

***Maryland DNR
Spring Meeting of the Tidal Fisheries
Advisory Commission***

Thursday,
April 30, 2015

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR Spring Meeting of the Tidal Fisheries Advisory Commission

April 30, 2015

TFAC Members Present:

William (Billy) Rice, Chair
Robert (Moochie) Gilmer, Vice Chair

Mike Anderson (proxy for Richard Young)
Robert T. Brown
Rachel Dean
Bill Goldsborough
Charles Richard Manley
Bill Sieling
Gail Sindorf
Aubrey Vincent
Lee Wilson

TFAC Members Absent

Mike Benjamin
Dale Dawson
Greg Jetton
John Martin
Richard Young

Maryland DNR Fisheries Service:

Paul Genovese
Tom O'Connell

Maryland DNR Spring Meeting of the Tidal Fisheries Advisory Commission

April 30, 2015

I N D E X

	<u>Page</u>
<i>Welcome</i>	
by Billy Rice, Chairman	5
<i>Announcements</i>	
by Tom O'Connell, MD DNR Fisheries Service	5
<i>Opening Remarks</i>	
by Mark Belton, Secretary, Maryland DNR	7
<i>Coastal Bays Hard Clam Fishery</i>	
by Jonathan Harvey	31
<i>Harvester Registration Fee</i>	
by Rachel Dean, TFAC and SFAC Commissioner	46
<i>Estuarine and Marine Fisheries Management Plan - Yellow Perch Fishery</i>	
by Steve Lay	64
<i>Blue Crab Winter Dredge</i>	
by Lynn Fegley, MD DNR	74
<i>Chesapeake Bay Watershed Agreement Management Strategies</i>	
by Nancy Butowski, MD DNR Fisheries Service	88
by Gail Sindorf, TFAC Commissioner	95
<i>Oyster Restoration Outcome</i>	
by Robert T. Brown	114
<i>Atlantic States Marine Fisheries Commission</i>	
by Tom O'Connell, Director, MD DNR Fisheries Service	133
<i>Atlantic Menhaden Board</i>	
by Lynn Fegley, MD DNR	138
<i>Regulations and Legislation</i>	
by Sarah Widman, MD DNR Fisheries Service	140

I N D E X

	<u>Page</u>
<i>Vibrio Public Information</i>	
Dr. Jed Miller, MD Department of the Environment	147
<i>Artificial Reef</i>	
Erik Zlokovitz, MD DNR Fisheries Service	162

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

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

(2:05 p.m.)

Welcome***by Billy Rice, TFAC Chairman***

MR. RICE: If we could, let's get started, folks. It is five minutes after 2:00. If we start late, we finish late.

All right. I would like to welcome everybody to this Tidal Fish meeting. We have not a long agenda, so we will work through this.

Tom, would you lead us into the opening announcements, please?

Announcements***by Tom O'Connell, Director, MD DNR Fisheries Service***

MR. O'CONNELL: Yes, sure. Thank you, Mr. Chairman.

I am happy to see everybody. It is nice to see that spring has finally arrived here in Maryland. Just a couple of announcements. One is Mike Anderson is here as proxy for Richard Young. And that the NRP activity report will not be covered today. If you guys have some questions about it, we will take those. But as you may expect, based upon the unfortunate events up in Baltimore, the Department has provided some natural resource police support up there. So they were not able to attend today's meeting or the Sport

1 Fish Advisory Commission Meeting a couple days ago.

2 One last announcement, more of as a reminder. You should
3 have all received an e-mail from Paul Genovese regarding
4 appointments. All of the Tidal Fish Advisory Commission
5 terms expire June 30. As I have stated before, I think we
6 have a really good working team here. It does provide an
7 opportunity, though, for people to request reappointment
8 consideration, and other people may decide that, you know,
9 they want to move on and let somebody else take it. It is
10 healthy to have some turnover, and I think we will have a bit
11 of it. But we have had a really good working team, and I
12 appreciate that.

13 So if you are interested in being reappointed,
14 please submit your paperwork to Paul by tomorrow or first
15 thing next week, as we compile that information and review
16 that internally before we send the information down to
17 the --- office.

18 With that, we are very fortunate today, and the
19 Sport Fish Advisory Commission was as well, to have Secretary
20 Mark Belton, who was appointed since our last meeting. And
21 he is going to provide some opening remarks.

22 And we also have Dave Goshorn sitting behind Mark,
23 who is our Assistant Secretary. Dave oversees all the
24 aquatic units, fisheries, boating, resource assessment
25 service, and Chesapeake and coastal services. So Mark wanted

1 to provide a few words. And maybe we can first go around and
2 introduce everybody.

3 MR. RICE: That would be great.

4 (Introductions)

5 ***Opening Remarks***

6 ***by Mark Belton, Secretary, Maryland DNR***

7 MR. BELTON: Well, first of all, when Tom told me
8 you guys were meeting today and the Sports Fisheries Advisory
9 Board was meeting earlier this week on Tuesday, I wanted to
10 make sure I had, you know, a little bit of time to come in
11 and say hi and thank you for what you did and just chat for a
12 couple minutes. I won't take all your time. I know you said
13 you didn't have, Mr. Chairman, you didn't have such a big
14 agenda today. So if it's okay with you, I will just say a
15 few things and maybe --

16 MR. RICE: You can take as much time as necessary.

17 MR. BELTON: I appreciate that. First of all, I
18 wanted to point out, Tom mentioned earlier that the natural
19 resources police wouldn't be here to make a report today.
20 And I just want you to know how proud I am of those guys for
21 participating and helping out in the statewide effort up in
22 Baltimore City. We answered a first call for assistance from
23 them to the Natural Resources Police by providing 18 field
24 officers up there around their command post, which is there
25 in the parking lot of MTB Bank Stadium. And then we had a

1 cabinet conference call not long after that. And the
2 Governor was asking around the cabinet, you know, who could
3 provide what that maybe they had not thought of yet that was
4 going to be helpful to the city. And I told them that, you
5 know, we could double that 18, if it was desired. And before
6 I could even get the word "desired" out of my mouth, he said,
7 "Double it."

8 So consistent with that, we have, you know, 36
9 officers up there providing service on an around-the-block
10 basis. And they are doing 12-hour shifts, 36 at a time up
11 there in Baltimore. And we have them providing security
12 around the command post, which is at M&T Bank Stadium, up at
13 City Hall, at the Inner Harbor, and another little area near
14 there called Inner Harbor East. And they are also providing
15 maritime patrols in the Inner Harbor area, taking over that
16 role from the Baltimore City Police Maritime Unit that, you
17 know, frees them up to go do other things throughout the
18 city.

19 So again, I am just really proud that they are
20 willing and able and qualified to do that and take part in
21 the statewide effort and be, you know, the large portion of
22 natural resources contribution to helping out in that state
23 of emergency that has existed up there. So I am not sure how
24 long it is going to last, but they are there 36 at a time
25 until it is over.

1 And then the other thing I wanted to do today --
2 well, two more things -- the second thing, the third thing I
3 want to do is field some questions from you all. But the
4 second thing was I wanted to just touch on what I see as my
5 priorities here at the agency for this term. And, you know,
6 I'm not David Letterman, but I have a top ten. And so I want
7 to just kind of mention what those are to you.

8 And several of you were here Tuesday, so this is a
9 repeat performance. I apologize for that. But it gave you
10 more time to think of questions to ask, I guess.

11 The first one is citizen service and process
12 improvement. The Governor made it really clear to all the
13 cabinet members after the election that he got a lot of
14 comments on the campaign trail that throughout the state
15 customer service is not what it should be, or has not been
16 what it should be, and really wanted to make a concerted
17 effort across the agencies to improve that.

18 So what I am doing to effect that is I created a
19 group of three folks who are focusing on a citizen service-
20 customer service and process improvement. And their job is
21 going to be to go through every one of DNR's units and find
22 out where those touch points are with the public and provide
23 customer service training and make sure we providing that
24 service in, you know, the most excellent, outstanding way we
25 can from a customer service expectation standpoint.

1 And they are also going to look at every permit
2 process DNR has, and we have a lot of them. And they are
3 going to kind of pretend they are engineers and map it out
4 like a flowchart and find out where the opportunities are for
5 us to shorten this permit processes. Because one thing I
6 have learned from the public is that, you know, permit
7 processes take too long, not just here but in other agencies,
8 as well. So I am excited to get those folks started from
9 that effort.

10 Secondly, stakeholder engagement and participation
11 is something that is really big for me, and I know it is big
12 for the Governor, as well, is making sure that everybody,
13 every group, every concerned group has a voice at the table
14 when we make major decisions. And, you know, to that end I
15 want to thank a lot of you, the commercial watermen, Robert
16 T. Brown in particular, for a recent effort, still going on,
17 which is that the Tred Avon oyster restoration effort, we
18 kind of paused on that for a few weeks here recently and took
19 a hard look at where we were going with it and brought
20 everybody in and had some discussions and had a couple boat
21 rides. We went on some no* boats, went on some watermen's
22 boats, and had a meeting down at Porin* Point, had another
23 meeting here and a lot of phone calls in between.

24 And I think we came to a point where we are moving
25 forward with that here any day now, I believe. I think the

1 contractor and the Corps of Engineers mobilized yesterday or
2 today -- is that right -- and will start work very shortly,
3 in just a matter of days. And they are going to have, you
4 know, some commercial watermen and some DNR folks and some
5 Army Corps folks on their contractor vessels while this work
6 takes place, so we can all make sure that, you know, they are
7 putting it where they are supposed to put it, you know, the
8 shell material at first anyway, and then after the material
9 is what was contracted could be. So I am very excited about
10 that and the fact that everybody worked together to find some
11 alternate placement options to what the original plan was so
12 we can move that forward.

13 And that's just one example. A lot of these things
14 are difficult. And people come at them from a lot of
15 different perspectives. But that's a great example to me of
16 one where different perspectives can come to the table in the
17 spirit of mutual cooperation, find a solution to move forward
18 that everybody can live with.

19 We aren't always going to be able to be happy with
20 every decision that's made, but I think if we all understand
21 the different perspectives that are in play with all of these
22 things, then everybody is able, more able and better able, to
23 live with decisions as we move forward. So that's really
24 important.

25 The next two kind of go together. So that's one

1 and two. Three and four go together to me. And they have to
2 do with timing. Right now we are in the process -- and I
3 think this is on your agenda. We are going to talk about the
4 Chesapeake Bay Program management strategies moving forward.
5 This is a really important point in the whole bay health
6 continuum.

7 I think July 1 is when management strategies are
8 supposed to be put into place. And there are, you know, a
9 number of goals. And there are 29 different management
10 strategies. To me, Maryland has the most to gain, the most
11 to lose of any of the bay states or any of the Chesapeake Bay
12 watershed states. And there are six of them and the District
13 of Columbia. And we need to lead by example.

14 So if all the states are going to agree on this set
15 of 29 management strategies -- and DNR has the lead on 21 of
16 them, by the way -- then we need to show everybody else how
17 it is done and lead by example. And not only work at DNR to
18 fulfill the ones we are in charge of, but work across the
19 state with the other state agencies to make sure all 29 are
20 moving forward well. And not only that, but to help the
21 other 5 states and the District of Columbia with best
22 practices and good ideas and whatever is necessary to drag
23 them along with us so that the bay is in a better place, and
24 we can benefit from that.

25 So the fourth one of my top ten, which is related

1 to that, is that at some point during this next four years,
2 Governor Hogan is going to have the opportunity to be the
3 Chairman of the Executive Council of the Chesapeake Bay
4 Program. It just stands to reason that as the Maryland
5 governor, he will get that opportunity. And we want him to
6 take that opportunity. And if he is going to be in a place
7 to lead that effort, you know, we need to do a good job of
8 educating him and the whole second floor staff over at the
9 State House on bay health-related issues to make sure that
10 they can, you know, again lead from example and knowledgeably
11 lead that effort.

12 So those are the top four. The fifth one is
13 probably the one that you are going to be most interested in
14 moving forward, and that the oyster management strategy for
15 the State of Maryland. I think it was back in 2009 and 2010
16 when all these sanctuaries were put in place. And there was
17 a ten-point program that was, you know, publicized for oyster
18 management.

19 It was pointed out that there would be data
20 monitored and collected over time. And at about the five- or
21 six-year point, which comes into play next July, I think,
22 that data would be available and used to make decisions from
23 that point forward. I am really looking forward to that and
24 seeing that as an opportunity to do what I talked about
25 earlier with stakeholder engagement and bring everybody to

1 the table to come up with a way forward on oyster management
2 that takes everybody's interests in mind as we make those
3 longer term decisions.

4 I think we have -- I have already had several
5 conversations with a bunch of folks about oyster management
6 and different ideas on how to move forward, but I think this
7 is going to be, you know, a watershed event in that there are
8 going to be so many folks interested in it with different
9 interests and participating in this process that it needs to
10 be something the Department focuses on as one of its major
11 efforts over the next four years.

12 So it is a big deal, and I know that. And I want
13 you all and everyone who has a stake in it to be a
14 participant in it.

15 Of course, DNR is more than just about the bay. We
16 have also other things to deal with, and one of those things
17 are our public lands. So one of my focus areas is the public
18 use or expanded economic use of our public lands. And I
19 don't mean things like fracking that are very intrusive and,
20 you know, environmentally concerning to a lot of people. I
21 am talking about things that are a little easier than that,
22 something like increased harvesting on our state forests.

23 When I took a look at where we were on that, we are
24 not harvesting our timber up to the point we could and still
25 stay within acceptable best management practices. We have

1 this dual certification system where we actually have to have
2 two outside agencies take an independent look at our forestry
3 management plan and certify that we are not over-harvesting
4 before we move forward. Even with that, we are way behind
5 where we should be for harvesting timber. And so getting
6 that back up to speed is a priority of mine.

7 But other things, as well, such as, easy stuff, we
8 have a web-based reservation system for our camping sites in
9 our state parks. We have 66 beautiful state parks and great
10 camping opportunities throughout the state. And when you
11 want to reserve one, you go online and you see when they are
12 available, and you sign up, and that all works out great.
13 And they are hard to get. All right? It takes a long time
14 to stand in line to get one of those things sometimes, months
15 in some cases. But it turns out that not all of our camping
16 opportunities are advertised and available for reservation on
17 the website. All the opportunities that are available in our
18 state forests and in our wildlife management areas don't get
19 that marketing visibility that our website provides. And
20 they don't have a long wait time to get those. In fact, they
21 go unused in some really peak weekends.

22 So just an easy thing like that is an example of
23 something where we could do a lot better.

24 Then there are some trail expansions that we want
25 to look at in some places that, you know, we are hearing a

1 lot about from some of our Western Maryland stakeholders. So
2 that's a priority.

3 Curatorships and lease reviews. I was a little
4 surprised. You know, we have about 500,000 acres of public
5 lands in Maryland that DNR manages, owns and manages for the
6 state. And, you know, there are a whole bunch of different
7 programs like Program Open Space and the Rural Legacy Program
8 and things like that. And when the state has bought those
9 properties over the years, they come with a lot of
10 interesting baggage. Oftentimes there's a home that is then
11 rented out later. A lot of them have agricultural lease so
12 folks can, you know, farm the fields.

13 And what I found is there is between 900 and 1,000
14 curatorships and lease agreements that DNR has with
15 individuals for all of those areas' opportunities. And we
16 don't manage them as well as I would like to see them
17 managed. I'd like to see them a little more standardized.
18 And I'd like to make sure that the entire public of Maryland,
19 all the citizens, have the same opportunity to take advantage
20 of them and use them as anybody.

21 We don't for instance, put out for RFP, you know,
22 all of those opportunities when leases end, and we should so
23 that every citizen has the opportunity to take advantage of
24 it and to ensure that citizens and the state get the maximum
25 opportunity for return on the state's investment. So that's

1 something we are taking a hard look at.

2 And then there budget initiatives on some capital
3 things that I think need some attention. And three of them
4 are mostly in my mind. The first is the critical maintenance
5 list in our parks. I mentioned 66 state parks. Well, we
6 have a backlog of critical maintenance items that are in the
7 \$46 million range for a total. So to fix them all would cost
8 \$46 million.

9 And what I am worried about there is the trend. We
10 have \$3 million or \$4 million more of critical maintenance
11 items added each year, and we only get \$2 million or \$3
12 million in money to fix them every year. So the number keeps
13 getting bigger. I want to not necessarily fix all \$46
14 million, but I want to turn that trend around and make a dent
15 in it here over the next several years. And that's going to
16 take a lot of attention working with the legislature to do
17 that.

18 Another issue is our vessels. I look at our NRP
19 and a lot of our large boats that they use. And it's a real
20 easy budget decision every year to say, well, we'll just kick
21 the can down the road and not replace any of them. And we
22 have done that too many years in a row, quite frankly. And
23 it has become a safety issue in some cases. And we have to
24 do a better job of that.

25 And then I look at our Maritime Law Enforcement

1 Information Network, which I know you all are familiar with,
2 the MLINE system, that is there mostly for Homeland Security
3 but also is a force multiplier for our law enforcement folks.
4 And there are some areas of the state that does not have
5 great coverage, you know, broadband coverage. We rely on the
6 Verizon network for that program to work. And Verizon, while
7 they have some coverage around the state, we are very data
8 intensive, and we need, you know, broadband in some areas
9 than currently exist. So I want to try to fix that, as well.
10 So there are some budget initiatives.

11 And then lastly, my tenth one, is a demonstrated
12 diversity focus. And that's important to me because when I
13 came here and looked at the workforce DNR has, I found that
14 we have about a 16 or 17 percent of our employee base has a
15 minority background. And then I look at the state as a
16 whole, and it's, you know, closer to 50 percent of our state
17 citizens are minorities.

18 And if we really want our citizens to know about
19 and have great experiences in our public lands and our
20 waterways, all of DNR-managed properties and opportunities,
21 we need to do a better job at DNR of reflecting the public at
22 large. And so diversity is something I am going to take a
23 real hard look at. I have told people some experiences that
24 I had back when I was the Executive Director of the Pride of
25 Baltimore. We would pull up to a berth somewhere near the

1 Inner Harbor, and we would have a day where school kids from
2 the city would come out and visit the boat. And I would be
3 very surprised that these schools that were just a couple
4 miles from the Inner Harbor and kids had never been down to
5 the Inner Harbor before. They had never been on a boat.
6 They had certainly never been out on a boat on the bay. And
7 that's, you know, part of our Maryland culture and our
8 Maryland heritage. And those that have had that opportunity
9 really get a lot out of it and learn a lot. And it's
10 something that we need to do a better job of focusing on,
11 making sure all of Maryland citizens have the same
12 opportunity and good opportunities to visit the natural
13 wonders of our state.

14 Governor Schaefer used to call it American
15 miniature. And how true was that? You know, we've got the
16 ocean, we've got the bay, we've got rural environments, we've
17 got Western Maryland mountains and forests. And that's a lot
18 for folks to have opportunities to visit and experience. And
19 we want our citizens to take advantage of that.

20 So those are my top ten. And it takes me a while
21 to spit all of that out. So I apologize for that. But I
22 want to make sure you know those areas that I was going to
23 focus on as secretary over the next several years.

24 And with that, I wanted to get to the last thing I
25 want to do, which is answer any questions you might have at

1 this point early in my tenure here.

2 MR. BROWN: After I see this list you've got, what
3 are you going to do in your spare time?

4 MR. BELTON: I know. And that's an issue, because
5 I try to leave the house about 7:00 in the morning. I guess
6 I could leave earlier, but I have to sleep. And I end up
7 getting home, at least the last couple months, the first
8 couple months I've been here, in the 8:00, 8:30 range. And I
9 may want to change that schedule after a little while. But
10 right now it is a little -- there's a lot to do. But I think
11 at the start of any, you know, opportunity like this you take
12 an assessment of an organization, and you see those areas you
13 want to focus on. And it takes a little while to get things
14 running in the direction you want it to.

15 MR. BROWN: Yeah. And I want to thank you for
16 being on the boat with us down at the Tred Avon and all that.
17 It shows that you've got real true interest in what you're
18 doing. Thank you.

19 MR. BELTON: Well, again, thank you for your
20 participation.

21 Yes, Moochie?

22 MR. GILMER: Yeah. I'm very glad that you're
23 focusing on the bay watershed agreement, because after
24 looking over this and working on the part of it with crabs
25 with Gail, it just -- it just shows the importance of this

1 agreement and where we need to be in this agreement --

2 MR. BELTON: Right.

3 MR. GILMER: -- and, you know, the focus that we
4 need to make on it, because there's a lot of issues in there
5 that are very important to us. And as stakeholders, it is
6 very big.

7 MR. BELTON: Yes. And I'm glad you mentioned that,
8 you know, feedback for that as we move forward. I know you
9 were at, and Robert T. was at, several of you were at some of
10 the open houses that --

11 MR. GILMER: Yes.

12 MR. BELTON: -- we held, you know, getting feedback
13 on those management strategies. But I have to say I was a
14 little disappointed or have been a little disappointed at the
15 feedback, not the quality of the feedback or what people were
16 saying, but the lack of more feedback, I guess, from around
17 the state.

18 MR. GILMER: Yeah.

19 MR. BELTON: I know you all have specific interests
20 in certain aspects of it, as it should be. And it is your
21 job on this committee to help give us feedback on that. But
22 so many people, I'm not getting the sense that they even know
23 or maybe they are too busy to comment, I don't know, but I'd
24 like more people to participate in that feedback process than
25 have.

1 MR. GILMER: And also on this, I think we were
2 notified of this, actually by Brenda Davis, at a design team
3 meeting. But I think on anything on the bay watershed
4 agreement or anything like this, it should be sent to us on
5 Tidal Fish.

6 MR. BELTON: Okay.

7 MR. GILMER: And so I don't think it was -- I don't
8 think that was done originally, was it, Tom, that you know
9 of?

10 MR. O'CONNELL: No. The -- I think the management
11 strategies draft were, but going back before that --

12 MR. GILMER: Right.

13 MR. O'CONNELL: -- I can't say that everything has
14 been sent out. And I know that we have a sustainable
15 fisheries going --- team that --

16 MR. GILMER: Right. Yes.

17 MR. O'CONNELL: -- you have attended before.

18 MR. GILMER: Yes. Yes.

19 MR. O'CONNELL: But we can definitely, you know,
20 work to make sure that all the information is coming out
21 here.

22 MR. GILMER: Yeah. Well, more stakeholders that
23 are involved in our state group are, you know, it's brought
24 to their attention.

25 MR. BELTON: It's critical right now, as you point

1 out, because --

2 MR. GILMER: Yes.

3 MR. BELTON: -- you know, the whole idea is that we
4 are going to have two-year updates on these management
5 strategies to -- so there is some accountability in place,
6 which is why, you know, two of them are the two that my top
7 ten are focused on this effort.

8 MR. GILMER: Right. Yes.

9 MR. BELTON: I want Maryland and the Governor to be
10 seen as leaders in that.

11 MR. GILMER: Yes.

12 MR. BELTON: And so since we are going to be
13 updating and being held accountable every two years, it is
14 important we, you know, focus on what those things are and
15 get them right --

16 MR. GILMER: Right. Yes. Definitely.

17 MR. BELTON: -- as we start down that path.

18 MR. GILMER: Yes. yes.

19 MR. BELTON: Thank you.

20 MR. BROWN: And also on this watershed agreement, I
21 have just been going over and drafting a letter up now -- Pam
22 put that into this afternoon -- on the oyster part of it.
23 And one of the main problems we have is, just like you had on
24 your top ten, we were not -- the watermen's associations and
25 stuff, we're not into it, to be involved into it. I mean,

1 Virginia got a far better deal out of the last management
2 plan than what we did. Just looking at the amount of acreage
3 difference, we did --

4 MR. BELTON: The oyster management plan.

5 MR. BROWN: Yeah.

6 MR. BELTON: Okay. Right. Right.

7 MR. BROWN: We got 1,002 acres of sanctuaries that
8 have been restored in Maryland. And in Virginia it's 155
9 acres is all that they had done over the past 6 years. And,
10 I mean, we need -- plus they're allowed to work in the
11 sanctuaries with a rotational thing. And it's, you know,
12 stuff we need to have addressed.

13 MR. BELTON: Yeah. Well, we're going to have the
14 opportunity to do that, so I'm excited about that.

15 Did you have your hand up, Rachel?

16 MS. DEAN: No, sir.

17 MR. BELTON: All right.

18 MS. DEAN: Thank you, though.

19 MR. BELTON: All right. Anybody else?

20 MR. RICE: This is not a question, but it's
21 somewhat of a comment on the lack of response. Even though
22 these things come out and are made public, it's a high
23 percentage of the industry that really doesn't grasp things
24 like this. And they kind of depend on this group, to MWA,
25 the Lower Bay Association, to sort of move forward -- and the

1 blue crab design team and stuff like that.

2 So I think the lack of individual response doesn't
3 reflect that the industry is not concerned. It's just say
4 it's nature's beast. Watermen are very independent people.
5 And a lot of times we might seem like that, but we really
6 aren't. It's just that some of us aren't quite as vocal as
7 others and aren't, you know, in the mainstream. But their
8 voices are still being heard through organizations like
9 this --

10 MR. BELTON: Sure.

11 MR. RICE: -- and, you know, county associations
12 and that kind of thing.

13 MR. BELTON: Right. And don't misunderstand me. I
14 wasn't talking about this group or individuals here.

15 MR. RICE: Oh, I understood quite well, yes.

16 MR. BELTON: Okay. It was mostly the general
17 public I was concerned about. I haven't heard much from
18 them.

19 MR. GILMER: And in my comment I wasn't saying that
20 the state didn't do our job in notification of it. It's just
21 that we need to have a better process of notification.

22 MR. BELTON: Fair enough.

23 What else? Yes, sir?

24 MR. MANLEY: Yeah. It's a different subject. On
25 this fishing here with the charter or the recreational, the

1 slot fish, Rachel's husband pointed up the other day about
2 how they're measuring fish and stuff. And it was really
3 wishy-washy. It almost acted like it was left up to the
4 police and judges whether they would fine you or not. Some
5 cops said it would be liberal. You don't know whether you'd
6 flop the fish or pinch the tail or just flop it down, I mean.
7 You know, it just needs to be formal, because just like I
8 said last time we had this talk, you can't leave these laws
9 up to police discretion. One might say yeah, it's all right;
10 the next one would say no.

11 MR. BELTON: Yes.

12 MR. MANLEY: And we don't want tickets.

13 MR. BELTON: Sure.

14 MR. MANLEY: We want it to be right, but you got to
15 be straight down with it. It can't be --

16 MR. BELTON: So make sure we standardize how you
17 measure the fish. Okay.

18 MR. MANLEY: Right. I mean, because we had that
19 thing with gill netting. One guy's trying to pinch a tail.
20 They said "You flopped." Yeah. When you measure, you got to
21 know what the police is going to measure the same way so
22 you're doing the same thing.

23 MR. BELTON: Yes. That's a fair comment.

24 MR. O'CONNELL: So we -- Gina did follow up. This
25 came up at Sport Fish or Tidal Fish in January, and we

1 followed up with NRP. And they do train their officers in
2 the standardized approach to lay the fish flat, pinch the
3 tail, you know, --- the mouth. But if there's some
4 inconsistency that's being applied in the field, then we can
5 circle back with NRP and just have them reiterate the
6 importance of standardization.

7 MR. MANLEY: We just want it cut and dry, not, you
8 know --

9 MR. BELTON: Yes.

10 MR. MANLEY: But, you know, like my brother asked
11 for what --- that day. He said, "So in other words, you're
12 ordering the length of fish to measure his tail?" And he
13 looked at him. He said, "He don't swim with his tail
14 pinched." You see what I'm saying?

15 MR. BELTON: Sounds like something Roy would say.
16 Yeah.

17 MR. MANLEY: No, no. Roy didn't say it. My
18 brother said it to him.

19 MR. BELTON: Oh, your brother said it.

20 MR. MANLEY: He said, "So in other words, you're
21 ordering fish to measure it?" And he looked at him and he
22 said, "Let me get back with a lawyer, and I'll get back with
23 you." Of course, we've never heard nothing. But you see
24 what I'm saying.

25 And it's the same way if we measure fish and he --

1 and we've had some tight ones this year. Forty inches on the
2 nose, and you keep it. And you throw them in the icebox and
3 he shrinks an eighth of an inch. Is that going to be a
4 ticket or not? In cold water, you put them on ice and stuff,
5 they do shrink.

6 MR. BELTON: Sure, they do.

7 MR. MANLEY: And, you know, we're just so -- it's
8 been a heartbreaker this year with this slot anyway.

9 MR. BELTON: Yeah. I went fishing the other day.
10 But no matter how --

11 MR. MANLEY: I hope it was better on you than it
12 was on us.

13 MR. BELTON: No matter what I did, I couldn't get
14 it big enough to keep.

15 MR. MANLEY: That's all I got to say.

16 MR. BELTON: Yeah. Okay. That's a fair comment.
17 Thank you.

18 MR. MANLEY: You know, I'm saying, you know, that's
19 the kind of stuff we just really need to be clear on.

20 MR. GILMER: We have no trouble with enforcement.
21 We just want it to be standardized.

22 MR. BELTON: Consistent.

23 MR. GILMER: Consistent.

24 MR. BELTON: That makes all the sense in the world.

25 MR. MANLEY: And we know how they're measured. We

1 don't want to go from one does it this way and another one
2 doesn't.

3 MR. BELTON: Right. Got it.

4 Anything else?

5 (No response.)

6 MR. BELTON: Okay. Well, Mr. Chairman, thank you
7 for the time.

8 MR. RICE: Well, thank you very much. Thank you
9 for taking the time to be with us.

10 MR. BELTON: My pleasure. And I hope not to be a
11 stranger to this group when you meet in the future either.

12 MR. RICE: Thank you.

13 MR. BELTON: Have a great day.

14 MR. : My guys are here, Bill, whenever
15 you want -- whenever it works for you.

16 MR. RICE: Okay. Well, I'm going to take care of
17 the public comment and then we will move into the fishers
18 news. You don't care if I deviate a little bit, do you?
19 Okay.

20 Is there anybody here from the public that has
21 anything that they want to bring forward that's not on the
22 agenda?

23 MR. LAY: I didn't look at the agenda, Bill.

24 MR. RICE: You're on the agenda, Steve.

25 MR. LAY: Thank you.

1 MR. RICE: You're good.

2 All right. Seeing none, then I'm going to move
3 down the agenda some. We've got some gentlemen here from
4 Ocean City that have traveled quite a ways. And I'd like to
5 go into some of our industry matters.

6 Tom, if you would give us your report on the
7 Coastal Bay Hard Clam Fishery, please.

8 MR. O'CONNELL: Sure. And so Moochie spoke to me a
9 little bit. And last week, when I was in Ocean City, some of
10 the Ocean City guys brought this up. Do you still want to
11 let the coastal guys --

12 MR. GILMER: Yeah. I would like for them to speak.
13 And then you had a version, also, that you had put together
14 before the closure --

15 MR. O'CONNELL: Yeah.

16 MR. GILMER: -- one also hydraulic dredging there.
17 But, you know, they had presented at our caucus, and I want
18 them to come speak on it.

19 MR. RICE: Sure. So what we thought we would do is
20 to let the two gentlemen say a few words. And then I can
21 provide a little bit background that led to the closure and
22 where we stand today. And we can have some discussion on
23 that.

24 MR. O'CONNELL: Okay.

25 MR. RICE: You guys come on up here. Come up where

1 everybody can get a good handle on you.

2 *Coastal Bays Hard Clam Fishery*

3 *By Jonathan Harvey*

4 MR. HARVEY: All right. Take a seat. My name is
5 John Harvey. I live on the Coastal Bays and work there. We
6 are here -- we are hoping to get a winder fishery back in our
7 Coastal Bays. With the closure of the hydraulic dredging, by
8 law it says no mechanical means of harvesting, which
9 basically means, you know, hand rack only. Hand rack only is
10 not -- it's so inefficient that it basically closed the
11 winter fishery for us on the Coastal Bays.

12 So it puts a lot of pressure on us to either make
13 it in these months -- and then in the wintertime we really
14 don't have anything to do in the Coastal Bays unless you, you
15 know, fish in the ocean. So effectively, we're pretty much
16 in limbo. You know, you have to either travel or you have to
17 find something else to do. And I'm here trying to get this
18 reopened so we have winter work.

19 And I think there's a viable fishery there. And it
20 was a traditional fishery that Jim will talk about, you know,
21 that has always been there. And the fact that we don't have
22 it, I think it's hurting a lot of us, you know, across the
23 board. There's a lot of guys that, you know, I talk to that
24 we all need this. You know, we all want winter work.

25 So, you know, I think that's a pretty important

1 issue for all of us on the Coastal Bays, for sure.

2 MR. PORTER: One of the last meetings we had I
3 think they said that it was in the law that it couldn't be
4 done, but if it was changed to a regulation, that we could
5 change this up. Am I right, Bobby Brown?

6 MR. BROWN: You'd have to talk to Tom on that.
7 Could we possibly have a regulation or does this have to go
8 through a statute of law?

9 MR. O'CONNELL: In regards to the mechanical gear,
10 it would have to go through legislation to allow that.
11 Whether or not there's other gear types, that would be, you
12 know, not considered mechanical that could just -- that could
13 still be utilized. That's something we could do through
14 regulation, but to get back to the mechanical-gear types
15 legislation.

16 MR. BROWN: Well, when it was outlawed, it was like
17 the clam rigs with the excavators, you know, like the soft
18 shell clam rigs is what they were using. Now they want to go
19 back with a clam dredge, which is similar to an oyster dredge
20 except it's got longer teeth into it. Could they possibly by
21 regulation be allowed, since you're not pumping water into it
22 and using a --- to bring it up, could they possibly be able
23 to bring -- use that?

24 MR. O'CONNELL: I think it is. I asked Sarah to go
25 back and look at the legislation. And unfortunately, my

1 meeting that I was at, I got here right at 2:00.

2 Sarah, did you get a chance to review it to
3 determine the specific language of the legislation?

4 MR. HARVEY: The way it reads is hand use only.

5 MR. O'CONNELL: Hand use only?

6 MR. HARVEY: Hand rake only.

7 MR. O'CONNELL: Okay. So --

8 MR. HARVEY: Hand rake or hand use only.

9 MR. O'CONNELL: We will send out a copy of that
10 legislation. But if it says hand rake only, then yes, we
11 have to go back to legislation to allow anything other than
12 that. And would you want me -- you guys want me to provide
13 you a little bit of background?

14 So it was interesting because in the late '90s,
15 early 2000s, I was working in the Coastal Bays. Governor
16 Glendening at the time had an initiative to develop this
17 Coastal Bays Water Use Plan. And I was asked to work with
18 the fisheries advisory people down there to examine fisheries
19 issues. And one of the issues at the time was the hard clam
20 fishery.

21 And there was a lot of conflicts with the shoreline
22 property owners complaining about the noise level. And you
23 had the sports fishermen complaining about the interaction
24 with flounder grounds. And, you know, there was broader
25 concerns about grasses.

1 So we went through a planning process and actually
2 developed what I think is a pretty well-thought-out fisheries
3 management plan with a lot of stakeholder involvement of
4 fishermen, other stakeholder groups. And the fisheries
5 management plan, I shared it with Mooch. He just had a
6 chance to look at it before the meeting, and we can
7 distribute it. It was never adopted. I will get back to
8 that in a second.

9 But the management plan clearly articulated the
10 biological aspects of the animal, the characterization of the
11 fishery, user conflicts. And working together, we actually
12 came up with a plan that, you know, I think was sustainable
13 and addressed the user conflicts.

14 Unfortunately, that plan was never adopted by the
15 Department. And while the Department was considering it,
16 legislation was introduced to ban, you know, I guess all clam
17 dredging except for hand rakes. And just so you all guys
18 know, the Department opposed that legislation, but the
19 legislation was still adopted.

20 Going back to the draft fisheries management plan,
21 a couple points I wanted to make known is that we believe
22 that a clam fishery down there can be sustainable. There is
23 no clamming allowed in the grass beds. And at the time
24 around 2001 that protected about 40 percent of the bottom in
25 the Coastal Bays. And the biologists believe that that was

1 basically a sanctuary for all the brood stock to maintain
2 reproduction. So 40 percent of the bottom in the Coastal
3 Bays was off limits to clammers to protect SAV. And the
4 biologists felt like that was enough protection to keep that
5 population sustainable.

6 Secondly, that addressed the concern of people who
7 thought clamming was going to impact grass beds. Grass beds
8 were off limits. It was redelineated every year and the
9 lines would be modified accordingly.

10 In regards to the fishery, it's really interesting
11 to see how that fishery changed over the course of 100-plus
12 years. But in the most recent times, there is about 22
13 clammers that had been working the area in the late nineties.
14 And recognizing a lot of the conflicts down there -- and some
15 of them are perceived, but they are real -- the group had
16 come up with a cap on how many harvesters would be allowed to
17 clam down in the Coastal Bays and allow transferability. And
18 I know caps and all that is -- it can be contentious. But at
19 the time, at least, that was the way to mitigate some of the
20 opposition, keep the fishery in check, and to allow those
21 that had historical participation to continue.

22 In regards to shoreline property owners, they were
23 concerned about the noise levels with the escalator dredges
24 and all that. And at the time it was a 150-foot setback.
25 And the group agreed to propose a 300-foot setback. And that

1 was going to address a lot of the noise issues. They also
2 talked about coming up with some, you know, noise limits so
3 if a vessel exceeded a certain noise level, that vessel owner
4 would have to modify their gear to bring that noise level
5 down.

6 In regards to flounder fishermen, it was agreed
7 that, you know, flounder fishing is heavily focused in the
8 spring and the fall down there. And there were some area
9 restrictions and time of year restrictions. So we tried to
10 keep the clamming away from these highly valuable fishery
11 areas.

12 So all of that, you know -- and nobody was
13 completely happy, but people -- and I don't know if you guys
14 remember this planning effort or not, but it was a
15 compromise. And unfortunately it didn't get implemented.
16 And then the legislation came, which closed the fishery.

17 So if the industry is interested in reestablishing
18 a fishery down there, you know, my advice to you is that, you
19 know, I think you have an argument based upon sustainability.
20 You have the Department support to show that a fishery with
21 certain controls was viable, was sustainable. There was ways
22 to address some of the user conflicts. And I think the
23 question before this group and with your counsel to the
24 Department is whether or not, you know, we want to reinitiate
25 a discussion to pursue a fishery down there again with a gear

1 type other than the hand rakes.

2 So that was the background I just wanted to present
3 to you. And we can follow up and send you the legislation
4 and the draft hard clam management plan for the Coastal Bays,
5 which helps frame the issues and some of the options for
6 resolving them.

7 MR. PORTER: Well, the last meeting that we had, we
8 talked about from South Point down to the Maryland/Virginia
9 line. Because the biggest concern of what I have heard was
10 noise. That's the biggest thing, noise. Okay. From South
11 Point down to the Maryland/Virginia line and Chincoteague Bay,
12 which we're talking about, you have nothing but the Assateague
13 Beach on the left hand side of you and very few, no tourists
14 probably at all on the right hand side of you, which is the
15 whole bay.

16 And when I'm talking about the whole bay, you're
17 talking -- you're not talking about that much, because we're
18 not talking about depth water anyway. We don't have that much
19 water. But the rig that we're talking about is the same rig
20 that -- which I was born in Virginia, and now I'm in Maryland.
21 So in Virginia we have the rig where you use the -- it's a
22 dredge with about an inch and a half to two inch apart teeth
23 in between it, which lets when you're clamming, that lets the
24 small clam fall back into the water compared to the escalator
25 rig, which Moochie can tell you, when you take that -- when

1 you're taking escalator rig and you put that in the bottom, it
2 can bring it up from the size of a toothpick on up to
3 everything.

4 We're not asking for that. We're asking for the
5 dredge. We're asking for a small dredge to -- which
6 cultivates in -- as I brought up last time, our bay is rotten,
7 I mean rotten to the kill. It's -- the grasses have -- are
8 there. They have died. They need to be -- they need to be
9 moved. And with our dredge that I'm talking about, you can
10 move it, and you're not going to destroy that much of the
11 property. And you're also are going to leave the small clam
12 to spawn.

13 So what we are asking for is, is from South Point
14 down to the Maryland/Virginia line, that's doing away with all
15 your tourists and all your noise that would bother anybody.

16 MR. : Yeah. You know, when we had
17 discussions over a decade ago, they were looking at the Ocean
18 City Airport area, which is well north of that South Point.
19 So --

20 MR. PORTER: Exactly.

21 MR. : Well, that would work all right,
22 too, if they went south. Actually, the whole bay would be
23 great. You know, I'd rather have that, because that's, you
24 know, really what we should have.

25 MR. : But you're right. Most of that

1 tourist and other user groups are above that.

2 MR. PORTER: But from the South Point north towards
3 Ocean City, you know, we're doing away with all your tourists.
4 We're doing away with your airport. We're doing away with all
5 of it.

6 MR. HARVEY: I mean, what about seasons, having a
7 season, set season dates --

8 MR. PORTER: I have no problem with that.

9 MR. HARVEY: -- days, you know, Monday through
10 Friday.

11 MR. O'CONNELL: Yeah. That's what -- Sunday was
12 always closed. But part of this draft plan was also to close
13 Saturday. So it would be a Monday through Friday fishery --

14 MR. HARVEY: Yeah. And have it, you know, gear
15 type. You know, if a guy wants to try drop tonging, you know,
16 go for it. You know, I mean, we don't really know. And, you
17 know, with the closure of the fishery, we've lost our market.
18 We don't have a place to pack clams anymore. There is no
19 packing houses for us for clams at this moment, because we
20 don't have any volume, we don't have any product.

21 MR. PORTER: Right now everything is going to
22 aquaculture clam, which you're talking about. The small neck,
23 the cherry, the top neck, that's what you can buy anywhere.
24 The chowder, which we use for clam sandwiches and soups and
25 stuff like that, we can't get it. It's nearly impossible.

1 It's nearly impossible to get it.

2 The clams are there. We're asking you to let us get
3 it by power, not -- I'm 75 years old. I can't pull a dredge
4 by hand. And the thing is we're just asking -- that's from
5 South Point to the Maryland/Virginia line -- with a dredge
6 with teeth on it.

7 MR. GILMER: To be pulled hydraulically.

8 MR. PORTER: To be -- yes. We need it pulled
9 hydraulically.

10 MR. : Yes.

11 MR. PORTER: We want to be able to pull it
12 hydraulically.

13 MR. : Hydraulic power.

14 MR. BROWN: Tom, would the Department possibly be in
15 favor of supporting a bill such as that from South Point south
16 for --

17 MR. O'CONNELL: South of the inlet maybe.

18 MR. BROWN: Or wherever the line we would -- either
19 south of the inlet, a winter season possibly, so you don't
20 have no problem with the tourists and let them be able to get
21 so they could power dredge and catch some of these clams. You
22 could even maybe put a bushel limit on it or, you know, sit
23 down and work on all the ins and outs that we would have to
24 have to make it pass.

25 MR. HARVEY: And I think, you know, with gear type,

1 too, to make it a broader sense, because, you know, there's
2 going to be guys -- you know, we work in small boats. I mean,
3 it's -- you know, Coastal Bays, a lot of guys have small
4 boats. Some boats aren't going to be set up to pull iron.
5 You know, they are going to want -- some of the guys won't
6 want that. They won't want to change the ways their boats are
7 set up now to put a boom on it or pull a heavier dredge. Some
8 guys are going to want a power rake, you know, which means
9 taking basically a bull rake on a long handle, roping it off
10 to a cleat using the boat's power to pull it, and then pulling
11 it in by hand because it's a much smaller thing.

12 I mean, there's a lot of different ways to catch a
13 clam. It's just we need legislation that allows us to try
14 different ways of catching. You know, some guys are saying
15 they might tong, you know, power tong, drop tong on them. I
16 mean, these are all different ways of catching clams that have
17 been done traditionally.

18 MR. O'CONNELL: My thought is, just to answer Robert
19 T's question, is, one, first, you know, I'm not in a position
20 to answer that question yet, but my thought is that -- you
21 know, as I mentioned, the Department at the time was opposed
22 to the legislation. We had a draft plan. I think it would be
23 beneficial to get a small group together, including some
24 clammers from the coast, to kind of review that plan that we
25 had back in 2001 and see what components may still be viable

1 and other ideas that we can incorporate, and try to put
2 together a framework of what may work for you guys,
3 recognizing that there was and there probably still is
4 significant stakeholder issues down there. And there's a lot
5 of people down there. But let's put together a plan that
6 makes a lot of sense, can defend against a lot of the points
7 of criticism.

8 And then, you know, I think it would be really
9 beneficial then to, you know, reach out to some of these other
10 groups that have opposed this plan to try to get a sense if we
11 can reach a level of compromise, and then put that before the
12 Department to see what their thoughts are.

13 MR. : Moochie?

14 MR. GILMER: Well, I got a hydraulic clam rig and
15 all that. But I also think what these guys are talking about
16 and we got to look at is for them to be able to rig up to go
17 to work for \$1,000 or \$2,000 more so than, you know, hydraulic
18 rig that those with smalls boats are still not going to be
19 able to get into. So, you know, I think you've got to be very
20 careful of, you know, how we set this up. And you might have
21 some areas that are hydraulic dredge areas or hydraulic rigs
22 like we use, but also make sure that these guys also have a
23 place to work, you know. So I think we've got to have a big
24 discussion of how we really want to set this up.

25 MR. O'CONNELL: And I really think that working

1 together, you know, the industry can come up with a plan
2 that's defensible. And then it is going to come down to the
3 politics again, you know, legislation. And if you come up
4 with a sensible plan and you are open to talking to some of
5 these opposing groups, you know, I'm fairly optimistic that,
6 you know, a plan is very possible, and the Department would
7 seriously consider that.

8 And, you know, the Department puts together the
9 legislative ideas, you know, around August of each year. If
10 the Commission wants, we can try to, you know, put some time
11 into this over the next three months. And we have a good
12 document to start with, I believe. And we can come back at
13 our summer meeting and have a discussion. And whether you
14 want to request the Department to consider it or if you want
15 to seek a private sponsor or work together on that, I think
16 that would be my suggestion.

17 MR. HARVEY: We are definitely in dire need of
18 reevaluating the law. I mean, the law essentially took away
19 traditional winter fishery that has been there forever. You
20 know, that's what everyone did in the winter. And the way it
21 is written, it's hand use only. It's barbaric. And I'm not
22 18 anymore. So --

23 MR. PORTER: But the main thing, like I want to
24 stress is that, you know, I crab, too. And when you pull that
25 pod out -- I don't know whether any of these boys crab

1 in Chincoteague Bay or not, but I've been doing it ever since
2 I was seven years old. And when you pull a pod out, you're
3 pulling up rotten grass. I mean, it smells. It's got a
4 terrible odor. And the only reason it's there is because our
5 eel grass is back in the bay. I mean, everywhere you look
6 we've got the grass.

7 As a matter of fact, we were talking about it coming
8 up today. But in the middle of our bays where we were working
9 it's just, it's just rotten. And when you pull a pod up and
10 you spell it, it will about gag you. And it needs working.
11 The bottom needs working.

12 It's the same thing in your garden. If you take a
13 cultivator and you pull weeds out of your garden, you're doing
14 away the weeds. And that's the same thing we're doing with
15 these dredges in the bay. But if that's what you want us to
16 do, you've got a plan, that's fine with us.

17 MR. O'CONNELL: I think that's just, you know,
18 recognizing the politics around this issue. I think it's best
19 to have a well-thought-out plan. And I think we know what the
20 issues are. Let's put together a plan and let's pitch it to
21 some folks. So if you guys want, maybe we -- you know, right
22 now or if afterwards we can maybe get a couple volunteers and
23 particularly get some of the clammers like yourself in the
24 Coastal Bays --

25 MR. BROWN: I will volunteer to help with it. And

1 if you need me to, I could go to Ocean City so everybody
2 doesn't have to come way over here, or meet somewhere in the
3 middle or something, you know.

4 MR. GILMER: That's great. I will be there.

5 MR. : I will sit in on it.

6 MR. O'CONNELL: So what we will do is we will -- and
7 if anybody else decides they want to, we can follow up. We
8 can get some communications going and get a time that we can
9 get together. Obviously it will be open to anybody, but
10 hopefully we can get some clammers there like yourselves
11 and --

12 MR. HARVEY: Yeah. I could gather, get a bunch of
13 the boys. I think they would -- a lot of guys would think,
14 you know, if we're getting a plan together, guys will be
15 really interested in having some input and some say into it.
16 Absolutely.

17 MR. GILMER: And the more guys you get from your
18 area with the details of your areas, you know, that's very
19 important.

20 MR. HARVEY: Yeah, that will help out a lot.

21 MR. O'CONNELL: Before you guys leave, if you guys
22 can maybe leave us with your name and your phone number and e-
23 mail or we can work through Moochie, but maybe if you guys can
24 do that, we can stay, we can follow up at the end. We can
25 send out the draft FNP that was drafted over a decade ago and

1 the legislation to understand the issues and the bounds of
2 what we are dealing with. Okay? Appreciate you guys taking
3 the time to come up.

4 MR. : Thank you very much.

5 MR. HARVEY: Thank you for listening to us.

6 MR. RICE: Hey, Paul, can you get their --

7 As soon as Tom gets back to his seat, we will move
8 forward. So since I have started on this page, I am going to
9 move right up to the next item.

10 Rachel, can you bring us up to date on your
11 discussion you would like to have on the harvester fees,
12 please?

13 MS. DEAN: Yes. Sorry. Let me catch up here.

14 ***Harvester Registration Fee***

15 ***by Rachel Dean, TFAC and SFAC Commissioner***

16 MS. DEAN: It was just brought to my attention that
17 when we were working on the coast recovery, you know, we came
18 up with a great plan. I wasn't here yet, but I was certainly
19 in the audience. And you guys worked hard on it for sure.
20 And it is a great plan. And one of the components of that was
21 that everybody who harvested would pay the \$215 harvester fee.
22 And it made it fair across the board. Everybody saw that
23 increase.

24

25 One of the things that we implemented was that we

1 did not want that harvester fee to transfer, if somebody sold
2 their license. So the next person who purchased that license
3 would then have to pay their own harvester fee. And that all
4 made sense on paper. It still makes sense to me. And it's
5 fair.

6 One of the things that has happened with that, that
7 we probably didn't foresee is when a man goes to sell his
8 license at renewal time, he has to pay that \$215 harvester
9 fee. It cannot be transferred, like the other fees that are
10 associated with the license. So the TFL fee, the seafood
11 marketing, that can all transfer to the next person with the
12 \$50 transfer fee. But that \$215 harvester fee does not
13 transfer.

14 So what's happening is when a man goes to sell his
15 license, our parting gift to him is a \$215 fee. So he does
16 not intend to use his license that year because he is selling
17 it, you know, not because he is choosing not to, but he's
18 selling it. And he pays \$215 to sell his license.

19 I don't know that that was necessarily worked in to
20 the numbers, when we were trying to work on cost recovery. I
21 don't think we says: Well, we know that there's going to be
22 20 people that are going to sell their license. So, you know,
23 there's part of our money. But it's one of those incidentals
24 that is happening. And I wanted to bring it before the
25 Commission, ask you guys if we should be giving that parting

1 gift to someone. And, you know, sometimes it's not a parting
2 gift. It's not to somebody who is leaving our industry; it's
3 somebody who is upgrading a license or -- well, I guess that
4 wouldn't work, because maybe he has already paid his \$215 for
5 the year, and that would carry -- never mind.

6 But anyway, there are some scenarios to it. And I
7 just wanted to bring it to the Commission and ask you guys if
8 this is what we intended. Then so be it, it needs to stay the
9 way it is. But if it is an incidental, then do we want to do
10 something about it?

11 MR. RICE: Tom, do you have anything you want to --

12 MR. O'CONNELL: Gina, did you want to provide some
13 background? I know you and Rachel had some e-mail exchanges.
14 Or do we just want to open it up for discussion? I think some
15 background may be helpful.

16 MS. HUNT: Okay. Well, let me just ask -- well, I
17 believe she left the room. But who else on the Commission was
18 here during the class recovery discussion?

19 (A show of hands.)

20 MS. HUNT: All right. A handful. Okay. So --
21 because I have my recollections. But, you know, we didn't
22 have transcripts back then. So it is pretty much just, I
23 think as Rachel characterized it, it was very deliberate that
24 the Commission wanted the harvester registration not to
25 transfer. But -- and as far as calculations and money, I

1 distinctly remember saying that the money that would come in
2 because this harvester registration is being paid for by new
3 people that we are not currently counting, because we counted,
4 hey, we have this many licenses. We expect that number times
5 \$215 to be the revenue.

6 Obviously you're not counting the new people coming
7 in and knowing how many there are going to be, just never know
8 how many transfers there are. But I distinctly remember
9 saying, hey, whatever that amount is should cover up for
10 anybody that's now going to fail to renew, that maybe were
11 under some of these licenses because of the fees. Because
12 that was a concern by the Commission, as well, is that you
13 increase these fees, we may not get the renewal we currently
14 have.

15 And that is true in certain categories, like hook
16 and line. We have hook and line licenses. And certainly
17 licenses they're not at their cap. So it's true. But the
18 scenario that Rachel describes, I don't remember any scenarios
19 like that being discussed or considered. What I think, what
20 I -- I get a lot of phone calls during license renewal, asking
21 questions about fees, asking questions about transfers. The
22 one I do often get is not during the renewal period, the
23 normal July/August period that people usually go in and renew,
24 because your license is still valid then. It's valid until
25 August 31. So you have paid your harvester registration and

1 it's still good. What I get is after September that license
2 is now non-valid. It's yours until March 31, but it's not
3 valid. And in order to transfer something, you actually have
4 to have it. So we make you renew it first so you have
5 something to transfer.

6 And what Rachel is describing is that when you renew
7 it, you have to pay this harvester registration fee for really
8 no purpose, because you don't plan on harvesting, you just
9 plan on transferring.

10 I don't think we thought about that scenario back
11 with the Commission, but your recollections may be different.
12 I just -- I get that question a lot. I cannot tell you,
13 although I have asked, but I don't know yet how many times,
14 last license renewal in particular, we had somebody renew and
15 transfer the same day. But that would give you an idea, if I
16 knew that number, it would give you an idea of exactly the
17 economic impact of doing this, of saying, hey, you don't have
18 to pay it.

19 I still -- you know, we do over -- we do about 700
20 transfers a year. So temporary, permanent, there's about 700
21 of them. How many of those are permanently done at license
22 renewal, I couldn't say. But, you know, it gives you an idea.
23 But somebody paid the harvester registration, the new guy
24 getting a license. Should the guy that now is just renewing
25 so he can sell or transfer to his family, should he pay it as

1 well?

2 And just the only other thing I will give you for
3 background is that, you know, for two years now that we have
4 had license renewal under this fee system, we have met the
5 goal of the legislation, which was the \$1.6 million. So it's
6 not that any changes here will significantly, you know, will
7 drop us below where we already are at our goal.

8 MR. : Well, I think you have a problem
9 there, because people will wait. If you drop that, people are
10 going to wait.

11 MS. DEAN: Right. Then they pay a \$50 late fee.
12 But --

13 MR. : That's a lot better than \$215.

14 MS. HUNT: Right. Exactly. So the question then
15 is -- you know, I think it's more of a fairness issue. Is
16 it -- do you want to do it? Was that deliberate? Should we
17 do it? if we don't want to do it -- and this is what I told
18 Rachel, was that if, for this circumstance alone, that under
19 these transfers, they are permanent transfers, family,
20 business, whatever, you are permanently -- you are giving it
21 to this person, and you are not going to harvest on it, you
22 are doing that transfer the same day you are renewing it, if
23 we want to exempt those folks from the harvester registration,
24 we can do that by regulation. We could write that in as an
25 exemption into reg. So there is the option before you without

1 going to the legislature. But it really does require some
2 thought, because, you know, once you build one exemption,
3 people do usually find other ways around it.

4 So that's all the background I have.

5 MR. WILSON: Rachel, hasn't this come about more
6 since we have had the rockfish, the new rockfish system, and
7 people buying the whole TFLs to get the rockfish? And when
8 the permanent transfers, you're allowed to permanently
9 transfer your rockfish off? Won't this probably dissipate
10 again?

11 MS. DEAN: I think that's a-whole-nother monster.
12 That's the two-year problem, which I don't really want to step
13 in right now. But I think the scenario you're talking of
14 would speak to the people that are staying in the industry,
15 and not necessarily the people that are getting out.

16 I don't know if that answered the question. I don't
17 know because we just implemented it. So it might be a timing
18 thing that this is happening then.

19 MS. HUNT: Yeah. I think the rockfish changes with
20 requiring your permit to go with your license was pretty close
21 in timing to when these fees went into place, you know, with
22 the harvester registration. So I'm not sure if you can
23 separate out the two issues, because they probably -- they
24 just overlapped.

25 And certainly we have proposed regs right now that

1 separate the permit, the striped bass permit, from the license
2 that would maybe alleviate some of the transfer pressure,
3 because now maybe people are just selling out their striped
4 bass permit and keeping their license by -- and so for those
5 folks, that's not an issue. It's for the folks that are
6 really just done-done, I'm out, that we are talking about.

7 MS. DEAN: Can I go back to Mike's questions or
8 comment? I want to make sure that I understand it right. You
9 said that you thought people would just wait until March to --

10 MR. ANDERSON: No, wait until after the first of
11 September.

12 MS. DEAN: So could this be something that was only
13 in August?

14 MS. HUNT: No. It would be -- it would be only
15 September through March, when the license becomes invalid,
16 because it's currently valid in August.

17 MS DEAN: But they still can't use their license.
18 So --

19 MS. HUNT: Yeah. You can't use it.

20 MS. DEAN: So one way or the other we're going to
21 get their money, if they intend to use it.

22 MS. HUNT: The scenario I --

23 MR. ANDERSON: After the first of September, yeah.

24 MS. HUNT: Right. So what would happen is if you
25 want to do a transfer, you don't do it in August because in

1 August I paid my harvester registration, but I'm going to give
2 it to you, and you're going to pay your harvester registration
3 maybe for a week. And then you have to pay it again come the
4 next license year. Right?

5 So rather than doing that, I will just wait until
6 September.

7 MR. ANDERSON: That's right.

8 MS. HUNT: And instead of paying my harvester
9 registration, he does his pay his. I pay a \$50 late fee. So
10 the difference in revenue is really the 215 minus 50. Does
11 that make sense? \$165.

12 MR. WILSON: Well, I didn't -- what was the reason
13 for the harvester registration not going with the license?
14 Why would you want to still be as a registered harvester, if
15 you didn't have a license to catch anything?

16 MS. DEAN: I think -- that was my question from the
17 beginning, really. But this is where I came --

18 MR. WILSON: Because Virginia had it, and they
19 didn't want to do the same thing Virginia did.

20 MS. HUNT: It was copied off of Virginia.

21 MS. DEAN: But Lee, I think -- I don't think we were
22 looking at it as the amount --

23 MR. : That was when I came into --

24 MS. DEAN: -- that was going to be caught off that
25 license, like you weren't paying for your crabs, you weren't

1 paying for your fish. I believe, and maybe Virginia should be
2 speaking to this, that it was paying for the privilege. So,
3 you know, the first guy has to pay his fee because he has to
4 pay for his privilege to continue in the fishery, and the next
5 guy does, too.

6 Now, as a harvester, I don't see it like that. I
7 see it as, you know, there is only one man harvesting. And if
8 he has it until December, and the next one gets it on January
9 1, then, you know, I -- you know, I see what you're saying,
10 and I felt that way from the beginning. But my concern right
11 now is just, you know, this man will never use that license.
12 He will not use it that year, and we're charging him. I don't
13 know.

14 MR. RICE: Well, I am not sure it is exactly the
15 same as the Virginia system, because in Virginia I have to
16 renew my waterman's registration card on January 1. But I
17 have the rest of the calendar year to purchase whatever
18 license I want. Now, I can only renew limited entrance
19 license that I currently hold or buy from somebody else. But
20 I can buy whatever license is offered to whoever.

21 MS. DEAN: Yes, but -- I'm sorry. Can you transfer
22 your harvester registration to the next guy, if he wants to
23 buy your harvester registration from you?

24 MR. RICE: Yes.

25 MR. : Yes, but they can. They can; we

1 can't.

2 MS. DEAN: So we didn't do it after Virginia.

3 MR. : That's the part they didn't want to
4 do for some reason. I don't know why.

5 MR. BROWN: Billy --

6 MR. RICE: Yes?

7 MR. BROWN: -- how many of these cases do we have
8 roughly in a year?

9 MR. RICE: I would have to refer that to Gina.

10 MS. HUNT: Well, that's my point. I don't know how
11 many are -- I think when you call them cases, what they are
12 are people that want to get out of the business at the time of
13 having a license that's no longer valid, that they would have
14 to renew in order to get out of the business. So that's
15 basically from September through March, like seven months out
16 of the year, folks sit on hundreds of authorizations until
17 March 31 and wait until then to renew them. And they don't --
18 they are not using them during that time.

19 So if they decide to get out, those are the
20 transfers we are talking about. I can tell you just that
21 there's about 700 transfers a year. Which ones fall into this
22 case, I don't know. And IT is trying to figure it out for me.
23 But, again, just to be clear, I mean, we could change that as
24 far as transfers in these cases by regulation. We cannot
25 modify the law that clearly says that the harvester

1 registration is not transferable. The Department doesn't have
2 the authority to write a regulation that makes it
3 transferable.

4 MR. RICE: Well, is the real issue two people have
5 to pay the same thing or is it the transferable part that --

6 MS. HUNT: Yeah. My real concern, because I
7 understand the law -- and like I said, I'm on the fence.
8 Whether you're paying for the privilege, an individual, you
9 know, hey, I don't get to buy your privileges from you, you
10 know, or if you are paying for the harvest, I don't know. But
11 my thing was it's just common sense. A man is not going to
12 use that license ever. It's being passed off. And here's a
13 \$215 fee.

14 MR. RICE: Well, the other way to look at it is if
15 I'm going sell you my TFL, I'm not going to give it to you and
16 eat that harvester fee. I'm going to be sold a license for a
17 tidy sum, and that might figured in the deal.

18 MS. HUNT: But they don't know it's coming. I think
19 these guys are getting to the service centers and going: Huh?
20 Because --

21 MR. RICE: Oh, you mean about having to pay it.

22 MS. HUNT: Yeah. Because previously everything
23 went. For \$50, everything went. Now it's \$50, give me \$215,
24 everything goes. So I don't know.

25 MR. RICE: Tom?

1 MR. O'CONNELL: So Gina, what is your level of
2 confidence that IT is going to be able to sort this out?

3 MS. HUNT: Yesterday, they were confident. This
4 afternoon, they're trying to link the two transactions to
5 figure out that these two things happened that day. So I
6 don't honestly have any idea on whether or not they can link
7 it to tell me or not.

8 MR. O'CONNELL: And the next question was did I hear
9 you right, that this would require a legislative change?

10 MS. HUNT: No. This would be able to be done by
11 regulation. If we were to change something like making the
12 harvester registration transferable, that would require
13 legislation.

14 MR. O'CONNELL: So if we started the regulatory
15 process like next week --

16 MS. HUNT: We scope it right this moment.

17 MR. O'CONNELL: When would it be effective? May?
18 June? July? Would it be effective by our license period?

19 MS. HUNT: Well, that's -- you know, I mentioned it
20 to Rachel that if we had this conversation, I want to make
21 sure everybody gives it due consideration, because there
22 always is ways around exemptions and loopholes. So make sure
23 we thought of it all. But we don't really have a lot of time,
24 because if you want this in place for license renewal next
25 year, or let's say license renewal, normal license renewal,

1 being over, but late license renewal, which is September,
2 yeah, I mean we're on a pretty fast track.

3 MR. O'CONNELL: It just seems like -- I mean, it
4 seems like there is an interest to know what the impact would
5 be of such a change. And I wonder if it is worthwhile to see
6 if IT could pull together that information over the next days
7 to a week, and then we could circulate that back to you.
8 Because it might have a significant fiscal impact or it might
9 have a very little. And I imagine that may change and may
10 influence how we go forward.

11 On the other hand, it could be just a simple we
12 don't think this is right, someone -- you know, just two
13 harvester registration payments for one license. So, you
14 know, it seems like it would be worthwhile to get that
15 information, if they can come up with it.

16 MR. BROWN: I'm thinking it has to be researched
17 rather well because if it's 700 of these transfers or whatever
18 and it's \$215 on each one, that's like \$19,000. And I had to
19 go through cost recovery. And when you start crunching
20 numbers, Billy, you know what it was like, Moochie.

21 MR. GILMER: Oh, yes.

22 MR. BROWN: I mean, we don't want to -- and like you
23 say, once -- this is one loophole you got through, then if you
24 have another one -- I just wanted to bring it up.

25 MR. RICE: Rachel?

1 MS. DEAN: I was just going to say you guys did, and
2 you crunched the numbers really well. But one of the flip
3 sides of this is we did come in, I believe, over our cost
4 recovery. And this might have been one of those incidentals
5 that happened because of it. And I don't want to see people
6 unfairly continue to be penalized, if we did come over. Did
7 we come in, over?

8 MS. HUNT: The first year I think we came in at 1.7.
9 The only problem is that that's really not necessarily an
10 indication of where we always will be. Because like I said,
11 there are licenses that are failing to be renewed under
12 certain categories. You know, crabbing is still really full,
13 but like hook and line is not. And it just depends on what
14 license you got whether or not people are reaching the cap.

15 And of course, when we calculated these and crunched
16 those numbers, we were assuming we were at the targets for all
17 license categories. So, you know, to say there's some wiggle
18 room is true, but we just don't know how much. There's
19 just -- as far as loopholes, though, I am just going to throw
20 it out there. I want to make sure if we are -- you consider
21 that if we are going to say that you do not need the harvester
22 registration to then transfer your license away, if you are
23 renewing it and transferring it, and that's the only time you
24 don't need to pay it, then, you know, so somebody could do
25 that and, say, do it under a family transfer, but then maybe

1 later on, you know, seven months later, still get it back,
2 because family transfers don't have that two-year wait, so
3 they could get it right back. At that time that individual is
4 now going to have to pay the harvester registration, because
5 you still have to have it, you know, in order to get a
6 transfer. I don't care who, temporarily, permanently, in
7 order to get it.

8 So if they try to do this loophole and get around
9 this by saying, well, I'm going to, instead of doing temporary
10 transfers, I'm going to just pass them around temporarily but
11 through a family permanent, you still, if it came back to you,
12 you're going to have to pay it.

13 So I think there's room for abuse, but I'm
14 struggling to find out exactly, to think of exactly how
15 they're going to really manipulate the system.

16 MR. RICE: Robert T.?

17 MR. BROWN: As far as wiggle room, I don't see where
18 we have any wiggle room at all. If I remember correctly, we
19 were at like 1.6. And then the governor kicked in \$800,000 to
20 make the sale. So, look, there's a few of us who went through
21 this and knew what torture we had to go through to get to
22 where we were at to do this. And this little bit we got then
23 might be like something we need, because, you know, you might
24 not be able to get \$800,000 when this comes up again.

25 MR. RICE: Well, not only that, there might be

1 people dropping out of the system that don't renew. And
2 that's going to affect our bottom line, also.

3 MR. BROWN: And I think we need to keep the revenue.
4 I think some things is best off left alone.

5 MR. GILMER: Well, and my main thing really is I
6 think we're too early in the process to know where we're
7 going to end up at, as far as money-wise, you know, this being
8 only -- I mean, this renewal will only be the second year. Am
9 I correct on that?

10 MS. HUNT: This is the third.

11 MR. RICE: It will be the third year.

12 MS. HUNT: There was '13, '14, and now '15 will be
13 the third year.

14 MR. GILMER: I mean, I understand that this --- and
15 then you threw the family thing in, which I really wasn't
16 thinking about. But I guess with the hard number of permanent
17 transfers would really give us a better idea, if we can dome
18 up with that.

19 MR. RICE: So at this time would it be safe to say
20 that TFAC would like to gather more hard information on this
21 before we can really make a decision one way or the other?

22 MS. HUNT: Would an e-mail be sufficient, though,
23 are you referring to next --

24 MR. RICE: You could e-mail us the information. We
25 could have it as agenda item next meeting. Because it's not

1 something we want to be able to give anybody any relief on,
2 you know, before this renewal period. Is that correct?

3 MS. DEAN: And honestly, it probably won't affect us
4 here. I just can't look at a man and say: Hey, you pay \$215
5 on the way out the door. So, yeah, it doesn't affect any of
6 us probably.

7 MR. MANLEY: I don't know what they will come up
8 with, but I hate to see them try and take that away and then
9 realize, hey, we're a little short, and then jack the rest of
10 us up that are keeping their license all along. And these
11 people are jockeying their damn license around, selling to
12 this and that one. If they don't go paying, then we're going
13 to have to pay an increase in fees because they're coming up
14 short. That ain't right either. I mean, that's just my
15 thought just listening to it all.

16 MS. DEAN: Jockeying around, they do pay, though.

17 MR. MANLEY: If somebody sitting on short selling
18 license, we're out there using a license every day, I have a
19 problem with it. They don't use a license and selling to
20 somebody else, that's -- you know, we're going to wind up
21 getting stuck with raising rates. That's not fair either.

22 MR. RICE: Okay. Tom, are we clear? Where are we
23 at on this?

24 MR. O'CONNELL: Yeah. So hopefully we will be
25 successful in getting that information. And we will e-mail it

1 out to you and proceed accordingly.

2 MR. RICE: Okay. Moving up the ladder to the Marine
3 Fisheries Management Planning portion of the meeting. Stevie,
4 do you have some information for us on yellow perch that you
5 would like to bring forward?

6 MR. LAY: Yes, sir.

7 ***Estuarine and Marine Fisheries Management Planning***

8 ***Yellow Perch Fishery***

9 ***by Steve Lay***

10 MR. LAY: I have a handout I'd like to pass out to
11 everybody.

12 Good afternoon. My name is Steve Lay. I live up in
13 Havre de Grace. I did make a presentation last year about
14 this time about yellow perch to this committee. We did have
15 some changes made by DNR, which helped our industry. For the
16 first time in four years, the yellow perch fishermen did catch
17 their quota this year. I'd like thank this group for their
18 influence and DNR for working with us to get these changes
19 made.

20 We still have some issues the watermen would like to
21 see addressed, and that's why I am here today. The first page
22 of my handout is just an overview of the fishing regulations
23 for yellow perch in Maryland. I will go over them real
24 quickly.

25

1 Size limit recreational is nine inches to unlimited.
2 Commercial is eight-and-a-half to eleven slot limit. Creel
3 limit is ten for both groups. The season is 365 days a year
4 for recreational, January 1 to April 1 or until the commercial
5 quota is caught.

6 The area of fishing. All areas of the Chesapeake
7 Bay and its tributaries are opening to recreational. The
8 commercial side has three regions: The upper bay, the Chester
9 River, and the Patuxent. And there is an imaginary line drawn
10 across the heads of all our rivers, which commercial fishermen
11 are not allowed.

12 Allocation. The recreational fishermen get 50
13 percent. Commercial fishermen get 50 percent.

14 Accountability. The recreational fisherman have
15 none. The accountability for the commercial side purchase a
16 special yellow perch fishing permit. Call for the permit and
17 tags in late December or whenever you're going to start your
18 fishing. There's a predetermined quota for each of the three
19 fishing management areas. We have to buy tags from DNR and
20 tag each fish. We have to call DNR every day of the season to
21 report our catch, whether we fished or not.

22 Our end-of-the-season overage, if we go over our
23 quota, is subtracted from next year's quota, but we lose any
24 fish that we did not harvest under the quota. Unused tags
25 must be returned to DNR.

1 Is there any questions about page one?

2 (No response.

3 MR. LAY: Okay. We will get to the issues. That's
4 on page two.

5 Over the past seven years commercial yellow perch
6 fishermen have had to tag each legal fish before bringing the
7 fish ashore. This unnecessary regulation is overly time-
8 consuming and costly to all parties involved. Watermen spend
9 many hours sitting in their boats, tagging fish in the cold,
10 in the dark, in the snow, and in the rain. Watermen must buy
11 these tags not by the hundreds, but by the thousands. DNR
12 currently supplements the purchase price of these tags because
13 the price of the tags creates too great a financial burden for
14 the watermen.

15 Number three, the lack of local demand and low price
16 for yellow perch does not promote an atmosphere of legal
17 activity for the fishery.

18 Four, lack of access to tags has caused many
19 problems in the past. One year tags arrived three weeks late
20 to DNR. Another year or two, DNR ran out of tags. Shipping
21 tags from DNR to watermen on a three-day turnaround has been
22 costly to watermen at times, especially at the end of the
23 season.

24 Five, buyers either refuse tagged fish or pay less
25 for them, because the fish cannot be run through a filet

1 machine without the labor of removing these tags.

2 Six, once warmer weather begins, our fish begin
3 dying more quickly. These fish need to be off boat either to
4 a market or refrigeration as quickly as possible. The fresher
5 the fish, the more money they're worth.

6 In summary, it's time to stop tagging five-ounce
7 fish worth 50 cents. I would like this committee to challenge
8 DNR to create an alternative accountability method to replace
9 the tagging of each fish. In previous yellow perch meetings
10 with DNR, box tags or a hail system have been discussed as an
11 alternative to tagging each fish.

12 Are there any questions to my desired outcome from
13 page two?

14 MR. BROWN: Steve?

15 MR. LAY: Yes, Robert?

16 MR. BROWN: And I can understand tagging a yellow
17 perch that's nine and ten inches. And if you've got several
18 hundreds pounds of them or whatever, it's an ongoing heavy
19 job. I don't myself see where it's necessary to do this.
20 Maybe it should be tagged by the box or what -- what are your
21 feelings? What would the fishery like?

22 MR. LAY: Well, the fishery is open to either a hail
23 system or a box tag system. Both methods have been discussed
24 in previous years with DNR yellow perch officials. Anything
25 but tagging each fish. This year was extremely burdensome,

1 because basically we caught 80 percent of our quota in 8 days.
2 And this required an extreme amount of tagging. We're not
3 allowed to take the fish off the boat to even tag them. We
4 can't take them to our garage where it's warmer or it's not
5 raining or snowing.

6 This was an exceptional year that there were a lot
7 of fish everywhere at the same time, but it's still the same
8 problem. The cost is the problem. We could relieve DNR of
9 some of their financial issues, if they didn't have to
10 supplement us or buy tags in the first place for a small fish,
11 a five-ounce fish that's worth 50 cents. We're not talking
12 about a rock fish that's 5 pounds and it's worth \$25.

13 Accountability is necessary. We don't want to
14 eliminate any of our accountability. But in this situation,
15 certainly an alternative method would be a reasonable request.

16 Go ahead, Billy.

17 MR. RICE: Steve, in listening to your presentation
18 and reading what you have here, I think the people that
19 actually fish for yellow perch -- it's a very small amount of
20 fishermen that fish for this fish -- have shown us how willing
21 they are to stay within this fishery or nobody in their right
22 mind would have ever done all this.

23 MR. LAY: Right.

24 MR. RICE: So -- and they have also proven that they
25 are quite accountable. I think that the Department has full

1 plans - and correct me, if I'm wrong -- that it's right around
2 the horizon we'll be going to electronic reporting of all
3 fishes. Wouldn't you say that that's a safe assumption sooner
4 or later?

5 MR. O'CONNELL: I don't know if it's a safe
6 assumption or not. We're definitely, you know, developing a
7 system to move us down that pathway. I know the industry has
8 some concerns with that that we need to work through.

9 MR. RICE: But that being said, I think that this is
10 a fishery that this system has outgrown and that if this
11 fishery wants to continue to move forward tagging each
12 individual fish -- I've never been a yellow perch fisherman,
13 but I've caught a lot of white perch. And it's the same
14 animal, just a different color. And I couldn't imagine
15 tagging each and every individual white perch.

16 But I think that this group needs to move forward in
17 stressing to the Department that there are some things that
18 just don't make sense anymore. And tagging each one of these
19 fish is that we need to move forward with a system where we
20 could tag each cart or continue on with your calling in deal
21 where you're not hiding behind a rock. Everybody knows you're
22 out fishing. There's very little bit of chance for
23 exploitation of this fish in an illegal manner. And I think
24 it's time that we made sense of this fishery and make it more
25 user friendly.

1 Tom?

2 MR. O'CONNELL: I was wondering, Lynn -- I know,
3 Steve, you came in earlier to meet with Lynn.

4 MR. LAY: Yes, I did.

5 MR. O'CONNELL: -- and come up our yellow perch
6 biologies. And one just to compliment Steve for his
7 willingness to work constructively with us on these issues
8 over the years. I expect -- I haven't talked to Lynn or the
9 people you have talked to, but I expect this was an issue that
10 you guys discussed.

11 MR. LAY: Yes, it is.

12 MR. O'CONNELL: And just to take advantage of the
13 opportunity of us being together today, I was wondering if
14 Lynn or you could share any thoughts from staff on trying to
15 move down an approach with using box tags, in case there is a
16 concern or an issue that we could get some feedback today on.

17 MS. FEGLEY: Yeah. Lynn Fegley. We did talk about
18 that, and I think what we all agreed to, biologists and Steve,
19 was that, you know, it is our hope that we will have this hail
20 system up and running. But there is some uncertainty there on
21 some levels. But I think that what we agreed to was that if
22 we can't get the hail system in place, that we could work on
23 a -- we'll work on a different avenue. We'll work on
24 something having to do with box tags. We can pilot something
25 that -- a pilot for box tags is written in the 2013 FMP

1 review. So I think this is something that we can surely work
2 through.

3 MR. O'CONNELL: Thanks.

4 MR. BROWN: Steve, do you call in every day when you
5 are yellow perch fishing to start with?

6 MR. LAY: We call in every day once we have received
7 our permit card and tags, whether we fish or not. For
8 instance, this year we were frozen over for three straight
9 weeks. We had to call in every single day as part of our
10 accountability, even though not a yellow perch fisherman
11 fished for three weeks. So there's plenty of accountability
12 in the system, if we were to go with box tags, for instance.

13 MR. BROWN: Mr. Chairman, since they are calling in
14 every day -- and I mean I hear where Lynn is saying, you know,
15 they can come up with some kind of box system -- if they call
16 in, look, on each box they have a card made, they can make a
17 card up something like similar we have on oystering. Say,
18 look, this is the day yellow perch, 50 pounds, say it's 100
19 fish or whatever it may be into it. And then he have it, at
20 the end of the day, he have it right there. And he calls in
21 and says, look, today I have 500 pounds of fish. It's this
22 amount of fish, when he calls in. And that's what I had
23 today.

24 I mean, these fellows have been tagging these fish
25 for one long time. And it seems like they're already on that

1 path. And that's just a suggestion with something you all
2 might be able to put into it. But I'm -- whether a hail
3 system is in or it's not, that they call in every day, you
4 can't --

5 MR. RICE: That's a hail system is what I --

6 MR. BROWN: That's a hail system, as far as I'm
7 concerned. I think it's time for these fishermen to have, you
8 know, some slack here, because they haven't had no violations
9 or anything.

10 MR. RICE: Rachel?

11 MR. GILMER: Wasn't there a time when you didn't
12 have tags that you actually used a box tag for a little while?

13 MR. LAY: One year the tags were not available to
14 DNR on opening day. We went about three weeks worth of the
15 season before the tags were available. And we did use box
16 tags during those three weeks. And there were no issues on
17 our side or the DNR side when that happened.

18 MR. RICE: And the other thing, you're not regulated
19 by the number of fish; you're regulated by pound. So --

20 MR. LAY: Correct.

21 MR. RICE: -- the number of fish is irrelevant.

22 MR. GILMER: And Lynn, there seemed to be no problem
23 during that period when they used the box tags?

24 MS. FEGLEY: No, not that we know of.

25 MR. GILMER: Okay.

1 MR. RICE: Well, I think they've already
2 demonstrated that it can be done. We just need to get the
3 regulations so it's legal to do it.

4 Tom?

5 MR. O'CONNELL: So Lynn, is the thought that between
6 now and the July Commission meeting we could maybe sketch this
7 out a little bit --

8 MS. FEGLEY: Sure.

9 MR. O'CONNELL: -- and bring it back to this
10 Commission that's part of a scoping process? And that would
11 still allow us to have regulations adopted in time for next
12 year.

13 MS. FEGLEY: Sure. And we had also talked about
14 having a meeting with the yellow perch industry as a whole.
15 So I don't know if we would do that before July. But we
16 could, yeah, we could have something back for the July
17 Commission meeting.

18 MR. RICE: Okay. Well, if nobody on the committee
19 objects to that, I will take the consensus that we are in
20 favor of moving forward. I see a lot of affirmatives. So we
21 will do it, Steve. Thank you.

22 MR. LAY: Okay. Thank you for your time.

23 MR. RICE: Okay. Lynn, you don't move. Stay right
24 where you're at.

25 MS. FEGLEY: Oh.

1 MR. RICE: I know everybody knows the numbers, so
2 can you kind of briefly just walk us through the winter dredge
3 survey, please?

4 *Blue Crab Winter Dredge*

5 *by Lynn Fegley, MD DNR*

6 MS. FEGLEY: Oh, sure.

7 We have completed our 2015 winter dredge survey for
8 blue crabs. And this year was, the news was good. It wasn't
9 outstanding, but it was definitely good. We had an overall
10 population increase. So this year, you know, the survey
11 measures crabs by age, juveniles and adults, and also by sex,
12 so males and females. And everybody went up. I know a lot of
13 years we have juveniles going up or adults going down or
14 adults going up and juveniles going down, but this year
15 everybody went up.

16 The total population -- and I don't have the numbers
17 in my head. It went up to about 411 million, I guess about a
18 35-percent increase for the overall population. And we came
19 in -- it's the 26th year of our survey, which is really pretty
20 cool that we have that long a time series. So this is just
21 the summary right here.

22 So we came in at 410 million this year total
23 abundance. That's just below the 26-year average of 454, just
24 to give you some perspective. Juveniles went up, and this is
25 the second year they went up, which is good because two years

1 ago we really had very, very low, a very low number of
2 juveniles coming to the bay. So that's gone up two years
3 consecutively. They're at 269, and that's just exceeding the
4 survey average.

5 Adult males did tick up a little bit. But
6 interestingly, they are kind of maintaining that low level
7 flat line. They're not moving around as much as the females
8 are or the juveniles. All female crabs -- and we do that
9 because, if you remember, we manage based on female fishing
10 pressure so that we, you know, we craft our regulations to
11 meet a target fishing level on females. We judge the health
12 of the stock by the number of adult females left in the bay.
13 So these females, juvenile to adult, represent every female
14 crab that will grow into the fishery during the 2015 fishery
15 season, so we call it the harvestable stock.

16 And those guys went up 32 percent. They're at 232.
17 It's a nice increase. It's still below those peaks that we
18 saw in 2010 through 2012, but it's better news. Spawning-age
19 females, that's what level, the adult females left to
20 reproduce. They were really low last year. They dipped below
21 that red line. It's got everybody in a little bit of a
22 dither. We had a 47-percent increase this year, which is
23 great. They're up 101 million. It's below our target of 215,
24 so, you know, we're not doing jumping jacks yet, but we're
25 pretty happy to see that increase.

1 And we're especially happy with this increase
2 because we had a pretty vicious winter mortality. We lost,
3 bay-wide, we lost 19 percent of adults. And we lost more than
4 that in Maryland, because we're more susceptible, A, because
5 we're colder than Virginia, and B, because we're fresher
6 water. And the salt provides a little bit of a buffer to the
7 over-winter mortality. We lost about 28 percent of our adult
8 crabs in Maryland.

9 So the fact that we managed to realize this increase
10 despite this large mortality is just really good news for us.
11 There's a lot of -- you know, there's been years in the past
12 where, you know, we sort of had to say, well, it would have
13 gone up if it hadn't been for the winter. But this year we
14 got a -- we seem to have mitigated the over-winter effects.

15 The harvest in 2014, this is bay-wide. And I don't
16 have the breakdown of the numbers for you, but the bay-wide
17 harvest was 35 million pounds this year. That's an estimate,
18 just a little bit lower than the 37 million pounds last year.

19 We are below our fishing target for the seventh,
20 sixth, seventh consecutive year, seventh. We harvested 17
21 percent of females bay-wide up against a target of 25.5
22 percent. And there's some graphs, you know, we can run
23 through. I mean, if you just --

24 (Slide)

25 There's a total abundance. It's just what I just

1 said.

2 (Slide)

3 And there's the juveniles.

4 (Slide)

5 That's the males, adult males I should say, age one
6 plus.

7 (Slide)

8 That is your age zero plus females. That's the
9 harvestable female stock. And that's the adult females. And
10 there's your removal rate.

11 Really quick and dirty.

12 MR. O'CONNELL: You just want to explain the process
13 going forward?

14 MS. FEGLEY: Sure. So we are -- we will be --
15 Brenda is going to convene the Blue Crab Advisory Committee
16 meeting. Is that May 11?

17 MS. DAVIS: Yes.

18 MS. FEGLEY: May 11 they will meet. So because
19 we're fishing below our target, there is some room to make
20 some harvest adjustments. So what we want to do is meet with
21 the Crab Advisory Committee and start to look at options. The
22 Chesapeake Bay Stock Assessment Committee is going to meet a
23 week from tomorrow in Colonial Beach and develop the annual
24 Blue Crab Advisory Commission report. So they will look at
25 all the data. And they will put it all together and summarize

1 the health fo the stock. And they always provide some
2 management advice. And that report should come out in June.

3 So we will be -- so we are going to look at the
4 results of that report. And then by July 1, because we're
5 really -- you know, our new approach is to manage rather than
6 get the dredge results back and have a knee-jerk adjustment of
7 harvest. We are gearing management in the July 1 to June 30
8 year. And the reason we are doing that is because those
9 juvenile crabs that come in every year, the juveniles, those
10 are the crabs that are going to support the fishery basically
11 after July 1. They are going to grow to harvestable size
12 somewhere mid-summer.

13 So basically what that means is if there is a really
14 low recruitment, we can actually adjust our harvest levels
15 beginning July 1 to protect that poor recruitment coming in
16 and protect that year class through. So it's a little bit of
17 a different way of looking at management. It doesn't change
18 our targets or thresholds but -- so the bottom line is that
19 we'll be working with the Crab Advisory Committee. Whatever
20 their recommendations are will come back to the Tidal Fish
21 Commission. And we will look to guidance from CBSAC and
22 consider what adjustments we can, so we can fish to the
23 target.

24 MR. RICE: Thank you, Lynn.

25 Any questions?

1 MS. FEGLEY: And just one more thing so everybody
2 knows, I think everybody does, but, you know, we have the
3 peeler size limit increase on female peelers this spring.
4 That was a one-year regulation, just so everybody knows. So
5 that regulation sunsets. It will no longer be in effect for
6 the following, for the 2016 spring.

7 MR. RICE: Bill, did you have a question?

8 MR. GOLDSBOROUGH: Yes, I do, Billy. Thanks.

9 I didn't think to ask this Tuesday at the Sport Fish
10 meeting, so I'm glad to have a second chance. But I'm really
11 just curious about this. So there's 19-percent winter
12 mortality of adults bay-wide.

13 MS. FEGLEY: Yes.

14 MR. GOLDSBOROUGH: And it was higher in Maryland.
15 Did I hear it was 28 percent in Maryland?

16 MS. FEGLEY: Yeah.

17 MR. GOLDSBOROUGH: And now -- so I put two and two
18 together. Where the females came up 47 percent, but the males
19 just bumped up a little bit. And the distribution in the
20 winter is females are more down the bay and the males more up
21 the bay.

22 MS. FEGLEY: Yes.

23 MR. GOLDSBOROUGH: So can we say the males didn't
24 increase much probably because of heavy winter kill?

25 MS. FEGLEY: Yes. I think that's probably a safe

1 assumption. It's true that the way the crabs are distributed,
2 the majority of the females in the winter are in Virginia
3 water. So, yeah, that 28 percent would have been more
4 applicable to males than to females this winter. I don't know
5 that that's -- so yes, I mean, clearly that number would have
6 gone up more, if it hadn't been for the over-winter mortality.
7 But it still is a very different pattern of abundance overall
8 than we've seen with the females.

9 MR. RICE: Okay. Well, one thing, we need strong
10 numbers for juveniles, because with the lack of habitat and
11 the amount of increased preditation that we have, we have to
12 have a lot of them to start out with to get a few at the other
13 end. That's for sure.

14 Okay. Nancy, can you --

15 MR. GILMER: Billy, real quick, I don't mean to
16 interrupt you.

17 MR. RICE: Okay.

18 MR. GILMER: I held Steve here for a minute, and now
19 I see Sarah is back. Do you remember at our last tidal fish
20 meeting there was an issue of a crawfish and what was --

21 MR. RICE: Yes, yes.

22 MR. GILMER: Yes. So Steve talked with Sarah on
23 this last year. And I can turn it over to either one of you
24 now. But I just wanted to get that cleared up a little bit
25 before he left.

1 MR. RICE: That would be an excellent idea. Who is
2 up, Steve or Sarah?

3 MR. LAY: Go ahead.

4 MS. WIDMAN: Okay. Sarah Widman. So yeah, so it's
5 come up with the crawfish occasionally in -- I think it's just
6 in the Susquehanna area, where we have rusty crawfish, which
7 is an invasive species of crawfish, that they are in so high
8 of a volume of number that they end up coming down into the
9 flats area, if there's low salinity there. They don't do well
10 in high salinity. So a lot of the commercial guys up there
11 occasionally will intercept some of them. And there has been
12 this confusion about, you know, can we keep them, what do we
13 do with them.

14 As far as the rusty crayfish, because it's an
15 invasive, we have these rules surrounding it that you are
16 supposed to cut the heads off and basically just have the tail
17 part in your possession. And that's just an across-the-board
18 management thing we put in place, not specific to commercial
19 with any intent at the time. It was just people harvesting
20 them for their own food.

21 We can certainly look at, you know, rate changes
22 specific to commercial. There isn't any -- you know, they are
23 one of these strange species that don't necessarily fall --
24 they are like a bi-catch, essentially. So they don't
25 necessarily fall under a particular license authorization

1 category of something you would get to specifically catch
2 them. And there's not enough volume that I think you would
3 want to make a fishery out of it. They're not going to come
4 down in that number. But I think some of the guys wanted to
5 keep them and sell them as bait or otherwise.

6 And I think that we could certainly look at, you
7 know, how does that function in that area, as far as allowing
8 or not allowing it with the commercial industry differently
9 than the recreational, which again is the heads off of them
10 for purposes that we didn't want them introduced into other
11 waterways, because they are detrimental to our native crayfish
12 populations.

13 So that being said, that was kind of -- there is
14 not, again, a specific license. There is not any, you know,
15 rules that are very helpful in clarifying it at this point.
16 It just falls into one of the weird cracks of like many of the
17 other invasives that pop up. It's something that potentially
18 could be something we use or allow the industry to capture,
19 but right now you would have to cut the heads off. And then
20 you could certainly do whatever you need to do with them or
21 sell them after that point. But I don't know if there's much
22 of a market without the heads on. So that's kind of the crux
23 of the problem at this point.

24 MR. GILMER: And I know, Charles, you said something
25 about your brother catching them in eel pots.

1 MR. MANLEY: In eel pots.

2 MR. GILMER: And you just wanted to know, he wanted
3 to know ---

4 MR. MANLEY: He's damn sure not going to use them
5 for bait, you know. If he does, he brings them home or eat
6 them. Like I say, if you could find a market, you could sell
7 them, you know. Commercial guys are not going to be using
8 them for bait. They're throwing them overboard.

9 MS. WIDMAN: Right. We actually came up with the
10 head cut off thing with a colleague of ours here, who is from
11 New Orleans where there is quite the food market for crayfish.

12 MR. GILMER: Absolutely.

13 MS. WIDMAN: So we asked, you know, could you do it.
14 And he said, well, you know, it's as good as if they were
15 alive and you boil them, but you could certainly cut them off.
16 And if you put them on ice, they still boil up fine. You can
17 eat the tail. So that's where we came up with that kind of
18 hybrid of how to manage them.

19 MR. GILMER: Okay. But our native crawfish you're
20 allowed to have. Correct?

21 MS. WIDMAN: It's really -- it's specific to right
22 now certain waterway areas. So it kind of -- the flats are
23 kind of the tail end. You know, if you are in the river, it's
24 part of the river basin where we say you have to do that. If
25 you're outside that line, it's not. So it kind of depends on

1 where you are in that area, what applies or doesn't apply,
2 which again complicates it further.

3 We have looked and talked about possibly just
4 applying a blanket thing throughout the state, because we have
5 three invasives now that are migrating in different directions
6 throughout the state. And is it something we want to look at
7 statewide to manage them differently or the same or -- but
8 right now it's just, again, kind of this intersection of all
9 these different rules meeting up. And it doesn't make for an
10 easy solution without kind of unpeeling what we have in place,
11 which we could look at doing.

12 MR. RICE: Okay. Tom, can you --

13 MR. MANLEY: What I said was just make it where you
14 couldn't sell them for bait. That would take care of it for
15 commercial guys. If they caught them in their eel pots as a
16 by-catch, you could take them home, but you just can't sell
17 them to a bait shop or something. If you want to sell them to
18 somebody who is going to cook them and eat them, you have a
19 restaurant or whatever, that would be fine. You know, that
20 way they wouldn't be getting back into the estuary. There
21 would be a chance to get them out. But if you just turn
22 around and just say you can't have them, period, nothing will
23 get them out.

24 MR. O'CONNELL: So Sarah, I was just wondering to
25 facilitate those that are intercepting these crayfish, it

1 sounds like -- I mean, there's got to be discrete lines. Is
2 there a river boundary and a flats boundary?

3 MS. WIDMAN: Right.

4 MR. O'CONNELL: I mean, I didn't know if you
5 communicated that clearly enough. So I was just wondering --

6 MS. WIDMAN: Right.

7 MR. O'CONNELL: -- maybe either now or as a follow-
8 up to this meeting, to send something out that clearly
9 identifies where those lines are where you can't keep them at
10 all or you can keep them or you can only keep them with the
11 tail only.

12 MS. WIDMAN: Right. We can certainly draft
13 something.

14 MR. O'CONNELL: Just so that guys that are
15 intercepting them know what's legal. And then it's the
16 broader discussion of how we want to go forward from there.

17 MS. WIDMAN: Right. We can do that. Like I said,
18 it's complex. And every time I think of it, I think of some
19 other thing that -- so we can get our staff working on that.

20 MR. O'CONNELL: Okay.

21 MR. LAY: I would like to say something. The spiny
22 cheek crawfish is the resident crawfish in Maryland. And
23 there's a lot of them in our area. I can put a needle pot
24 out, come back two days later, and there will be 25 of them in
25 the pot. It's a great by-catch fishery. Personally, I had

1 two of the DNR crayfish biologists on my boat to try to show
2 me the difference between the rusty crayfish and the spiny
3 cheek, only we couldn't catch any rusties.

4 And currently there is a law that Susquehanna, with
5 the Susquehanna River you cannot keep the crawfish. And
6 there's a northern part of the Potomac River that also has
7 some invasive species. I don't know where that line is, but
8 they're the only two places in Maryland that are designated by
9 a line that you can't keep the crawfish. I fish down on the
10 flats and a little bit lower than that. And I'm not saying
11 that they're not moving some rusty crawfish around, but when
12 the biologists were on my boat trying to tell me about this,
13 they said that it was very rare that you -- you know, one in a
14 million that you would ever find a rusty crawfish or any other
15 invasive species. That's why a line is designated in black
16 and white that you -- you know, the Susquehanna River, if it's
17 the Susquehanna River, you can't do it. Below that,
18 everything is okay.

19 And I don't feel a need without a lot of research to
20 go changing these laws just because somebody says something.
21 I don't know how much -- I'm not saying there is no research
22 or surveys being done about crawfish, but certainly I'm out
23 there every day where there's plenty of crawfish. And I
24 haven't seen or heard a word about anything. And I think
25 you're jumping to conclusions wanting to change laws and have

1 these kind of discussions when there's no facts to back any of
2 them up. Because it's part of my by-catch, but not only is
3 it -- it's something I've researched. I've had the biologists
4 on my boat. I have a letter right here from Sarah explaining
5 what I can and can't do.

6 So it's all in black and white right now. And until
7 there's some big problem with invasive species, I think we
8 ought to leave it alone.

9 MS. WIDMAN: Steve, is it a problem with the line?
10 I guess that's the ultimate question.

11 MR. LAY: No, there's no problem with the line.

12 MS. WIDMAN: Okay.

13 MR. LAY: What's north of the Susquehanna River
14 designation line is illegal. Anything below it is legal. The
15 watermen up there know that and --

16 MS. WIDMAN: I guess that's what I think is the
17 point, could be a point of confusion, if people are -- what's
18 the line and where I can and can't do something. So --

19 MR. LAY: Well, if they don't know what it is, then
20 they need to know. But, I mean, the line is well-established.
21 And it's in black and white in the regulation what the line
22 is. So if you know where it is, you know what you can and
23 can't do on each side of it.

24 MR. GILMER: Yeah. I mean, I just want -- the
25 reason I brought it up was to get that clarified of what, you

1 know -- because at our other meeting, Steve and Sarah weren't
2 there. And nobody knew what it was. So, I mean, it seems to
3 be a pretty straight line to go by. So I really don't see any
4 other issue.

5 I mean, do you agree, Charles?

6 MR. MANLEY: Yeah, yeah.

7 MR. GILMER: I mean, you were the ones that talked
8 about it last time.

9 MR. MANLEY: I mean, they're just talking about
10 maybe toning it -- illegal to have them on the boat. Now I
11 said if you're trying to get rid of an invasive species, of
12 course they will make it totally illegal. You want to get
13 them out. It's just like the snakeheads or anything else, you
14 want to remove them from the -- you don't want to leave them
15 there, let them keep making more. I mean, that's just a
16 common sense thing to me. I mean, maybe I'm wrong, but that's
17 the way I seen it.

18 MR. RICE: Well, thank you, Moochie, for letting us
19 air this out and know where we're at on it.

20 Moving into the Chesapeake Watershed Agreement
21 Strategies, Nancy, would you like to go first? And then Gail,
22 you can come in behind Nancy. Would that be fine?

23 MS. BUTOWSKI: Sure. That's how we planned it.
24 Okay.

25 *Chesapeake Bay Watershed Agreement Management Strategies: Blue Crab Abundance*

1 *and Management Outcomes*
2 *by Nancy Butowski, MD DNR Fisheries Service and*
3 *Gail Sindorf, TFAC Commissioner*

4 MS. BUTOWSKI: So I am just going to give you a
5 rather brief overview of the Chesapeake Bay Watershed
6 Agreement and then how the management strategies are kind of
7 set up. And that's going to lead into a discussion that Gail
8 would like to lead specifically about the blue crab outcomes.

9 So just to remind you that the Bay Watershed
10 Agreement was signed in June of 2014. And since that time we
11 have been working on developing these draft management
12 strategies. The watershed agreement is a product of the
13 Chesapeake Bay Program, which has been around since -- for the
14 last, more than the last 30 years. And it is a regional
15 framework and partnership.

16 Did he think that this was my presentation? And he
17 has left now? Because it's not.

18 MR. : Do you want me to try to operate
19 this thing?

20 MS. BUTOWSKI: That would be good.

21 MR. : So you gave him the presentation?

22 MS. BUTOWSKI: I did. It should say -- I don't know
23 he treated it.

24 MR. : That's the tricky thing. Chesapeake
25 Bay watershed presentation?

1 MS. BUTOWSKI: There you go. Yes, that's it. There
2 we go. All right. I am just going to go like this and --
3 there we go.

4 All right. So like I said, the Bay Program has been
5 around for more than 30 years. It's a regional partnership.
6 And the main focus has always been on protecting and restoring
7 the Chesapeake Bay. So the 2014 agreement is actually the
8 fourth agreement that has been established in the last 30
9 years. There was one, the original one, was in 1983. There
10 was an other one in '87. And then before this one was 2000.

11 What is new about the 2014 agreement is that it has
12 actually expanded the partnership to all of the Chesapeake Bay
13 watershed states. So originally it was just Maryland,
14 Virginia, and Pennsylvania. For this latest agreement it
15 actually expanded into including representation from New York,
16 Delaware, and West Virginia.

17 It also -- it has expanded the federal agency
18 participation, as well. Because in 2009 there was an
19 executive order from the President that actually designated
20 the Chesapeake Bay as an area of interest and protection. And
21 so there is more of a federal agency representation now.

22 So the whole vision is just to have an
23 environmentally and economically sustainable Chesapeake Bay
24 watershed with clean water, abundant life, conserve lands,
25 access to the water, a vibrant cultural heritage, and a

1 diversity of engaged citizens and stakeholders. So that's
2 really like everything and the kitchen sink.

3 So a few key components that I just wanted to
4 highlight here is that this agreement is voluntary. There is
5 no like legislative or, you know, specific hammer, if one of
6 these signatories doesn't follow through on a particular
7 strategy or action. However, all the signatories agree to
8 these core values and visions and principles, and they are
9 willing to take action to advance our restoration and
10 protection of the Chesapeake Bay throughout the watershed.

11 So I have to disagree a little bit with Mark. You
12 said there were 29 outcomes. I counted 31. And I asked Dave
13 a little bit about, you know, the particular number. It
14 depends on how you could them, I guess. But I think he must
15 not have included the climate change, the two climate change
16 outcomes.

17 So anyway, throughout the agreement there are 31
18 interconnected outcomes. And an outcome here is specifically
19 defined as it's a specific target, a measurable one, and then
20 it has some time limitations around it. To address those 31
21 outcomes -- and again, that was what was in the watershed
22 agreement that was signed in 2014. Now we've been working on
23 these management strategies. So I thought there were 25.
24 Dave thought there were 26 management strategies. There are
25 around that many.

1 So some of those management strategies actually
2 address more than one outcome. So the blue crab happens to be
3 one of those where you have two outcomes that the strategy is
4 going to address. And the same thing with the water quality.
5 I think there are a couple water quality outcomes where there
6 is one strategy that includes both or more than one outcome.

7 So right now what Dave's program has been trying to
8 do is get public input. And you will notice that the dates
9 actually -- the last day for public input is today. But we
10 managed to request a special extension so that the Tidal Fish
11 Commission actually has until May 11 to provide additional
12 comments on the strategies.

13 (Slide)

14 So the 31 outcomes can be kind of categorized into
15 five categories. One of them, and the biggest one actually,
16 has to do with the abundant life. So each of these things
17 that are listed here has an outcome. The first five, and that
18 includes the two for blue crabs, are under the sustainable
19 fisheries goal implementation team. The next eight happen to
20 be under the vital habitats outcome.

21 And I am not going to go through each one of these,
22 because management strategies can range in length from like 12
23 pages to 35 pages plus, and that's for each one of these
24 outcomes.

25 (Slide)

1 Another category would be water quality. There are
2 several categories or outcomes for clean water.

3 (Slide)

4 Also for conserved lands, there are several outcomes
5 and strategies to address each of those.

6 (Slide)

7 Engaged communities and stakeholders, there are
8 several, as you can see, quite a few that are promoting
9 stewardship and leadership and environmental education and
10 literacy.

11 (Slide)

12 And the last category of these outcomes would
13 then -- there are two that are related to climate change.

14 (Slide)

15 So that brings us to the management strategies. So
16 you might think, okay, what's the management strategy now.
17 Well, the management strategy, again, deals with one or
18 several outcomes. And it provides this like broad overarching
19 direction. It describes the steps that we are going to take
20 to reach the outcome by 2025. And that format for the
21 management strategies is the same for each of the management
22 strategies. They have seven section starting with defining
23 what the goals and objectives are, what the -- if there is a
24 baseline. And there is not always a baseline to actually
25 measure for some of these outcomes, such as like the fish

1 habitat, that's a relatively new outcome that we want to
2 address. The same thing with forage species. So there's not
3 a baseline for those. But things like crabs, oysters, fish
4 passage, brook trout, there are some actual specific
5 measurable outcomes.

6 The gaps have to do with gaps in knowledge. And
7 that could be scientific or any other type of data problems or
8 issues that we don't have. Again, if you include the
9 management approach and then how you are going to monitor and
10 assess progress towards that outcome.

11 The sixth section of this has to do with adaptively
12 management. So as we are going along to 2025, if there are
13 changes that need to be made to the outcomes, there is that
14 process where we can actually change that. So getting better
15 data, seeing how things are working with what presently is in
16 place as a management strategy or an action. It may not be
17 working. You have the opportunity to change, and that's
18 adaptively manage.

19 The last section of each of these management plans
20 has not been completed yet. And those are going to be
21 developed by December of this year. And there is going to be
22 another opportunity, once those steps -- because those
23 actually have to do with the action steps. So now that we
24 have this outcome that's been defined, that's kind of like the
25 goal. You have these management strategies that are laying

1 out the general framework for how we are going to address the
2 outcomes. This next part about the biannual or two-year work
3 plan are going to have the actual action steps that we are
4 going to take to do that. And those are going to be done
5 every two years.

6 (Slide)

7 So that leads us to the blue cab abundance and
8 management outcomes. I am going to let Gail take over and
9 talk about some of the issues that she has seen with these.

10 And I will leave -- I will turn it over to you.

11 MS. SINDORF: Oh, okay. Well, thank you for that,
12 Nancy. You explained that well. Stay around. I am sure
13 there are a lot of questions for you.

14 MS. BUTOWSKI: Yes, yes. Definitely. And I have a
15 little thing at the end to show where we are going to go after
16 this step.

17 MS. SINDORF: Right. Okay. I am going to move
18 pretty quickly. So if you have any questions, just ask.

19 I have four key concerns with this document. Number
20 one, this document requires financial information from the
21 watermen. Basically, they are requiring watermen to disclose
22 what they are selling the bushels for. I think this is self-
23 explanatory why this should be a problem for us. I would ask
24 that this document change the word "require" to the word
25 "request."

1 Number two, this document offers as an option for
2 calculating male bushel limits that jurisdictions could use a
3 male/female ratio method. So let me explain why this could be
4 an issue.

5 CBSAC recommends that this ratio be set at .57. So
6 basically that would mean that you would have one female crab
7 to .57 male crabs. So let's just say next year that we have a
8 really great dredge survey that show we had 400 million female
9 crabs in the bay. We would all be excited. Lynn would be.

10 MS. BUTOWSKI: Really excited.

11 MS. SINDORF: According to CBSAC's .57 ratio, we
12 would need at least 228 million males just so we wouldn't have
13 bushel limits to reach the threshold. So even if, for
14 example, we could have 200 million males, which would be a
15 really good number for us, we would still be under bushel
16 limits.

17 This is one problem with male/female ratios. The
18 other one is that there is no scientific data to support what
19 this ratio should be. So we don't know if it should be .57 or
20 .8 or .2 or really where it is, where it should be. So the
21 scientists just haven't pinpointed that number yet. And we
22 certainly don't want CBSAC guessing what that ratio should be.

23 So my issue with this document is quite simple.
24 Until we can scientifically figure out what this ratio number
25 should be or until we start seeing unbred females showing up

1 in the bay, this ratio should not even be considered and
2 should be removed from the document.

3 Number three, this document opens the door to
4 federal oversight. Throughout this document you will see
5 words like "monitor" and phrases like "we need to ensure that
6 our jurisdictional allocations are not exceeded." Who is
7 going to do the ensure? If Maryland has no legal right over
8 Virginia and Virginia has no legal rights over Maryland, who
9 is going to do the ensuring. Only federal agencies can cross
10 state lines. And we have one listed on this document as a
11 partner, and that is NOAA.

12 The reasons these are disturbing to me, there's two
13 of them. First, Atlantic State Fishery controls our striped
14 bass fishery. And they do -- they are able to do this through
15 NOAA. In this document, CBSAC would be allowed to monitor our
16 crab allocations. And they partner with NOAA. At an absolute
17 minimum, this document brings us closer to federal oversight.
18 It is our job to protect this industry.

19 And the second reason why this disturbs me. Why
20 would we need monitoring anyway? Since 2008 Maryland,
21 Potomac, and Virginia have been self-regulating their female-
22 specific allocations. And we have never exceeded them. We
23 also have never exceeded our bay-wide allocations with all
24 three jurisdictions combined. So we are doing a really good
25 job overseeing and regulating ourselves. The crab industry

1 should have no oversight until there is need for it.

2 Number four, as I just mentioned, Maryland currently
3 self-regulates and calculates our own jurisdictional
4 allocation. This document proposes to make this allocation a
5 hard number, like one that would be on the books, one that
6 would be firm, that we couldn't deviate from. The problem
7 with this is we don't have accurate catch data to do that. So
8 today, watermen in all three jurisdictions are over-inflating
9 their catch reports to make their historical catch look
10 better.

11 So when we do have these hard numbers, if Maryland
12 has electronic reporting and Virginia and the Potomac do not,
13 Maryland would have accurate catch data against their over-
14 inflated catch data, Maryland would get less of an allocation
15 than we would deserve. So we cannot have a hard number for
16 jurisdictional allocations until we have accurate catch data.
17 And even when we do have accurate data, no one should be
18 overseeing our crab allocations in this state except for
19 Maryland.

20 I am going to do a really just quick review. Number
21 one, change the word "require" to "request for financial
22 information." Number two, the male/female ratio option should
23 be taken out of this document. Number three, no oversight
24 from NOAA or CBSAC or any other organization into our
25 industry. And number four, no hard allocation numbers until

1 we have accurate data.

2 That's it, guys. Any comments? Questions?

3 (No response.)

4 MS. SINDORF: Okay. Then I guess I will give it
5 back to you.

6 MS. RICE: That means you did a really good job.

7 MS. SINDORF: Oh, yeah. I explained it well.

8 MS. BUTOWSKI: Okay. So just to kind of give you a
9 timeline of what's going to happen with these management
10 strategies, as I mentioned, we have an extension for the Tidal
11 Fish to provide comments up until May 11.

12 (Slide)

13 And then during the month of May and most of June,
14 the management writers and teams will be incorporating the
15 comments that they received during the public comment period.

16 There will be an opportunity for the Chesapeake Bay
17 Program's Management Board review. And that's Dave Goshorn's
18 level. Right? Frank used to be on that. Okay.

19 And then Principal Staff Committee review will
20 happen during that same time frame. And that would be at Mark
21 Belton's level, the Principal Staff Committee.

22 So the final management strategies are supposed to
23 be released to the public then June 30. And then again, that
24 will start a whole new scenario of developing these management
25 actions that are going to happen over the next two years. So

1 the goal implementation teams are going to work on those two-
2 year work plans from July through December.

3 And I talked to one of the fellows today at the Bay
4 Program to find out if there is going to be an open public
5 comment period. And that had not been decided specifically
6 yet, but it's leaning towards that, that, you know, we really
7 need the opportunity to have public and open input into those
8 actions, as well.

9 And then once that first biannual work plan is done
10 in December, then every two years after that there will be
11 like an update to that and, again, an opportunity to do some
12 adaptive management, if necessary.

13 MR. RICE: Well, Gail, you sort of like took this
14 bull by the horns. Give us your suggestion what you would
15 like to see come out of the Tidal Fish --

16 MS. SINDORF: All right. So Nancy and I have met on
17 a couple of different occasions. And we have tried to work
18 through wording that would be better suited for us, I believe.
19 So at this point -- the comment period is over May 11. That's
20 what we said. By the way, they really would like to have it
21 by May 10, just to let you guys know.

22 MS. BUTOWSKI: That's a Sunday, though. It's
23 Monday.

24 MS. SINDORF: Oh, it is? Oh, it is. That's right.
25 So yes, they are probably asking me for Friday then.

1 MS. BUTOWSKI: No. They're good with the 11th. And
2 actually, I already met with them, gave them a heads-up to
3 some of the things you are talking about. So --

4 MS. SINDORF: Okay. So I guess I would suggest that
5 we have, you know, a document that we all can agree on. I
6 didn't want to make a document in advance, because I didn't
7 know if you guys would agree with everything that I said or
8 not. So I would like to kind of get a statement from us. And
9 I don't know how this can be done, Billy, but I guess I could
10 write it up and send it around and maybe you guys could
11 support it.

12 MR. RICE: You could e-mail it to us or whatever.

13 MS. SINDORF: I mean, what do you guys think?

14 MR. RICE: Robert T., you've been itching to say
15 something. Maybe that would help us out.

16 MR. BROWN: Yeah. Well, first of all, I want to
17 commend Gail for the great job she did. And I have something
18 on the oyster end to it just as soon as --

19 MR. RICE: Oh, okay. Well, we won't leave that out.
20 We will deal with the crabs, and then we will move on to you.

21 MS. SINDORF: So if we got a statement together and,
22 you know, sent it to NOAA, at least they would have something
23 on record. And then the rewrite will happen. And then we
24 will have another 30 days to discuss it with you guys again.
25 So we could see kind of where it goes. So that's what I

1 suggest, make a statement between all of us, just one document
2 that we turn in, and then see where the rewrite goes and then
3 come back and evaluate it then. There's my suggestion.

4 MR. RICE: Well, why don't you kind of like
5 incorporate your four major concerns into a letter or brief,
6 whatever you want to say, and circulate it to the TFAC
7 members. Barring anybody having an issue with it, we will
8 sign off on it.

9 MS. SINDORF: Sounds great. Sure.

10 MR. MANLEY: Just what you worked on there, is it
11 all just pertaining to commercial crabbers?

12 MS. SINDORF: This document has a lot of stuff about
13 recreational in it, as well. And I'm assuming that Sport Fish
14 has probably looked at that. I don't know. But what I am
15 having an issue with is just the commercial side of it.

16 MR. MANLEY: Right.

17 MS. SINDORF: There's a lot of recreational in here.

18 MR. MANLEY: That's what I was getting ready to say.
19 It seems like they're putting regulations on the commercial
20 crabbers. And truth of the matter, there's less crab potters
21 in the bay probably than there ever was. I live over on the
22 Eastern Shore. Every boat ramp you go to, you can't get to
23 Thursday, Friday, Saturdays, and Sundays for all the
24 Pennsylvania, Delaware, and everywhere, and Maryland, too.
25 Recreational people just --- crab.

1 And when the numbers go down, the first thing people
2 say: The damn crab potters caught them all up. Well, all
3 these little rivers and stuff only have so many crabs in them.
4 And people can't get to a place to load all the times. I
5 mean, they're full. And the state don't seem to have no
6 control over it at all. But they really need to go to some of
7 these places and just look and see how hard to crab. And
8 you're getting a \$5 license out of them on top of it all.

9 MS. SINDORF: Right.

10 MR. MANLEY: I mean, the state's getting rich.
11 Because, I mean, it's a lot of those guys, I mean, they have
12 relatives like from Delaware. One boy up to the coffee shop.
13 He's from Wilmington. Come down there, he crabbed the whole
14 day Friday and Saturday, take them back to the bars and sell
15 them. As soon as they get back, they sell them all. The
16 state don't have no record or nothing of them. So it's always
17 the commercial guy that gets the hog put on him.

18 MS. BUTOWSKI: Well, there are strategies in here to
19 increase accountability, not just for the commercial
20 harvesters, but for the recreational.

21 MR. MANLEY: Well, it really needs to be looked at a
22 lot better than it's been looked at, because it -- they're
23 hammered hard. All these rivers and stuff are really hammered
24 hard.

25 MR. RICE: Rachel?

1 MS. DEAN: Just two things real quick. It's
2 interesting that you bring that up, because the first time I
3 read the document I read the part about harvest and effort
4 data reporting. And it says that there's been efforts to
5 improve the quality of catch and fishing effort information
6 submitted by commercial and recreational harvesters. And
7 immediately it says Maryland, Virginia, and PRFC all require
8 daily harvest reports. It suggests that that is both
9 recreational and commercial. But then in Maryland, Potomac
10 River, and Virginia there is nothing that talks about the
11 harvest data for recreational.

12 So, you know, when we talk about the data gaps and
13 what we are missing, then of course, it's missing in there,
14 too. So I think it is interesting. I think I felt, when I
15 was reading this, this was commercial management. But I know
16 you said that there is stuff in there about that. But --

17 And my second concern was that on page four -- and I
18 have an old copy, so it might not be the same as yours -- but
19 it said that there would be management strategies implemented
20 mid-season. And, you know, we have talked about mid-season
21 management strategies in the Department, especially having the
22 ability to do that and the advantages that that might provide
23 to the industry. But I think we all have in the back of our
24 mind the concerns about what a mid-season management might
25 change for a business that's trying to sustain itself and

1 whatever that might look like, you know. A month from now
2 we're going to change this, we're going to change that, and
3 what that might mean for us.

4 So I kind of -- that was where my ear perked up when
5 I was reading this. I just -- I don't know what that would
6 look like. And without that being defined, I'm not
7 comfortable with that wording.

8 MS. SINDORF: That was something we already picked
9 out.

10 MS. BUTOWSKI: Yes. I brought that to your
11 attention because of Rachel. Absolutely.

12 MS. SINDORF: Tell me where that is again, just so I
13 am looking at it.

14 MS. DEAN: Okay. Sure. It's on page four. And it
15 says, "Improving commercial and recreational harvest reporting
16 would provide managers with a more accurate estimate of
17 harvest each year and better support mid-season management
18 changes."

19 MS. SINDORF: Okay. And I had already put this --

20 MR. SIELING: We don't have page four.

21 MS. SINDORF: You don't have page four? No page
22 four?

23 MS. BUTOWSKI: All of these are available online.

24 And if you just go to www.chesapeakebay.net/management
25 strategies, you can go and -- there is a blue box for each

1 management outcome. And you can click on any one of those and
2 read the whole thing. And there is also a place where you
3 could sign up for a newsletter, if you want to be, you know,
4 reminded through e-mail. You could do the whole newsletter or
5 you could sign up for just whatever management outcome that
6 you are interested in. And they will alert you to when
7 meetings are happening or when there is public comment being
8 requested, things like that. Or you could go to the calendar.

9 So there are three different ways that once you go
10 to the Chesapeake Bay Program website, that you could actually
11 stay involved.

12 MS. SINDORF: So, I'm sorry, they will actually e-
13 mail you when things are happening just on the Chesapeake --

14 MS. BUTOWSKI: Yes.

15 MS. SINDORF: Now, can you --

16 MS. BUTOWSKI: You can do the newsletter. You can
17 sign up for the newsletter, the weekly newsletter.

18 MS. SINDORF: Right.

19 MS. BUTOWSKI: You could sign up for this
20 subscription page, which you can pick and choose which
21 management strategy outcomes you are interested in and only do
22 those, or you can go and look at -- just, you know, pay
23 attention to the calendar, and you will see everything that is
24 up there for management strategies.

25 MR. RICE: Bill?

1 MR. SIELING: Gail, I had a question.

2 MS. SINDORF: Sure.

3 MR. SIELING: I think your four concerns are
4 outstandingly well developed and put forward. Have you been
5 contacting anybody from either Virginia and/or the Potomac
6 River area --

7 MS. SINDORF: I have not.

8 MR. SIELING: -- that shares your concerns or is
9 willing to back you up on these items?

10 MS. SINDORF: No, I haven't. And I just -- I just
11 decided to take the fight for Maryland, because I have a
12 belief that Virginia probably would like things that we
13 wouldn't like. And I think that has part to do with dredging
14 and things like that. I think they might have some dislikes
15 that I would like and vice versa. So I don't know if they
16 would necessarily completely support some of the things that
17 I'm, you know, against.

18 MR. GILMER: I am going to jump in here for a
19 minute, Bill.

20 MS. SINDORF: Sure.

21 MR. GILMER: On our work with this -- and I helped
22 Gail some on this thing. But one of the things that we were
23 scared of was the dredgers. We were scared that in
24 Virginia -- and there's been talk of this through the Robert
25 T. side and all of us -- that Virginia wants their winter

1 dredge fishery back. And if they can get to the catch area
2 management, they pretty much think they can catch their part
3 of this any way they want.

4 So we have sort of stayed away from -- we just
5 concentrated on Maryland when we worked on this.

6 MR. SIELING: But wouldn't there be a spillover
7 effect, if we did implement Gail's suggestions? I mean,
8 wouldn't there be a spillover to --

9 MR. GILMER: Well, I mean, we would have to wait for
10 their reaction, really, to see what, you know, is --

11 MS. SINDORF: You know, they may like, you know,
12 hard jurisdictional outpatients. They might like this kind of
13 stuff. So, you know, we may get some argument.

14 MR. GILMER: I think the agreement, like Gail says,
15 the agreement that we have seems to be working fine. I'm not
16 sure you want to stir the pot. This -- from what our
17 discussion was on this and through the design team was just
18 keep the operation going as it is instead of changing -- you
19 know, allowing some -- and to allow federal oversight, which
20 is what we're trying to prevent.

21 MR. SIELING: Oh, I agree with you totally on that.

22 MR. RICE: Tom?

23 MR. O'CONNELL: You know, how I anticipate this
24 working is that comments will be received. And if there are
25 any significant comments pertaining to fisheries, they will

1 surface to the sustainable fisheries goal implementation team
2 that I'm on and John Bull*, my counterpart in Virginia, is on.
3 And it will be discussed amongst that group. So, you know,
4 there will be an opportunity to gauge a response from Virginia
5 and for myself to represent, you know, our industry. And I
6 can keep you informed. If there seems to be, you know, a
7 significant and different viewpoints, then we need to be
8 prepared to count strongly and all that. So I will keep you
9 guys informed if I hear of anything.

10 MR. RICE: Well, you have to keep in mind -- and I'm
11 certainly no expert on crabbing in Virginia. Robert T. and I
12 met with a small group of watermen. And I honestly came away
13 from that meeting feeling that the watermen that we met with
14 did not represent the watermen community as a whole. I think
15 they're more or less representing themselves.

16 So it was somewhere in the neighborhood of, what, 50
17 people that were dredging crabs in the wintertime in Virginia
18 when it was outlawed. That's a very small number when you
19 look at the rest of the crabbers. And the rest of the
20 crabbers think like we do. So they're really going to have to
21 do a lot of politicking, let's just say, to get to the winter
22 fishery back.

23 But now Virginia's crab regs are a lot -- they're
24 handled a lot different than ours, because a lot of their
25 stuff has to go through legislatures, more so than -- it's

1 more done through legislature than it is through regulation,
2 because they can't change the size of the crabs without going
3 through legislation, certain things like that.

4 So it is a different situation, but I think most of
5 the crabbers in Virginia would prefer the exact same system
6 that we would.

7 MR. O'CONNELL: This last comment is when they had
8 the open house here, the management strategies, Secretary
9 Belton heard a lot of the concerns with deallocation and being
10 a stepping stone for, you know, ITQ management, all that. And
11 we briefed him and explained that both Secretary Griffin* and
12 Secretary Gill* sent a letter to the Tidal Fish Commission and
13 the Blue Crab Industry Advisory Committee and Design Team to
14 reassure the group that that was something that we were not
15 going to pursue.

16 I worked with him on a letter, and he signed it last
17 evening. And I will e-mail that out to you and the other crab
18 advisory bodies hopefully tomorrow so you can just be
19 reaffirmed on the Department's commitment. And that carries
20 through with this new administration.

21 MR. RICE: Okay. Well, I think that would be huge.

22 Okay. So we are going to get ready to move on to --
23 Robert T. is going to brief us.

24 MR. GILMER: While we're on crabs, just one more
25 thing.

1 MR. RICE: I wasn't off of them, so go ahead.

2 MR. GILMER: Whenever the talk of recreational comes
3 up -- and I know I have brought this up at this committee
4 before, but we never got a real hard line on it -- right now
5 we have 100 percent of the female harvest.

6 MR. RICE: Yes. Right.

7 MR. GILMER: And according to how we went through
8 cost recovery, we paid for 92 percent of the fishery on the
9 male side. So -- and we never get there of having, you know,
10 allocations or whatever, but I think we needed to get it in
11 hard writing some way or another, that if we get there, the
12 commercial side has 92 percent of the allocations.

13 MR. RICE: Yeah. That's what we were told when we
14 through cost recovery.

15 MR. GILMER: Yes. Yes. I don't know how we go
16 about that, Tom, as far as getting that. But if it was
17 printed somewhere, we would be a lot better.

18 MR. RICE: We might need it. I think what we would
19 like to have is a document saying when the commercial
20 fishermen work through cost recovery, it was decided on that
21 they needed to pay for 92 percent of the crab harvest, what it
22 took to run the portion of the harvest and police it and
23 everything else. That being said, if we're paying for 92
24 percent of the harvest, then we need to receive 92 percent of
25 the harvest, if and when there is -- in fact, we are under

1 allocation right now somewhat. So we should continue to
2 receive that 92 percent, if that makes any sense.

3 MR. BROWN: Billy, Gina was the one, when we went
4 through cost recovery, because we started talking about, you
5 know, we're paying an equal share. We're trying to get our
6 costs down to go down with hard number on the crabmen. And
7 she was the one, if my memory is correct, to say we're better
8 off to keep it up to 92 percent, because that's, you know, if
9 we got in a bad situation in May, that's where we would get
10 that, you know, 92 percent that we've been paying for.

11 MS. : Is that a question?

12 MR. BROWN: It's a statement.

13 MR. RICE: All right. So here is where we stand
14 with the crab part. Gail, if you could write us a response,
15 and then everybody gets it through the e-mail. And we'll
16 weigh in on the approval of it. And I'm pretty sure most
17 everybody would hopefully like it. How would this document --
18 do you want it to be signed off as a committee in general? Do
19 you want everybody's individual signature on it? Do you want
20 it signed just by myself and Moochie or whatever? I mean, it
21 makes no difference to me whatever way we think we should do
22 it.

23 MS. SINDORF: I guess my first question is, since we
24 are past the deadline, will it even be put online.

25 MS. BUTOWSKI: They didn't get back to me with that

1 one. The blue crab design one will be online.

2 MS. SINDORF: Yes. It's already on. Yeah, I did
3 check.

4 MS. BUTOWSKI: But it will be as part of the public
5 record. But I don't know if it will actually be online.

6 MS. SINDORF: I mean, there's a big difference. If
7 it's online and everybody is going to read it, I certainly
8 would write it way more formal than if I am writing kind of to
9 Emily and just, you know? So --

10 MS. BUTOWSKI: I would write it formally just in
11 case.

12 MS. SINDORF: Formally just in case. Okay. So,
13 yes, I could get that together and definitely pass it around.

14 MR. O'CONNELL: : My thought is that you send it
15 around. If there is unanimous agreement, then the Chair or
16 the Chair and Vice Chair could sign it on behalf of the
17 Commission rather than trying to serve up a bunch of
18 signatures. If there is some that don't want to put their
19 name to it, we can probably add something at the bottom to
20 capture that.

21 So my suggestion would be to circulate it, respond
22 if you are supportive or not, and then we will craft a
23 signature, you know, for it appropriately, if that's okay with
24 everybody.

25 MS. SINDORF: That sounds great.

1 MR. RICE: Okay. Sounds good to me. I mean, if we
2 write something, Bill, that you're not comfortable with
3 because of your affiliation, maybe you can be really kind.
4 And instead of not opposing, but abstain your position due to
5 the fact that --

6 (Laughter)

7 MR. GOLDSBOROUGH: Well, you know how accommodating
8 I am, Billy.

9 MR. RICE: Exactly right.

10 MR. GOLDSBOROUGH: I was prepared to just be
11 abstaining on all this discussion anyway. So --

12 MR. RICE: Well, whatever you are comfortable with.
13 You are just as much a part of the group as anybody.

14 MR. GOLDSBOROUGH: Well, thank you.

15 MR. : ---

16 (Laughter)

17 MR. RICE: Hey, he had already figured that.

18 Rob T.?

19 ***Oyster Restoration Outcome***

20 ***by Robert T. Brown***

21 MR. BROWN: Yeah. Take one and pass these around,
22 please.

23 First, I would like to commend Gail on the great
24 work that she did on the crabs. I've got this -- we've got
25 the same situation pretty much in oystering. It's all pretty

1 much the same thing as in the crabbing. I will give you an
2 example. If you go to page two into this as you get it --
3 does everybody got on page two at the bottom -- Department
4 participating partners. It's got the federal -- it's got NOAA
5 in there. Then it's got the U.S. Corps of Engineers. We
6 don't want -- you know, especially NOAA to end up like
7 Atlantic States Marine Fisheries Commission.

8 If you go to page three, you can see where they got
9 NOAA. The Chesapeake Bay office has got the lead in the
10 interagency workgroup. And if you look in Maryland, where is
11 the industry? There is no industry input. I guess you could
12 say Oyster Recovery Partnership, but, I mean, it's not really
13 no input from the industry.

14 Then if you go to page seven and eight, it shows you
15 what Maryland has done, how many acres that they have done and
16 are proposing to do, which in Maryland it comes to 1,002, I
17 believe it was. If you look at Virginia, what they did, it's
18 155 acres. And if we hadn't been in agreement, that's, you
19 know, kind of one-sided pretty much.

20 And one thing, if you go back to page nine, it says,
21 under C there at the top, halfway down the paragraph it says
22 "currently restore acreage is at least 8 percent of the
23 historic oyster bottom." And it looks like probably Virginia
24 did 8 percent in these rivers and Maryland did way, way more.
25 And if you go down to the last where it says "future

1 protection," it goes there where Maryland says that, you know,
2 it has made all these sanctuaries against harvesting. You go
3 halfway down through it and it says "tributaries." It says
4 "Virginia employs rotating system in some tributaries whereas
5 they're protecting from harvest for a few years, then opened."

6 So, I mean, we've got pretty much all the same
7 things, and we got some stuff where it looks like Virginia is
8 way ahead and we got left back. And we need to do something
9 to have some type of letter or something sent in on oysters,
10 especially where NOAA is in there. We need to have their name
11 taken, or not taken out, but it should be more jurisdictional,
12 like Maryland take care of her own in the oystering and
13 Virginia -- I don't want to see us get in a situation where
14 NOAA is going to be like the Atlantic states where your
15 fisheries commission was.

16 MR. RICE: Now, is this something we need to react
17 to right now or do we have time to react to it --

18 MR. BROWN: Well, this is all into the management
19 plan. Same thing.

20 MR. RICE: Same thing.

21 MS. BUTOWSKI: And I'm assuming we have until May 11
22 on this, as well.

23 MS. SINDORF: Right. Yes. So if you have comments
24 that you want to put together, we can do the same sort of
25 timeline that we're doing for the crabs.

1 MS. BUTOWSKI: So if you got something together, as
2 well, we could all agree to it in the same way, I guess.

3 MR. RICE: Well, Rob T. --

4 MR. BROWN: So if Gail I could work together a
5 little bit on this --

6 MR. RICE: That was going to be the suggestion since
7 I know you, you know, studied this. And you could probably be
8 the most qualified. You know, you can work back and forth and
9 come up with a statement equally as good for this as crabs.

10 MR. BROWN: Or we could do one together, you know,
11 have the first half on crabs and the second half --

12 MR. RICE: That's fine, however you want to do it.

13 MR. BROWN: -- on oystering or we could have two
14 separate ones. I don't care.

15 MS. BUTOWSKI: I would probably keep them separate,
16 but either way.

17 MR. RICE: Yeah. I'm leaning toward separate.

18 MR. : Keep them separate. Keep them
19 separate would be the best thing, I think.

20 MR. O'CONNELL: I would just suggest, Robert T., if
21 you want to consult with Nancy or if Nancy can be of any
22 assistance or myself, you know --

23 MR. BROWN: That's good.

24 MS. BUTOWSKI: if I can clear up one thing, as far
25 as like the table goes, because Gail had already pointed out

1 there was some concern about that, how it looked so lopsided
2 between Maryland and Virginia. And you can correct me, if I'm
3 wrong, Tom. But Virginia has not completely figured out their
4 strategy. But the process used to establish the goals are the
5 same. So it's some percentage of available acres is what
6 they're going for in different tributaries.

7 So that is the same. But the percentage obviously
8 might come out to be different, because one spot is bigger
9 than the other.

10 MR. BROWN: Well, the percentage in here is a
11 minimum of eight percent. It says it back here on that --

12 MS. BUTOWSKI: Yeah, but is that for setting --
13 that's setting the target.

14 MR. BROWN: Setting acreage targets. And it says
15 halfway down --

16 MS. BUTOWSKI: Oh, at least eight percent. Right.

17 MR. BROWN: Eight percent. And if Virginia is doing
18 eight percent, well, you know, that's up to Virginia. But if
19 you let us go to Harrisburg, we'll probably at 95 percent or
20 90 percent. And, I mean, yes, we all want to see oysters
21 going back, but, I mean -- and also, they can actually work in
22 their sanctuary rivers, you know, on rotational methods. And
23 we really missed the boat on that.

24 MR. RICE: I think it would be a good idea to
25 separate the two.

1 MR. BROWN: Okay. That's fine.

2 MR. RICE: That's just my suggestion.

3 MR. BROWN: Yeah. We'll do that.

4 MR. RICE: Are you good? Is that what you wanted to
5 say?

6 MS. DEAN: Well, yeah, because I wasn't really clear
7 what Robert T. was asking for. When I look at the future
8 protection, and it talks about Virginia employing a rotating
9 system in some tributaries, the first thing that comes to mind
10 is our rotational harvest. I think that their bushel limits
11 are significantly lower than ours.

12 MR. BROWN: Yes.

13 MS. DEAN: So you would be asking our guys to take a
14 significant daily pay cut. And I just don't know. I don't
15 know what all that would entail yet.

16 MR. BROWN: Well, we don't know -- that's exactly
17 right. We don't know what that entails yet. But if you could
18 take the latter part of the season, even if we had to go with
19 a lower bushel, I mean, wouldn't these -- some of these areas
20 that had not been harvested -- I mean, we got so much bottom
21 that is sanctuary that there's no way in the world that the
22 State of Maryland would have enough money to restore all that
23 bottom.

24 I mean, you can go from like -- I guess it's up
25 above the South River from there all the way down to almost,

1 what is it, to the power plant down there. That's all the
2 sanctuary pretty much down in through that area on that
3 western shore. I think there's one little place out there ---
4 because it goes all the way down to Cove Point. You got all
5 Cedar Point Hollow. You got down on Smith Island. I don't
6 know how many thousands of acres is out there, because that
7 goes all the way out to the channel and outside that ship.
8 And maybe we could have it to where in time to come we could
9 work in some of these places on a rotation. You know, if you
10 can work those places, that takes the pressure off your other
11 places that you work.

12 MS. DEAN: Okay. I wasn't sure if you were talking
13 about going to a rotational crop on our current --

14 MR. BROWN: No, no.

15 MS. DEAN: Thank you. And that's where I was --

16 MR. BROWN: What we got now, the bottom we got now,
17 leave it as it is, and then go into rotational on these areas
18 that we're not permitted.

19 MR. DEAN: We hope that will be part of this review
20 coming out of that and everything.

21 All right. So we're -- Bill?

22 MR. SIELING: I have really a simple question. But
23 who actually wrote these documents? I mean --

24 MR. RICE: That's not a simple question for me to
25 answer.

1 MR. SIELING: Who actually wrote --

2 MS. BUTOWSKI: It's not a simple question for me to
3 answer either.

4 MR. SIELING: Because there's a lot of -- you could
5 put a lot of nuance in stuff when you write it, you know.

6 MR. RICE: Right. That's right.

7 MR. SIELING: And I was just curious how these were
8 actually generated.

9 MS. BUTOWSKI: Well, Tom assigned people from DNR
10 Fisheries to work on all the outcomes. And they were
11 different leads. And I think that's how most of like the
12 other jurisdictions did it, as well. So they assign someone
13 to actually lead it.

14 And if you had a specific interest, you could
15 volunteer to be on the writing team, as well. So it depends
16 on the outcome. But you could find out exactly who was on
17 the -- I think it's even on the web site, if you look at each
18 fo the management strategies. It will tell you who --

19 MR. : So you could find out exactly who
20 wrote the sections that --

21 MS. BUTOWSKI: Yeah. It wasn't just one person. It
22 was a group of people.

23 MS. FEGLEY: Yeah. I can tell you who wrote the
24 crab stuff.

25 MS. BUTOWSKI: Yeah. Mostly Lynn and Emily.

1 MS. FEGLEY: Yeah. It was a group effort. I mean,
2 I actually wrote some of it. And some of my colleagues in
3 Virginia, some people from the Smithsonian, SERC,
4 Environmental Center chipped in. There might have been some
5 people from -- Brenda, was there somebody from CBL? It was a
6 group of people from sort of all over the place. And then
7 some of the NOAA staff chipped in, too. So it was all a big
8 group.

9 MR. SIELING: Was any industrial included at all?

10 MS. FEGLEY: Not in the drafting of the management
11 strategies, no.

12 MR. SIELING: And did NOAA have any direct hand in
13 writing any of this?

14 MS. FEGLEY: Yes, but they didn't unilaterally write
15 it.

16 MS. BUTOWSKI: And it was based on the input from
17 the people that were on the team.

18 MS. FEGLEY: Yeah, yeah.

19 MS. BUTOWSKI: And now I have all the input from
20 Gail, too. So that actually will be incorporated into the
21 blue crab outcome.

22 MR. RICE: But we take it you just wrote the good
23 parts.

24 MS. FEGLEY: I only wrote the good parts.

25 MS. : And you asked about there being

1 industry input. I mean, all of the work that we do with the
2 Crab Committee and all of that is in here and that management
3 strategy.

4 MR. WILSON: In talking to the people sitting on the
5 Crab Committee, they said a lot of their suggestions were not
6 put in at all. They were kind of ignored.

7 MS. BUTOWSKI: Who would this -- who would that have
8 been? On the writing team?

9 MR. WILSON: No, on Blue Crab Committee, like the
10 one that everybody sits on. Robert T. sits on it.

11 MS. BUTOWSKI: Oh, the design team?

12 MR. WILSON: The advisory. I mean, that's the only
13 one that --

14 MS. BUTOWSKI: Did you provide --

15 MS. DAVIS: Well, the -- so what I'm saying is the
16 work that has, the management work that has been done with the
17 Crab Committee and sort of that process is written in this
18 document. And I am not saying that the members of the team
19 actually did part of the writing or were involved in the
20 writing, but --

21 MR. WILSON: Well, what I'm saying is that they
22 don't feel that their input, any of their influence is shown
23 at all in this. None of their suggestions -- it seemed like
24 it was kind of going against their suggestions.

25 MS. DAVIS: I think it's just because it's so

1 broadly --

2 MS. BUTOWSKI: Well, that group can still provide
3 comments, if they have some specific comments.

4 MS. FEGLEY: Lee, did they feel like their input was
5 ignored? Because there's two issues here. The first is the
6 actual outcomes themselves. So there are two outcomes. One
7 is manage for abundance and one is this jurisdictional
8 allocation, which they arrived. You know, they were -- I'm
9 not even sure where those came from, frankly.

10 MS. BUTOWSKI: Those came from the participants at a
11 much higher Chesapeake Bay Program level.

12 MS. FEGLEY: Yeah. So those arrived. So once they
13 came down, that's what -- and so what I'm wondering is if the
14 blue crab industry feels ignored on the outcomes or on the
15 management strategy part. Because the management strategy was
16 just something that was given, figure out how you're going to
17 do this. I don't mean to --

18 MR. WILSON: I think we felt like that.

19 MS. FEGLEY: I am just curious.

20 MR. WILSON: I'm trying to -- I understand what
21 you're saying. I think maybe we were ignored that their
22 concerns, when they see this being put back, then their
23 concerns for the future of our industry were not met. It was
24 kind of like, okay, that it's going to be controlled this way.
25 And our input into it, in other words, in would take -- it

1 would take some of the -- it would take the control completely
2 away from the industry on the management in the future, if
3 this goes down. Do you understand what I'm saying?

4 MS. FEGLEY: I do. I do.

5 MR. WILSON: In other words, when you write a plan
6 out like this, there are certain things you got to -- things
7 have to be met for certain things to happen. And therefore,
8 industry said: Wait a minute. It's too bad. You didn't meet
9 your target area. This is going to be shut. And this is
10 going to be closed. It's like your threshold numbers and
11 stuff. And that's what will happen, too. And you know it. I
12 mean just like the Atlantic State Marine Fishery did. When
13 them numbers got close, bang, they took 25 percent off the top
14 right there. And you complained all you want. It don't make
15 any difference. It's right here. If the fighting isn't done
16 beforehand, it's too late after it's down on paper.

17 MS. : Well, I will tell you that I forwarded
18 every brief and update that came out from the Chesapeake Bay
19 Program to the Crab Committee members. And Moochie was one of
20 the few that I heard back from. I didn't hear back from
21 anyone.

22 MR. BROWN: I will say this, I will say this, if it
23 hadn't been for Brenda, I don't believe nobody at this table
24 except the people who work up in this office would even know
25 about it. Because she kept us up to date. She let us know

1 what was going on. But other than that -- that's the only
2 place I heard it from was from Brenda. And I appreciate what
3 you did, Brenda. Thank you.

4 MR. WILSON: Well, I mean, we got six e-mails on it,
5 on the crab team, on the thing that Jody sets on, you know.
6 Now, whether he weighed in on it or not, I don't know.

7 MR. : I guess he didn't. But I know they
8 don't feel like they're -- you know, they just don't feel
9 like -- I think people want -- like you say, it's the same old
10 problem. They feel like they been walked on so much.

11 MR. RICE: Lee, in all fairness to Brenda, the last
12 crab meeting we had, Jody got mad and spent two thirds of the
13 meeting out in the hallway because he didn't want to
14 participate. So --

15 MR. WILSON: Well, like you said, he's representing
16 one part and I'm representing really some of the people in my
17 area. And I'm the only voice they have right now. Some of
18 them that get to me on the docks said, you know, "We don't
19 really think this is right." So that's why I'm bringing it up
20 here.

21 MR. BROWN: But Lee, you are right. When this was
22 drawn up, industry was left out. They were left out. And
23 none of us, nobody I know of on the -- was invited to sit in
24 on any of these things.

25 MR. RICE: Let's see. Tom and then Rachel.

1 MR. O'CONNELL: So, you know, there is the
2 Sustainable Fishery Implementation Team that's made up of the
3 bay jurisdictions. And there's a, twice a year, June and
4 December, there's a sit-down meeting for two days that brings
5 together all the stakeholders and the fisheries managers. And
6 the development of the Bay Agreement, including these outcomes
7 we are talking today, have been on those agendas for the last
8 couple of years. And stakeholder influence was brought and
9 involved.

10 You know, there is representation from those sports
11 fish and tidal fish that are invited to those meetings. I
12 think following this meeting we should find a way to make sure
13 that, if not one, several people from the Tidal Fish
14 Commission and the Blue Crab Advisory bodies, you know, are
15 aware and can participate in those meetings.

16 I know it's very difficult because they're daytime
17 meetings, and everyone is busy just trying to make a living.
18 But if we have a network of folks that can, you know, take
19 turns, you know, and show up and represent the industry, I
20 mean, those are two venues that are available to be briefed on
21 these issues and to participate in the process.

22 We can do more than that, too, but those are the two
23 formal meetings a year that the intention is to get input from
24 industry, get input from recreational, to try to avoid, you
25 know, what we're hearing today, that there's a feeling that

1 industry has been left out of the discussions. There is a
2 list of people from the industry that are invited. I know
3 it's very difficult at times to come to those meetings, but we
4 should think about a network that if someone can't, try to get
5 somebody else there going forward.

6 MR. RICE: Well, didn't you go?

7 MR. GILMER: I attended two.

8 MR. O'CONNELL: That was early on.

9 MR. GILMER: One in Tangier and one in Alexandria.
10 And I will tell you, it's pretty amazing the people. I mean,
11 at the one in Alexandria, it was probably 60 different
12 organizations there that are speaking that don't understand,
13 but they're putting input into our industry. And you have to
14 be very careful. I mean, I will never forget the night we
15 went to dinner, Tom, and the guy from down to Lynnhaven,
16 Virginia, said, "I don't know why anybody crabs. Nobody makes
17 over \$10,000 a year crabbing." And he said, "This is what my
18 watermen tell me."

19 I mean -- and this guy has input into this. I mean,
20 these are meetings that, you know, I don't like taking the
21 time, but they are very interesting to go to, to see -- I
22 mean, Payton Robertson* run the meeting from --

23 MR. RICE: Yes, he does.

24 MR. GILMER: I guess he's from NOAA, Tom? And all
25 this. And, I mean, these people are very influential into

1 your business. I mean, because we set there and talked at
2 dinner that night and broke up into work groups and all that.
3 And it is pretty scary, actually, to think that all these
4 people have input into your industry. But when you're dealing
5 with a federal organization like NOAA, you just have to be
6 very careful and stay on top of this, you know, as Gail did
7 and as Brenda informed us, you know, to look at the document.
8 And it's just very scary. And, I mean, if you're invited to
9 go, it's a big issue.

10 MR. SIELING: Well, I certainly commend you for
11 doing it. That's incredibly diligent.

12 MR. GILMER: Yeah. I mean, the one in -- I was the
13 only one from commercial fisheries in Maryland at the one in
14 Alexandria. But Mark Kichen* was at the one in Tangier and a
15 couple other guys. But it's just -- how these people perceive
16 your business and what you do is scary. Just so you know.

17 MR. RICE: I know it is getting later, but, you
18 know, that's not the best forum for the industry to have those
19 discussions. We should think about some alternative ways.

20 MR. GILMER: Right. Yes.

21 MR. RICE: Having these types of meetings and get a
22 statement drafted, you know, carries a lot of weight. And we
23 can take that to those meetings. Because Moochie is right. I
24 mean, there's a lot diversity of representation there. And
25 the industry is often in the minority of that conversation.

1 So we'll give some more thought to that.

2 Rachel, did you have some --

3 MS. DEAN: Yeah. I just wanted to -- I feel like I
4 have seen this before. And I feel like she gave it to me. I
5 feel like she gave it to us. And I could be wrong, but I will
6 go back through my folders.

7 MR. GILMER: We discussed it here one or two
8 meetings ago.

9 MS. DEAN: But I think the problem is when we're
10 given these things, it is so much to sift through that
11 until -- and I know it's not the Department job to say, hey,
12 by the way, do you know this could affect you like this? But
13 sometimes we just don't know what we're looking at. And until
14 somebody kind of says, hey, you know, this is how it affects
15 you, otherwise it just -- it looks -- it's so much. So I
16 don't think it's necessarily that, you know, we weren't given
17 it, but I just want to thank you guys. Because, you know,
18 when we call and we ask for things and you guys are like, wait
19 a minute -- Gina left, but Sarah is here and everybody is
20 here, you know -- Rachel, have you thought this through? Do
21 you know what this is going to look like? And, you know, we
22 should do that on this end. But we're kind of asking for your
23 help to continue to do that on your end with, hey, do you know
24 what this might mean for you, instead of just this is what
25 we're looking at.

1 Because I think that's where kind of Lee was like,
2 you know, they didn't know.

3 MR. WILSON: Exactly.

4 MS. DEAN: Well, we didn't know how to interpret it.

5 MR. WILSON: And we didn't know what to tell -- so
6 when you start telling the people, you start telling the
7 watermen, and they say, wait a minute, they can't do that.
8 They're going to do that.

9 MS. DEAN: Yes.

10 MR. WILSON: And that is when all of a sudden they
11 start getting up in arms. And that's why at the last minute
12 you have these public meetings, and it looks like, not quite
13 Baltimore, but thereabouts, and you wonder why.

14 MS. DEAN: And we're caught in the crossfire because
15 we didn't know how to do it either.

16 MS. BUTOWSKI: Well, and there is a difference in
17 perception, too. Just sitting down with Gail, as far as like
18 word choice, sometimes we think of an innocuous word choice
19 where you would think, oh, my gosh, that means this. And
20 whereas, you know, I would think monitoring, scientific
21 monitoring, Gail thought of it as monitoring as control.

22 MS. SINDORF: Absolutely.

23 MS. BUTOWSKI: So just those kinds of little
24 differences, it really makes -- we all have to pay better
25 attention.

1 MR. RICE: Well, I mean, you have to look at it from
2 this -- every meeting pretty much that we go to, I don't care
3 if it's on crabs, oysters, or rockfish, or crawdads, it's the
4 same faces around the table. And that information we got is
5 probably on the dashboard of my old truck. I won't lie to
6 you, you know. And it's on me for a lot of other stuff. So,
7 you know, we get inundated with so much information sometimes
8 that some things we're guilty of overlooking. But maybe this
9 is a wake-up call where we need to think about diversification
10 of some individual from this group, and we can say, hey, this
11 is coming up. We need somebody from TFAC.

12 You know, Gail jumped in on this. And it just shows
13 how simple it can be done, not simple, but, I mean, you
14 handled this and it's worked great. So I think we need to try
15 to maybe move forward with when we hear something like this,
16 and Tom and Brenda or Lynn says this is really important, then
17 we need to have somebody hopefully represent us where our
18 voice needs to be heard.

19 And Bill's great. He loves to go places.

20 (Laughter)

21 MR. : Not true.

22 MR. GILMER: The night of the design team meeting,
23 when Brenda said twice "Look at this," and Gail said, "She's
24 done said this twice. Does this mean we need to look at
25 this?"

1 (Laughter)

2 MS. DAVIS: You really need to look at this.

3 MS. RICE: Lynn?

4 MS. FEGLEY: Sarah, I just wanted to say that, you
5 know, this just terrific input. This is the, you know, this
6 is a well log in a very sort of long and convoluted process.
7 And it's not over. And I just want to say that the input that
8 you guys have provided, the thoughtful input that you guys
9 provided today, is just going to be -- it's fantastic. I
10 mean, I really want to commend you guys for that thoughtful
11 review and input. Because, really, this is when it needs to
12 happen. And the fact that you guys are organized to provide
13 that as a group is a very powerful thing.

14 MR. GILMER: Because right now this is still just a
15 draft. Correct?

16 MS. BUTOWSKI: Yes.

17 MR. RICE: We just got it wrote across the page.

18 MS. BUTOWSKI: Okay.

19 MR. RICE: We need to move forward somehow or
20 another. Tom, do you want to move up here? Do you want to
21 stay -- okay.

22 Well, Tom needs to brief us on some ASMFC issues,
23 striped bass and menhaden.

24 *Atlantic States Marine Fisheries Commission*

25 *by Tom O'Connell, Director, MD DNR Fisheries Service*

1 MR. O'CONNELL: Yes. So Lynn is going to do
2 menhaden. Just to be -- ASMFC has their spring meeting next
3 week, as you should receive an e-mail. You know, we did go
4 forward with an appeal. Unfortunately, the Commission denied
5 our appeal. We hope that it did offer some leverage to get
6 the Technical Committee moving on coming forward with some bay
7 reference point recommendations. And they are scheduled to
8 present those to the board next Tuesday. And from what I
9 hear, they're very similar or identical to what we were asking
10 for in our appeal. The difference would be that rather than
11 having the opportunity through the appeal to have some action
12 immediately, we're going to be in a position to request the
13 board to consider initiating an addendum to approve the use of
14 Chesapeake Bay reference points. And that will take a couple
15 meetings.

16 So if the board does move forward, there should be
17 an opportunity at the annual meeting in October to have the
18 board consider adoption of bay reference points. If that
19 happens, that provides us some flexibility for next year and
20 maybe even the last couple of months of this year.

21 So that's the direction we're moving forward on
22 that. Any questions on striped bass?

23 MR. BROWN: You said that's Tuesday?

24 MR. O'CONNELL: Yes.

25 MR. BROWN: I'll get the address up there in

1 Alexandria --

2 MR. O'CONNELL: That will be great.

3 MR. BROWN: -- where it's at, so I'll know where to
4 go.

5 MR. O'CONNELL: Okay. Do you have a question?

6 MR. MANLEY: Just a statement maybe on the ASMFC
7 stuff. This slot limit, Tom, is ridiculous. I mean, we're
8 down there fishing, and if we have a slot limit another year,
9 it's going to be the trophy season for charters on its knees.
10 These people coming down, they catch two or three fish, and
11 you've got to throw them all back or throw one back, you know,
12 37, 38, 39 inches, these people aren't happy.

13 Now, just a statement. It isn't you personally or
14 nothing, but we got to do something because if it goes on a
15 couple more years, that trophy season will be totally out.

16 MR. O'CONNELL: Well, we have the flexibility to
17 change it for next year. We had --

18 MR. MANLEY: Well, you know, I said in the
19 beginning, you know, of course at one of the area charter boat
20 meetings there, I directed it. And I said, you know, we might
21 be better off give up a day a week or something for four
22 weeks, because we're losing days now because people are not
23 coming, you know. And they're not coming back. I mean,
24 people saying if this slot limit is in here next year, we're
25 not coming back until after May 16.

1 And I know it's happening a lot down there at
2 Solomon's because boats -- them boys used to run hard all the
3 time. And there's a lot of boats sitting at the dock
4 nowadays. It's made a change. And, I mean, I wish it didn't,
5 but it's just a fact of life. And, I mean, it's hitting us
6 all.

7 MR. O'CONNELL: You know, we had a lot of healthy
8 discussions at the Sports Fish Advisory Commission on both the
9 36-inch minimum on slot. And in the end the Commission
10 advises us by a 11-to-1 vote to go with the slot. And I think
11 this cold weather really screwed things up this year, and
12 hopefully --

13 MR. MANLEY: It did that, but --

14 MR. O'CONNELL: -- it will turn around quickly.

15 MR. MANLEY: -- the part that I'm getting at, just
16 like one damn tipper I made for my brother-in-law Chuck, we
17 had 11 fish we hooked. We landed 9 of them. We put 3 in the
18 box. And 3 of them, we know blood was pouring out of them
19 while getting the hooks out of them. And them son of bitches
20 was dead, going back dead.

21 And if we could have just -- we had four people. If
22 we could have just caught our first four fish and come the
23 hell on in, five of them would have gone on back totally
24 unmolested. You know what I mean? So the figures don't even
25 work out right. If they're trying to get all those fish go

1 back good -- you know, I mean, during the catch-and-release
2 season, you got to mash the barb down. And you can't have no
3 stinger hooks. But you turn around, then when the season
4 starts, you say you can use them as you're catching and
5 releasing them.

6 You know, it's just not good. I mean, I wish there
7 was a different answer, but that slot limit's no good for none
8 of us.

9 MR. O'CONNELL: I'm sure we will be discussing that
10 again for next year.

11 MR. MANLEY: But, I mean, I was out there one day.
12 You're talking about throwing back 75 percent of what you
13 catch that you would have been able to keep. It's pretty bad.
14 It's not good science.

15 MR. WILSON: We have trouble with the 20-inch
16 minimum, too.

17 MR. MANLEY: Yeah. That would be later on, but, I
18 mean, I'm just talking right now.

19 MR. WILSON: You're going to have trouble with that,
20 too. They told me, just like Robert T. said before, it's
21 going to cost more mortality in the fish than the 18 did.

22 MR. MANLEY: Yeah.

23 MR. WILSON: I know we're preaching to the choir.
24 But the Atlantic States Marine Fisheries is the one putting
25 this on the State of Maryland.

1 MR. O'CONNELL: Well, I appreciate the frustration.

2 MR. MANLEY: That's what I said. We don't even
3 belong to them.

4 MR. RICE: Lynn, can you lead us into your menhaden
5 part, please?

6 *Atlantic Menhaden Board*

7 *by Lynn Fegley, MD DNR*

8 MS. FEGLEY: Yes. So the Atlantic Menhaden Board is
9 going to have three issues before it on Tuesday. It is going
10 to be Tuesday at 8:00 a.m. And the first issue is the board
11 tasked the advising scientists to develop, to look an approach
12 for calculating an ecological reference point. So they're
13 going to provide us the feedback on that. And the board is
14 going to have to make -- is going to have to deliberate on
15 where it's going to go vis-à-vis ecological reference points.

16 Then the board is going to get an overview of the
17 new biological reference points that came out of the last
18 assessment. And then finally, they will consider the
19 specifications for 2015, potentially 2015 through 2017. And
20 when I say specification, I mean what will be the coast-wide
21 TAC. So the scientists are going to offer advice on -- or
22 they have offered advice online. You can see it on
23 incremental increases to the coastal TAC and what that would
24 generate, what the risk is of each of those increases, and
25 what that will mean for the fisheries.

1 So we are going to have to decide whether or not we
2 want to hold the line because of the ecological importance or
3 whether we want to offer an increase in the TAC.

4 And it is all further complicated by the fact that
5 really any increase, you know, while every little bit helps,
6 and we understand that, we have a tangled mess with menhaden
7 management. So just to give you some perspective, if we were
8 to increase the coast-wide TAC by 20 percent, which is a lot,
9 it's probably more than the board would go, that's just about
10 a million pounds of fish for the State of Maryland. So that
11 would bring your quota -- and I'm taking these numbers off the
12 top of my head -- from about 5.2 to 6.2 million pounds.

13 So it doesn't -- and we still have, you know, New
14 York sitting up there with a very small quota, because they
15 never have harvest recorded. So we're going to be working to
16 put together a work group of the board to lay out options for
17 developing a small capacity set-aside for our bait fisheries.
18 And if -- and so that would be something that would happen.
19 And those options would come back to the board for review and
20 potentially then go into an amendment or an addendum. So stay
21 tuned for that. That's going to be -- hopefully we'll be
22 successful in doing that.

23 But what that would do is allow for the smaller
24 scale bait fisheries to run and potentially -- it would just
25 ease management, take away the state-by-state quotas. It's

1 not to say that the fishery won't be managed. I don't want to
2 imply that. But it would simplify.

3 So that's the direction we're going. It's going to
4 be an interesting day.

5 Bill, anything to add?

6 MR. GOLDSBOROUGH: No. I'm with you. I mean,
7 really, we see it the same way.

8 MR. O'CONNELL: And that meeting is Tuesday, as
9 well.

10 MS. FEGLEY: Tuesday at 8:00 a.m.

11 MR. RICE: All right. Anybody have any questions
12 for Lynn given what she just give us?

13 (No response.)

14 MR. RICE: Sarah, do you want to be up next and give
15 us a brief update on regulations, please?

16 ***Regulations and Legislation***

17 ***by Sarah Widman, MD DNR Fisheries Service***

18 MS. WIDMAN: I will try to just pinpoint what I
19 think you all need to know. As we just discussed, you guys
20 lots and lots of information before you. So I'm sure you
21 haven't had time to go through it all. You can always call,
22 e-mail me later, when you have a chance to get through.

23 That being said, I'm doing both Gina's and mine, so
24 I'll just do it real quick together.

25 MR. RICE: Yes.

1 MS. WIDMAN: You guys have our normal regs update.
2 Basically the norm, a lot of public notices on aquaculture
3 leases. I think you're all aware of some of the emergencies
4 with the striped bass declaration period and the oyster
5 extension that have already happened. So I won't go into
6 that. Unless anyone has specific questions on regs that are
7 already either going through the process or in place, I will
8 just let you peruse it and send me questions, if you have any.
9 Okay?

10 I'm going to move on to scoping items then.
11 Hopefully you all have fisheries regulatory scopings. It's in
12 the stuff we're bringing, that we would like to get comment on
13 before we start a reg process.

14 Some things of interest for you guys, we've had some
15 enforcement issues. So the first two blue crabs, there was an
16 issue with the definition of a float. Guys were having a
17 whole bunch of different-sized contraptions used as floats and
18 then having the under-sized tolerance and a whole bunch of
19 little ones all over the place. And NRP has trouble figuring
20 out are you needing the tolerance or what is a float and did
21 you meet the tolerance for it. So we don't have a definition
22 of it. So we're defining it. Right now the idea would be
23 just to have a float be an area, a device with an area of 32
24 square feet so you could have it at different configurations
25 essentially. That was on advice from some of the crabbers we

1 talked to.

2 That's what we would go out with and take comment
3 on. We are going to do it on the web unless you guys think we
4 should have a meeting on it or something else. So that's our
5 float thought.

6 Also on enforcement, there have been some issues
7 with NRP as far as tolerance limits and law for different
8 species of how to sub-sample. So if you're allowed, you know,
9 five percent under-size of crabs or oysters or some species,
10 how do they figure out if you have it in a whole bunch of
11 different containers and not a whole bushel. What is the
12 subset of the five percent they're supposed to sample.

13 So we're trying to figure out how to best word that,
14 so we wanted to go out with some thoughts on how we could help
15 NRP come up with a way to combine them into a full bushel to
16 sub-sample. Again, our recommendations on that is to go out
17 electronically unless you guys suggest otherwise.

18 Some of the other stuff is recreational. The free
19 fishing areas is recreational, so I'll skip that.

20 Eel minimum size is -- this is just cleaning up the
21 non-tidal part of it. So again, just, again, so to provide
22 you guys. NSSP stuff for shellfish, this is more of just
23 making sure we're aligned and clearly stating what you can and
24 can't do. Shellfish harvesters for wild versus aquaculture,
25 for compliance purposes, I think this has already been talked

1 a lot about at the Aquaculture Coordinating Council. And so
2 we would go online again with it and perhaps talk at their
3 future meetings, unless you guys see a reason to scope
4 otherwise.

5 There are, just to point out, harvest reserve areas
6 at various oyster committees, county committees, have asked
7 for removal of. So we would be scoping the removal of those.
8 Since they came from the committees themselves, we would just
9 continue scoping that online.

10 And then shellfish aquaculture has kind of a slew,
11 most of it's really cleanup stuff or consistency stuff. The
12 main one that's a real substantive change is the first one. A
13 lot of the aquaculture folks had asked, they want to have day
14 laborers. Right now they all have to have registration cards,
15 which is a whole process to get those. And they asked if
16 someone is on the vessel with the permit themselves, can we
17 forego the registration card because the permittee is present.
18 So we would be scoping that as a concept, if you're on the
19 boat with the permittee, you don't have to have a separate
20 card identifying you.

21 The rest of them are largely just clarifying things,
22 cleaning up things. I would be happy to take questions or
23 comments on those, if you have a chance to look at them.

24 And then the last one, striped bass Atlantic
25 Fishery -- and again, that's all scopes through Aquaculture

1 Coordinating Council and online. The last one, we are
2 actually going to the Atlantic Fishery in the coming weeks.
3 We are going to discuss with them an issue that they brought
4 up about tolerance limits there on the coast. We wanted to
5 talk with them a week ago, but didn't get a chance to talk
6 about it. So I think Mike is trying to get out there shortly
7 to discuss that with them. So that's where we would scope
8 that, as well as online.

9 So that's scoping. Again, most of these are ongoing
10 for the next weeks of scoping on our website. So if you feel
11 after the meeting that we need to do something else, please
12 just shoot me an e-mail or call me and let me know.

13 And then I will move on, unless there's questions on
14 that, I will move on to Gina's legislative stuff.

15 MR. RICE: I see no questions. So you can go ahead.

16 MS. WIDMAN: Okay. Legislation. I am just going to
17 highlight the ones that passed that I think you guys might
18 have interest in. This is all up on our website, if you want
19 to peruse it and look through it all. It has everything that
20 passed and failed and where it flushed out at the end.

21 So a couple pages in just to highlight House Bill
22 939, you might be interested in. It's adding -- right now,
23 when we submit regulations, we do talk about the fiscal impact
24 to small businesses. However, this creates an additional --
25 and the legislature reviews that information. However, this

1 creates an additional advisory group of small businesses to
2 further look at that information during the process when the
3 legislature has it downtown. The small businesses would be
4 able to review it, as well. So it creates a small business
5 advisory counsel for that purpose.

6 MR. RICE: Hey, Sarah, is there an opportunity for a
7 commercial person to be on that?

8 MS. WIDMAN: I honestly would have to look. I can
9 get back to you guys to see what the final -- it was one of
10 those ones with the list of a bunch of different things in
11 there. And I'm not sure. I don't think we were specifically
12 listed, but I can look and confirm that for you guys.

13 I believe you guys are going to hear in a moment
14 from MDE on SB 83, which is the vibrio notice. So I will skip
15 over that, but we are doing some public outreach on vibrio.
16 And so I'll let MDE talk about that, because they're the lead
17 on it.

18 Sorry, I skipped over the one right above it, House
19 Bill 1287. Just as a heads up, we will be adding a member of
20 the aquaculture industry to Tidal Fish/Sport Fish Advisory
21 Commissions. Originally it was specific as to a particular
22 entity within the community. And now it's just generally from
23 the aquaculture industry. So we'll be moving forward with
24 that.

25 Senate Bill 694, that one is income tax credit for

1 oyster shell recycling. Just as a heads-up, originally that I
2 got in as something where you could transfer your credit
3 around, and it ended up through amendments turning into just
4 an increase from \$1 per bushel to \$5 per bushel for the tax
5 credit and still capped at \$750. So that's where that ended
6 up.

7 And a heads-up on Senate Bill 808 and House Bill
8 287. This was aquaculture liability for trespass. It doesn't
9 actually change. There are still criminal laws for, you know,
10 violating property damage issues on the aquaculture lease.
11 However, this created more of a liability, civil liability,
12 between a person who damaged aquaculture whatever that they
13 have set out there, whether it's a cage or whatnot, between
14 the aquaculturalist and the person who damaged their property.

15 So that is a quick summary of the session. Again,
16 if you guys have questions or follow-up, happy to talk to you.
17 You can call Gina or I about that.

18 MR. RICE: Okay. Well, I see everybody followed you
19 very visually. And anybody who has a question, they will be
20 getting with you. Thank you.

21 So Dr. Jed Miller from the Maryland Department of
22 the Environment, would you like to address the committee,
23 please?

24 DR. MILLER: Yes. Thank you.

25 MR. O'CONNELL: And just while he is getting up

1 here, we asked MD to come. The legislation that passed was
2 to, you know, work collaboratively with DNR and the Department
3 of Health and Mental Hygiene on the appropriate language to
4 address these Vibrio concerns. And we covered this at Sport
5 Fish and appreciate you coming here tonight.

6 ***Vibrio Public Information***

7 ***by Dr. Jed Miller, MD Department of the Environment***

8 DR. MILLER: Thanks. Thanks a lot for having me.
9 And just to add on to what Tom is saying, that bill included
10 those departments, as well as, it said, other interested
11 stakeholders. So I am happy to be here, because your
12 perspective and input will be very helpful.

13 So as I mentioned before, I am Jed Miller. I'm a
14 health advisor at MDE. I'm in MDE's Science Services
15 Administration. And I would like to, in the context of this
16 bill, discuss what Vibrio is. In particular, just general
17 information about it, talk about the illnesses that it can
18 cause, and then talk about outreach efforts to date. Because
19 we, in partnership with some others, have already undertaken
20 some efforts towards getting the word out about Vibrio.

21 (Slide)

22 So what is Vibrio? Perhaps most or all of you have
23 heard about Vibrio in the news, and perhaps not. Vibrio are
24 bacteria. It's a family of bacteria. And they occur
25 naturally worldwide, especially in warm waters. But they're

1 across the world in saltwater and in brackish water. There
2 are over 80 types of Vibrio. About a dozen of these species
3 are known to cause human illness. Cholera is one that is a
4 very well-known illness.

5 However, the Vibrio that we're talking about is the
6 other Vibrio, and that's termed Vibriosis. And what that
7 refers to is non-cholera Vibrio illness. There's a range of
8 things that Vibrio bacteria can cause. And I have them listed
9 on this slide here. GI illness, gastrointestinal illness, you
10 know, ranging from very mild stomach flu-like symptoms to
11 very, very serious things.

12 Another notable one is skin infections, soft tissue
13 infections, also sometimes called wound infections, because
14 you can infections of existing wounds. You can also get
15 infections of kind of microabrasions, too. It doesn't always
16 have to be a gaping wound.

17 (Slide)

18 The next item there is systemic infection, sepsis.
19 This refers to when your body has, you know, an infection
20 that's kind of spread throughout your bloodstream oftentimes.
21 And there's kind of a body-wide response. And this is --
22 these people are very, very ill. If you have sepsis, it's a
23 big deal usually. And you're usually in the intensive care
24 unit.

25 Other infections can come from Vibrio bacteria, as

1 well, including things like ear infections and sinus
2 infections. There's different, you know, again, species of
3 Vibrio. And everything in medicine, it all depends on the
4 details and everything. Things aren't really cut and dried in
5 terms of what causes what, in terms of the different types.

6 (Slide)

7 Important points about Vibrio illness is that it can
8 range from mild and so-call self-limited, meaning that you
9 don't get treatment and you get better, all the way up to
10 being very severe and even fatal. And as I mentioned earlier,
11 Vibrio bacteria, you know, they're ubiquitous in saltwater and
12 brackish water across the world. They're all over, but the
13 illness, illnesses from Vibrio, are considered rare.

14 (Slide)

15 And this next slide, thinking about the term rare,
16 displays how many Vibrio illnesses, non-cholera Vibrio
17 illnesses, were reported to the State Department of Health and
18 Mental Hygiene each year. These are case counts, how many
19 cases. And I bring this up to show you these numbers. You
20 can see the range of numbers up there from the thirties to the
21 upper fifties. And thinking about the term rare is you might
22 say, you know, all the exposures out there, well, this isn't
23 much at all. On the other hand, you know, every one of these
24 numbers, every case in here has a story behind it.

25 Now, the problem with this slide and talking to you

1 all about it is we're not able to discern from these total
2 numbers what was what, how many were serious. Right? How
3 many were ear infections, how many were blood infections. So
4 these numbers give a limited view of things. And there's also
5 the fact that there are cases that probably go unreported or
6 unrecognized.

7 But I did want to include this slide. This is
8 actually -- these numbers are available publicly on the
9 Department of Health and Mental Hygiene's website, as for
10 dozens of other reportable diseases.

11 MS. DEAN: So when someone comes in, you could
12 actually test for it.

13 DR. MILLER: Correct. The way that you would
14 actually diagnose Vibriosis definitively would be a culture, a
15 culture of a wound or if you took enough blood or of, you
16 know, other body fluids. And there's actually -- the
17 reporting happens from physicians but also from laboratories.
18 So if a laboratory identifies that it's Vibrio, they
19 automatically report it the health departments. Good
20 question.

21 (Slide)

22 And then the next issue here is exposure, routes of
23 exposure, how can people be exposed to Vibrio. There's two
24 big routes, through food, so eating raw or undercooked
25 seafood, particularly oysters, or through skin contact. And

1 this can mean with -- you know, it's typically an open wound,
2 broken skin with warm seawater, brackish water. And it can be
3 through recreational contact, through typical activities. One
4 article that I read looking at cases across the nation even
5 mentioned things like beach walking. It doesn't have to be
6 intensive, you know, really intense contact with warm water.

7 So just skin contact with natural water, as well as
8 handling of seafood, you know, exposure to raw seafood juice
9 or drippings. So that's how people can be exposed to *Vibrio*
10 bacteria.

11 (Slide)

12 A few risk factors are, a particularly notable one
13 is liver disease, chronic liver disease, especially hepatitis,
14 hepatitis C. Also, weakened immune systems, kidney disease
15 are big ones. But really, any chronic, ongoing medical
16 condition can put you at higher risk for getting a moderate or
17 severe *Vibrio* infection.

18 Another note is that healthy people also can get
19 sick from *Vibrio*. So this is something where, again, nothing
20 is really black and white. It's a big spectrum here. And if
21 you're healthy, you can still get it. However, people that
22 are ill, especially with what we've noted here, can get
23 particularly sick from the illness.

24 Treatment for moderate or severe cases is with
25 antibiotics. But for certain severe cases, especially wound

1 infections, skin infections, sometimes surgery can be very,
2 very important and life saving.

3 And one big point is that early treatment is
4 considered to be crucial for successfully treating Vibrio
5 infections. And this ties into the outreach piece and
6 everything, about conveying to people what they need to know.

7 (Slide)

8 But to shift now to outreach, I think you may have
9 already received it from Paul, but if you're interested, here
10 are some of the hard copy of the fliers that we have printed
11 in terms of -- pretty good-quality cardstock for getting out
12 to people.

13 So back in 2012, in response to several factors,
14 including increase from the public and media reports about
15 Vibrio, the Department of the Environment, as well as the
16 Department of Health and Mental Hygiene, started planning how
17 to get the word out to people, to education people, about
18 Vibrio bacteria and overall to make people aware and be able
19 to do things that can help reduce their risk of getting sick.

20 To that end and another part of that is to make sure
21 that healthcare providers know about Vibrio bacteria. It's
22 not something that typically is taught in medical schools.

23 So we developed two fliers. The one that I just
24 passed around is entitled "The Mariner's Guide to Skin Wounds
25 and Water Contact." And the other one is "Vibrio Infections,

1 Information for Healthcare Providers." I'd like to just walk
2 through these briefly and then go from there.

3 (Slide)

4 Our partners for developing these fliers and getting
5 them out and everything were MDE, the Department of Health and
6 Mental Hygiene DNR here, as well as the local health officer
7 association and the local environmental health director
8 associations, local health departments. And sometimes their
9 environmental health folks are in a separate department. So
10 those are the partners who have been involved to date in terms
11 of these fliers and this overall effort.

12 (Slide)

13 So this one flier, which is termed "Water Contact
14 Flier," this guide to skin wounds and water contact, it was
15 designed kind of with a dual purpose in mind. First, for
16 people who have frequent water contact, including, you know,
17 those of you in this room and your colleagues, for sure, and
18 also the general public. Like I said, you don't have to have
19 intense water contact to potentially get sick. So it's
20 designed with, you know, both specific and more general
21 purposes audiences.

22 This flier begins with some general information
23 about Vibrio bacteria, which I'm not going to read through
24 word for word here. So that part at the top is Vibrio
25 specific. And then there's the recommendations, these bullet

1 points, about protecting yourself against getting sick from
2 Vibrio. And if you read over these, they're very simple
3 things about avoiding contact with water, if you have wounds.
4 And if you can't, to be careful with them and cover them up.
5 And other things about trying to clean wounds that are
6 sustained in the water, you know, as quickly as possible.

7 You might look at these and say, well, these are all
8 kind of link things that seem like general advice. And you
9 would be exactly right, because they are. These are not
10 specific to Vibrio. They're specific to any kind of hazards
11 in the water that could potentially cause infection, Vibrio
12 being a notable, you know, example of those.

13 (Slide)

14 Below those bulleted points there's a statement here
15 that says, "If you develop a wound with unusual redness,
16 swelling or drainage, seek medical attention immediately and
17 let your healthcare provider know if you came in contact with
18 brackish or saltwater." It then gives a link to more
19 information on the Maryland Health Beaches website.

20 This statement here also is not specific, the first
21 part of it, to anything. It's just general advice. But it is
22 trying to make the connection that we want to have in people's
23 minds, that if you have a wound and it seems to be infected
24 and you were in contact with salt or brackish water, please
25 note you have to seek care as soon as possible because it

1 could be very important.

2 With all this, you know, these fliers were developed
3 over the course of months. There's a balance here, which is
4 very tricky, which we try to strike the right balance of
5 educating people and conveying what we need to convey without
6 scaring them. And that's a hard thing, because, again, you
7 have this illness, this bacteria, that can make headlines and
8 make very, you know, striking, scaring headlines. Yet there
9 are so many exposures and so few illnesses in general so we
10 want people to know about things but not be frightened. And
11 that's where the balance is, is something that we paid
12 attention to, and that's where, again, we're happy to get your
13 input.

14 (Slide)

15 Briefly, the flier for the healthcare providers is
16 pretty straightforward, talking about roughly how many illness
17 per year. And we plan to update that, you know, to specific
18 type species of Vibrio, sources of exposure, how it would
19 present, you know, show up in patients, and then where to get
20 treatment recommendations for physicians. They can go onto
21 the Centers for Disease Control prevention website, CDC, and
22 get actual specific advice and recommendations about
23 treatment.

24 And then we talked about risk factors and then
25 reminding to report it, to report suspected or confirmed

1 infections from Vibrio, too, on the health department local
2 and then also and/or state.

3 (Slide)

4 A brief word that currently what we -- this has been
5 since 2013, when we developed these fliers. We also had an
6 article in the *Watermen's Gazette* in August of 2013 along
7 these lines. Currently at MDE and also with the Department of
8 Health and Mental Hygiene, we're starting to discuss a
9 consistent kind of consistent yearly outreach, because we've
10 been hearing back from some folks saying it would be nice to
11 have this information, you know, on a regular basis. Because
12 we usually hear about it in the media, and then we respond to
13 it. It would be nice to be proactive about it.

14 And we're thinking about kind of nesting it within
15 other outreach, not just about Vibrio, about general water
16 contact and more general items.

17 As has been mentioned, Senate Bill 83, you know,
18 passed. And we are required to fulfill, you know, the
19 provisions in Senate Bill 83, almost all of which are
20 fulfilled according to our current interpretation by our
21 pertinent materials with a few tweaks, a few edits that need
22 to be made in the fliers.

23 And that's all I had in terms of the presentation.
24 I wanted to give a backup of Vibrio, why we care about it,
25 what it is and everything, let you know about those fliers,

1 and that we're trying to reach out to get the word out, and
2 also to make a note about the balancing and everything. We
3 have sought in the past from some of our partners input. And
4 today I'd like to reiterate that now and/or as a group or
5 separately or however it works out -- and not only now, but as
6 an ongoing thing -- with this independently, as well as, you
7 know, with Senate Bill 83. This is something that we plan on
8 working on now and in the future in trying to produce
9 something that we can tailor that will be well-balanced and
10 effective as time goes on.

11 I'm happy to take any questions. And thank you for
12 your time.

13 MR. RICE: Tom, did you have a question?

14 MR. O'CONNELL: See if there are questions first and
15 then I have a suggestion.

16 MS. SINDORF: Just maybe a comment. I appreciate
17 you balancing the fear. It's great for our industry and we
18 appreciate that.

19 DR. MILLER: Okay.

20 MR. GILMER: I was just going to say, you know,
21 maybe within the next month get this out to like local papers
22 and in the *Bay Journal* and stuff like, just make people aware,
23 you know, that the possibility is there and to take
24 precaution. And the balance thing is very good, you know,
25 just to be aware --

1 DR. MILLER: Okay.

2 MR. GILMER: -- not as a followup to something
3 that's happened.

4 DR. MILLER: Okay. Thank you.

5 MR. RICE: Bill?

6 MR. GOLDSBOROUGH: Yeah. Tom, were you going to say
7 something about that bill and all? Because otherwise --
8 background on that bill?

9 MR. O'CONNELL: Yeah, a little bit more. We had a
10 little bit more discussion at Sports Fish. What happened was
11 the initial bill was going to require DNR to put specific
12 language on every recreational fishing license. And the
13 language that was specified was really going to establish a
14 fear level. So the Sport Fish Commission was very concerned.
15 Captain O'Brien talked to Delegate Dana Stein and others and
16 got to the point where it is now, which is where I think it
17 needs to be. Let the agency with the expertise work with
18 partners to develop the appropriate language.

19 One question was asked and Captain Brohan* didn't
20 say it was incorrect, but, you know, just to put it
21 perspective, there was 30 nationwide deaths with Vibrio last
22 year. And in Maryland, it's been 22 in the last decade. So
23 not to take away the significance of it, but the risk factors
24 are very low. But using common sense, you know, inform your
25 health advisor that you were in water and stuff like that, and

1 hopefully you will avoid that.

2 What Sport -- recognizing the importance of
3 balancing the message, the Sport Fish Advisory Commission
4 decided to form a small work group, Jim Gracie, Dave Sikorski,
5 and Phil Langley, to work with MDE immediately and over time
6 to be a conduit to review outreach material to ensure the
7 message is balanced. It may be something that Tidal Fish
8 would want to, you know, have one or two people to, you know,
9 be involved with that going forward. So --

10 MR. GOLDSBOROUGH: I think Roger Trageser was on
11 there, too.

12 MR. O'CONNELL: Okay. Yeah. Thanks.

13 MR. RICE: Did you have another question?

14 MR. MANLEY: Yeah. I'm just saying, yeah, this
15 thing could have an effect on us as charter boat, you know.
16 And the point I was going to make, we got 35 people roughly,
17 45, whatever. There's a lot of people that get MRSA in the
18 hospitals and stuff. And you don't see them hanging signs all
19 over the place that we can get MRSA in here. And yet you're
20 going to try to put this on us on the water, but we're going
21 to get it on the water.

22 I mean, I don't want nobody to get sick, but I don't
23 want to get --

24 MR. : Scared

25 MR. MANLEY: Yeah, scaring everybody when there's no

1 cause for it.

2 MR. : Like the listeria thing.

3 MR. MANLEY: Yeah. Yeah. Exactly. You know, every
4 time some people see skin lesions on fish, that's listeria.

5 MR. RICE: Bill, go ahead.

6 MR. GOLDSBOROUGH: Yeah. So a couple things. And I
7 think they're right on listeria. We learned that lesson. If
8 I recall, what Ed O'Brien was saying at the time was that
9 charter boat bookings were off 40 percent after that. But in
10 Sport Fish and people on Sport Fish like Ed that dealt with
11 that legislation, that was the concern. It's not the
12 alarmists then caused people not to go out on the water, not
13 to take charters and so forth.

14 And as Captain Brohan was describing it to us
15 yesterday, your colleague from MDE -- and correct me, if I've
16 got t his wrong, Tom -- but the bill ultimately was amended
17 down to call for MDE to do an outreach program that was just
18 like what they were already doing anyway. And so this isn't a
19 big new thing. This is what you guys do anyway. Right?
20 Basically?

21 DR. MILLER: That's exactly right. One thing I
22 would say is that the extent of our outreach hasn't kind of
23 matured to the point where we had envisioned it. But we have
24 done our best to date to get the word out and everything.

25 One facet of this, a big one, is the healthcare

1 providers, trying to reach out to them. And that's a
2 different side of things, of course, to make sure that they're
3 aware of things and they can recognize the illness and do
4 what's needed.

5 But yes, overall, aside from a few edits to these
6 fliers, such as directing them to MDE's website, in addition
7 to the Maryland Healthy Beaches website, acknowledging that
8 it's, you know, a rare cause of illness in Maryland and
9 nationwide, adding a few words to our fliers, aside from that,
10 the provisions of the bill, we feel that we are already
11 carrying them out with our current effort and plans and
12 everything, as well.

13 MR. WILSON: This doesn't have to do with the bill,
14 but this is just something. Do you know any correlations
15 between this disease and people who have allergies to seafood?

16 DR. MILLER: In my reading, in the literature that's
17 available, I have not seen seafood allergies listed as a risk
18 factor at all.

19 MR. WILSON: Okay.

20 DR. MILLER: Good questions. And no, I have not.
21 It's a good point. If you don't mind, the numbers I showed
22 you as well, that includes skin infections, wound, as well as
23 food-borne infections --

24 MR. WILSON: Right.

25 DR. MILLER: -- which could come from other states.

1 You know, it's a lot of different things thee. But to answer
2 your question, the answer is no, I have not come across
3 anything that I'm aware of.

4 MR. RICE: All right. Well, I'll tell you what, we
5 certainly do appreciate you hanging in with us. It's been a
6 long meeting.

7 DR. MILLER: No problem. Very interesting.

8 MR. GILMER: Yeah. I thought you said we didn't
9 have much to talk about.

10 (Laughter)

11 MR. RICE: I won't say that anymore. I gave the
12 extra time -- we're going over. I gave it to the secretary.

13 MR. GILMER: Oh, okay.

14 DR. MILLER: Thanks for having me.

15 MR. RICE: We do appreciate it very much.

16 DR. MILLER: Thanks a lot. Thank you. Likewise.

17 MR. : One last thing.

18 MR. RICE: Yeah. It will be very brief.

19 Come on up, Erik.

20 This is about the reef material and what's going on,
21 the status of Low Point Reef. So if you can very briefly take
22 us through what you have. And if there's a question, you
23 know, we'll go from there.

24 *Artificial Reef*

25 *by Erik Zlokovitz, MD DNR Fisheries Service*

1 MR. ZLOKOVITZ: Thanks very much, Commissioner. I
2 just wanted to give everybody an update on our recent
3 artificial reef projects with MARI, Maryland Artificial Reef
4 Initiative.

5 The last time I was here, I actually spoke about the
6 reef ball project at the Bill Burton fishing pier, which is
7 the first one on the list. And that was done in partnership
8 with Bill's crew at Chesapeake Bay Foundation. And that was
9 finished during the summers of 2013 and 2014.

10 The other projects that were done recently or are
11 coming up soon are all listed on the handout. I just wanted
12 to know if you guys had any questions or concerns.

13 And just a few brief points. I've observed every
14 deployment of material since the fall of 2009. I am on, every
15 single time a barge or a vessel goes out, I am on the boat
16 since the fall of 2009 to verify placement. I was also on
17 several of the deployments back in 2007 during the Woodrow
18 Wilson project.

19 Standard procedure is we issue -- we request a
20 notice to mariners with the Coast Guard in Portsmouth, the
21 regional commander, and also with the Baltimore sector. And
22 they do marine information broadcast on the VHF radio. We
23 notify them usually at least a month in advance before any
24 deployments. And that's just standard procedure for the
25 artificial reef construction.

1 And we do a sonar survey and periodic sight scan
2 just to verify that the material is in the correct location
3 and that we have the correct vertical clearance over the tops
4 of the reef. And these are all in the charted fish havens on
5 the NOAA charts. It says "fish haven authorized minimum
6 clearance." Generally the minimum clearance in the bay is 15
7 feet for fish reefs.

8 In some cases we also have designated sites for reef
9 balls, which are not always charted as fish havens. Sometimes
10 they're called oyster reefs. They're essentially an
11 artificial oyster reef.

12 So all these reefs are charted and established reef
13 sites.

14 Are there any questions on the current projects or
15 recent projects? I think there was one question about Love
16 Point. That was the most recent project. And we did that in
17 December, the first week of December. It's in the -- we
18 placed natural granite in the southeast corner of the site.
19 And we are expecting to receive a donation of concrete
20 material to add to that site in the next few weeks.

21 MR. GILMER: Is that the one that's number seven?

22 MR. ZLOKOVITZ: That would be -- yeah. Right. The
23 completed job is up, is in purple. It says "Love Point
24 Boulder Reef."

25 MR. GILMER: Right.

1 MR. ZLOKOVITZ: We did that during the first week of
2 December last year. And right, the next job would be Korman*
3 Port of Baltimore donated material. They have about one barge
4 load, maybe two barge loads, of concrete. They're donating
5 one load to us and one load to the Masonville project under
6 MES.

7 MR. GILMER: And that one at Love Point is going
8 back on the Love Point fish haven?

9 MR. ZLOKOVITZ: Correct. Right. In the southeast
10 corner. It's where we have hard bottom. Yeah. The western
11 section is soft mud. And it's just sort of a waste of time
12 and material to put material in soft mud. So that's why --

13 MR. : Because they don't want to put it on
14 the north end, it disappears.

15 MR. ZLOKOVITZ: Right. The north end --

16 MR. : ---

17 MR. ZLOKOVITZ: Correct.

18 MR. GILMER: So you're okay with that on that
19 fishing up there?

20 MR. MANLEY: You know, no, because I haven't seen
21 where they've done any good. Any of the ones they put there
22 just junk it up. It's supposed to get rid of concrete, but up
23 there at Tolchester, they put a couple up there. I never
24 caught no fish on it. Honestly.

25 MR. ZLOKOVITZ: Right.

1 MR. MANLEY: They may work in the lower bay, but in
2 that upper bay I haven't seen where they did any good.

3 MR. GILMER: They're just putting that on top of
4 what's already there. So that doesn't really make any
5 difference.

6 MR. ZLOKOVITZ: Just, yeah, just for clarification,
7 we haven't deployed any material in Tolchester or any of those
8 real northern sites, except for Memorial Stadium Reef, the
9 reef ball site, in years. The Memorial --

10 MR. MANLEY: Right. I was there when you did that.

11 MR. ZLOKOVITZ: Yeah. The Memorial Stadium site has
12 been good for perch. And they catch some rocks, some blues.
13 They catch some channel cats there in the spring. Yeah. The
14 Love Point site, that was a request from the Artificial Reef
15 Committee starting two years ago. And they were saying,
16 "Well, there's some hard bottom on that southeast corner.
17 We'd really like to get one project up there, you know." So I
18 finally did get the one project up there.

19 MR. MANLEY: You probably won't get no more, but you
20 got that one.

21 MR. ZLOKOVITZ: Yeah. So that was --

22 MR. MANLEY: Honestly, I mean, I'm not trying to be
23 a smart aleck, but, you know, like you say, there's one they
24 do a little perching on. But as far as rockfish and trolling
25 around, they just don't do it up there in that upper bay.

1 MR. ZLOKOVITZ: Yeah.

2 MR. MANLEY: I don't know if it's just because
3 there's freshwater and stuff. Stuff doesn't grow there that
4 they like to hang with or what, but --

5 MR. ZLOKOVITZ: Right.

6 MR. MANLEY: -- I can't see any improvement on it.
7 If there was, I'd tell you so, but I honestly don't.

8 MR. ZLOKOVITZ: In those upper bay sites, you might
9 get some mussels that set on the material. Right. But
10 because it's fresher water -- I am looking into doing a job
11 way down at the Tangier Sound Reef, which has been interesting
12 because they've got tautog on it and sheepshead that have been
13 documented. And it's been good for rockfish and some other
14 bottom fish. And the charter boat guys down there like to
15 have it as an option on the way home.

16 MR. MANLEY: Yeah. Absolutely.

17 MR. ZLOKOVITZ: They stop at the reef. So --

18 MR. RICE: I see down here the Calvert Cliffs Power
19 Plant and --

20 MR. ZLOKOVITZ: Right.

21 MR. RICE: -- the school down there. Whereabouts
22 off Taylors Island is this one?

23 MR. ZLOKOVITZ: It's in pretty deep water, in about
24 30 feet of water, right near the edge of the shipping channel.
25 It's an old fish reef that goes back at least ten years. It's

1 actually basically due west of Taylors Island in about 300
2 feet of water. And it slopes down to 40. And then from there
3 you're in the shipping channel.

4 So we were going to do some -- there's a sunk barge
5 there from an old project. And we're going to add material
6 alongside the sunk barge, which is in the eastern,
7 northeastern section of the site. That was another request
8 from the Artificial Reef Committee. We haven't been back
9 there in years. We never deployed any Woodrow Wilson material
10 there. And again, I was just trying to get something done
11 over there after a lot of requests from the charter boat guys.
12 I get good feedback on that site from the Dorchester folks
13 that come out of the Choptank and from the Solomon's folks,
14 too. So --

15 MR. O'CONNELL: And Robert T. and others, if you
16 want like a map of one of these areas to make sure that you
17 understand where it is and there's not any conflict, just let
18 myself or --

19 MR. BROWN: Well, that's what I was looking at. How
20 about the one on Tilman? Where is that at?

21 MR. ZLOKOVITZ: That --

22 MR. BROWN: Is it the existing reefs that you
23 already have --

24 MR. ZLOKOVITZ: It's the existing state fishery. If
25 it looks like a box, it's light blue. And it says "Fish

1 haven" with the authorized minimum depth.

2 MR. BROWN: Okay. As long as it's existing reefs --

3 MR. ZLOKOVITZ: It's existing, yeah.

4 MR. BROWN: -- that's all I need to know.

5 MR. ZLOKOVITZ: It's on our website. It has the --

6 you can see the boxes and the polygons where the reefs are.

7 And I could pull together all the links and the maps.

8 MR. O'CONNELL: Just, I think, the -- well, this is
9 important, too. But if there is ever a discussion with MARI
10 about creating a new reef, make sure we come back to this
11 group and --

12 MR. ZLOKOVITZ: Right. A new reef on like virgin
13 bottom is -- right. That's a different story.

14 MR. BROWN: Yeah. Just as long as it's something
15 that's existing, we're okay.

16 MR. ZLOKOVITZ: So you're okay if it's in the
17 existing state fish reefs or a designated spot that already
18 has reef balls on it, something like that. Okay.

19 MR. BROWN: Yeah. If it's in the --- bottom, we
20 need to know about that.

21 MR. ZLOKOVITZ: Okay. Got it.

22 MR. RICE: All right. Well, thank you very much for
23 your report.

24 MR. ZLOKOVITZ: Thanks.

25 MR. RICE: We're moving back to closing remarks. I

1 have none. And we have no public. So we stand adjourned.

2 MR. O'CONNELL: Thanks a lot, everybody, for hanging
3 with us.

4 (Whereupon, the meeting adjourned at 5:45 p.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25