

Maryland DNR
Fall Meeting of the Sport Fisheries
Advisory Commission

Tuesday,
October 13, 2015

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Spring Meeting of the Sport Fisheries Advisory Commission

October 13, 2015

SFAC Members Present:

Bill Goldsborough, Chair

Rachel Dean

Micah Dammeyer

Mark DeHoff

Beverly Fleming

Jim Gracie

Phil Langley

Val Lynch

Dr. Ray P. Morgan III

Ed O'Brien

David Sikorski

Dave Smith (*proxy for Vince Ringgold*)

Roger Trageser

SFAC Members Absent :

Vince Ringgold

Tim Smith

James Wommack

Maryland DNR Fisheries Service

David Blazer

Paul Genovese

Maryland DNR
Fall Meeting of the Sport Fisheries Advisory Commission

October 13, 2015

I N D E X

	<u>Page</u>
<i>Welcome and Announcements</i>	
by Chair Bill Goldsborough, SFAC and David Blazer, Director MD DNR Fisheries Service	5
<i>NRP Activity Report</i>	
by Lt. Art Windemuth MD DNR NRP	13
<i>Questions and Answers</i>	14
<i>Regulatory Updates and Regulatory Scoping Items</i>	
by Jacob Holtz MD DNR Fisheries Service	15
<i>Questions and Answers</i>	16
<i>Inland Fisheries Report</i>	
by Tony Prochaska MD DNR Fisheries Service	17
<i>Questions and Answers</i>	20
<i>Northern Pike Management in Deep Creek Lake</i>	
by Matt Sell MD DNR Fisheries Service	22
<i>Questions and Answers</i>	35
<i>Red Drum FMP Review</i>	
by Gina Hunt MD DNR Fisheries Service	49
<i>Questions and Answers</i>	50
<i>Estuarine and Marine Fisheries Management Planning Topics</i>	71
<i>Update on Menhaden Management</i>	
by Lynn Fegley MD DNR Fisheries Service	71
<i>Questions and Answers</i>	75

I N D E X (continued)

	<u>Page</u>
<i>Update on Additional Species</i> by Mike Luisi MD DNR Fisheries Service	80
<i>Questions and Answers</i>	84
<i>Preliminary Discussion on 2016 Striped Bass Regulation</i> by Lynn Fegley and Mike Luisi MD DNR Fisheries Service	88
<i>Questions and Answers</i>	91
<i>Recap of 2015 MDOT Expenditures and Update on 2016 MDOT Work Plan/Expenditures</i> by David Blazer, Director MD DNR Fisheries Service	103
<i>Questions and Answers</i>	104
<i>Man-O-War Shoals Permit Update</i> by Lynn Fegley MD DNR Fisheries Service	107
<i>Summer Gill Net/Charter Boat User Conflict Update</i> by David Blazer, Director MD DNR Fisheries Service	108
<i>Questions and Answers</i>	110
<i>Field Report</i> by George O'Donnell MD DNR Fisheries Service	114
<i>Questions and Answers</i>	124
<i>Public Comment</i>	126

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

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

(2:01 p.m.)

Welcome and Announcements

by Bill Goldsborough, Chair, SFAC

and David Blazer, Director, MD DNR Fisheries Service

MR. GOLDSBOROUGH: Everybody, let's take your seats. Good afternoon, everybody. Welcome to the Sport Fish Advisory Commission fall meeting. I am Bill Goldsborough, chairman, as most of you know.

We have got a couple of members who couldn't be here. Mack, James Wommack, had surgery on his foot. He is laid up with a cast. He is trying to get his proxy here but it sounds like that is doubtful. And we have got Micah on the phone. Micah, are you there?

MR. DAMMEYER: Oh, yes, I am here, guys. Thanks.

MR. GOLDSBOROUGH: Excellent. And that is all we knew about. We still have got a couple empty chairs so maybe they will wander in. We didn't want to wait too long to get started because we do have a packed agenda.

So with that, I think I will just start right off by tossing it to our new fisheries director to introduce himself and say a few things.

MR. BLAZER: Good afternoon, everybody. I am Dave Blazer. I am the new fisheries director. I have been on the job about three weeks trying to learn as much as I can and

1 introduce myself to many of you. Some of you I have met.
2 Some of you I have not. I look forward to talking to all of
3 you at some point. And I look forward to working with you.

4 I have been busy kind of getting reacquainted with a
5 lot of the DNR staff. Some of you may know I was here 17
6 years ago. I worked for DNR for about 9 or 10 years doing
7 legislative and regulatory work for the fisheries service back
8 then. And I left, had some different experiences, mostly
9 dealing with consensus building and conflict resolution, which
10 they think will be good for this job.

11 I have to tell you when they announced I was coming
12 here, I had probably about 100 people call me, and about 50 of
13 them said, oh, that is great. Congratulations. We are really
14 excited for you. And the other 50 percent said what the hell
15 are you doing?

16 So that is where my consensus building and conflict
17 resolution, I hope, will come in handy. I do look forward to
18 tackling fisheries issues. I have talked with some of the
19 staff members and said that it is pretty entertaining that
20 some of the issues we dealt with 20 years ago keep coming
21 back. So it won't take me too long to get up to speed on some
22 of these things.

23 But there is definitely a lot of new players, a lot
24 of new information. Data collection is much better than we
25 were 20 years ago, so I can say that pretty confidently. But

1 again I want to work with the processes that we have
2 established -- this commission as well as Tidal Fish and our
3 other advisory committees. And again I look forward to
4 working with you all as we move forward.

5 So thank you, those I have met. And those I have
6 not met yet, we will do that soon. So if I can, I am going to
7 jump right into some of the work. We sent out the 2015 budget
8 report to everybody. It has the very nice picture on the
9 front. And hopefully you all, if you haven't yet, will kind
10 of take a look at that.

11 But if you have any questions or comments on this
12 report, please feel free to bring them up. I have read it. A
13 lot of it, since I wasn't here in the 2015 budget year, I may
14 not be able to answer all your questions, but if anybody has
15 any questions or comments on it, please feel free to bring
16 them up.

17 MR. GOLDSBOROUGH: Dave?

18 MR. SIKORSKI: I was looking at Table 3, and the
19 total column. It looked like the beginning balance -- the
20 revenue is very similar in '14 and '15. So that \$17 million
21 didn't change much. The major difference was the fisheries
22 service expenditures, where you see it is about \$10.5 there,
23 in the far right. For '14 it was \$8 million. So I am
24 wondering what that change is because what that relates to is,
25 if you look at the bottom there, the \$1.6 million? In 2014,

1 that number was about \$150,000 positive. And here we are at
2 \$1.6 million negative so I wondering what the differences are
3 because revenue stayed the same.

4 So it wasn't obvious like, oh, we didn't sell as
5 many licenses or we just had a revenue shortfall. So I was
6 wondering what that difference is because moving forward, we
7 always have budget concerns --

8 MR. BLAZER: Sure, and I think that is a great
9 point. And one of the things -- again, only being here three
10 weeks I may not be able to answer your question right off the
11 bat so I appreciate this.

12 One of the things I am hoping to do is get a good
13 handle on our budget and tracking. As you will hear when we
14 talk later about some of the oyster funds, you know, I want to
15 make sure that I am well versed on a lot of the finances and
16 the carryover. So I don't have the exact answer to this. It
17 could be a variety of different reasons.

18 We had carryover, we didn't get reimbursed on a
19 federal grant. There could be a couple different reasons but
20 we will definitely look into it and get you that answer.

21 MR. SIKORSKI: Right. And I know that was something
22 that I think this whole group was involved in, the cost
23 recovery conversation, looking at where money comes from and
24 what it is spent on, and knowing that the sport fish side,
25 there was cost recovery and on the commercial side there

1 wasn't. And efforts were made to bring that up.

2 So it is a continual part of the conversation that
3 needs to recur. And we need to be aware when we face cuts, as
4 the state sport fish side, where they are coming from. And
5 make sure that process is open and transparent in how we spend
6 the money and what we choose -- pick and choose where the cuts
7 come from, and it is something that is suitable with the sport
8 fish industry.

9 And in 2007 when we raised our fees, that
10 conversation occurred. We are willing to raise fees if we get
11 certain things out of the department that we are willing to
12 pay for. That is a good conversation and a good exercise to
13 have.

14 MR. BLAZER: Agreed. Budgets and finance are always
15 important, and we want to make sure people get bang for their
16 dollars, so to speak. I have heard about the capacity
17 recovery report. I haven't been fully briefed on it yet. So
18 I think as we move forward, especially as we start to develop
19 budgets and get them approved for next year, for fiscal '17
20 and so forth, we will have those conversations.

21 MR. SIKORSKI: Great, thank you.

22 MR. GOLDSBOROUGH: Thanks, Dave and Dave. So we are
23 still in the Welcome and Announcements agenda item as you can
24 see. And I did have a couple other things.

25 First off, I am glad to see in the packet right

1 behind your agenda the action items from our last meeting.
2 Just to follow up on that, and note that we are in pretty good
3 shape on those four action items. One is not completed yet,
4 the gill net discussion. But that is on our agenda.

5 Ray Morgan I guess completed that item, got back
6 with staff about the Northern Pike closure period. We did get
7 the e-mail with summer gill net maps, and then finally was the
8 letter that you also got, a draft from Paul on my behalf via
9 e-mail to Tom O'Connell, thanking him for his service.

10 And as you all may have seen in your e-mail today, I
11 think, we got a reply from Tom, and that was wonderful, a very
12 nice letter from him. So check off that agenda item as well.

13 I also want to note that in the last meeting, we
14 went an hour over. Remember that? I don't think that was fun
15 for anybody. And it is kind of the nature of the beast
16 because there are so many things that we do want to talk about
17 here. And we usually have a packed agenda. We have one
18 again, as you can see.

19 So I will have to ask everybody in the room to be
20 partners on trying to stick to the agenda and trying to be
21 concise in what we say and pay attention to the clock and help
22 me out on that so we don't go over if we can help it. But we
23 don't want to cut things short either so don't get me wrong on
24 that.

25 And then the last thing before I go to public

1 comment is I want to note the next thing in your packet, the
2 proposed dates for next year, and see if anybody had any
3 comments on any of those. If they are going to work for you,
4 we are good to go. If not, now is the time.

5 MR. GENOVESE: They pretty much fall in line with
6 this year's schedule.

7 MR. GOLDSBOROUGH: Okay, great.

8 MR. SIKORSKI: They are all Tuesdays?

9 MR. GENOVESE: Yes.

10 MR. GOLDSBOROUGH: All right. Let's move on to
11 public comment then. What we do is sort of similar to what
12 ASMFC does nowadays, is we allow for public comment at this
13 point in the agenda on any items not on the agenda, and then
14 when we get to specific items that are action items, wherein
15 we might have a motion to consider, we will allow for brief
16 public comment on that issue at that time.

17 So with that, does anybody in the audience have
18 anything they want to address the commission about that is not
19 on the agenda?

20 (No response)

21 MR. GOLDSBOROUGH: Very good.

22 MR. GRACIE: I have a question, Bill. Did we as a
23 commission decide to do public comment at the beginning of the
24 meeting from the end of the meeting?

25 MR. GOLDSBOROUGH: That was -- if I recall, that was

1 a proposal from the department I want to say a couple meetings
2 ago that we did agree to. Does anyone else have a different
3 recollection? I think Tom and I had a conversation about that
4 and agreed that it probably made sense and we brought it out
5 at a meeting, and nobody disagreed with it. Do you have a
6 thought on that?

7 MR. GRACIE: Yes, I think that people may have
8 comments after they hear what we have talked about, and they
9 don't get a chance to do that under this.

10 MR. GOLDSBOROUGH: Well, I think we allow for that
11 at least on things that --

12 MR. GRACIE: Those are action items only, I think.

13 MR. GOLDSBOROUGH: So how would you modify it?

14 MR. GRACIE: I would just suggest that we allow some
15 public comment at the end of the meeting.

16 MR. GOLDSBOROUGH: Oh, at the very end of the
17 meeting. Okay, I am with you.

18 MR. GRACIE: That is the way it used to be, and that
19 gives people a chance to say something about things they
20 heard. The public doesn't get the agenda ahead of time so
21 they are not going to be able to talk about all these things.
22 Some of these things may surprise people and they don't get a
23 chance to say anything.

24 MR. GOLDSBOROUGH: Dave, did you have a comment?

25 MR. SIKORSKI: It is consistent with the way ASMFC

1 format. You guys have really adjusted it to make it really
2 workable for us.

3 *Questions and Answers*

4 MR. LYNCH: I have got a question. On the --- , was
5 that the result of a complaint or was that the result of a
6 patrol? How did that work?

7 LT. WINDEMUTH: I don't have the specifics for that.
8 It could be either/or. Normally throughout the year we run
9 special enforcement details down at Ocean City targeting the
10 off-shore fishing industry -- fishing activity I should say.
11 And all we are doing at that time is boarding boats and more
12 than likely probably boarding it for inspection.

13 MR. LYNCH: They don't have to have the tag affixed
14 for fish that is off the boat.

15 LT. WINDEMUTH: That is right.

16 MR. LYNCH: Can you tell if the complaint, whether
17 it was one fish or whether it was --

18 LT. WINDEMUTH: Probably just one fish. If it was
19 more than one, I normally would note that. Any other
20 questions?

21 MR. GOLDSBOROUGH: I think we got one. Ed?

22 MR. O'BRIEN: Previously we talked about how we
23 would instruct people who don't speak English --

24 LT. WINDEMUTH: I think working with the fishery
25 service, we posted signs in Spanish.

1 MR. GENOVESE: Yes, I believe we printed up 400 of
2 those signs and the reserve officers distributed them on two
3 occasions.

4 MR. GOLDSBOROUGH: Any other questions?

5 (No response)

6 MR. GOLDSBOROUGH: Very good.

7 LT. WINDEMUTH: Thank you.

8 MR. GOLDSBOROUGH: Okay, let's move on to the
9 regulatory segment. Is Sarah here or Jacob? These are in
10 your packet as well. I think it is Tab 3. You had a chance
11 to look at them. Jacob.

12 ***Regulatory Updates and Regulatory Scoping Items***

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

14 MR. HOLTZ: I have been instructed to be exceedingly
15 brief as well. So as far as the regulatory and penalty
16 update, you see the public notices and the regs. We published
17 the one that will still be open for public comment but after
18 this meeting is our annual nontidal regulation. We have
19 updated our commercial and recreational fishing suspension
20 lists. Those are all available on the penalty page on our
21 Website.

22 As far as scoping goes, it looks like a lot, I know.
23 It is almost four pages. But it is really a page and a half
24 of new stuff, most of which has a commercial focus. There is
25 a page and a half of updates, things we have previously talked

1 to you about. And there is a half a page of housekeeping
2 stuff.

3 If you have any questions on the scoping, I would be
4 happy to try to answer those now. If you can get any comments
5 to us by the beginning of next week, I would appreciate it.

6 MR. GOLDSBOROUGH: So we have got regulatory/
7 penalty update and scoping. Comments on either one. Jim?

8 *Questions and Answers*

9 MR. GRACIE: On the fish values, does anybody know,
10 are we stuck with assigning a value? Is there an advantage to
11 that or allowing fines to be more punitive?

12 MR. HOLTZ: So the advantage to it that I would see
13 is the tort system will sometimes look at -- look for some
14 sort of independent way to assign a value to a fish. Having
15 some sort of value in regulation will help with restitution.

16 MS. HUNT: It is not a fine. It is in addition to
17 the fine.

18 MR. HOLTZ: It is in addition to the fine.

19 MR. GOLDSBOROUGH: I think part of the answer to
20 that too is full understanding of what the AFS uses to
21 establish those values. Do they take full account of
22 socioeconomic values, which is probably where you are coming
23 from, Jim, or local issues? I expect that the AFS --

24 MR. GRACIE: I am a pretty active member of the AFS
25 and I probably don't agree with you.

1 (Laughter)

2 MR. GOLDSBOROUGH: They have probably incorporated a
3 lot of your views. Okay, anything else for Jacob?

4 (No response)

5 MR. GOLDSBOROUGH: So you have got until the first
6 of next week if you have any further thoughts on any of this.
7 I just had one thing under the regulatory and penalty update.
8 And that is, who is this guy Philbert Langley? Thanks, Jacob.

9 All right then. Tony, it looks like we are to you.
10 This is good. Inland Fisheries Report?

11 ***Inland Fisheries Report***

12 ***by Tony Prochaska, MD DNR Fisheries***

13 MR. PROCHASKA: Okay, good afternoon. I am going to
14 cover a couple items and then I am going to turn it over to
15 Matt Sell who is going to give a presentation on the Northern
16 Pike fishery in Deep Creek Lake.

17 I just want to provide an update from the July
18 meeting. Everyone received basically a fact sheet regarding
19 the upper Savage River brook trout regulations. It provided
20 background, status and some of our future steps. What I would
21 like to do is just give you an update on where we are on some
22 of those future steps.

23 You know, one of the things we had agreed to do was
24 implement a brook trout angler preference survey. And the
25 purpose of that was to determine the opinion and attitudes

1 | toward the regulations in the upper Savage River watershed.

2 | So we formalized a workgroup. We actually reached
3 | out to researchers at Morgan State in the development of that
4 | survey. And the bottom line was we wanted to develop a survey
5 | that was scientifically valid. We had the meeting in August.
6 | Our next meeting is going to be next week actually. And our
7 | hope is to initiate the survey in January and have a final
8 | report in June of 2016.

9 | If you have any questions as I go through, please
10 | let me know. The other thing that we did discuss related to
11 | brook trout and taking a poll of the staff is we decided to
12 | conduct an educational and outreach event in the Savage River
13 | watershed in the spring of 2016. The purpose of that is to
14 | talk about brook trout ecology, conservation, how unique the
15 | upper Savage River watershed is in the conservation of the
16 | species.

17 | And the other real purpose of that event is to teach
18 | fishing techniques with the --- . So fishing techniques that
19 | are allowed in the upper Savage River for brook trout. So we
20 | will be looking for partners in this effort -- local guides,
21 | sporting goods stores, Bass Pro shop.

22 | And as you would expect we have support of the
23 | executive leadership. I believe Secretary Belton and
24 | Assistant Secretary Goshorn have given their full support. So
25 | that is something we want to do in the spring of 2016.

1 Everyone received the inland fisheries' monthly
2 report. I am not going to go through obviously everything
3 that is in there but one thing I would like to highlight is
4 the last page under the tidal bass program, we mention the
5 fact that we redistribute about 140 largemouth bass after a
6 FLW Tournament on September 19.

7 There is concern right now about the issue of
8 stockpiling. Multiple tournaments occur in some of these
9 water bodies, and the concern is the abundance of largemouth
10 bass or tidal black bass may increase to the point where you
11 exceed capacity. There are limited resources, and is it
12 having an adverse impact on the population.

13 So we conducted a pilot study. Staff actually
14 redistributed some fish with the help of Tidal Bass Nation,
15 and it was a successful event and we didn't have any
16 mortality. We released some fish on Elk Neck and also the
17 Sassafras. But again it was a pilot study to determine the
18 resources needed to do that redistribution.

19 More importantly, we have organized a meeting at the
20 end of this month, October 27th, with individuals from
21 organizations that hold bass tournaments as well as from
22 guides. And our hope is to work together to develop some
23 long-term sustainable solutions to deal with this issue in
24 Maryland. Again if you have any questions, please let me
25 know. Does anybody have any questions? Go ahead.

Questions and Answers

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GRACIE: Is there a written-up design for this study?

MR. PROCHASKA: So actually Joe Love is the tidal bass program manager. He actually did some monitoring before, kind of in the spring and summer, in different tributaries but particularly in North East River near Anchor, just looking at how maybe abundance has changed.

And essentially, and it is all preliminary but -- and we are going to discuss this. He is going to present the results at this meeting in October, October 27. But it looks like the number of adults have doubled in that particular tributary.

The concern also is that these fish may be -- are being moved from other tributaries, from long distances away, and these fish don't know how to get back to their natal rivers. So there may be some rivers that are having, you know, removal of fish and other areas that are having higher abundances.

But again we have developed a table, a list of possible solutions as a partnership with these organizations to figure out how to address this problem.

MR. GRACIE: Does this mean that you are in the process of developing a design for the study?

MR. PROCHASKA: Yes, we are evaluating numerous

1 solutions to deal with the issue. And there may be a number
2 of solutions that we utilize. It may not just be one. There
3 may be a number of solutions that are utilized.

4 Let's see. In July you also received a scoping
5 document of possible reg changes, Jacob mentioned. Three of
6 those items moved forward: putting Yough River Lake
7 regulations back in the COMAR that was pulled out in 2014.
8 That caused some problems with enforcement and confusion on
9 the anglers' part. So we are going to address that.

10 Removing closure periods for Herrington Creek and
11 also New Germany Lake. And then of course the closure for
12 herring in all waters including nontidal waters because it was
13 not included initially.

14 One of the items that we did not move forward with
15 was that we scoped was changes to the regulations specific to
16 Northern Pike in Deep Creek Lake.

17 We had -- we feel like we have everyone's support on
18 that but there were some issues that were raised, and what we
19 thought we should do is pause. You know, evaluate what
20 information we have, both independent and dependent data, as
21 well as both of the surveys that are being conducted so we can
22 get a better handle on the situation. And then use that
23 information. Possibly craft regulations in the future.

24 So Matt Sell is our brook trout specialist. He has
25 a passion for large pike and he has really been instrumental

1 in kind of moving this idea along. And so with that, I will
2 turn it over to Matt, and he will give a presentation on our
3 steps moving forward.

4 ***Northern Pike Management in Deep Creek Lake***

5 ***by Matt Sell, MD DNR Fisheries***

6 MR. SELL: Okay, I am going to go and be the first
7 one to say thank God we are ahead of schedule because you have
8 given me a captive audience and I am going to talk about pike.
9 Somebody get your shepherd's hook ready. I am going to be
10 here a while.

11 Thank you, Tony, for your introduction. My typical
12 hat is the brook trout hat. Today it is the northern pike
13 hat. I am glad to put it on. These fish have gotten to be a
14 passion of mine, and as you all are well aware, we are looking
15 at some regulation changes out at Deep Creek Lake.

16 I guess to start off with, I am going to show you a
17 lot of pretty pictures and try to overshadow the fact that I
18 am a terrible speaker and I don't want to embarrass myself.
19 And I will start off by not knowing which button to hit.

20 (Slide)

21 Okay, to start off with, we are talking about the
22 trophy fishery here in Deep Creek Lake. And whenever I say
23 trophy fishery, I think we need to define what that is. A lot
24 of folks, guides in Canada, you look up what is a trophy
25 northern pike? They will say 36 inches.

1 That is a marketing ploy. That is their way of
2 saying, we caught more trophy fish with our clients. So if
3 you ask pike fishermen what the benchmark is, what makes a
4 trophy? You are talking about 40-inch northern pike. That is
5 what everybody wants. If you say you caught a big one, it is
6 a 40-incher.

7 So as I move forward with this talk, just keep in
8 mind, keep in the back of your mind, when I am talking about
9 developing a trophy fishery, we are talking about producing
10 these 40-plus inch northern pike out of Deep Creek Lake.

11 (Slide)

12 Okay so you make ask, well, why is that so special?
13 What is so special about Deep Creek Lake? Well, for one, in
14 the very recent past, Deep Creek Lake has become a factory for
15 producing these really big fish. We have anecdotal angler
16 reports, and I could tell you from my personal catch data,
17 which you will see a lot of pictures of -- all these fish came
18 into my boat --

19 (Laughter)

20 -- It is putting out some big fish. And what is
21 really neat is, I will get into a tagging study. This year or
22 just last week, a week and a half ago, I had my first
23 recapture. Of all these fish I have been tagging, I have had
24 one recapture so far in my boat personally. But I will get
25 into that more in a second.

1 But this is why it is special. You have this trophy
2 fishery that people will travel to Canada to experience, right
3 here is Western Maryland, two hours' drive from Baltimore.

4 And folks will say that, hey, I go to Canada. I
5 catch more of these fish. Well, a, you are probably not
6 catching a lot more. And b, I would like to see the picture
7 of the fish on the measuring tape because I am not sure you
8 are catching fish like we are getting here all the time.

9 (Slide)

10 Now why is this fishery unique? It is unique
11 because of the fact that it is right here in Maryland. We are
12 outside of the accepted southern range of northern pike. On
13 the southern edge of things.

14 So for the fish to live long enough to grow to the
15 sizes that they are reaching is a very, very special thing
16 here. And the reason we can do that is because Deep Creek is
17 a, a highland reservoir. Surface water temperatures in the
18 summer rarely exceed 80 degrees. And that is only on a warm,
19 dry summer or in the very, very backs of coves.

20 So you have a relatively cool temperature regime
21 throughout the year. The additional thing is we have a very
22 consistent thermocline that sets up every single year so these
23 big fish, once they get to about 30 inches or so, they do not
24 like warm water at all. They now have the thermocline to
25 escape to. They have a cold water refuge so they can continue

1 to live through the summer months.

2 And conveniently we stock rainbow trout in the lake
3 that also love the thermocline all summer long. And I will
4 just let it go at that.

5 (Slide)

6 So as far as pike management at the lake, to date
7 there really hasn't been any. There was one regulation change
8 made in 2002. And that was increasing the minimum size from
9 24 to 30 inches. That was done because we had done some
10 analysis and determined the fish were susceptible to harvest
11 before they were even sexually mature.

12 So we wanted to protect those fish a little bit
13 longer so that they could reproduce a little bit, help them
14 bring the pike population up. But since then there has been
15 nothing.

16 We don't do directed surveys of pike at this point.
17 The pike data that we have is strictly by by-catch. Most of
18 the management efforts that are done are done via
19 electrofishing, and these fish -- it is very difficult to
20 collect them using a bolt of electrofish just because of where
21 they are and the nature of it.

22 Plus they are a very low-density apex predator.
23 There is just not a lot of them out there. It is hard to
24 collect data on them. So in the absence of good
25 electrofishing-type data, we -- I said, hey, I am out there

1 anyhow. Give me some tags. Let's learn something.

2 So I got some tagging needles and some floy tags.
3 Based the project off of our muskie tagging that John Mullican
4 does in the Potomac River. It is virtually identical. The
5 exact same tags. We both order tags together to save money.

6 And I started putting tags so that we could look at,
7 you know, based on these recaptures, when we get recaptures,
8 we can get at growth rates, we can get at generalized movement
9 patterns, you know. Where were they caught and released each
10 time?

11 We can get at some catch and harvest information.
12 Whenever anglers call the tag in, one of the questions I ask
13 is did you keep it or did you release it? And finally
14 whenever I would collect those fish, that fish on the left
15 there, I am collect scales off of. I tried to get at some age
16 data to get that length at age, to see how old these fish are.

17 How long does it take them to get to 38, to 40 to 42
18 inches? That is -- you talk about a convoluted mess. When
19 they are young, they are warm water tolerant. So they stay
20 shallow in the littoral zone all summer long. And they grow
21 spring, summer, fall. It looks like a normal scale.

22 When they get to about 30 inches, all of a sudden,
23 they go to the thermocline. Growth slows down in the summer.
24 Now they are in this biannual growth pattern. And then add in
25 the fact that it is an older fish, you are looking at fish

1 that likely we can safely say that these 38- to 40-inch fish
2 are at least 8 to 10 probably older. But when you start to
3 pack that many annuali onto the scales and at different times,
4 it is a mess.

5 So we are currently investigating different methods,
6 looking at potentially putting some anal fin rays, doing cross
7 sections, nonlethal-type methods so we don't have to sacrifice
8 these big, old valuable fish.

9 (Slide)

10 So we have gotten a little bit of information back
11 surprisingly. I have a total of 36 fish tagged at this point
12 on 3,900 acres, which is not very many. Amazingly, we have
13 got 5 tag returns so far. Now of those 5 tag returns, 4 of
14 those tags were caught by ice fishermen. All 4 of them were
15 harvested. And all 4 of them were from nonresident anglers.
16 All 4 of them from Pennsylvania.

17 Not to be a self-loathing Pennsylvanian, I live in
18 Pennsylvania by about a mile, but this lake gets hit hard by
19 nonresident anglers. So just something to keep in the back of
20 your mind. But ice fishing harvest rates seem
21 disproportionately high.

22 I also, with the onset of our tagging project,
23 started to take anecdotal data. Every time I would hear about
24 a big pike being caught/harvested, every time I was in a
25 tackle shop and saw a picture on a wall that had a date, I

1 wrote it down.

2 And what we found outside of the tag fish that we
3 lost, one fellow who called in a tag said he kept three other
4 pike that day, and within his group up to almost 40 inches
5 long. So we are seeing a lot of ice harvest.

6 I talked to some folks in Minnesota. They do a lot
7 of creel surveys because they have a huge ice-fishing season.
8 And these guys said they see the exact same thing. Folks who
9 are catch and release, die-hard through the entire soft-water
10 season, are out there to catch and keep fish on the ice. It
11 is a different mentality.

12 I am the same way personally. Whenever I am ice
13 fishing, I keep most of what I catch. It is like, dang, I am
14 out here freezing my rear end off. I am going to take some
15 fish home. So there is some dichotomy there in angler
16 preference, angler attitude.

17 What it did was kind of, for lack of a better, I
18 would say it kind of spooked us because I started to see when
19 I paid attention how many of these big fish were disappearing
20 through the ice. And a trophy fishery of any kind can only
21 support harvest at the top end for so long.

22 And when you are talking about a low-density apex
23 predator like a pike that occurs in relatively low numbers,
24 you can only harvest these 38-, 40-, 42-plus-inch fish for so
25 long before the fishery suffers. So we thought, well, maybe

1 we ought to think about a regulation change.

2 With that -- we knew we didn't have any empirical
3 data. We didn't do any directed surveys so the only piece
4 that we could gather in a relatively short period of time was
5 to do a preference survey and see if anglers would support it.
6 If we had support for it, maybe we could move forward with it.

7 So starting in February, I hopped on a snowmobile
8 with some NRP officers, which was awesome. Thank you all. We
9 went out and I did a --- survey of ice anglers, and we also
10 did surveys with drop boxes and four of the local tackle shops
11 in Western Maryland. And we did an online survey as well open
12 through the end of April.

13 And the idea was we just wanted to see if folks
14 would support a regulation change aimed at reducing harvest,
15 hopefully helping Deep Creek to reach its maximum trophy
16 potential.

17 It is producing trophy fish now but could it be
18 better? I think so. And one big added benefit that I will
19 get into more in another slide here is that there is the
20 potential that pike will be a biological control for pickerel
21 in the lake. Anglers out there hate pickerel with a passion.

22 Pike are notorious for cannibalism of themselves.
23 That is how they self-regulate their populations in the
24 absence of fishing pressure. I have seen, I have caught and I
25 have heard plenty of stories of other folks who have caught

1 pickerel and either had them destroyed, caught pike with
2 or -- I have used pickerel for bait through the ice. And
3 caught big pike.

4 They are a preferred food. Pike in general, looking
5 at dietary studies and dietary habits, they like cylindrical,
6 soft-grade fish: pike, pickerel, suckers, things of that
7 nature. So that is a potential side benefit.

8 (Slide)

9 We got 117 respondents, roughly half and half
10 resident versus nonresident. I think a lot of that reflects
11 the fact that I did --- surveys and got about half of the
12 surveys done with ice anglers on the lake, and that reflects
13 just how many Pennsylvania non-resident anglers are there.

14 I pick on Pennsylvanians. There were some from
15 Virginia, some from West Virginia. But I was down there every
16 day, every weekend the entire ice season, and I know what the
17 tags are on the trucks, including mine.

18 The gist of it is that we had overwhelming support.
19 Almost 90 percent of our anglers said, yes, let's do this. It
20 sounds like a good idea. Let's catch more big pike. And we
21 gave them -- what we did was we gave them three management
22 options. The first was a 40-inch minimum with a closed season
23 to protect spawning fish, which is basically closed through
24 ice-fishing season. And a one fish daily creel.

25 We gave them another option, which was a 42-inch

1 minimum, and it had no closed season. So they could catch
2 them and keep them any time they wanted to, again with a
3 one-fish daily limit. And then the third option was a catch-
4 and-release fishery.

5 The most preferred was the 40-inch minimum with a
6 closed season. Roughly 53 percent of the folks said they
7 wanted that. 40 percent like the 42-inch minimum with no
8 closed season. The remaining 6 percent or so said they liked
9 catch and release. So at the end of it all we gave folks the
10 opportunity to comment, which is kind of scary whenever you
11 say, hey, tell us what you think. You got a free blank space.

12 Amazingly enough, the number one comment that we
13 received was, thanks, DNR. You guys are doing are great job.
14 We love to see you out here working to make this fishery
15 better. We like the idea of the trophy pike fishery. This is
16 a good idea. The very, very, very close second was we hate
17 pickerel. Anything that you can do to get rid of one more
18 pickerel in this lake, please do it.

19 So whether or not that biases your results, who
20 knows?

21 (Slide)

22 But with that, it was time to consider, hey, we have
23 got overwhelming support. Do we want to make a management
24 change? So we proposed regulation based on the results with
25 the most preferred management option back in July. You all

1 saw it. It went out for public scoping. We got eight
2 comments back. They were mixed, four and four. Four, pro.
3 Four, con.

4 And they ranged from this is an awesome idea to I
5 absolutely hate pike. They are the devil fish. And, you
6 know, a little bit of everything in between, including some
7 that just wanted a little bit more information.

8 But at the same time, we started having some
9 discussions within inland fisheries, talking with our staff.
10 Kind of what we decided was, you know, we don't have the
11 empirical data on this population. And in order to make the
12 most sound management decision, it would probably be in our
13 best interest to take a step back. You know, the population
14 isn't going to crash in a year or two or three.

15 It can be impacted, but it is probably not going to
16 crash. Let's take a step back. Let's gather some of that
17 empirical data we need. Let's do some surveys. Let's find as
18 much information as we can.

19 Then we can come back with maybe a little bit more
20 robust regulation, looking at things such as potentially a
21 protected slot limit. But with the empirical data, we can now
22 say, well, what should the low end be? What should the high
23 end be? That sort of thing.

24 The other big benefit to having data on the front
25 end is then when you make a change, you can monitor the change

1 and you can say, here is what we saw post-regulation. So it
2 gives us a chance to get that little bit of baseline data.

3 (Slide)

4 So with that we decided to just go ahead and table
5 the regulation for now. And we are going to go ahead and
6 collect some data on these fish, which is the future direction
7 of this effort. We are going to continue -- well, put a
8 question mark by the first one. My boat crashed on me
9 yesterday. I have major engine issues. The tagging effort
10 will continue as soon as I can get an operational boat again.

11 But along with that we are going to utilize the
12 resources in inland fisheries to conduct some fall
13 electrofishing surveys when they are still very structure
14 oriented and very shallow. And we can target certain areas
15 and expect or reasonably expect to get a few fish.

16 We are also going to do some spring trap netting
17 surveys when they are spawning. As soon as the ice comes off
18 the lake, they are moving very, very ultra-shallow, a foot or
19 sometimes less. Their backs will be out of the water trying
20 to spawn.

21 So we are going to do some spring trap netting to
22 try to get at not only now fish population data but also we
23 can sex-specific data because we will be able to produce --- .

24 We are going to do some summer Young of the Year
25 seining to try to have some measure of abundance if we can.

1 Now this is difficult. There is a lot of vegetation in the
2 lake. So we are going to try to find the best areas close to
3 spawning grounds where you would realistically expect to see
4 them and have some established stations to see if we can
5 collect Young of the Year and have an index established so we
6 can compare year to year.

7 And then finally we want to get some creel data. We
8 want to get creel data not only of our ice anglers but also
9 our soft-water anglers.

10 Find out, you know, just how many of these fish are
11 being harvested. What size range, that sort of thing,
12 which -- we are going to ask other questions that will benefit
13 some of the other fisheries there in the lake as well. So it
14 is more than just a, hopefully more than just a pike creel
15 survey.

16 So that is about it in a nutshell. That is the
17 future direction of the management. That is where we are at
18 with the regulation. I would say it is going to be a couple of
19 years anyhow before I would expect to have enough data to be
20 able to propose another reg. But rest assured when we come
21 back with another regulation in the future, it is going to be
22 one that is better than the one that we proposed this year.

23 So with that, I am happy to answer as many questions
24 as you have. Was that quick enough?

25 MR. GOLDSBOROUGH: Thank you, Matt. Let's start at

1 | this end of the table.

2 | *Questions and Answers*

3 | DR. MORGAN: Was the pressure on the fishery more
4 | evident during the weekends during the winter or was it spread
5 | out?

6 | MR. SELL: There is a lot of pressure on the
7 | weekends. I have been there through the week, and this is
8 | just personal observation, but being there through the week,
9 | it was -- you don't expect as many anglers there by 70
10 | percent. All of our surveys -- I focused on Saturdays and
11 | Sundays to make sure I got enough data from the rating surveys
12 | that we did.

13 | MR. TRAGESER: If you were to implement --- season,
14 | is that going to also increase the population as well as
15 | increase or get you to your trophy sizes?

16 | MR. SELL: That is one of the questions that -- I am
17 | sorry.

18 | MR. TRAGESER: And just to tag on to that, given the
19 | size of the fish and the predatory nature of fish, is there
20 | any thought about any issues with the bass population with
21 | these larger predators?

22 | MR. SELL: Yes. I guess to answer that question,
23 | they are opportunistic predators and, yes, they are going to
24 | eat something that presents an opportunity, but they do have
25 | preferences.

1 And based on all the dietary preference data that I
2 could find, it is the long, cylindrical, soft-grade fish. In
3 the absence of those, they will eat perch. They will eat
4 walleyes. I have talked to anglers who took 14-inch walleyes
5 out of their bellies when they kept them. Yes, we expect
6 there to be some.

7 MR. TRAGESER: When they reach that trophy size or
8 that stage, and when they go to the cooler thermocline, is
9 that where they continue to feed and stay or do they come into
10 the shallows and feed much?

11 MR. SELL: No. Because the surface water
12 temperatures in the shallows in the summertime, even at night
13 normally will get --

14 MR. TRAGESER: How about in the spring, early
15 spring?

16 MR. SELL: In the spring, they will be shallow.
17 They will be shallow the whole time. It is not until
18 summertime, once the surface water temperatures get to 70 and
19 little above that they start to migrate to deep waters --

20 MR. TRAGESER: --- spawn for bass as well too.

21 MR. SELL: There is that opportunity, and that is
22 another benefit. Another thing that we had discussed with the
23 staff early on was -- and part of the reason why we decided to
24 back off and collect some empirical data is we want to be able
25 to see, a, was there an increase in big fish, and, b, with

1 that increase in big fish, now let's compare it to our other
2 fish data and see if there was a measurable impact there.

3 And if there was, everything is fluid. If we start
4 to see negative impact to the other game fish in the lake, we
5 can easily rewrite the regulation and go back to something a
6 little more liberal.

7 MR. TRAGESER: Deep Creek has had a real influx of
8 grasses. Do you think that has helped established this?

9 MR. SELL: I believe so. I think two things. I
10 think the regulation change in '02 allowed more fish to get to
11 spawning age, and I think what we are starting to see now in
12 just recent years is that cohort of fish that were protected
13 to a larger size are starting to become evident on the top
14 end.

15 And that is why we are seeing a lot of big fish
16 being caught. But yes, with the additional grasses and the
17 change in grasses. Just in my time on the lake, which has
18 been -- I have been fishing now for about six years. Big
19 shift from milfoil-dominated to now we are seeing a lot
20 of --- leaf pondweed. The hydrilla has started to take hold.

21 Cabbage, which -- pike love cabbage. Just in the
22 last two years I have started to see a lot of the cabbage
23 vegetation taking hold and it is definitely changing. It is a
24 better mix of vegetation from what I can see now. Obviously
25 some of those have their negative consequences such as --

1 MR. TRAGESER: You probably want to get me up there
2 ice fishing in the early spring.

3 MR. SELL: I used to laugh. Why would you go out
4 and sit on a bucket and freeze your rear end off but I
5 absolutely look forward to it now. I can't get enough of it.

6 MR. GOLDSBOROUGH: Jim over here.

7 MR. GRACIE: Congratulations. I am happy to hear
8 what you are doing. My question was going to be, if you went
9 ahead, how are you going to know when you reach potential,
10 compared to what? So I was pleased to hear that you are doing
11 that.

12 The question I have is why you would use a minimum
13 size to develop a trophy fishery?

14 MR. SELL: We talked about that, and the reason we
15 went with the 40-inch minimum is you can protect those fish
16 from 30 to 40, which is a few years. So it will help to
17 bolster the population and it will get fish to that 40-inch
18 range, and you are not going to catch and keep them all.

19 But because 40 inches is the benchmark for a trophy,
20 that is what a lot of people want to put on their wall. And
21 the next state record is going to be a 40-plus-inch fish. So
22 we didn't want to -- so we wanted folks who caught that trophy
23 fish and wanted to get it mounted or caught a state record and
24 wanted to get the recognition for it to be able to do so.

25 And that was with the old regulation. Like I say,

1 | now we are entertaining ideas such as a protected slot, which
2 | will maybe protect them. And this is all pie in the sky. We
3 | don't have firm numbers to go with this but potentially
4 | protecting them from, say, the sexually mature age to 40
5 | inches and then allow harvest of those big fish.

6 | But also allow harvest to the small fish because
7 | another danger with pike is that they can overpopulate. In
8 | Deep Creek it is extremely unlikely because it is so predator
9 | heavy. You have enough fish eating small fish in that lake
10 | within an absence of a noticeable cyprinid-type food base.

11 | MR. GRACIE: There has been a huge change over a
12 | 40-year period in Deep Creek Lake. I don't know if you are --

13 | MR. SELL: I have only been alive for 35.

14 | (Laughter)

15 | MR. GRACIE: It used to be dominated by yellow
16 | perch.

17 | MR. SELL: Yes. And that is still the primary food
18 | source. If you are going to fish Deep Creek in the summer,
19 | troll weed line with a number five shad-rap in yellow perch,
20 | and you will catch more fish than you know what to do with.
21 | If you can find a steady weed line anymore. Because the weed
22 | have changed, that trolling has --- .

23 | But, yes, it is still -- yellow perch and small pan
24 | fish are still a dominant part of the food web there, and you
25 | have some golden shiners. But really your small pan fish are

1 | what probably makes up, without doing an actual dietary
2 | analysis, probably what makes up the bulk of what they are
3 | eating.

4 | And ultimately even though some of the intermediate
5 | anglers said no, I come out here to catch these giant yellow
6 | perch and giant blue gills. I don't want anything else in
7 | here eating them. The ironic thing is, they don't realize
8 | that because you have walleyes, because you have -- yes,
9 | because you have all these other predators keeping the pan
10 | fish population down, that is why they get big.

11 | Stuff like this does nothing but help your trophy
12 | pan fish, which really Deep Creek is probably best known for,
13 | is that pan fish.

14 | MR. LYNCH: In terms of size, what is the spawning
15 | window?

16 | MR. SELL: Size of fish? Right now, best guess that
17 | I have is anything over about 28 inches. 28 inches is about
18 | when they are becoming sexually mature. For males, they will
19 | mature about a year earlier than females, on average. And
20 | they will sometimes mature by 2 but always mature by 3 years
21 | old.

22 | With the females, they sometimes mature by 3.
23 | Always mature by 4.

24 | MR. LYNCH: How about on the upper size?

25 | MR. SELL: They will spawn until they die.

1 MR. LYNCH: And can you correlate the comments you
2 made about regulations with -- you started with in terms of
3 this being a tourist fisherman sort of state and a prime
4 fishery to bring people in.

5 MR. SELL: I think, if I am understanding your
6 question correctly, I think by managing it in this fashion, it
7 is going to draw the attention of anglers. They are going to
8 see things like it is managed for trophy pike and it is going
9 to pull people in.

10 And I think, you know, with our marketing in
11 fisheries and our public outreach, things like that, we are
12 going to be able to tell folks, hey, this fishery is producing
13 these fish and it is being managed to produce these fish. And
14 the benefit of having a regulation in place to protect those
15 fish is that once the pressure starts to increase on the
16 fishery, then it is going to protect it from overharvest.

17 Because a big pike fishery, I mean to realistically
18 be able to drive an hour or two and catch 40-plus-inch
19 northerns, folks are going to do that, and it is a big draw.

20 And in the absence of regulation, if word gets out
21 on its own, like it is already starting to -- I know of three
22 other people who fished my pike, because I have had it to
23 myself for a little while -- I know of at least three other
24 people who have fished just since Saturday.

25 So when I went down yesterday and got my head handed

1 to me and caught one little 24-inch northern, I blamed it all
2 on them. But as that word continues to get out, it is going
3 to be beneficial to have this type of regulation.

4 MR. LANGLEY: I just have one question, and I am
5 excited to hear that about the 40-inch because I have some
6 friends who have outfitter businesses in Manitoba and whatnot,
7 and a lot of people pay a lot of money and fly a long way to
8 catch 40-plus-inch in that area.

9 But I guess my question is, you said -- you had
10 mentioned the thermoclines of that fishery. However, it is a
11 stocked trout that seems to be the primary food supply in that
12 time of year. Is this going to be something that requires a
13 consistent trout slot food supply in order to grow these fish
14 to get them through the winter months?

15 MR. SELL: That is a very good question. Again,
16 collecting fish is difficult enough. Collecting fish and
17 doing a dietary analysis and collecting something out of their
18 belly that is recognizable is yet another challenge.

19 It is hard to say. That is speculation at this
20 point. I would say I wouldn't want to discontinue the trout
21 stocking effort but there are, you know, there are other cool
22 water fish that like that area near the thermocline. The fish
23 can move up away from it to feed during certain parts of the
24 day.

25 I won't say that the fishery is going to crash

1 without it but it is definitely isn't going to hurt to keep it
2 going. And, you know, anglers like that stock trout fishery
3 in there. I see no reason to discontinue it. It is not a lot
4 of fish -- a few thousand fish each year.

5 It has the added benefit of those fish will hold
6 over because of the thermocline as well, another cold-water
7 fish just like the pike. And it has created a fishery that a
8 few people actually target, particularly in the deeper parts
9 down near the rest of the dam.

10 And I personally run down there and catch trout all
11 summer long, and they will grow up to very nice size trout, up
12 to 18-, 20-inchers, north of 20.

13 MR. SIKORSKI: I just want to say thank you for the
14 work you are doing. It is good to see that you recognized
15 there could be trouble with some of the regulations and you
16 are going back to the science.

17 The measure you are doing in your studies, in your
18 surveys, are you incorporating sort of catch-and-release
19 studies with hook mortality, that type of thing? Is there any
20 way that you have -- or is there data elsewhere that can kind
21 of support that?

22 I mean, we all know the basics of catch-and-release
23 mortality --

24 MR. SELL: Catch-and-release mortality is very
25 conditional, is the word I would use for it. Obviously

1 bait-caught fish typically have a higher poach-release
2 mortality rate than a lower-caught fish would.

3 Again if you catch a fish -- say you are fishing for
4 trout in the summer and you by-catch a 40-inch northern
5 thermocline and drag it up to 78 to 80 degree water at the
6 surface, odds are it is not going back down. And if it does
7 get back down, it is going to die eventually.

8 There is going to be some post-release mortality,
9 particularly as fishing pressure increases, targeting those
10 fish. But to design a study to get at that is near
11 impossible. There have been studies done, and there is a good
12 synopsis of it in the Michael Carlander book that, at the time
13 -- it is a bit dated at this point -- but a good synopsis of
14 the annual mortality rates, natural mortality rates and things
15 like that, that they were able to estimate.

16 I don't have those numbers offhand but rest assured
17 going into it, those numbers are going to play a part, looking
18 at those natural mortality rates. And you have to be able to
19 estimate, you know, how many of these fish are going to be
20 caught and released and die. But how we are going to do that,
21 I have a lot of research to do to estimate that number.

22 Right now I can tag a fish and release it, but the
23 only tagged fish that I got back that was a dead fish outside
24 of the ones that were directly harvested was a fish that I
25 caught myself last fall. And it had moved shallow right at

1 the 70 degree point. And I caught it, didn't hook it deep.
2 Tagged it, released it, and I watched it flip over. I worked
3 with it for an hour, and it died.

4 That is the only one that I found with a tag in it
5 to date but if we get at that, maybe. If I can get a tag
6 return and then find the fish dead, but the odds are so low.
7 You can potentially quarantine certain parts of areas where
8 you can catch fish, release them, monitor them.

9 But there are also problems with that associated
10 with putting too many fish in a confined area. Added stress
11 beyond just being caught. Transport to that location,
12 wherever it may be. There are a lot of compounding issues. I
13 would like to be able to say, yes, we are going to do this
14 but --

15 MR. SIKORSKI: That is good. I understand. There
16 is complexity to all this stuff. Keep in mind the anecdotal
17 information, how valuable that can be. There are plenty of
18 participating anglers who rely on that information. So keep
19 it in mind as you plan your study and move forward.

20 MR. SELL: I appreciate that. I put together last
21 year and tried to get the word out a little bit but we are
22 such a finite group of pike anglers. I put together a creel
23 diary for anglers to keep. I kept one myself, and I got no
24 other ones back.

25 I knew of about three other people who said they

1 | would do it. Voluntary stuff, it is hard to get folks to
2 | participate. I would like to continue with that but in the
3 | meantime -- if you come out and you catch some fish, and you
4 | want to shoot me an e-mail, please shoot me an e-mail. Let me
5 | know what you caught.

6 | MR. SIKORSKI: I am going to be fishing with you.

7 | MR. SELL: Absolutely. You will have to bring your
8 | boat.

9 | MR. SIKORSKI: When your boat works, let me know.

10 | MR. SELL: Hey, right now, I would sell my soul for
11 | a boat that runs.

12 | MR. GRACIE: This is prime time for northerns.

13 | MR. SELL: This is because of the fact that they are
14 | cold-water fish, and the lake turned over.

15 | (Slide)

16 | That fish right there was caught a week and a half
17 | ago. That was a 38 1/2 incher. That was amidst turnover. It
18 | cleared back up. It was dreadfully clear yesterday. I just
19 | about cried. Bluebird skies and clear water. But now is the
20 | time. The lake is 60 degrees to 62 degrees top to bottom, one
21 | end to the other. And these big fish are shallow and they are
22 | putting on the fall feedbag.

23 | Now is the time if you want to fish for pike. In
24 | all seriousness, I am looking for a boat so if any of you are
25 | heading west and want to get some time on the water, shoot me

1 an e-mail. If I am available -- I do get a lot of personal
2 satisfaction with taking folks out and letting them experience
3 things like this, stuff that you never really knew existed.

4 Or maybe thought you knew but to go out and actually
5 experience it and get a hands-on feel for the tagging process
6 and what we are doing with this fishery. That is one of the
7 aspects of this job that I really enjoy, maybe even the most.

8 In all seriousness, if you head west, don't be
9 afraid to hit me up most days in the month. Until the ice,
10 and then the only break you have is until you get ice thick
11 enough to risk your life on. That is the best ice time, the
12 early ice.

13 (Slide)

14 That right there, that is black ice. You can see
15 pressure cracks in the background. The fellow that was with
16 me that day, he actually put his foot through one of those
17 pressure cracks. Almost lost him. That was battling -- we
18 had four inches of black, it was scary. Fighting that fish
19 in, you could look down and see that fish 30 feet all around
20 you, which is equally unnerving knowing that you have got a
21 big fish and you can see it.

22 But four inches is my minimum but when I get four, I
23 am going because that is -- if you are going to get them
24 through the ice, that is the time to do it.

25 MR. SIKORSKI: Well, we hope we see you next year.

1 MR. SELL: Yes, I hope I am here next year. If not,
2 you know I died happy.

3 MR. GOLDSBOROUGH: Ed, did you have something?

4 MR. O'BRIEN: What is the status of the professional
5 guide service up there? Are there many of them?

6 MR. SELL: To my knowledge, there are two. There is
7 a girl who does some guiding on the ice. Melissa O'Neill I
8 believe is her name. I believe that is her name. I could be
9 wrong. But nonetheless I know a girl takes folks ice fishing.
10 And then the fella who is associated with Ken Penrod and his
11 group, Brett Nelson. Yes, he takes folks out.

12 And I don't know that he goes after this kind of
13 stuff. The impression I have gotten in the times I have seen
14 him on the lake is that, you know, he gets a lot of the
15 tourist type business. And, you know, he goes and fishes for
16 smallmouth and walleyes and stuff that folks are going to
17 catch more of.

18 To my knowledge, there is nobody guiding on these
19 guys.

20 MR. GOLDSBOROUGH: All right. Very good.

21 MR. SELL: If that is all, I will let you all
22 get -- I think we are still on schedule. I really thank you
23 all for giving me an opportunity to talk about this. Giving
24 me a chance to talk about pike.

25 I have to get on the road by about 4:00 p.m. But by

1 all means if you all have any questions or anything at all,
2 feel free to hit me up on e-mail or a phone call or anything,
3 and I am happy to talk about this.

4 MR. GOLDSBOROUGH: All right. We have still got a
5 couple minutes ahead of agenda. Let's move on to the FMP
6 discussion. Gina?

7 ***Red Drum FMP Review***

8 ***by Gina Hunt, MD DNR Fisheries***

9 MS. HUNT: You should have received a draft FMP
10 review on red drum. I am not going to go over it all. But in
11 summary, you know, this is the review that we do of every
12 species every year. This one was up for review so biologists
13 conducted a review of it.

14 The bottom line overfishing is not occurring and
15 there is a new stock assessment that is currently in progress.
16 That is going to be coming out sometime in the spring of next
17 year. But based on what we have right now, the FMP does not
18 need an amendment. It is the appropriate framework so we are
19 not recommending an update to the FMP.

20 Now like all reviews, I am bringing this information
21 and I ask for comments back. So the deadline to comment back
22 on this FMP is October 30th. So if you could please get
23 comments back by that date, it would be really helpful. Are
24 there any questions based on what I have said so far?

25 MR. GOLDSBOROUGH: Ed?

Questions and Answers

1
2 MR. O'BRIEN: I would like to know what is the
3 chance of having charter boats, recreational fishermen, keep a
4 large red drum for a short season --- . You see positive
5 information about the biomass of red drum. Maybe regulations
6 are changing --- and there is more opportunity for
7 recreational fishermen.

8 MS. HUNT: Well, I don't characterize the biomass as
9 positive. I should say there really isn't a change at this
10 point. There isn't a -- overfishing is not occurring. I
11 don't think we have a good estimate on what is going on until
12 that assessment is done next year.

13 So I think for this FMP review, what we are saying
14 is there is no new information that warrants additional
15 conservation but after that assessment is done, I think that
16 might be the appropriate time where you talk about if there is
17 the ability to add to the fishery. Or if we are at a point
18 where we need conservation, we just don't know it right now.

19 MR. GRACIE: Could we also get an opinion or a
20 statement or something as to what kinds of changes you would
21 like to see before you would consider this if you did any
22 changes? What criteria would you use?

23 MS. HUNT: We used to have -- did we have trophy
24 fishing on red drum? A long time ago. Not a long time ago
25 but maybe --

1 MR. O'BRIEN: Until about three years ago. We are
2 just looking for ways to give charter boats and recreational
3 fishermen some more opportunity. We know the striped bass
4 regulations --- . We don't see sea trout anymore --- . We are
5 just losing opportunity.

6 MR. LANGLEY: I guess to comment on what Captain Ed
7 has brought to the table here, I can tell you in the lower bay
8 in the last five or six years, we are seeing larger numbers of
9 red drum migrating into the lower end of the bay. I am
10 hearing of some fish actually moving further north here and
11 more catches further up the bay.

12 But based on the comment Jim made, I mean, I think
13 what would be great information if we had an idea of exactly
14 where that needed to be before we could possibly see
15 some -- and I don't know whether it is more of a northern
16 migration of red fish, you know, geographically up the coast
17 or what it is.

18 But I can attest, you know -- I mean, this year we
19 had big cobia in the bay, in the lower bay. You know, there
20 has been grouper caught in the bay. So I don't know whether
21 it is just a strange year but the red fish, the red drum, have
22 been good numbers of them over the last five years in the
23 lower bay area, and I am hearing of more catches, you know,
24 moving further north into the bay.

25 MS. HUNT: Well, you know, like I said, this is a

1 | coastwide assessment. I think we can go back and look into
2 | that and again, like I said, we don't have the answer right
3 | now but by the time the assessment is over we can see where we
4 | are. Nancy, is there anything that would change that timeline
5 | here?

6 | MS. : I think your biggest hurdle is that
7 | you have to have written into the FMP that the max size along
8 | the coast is 27 inches. So you would have to have an
9 | amendment to that FMP. And you would also have to get North
10 | Carolina on board with it because we don't have enough. We
11 | just don't see enough of them to have large enough data to
12 | show ASMFC we can take those big fish and it won't affect the
13 | coastline stock.

14 | MS. HUNT: What were you referring to, Ed, as far as
15 | a big fish? What size? What were you referring to when you
16 | said you wanted charters to take one fish?

17 | MR. O'BRIEN: --- . Red drum is proliferating in
18 | quite a few places and people are revising the regulations.
19 | We would like a little bit of that here.

20 | MR. LANGLEY: Gina, certainly we see very few fish
21 | as little as 27 inches. There are not many fish retained.
22 | There are some, you know, 32, 34 inch, 35, in that range and
23 | of course larger. But in the bay -- three of four years ago
24 | there was a large influx of puppy drum, smaller red fish, into
25 | the bay where we had a good year or two.

1 But predominantly you very seldom see -- and maybe
2 in the shallow waters and close to the islands you may see
3 some smaller red fish but predominantly in the bay we very
4 seldom see them under 32 inches.

5 MR. GOLDSBOROUGH: Dave?

6 MR. SMITH: I don't have much to add but I would
7 encourage DNR to take a look at that, talking to those guys at
8 ASMFC and trying to move that forward. I think that would
9 create more opportunity for the recreational guys. I would
10 support that.

11 MR. SIKORSKI: I spoke to some North Carolina
12 fishery guys recently, just kind of asking questions about red
13 drum. What we have experienced here with regard to what is
14 really happening with the bulk of the stock further south.
15 And they gave me some interesting information about puppy
16 drum.

17 Those smaller fish that we experienced, and those
18 are -- they grow a lot faster than striped bass. So the
19 reason we don't get to catch those slot fish very long is we
20 have a good spawning stock, and about two years later they age
21 out. They basically grow really quickly to 28, spawning stock
22 size. They spend the rest of their life in the ocean or deep
23 water.

24 The fish that we are dealing with in the bay right
25 now, that we are catching, are those really big ones. Older,

1 much older, and they are spawning typically. We talk to a lot
2 of folks about red drum, a lot of locals who fish around it.
3 In fact, one local brought up to the CCA the conversation
4 about maybe requiring circle hooks for catching big fish.

5 It is a catch-and-release fishery. Last time we had
6 talked on this issue, we had talked about in North Carolina,
7 the evolution of the large drum fishery there. The general
8 mentality there is to continue to release them. And that is
9 the mentality of the CCA. We have been deeply involved in red
10 drum management since inception.

11 And just a reminder that the only place that large
12 red drum are harvested in the country is Louisiana. That is
13 because they were able to biologically prove that their stock
14 was a --- migratory stock.

15 With that being said, at a recent ASMFC meeting, I
16 did hear Lewis Daniel, the fishery director at North Carolina,
17 and the chairman of ASMFC mention in a conversation as this
18 stock assessment comes out, ASMFC having a discussion about at
19 what point could we harvest these fish. It is not a new
20 conversation at ASMFC.

21 MR. GOLDSBOROUGH: Hang on, Phil. I had Rachel
22 first.

23 MS. DEAN: Dave might have answered some of my
24 questions but I thought -- doesn't Texas have fish too? You
25 said Louisiana was the only one that established it. I

1 | thought you could have one with a tag and then you could go
2 | back and get a bonus tag.

3 | Are we grouped, as Maryland, as part of the southern
4 | states for the ASMFC, for the red drum or are we part of the
5 | northern?

6 | MS. : (Away from microphone) We are a
7 | part of the northern region. So it is New Jersey to North
8 | Carolina as the northern region. South Carolina south is the
9 | southern.

10 | MS. DEAN: So North Carolina wouldn't necessarily
11 | be --

12 | MS. : (Away from microphone) No, North
13 | Carolina would be.

14 | MR. LANGLEY: I just have a question. What
15 | information does the department need from its anglers to --
16 | you said there is not enough information, that we don't have
17 | enough information to move forward as far as statistics. What
18 | can we do as associations or fishermen to provide you the
19 | necessary information to move forward?

20 | MS. : They simply have to have -- we need
21 | more data as far as catch and release, what size fish. And
22 | you have to have some sort of --- independent monitoring as
23 | well. So right now we do monitoring with commercial pound
24 | nets.

25 | MR. LANGLEY: Where we are seeing these fish is not

1 anywhere near pound nets. They are in a different part of the
2 bay.

3 MR. GOLDSBOROUGH: Anything else? So where we are
4 on this as I hear it is we want to follow up on this after the
5 stock assessment next year and see what the possibilities are?

6 MS. HUNT: Right. I was kind of wondering where we
7 left it is, the action for the department on this is just go
8 back and see where we are after the assessment. You know,
9 with what limited information we have here in Maryland, how we
10 would be able to effect any change.

11 MR. GOLDSBOROUGH: That is what I heard. Phil, you
12 have something?

13 MR. LANGLEY: Yes, I would like to see something
14 implemented by the department to move forward and start
15 collecting data maybe other than the pound net type fishery on
16 these fish so we have a better understanding of exactly what
17 we do have out there. Is that possible?

18 MR. BLAZER: We do a lot of fishery independent
19 data. We are doing a lot of that for multispecies data
20 collection anyway, and we are just not catching red drum. If
21 you look at the FMP, some of the graphs and charts and
22 statements here in the back, you know, like a couple people
23 said, you are catching 30 in a pound net or you are catching 2
24 or 3 in a year.

25 We are not seeing them in the striped bass Young of

1 the Year seine survey. We are not finding them in the ---
2 surveys. We are just not seeing red drum when we go out and
3 do a lot of our survey work. So that is kind of hard. If we
4 have to come up with some special red drum monitoring program.

5 MR. GRACIE: We have the same dilemma we always have
6 when we ask fisheries to do something else. With a response
7 to what you said, I don't know if we are talking red drum
8 fishing. We are not in the right location to get these fish.
9 That is pretty obvious. But that is an additional effort.

10 The dilemma we have is what are you going to cut
11 back because you are not just going to find more money to do
12 that. So I don't know how any of us can be in a position to
13 write those priorities. I do understand that it is expensive
14 to collect this kind of data. It takes time. And it is in an
15 area where we are not doing that now. So I think that is the
16 answer.

17 And I don't know about fisheries independent data
18 but would it be of any use to collect data from incidental
19 catch, catch-and-release records if we put the word out and
20 got people focused on it? Could that be anything acceptable
21 in the ASMFC discussion?

22 MS. : I think what you are really asking
23 for is a longline survey. That is the way they are tracking
24 their abundance as far as -- North Carolina has a longline
25 survey. South Carolina, Georgia. They all have longline

1 surveys. That is how they are getting data.

2 Virginia, I believe, also has a longline survey.
3 And if Virginia is not catching them, and their commercial
4 harvest is way bigger than ours. Their recreational harvest
5 is way bigger than us. Then it is unlikely that we are also
6 going to see very many of those fish.

7 MS. DEAN: But we are. And I was just going to say
8 the data collection on that, it is hard to gather data on that
9 and I guess you are saying that the only data that is
10 collected would be commercial data? And to my knowledge,
11 longline, is that what you need?

12 MS. : No, I am saying -- so they influence
13 the fishery independent longline surveys.

14 MS. DEAN: And that wouldn't necessarily work here
15 because we know that the habits of these fish are not longline
16 ready fish. They are in schools and moving fast. And I guess
17 we don't get any data from our recreational fishermen because
18 catch-and-release on red drum isn't necessarily something --

19 MS. : Recreational data is coming out on
20 the MRIP survey.

21 MS. : But MRIP is not very good for
22 Maryland's red drum. Most of the years have zero for us
23 whereas our charter logbooks show that is not the case. We
24 are catching red drum.

25 MR. LANGLEY: Certainly the last thing, I can

1 | promise you, I would want to do is hurt the red fish industry.
2 | You know, that is not the goal here. But what Captain Ed had
3 | mentioned, just like we listened to for Deep Creek Lake, that
4 | trout fishery? That there is, in the summer season, which is
5 | pretty much -- we get the big influx of everybody wants to
6 | catch the big striped bass in that early spring season.

7 | But there is really not any type of trophy fishery
8 | in our midsummer to really, you know, attract professional
9 | anglers. And just a -- whether it is a weak season sometime
10 | in August or July or something like that, just to kind of keep
11 | in mind, you know, protection of the fishery but publicly
12 | would interject some interest into the summer portion of the
13 | bay where it is mostly a spot/croaker, you know, pan-fish type
14 | fishery in most areas.

15 | MR. O'BRIEN: We have had charter boat captains who
16 | catch four or five at a time. All we are asking is couldn't
17 | we just keep just one? That would be really exciting for that
18 | particular client.

19 | MR. GOLDSBOROUGH: Okay, let me make sure I
20 | recognize you so we can keep some order here. You yielded
21 | your time to Ed before so I got to come back to you because
22 | you had this Dave in line? Dave? You are good? Now back to
23 | you, Dave.

24 | MR. SMITH: So I guess, yes, we are trying to
25 | diversify our sport fishing interests in Maryland and this is

1 an opportunity to look at. Sport fish and recreational
2 contribute a lot of money to the state. If this is something
3 we want to do, we should do it, I think the department should
4 do it, do a study, whatever that study looks like. I don't
5 know.

6 But striped bass, that is the state fish. That is
7 our bread and butter here. But if we could diversify our
8 sport fishing interests here, a lot more visitors would come
9 to this state. A lot more money would come to this state, and
10 I think that is what we are trying to do here. So I would
11 support this. I would encourage the DNR to really go after
12 this and take a really honest look at this.

13 MR. GOLDSBOROUGH: Jim, you have another comment
14 because then I am going to Gina.

15 MR. GRACIE: What I have heard here, a couple
16 things. First of all, it would be very difficult to do such a
17 survey in Maryland. Rather than directing the department to
18 do it, I guess I would ask the department to tell us what is
19 involved and whether or not they can do it, and it might be a
20 priority for them.

21 The other things I heard -- I heard somebody say
22 that they are here to spawn. Those big fish are spawning.
23 That is why they are here. Did I hear that correctly? So we
24 need to bear in mind that what we are promoting is fishing on
25 the spawning stock.

1 If we are going to go it at ASMFC and argue, we have
2 come up with an argument that is going to cover that concern
3 because that will be a concern.

4 MR. GOLDSBOROUGH: Yes, and I think ASMFC is the
5 other point, that this is governed by the ASMFC management
6 plan. North Carolina is key. I tried to catch those fish
7 down there last week. I know their slot is 18 to 27. I did
8 not catch one.

9 And they used to have a world-class fishery on
10 trophy fish. They have got the last several consecutive world
11 records in the Outer Banks. But unilaterally they have cut
12 out the big fish a number of years ago in order to try and
13 turn things around. It is turned around. Now it has got to
14 be a collective dialogue I think at ASMFC about where we can
15 go from here.

16 It sounds like that is where we are, and before we
17 can even effect any data collection here in Maryland, we have
18 got the stock assessment that is under way right now that we
19 will get some results from next spring. I think that is going
20 to be our next opportunity really to enhance that dialogue.

21 MS. HUNT: So two things. One, just to refresh
22 everybody's memory, and especially if you weren't here back
23 then because it was starting to come back to me when we were
24 talking about it. What did we do? I know we used to be able
25 to harvest one of these. What happened?

1 And then I remembered how Marty went out to pound
2 nets to basically tag red drum and broke his thumb trying to
3 release one. Remember that? Oh, was it black drum? I
4 thought it was red drum.

5 Okay, well, I was trying to remember. What did we
6 do when we tried to survey these last time? So just to circle
7 back to Jim's point, we -- obviously this doesn't have
8 anything to do with the FMP at this point. This conversation
9 has more to do with ASMFC's actions. And so the action item
10 basically for the department to go back, see what we need to
11 do to have this argument, this discussion with ASMFC.

12 What data do we actually need to have, and then what
13 would it take to get that data? All right, so knowing the
14 limitations, we need to come back and say, okay, this is what
15 we need, and we either can or cannot get it here.

16 If we can get that type of data in Maryland, then we
17 come back and ask you, do you want us to prioritize that
18 knowing what we may have to sacrifice?

19 So it is interesting -- to me anyways -- it is
20 interesting this conversation comes up when we are giving you
21 our budget report because the legislature basically says the
22 department can come up with a budget report for sport fish on
23 not only what we did do but what the priorities will be for
24 the next year.

25 And this is exactly that kind of discussion where we

1 | only have so much money so how do you want us to prioritize
2 | that? If we come back and say, okay, this is what it would
3 | take to get these answers. We could get them but we are going
4 | to have to sacrifice X, Y and Z, that is the kind of
5 | conversation we should have. Does that sound like a
6 | reasonable action plan? Great.

7 | MR. GOLDSBOROUGH: Does everybody agree? Okay, so
8 | now we are behind schedule but we got the very important
9 | review of the process segment of this agenda item. Gina, are
10 | you still up?

11 | MS. HUNT: Yes, that was going to be the short
12 | thing.

13 | (Laughter)

14 | MS. HUNT: So one of the items that the Fisheries
15 | Management Task Force talked about was a fishery management
16 | plan process. Not only on how you develop an FMP but how you
17 | handle a review of an FMP.

18 | You don't just write these and then they sit there
19 | forever and you never look at them again. So we have had this
20 | process where there is a schedule when the FMPs are going to
21 | be reviewed, and it has generally been about four of them a
22 | year.

23 | So last meeting when you were here, we had a review
24 | of white perch. This meeting we had a review of red drum.
25 | And this is basically the way it has been going. You only get

1 to about four a year. It takes a lot of work but in the end,
2 most of time, it says that we don't need an update to the
3 plan.

4 Now under the current regime, if ASMFC changed
5 something and new management was needed in the state, we could
6 always go in and request an update to the plan just because of
7 the ASMFC process. So just because it wasn't part of a
8 review, and it wasn't one of the four, we still could do an
9 update and an amendment to the plan.

10 And if we did one, it would always go through a very
11 public process involving stakeholders and the department.

12 But as it seems that we have been spending a lot of
13 time doing four a year, with not necessarily a result that we
14 needed to make any change, we were thinking that it might be
15 more efficient -- it actually definitely would be more
16 efficient. It might be even prudent to use the legislative
17 reports that the department does on an annual basis from every
18 fishery management plan.

19 So as you may or may not be aware, the department
20 basically writes a legislative update, about two pages of
21 summary, on every FMP we have, and it is submitted to the
22 legislature every year. These are actually available on our
23 Website.

24 So this legislative report on every FMP includes
25 anything new, whether it is a habitat issue, an ASMFC issue,

1 anything new that has been going on in the past year. And we
2 are suggesting at this point that it would be a change in
3 process but a more efficient process to use that legislative
4 update to provide to the commissions on every species once a
5 year.

6 Have you review that -- like I said, two pages of
7 new information. And get back to us and say whether or not
8 there is a need for an update to this plan.

9 Again if something happens on ASMFC that is outside
10 the timing of this process, we could certainly go through and
11 update the plan. But using this legislative report would
12 replace this -- you hear, like you heard at the last meeting,
13 like the explanation on white perch, where we were on the
14 management of it. Where we are on biomass and fishing
15 mortality.

16 It would replace those presentations. Instead, you
17 would be receiving this legislative report -- the handout I
18 believe I e-mailed out said October. But I think it most
19 likely would get e-mailed out to you in December. And at the
20 January meeting -- we always have a January commission
21 meeting -- is where we would talk about the legislative
22 report.

23 Talk about this report, whether or not we see any
24 need for updates, amendments in those FMPs then. So there
25 would be about three weeks or maybe more, depending on when we

1 get it done in December. Then you would be able to review
2 this before we have a meeting about it and before it ever goes
3 down to the legislature as a legislative report.

4 We are all required to do these legislative reports.
5 This is FMP authority. We are required to do that work. The
6 review process has always just been in addition to it. So we
7 are actually talking about replacing one with something that
8 we are already doing.

9 MR. GOLDSBOROUGH: So questions or comments from the
10 commissioners? Jim?

11 MR. GRACIE: I have a couple questions. I guess I
12 am concerned about an annual report, after we get about the
13 fourth or fifth one, how we would evaluate cumulative changes.
14 If the annual report showed a little bit of change here, a
15 little bit of change there, when is it all going to be
16 summarized so we get a feel for how much change there has
17 been?

18 I guess the other thing is I don't know that I have
19 ever reviewed the legislative report so maybe if we could see
20 some of those and have a better understanding of the level of
21 detail, we would feel more comfortable.

22 MS. HUNT: It is a lot of information. I will
23 e-mail out to you where they are online. Like I said, we have
24 been doing this work. It is not like we haven't been doing
25 it. That is one of the things that we became aware of. We

1 have been talking about this seriously for almost a year now,
2 ways to make this process more beneficial for everyone, more
3 efficient but we are doing this work on these reports anyway.

4 And it is seemed like -- I am not surprised you
5 didn't know. I don't think anybody realizes we have been
6 writing these updates to the FMPs, every FMP, every year.

7 The thing is, when you go through this process, and
8 you have been talking about like with red drum, and we have
9 looked at all the information and we have kind of summarized,
10 hey, this is where we are. Nothing gets updated to that FMP.
11 An FMP is still a standalone document from -- we have got FMPs
12 from like '93. It is incorporated into reference. You know,
13 it is in regulation, the '93 document.

14 What we would do with these legislative reports is
15 actually take that information and incorporate it into
16 regulation and actually add it to the FMP. So then when you
17 go back and look, you are not looking at the old document in
18 reg. This is the only thing they have. It is not the only
19 thing we have. It is not the only thing we have.

20 People don't realize it because they are going back
21 there. They see the old document. They don't realize we have
22 had all these updates every year since '93. So, you know, we
23 are trying -- like I said, to be a little more efficient but
24 also transparent in putting that information together in the
25 FMPs so you would actually see them.

1 MR. GRACIE: I was pretty when --- passed. And I
2 think Dave Smith and Bill Windley and Nancy and all went
3 through some really painstaking discussion about this process.
4 So I am a little uneasy. I am not sure I even remember all
5 the details --- and see what you are talking about.

6 MS. HUNT: This process I am talking about -- all we
7 are talking about is the review process. What you guys
8 currently have seen is we do all this work, we bring it to
9 you. You are going to comment back on the work. As I said,
10 you have until October 30th on that red drum FMP. So unless
11 you give us any comments or anything, we are done.

12 MR. GRACIE: And we always have the option of asking
13 you to review one.

14 MS. HUNT: Always, yes. And like I said, ASMFC may
15 requires us to do so. But I think what the task force was
16 great about is laying out this process on, if you are going to
17 develop an FMP, or you are doing an amendment -- say we look
18 at these and say, yes, we need a change. Where is the public
19 process? And that is not changing. The strategy that the
20 task force has set up for that will remain the same.

21 MR. GRACIE: I don't have any objections on the
22 surface. I guess I would like to look at a couple of those
23 reports.

24 MR. GOLDSBOROUGH: Rachel?

25 MS. DEAN: Just for clarification, just so I

1 understand. We look at each one of these, and it is brought
2 before us. If we were to support this only being done in the
3 legislation process, then if nothing is being changed then an
4 FMP wouldn't necessarily come into this room. We wouldn't be
5 reviewing it again? Only changes?

6 MS. HUNT: What you have been seeing up until this
7 point is really the -- like I said, the summary of any fishing
8 mortality, any new information we had since the last time we
9 talked about it. So what you will see with this is now all
10 the new information since really the past year or the last
11 amendment. That is what goes into the update.

12 So you never really do open up the whole FMP as a
13 commission. I mean, there is a lot to those. What we have
14 been bringing to you is what the review of that FMP -- whether
15 or not we had so much new information there has really been a
16 change in either goals, objectives or the population that
17 warrants updating for the FMP.

18 MS. DEAN: So you wouldn't consider this a whole
19 FMP, the red drum one. Because I look at it, I know it was
20 written in '93. I looked at that. And I just see all the
21 different changes.

22 MS. HUNT: That is it.

23 MR. GRACIE: That is the FMP.

24 MS. DEAN: Yes.

25 MR. GRACIE: That is my question. How am I going to

1 recognize the changes?

2 MS. DEAN: Yes.

3 MR. GRACIE: When all I get is an annual -- so we
4 can always, if you want to keep a looseleaf for me, there
5 ought to more than one looseleaf of all the FMPs. You can go
6 back and pull them out.

7 MS. DEAN: And the reasons for the change. We would
8 only be seeing the changes that are input.

9 MS. HUNT: I am going to get you a copy of the
10 legislative update now. I think some of your questions are
11 going to be addressed when you see the update because all the
12 FMPs are online as well. You can go pull up a '92 FMP right
13 now but not see any of the reviews that have happened to the
14 '92 FMP. And necessarily it is not incorporated into it.

15 MS. DEAN: And how many fish do we have FMPs for
16 right now?

17 MS. HUNT: 22? 23?

18 MS. DEAN: So in January it would be kind of up to
19 us to on our own go find the FMP to review the history of them
20 if we wanted?

21 MS. HUNT: Let me send you out the legislative
22 update. And you can tell me if it doesn't answer that for
23 you. Actually I will tell you what, I will print you out a
24 couple and I will pass them around while we are still here. I
25 will just pick a couple species and I will bring them around.

1 And then you can get a better understanding of whether or not
2 that isn't enough information.

3 Because you are right: Otherwise you will have to
4 go find, you know, go online and read them, all 23 species.
5 And that is the other point of this, is that we are not going
6 to be talking about, we are not -- we are not going to be
7 looking at just 4 a year. We are going to be looking at all
8 of them every year.

9 And as a commission, you are going to be seeing all
10 of them every year, not 4.

11 MR. GOLDSBOROUGH: You are going to be better
12 informed. Are we done? Good. Thank you, Gina. So now we
13 are 20 minutes behind schedule since our time check. Nobody's
14 fault, nobody's fault. It was a great discussion but let's
15 all keep that in mind as we move forward. Got a lot of meaty
16 stuff coming up. So yes, Lynn. We will go to the Estuarine
17 and Marine Fisheries Management and Planning, starting with
18 menhaden.

19 ***Estuarine and Marine Fisheries Management and Planning***

20 ***Update on Menhaden Management***

21 ***by Lynn Fegley, MD DNR Fisheries***

22 MS. FEGLEY: So just to follow up with everyone, the
23 sustainable fishery --- has been working on the cownose ray
24 issue. And I just wanted to inform the commission that there
25 will be a workgroup on cownose rays meeting on October 22nd.

1 It is put together by the bay program and NOAA and
2 the sustainable fisheries GIT. And the purpose of the
3 workshop is really to gather a series of -- a bunch of experts
4 are going to show up and help us understand the life, the
5 biology and help us get to the next point about how can we
6 assess the status, which is what we need to eventually get to
7 management of the species.

8 I just wanted to let everybody know with the
9 interest in cownose rays that, that is forthcoming October
10 22nd. I think there I probably something about it online.

11 So then menhaden was the next one to cover. There
12 has been a lot happening with menhaden. At the upcoming
13 meeting in November, the board will review the outputs of two
14 board workgroups.

15 This is not going to be a decisionary meeting.
16 There will be no major decisions at the November meeting. It
17 is going to be informational but there have been meetings of a
18 group to look at developing objectives for ecological
19 reference points. That was a board subgroup combined with
20 stakeholders to develop objectives for the ecosystem and for
21 the fishery.

22 It was combined with the scientists of the
23 assessments teams so that they could understand what
24 management is looking for and develop analytical tools to
25 present the board with some options.

1 The other workgroup is a board subgroup that has
2 been meeting every other week for the last -- since August to
3 work on the question of allocation. And this is a big one,
4 and this is meant to solve some problems having to do with the
5 6,000 pound bycatch, which is very unclear. It is being
6 implemented differently by different states.

7 The other piece it is meant to solve is this New
8 England set-aside, which is again quite odd. And the idea is
9 by getting allocation right we can make management a bit
10 simpler.

11 So what this group has done is come up with a series
12 of options for allocating the fishery. They range from status
13 quo, which is state by state, to regional allocations of
14 different regions. But most interestingly what the group has
15 worked on, and the one that right now the state of Maryland
16 wants your input on is supporting -- is the idea that purse
17 seines in the menhaden fishery -- the catch between 94 and 95
18 percent of the coastwide harvest each year.

19 The remainder of the 5 percent is caught by mostly
20 pound nets coastwide but then your other gill nets, fyke nets
21 all the other little fisheries. So we have worked on a
22 scenario where you would basically set the purse seiners. The
23 end reduction combined on a hard quota. And that is maybe
24 some percentage close to what they have been catching.

25 But the small capacity and small fleets, we work on

1 a soft quota set-aside. So in other words if you think about
2 those small capacity fleets as sort of noise in the
3 background, there may be years when that small capacity fleet
4 may cause the entire coastal harvest to go over the quota a
5 little bit.

6 But you wouldn't expect that to happen in every
7 year. So in other words for just as a baseline, if you were
8 to double the coastwide pound net harvest, it would result in
9 a 2 percent overage of the coastwide quota.

10 So basically what that does is it doesn't relieve
11 the need for management and monitoring of these small capacity
12 fleets. It just gives them some flexibility to breathe with
13 the availability of the fish because that really flexes up and
14 down the coast.

15 And it would potentially trigger if that
16 small-capacity quota were exceeded so many years in a row or
17 by more than X percent. Then we may have to take action to
18 reel the fishermen in. But right now that is an option that
19 is on the table. It will be up for discussion.

20 There is another interesting option on the table,
21 which is the same idea except that it defines the quota, the
22 allocation basically into purse seines, pound nets and gill
23 nets in their own category. And then the very small fleets.

24 So that is an allocation. The issue that is one
25 that we are going to have to keep our eye on a little bit, and

1 we would appreciate any input here, is Amendment III, which
2 was initiated by the board in August, ties the allocation and
3 the ecological reference points together. So that Amendment
4 III will handle both ecological reference points and
5 allocation together in the same amendment.

6 We are starting to get word from the scientists on
7 the Ecological Reference Point Committee that it could take a
8 while, like a couple years, to get to the ecological reference
9 points. So we are in a position now where we are going to
10 have to start thinking a little bit about -- it is a long time
11 to wait to resolve that issue.

12 To some degree the two issues are linked but I just
13 wanted to put that forward to the commission. So that is
14 menhaden. Any questions before I move on?

15 MR. GOLDSBOROUGH: Questions for Lynn?

16 *Questions and Answers*

17 MR. LANGLEY: The ecological reference points that
18 you are speaking of, well, does that take into consideration
19 how much geographic pressure is put into a certain area of
20 that coastal quota?

21 MS. FEGLEY: No, it does not, not directly. There
22 was some conversation in the Ecological Reference Point
23 workgroup about, for example, making sure that you are not
24 compromising the ecosystem in areas where you have a
25 concentration of animals who rely on the species, and the

1 species itself.

2 So in other words, thinking about nursesey areas for
3 birds, where the birds need to travel -- in the event they
4 can't travel an infinite distance to find food for their
5 young. And what the group did, it didn't discuss localized
6 depletion. That did not come up.

7 What the group did, which was a very good exercise,
8 was to develop fundamental objectives for the fishery, which
9 were things like sustainability, needing to sustain the
10 ecosystem and sustain the fishery and account for economic
11 impacts. It was a whole list of broad-scale objectives, and
12 each of those underneath are what we call means objectives.

13 So basically this workshop was the beginning of a
14 long process and was intended to give the scientists a
15 guidepost of what sort of approaches they need to take to
16 develop reference points. Does that answer your question?

17 MR. LANGLEY: Yes, I think so. I am kind of wagging
18 my tail over the answer.

19 MR. GOLDSBOROUGH: Maybe this helps. I think Phil's
20 question is a really good one. We here in Chesapeake Bay, we
21 suffer to the extent that there is a real localized depletion
22 problem as a result of having the fishery. And I think one
23 way to describe the answer that you gave in much greater
24 detail is that the ecological reference points would most
25 likely be structured on a population-wide basis --

1 MS. FEGLEY: Yes.

2 MR. GOLDSBOROUGH: -- and would not directly address
3 that particular problem so that problem remains, and that is a
4 theme of mine. I will share it with you, Phil. So if that is
5 any consolation, I am still beating that drum and I think we
6 do need to come to grips with that.

7 MS. FEGLEY: That is a good point.

8 MR. GOLDSBOROUGH: Jim?

9 MR. GRACIE: I just want to know the department's
10 position on it. At this point, we haven't heard it.

11 MS. FEGLEY: Oh, well in terms of position, I
12 thought I said it. I am sorry. For allocation right now, we
13 are supporting the idea of this small capacity. That is the
14 one that we would like to go and support.

15 MR. GRACIE: Which could result in a 2 percent
16 overage.

17 MR. FEGLEY: Yes, and those number are, you know,
18 they are rough estimates. I think the answer is it is really
19 up to the Technical Committee.

20 This is something that I have said on these calls.
21 And what the board should ask for is the Technical Committee
22 at some point needs to weigh in and tell the board how
23 much -- if we are going to do this flex and you are going to
24 allow the quota to be exceeded by a couple percent, what are
25 the trigger points? And that is a very valid question.

1 But in terms what the risk to the stock would be,
2 you want to be sure that the Technical Committee is advising
3 the board.

4 MR. SIKORSKI: Part of the conversation, and how it
5 relates to ecosystem-based management, it is a round peg going
6 into a round hole. It is like we continue knowing something
7 is wrong but it is a peg, and it is a square peg. We can't
8 put it in a round hole.

9 And that is the process that we are going through.
10 It comes to a situation of management over science because
11 trying to define the coastwide stock and then bring in
12 the --- depletion is very hard to do scientifically. That is
13 where political and management-based decisions have to be
14 made. And that is the sticking point.

15 And that being said, there are options out there
16 that would provide guidance. One of our biggest issues here
17 is the lack of reporting or accurate and timely reporting. It
18 is extremely important because it defends our position at
19 ASMFC and allows us to make better management decisions.

20 So in general I am supportive of trying to get that
21 set-aside for our fishery here and move forward with
22 system-based management. And as far as the recreational
23 fishery is concerned and the ecosystem is concerned, we are
24 allocated something too by default. Whatever isn't harvested
25 is essentially our allocation.

1 MS. FEGLEY: And so just to be clear, both of these
2 groups, the ecosystem group and the allocation group have
3 rough draft reports and they will be reviewed by the board.
4 So after November third -- they are not being publicly
5 distributed right now because they are still in draft form.
6 But after November third, those should be out.

7 MR. GOLDSBOROUGH: Any other questions or comments?
8 I will just say one thing. I think the point you made, Lynn,
9 about how the technical folks are coming back with sort of a
10 reality check about the ecological reference points maybe
11 being a couple years away, to me falls in the category of I
12 told you so.

13 As long as you are taking the approach -- with these
14 highly complex modeling approaches, and that there are
15 alternatives that are being considered. I hope they are still
16 on the table because -- I think I missed the last meeting but,
17 and I won't go into it now but you know the Lenfest approach
18 is one that could be implemented now.

19 So we aren't necessarily going to be delayed by a
20 couple of years or several years of implementation of the
21 ecosystem reference points.

22 And then the other point I want to make is, with
23 respect to allocation, sort of a nexus between that and the
24 ecological reference points is that where we need to go with
25 that ecosystem-based management is a change in mindset

1 from -- instead of thinking about there being surplus
2 production of these fish that we can take without impacting
3 it, that is really a single-species way of looking at it.

4 But to look at it in a multispecies way, you have to
5 accept that every decision of whether or not to catch a
6 certain fish is an allocation decision whether you can
7 allocate it to the fishery or whether you can allocate it to
8 the ecosystem.

9 That change of mindset is what we are having a hard
10 time getting everybody, including some of the technical folks
11 I think, to wrap their arms around. And not that it is easy.
12 This is cutting-edge stuff on a worldwide basis really. So we
13 all just need to hang in there. So let's move on.

14 *Update on Additional Species*

15 *by Mike Luisi, MD DNR Fisheries*

16 MR. LUISI: I have just a couple quick updates and
17 then Lynn and I want to talk with you guys about striped bass
18 and expectations for 2016. But in your packets you will find
19 a simple update regarding the commercial 2016 yellow perch
20 fishery.

21 I spoke to you all last time and explained that we
22 are going to be working with a pilot program that includes a
23 hailing and electronic reporting system, a system that we have
24 designed to allow for the commercial industry not to use
25 individual tags for the fish.

1 They are going to be using the box tagging system if
2 they decide to sign up and provide us the timely and the
3 accurate hailing and reporting information that we require for
4 this pilot project.

5 So we are moving forward. There is information in
6 your packet about that. The species we haven't talked about
7 for a couple years is going to be kind of taking -- it is a
8 hot topic over the next few months -- is summer flounder. So
9 for a number of years we were kind of sitting pretty. We were
10 able to liberalize our approach to flounder management along
11 the coast and in the bay.

12 More recently, and I think I spoke about this at
13 your last meeting, the result of some poor year classes has
14 caused a dip in the spawning stock for flounder. And we are
15 looking at having to take around a 25-percent reduction for
16 flounder. And that is on both the recreational and the
17 commercial end.

18 So we are going to be engaging in this discussion at
19 ASMFC the first week of November to begin the dialogue as to
20 how we approach this. If you remember years ago, each state
21 worked under a conservation equivalency plan so each state had
22 a target quota. And we did what we needed to do in our state
23 to manage that target and determine -- based on what our
24 landings were.

25 Over the past few years, the council and the

1 | commission have worked together to move in the direction of
2 | more regional management. So right now we are currently
3 | within a region with Delaware and Virginia so that all of our
4 | regulations from Delaware through Maryland and Virginia are
5 | the same.

6 | We did that and in some way we have put aside our
7 | own statewide allocation, the target. We have kind of just
8 | pushed it away. It is not anything we have had to deal with
9 | over the last few years but with this cutback, we are now
10 | going to be faced with a couple decisions.

11 | Whether or not we maintain the regional approach
12 | that we have worked for years on achieving, which from my
13 | understanding, from what I hear from our anglers on the coast,
14 | they really appreciate. They like the idea of having similar
15 | regulations with neighboring states.

16 | That was the whole purpose, starting with the New
17 | York and New Jersey issue, and it developed over time and kind
18 | of managed to some of that issue in New York and New Jersey.
19 | And we find ourselves in this place with Delaware and
20 | Virginia.

21 | But with this cutback coming, I am not quite sure
22 | what the board's actions are going to be, whether or not we
23 | revert and pull the plug and pull the cord and just go back to
24 | state-by-state allocations and kind of fending for ourselves.
25 | Or are we going to maintain this regionalization approach.

1 That will be what this discussion will be about again in
2 November at ASMFC.

3 And then throughout the winter, it is likely that we
4 are going to have consider some recreational regulations for
5 flounder. That will be for both the bay and the coast. I
6 just bring that to your attention.

7 And that leads me into my last point, my last
8 update. Flounder fishing, while it -- I have heard over the
9 years, we have heard over the years, there are flounder in the
10 bay obviously. The coast is where the focus is regarding
11 flounder fishing.

12 And so we typically -- I think a year or two ago we
13 stopped having our coastal fisheries committee meetings as a
14 result of just a lack of attendance and a lack of effort on
15 the part of that committee.

16 But we do continue to work with the recreational and
17 commercial stakeholders in Ocean City. We actually have a
18 plan to go down on Friday -- Lynn, Dave, George and I with
19 some other fisheries staff -- to begin this discussion with
20 them on what are the goals of this upcoming management that we
21 are going to have to deal with, whether it is regionalization,
22 state-specific approaches.

23 Do we look to increase size limits, reduce
24 seasons -- what is it you want on the stakeholder end in how
25 we deal with this flounder issue? So those are my updates and

1 I will answer any questions.

2 MR. GOLDSBOROUGH: Questions for Mike?

3 *Questions and Answers*

4 MR. LANGLEY: Is there any indication on why such a
5 dramatic drop in the spawning stock of flounder? I mean, we
6 are not seeing them in the bay. I have seen -- we were
7 talking about red fish earlier. I have certainly seen more
8 red fish than I have flounder this year as far as fishing. Do
9 we -- is it overfishing? Is it --

10 MR. LUISI: I would say, I would be comfortable
11 saying that I think we are not as confident in fishing
12 mortality as we thought we were. I think there is more
13 fishing mortality taking place than what we have incorporated
14 into the assessments.

15 People hear this all the time: There are enormous
16 amounts of fish that get caught that have to get thrown back
17 because the size limits right now are at a point where --
18 north of Delaware it is 18 inches or even greater.

19 So I think there are a lot of pieces to it but the
20 mortality associated with catch and release of these small
21 fish I think is greater than what we think it is. And there
22 were some poor year classes, some poor recruitment events over
23 the last few years that is all adding up together.

24 So the way to turn this trend around, this declining
25 spawning stock, is to cut back, and that is what we are

1 facing.

2 MR. LYNCH: Very informally, a number of small boats
3 that fish regularly, charters as well as rec anglers, were
4 asked, just give us a sense of throw-backs. It kind of
5 averaged out, over 1,000 fish reported, it was --- . That is
6 pretty heavy.

7 MR. LANGLEY: That is pretty heavy.

8 MR. LUISI: I just think, I believe that there is
9 more mortality happening that we don't know about, and that is
10 all leading up the point where we are right now. We are going
11 to need to get a handle on that.

12 One of the things that is being discussed and
13 debated -- I was just at a council meeting last week where we
14 were sitting around a table talking about where we might go
15 with this type of fishery because cutbacks typically mean
16 increases in size limits.

17 So you increase the size limits only to throw more
18 fish back. It is counterproductive to what it is you are
19 trying to do. So there is a serious consideration, I believe,
20 about maybe coming up with some type of plan where it is a
21 cumulative length of fish.

22 So you might set a 55-inch length limit. And
23 anything you catch that adds up to 55 inches can be kept
24 rather than a minimum. It is a cumulative idea so that if you
25 catch really small fish, and you don't have any reason to keep

1 | them, you are probably going to throw them back.

2 | But those fish that are sublegal -- well, right now
3 | they are sublegal but could be used if anglers would want to
4 | keep them, it is just an idea. It is something being thrown
5 | around to try to minimize that throwback mortality.

6 | MR. LANGLEY: Provided that once that is reached,
7 | that the effort stops.

8 | MR. LUISI: Provided that the effort stops.

9 | MR. GRACIE: I think it is mostly -- that is the
10 | whole point Mike was making. It seems counterintuitive to me.
11 | Traditionally cutting back the harvest, well, we are increase
12 | mortality. There are other options other than a cumulative
13 | length. You can lower the size limit or lower the monthly
14 | total number of fish.

15 | MR. LYNCH: Another option is to lower the size and
16 | to lower the creel --- the enormous amount of released fish
17 | are not surviving.

18 | MR. LANGLEY: In the regional-based management
19 | system -- say, Virginia, Maryland and Delaware -- I believe in
20 | the past haven't they been allowed to transfer -- quota
21 | transfers within the Atlantic coast in the past as far as
22 | between states --

23 | If they didn't achieve or, because with that stock,
24 | if it is a coastal stock, then as they are migrating from one
25 | state to the other as far as the quota, and if you allow that

1 | quota to be transferred to another state to keep them from
2 | going over their quota, is that being addressed?

3 | Or maybe on flounder it never was -- I know with
4 | bluefish and other species that is done. I am just not
5 | totally sure with the flounder.

6 | MR. LUISI: So with flounder, in theory there are
7 | recreational target transfers, you know, that got us to this
8 | regionalization approach. So Maryland was catching half of
9 | its target for a number of years. New York and New Jersey
10 | needed something, needed some mechanism so they could
11 | liberalize because they were going in separate directions from
12 | one another.

13 | Whereas the size limits of fish in waters that were
14 | fished -- like two people side by side from different states,
15 | there was like a two-inch size difference between the two
16 | states. So we used our gap between what our catch was and
17 | what our target was -- so did Virginia, so did North Carolina,
18 | Delaware -- we kind of gave that to the north, New York/New
19 | Jersey, to get to this approach where we are regionalized.

20 | But we didn't necessarily give them anything. If we
21 | want to revert back to state-by-state management, we would get
22 | back all that we gave. What we would watch them do is go in
23 | different directions again as far as the attempt.

24 | Regionalization got us to a good place. So there is a little
25 | bit of this bouncing around.

1 Now this cutback isn't a result of being overcaught.
2 We are not doing a cutback as a payback for overachieving a
3 recreational harvest. It is not part of that. It has to do
4 with stock health. So in the future if we don't meet them,
5 and the state catches more than its target but another state
6 doesn't, that is where that payback mechanism recreationally
7 would happen.

8 MR. LANGLEY: That is really not protecting the
9 species as far as the overall stock.

10 MR. GRACIE: Is it possible that there are
11 environmental or other factors affecting this and mortality
12 didn't come from catch and release?

13 MR. LUISI: I think some of the recruitment issues
14 are definitely driven by chance and by environmental
15 conditions.

16 MR. GRACIE: But you don't think environmental
17 factors affected --- .

18 MR. LUISI: I don't think so.

19 MR. GOLDSBOROUGH: All right, very good. And
20 speaking of striped bass, which you mentioned, and the issues
21 we have now, we will go on to that now. Lynn and Mike.

22 ***Preliminary Discussion on 2016 Striped Bass Regulations***
23 ***by Mike Luisi and Lynn Fegley, MD DNR Fisheries Service***

24 MS. FEGLEY: This is one that is going to be
25 interesting. I just wanted to kick the conversation off by

1 saying that there has been a, this has been a really strong
2 year for striped bass, and we have an assessment update.

3 I think it is really important at this point to
4 really work hard to manage everybody's expectations. I think
5 there is some hope that there would be a mechanism to come off
6 the pedal or roll back some of the 20 1/2 percent cut that we
7 sustained back in last year but I don't see anything in the
8 process where the results of the assessment is going to lead
9 to that.

10 So I think it is really important for everybody to
11 just wrap their minds around that and think about next steps.
12 And also next steps with thinking about how we may be able to
13 reconsider under conservational equivalency regulations for
14 2016 the issues with size limits.

15 As you recall there was a menu of items presented
16 last year so this is something that we could go back and
17 revisit to work a little bit with the ASMFC to figure out the
18 process for that. If there is something that we could do
19 about that.

20 So I just wanted to say that. I will hand it off to
21 Mike but I felt that it was very important just to manage
22 those expectations for everyone because it is, I think, it has
23 been a tough year and we all know that, and I don't know that
24 we are going to be successful in finding a mechanism to roll
25 that back.

1 MR. LUISI: So with that said, I have heard
2 this -- and this is, I guess, part of the discussion we want
3 to have here -- is whether or not, as Lynn mentioned, you
4 know, we had this menu of options available to us last year
5 for selecting for the trophy fishery and the summer/fall
6 fishery. We picked our meal.

7 And so is that something -- do we want to begin
8 looking again at maybe modifying that, what we did for 2015 in
9 some conservationally equivalent way for 2016?

10 And if that is the case, I think what we would end
11 up with, without sitting in front of the board and asking new
12 questions, what I think would end up happening is we
13 would -- and I plan to bring this up in November, the first of
14 November when we are at the board meeting, and ask the board
15 how would a state modify its approach?

16 Do we go back to the calculations and the
17 methodologies that we used to produce what it is that we
18 currently have, rerun those numbers and come up with new
19 management measures that we can consider? And so if that is
20 something that this group wants us to begin working on, and
21 that is the direction that we need, are we going to stay
22 status quo next year with the slot limit for the trophy
23 fishery and the two fish at 20 inches in the summer/fall?

24 Or should we kind of take a hard look at maybe
25 making modifications to that, knowing that we are still under

1 a 20 1/2 percent reduction in the bay, a 25 percent reduction
2 along the coast. And that it is not a liberalization, but it
3 is a modification of conservationally equivalent measures.
4 And I will leave it at that.

5 MR. GOLDSBOROUGH: Questions or comments?

6 *Questions and Answers*

7 MR. O'BRIEN: It is traumatic the effect that it is
8 having on our fishing parties --- . We just can't stand this.
9 We catch 40 fish and only 2 are legal.

10 MR. LANGLEY: I can tell you that our industry has
11 really felt the impacts of this issue starting in the spring,
12 which we would should have the statistics run out for wave two
13 and three. What did that -- do we have the numbers on that,
14 what the actual, based on the surveys? Did it show a much
15 higher reduction than the 25 percent?

16 MR. LUISI: The spring trophy? The report that gets
17 done each year that estimates what was caught during the
18 spring trophy fishery is still preliminary. It is a
19 combination of information that is collected that is part of
20 the creel survey, then MRIP will weigh the data. It will
21 become part of that report as well.

22 And the last time I was told about what it was
23 looking like, it was looking like we were going to be kind of
24 estimated to have reduced the fishery by around 30 percent.
25 And we were looking at 25 -- 25 percent was our target amount

1 of reduction.

2 But with that said, there are years when the fishery
3 goes up and down by 20 or 30 percent without any change in
4 regulation. So there is a variation in the catch year by
5 year.

6 MR. LANGLEY: So with a down year on top of it --

7 MR. LUISI: I mean, I know that number, 30 percent,
8 it is not what you, and what I have heard from anglers --

9 MR. LANGLEY: It doesn't match what we felt.

10 MR. LUISI: And I realize that. But, you know, the
11 report uses MRIP data, which we all know has some flaws. Part
12 of the estimation procedure that goes into that report. That
13 is what it is that we are looking at. When that is available,
14 we will certainly make sure the commission gets it.

15 But I know that, from what I have heard, your story
16 of, the thing you showed me the other day --

17 MR. LANGLEY: Where it was estimated this year that
18 roughly 40 percent of that 2011 year class would probably be
19 in that 20-inch range, and let's say my theory on it may be
20 with your large year classes of fish. Maybe they grow slower
21 than they do but certainly, you know, based on statistics that
22 I have done and just recently as yesterday, about 5 percent is
23 what we are achieving in my area of the bay as far as legal.

24 A whole lot of 19, 19 and 3/8 , 19 1/2 , 18. I
25 mean, last year's standards, it would have been a bumper year.

1 But those fish did not quite make it to 20 inches. And I mean
2 our customers are paying \$300 a pound a rockfish. Basically
3 the cost of the trip and what they are taking home, and that
4 is not conducive to good business practices.

5 MR. O'BRIEN: A typical trip on the bay, you go out
6 and catch 40 fish. We caught 54 fish. We keep 4. If we
7 could have kept the 18-inch fish, I would have been home
8 earlier. Every year it is going that way. And we have bad
9 year classes. It just seems like we can't get that steady
10 abundance of that size of fish.

11 MS. FEGLEY: It seems as though what we had seen was
12 that, that year, this past year, was a big year because of the
13 way the fish had run. So we were going to see a higher
14 proportion of those 18-inch fish.

15 So theoretically, as that big 2011 year class grows
16 in, you may not have quite the same issues this upcoming year
17 as you had last year.

18 MR. LUISI: Another thing, just to keep in mind, I
19 mean we have three tools that we can work with. We have
20 seasons, we have size limits and we have creel limits. Last
21 year, a lot of that wasn't on the table for discussion,
22 seasonal adjustments and bag limit adjustments. Everybody
23 wanted to keep one or two fish without any reduction in the
24 season.

25 So what we were forced to do was to increase the

1 size limit to 20 inches. In hindsight, 18 and 1 probably
2 would have been a whole lot better. You probably would have
3 had a whole lot more fish available.

4 MR. LANGLEY: We were betting on that 40 percent of
5 those 2011 year class, not 5 percent. And had we known, if
6 somebody had come to us and said, hey, 5 percent of that 2011
7 year class is going to be, we might have --

8 And there were other options on the table as far as
9 a one-fish creel limit or shutting down part of the season.

10 MR. SIKORSKI: You mentioned 5 percent of that 2011
11 year class. Is that --

12 MR. LANGLEY: That is based on my statistics on what
13 I am catching out there. It is just like I gave Mike
14 something the other day. Caught 45 fish, kept 2. Okay, based
15 on last year's standards, 53 percent of those fish would have
16 been 18 inches, between 18 and 20 inches, but only 5 percent
17 of them made it to 20 inches.

18 Now maybe -- I know in the north end of the bay,
19 above the Bay Bridge, they had a much better year. The fish
20 were concentrated up in that area. But 80 percent of the bay,
21 from the information I have been gathering, you know, -- now
22 sometimes the light-tackle guys, shallow water guys, you can
23 find a little bit better grade of fish up in the shallows and
24 around the islands. Maybe catch more keepers.

25 But in the general population, with the deeper graph

1 boats, that has been pretty much a consensus that I have been
2 getting up and down the bay from, you know, basically Deale
3 south.

4 MR. O'BRIEN: I thought this year, as far as
5 Maryland, was about was about getting this conservational
6 equivalency. I mean the northern states -- the Technical
7 Committee has been --- . And that is obvious, and you know
8 that. We have all talked about it. It is, to a degree,
9 political. What has happened to the conservational
10 equivalency --

11 MR. LUISI: The Chesapeake Bay reference points, so
12 the reference points are still -- we are making progress on
13 getting those reference points developed to the point where we
14 could initiate an addendum to fold those into the FMP.

15 Now at the August meeting, we had a debate at the
16 board about which time period to use for the development of
17 these reference points. One of them was a benefit to a
18 Maryland while the other was not. And so we got the Technical
19 Committee to do the work. They are going to present to the
20 board at this meeting in November those two sets of reference
21 points with differing time periods that build those reference
22 points.

23 And they are looking for the board to make the
24 decision as to which one to select. Once that decision is
25 made, the Technical Committee has plans to take that board

1 direction and further develop those reference points with
2 projections for the February meeting, for which we all get to
3 see what does this all mean?

4 If the Chesapeake Bay and the ocean fishery of
5 fleets have two differing -- they have separate reference
6 points. What does it all mean? And that is when I believe
7 the time would be to initiate that addendum.

8 I was hoping, we were all hoping, that it would be
9 this November. However, the Technical Committee, their phone
10 call this week just did not get down -- they just did not move
11 far enough along.

12 And they said, and I am going to bring this up when
13 we get down to Florida -- but they said they didn't get enough
14 direction from the board to do the work that needed to get
15 done. That they could certainly do it. They just didn't get
16 the direction from the board to do it, which I disagree with.

17 And it is in some way a delay. Again, it is another
18 couple month delay. Now the thing that we have to drive home
19 in the messaging on these reference points, and it is very
20 important that everybody understands, that the Chesapeake Bay
21 reference points is not turning back the clock and righting
22 the ship.

23 It is not -- it may not make things better right
24 away. It may actually have a negative impact. We may have to
25 take or consider additional reductions in order to manage our

1 fishing mortality below the reference point.

2 But it does provide us our own accountability for
3 what it is we are doing in the bay as a mechanism for the
4 future, but it is not the end all -- it is not the savior that
5 is going to pull us all out from the troubles that we are in.

6 MR. O'BRIEN: You said the reference points were
7 helpful to our situation. You are telling me there is another
8 side to this story? Changing the reference points could hurt
9 us.

10 MR. LUISI: They could.

11 MR. O'BRIEN: We feel the reference points are going
12 to show a better opportunity for our bay fishermen. And we
13 recognize that means the coast might lose something. Now the
14 vice president of the national charter boat association -- we
15 have had a lot of conflict at our meetings over things
16 that --- . It comes from situations that are allocation. And
17 they are worried.

18 And they come back and say, well, if you get your
19 reference points, and there is that letter -- a key letter
20 that Tom wrote summarizing all of this -- they say, we are
21 going to lose. And that has prevailed, that attitude. I am
22 aware this could affect the situation on the coast because we
23 are saying --- . Now have we retreated from that?

24 MR. LUISI: I wouldn't say that we have retreated
25 from it. I think it is -- the reference points are a guide

1 for management. And depending on what comes out of the
2 assessment updates and the information as far as the terminal
3 year in that assessment update, the fishing mortality is
4 higher in the Chesapeake Bay for some reason.

5 And you compare that fishing mortality to that
6 reference point, and it is over the threshold where it is
7 between the target and the threshold, that is on us.

8 But what we are saying, I think, and I think for the
9 future, it would be better to have -- to manage under
10 Chesapeake Bay reference points is better for Maryland for the
11 long-term future but in any given year, it could be better or
12 worse as far as an actual quota and cut.

13 So we are looking at it as for the foreseeable
14 future, this is the direction that we want to go in. Now if
15 we implement those reference points and we have to take it,
16 and we lose out as far as having to cut back on fishing
17 mortality, that could be the result of reference points that
18 are bay specific, and that will be on us to deal with.

19 MR. O'BRIEN: So we are a backing away from the
20 enthusiasm we had for the Maryland reference points.

21 MR. LUISI: I don't think it is -- no. I think we
22 are going to continue pushing. We are going to continue
23 working at the board level to get that done. What I am saying
24 is we can't predict what an assessment update is going
25 to -- we can't predict the results of the future of an

1 assessment update and what impact that will have on us.

2 But we are very much pushing this, trying to get
3 this done, and we hope to get it done in 2016. That is the
4 hope for 2017.

5 MR. GOLDSBOROUGH: I think the key thing in what
6 Mike said is that we believe it is beneficial over the long
7 term but in any given year it may go up or down with the
8 fishable stock. And that is based on our experience, where we
9 had that approach in place for 17 years and we liked it.

10 So that is all that means. So you could turn your
11 argument back and say to the people in the northern states,
12 well, in any given year, this might not mean a cutback for you
13 relatively speaking, right? So I got Mark and then I got Phil
14 and then I got Rachel.

15 MR. DEHOFF: So if I remember this correctly from
16 last meeting, our separate reference points at this time is
17 basically just removing the Chesapeake data and running it
18 separate in the same group of --- . We are not looking at
19 totally different ways of looking at the Chesapeake Bay. We
20 are just removing our numbers and being considered separately
21 from the rest of the coast.

22 MR. LUISI: Yes, we will essentially have a fleet.
23 It will be Virginia/Potomac River/Maryland,
24 recreational/commercial catch.

25 MR. DEHOFF: But when we talk about our own

1 reference points, that is just our data being put into the
2 existing equations. They are not reinventing the wheel to
3 figure out something for Maryland and the --

4 MR. LUISI: No, the fleets will be managed the same
5 way. We just have our own guides.

6 MR. DEHOFF: I think sometimes when we use that term
7 Chesapeake Bay reference points, some of us get the idea that
8 we are going to reinvent how we are looked at. We are not.
9 We are just separating our data from everybody else's data to
10 get a look at our fishery independently.

11 MR. LUISI: Right.

12 MR. LANGLEY: My question: In these new Chesapeake
13 Bay reference points proposed, are they looking at the ratio
14 between a male and female fishery yet? They are still now
15 allowing that to be introduced, and if the can gets kicked
16 down the road, is there enough time to incorporate that in the
17 Chesapeake Bay reference points?

18 MR. LUISI: The male/female ratio issue is an
19 assessment issue that can only be taken up during a benchmark
20 stock assessment. So the next benchmark stock assessment is a
21 couple years from now. So we can't fold in the model -- and
22 this is well over my head but this is what I was told -- the
23 model that we use to assess striped bass is not one that can
24 handle male/female ratios.

25 So it is not part of the input. If we are to

1 include that in a future assessment, it will have to be with
2 the use of a model that will allow that to happen, and you
3 can't -- that is more than just an updated assessment. It is
4 a benchmark. It is an entirely new peer review assessment on
5 striped bass, which I think is a couple years from now.

6 MS. FEGLEY: So those equations that Mark was just
7 talking about don't allow for that --

8 MR. LANGLEY: But certainly with Chesapeake Bay
9 reference points, like you say in the future, if the can got
10 kicked down the road, it certainly is beneficial based on what
11 we feel in the state of Maryland. The sex ratio is between
12 the two, that it would certainly be beneficial for Maryland to
13 introduce those.

14 MR. GOLDSBOROUGH: Rachel?

15 MS. DEAN: You said that there were two options on
16 the table, as to which one --

17 MR. LUISI: Well, Lynn said that about menhaden.

18 MS. DEAN: Oh, so that is not the striped bass
19 issue.

20 MR. LUISI: There is a striped bass decision that
21 will need to be made, and I think -- it is very technical. It
22 is the timeframe of the data that goes into the reference
23 point decision, calculations, let's say.

24 And so there is a short window of time, which is the
25 last five years. And then there is one that I think is like

1 17 or 19 years' long. And we made the push at the last
2 meeting to have that longer time series analyzed.

3 The longer time series gives us reference points
4 that are higher for fishing mortality, so that means we will
5 have more room below that to work with. It has to do with the
6 ratio of age 5 fishing. It is very technical but I think we
7 will have support to move on that, especially if the same
8 people make the same comments that they made at the last
9 meeting about why we need to analyze it.

10 I think we will come out in the end, I hope, with
11 that longer time period to develop our bay reference points,
12 which gives us a little bit of a buffer.

13 MS. DEAN: And then you say the same board who asked
14 for the --

15 MR. LUISI: No, no, no. I mean the same board
16 members who commented in support of the request to the TC. I
17 hope that their minds haven't been changed over the last
18 couple months.

19 MR. GOLDSBOROUGH: Very good. We have blown the
20 agenda out the water. It is fine. We are going to serve
21 cocktails a little later. Thank you Mike and Lynn.

22 MR. LUISI: As far as a follow-up on this 2016
23 striped bass fishery, are we going to be putting together some
24 discussion points on topics, on other options? You guys want
25 to have that discussion? Okay.

1 MR. GOLDSBOROUGH: Thank you, Mike. So we are going
2 to go to our esteemed fisheries director, the other Dave, on a
3 subject he is very familiar with. I will leave it to you,
4 Dave.

5 ***Recap of 2015 MDOT Expenditures and Update on 2016 MDOT Work Plan/Expenditures***

6 ***by David Blazer, Director, MD DNR Fisheries Service***

7 MR. BLAZER: Okay, I have played both sides of the
8 fence on this one. The MDOT expenditures and the oyster
9 recovery agreement -- for those of you who don't know, I used
10 to work for MDOT up until about a month ago. And one of my
11 projects was the \$2 million for the port funds that came over
12 for oyster restoration.

13 Some of the things that Tom and I had worked on were
14 trying to get a good handle on how that money was going to be
15 spent. In my role at MDOT, I was trying to justify the
16 expenditure of the \$2 million, so part of that was to ask DNR
17 to put together a report, and that is what you have got in
18 your packet today behind tab number 7.

19 So in there, there is a FY15 report about the \$2
20 million and how it was spent and what it was spent on with
21 some actions and ideas of how that money was expended. This
22 is quite a change from previous years because we really didn't
23 have it into that level of detail as it is in this report. We
24 hope to continue with that.

25 I also want to say we kind of changed the process

1 with this MDOT funding where before it was kind of a
2 negotiation between DNR and MDOT. I believe Tom or Dave
3 Goshorn brought it to the SFAC and the tidal fish commission
4 to talk about it so it is a more transparent process that we
5 will continue on as we go down this road in future years.

6 There is a memorandum of understanding between MDOT
7 and DNR that is a five-year project. It goes until 2019. So
8 this \$2 million will be there for that time. We will have an
9 expenditure report.

10 And then also at the end of the expenditure report
11 there is a federal year '16 work plan. And this is what DNR
12 had produced at the time of how the money would be spent over
13 time. And again you can see some of the budget. This is a
14 lot more detailed than what we have had previous years.

15 So we are in the process of FY16, doing these
16 particular projects that are there. The expenditures from '15
17 have already been done and this is kind of where we are with
18 this process. To save time, I won't go into too much detail
19 unless you have any questions.

20 MR. GOLDSBOROUGH: So you all got this information
21 ahead time. We have talked about it at previous meetings. We
22 wanted to get an update. Got it. Any questions or comments
23 from anybody?

24 *Questions and Answers*

25 MR. SIKORSKI: I think it is a major step in the

1 right direction. I know one of our requests was regarding how
2 MARBIDCO funds were used, whether or not a person had to be a
3 tidal fish license holder.

4 I have talked to people about these funds, and maybe
5 it is not a perfect way but it is a way to get in. And in
6 general I think the more people who can get into the
7 aquaculture industry, whether in traditional way or not, the
8 better off we are. The more growth we have in that industry,
9 the better off we are.

10 MR. BLAZER: I also want to comment because there
11 has been a shift over the last couple years into aquaculture
12 and sanctuaries. Prior to the last five year memorandum of
13 understanding that was signed a year and a half ago, the
14 Department of Transportation gave \$1.6 million to DNR for
15 oyster management for a couple years prior to that.

16 It was bumped up to \$2 million because the
17 negotiations that were going on, DNR came to MDOT and said,
18 look, we don't have money. We are getting more priorities
19 with aquaculture and sanctuaries. So we are looking for more
20 funding in the future to help us cover some of those costs
21 associated with it.

22 And MDOT said, well, we don't want to cut the public
23 fishery. So the whole idea was the public fishery was getting
24 \$1.2 million before. Let's keep them at \$1.2 million but help
25 the Department of Natural Resources with the extra \$400,000 to

1 help cover some of the administrative costs.

2 In the budget world, basically DNR gets capital
3 funds and a lot of federal grants for the oyster program. You
4 can't use those moneys for people and administrative costs.
5 So MDOT funding was part of the solution to that because it is
6 a grant from another state agency.

7 So it was to help cover a lot of those admin costs.
8 That extra \$400,000 was originally kind of negotiated to help
9 with MARBIDCO and sanctuaries so that we had people who could
10 actually go and do the work that we are describing in the work
11 plan and then the oyster recovery plan and for the restoration
12 of the public fishery and aquaculture and sanctuaries.

13 I told MDOT the day before I left that I am coming
14 back before 2019 and asking for more. But they weren't really
15 happy with me that I left so I am not sure. I may send Lynn
16 or somebody else for that negotiation. I may not be the right
17 person.

18 MR. GOLDSBOROUGH: Lynn, you are up again. Before
19 Lynn talks about Man-O-War Shoals though, I just want to
20 explain what was handed out to you. These are of course two
21 examples of the species updates, the FMP species updates that
22 are produced for the general assembly every year, so there is
23 one of these for every species covered by an FMP every year.

24 We got red drum and striped bass. Red drum, you can
25 compare that to the FMP that we just got an update on. In

1 terms of process, if we would think about this and a potential
2 shift in process, and comment back by October 30th just like
3 we were asked to do on the FMP update, that would be great.
4 Everybody got that? Lynn, you are up.

5 ***Man-O-War Shoals Permit Update***

6 ***by Lynn Fegley, MD DNR Fisheries***

7 MS. FEGLEY: I am going to try to do this in 30
8 seconds or less. The Man-O-War Shoals permit has been
9 submitted to MDE. They are -- they have a goal to review a
10 permit within 45 days, and the last time I talked to the Army
11 Corps of Engineers, they were standing by to also meet that
12 deadline for review.

13 So right now we are estimating the 45-day mark to be
14 somewhere around October 24th, just a couple weeks away. What
15 happens then is that they come back to us and they will either
16 say it is complete, great job, or they will have a bunch of
17 questions for us, which we assume they will.

18 And by the time we walk through it all, we would
19 assume that a public notice would go out sometime in the
20 middle of November. That has to be out for 30 days, so then
21 we have a decision to make, whether we want to try to hold
22 public hearings in the middle of December or if we want to
23 hold that until early January due to the holidays.

24 Once the hearings happen, the record has to stay
25 open for another 15 days so the bottom line is it looks like

1 we would have some sort of resolution by -- projected end of
2 February or middle of March.

3 MR. GOLDSBOROUGH: Questions for Lynn?

4 (No response)

5 MR. GOLDSBOROUGH: Good job, Lynn. Thank you. Back
6 to you, Dave, on the summer gill net fishery.

7 ***Summer Gill Net/Charter Boat Conflict Update***

8 ***by David Blazer, Director, MD DNR Fisheries***

9 MR. BLAZER: Okay, the department convened a meeting
10 on an issue that I think the Sport Fish Advisory Committee had
11 talked about at their last meeting, some conflicts between the
12 summer gill net fishery and the charter boat fishery that has
13 been occurring over the summer.

14 We have been hearing a lot of issues, a lot of
15 complaints about it, so the department wanted to have a small
16 meeting and invite just a couple people engaged with those
17 fisheries to talk about the issue, what can be done, where we
18 can go.

19 So we had invited the four charter boat
20 captains/four gill netters over. But because we are the
21 state, it is a public meeting. We couldn't really close it so
22 we ended up with some additional audience members, about 40
23 people who were there.

24 So I think we did a pretty good job of controlling
25 the discussion to the invitees. And the end we let the

1 audience kind of talk. Rachel was there. Phil was there as
2 part of the invitees.

3 So we had a lot of discussion. There was a lot of
4 bringing up what the issues were. Some spirited at times but
5 at times I think it was very good for people to express their
6 opinions and ideas.

7 A couple of the things too from the department's
8 perspective. We told the group that we do not have the
9 authority, we don't have the explicit authority from the
10 general assembly to regulate gill nets. And we also don't
11 have the authority for regulations on spot, croaker, white
12 perch, which are basically the species that are of concern
13 here.

14 So we can't -- as a department, we don't have that
15 authority explicit to be able to go in and make a change on
16 those particular items and on those particular issues. So
17 what the idea was, was to bring all these groups in together,
18 let's talk about the problem. Is there something we can do?
19 How can we move forward and try and address this particular
20 issue?

21 I think the eight people had some good discussion,
22 and basically toward the end we had hoped we would have kind
23 of a consensus that the charter boats and the commercial folks
24 would be talking. When these conflicts arose, that they would
25 call each other. Maybe not necessarily the two people that,

1 you know -- the charter boat captain and the gill netter.

2 But let's get the organizations involved and try and
3 address that. Say, look, we are competing for the same
4 resources. We are in the same spots. How can we move or
5 shift? And that seemed to be the solution that we came up
6 with that evening, that we would try to communicate through
7 this issue first. And get the folks who were at the table to
8 be talking with one another.

9 The organizations -- the charter boat associations,
10 the watermen's groups -- to at least bring these issues up and
11 talk about it. I think it was discussed also that this is not
12 a lot people. You know, that there seemed to be only about
13 two, three or four folks where this conflict was.

14 And that again, the folks kind of agreed that, you
15 know, with maybe some discussion with those folks, we might be
16 able to resolve this but we will see. Others who were at the
17 meeting, if you guys want to chime in or add anything.

18 *Questions and Answers*

19 MR. LANGLEY: Yes, basically you are correct there,
20 Dave. But I got to tell you, I felt like I walked into a
21 surprise party. But overall I compliment you on the
22 environment. You conducted a very good meeting and, you know,
23 I guess in conclusion what I will say is the goal is to work
24 it out with the user groups.

25 And between the user groups -- and I feel we can do

1 so. The only thing, the only downside to me personally, I
2 feel that based on the ratio that was in the room, I don't
3 feel that our guys got everything off their chests. And there
4 was more discussion that they would have liked to have had but
5 they just really kind of felt -- they didn't feel comfortable,
6 I guess, pushing the issues any further than what they were.

7 So -- I mean the overall consensus is absolutely the
8 goal is to work it out between the user groups. But there is
9 additional dialogue that we would like to have just to dot the
10 I's and cross the T's and make sure we are all moving in the
11 same direction and everybody is comfortable with the
12 transaction.

13 MR. BLAZER: And from the department's standpoint,
14 the one recommendation we would have, if you guys want to have
15 the meeting and invite us, that is great. You know, we would
16 come. But if it is our meeting, it has got to be open to the
17 public so that is kind of where we get, you know -- where we
18 got the 40 extra folks.

19 We were just as surprised but we have got to go
20 through with it, and again, you know, as a department we want
21 to help but we also, we bring baggage with us.

22 MS. DEAN: Yes, I thought it was a great discussion
23 too, and I was just as surprised. I think that there was a
24 little coup started that Rachel was trying to make decisions
25 without the industry and that not being the case I think the

1 troops may have been rallied. But I hope that I was able to
2 contact as many of them as I could on the way up the road and
3 kind of settle their nerves a little bit about what was
4 happening.

5 But I have had great conversations since with people
6 in the lower bay. So it has certainly proven to do that.

7 MR. GOLDSBOROUGH: It just seems to me the lesson we
8 learn over and over and over is that dialogue is really
9 helpful. So I would encourage -- I don't know which direction
10 you all want to go in the future, whether it is through the
11 department with the baggage Dave brings or organize your own
12 dialogue but I would encourage continuing that.

13 The commission is happy to take up the issue again
14 if that is necessary too. I think that is fair to say.

15 MR. LANGLEY: I would like to thank Captain Ed and
16 the commission for bringing it up and moving it forward.

17 MR. BLAZER: One of the not completed items from the
18 beginning of the meeting was the discussion about a workgroup
19 on this particular issue moving forward. I made a comment at
20 the meeting with the invitees that I didn't see getting those
21 eight people back together, having another meeting, if you
22 want to call that a workgroup, to really look into this, to
23 let the dialogue kind of take place.

24 So I think SFAC at the last meeting, I think you all
25 had talked about putting a workgroup together or doing

1 something but -- not that I really want to make
2 recommendations but I would rather let this process play out
3 before we go forward with some sort of a workgroup.

4 MR. GOLDSBOROUGH: Yes, to close the loop on that.
5 That is a really good point. So just to toss that out for a
6 moment then, everybody understand what Dave said, that at the
7 last meeting we did say we are going to form our own workgroup
8 on this issue.

9 And I think cooler heads prevailed and we realized
10 that it would be useful to have this kind of dialogue as a
11 first step, fact finding and what have you, and maybe as a
12 result of that, we are at the conclusion that it is good to
13 keep that dialogue going as kind of a resolution. Is that a
14 fair way of saying it?

15 And so we as a commission, like I said, did say we
16 were going to form a workgroup. That is on the record. That
17 is something we haven't done yet. Are we okay with putting
18 that on hold, let's say, in favor of this dialogue approach
19 for the time being? Everybody good with that?

20 MR. : Sure.

21 MR. GOLDSBOROUGH: Good.

22 MR. LANGLEY: With the understanding that there will
23 be further communication. You know, we will work it out in
24 the dialogue.

25 MR. GOLDSBOROUGH: Very good. Okay. All right, so

1 we have done well here with the last few agenda items. And
2 now we are on to the culmination of the meeting, a field
3 report from George. Thank you, George, for your patience with
4 our agenda.

5 ***Field Report***

6 ***by George O'Donnell, MD DNR Fisheries Service***

7 MR. O'DONNELL: Ladies and gentlemen, I have been
8 asked to put together and track agenda items for future
9 consideration. I worked with Paul on three of the items that
10 you have already spoken to on this list. Some of these items
11 will come up again at a time that perhaps the staff is
12 prepared to weigh in on them. Perhaps they are seasonal
13 issues. I will maintain this list.

14 This list is a reflection of things I have learned
15 from stakeholders around the bay like the meeting we just set
16 up with Rachel's help and the help of others to discuss these
17 issues, which I absolutely believe that there is always a lot
18 of benefit to get from communication.

19 So there are 16 items on here, and I will touch on
20 them briefly. What I intend to do is bulletize them so that
21 when it comes time to share more information on them we can do
22 that in the form of the full meeting agenda.

23 We continue to hear a lot of concerns about water
24 column oyster leases. Oyster leases in general but water
25 columns are a very hot topic even though about 5 percent, 4 or

1 5 percent of the program are water column leases. Carol ---
2 and I will be going tomorrow, for instance, to try to mitigate
3 a complaint about a lease.

4 I think there is a reasonable chance that we can
5 prevail on that but that is something that continues to come
6 up and that I hear from different stakeholders.

7 We talked rays. Lynn talked about the Man-O-War
8 Shoals permit. There is a chorus of people who can't wait to
9 oppose that permit. Quite frankly, I don't see a lot of
10 support for it so there are those who are thinking, and to the
11 person, whether you go to any agriculture facility, when you
12 go to the public fishery, everybody will tell you shells are
13 going to be the continuing important ingredient in Maryland's
14 oyster industry.

15 Since we have got out of the Langenfelder shell
16 business, and I think that was 2006, we have slipped. So
17 there is no availability like that. There is one shell dredge
18 left. They just dredged a million bushels of shells for
19 Virginia, and you should see the spat that has already set on
20 some of these shells. I have seen it, and it is pretty
21 amazing.

22 So there is interest certainly in perhaps looking at
23 and identifying other areas in the future should the Man-O-War
24 Shoal permit not be granted. It is anticipated because the
25 success of the last oyster season that there would be more

1 people gearing up to go power dredging but most blacksmiths
2 shops in Eastern Shore are working on --- as we speak.

3 So one of the thoughts is can additional areas be
4 identified. And we are not talking about sanctuaries. That
5 is the 2016 July study. We understand that. They want to
6 look at what, if any, other areas would be available or
7 considered to expand power dredging.

8 And the notion, I think, the forerunner of going to
9 rotational harvest so you don't work an area down to death
10 with more people participating all the time. That is
11 something that I have heard numerous times for consideration
12 with the department and these groups.

13 I talked to -- I got a couple concerns before oyster
14 season came in about the amount of small oysters that were
15 sold last season. And anticipating this season coming up,
16 they wanted to see if there could be some bolstering of the
17 Natural Resources Police in this area.

18 I talked to Lt. Windemuth, who was here today. I
19 talked to him on the phone several weeks ago. And I want to
20 be clear on this because what people are saying is not that
21 the Natural Resource Police that we have in the field aren't
22 doing a good job. I have worked with officers, some of them.
23 They are good, dedicated people.

24 It appears to be more of a resource problem. He
25 tells me the amount of people that he oversaw years ago in

1 | some of these areas, and the amount you have now, it has paled
2 | in comparison so there is a whole lot more to do with less
3 | folks.

4 | So that is something to consider when you see these
5 | reports. We can pass all the rules and regulations we want.
6 | If the enforcement is not going to be there to support those
7 | things to be carried out then we are going to have diminishing
8 | returns.

9 | Menhaden was mentioned, I know. I was trying to
10 | understand all the things Lynn said because I am a waterman,
11 | not a scientist. But there are many who think because of the
12 | size of the allocation that Maryland has, compared to
13 | Virginia, they should be looked at as completely diminimus
14 | here. And we should continue to seek independence from ASMFC
15 | for that particular fishery.

16 | Summer gill net: Dave touched on that. I thought
17 | it was a very good meeting. Nobody was trying to game the
18 | system in bringing certain folks in. It was listed on
19 | the -- due to the Open Meetings Act certainly and
20 | transparency -- it was listed on the Website.

21 | So we didn't really know -- quite frankly I am
22 | surprised the room held the people that I thought would be
23 | here because I was getting all these calls, you know, can I
24 | come? Can I come? It is an open meeting. Sure, you can
25 | come. But nobody here was advertising beyond -- for one group

1 or anybody else more differently than the other.

2 So I thought it was a good meeting and I think the
3 right conclusion came from it thus far. What you folks have
4 talked about here today, in most of my travels, folks would
5 like to see a standardized minimum size for striped bass, 18
6 inch. One gentleman called today who wants to see it go to 16
7 inch.

8 So the 20-inch fish has been very unpopular.
9 Largely they think it has led to the death of many more fish
10 and hurt their businesses. We heard a chorus of those
11 comments here today. No one as well liked the slot fish very
12 much. That was painful for others.

13 You think Maryland needs to work with Virginia to
14 stop the harvesting of egg-laden rockfish on the way to the
15 spawning grounds. You know, for the same reason you protect
16 the sponge crabs, you should protect -- it is one thing if you
17 want to target the fish. It is still going to be the same
18 size fish after it spawns and you get the benefit of the eggs
19 perhaps from that.

20 A conservation measure that was brought up was to go
21 circle hooks instead of J hooks or treble hooks for the
22 position of mortality. Of course, some argued against that
23 saying you are not going to catch as many fish. And that is
24 an issue to be debated.

25 A question came up several times about the common

1 pool fishery for striped bass. It was gear restricted and the
2 ITQ was not. The pound netters want to know how come -- I
3 think it is a fairly obvious conclusion to that
4 question -- but nonetheless they think the pound net, you
5 should be able to take a pound net fish in the common pool,
6 which it sounded like to me was designed to be a hook-and-line
7 fishery.

8 That particular issue, I think, is going to be at
9 the Striped Bass Workgroup that is coming up very soon. And
10 another thing with regard to pound net, I did a little
11 checking, because we hear about it, all the pound nets. Well,
12 how many do we have? How many are in use and so forth.

13 There are 1,091 total pound net locations. That
14 means there is either a pound net there actively being used
15 now or you have a right to put one there. Of those 1,091
16 locations, there are 93 in use. 93 pound nets on the bay in
17 use by 39 fishermen. So some think that we should move toward
18 a use it or lose it program, that you shouldn't just tie that
19 area up. You can't perform the aquaculture operation in that
20 area or anything else.

21 Especially -- I don't know if it was a charge for
22 maintaining it, for just having it. So much like it was done
23 for oyster leases. Carl will tell you that it was 7,000 acres
24 of leases out there total, and very little being used. Now it
25 is 4,300 with about 2,600 pound nets. So that is something

1 that could move that ahead.

2 There are those who think fishing tournaments should
3 not be allowed until after May 15th. This would allow for the
4 striped bass to spawn. Again you can understand why people
5 might feel that way.

6 And then there are four items I will go over quickly
7 here that will go to the Blue Crab Advisory Committee. There
8 are many people -- you can't go to a crab-picking facility on
9 Hoopers Island, anything really south of the Choptank that
10 wouldn't like to see the five-inch minimum --- size return for
11 hard crabs. They also are interested in expanding the female
12 crab harvesting season to around the Thanksgiving timeframe.
13 They argue that crabs don't even get down to them before they
14 are cut off.

15 Some folks in Smith's Island will tell you they have
16 to buy a Virginia license because they are seven miles from
17 Virginia, so they can go there and catch crabs they ought to
18 be catching here when they pass by. Everyone has their
19 opinion.

20 Eliminate the prohibition on the possession of
21 sponge crabs, which are legally caught in other states.
22 Ongoing concerns about the death rate of crabs bought by auto
23 dippers on the trotline boat.

24 If you are familiar with that, that is something
25 that has come over in more recent years. When I was doing it,

1 they didn't have such a thing but they are actually forcing so
2 much water to pass through these crabs when they crab down a
3 long line that it weakens the crab and they think increases
4 the mortality. That is an issue that they will be discussing.

5 And then the last thing I have is to revisit the
6 time limit restrictions for crab harvest. For instance, you
7 used to be able to go out and crab any time you wanted. Fish
8 crab pots or trot line early in the morning. That way you are
9 not forced to crab through the hotter part of the day to try
10 to get the amount of crabs you need to make a living.

11 That could well -- well, it has always been easier
12 on the crabber and the crabs. I have seen many crabs wheeled
13 to the dumpster this year as a result of what some -- some
14 buyers, for instance, will not purchase crabs that have
15 been auto dipped. I talked to a gentleman just the other day.

16 So that is a flavor of what I am hearing. It is
17 certainly not all of what I am hearing. Some of the things we
18 could address in house, and a lot of these, of course, are
19 major issues and roll back the clock a little bit.

20 So it is a composite of all the different types of
21 things that are going on. This is coming from
22 various -- I met with five people around the state
23 individually. Some I met with groups and so forth. So I will
24 continue to offer this and update it and probably include that
25 also in the package in the future.

1 MR. GOLDSBOROUGH: Very good, George. Appreciate
2 that. We will try -- well, I will open it up for questions
3 for George in a second but I think we need to maybe say a few
4 words to put in context what service he is providing. And
5 maybe I will start with you, Dave. I might add a couple
6 comments too.

7 MR. BLAZER: Yes, George has been doing a fantastic
8 job for us over the last couple months. He has been going out
9 and kind of being the eyes and ears for the department,
10 getting out, meeting with groups, talking to people, gathering
11 what their issues are, what their concerns are when it comes
12 to fisheries. You know, not only on the commercial side but
13 recreational, charter boat. You know, all the different
14 groups.

15 So, you know, George has been out and met with a lot
16 of folks and has a lot of these recommendations. And we
17 talked about it in-house, and I said, well, we can't put all
18 those things on the agenda but we want you all to know what we
19 are hearing. You know, these are the comments that are coming
20 back into the department. We get some of them via phone
21 calls.

22 But George is making that concerted effort to get
23 out and meet with people face to face and hear these things.
24 So we wanted to put it on the agenda today so that you hear
25 what we are hearing from people. We are going to do the same

1 | thing with tidal fish later this week.

2 | But some of these things, you know, are they low
3 | priority/high priority? Are they common issues that we need
4 | to address? So we are -- I would be interested in your
5 | comments, and again, realizing we are already 20 minutes over,
6 | but these are the issues we are hearing and we want to share
7 | them with you and get some feedback from you.

8 | MR. GOLDSBOROUGH: So everybody remembers we met
9 | George at our July meeting. He had just come on board at that
10 | point. So he is the fisheries outreach manager? Is that your
11 | title?

12 | MR. O'DONNELL: No, it is not my title. It has
13 | changed about a half dozen times. Let's see, it is fisheries
14 | customer relations manager.

15 | MR. GOLDSBOROUGH: So he is out gathering concerns,
16 | issues from fisheries stakeholders in Maryland, including some
17 | around this table. I have met with George a couple time and
18 | had some good conversations. And he is bringing them back to
19 | the department for consideration.

20 | It is a totally new function, and still trying to
21 | figure out the best way to utilize him, I think it is fair to
22 | say. But it is obviously very similar to the function this
23 | commission plays. We are representatives of constituents. We
24 | come to this table in a very formal way.

25 | But I view George as a really valuable resource, if

1 we can figure out the best way to use that resource. That is
2 kind of where we are now. So with that I will first open it
3 up for any comments or questions anyone has about that process
4 and then if you would like to ask George about any particular
5 issues, that will be fine. Any thoughts?

6 *Questions and Answers*

7 MR. SIKORSKI: Just the number of issues he brought
8 up, they are ones that have been floating around out there for
9 a long time. It is not always easy bringing them into this
10 room or even in the building. We have got to flesh them out.
11 And I think the best part about your goal and that very
12 comprehensive list is the ability to find things we can do to
13 make some changes --- . If I can step into an issue briefly,
14 I will.

15 MR. GOLDSBOROUGH: First does anyone else have a
16 comment about the process? Okay, go ahead, Dave.

17 MR. SIKORSKI: Well, he mentioned about pound nets,
18 the number of pound nets out there. That actually came up a
19 meeting that I had with George. CCA and some pound netters
20 were able to sit down and have dinner and have conversation
21 and George was there. And we found an area of agreement on
22 some issue with the regulation of pound nets. Should they be
23 licensed out there --- .

24 If you are a pound netter, I tend to agree
25 with --- . He says, you want to set a pound net, you make

1 | sure of the process, you apply for it, you put it out there,
2 | and you follow the regulations. It is a policy that makes
3 | sense from a management perspective, from a fisherman's
4 | perspective, from a user group perspective. It makes sense.
5 | It is in the policy.

6 | It is good to find those areas of agreement. With
7 | regard to pound nets, another thing is their safety. Are the
8 | regulatory requirements met by the fishermen? And if not,
9 | why? Is there a way that we can kind of compare notes and
10 | find out what makes more sense for the fishermen and still
11 | achieve the goals of the department? Focusing on some of
12 | these things is important --- .

13 | There are a few things to clean up. I don't think
14 | it has to be laborious or cause many issues.

15 | MR. O'DONNELL: David, I think you are completely
16 | right. And I thought that the meeting we had in Cambridge was
17 | great. It cleared the air. These groups have got to stop
18 | talking about each other and start talking to each other.

19 | We saw that in here the other day. That could have
20 | been a disaster. You know, it could have been a disaster but
21 | Dave did a fine job of managing the meeting. We talked to
22 | folks about, oh, what is this meeting for? You come in there
23 | with sensible comments and listen to what the other guys have
24 | got to say.

25 | David, as you know, I felt really good about the

1 meeting in Cambridge. I want to get Mr. Goldsborough in some
2 watermen's meetings. That is going to take a little more
3 massaging. It is going to happen. I promise you and I pledge
4 to you it is going to happen because I told them. And I said
5 we have got to stop talking about each other, pointing to
6 people, reading about nasty things in the paper.

7 That is not working. That is not going to work.
8 You know, you have got to get together and talk these things
9 out and come to a -- it is a new day. You got to sit and roll
10 your sleeves up. And I thought that meeting they constructed,
11 even though it was a little confusing, you know, how it came
12 about -- legislative things usually are. But you got to get
13 people together to talk. And then a lot of good things can
14 come from that.

15 MR. GOLDSBOROUGH: Any other questions or comments?

16 (No response)

17 MR. GOLDSBOROUGH: We now, as our closing remarks,
18 we now have decided to include an opportunity for public
19 comment.

20 **Public Comment**

21 MR. : What is auto dipping?

22 MR. O'DONNELL: It is a device that hangs on the
23 side of a trotline boat. And it has two benefits to it. One,
24 you don't have to hand dip every crab, which was the only
25 reason I went crabbing.

1 But the other thing is that when someone is watching
2 you, they can't tell how many crabs you are catching. If you
3 are dipping a lot of crabs, you invite a lot of guests. It
4 stresses the crabs, there is no doubt.

5 MR. : Because they are out there in the
6 air for a while?

7 MR. O'DONNELL: No, because -- someone was wondering
8 how you can drown a crab? Well, put a hose in your mouth and
9 find out.

10 MR. GOLDSBOROUGH: Any other questions from the
11 audience? Comments? Sir?

12 MR. GIBSON: I want to thank the commission for
13 putting together the meeting.

14 MR. GOLDSBOROUGH: Could you state your name for the
15 record?

16 MR. GIBSON: I am sorry. Shawn Gibson. There was
17 good dialogue there. I mean obviously we want to work with
18 people. Am I optimistic that will be the resolution to the
19 situation? Not really. But I am willing to make a commitment
20 to work with the guys.

21 Hopefully the guys down the bay can work with the
22 captains down there. And the guys in the mid-bay can work
23 with the people that we don't see at night time or in the
24 early morning before we get up, and it all works out.

25 MR. GOLDSBOROUGH: Thank you. Anybody else? Very

1 | good. Any closing remarks, Dave? Rachel?

2 | MS. DEAN: Do we have a job? Does that make sense?

3 | Do we know --

4 | MR. BLAZER: You mean the reappointments? No news
5 | on the reappointments. So just keep plugging away.

6 | MR. GOLDSBOROUGH: We got a fisheries director, you
7 | know? All right, anything from anybody else? Then I think we
8 | are adjourned.

9 | (Whereupon, the meeting adjourned at 5:31 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25