
18 affecting more of the crabs, the oyster population.

19 But, again, to find an outlet for this, to do some
20 self-regulation. I would love to see seafood marketing get
21 involved in this. I hear that, you know, it hasn't been
22 necessarily perceived well, yet I did a drop at a buyer today
23 with a different species and saw a box of cow nose rays.

24 So where is that going, and does it necessarily
25 have to wind up on somebody's plate or can we meet somewhere

1 in the middle and find a different outlet for it? And I
2 think some of the tournaments have already done that.

3 So I would ask that we do find a way in-house to
4 take care of it so that it doesn't look like, you know, it's
5 something that could set a precedent for other fisheries. My
6 only question would be, and it's honest -- you know, I heard
7 each one of you say which group you were from. Would that be
8 enough to satisfy or is it a we don't want this at all, we
9 want it completely shut down?

10 And I did hear moratorium, so that was kind of
11 encouraging to me. You know, it wasn't a make it illegal,
12 completely shut it off the table, take it off the table. So
13 just some thoughts as -- yeah.

14 MR. GOLDSBOROUGH: Thank you.

15 Any other comments?

16 (No response)

17 MR. GOLDSBOROUGH: Okay. Well, I don't know if
18 anybody has any action they want to propose, but I think the
19 most we can hope for from our standpoint at this point is to
20 encourage the department to convene that workshop, to gather
21 as much data as they can, to try and become as informed as
22 possible about it and flesh out the options a little bit
23 better in the coming months.

24 Is that fair enough, Dave?

25 DR. GOSHORN: Yes.

1 MR. GOLDSBOROUGH: Then we can report back.

2 DR. GOSHORN: Yes.

3 MR. GRACIE: I have a question of the people that
4 spoke in opposition to these tournaments. If the Department
5 were to develop a fisheries management plan that regulated
6 the harvest of these rays, and they still allowed tournaments
7 and allowed them to be killed by bow and arrow, would that
8 satisfy people?

9 MS. KULLBERG: (Off microphone) We're concerned
10 about the spectacle of these wildlife killing contests where,
11 you know --

12 MR. GRACIE: Not primarily focused on managing the
13 size of the fishery and the health of the bay. It's numbers.
14 But the method is what's troubling to you.

15 MS. KULLBERG: (Off microphone) The contests.

16 MR. GRACIE: The contests. Okay. I was, as you
17 may recall, I was one of the people that urged us to set up a
18 workgroup on contests and to deal with that issue in advance
19 of having these kinds of issues, to come up with a criteria
20 for what kind of contests we would allow and what kind of
21 contests we would object to.

22 I would suggest that maybe we ought to reconsider
23 that workgroup and take another look at that, because we
24 declined to do anything about regulating contests.

25 MR. GOLDSBOROUGH: You're right. We did form a

1 workgroup that's sort of sitting out there ad hoc to be
2 convened as needed.

3 MR. GRACIE: I mean, if the workgroup came back and
4 said these kinds of contests should not be allowed, you would
5 have the authority to implement that. That's not a fisheries
6 management regulation.

7 DR. GOSHORN: No. I mean, you can recommend
8 whatever you want, but I don't think we have a -- if you just
9 say we should not --

10 MR. GRACIE: You couldn't outlaw a method or you
11 couldn't turn down a contest?

12 DR. GOSHORN: No. We don't have the authority.

13 MR. GRACIE: You couldn't say no to somebody who
14 wanted to have a contest?

15 DR. GOSHORN: No, because we don't -- we don't give
16 them permission to have the contest in the first place. So
17 we couldn't say no to a contest, unless it is part of a
18 managed species. Then I think we could.

19 MR. GRACIE: Oh, okay.

20 DR. GOSHORN: See, we don't approve these contests.
21 This --

22 MR. GRACIE: So we need a new authority to do that.
23 But if we focused it on a contests and gave you the
24 authority and were successful in that, then it may be a
25 different ballgame.

1 DR. GOSHORN: You are talking about legislation
2 that would give the Department authority to manage contests,
3 even for non-managed species. Right, right. That would have
4 to be a legislative solution.

5 MR. GOLDSBOROUGH: Interesting idea. Seems more
6 constructive.

7 MR. GRACIE: It might need some careful
8 conversations with legislators who won't go off the deep end.

9 MR. GOLDSBOROUGH: Yes. As it were.

10 MR. GRACIE: There may be a couple.

11 MR. GOLDSBOROUGH: Okay. If we can move on then.
12 I think this has been constructive. I think we have taken it
13 about as far as we can for now. Thank you all for coming. I
14 appreciate your input.

15 We do have another issue to cover, at least one.
16 And I do want to allow a moment for concluding comments. But
17 first let's get to the Maryland Department of Transportation
18 Grants for Oyster Recovery for which a plan has now been
19 developed for the expenditure of those funds this year.

20 Dave?

21 ***Maryland Department of Transportation Grants***

22 ***for Oyster Recovery***

23 ***by David Goshorn, Ph.D., Acting Director, MD DNR Fisheries Service***

24 DR. GOSHORN: So I will be as fast as possible, and
25 this is all in your -- I guess the final tab of your handout.

1 I think you all know that the Department of Transportation
2 has been providing funds to our Department for, I think since
3 the mid-1990s, of varying amounts, in support of the oyster
4 industry and the oyster population.

5 This is not any kind of a permit requirement. They
6 are not required to do this. It is a decision that was made
7 by MDOT that they have maintained for quite a while now. How
8 that money is spent has been varied over the years, and I
9 won't get into all that.

10 But our Secretary asked this year, in keeping with
11 the mandate of the new administration, to make two changes to
12 how we decide how this money is spent. And for this current
13 fiscal year it is \$2 million. One change that he requested
14 was that the Department of Transportation provide us with
15 guidelines on how they want that money spent, broad
16 guidelines but guidelines nonetheless on what it can and
17 can't be spent for.

18 And my apologies. This is my fault that this was
19 not sent out in advance but it is in your packet, I think. I
20 hope.

21 MR. GRACIE: It is. I read it today.

22 DR. GOSHORN: Is it? Okay, yes, here it is. That
23 was one change, and then the other change was that we reach
24 out to a broader audience to seek input, and specifically
25 this group and the Tidal Fish Advisory Commission. So what

1 you have are three documents. One is the guidelines. One
2 is -- or two is the plan as it currently stands. And you can
3 see how the \$2 million is divided up.

4 And then the third is the comments that we
5 received. We sent out, as I think you all should know, a
6 request via e-mail for comments. And those are included as
7 well. I guess the final point I will make is that -- well,
8 you can read the comments.

9 So where we stand right now is we spoke with tidal
10 fish when they met last week. Now we are coming back to you
11 guys, and for any further comments, modifications, whatever.
12 And then as soon as possible, hopefully within the next
13 couple weeks, we will finalize this with MDOT because we are
14 already of course in the current fiscal year.

15 *Questions and Answers*

16 MR. GRACIE: I read that information today, and
17 among the comments was a statement somewhat to the effect
18 that nobody was aware of any other money like this going to
19 specific industries.

20 First of all, this commitment from DOT is part of
21 DOT's commitment to the Bay Restoration Program. Overall,
22 they give millions of dollars to stream and wetland
23 restoration, and that certainly goes to a single industry
24 group, and there are other things like that. So that
25 statement is not correct.

1 MR. GOLDSBOROUGH: Okay before I open it up for
2 discussion I was going to allow public comment on this issue
3 because I know there is at least one -- Robert T. wanted to
4 comment, wanted to address the commission. Is there anybody
5 else besides Robert?

6 (No response)

7 MR. GOLDSBOROUGH: Okay, Robert, why don't you come
8 on up?

9 ***Public Comment***

10 MR. BROWN: Yes, Robert T. Brown, president of the
11 Maryland Watermen's Association. This goes back, this
12 agreement goes back to 1996 or 1997. Larry Simns, who was
13 president of the Maryland Watermen's Association at that
14 time, met with MDOT people, Department of Transportation, and
15 what they -- they were looking for a place to put the dredge
16 spoils that came out of the Baltimore channel up there.

17 They were having trouble finding it, so Larry and
18 some of the watermen up the bay said, look, we got a place
19 where we can put it over in the bay but, you know, if we are
20 going to give you a place to put it, can you help us with our
21 seed program for oysters? And they said yes.

22 And the original agreement back then was the
23 Department of Natural Resources got 25 percent of the funds,
24 75 percent of the funds went to the public fishery to plant
25 oysters, to plant shells, buy seed oysters, spat on shells,

1 et cetera. Well, over the years we kind of got away from
2 that some, and we are trying to get the funds back up.

3 If you look at our oyster history, the way it has
4 been going, we had -- after we had the MSX and Dermo, we had
5 got down to where it was like 26,000 that was harvested in
6 the wild in one year, which was an all-time low. Over the
7 past -- back in 2012-2013 season, it was over 300,000
8 bushels, and the season 13-14, it was around 420,000 bushels.
9 So the oyster industry is coming back.

10 However, how we came back that far that quick I
11 don't know because during that same period of time we lost 25
12 percent of our bottom to oyster sanctuaries. And that was 75
13 percent of our most productive bottom that we lost, and we
14 still came back like this.

15 Not all of the money that came from MDOT had a
16 direct effect on that but a bunch of it did. Some of the
17 projects we are doing right now, as you know, with all of the
18 hurricanes and stuff we had -- the floods had wiped out Swan
19 Point and up the head of the bay.

20 As of -- since last summer we have presently
21 planted somewhere a little over 60 million spat on shell on
22 Swan Point bar, which is right off of Rock Hall. And we have
23 another 40 million to be put there. And most of that money
24 is coming from MDOT. We are supposed to put 10 million spat
25 on shell on Man O' War, which is in the upper bay, and also

1 on Peach Orchard, which is on the eastern side.

2 We are very grateful to the Department of
3 Transportation for helping us out, keeping our seed program
4 and our oyster industry going. But you have got to realize
5 this is mitigation money that we gave them for -- helping to
6 keep them in business.

7 And the amount of money that the wild oyster
8 industry brings in, in the run of a year, not only to the
9 oystermen itself but the economic impact that it has on all
10 the communities that evolve around it. So what we are
11 looking for is a 50-50 split.

12 I see where the CCA sent a letter and they said,
13 well, you know, this would be having a put-and-take oyster
14 fishery. And then down in another part, it said it would
15 help new operators and aquaculture industry expansion take
16 place.

17 Well, we are not against aquaculture. A number of
18 us are into it a lot. However, aquaculture, is still a
19 put-and-take industry also. So what we are seeking is to
20 have a 50-50 split on this so we can help plant more oysters
21 and shells in the lower part of the bay to help bring our
22 oyster industry back. Are there any questions? Anybody have
23 any questions they want to ask?

24 (No response)

25 MR. GOLDSBOROUGH: Thanks, Robert.

1 MR. BROWN: Thank you very much.

2 MR. GOLDSBOROUGH: Comments from the commission on
3 this issue: Any input for DNR? Dave?

4 MR. SIKORSKI: So obviously we did send that letter
5 that Mr. Brown just referenced. I would just like to supply
6 some other thoughts to the commission for us to think about.

7 You often hear criticism on the recreational side
8 of things when they provide input on the commercial fishery,
9 essentially a 100 percent commercial fishery, but in this
10 case we are talking about -- well, in all cases we are
11 talking about a public resources. We are talking about a
12 public resource here, and 100 percent of funds. These are
13 taxpayer dollars.

14 And they were originally agreed upon because of
15 mitigation but dredging, no matter how it happens -- we have
16 stopped open--bay dredging. We have --- Island, Poplar
17 Island and other dredge spoil operations, which hopefully
18 have helped with the amount of saltation in the bay.

19 So there have been some changes, and just like
20 anything there are changes as we move through time. So we
21 are talking about 100 percent taxpayer money, and I think it
22 is vitally important that we have a transparent process in
23 discussing how this money is spent.

24 So I really commend this administration for
25 discussing this process, and looking at the guidelines. They

1 are relatively vague but a step in the right direction. It
2 is important that we allow all stakeholders and the public to
3 determine how these public dollars are spent. The way I see
4 the current work plan, I don't see a 50-50 split, not
5 necessarily.

6 And I think, as our letter stated, I think an
7 investment in aquaculture is very important. In the past
8 aquaculture hasn't needed the availability of funds to the
9 MARBIDCO program, and there was a time when money was talked
10 about being taken out of there or was taken out of there if I
11 am not mistaken.

12 But we have a record number of applications moving
13 forward. In full transparency I will say that I have
14 actually personally looked into applying for an oyster lease,
15 looked at the amount of funds necessary to get started. My
16 personal business is the building industry. I am a small
17 homebuilder, and I understand the limitations that are placed
18 on the small businesses to find funding.

19 So it is very important that funding sources exist.
20 I don't know where I am going to go with the oyster,
21 aquaculture business. I may not take any more steps forward
22 but I have looked into it, and I did that to understand the
23 costs associated with it so we can help advise on these
24 situations.

25 So I think as much money as possible can be

1 directed toward those loan programs, and in opening to that
2 loan program to allow for any citizen who wants to apply for
3 it. The industry in general is most likely going to be
4 entered into by commercial fishermen. They have the gear.
5 They live in the areas. They understand the markets. It is
6 a fantastic transition away from a wild fishery that has its
7 ups and downs.

8 Of course, there is plenty of complexity in
9 aquaculture versus wild fishery. But another thing about
10 oysters, and I think that all too often our conversation is
11 strictly about oysters as a commercial entity. And we look
12 at their success rate or we measure their success on the
13 number of bushels harvested and forget about the number of
14 bushels that are needed to be left out in the wild.

15 A large reason we have had a large spike in harvest
16 in the last five years is because of record spat sets. I
17 think it was 2010 and 2012, if I am not mistaken. You know,
18 those are gifts from God as far as I am concerned.

19 In a degraded bay, a degraded habitat with
20 saltation, storms, all these things, we were very lucky to
21 get that. And there is no question it is a large economic
22 shot in the arm that Maryland needs in these times. But the
23 question is how do we move forward and look for a more
24 stabilized industry, whether it be wild aquaculture or the
25 economic engine that the Chesapeake Bay is?

1 Because it is an ecosystem, and all these species
2 that we talk about continuously all interact with each other
3 and are all necessary. We talk continuously about SAV,
4 habitat and all these things yet our oyster management system
5 does not take that into account when it comes to harvest. We
6 don't have biological reference points or scientifically
7 controlled measures for harvest.

8 That is something that I see here in these
9 guidelines. The objective of the MOA, for this funding is to
10 witness a scientifically demonstrable improvement in oyster
11 populations and fisheries over this five-year period. And I
12 look at our management pieces, how we manage the resource, we
13 have an FMP, but we don't really use a reference point system
14 that we should.

15 We essentially get what we get, and we go out and
16 harvest. And I think we are going to see a major decline in
17 harvests in the future, and therefore a major decline in the
18 reproductive potential of what is left.

19 And of course this is no question a very complex
20 thing. But biological reference points and a more scientific
21 management of this fishery will help everybody in the bay,
22 all of our bay's stakeholders so we can ensure a larger
23 abundance of oysters moving forward.

24 You look at public investment in private industry,
25 and you know, it is complex. It is debated throughout the

1 country, throughout all different industries and, you know,
2 it is what it is. But I look at the investment we can make
3 in the ecosystem as a whole, and that economic engine that is
4 the Chesapeake Bay.

5 And that is what the intent of the sanctuary
6 program is. It is to find out what we can find out about
7 disease resistance, create a bird stock. You know, oysters
8 spawn and the spat goes elsewhere. So there are ways that we
9 can manage our oyster fishery better without removing the
10 sanctuaries.

11 There are a lot of numbers tossed around about what
12 was taken away during the sanctuary program, and I understand
13 that no exact number might be perfect but, you know, there
14 was 25 percent potential bottom. I have also heard that it
15 was 9 to 10 percent of the harvest from the 3 years prior to
16 the sanctuaries going into effect.

17 So some was taken, yes, but it was for the
18 betterment of the future of the bay. You know, the long-term
19 habitat gains, the water filtration and everything else that
20 comes with 3-D oyster reefs and healthy oyster reefs are
21 endless.

22 We always pay attention to oysters, oysters,
23 oysters. There is an entire microcosm of species that live
24 on those bars and in that habitat that filter the water in
25 ways we can't imagine.

1 Other species are all a part of this very complex
2 ecosystem we are trying to manage. So we can't forget that.
3 And that is -- the investment that we can make in that is an
4 investment in sanctuaries, and an investment in areas that
5 aren't continually disturbed, whether it be for harvest or
6 whatever reason.

7 So it is important that we do that. You know,
8 ultimately this is public money. And the -- and while the
9 department does control the funds, does work with the
10 industry to determine how to spend these funds, there have
11 been questions about whether or not these funds were used in
12 a proper way in our recent history.

13 And for this administration to continue with that
14 kind of bale of what is going on is not a good idea. And so
15 as an advisor, I advise the commission or this administration
16 and this department to move forward with a more transparent
17 process where all stakeholders can understand the
18 conversations that exist. Here we have verbatim transcripts
19 where you can hear everything we say and look back at it.

20 But these conversations, I don't know where they
21 happen. I don't know if they happen in the open but I think
22 they should. And I think we should be able to have an open
23 conversation about how we use these public, taxpayer dollars
24 because that is what they are.

25 They can support a lot of good in this bay but if

1 things happen behind closed doors, a lot of questions are
2 going to be raised. And I think that is the most important
3 thing that we need to understand moving forward --
4 transparent. And not transparent in name only. Thank you.

5 MR. GOLDSBOROUGH: Thank you, Dave. Any other
6 thoughts from the commission?

7 MR. GRACIE: What is the timeframe where you are
8 expecting comments?

9 DR. GOSHORN: Well, there is no formal timeframe.
10 We want to get this resolved as soon as possible. So I am
11 hoping, and that is partially determined by MDOT because it
12 is their funds, but I am hoping to talk to MDOT -- it is not
13 going to be this week but early next week.

14 MR. GRACIE: Is that FY16 money?

15 DR. GOSHORN: Yes.

16 MR. GRACIE: So it is there now.

17 DR. GOSHORN: Right. It is there now. That is why
18 we want to get it moving.

19 MR. GRACIE: So we are not going to have another
20 meeting to discuss this.

21 DR. GOSHORN: No, we will have this done before
22 then.

23 MR. GOLDSBOROUGH: But we heard about it when there
24 was an actual comment period open, right?

25 DR. GOSHORN: Right, that is why we sent the

1 e-mail.

2 MR. GOLDSBOROUGH: That is what generated the CCA
3 letter, for example, and other comments.

4 MS. DEAN: Hearing Dave, I don't think anybody can
5 argue that anything that goes into the bay is public and
6 public trust.

7 But two concerns that really hit me with the MDOT
8 moneys: One, going to the sanctuaries, which technically has
9 nothing to do with it, but it is similar to my second point,
10 the idea of taking that 25 percent bottom and then releasing
11 it out, that kind of undermines, to me, the purpose of what
12 we were trying to do with it.

13 So when I hear the money being redistributed into
14 aquaculture, like those sanctuaries were, I start to
15 question, you know, the arguments that I heard all along,
16 which were, well, my goodness, how can you be funding
17 something for a select few?

18 It seems to be that by taking the sanctuaries and
19 then re-releasing them out to individuals or by taking this
20 money and putting it into aquaculture, we are doing just that
21 again except we are making that number even smaller.

22 So I just have concerns with the money being kind
23 of moved around and shuffled to support that private industry
24 when for so long we heard the argument that we didn't want to
25 support the public fishery with that money because it was

1 kind of benefiting a select few.

2 MR. GRACIE: Are you saying that sanctuary bottoms
3 are being leased for aquaculture? Is that true?

4 MR. GOLDSBOROUGH: Areas within sanctuaries but not
5 natural oyster bars.

6 MR. GRACIE: Oh, okay.

7 MR. SIKORSKI: And they are being considered in
8 part of the permitting process and not just automatically
9 approved.

10 When you say -- and I hear you loud and clear when
11 it comes to, it is a policy decision that we have made
12 forever in our government, and our government is continuing
13 to make, on how you subsidize properly, how do you pick
14 winners and losers, but it is what we do every day.

15 And I don't think -- the intent here is not to
16 provide winners and losers because if you look at what we
17 have been doing in our oyster repletion program for years,
18 much of which we have gotten away from because of all the
19 issues. Yet we may have changed the name, we may have
20 changed the players but, you know, we are still supporting
21 the industry.

22 And there are -- I think ultimately from my
23 conservative mindset politically, the idea is that you kind
24 of wean off of and become more stable without continuing to
25 need the public funds. That is the idea. I think the --

1 with regard to aquaculture, if I understand the program
2 properly, and if it is instituted properly, that is the whole
3 point. It is a loan program.

4 And hopefully it can stand alone on its own after
5 it gets an initial shot of investment. I mean, I think that
6 is the goal. It is obviously a lot harder to do.

7 MS. DEAN: I would wonder -- I do wonder how much
8 of that money has come back because MARBIDCO was supposed to
9 be self-sustaining. Yet now we are talking about redirecting
10 moneys again so is the money coming back because that would
11 be part of the transparency that I would be asking the
12 questions about that you were asking for.

13 MR. SIKORSKI: Absolutely.

14 MR. GOLDSBOROUGH: Well, I don't want to start a
15 debate, Robert T.

16 MR. BROWN: No, I just had one thing I wanted to
17 add, that I heard you say that this money was tax money.
18 This money is not tax money. This is actually a donation
19 from MDOT because they do not have to pay this at all.

20 MR. GRACIE: They don't get that from taxes?

21 (Simultaneous conversation)

22 MR. BROWN: They do not have to give anything to do
23 the department.

24 MR. GOLDSBOROUGH: I think the point was just that
25 it was general taxpayer dollars that fund the agency.

1 MR. BROWN: I just want to make it clear that MDOT
2 doesn't have to give anything to the state for what they are
3 doing. It was an agreement that was made between Larry to
4 pay so much per cubic yard of stuff they moved years ago.

5 MR. GOLDSBOROUGH: Right. And they do have these
6 funding guidelines they have provided for us all to go by
7 now. This is what we are dealing with now.

8 DR. GOSHORN: Just to get back to -- you asked
9 about how long the comment period is. What I meant to end
10 with that is so we can still accept some comments but please
11 get them in I would say by the end of this week. So if you
12 want to send comments, that is fine.

13 MR. GOLDSBOROUGH: Anything else on this?

14 (No response)

15 MR. GOLDSBOROUGH: I have one other quick item,
16 believe it or not. You are going to find this very
17 entertaining, I am sure because our renowned Artificial Reef
18 Committee chairman and celebrated Ocean City party boat
19 captain came up to address us on an issue but couldn't get
20 here earlier. Monty, would you step up to the microphone,
21 please?

22 ***Public Comment***

23 MR. HAWKINS: Thank you very much, Mr. Chairman. I
24 thank you all for entertaining me. I know you all are late.
25 And I hate to do this to you. You know, the ocean is turning

1 greener and greener.

2 MR. GRACIE: You need to tell us your name for the
3 record.

4 MR. HAWKINS: Monty Hawkins, Ocean City, Maryland.
5 I said the ocean is turning greener and greener. It has been
6 since the '30s. So the more oysters you all get out there in
7 the bay, the cleaner your outflows turn into for the
8 Chesapeake Bay, we can turn the ocean blue again. That would
9 be a good thing. That is not what I came to talk to you all
10 about.

11 We have got 120, 140 square miles of ocean floor
12 that have been dramatically impacted by a series of surveys
13 over the last four years, actually the last 10 years, in the
14 Maryland --- area. Now these boys, when they go to survey
15 the bottom, they check every 30 meters, they mow the lawn
16 over huge area, over every 30 meters, 10 miles long, 8 miles
17 wide, something like this, and they use a sub-bottom
18 profiler.

19 Every time that sub-bottom profiler gets within 6
20 miles of a sea bass, the sea bass doesn't know if he is going
21 to feed or not. When that sub-bottom profiler is within 3
22 miles of a sea bass or a flounder, they are not going to eat
23 at all.

24 And I am telling you, my catch per unit of effort
25 has declined from a high of 111 fish per person in 2003 to

1 2.6 fish per person this May. We have had a major impact off
2 the coast of Maryland. And I am hoping the Department of
3 Natural Resources will come look at it with us.

4 I have spoken with commercial trap fishermen off
5 there. They are also seeing a decline. I am never going to
6 tell you it was all survey that did it. I won't tell you
7 that. But I do think the survey has contributed to the
8 decline of these sea bass. All right?

9 I caught a cod last Saturday. My clients caught
10 cod last Saturday. We catch cod off the coast of Maryland.
11 You don't think we catch cod. We catch cod. We catch cod in
12 January. We catch cod in February. We catch codfish. It is
13 22-inch federal size limit. And all the other boats out
14 there say oh, Maryland doesn't have a size limit so I caught
15 my cod in state waters.

16 I really think we are developing a population on
17 the East Coast here -- they are huge in upper Jersey. The
18 boys are targeting codfish, which is a good thing with the
19 client sea bass.

20 And really I just want to thank you all very much
21 for your reef building funds this spring. We had a
22 wonderful, wonderful reef deployment this year. I mean, we
23 put down a lot of tons of concrete and look to do it again.

24 We may even do it again early fall here. But that
25 also brings up the fact that you all stole Erik. We need our

1 Erik back. You have heard of the Full Monty? We need the
2 full Erik. Thank you all very much.

3 MR. GOLDSBOROUGH: Thank you, Monty. Is there
4 anything else to come before the commission?

5 (No response)

6 MR. GOLDSBOROUGH: We are adjourned.

7 (Whereupon, the meeting adjourned at 7:02 p.m.)
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