

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

Thursday,  
October 15, 2015

***Held at the***  
Maryland Department of Natural Resources  
Tawes State Office Building  
C-1 Conference Room  
Annapolis, Maryland

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

Thursday, October 15, 2015

**TFAC Members Present:**

William Rice, Chair  
Robert Moochie Gilmer, Vice Chair

Mike Anderson (*proxy for Richard Young*)  
Rachel Dean  
Bill Goldsborough  
Ken Jeffries (*proxy for Craig Jetton*)  
Charles Richard Manley  
Bill Sieling  
Gail Sindorf  
Aubrey Vincent

**TFAC Members Absent:**

Mike Benjamin  
Robert T. Brown  
Dale Dawson  
Greg Jetton  
John Martin  
Lee Wilson  
Richard Young

**Maryland DNR Fisheries Service**

Lt. Art Windemuth  
Sarah Widman  
Gina Hunt  
Lynn Fegley  
Michael Luisi  
David Blazer  
George O'Donnell

**Maryland DNR  
Tidal Fisheries Advisory Commission Meeting**

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

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

(2:05 p.m.)

***Call to Order***

***by William Rice, Chair, TFAC***

MR. RICE: All right, being that we are all ready starting about 7 or 8 minutes behind time, I would like to welcome everybody to our October 15 meeting of the Tidal Fishery Advisory Board. If we had to do it over again, it would have been about a week ago when it was blowing northeast, Gail -- but here we are and it is a beautiful day. First off, I would to like to introduce Dave Blazer to my immediate left. New Director of Fisheries, Dave.

Mr. BLAZER: Thank you, Billy. It is a pleasure to be here. I have been on the job for about three weeks now. Still trying to get acquainted and catch up on all of the issues. I have heard a lot of the great things about a lot of the people in this room and at this table and I look forward to working with you all.

For those of you who don't know me, I worked here at DNR 20 years ago. I started out and in promoting sport fishing in the state. And then went and did legislation and regulations for DNR Fisheries back in the late 80s until about 1998. Left there and worked for the State Legislature for a while. Left there and worked for the Maryland Coastal Bays Program and Environmental Effort behind Ocean City and

1 Assateague. And most recently I was at the Maryland Port  
2 Administration managing their dredging and environmental  
3 programs for the Port of Baltimore.

4           So it -- when they interviewed me for this job, they  
5 said geez they sound like great things at consensus building  
6 and conflict resolution, you will be great for this, that is  
7 exactly what we need. So, it is great to be back. I do  
8 have -- I do try to focus a lot on process and input and  
9 working with people to try to develop solutions and I hope  
10 that we can do those as we move forward on a lot of these  
11 issues. I know there is going to be times that we disagree.  
12 There is going to be times where we are not going to be able  
13 to come to agreement but I hope that we can continue to work  
14 forward and continue to express all of our opinions and  
15 thoughts as we go forward.

16           So thanks to those of you that have welcomed me  
17 here, welcomed me back to DNR but again I look forward to  
18 working with all and please feel free to call me anytime,  
19 anytime you have a question or an issue or something. Let me  
20 know and again I look forward to working with this commission  
21 in the future. Thank you.

22           MR. RICE: Thank you very much Dave. Before we move  
23 on to the public comment, if I save this to the end, I will  
24 either forget it or be too burned out to give it to you. On  
25 October 5, I was fortunate enough to attend a First Annual

1 Seafood Forum at the National Aquarium in Baltimore. There  
2 was a very informative day of speakers and it was -- I guess  
3 you could say spearheaded by TJ Tate and I am sure she has  
4 been in contact with some of you all. She is from down St.  
5 Augustine, Florida and she worked with the Gulf Wild Project\*  
6 down there.

7           Basically it was focused on marketing and it was  
8 kind of I guess laying the ground work, but had an opportunity  
9 to talk to a lot of influential people that actually use our  
10 product at the end. And they are very interested in moving  
11 forward with some type of program that will -- I don't know if  
12 I should use the term label, but let the folks know that they  
13 are buying Chesapeake Bay seafood.

14           And not only Chesapeake Bay but any domestic  
15 seafood. In fact, Dave was also there. And Lynn Fegley and  
16 sir, what -- but anyway -- there she is. TJ said she would  
17 like to have a meeting with watermen in specific(sic) and I  
18 think she is going to be organizing something pretty soon and  
19 she is probably going to be looking at like the membership of  
20 the design team because that reaches around the whole Bay and  
21 that kind of thing. And just gather people's ideas.

22           But seafood labeling and that kind of thing is  
23 really where our future lies. Because no longer can we load  
24 the boat and be at the mercy of buyers when we get to shore,  
25 we have to be conscientious of what we harvest and when we

1 harvest in order to get the best price for our product.  
2 Because God knows you know, we can't operate necessarily on  
3 volume but these smart harvests and the public -- the one  
4 gentleman that I spoke to that I felt really was quite  
5 interesting was vice president of purchasing for Wegmans and  
6 he said he will go in the store and will just be an observer  
7 and people will come by and pick up a piece of fish or  
8 something and if it doesn't say "caught in the United States  
9 of America" they won't buy it.

10 And said the price don't slow them down. And it is  
11 something that we need to be thinking about and moving  
12 forward with. And the folks that were there from the  
13 agriculture industry, they are definitely into it with both  
14 feet and I think this is something that the commercial wild  
15 catching industry doesn't need to get left of out it, they  
16 need to be a part of it.

17 So, that is just kind of an FYI. Next we have  
18 public comment. Do we have anybody in the audience that  
19 wishes to bring forward something that doesn't see on our  
20 agenda today?

21 (No response.)

22 MR. RICE: Seeing none at this time, next we will  
23 move on to our NRP activity report. Lieutenant Art would you  
24 please present us with that?

25 ***NRP Activity Report***

*By Lieutenant Art Windemuth*

1  
2 LT. WINDEMUTH: I believe everybody has a copy of  
3 the latest -- this past quarters and that is Natural Resource  
4 Police Activity Report -- any questions, comments? All right,  
5 oh yes, ma'am?

6 MS. SINDORF: I looked -- oh I just had to find it,  
7 sorry. Crabbing, I had a real quick question, there was a  
8 position of crabs closed season and it was 13 citations and 34  
9 warnings. I was just wondering, why is there so many -- it is  
10 on the third page.

11 LT. WINDEMUTH: Okay.

12 MS. SINDORF: Let me see -- so 7 there. I was just  
13 wondering what was the reason for so many warnings when it  
14 seems so -- is there just a lot of like accidental crabs  
15 getting mixed in and things like that, is that what is kind of  
16 happening or --

17 LT. WINDEMUTH: It could be something along the  
18 lines of recreational crabbers keeping female crabs. Maybe  
19 it is like one or two, they don't have many. I can only --  
20 that is what I would have to say if I had to take a guess at  
21 it without having actually seen it. That is probably what it  
22 is, probably recreational crabbers possessing a couple of  
23 female crabs.

24 MS. DEAN: Especially from July -

25 MS. SINDORF: Yeah, that is what I am saying, the



1 season is open. That is why I was confused.

2 LT. WINDEMUTH: I would imagine that is probably  
3 that.

4 MS. : Would that have been part of the  
5 Don't Get Pinched initiative?

6 LT. WINDEMUTH: Yes, but it is you know, quite  
7 honestly we see a lot of when we check recreational crabbers,  
8 people aren't aware and you have people from the city coming  
9 down. So it is a lot of education involved. That is why the  
10 warnings are --

11 MS. VINCENT: I saw a newspaper article and it was a  
12 recreational crabber with a female crab. Like catching it in  
13 the newspaper and I was like, ugh, what is this guy doing?

14 LT. WINDEMUTH: We try to work with again, the  
15 public, and educating them to get compliance that way.

16 MS. SINDORF: Okay, thank you.

17 MR. GILMER: One other thing. On the two businesses  
18 charged with selling invasive species, the Asian swamp eels. I  
19 mean, where do they --

20 LT. WINDEMUTH: I can find that out. I didn't -- I  
21 can find more out about that particular incident and get back  
22 with you. I don't have any information but I can find that  
23 out. Are you --

24 MR. GILMER: I just found that interesting.

25 LT. WINDEMUTH: And you would like to know, just

1 some more information on that incident?

2 MR. GILMER: Yes.

3 LT. WINDEMUTH: Okay, all right, I can make a note  
4 and --

5 MS. WIDMAN: There is a store, Asian food market, I  
6 believe in Montgomery County and our biologist went out and  
7 confirmed that it was Asian swamp eel. Looked it up and there  
8 was some discussion and if they really knew what they were and  
9 what it -- it seems like they probably ---.

10 MR. GILMER: Okay, were they alive or not?

11 MS. WIDMAN: I believe they were frozen, but it  
12 sounded like some of them might have been alive and in a  
13 container in the back. So, that is as much as I know.

14 MR. GILMER: All right.

15 LT. WINDEMUTH: All right, Ken?

16 MR. JEFFRIES: Was there any enforcement on any of  
17 the hook and line boats that pertain to stripe bass? There is  
18 a reason why, we have had some problems up in the northern  
19 part of the bay.

20 LT. WINDEMUTH: I would -- are they being checked is  
21 that what you are asking?

22 MR. JEFFRIES: Being checked now and I don't know  
23 where this came from in the department, I know it didn't go  
24 through tidal fish, but the unlimited amount of people allowed  
25 on a ITQ boat. We have had problems now and online it has

1 snowballed to the point to where charter boats and I know what  
2 the comments are going to be, someone should turn them in and  
3 we tried, but there is charter boats now taking out people on  
4 these boats, catching -- the example I have is a guy caught 80  
5 fish on a Monday.

6           He rented three boats in a harbor up north. They  
7 caught 80 fish on the boat, went back to the dock, they were  
8 allowed to pick the 12 fish they wanted out of it and then on  
9 Wednesday, the same company rented three boats at Kentmoor and  
10 I got the call at 5:30 in the morning, the owner of the  
11 company wanted to file a complaint because the captains on  
12 their boat said we are only allowed to keep two fish per  
13 person. And they said well we were just in this other port on  
14 Tuesday and they let us keep 80 of them.

15           One I would like to know where this increase of  
16 people came from. Because it is impossible for the department  
17 to enforce hook and line laws the way they are constructed  
18 now. You don't know if the guy is a charter boat or a hook  
19 and line boat at this point. We have video of a boat with 11  
20 people on it, hook and lining it, a 25 minute video. Everyone  
21 with a fish on it, hitting them with baseball bats for 25  
22 minutes.

23           And I knew we weren't going to get anywhere  
24 department wise and I wanted to see if there was any  
25 enforcement?

1 LT. WINDEMUTH: That sounds like we would definitely  
2 target and try to do an enforcement on it.

3 MR. JEFFRIES: When we called on it, they were like  
4 well where are they at? Are they there? Where did they go  
5 now? By the time they got out there, it was 45 minutes later  
6 and no fault to the police. I said, I don't even know how  
7 they would enforce it. The only way you can tell is that  
8 little stupid flag and that is impossible. If you got two or  
9 three or four people on a boat and you see 80 fish coming in,  
10 you know the guy is hook and lining it. You know he is not a  
11 charter. But we are running into more and more of this and --

12 LT. WINDEMUTH: I just want to make sure I  
13 understand you, what you are saying the hook and line people  
14 are acting as charters and --

15 MR. JEFFRIES: Well it is charter boats that have  
16 hook and line.

17 MR. : First and then if the fish is  
18 good, they keep on fishing and keep the extra fish too. And  
19 then when they done, they give them their two fish per person  
20 And then sell the rest.

21 MR. JEFFRIES: And I looked up the minutes, we have  
22 discussed it in here and but at no point in this TFAC have we  
23 ever said it was okay to have 60,000 on a boat hook and  
24 lining, that is basically what we got now.

25 LT. WINDEMUTH: I would have to -- I would have to

1 check those regulations. I don't believe there is a  
2 regulation that prohibits that.

3 MR. : It was four.

4 LT. WINDEMUTH: Yes, so I wasn't aware of that --

5 MS. HUNT: We were drawing straws back there.

6 Seeing which one wanted to come up here and answer the reg.

7 LT. WINDEMUTH: What I would say is, please give us  
8 a call and I can -- I will give you my number personally, my  
9 cell phone number but what I would like to do instead of  
10 waiting until these quarterly meetings when any of these -- or  
11 when anybody of the table or any of your members run into a  
12 situation, call immediately.

13 I am not saying that we can -- we will be out there  
14 right away and do something right away due to manpower. But  
15 we throughout the year, we do undercover operations and I can  
16 tell you now we have a unit that is designated, these  
17 individuals I don't even know who they are. They have new  
18 identities, they go out and two or three years long. And that  
19 is what they do.

20 So -- and it is -- routinely what happens as the  
21 field gets the information, we evaluate it on whether this is  
22 something that we can work and bring to a resolution and catch  
23 the individuals or it is something that should go specifically  
24 to these undercover operatives and it gets funneled to them  
25 and then they start doing what they do. But it is a long term

1 investigation for them.

2           But again what I would like to see is the sooner we  
3 get the information, the sooner we can start the process  
4 either targeting immediately or going through other avenues.  
5 I just don't want it to wait until these quarterly meetings,  
6 it is just not a good -- good way to handle enforcement and we  
7 lose a lot of good information. I know my goal is to increase  
8 the interaction between our officers and our user groups.

9           Because better -- the more information we have  
10 flowing back and forth between everybody, you can understand  
11 the issues, the problems, we can address them sooner. So I  
12 will give you my cell phone number right now if you would be  
13 happy to take it down. It is 410-713-8449. And you can call  
14 me and I will get you to the direct -- either the officer that  
15 works the area or the commander in charge of the area.

16           And I do want to address that. And something like  
17 this we certainly can address.

18           MS. HUNT: I was just going to speak to the  
19 regulatory issue. So, as you said when the ITQ regs went into  
20 place, that is when that cap of a number of people on board a  
21 vessel was removed. It was something that was discussed at  
22 the Stripe Bass Workgroup. It was an incentive to go into the  
23 ITQ program. So common pool Still has the cap, ITQ does not.  
24 So the time that the commission would have heard about it is  
25 at the time of regulatory scoping with regs. Now this isn't

1 the first time we have heard this concern and it came up last  
2 year where what we were told last year was because you removed  
3 the cap, people think it is legal.

4 I am not sure if that is true or not but we wanted  
5 to make it abundantly clear that it was not legal, so  
6 therefore under COMAR 080205, in general fish -- not just  
7 stripe bass but general fish chapter, it specifies that it is  
8 illegal to run a fishing guide party and a commercial trip  
9 simultaneously. So there is something that NRP can actually  
10 write a ticket under on the code and it is abundantly clear  
11 that they are not allowed to be running the same trip.

12 Now, the issue is the enforcement, yes, they  
13 actually have to see them doing it and then the party on board  
14 is going to have to acknowledge that they paid for that trip  
15 in some form of compensation in order for NRP to know that  
16 that isn't really a commercial trip, these guys aren't mates.  
17 This is a fishing guide trip. It is either that or as Art  
18 said, they can basically do an investigation and go out there  
19 and go undercover and catch people doing this as well.

20 So, all of these are you know, still options on the  
21 table. It is enforceable, it is just not that easy.

22 MR. JEFFRIES: That is what my point was, it is  
23 basically impossible and I don't know what the correct number  
24 is. But like I said, we have a video of a 38 foot boat with  
25 11 people on it. I understand ITQ and I know it is a touchy

1 subject, but it is ridiculous, especially in a year like this  
2 where the fish were centralized in one area and you had boats  
3 from Solomon's Island north driving 40 miles up the bay every  
4 day to fish at Swan Point above Rock Hall. It was a large  
5 biomass of fish, but it can't handle 11 people four days a  
6 week catching 1,600 pounds a day even though he has the quota,  
7 it is -- it can't handle it.

8 I just -- I would like it open to discussion on what  
9 the right number of people is. I think 11 is too many, I  
10 think 3 is not enough but 11 is ridiculous. And it is  
11 impossible for the police to enforce. And I talked to -- when  
12 Randy was still working, I said -- you are not going to be  
13 able to catch them because they are in with the group of  
14 charter boats, I mean -- and it is uncomfortable because it is  
15 a charter boat, I am the President of the Association so I  
16 feel bad having the -- there is a problem.

17 LT. WINDEMUTH: Well, we would probably address it  
18 the same way that we do unlicensed charter boat situation and  
19 that same -- the way we deal with those, we would probably  
20 deal with this situation.

21 MR. JEFFRIES: Well, I don't know what the recourse  
22 is or how we go about it, but I think it needs to be up in  
23 discussion what the right number of people is. Like I said,  
24 three is not enough and 11 is ridiculous.

25 MS. HUNT: Is it still going on?



1 MR. JEFFRIES: Well there is no fish now.

2 MS. HUNT: Well, that is why I asked -- I mean, it  
3 doesn't --

4 MR. JEFFRIES: When they fish for two months every  
5 day, I mean, they depleted that stock very quickly.

6 MS. HUNT: Yes, to Art's point, he doesn't have  
7 something that he can address now but it is bound to happen  
8 again next year.

9 MR. JEFFRIES: If the fish were centralized like  
10 they were this year. I mean, if it was a normal year where  
11 fish were scattered about the bay, I would say it is a zero  
12 percentage chance you would catch them, now you would probably  
13 have about a 2 percent chance because if you are in the right  
14 area. Legitimately there was every boat from Solomon's Island  
15 north up at Swan Point from June until -- the first week in  
16 September. Every boat. So, charter boat, recreational and  
17 now hook and line. So.

18 MR. : And it was Sunday night fishing for  
19 them too. Sunday evening.

20 MR. JEFFRIES: That business owner actually went on  
21 line and basically bad mouthed the whole marina of captains  
22 saying do not go to Kenmoor, they rip you off, they only let  
23 you catch two fish per person. Go to this marina because we  
24 caught 80 fish. And now that post has been taken down. It  
25 was on tidal fish -- and I know with all of the influx of new

1 people throughout the department and this whole ITQ thing, I  
2 knew it wasn't really going to be taken care of through the  
3 department, so I forwarded it to two senators on Monday and we  
4 will see what happens with that. The video and everything.  
5 So.

6 MR. RICE: That is fine. We understand your --  
7 certainly understand your problem, you explained it well.  
8 Does this group want to have a little brief discussion and  
9 come up with a number to forward to the stripe bass group for  
10 next week's meeting or do we have time to have this for an  
11 agenda item in our next meeting? How would our time be --

12 MR. : For the next meeting.

13 MR. RICE: If something needs to be in place before  
14 June --

15 MR. JEFFRIES: It is over, there is nothing that can  
16 be done now.

17 MR. : Well, how about if it goes to the  
18 stripe bass meeting and --

19 MR. RICE: That is actually a chain of events.

20 MR. : -- right and then it comes back to  
21 us from a recommendation from there.

22 MR. RICE: So Ken, we have a stripe bass meeting  
23 next Monday.

24 MR. : It is the 20th. Tuesday night.

25 MR. RICE: Okay.

1 MS. DEAN: I have a question, does limiting the  
2 number of people really take out the opportunity for somebody  
3 to run a charter doing this?

4 MR. JEFFRIES: It would be easier for the police to  
5 enforce, I believe. I think --

6 LT. WINDEMUTH: I think we go back to the fact of  
7 getting those people on the boat to admit to paying for the  
8 charter and it is the same thing, unlicensed charter. When we  
9 run into the same thing, so it is no secret normally what we  
10 end up doing is, just booking a charter.

11 MR. JEFFRIES: The day it happened, I had 15 people  
12 on the boat. That boat was actually right next to me and I  
13 didn't know what was going on until Friday. He had 11 people  
14 on the boat. Well that -- but I don't know what the right  
15 number is.

16 MS. DEAN: I am just afraid we are running into a  
17 situation where we are going to regulate an industry based on  
18 the actions of a few and I don't think we need to do that.

19 MR. JEFFRIES: Already have.

20 MR. : Why change it to begin with --

21 MR. RICE: Well, I think we understand the problem  
22 and Mike is sitting here so will you add that on our agenda  
23 for next Tuesday. And we will see what comes out of the  
24 stripe bass workgroup and then we will bounce it off of this  
25 group at our next meeting.

1 MR. : Ask more questions as I was not  
2 here when it was started.

3 MR. RICE: Okay, I think you got the meat of it.

4 MR. : Okay.

5 MR. RICE: All right, thank you, Lieutenant, we  
6 appreciate your report. Sarah and Jacob, can you bring us up  
7 to speed on your regulatory updates please.

8 MS. WIDMAN: Sure.

9 ***Regulatory Update***

10 ***By Sarah Widman***

11 MS. WIDMAN: Let's see, you guys have two handouts  
12 from us. I am not going to get too much into the regs  
13 update. Should have had a chance to look at it and we haven't  
14 been doing a lot of regs but just a follow up on one of them  
15 that is currently proposed. The removal of some of the  
16 harvest reserve areas, is still being held up at ALR. We are  
17 providing them some information and there should be a meeting  
18 shortly in the next few weeks with them. But that still isn't  
19 moving forward at this point, just so every one knows where  
20 that is.

21 MR. GILMER: Because I see where they actually came  
22 and put -- rebooted our harvest reserve there.

23 MS. WIDMAN: It is still in place right now, so --

24 MR. GILMER: Okay, I have to call them then.

25 MS. WIDMAN: Yes, that is why. Any questions on

1 stuff that we have already done on the fisheries regulatory  
2 and penalty update? Otherwise, I will move into the scoping.  
3 Okay. Scoping, I am not going to go through the whole thing  
4 again, you have had it ahead of time, but in the back, there  
5 is just housekeeping stuff, a lot of that is misnumbering and  
6 things like that.

7           We also have in the middle some updates on things  
8 that we can -- still could advise that we are working on them  
9 and moving forward with. But items have changed a little bit  
10 so there is some updates on that. So you can take a look at  
11 that. The new items that we are bringing to you today, there  
12 are a couple of crab items. One being there is just some  
13 almost housekeeping issue really, the coastal bay is about  
14 cull rings. Having cull rings or whether they are closed.  
15 And we are just cleaning up that to remove that closure period  
16 there.

17           Crabs in the bait box. We have been getting some  
18 feedback on female peelers being put in the actual bait box  
19 instead of the upper chambers. Because we say male crabs in  
20 the upper chamber. So we are saying all crabs to make it  
21 whether it is male or female. Eels, we talked about at the  
22 last meeting. When we do those eel changes for 2016, we are  
23 also going to have to put an amendment to the FMP discussing  
24 that a little more in order to flow the authority correctly  
25 for that regulatory change. That is again coming from ASMFC.

1           Monetary values are just we have monetary values of  
2 how much fish are worth and it hasn't been updated since 1975.  
3 This is for pollution cases in the state. If there is a big  
4 kill from an oil spill for fish, how much they are worth. So  
5 we are updating them with current values based on the American  
6 Fishery Society determination of those values. There is a  
7 book on it.

8           And we also have oyster and commercial fishery, this  
9 one would be -- it is really coming from a request from  
10 Charles County about charging certain bars to harvest for a  
11 majority of planted oysters to grow to market size. So it is  
12 a kind of managed area idea and so, we are working on  
13 enclosing those and coming up with the regulatory process to  
14 open those accordingly.

15           So those are scoping items. We would -- don't have  
16 to give me comment today but certainly if you have comments or  
17 thoughts on them, you can send them to us by next Monday and  
18 then we will proceed with talking internally about them and  
19 putting them up on the website for the two week comment  
20 period.

21           MR. RICE: Moochie?

22           MR. GILMER: On this county thing with the oyster,  
23 are they really regulated different than a managed -- than a  
24 harvest reserve?

25           MS. WIDMAN: The harvest reserve area statute is

1 really specific about the biological criteria to open and  
2 close. And this would be more managed or commercial harvest  
3 within an already open area.

4 MR. GILMER: Okay, all right.

5 MR. RICE: And one other thing, it has like four --  
6 say half a dozen bars listed, they have listed but they won't  
7 all be closed at one time.

8 MR. GILMER: Right, right.

9 MR. RICE: They will only be closed as their  
10 season.

11 MR. GILMER: Yes, I -- I had talked to Gina a little  
12 bit about yesterday, about the -- the biological management  
13 and the county thing, I just wanted everybody to realize that  
14 and --

15 MR. RICE: I think in a perfect world the outlook on  
16 this would be that it is somewhat controlled by the industry  
17 as in its Tongs(sic) committee or oyster community -- I  
18 shouldn't say the Tongs committee because we got dredgers and  
19 different folks on the committee. But the whole thing equates  
20 into one thing, is getting the most of what little bit --

21 MR. GILMER: Absolutely, absolutely. I didn't want  
22 to be a -- I just wanted everybody clear that it wasn't tied  
23 to biological stuff and --

24 MR. RICE: Right.

25 MR. GILMER: -- it was more --

1 MR. RICE: We are fortunate enough, we are close to  
2 an operation that has some really good quality seed and we  
3 like to get the most out of the --

4 MR. GILMER: Sure, sure.

5 MR. RICE: Okay. Is that it for you, Sarah?

6 MS. WIDMAN: That is it.

7 MR. RICE: Wonderful. Thank you. Does anybody have  
8 any questions for Sarah?

9 (No response.)

10 MR. RICE: Thank you very much. Gina, would you  
11 mind coming back up to the microphone please. And tell us  
12 about the Red Drum.

13 ***FMP***

14 ***By Gina Hunt***

15 MS. HUNT: So you should have received this also in  
16 advance. This is the review of the red drum FMP. Again this  
17 is part of the review process of what has been going through  
18 with management plans where a few of the species are reviewed  
19 every year. And then we make the determination whether or not  
20 there is new information or new issues, new assessments,  
21 anything that would inquire the management plan to be need for  
22 an update and an amendment.

23 In this case, there is no need for an update. The  
24 last stock assessment, coastal wide stock assessment was in  
25 2009. There is another one going on right now which the



1 results of that won't be out until the next spring. So it is  
2 possible that maybe there is a need for an update based on  
3 that assessment but at this time, we don't have that  
4 information.

5           So based on what you -- as I said read the FMP  
6 review, but the information we have assessment or an update is  
7 not needed. Overfishing is not occurring. If you have  
8 questions, I would be happy to answer your questions but  
9 basically this is the point where the department asks the  
10 commission for feedback on whether or not you think that the  
11 FMP needs an update.

12           If there is new information we don't have, and those  
13 comments we would need by October 30, back from you on whether  
14 or not we need to take further action on this FMP. Are there  
15 any questions on the red drum FMP?

16           (No response.)

17           MS. HUNT: Wow, okay. So the next FMP item was --  
18 is if -- as I said usually what the department does is have a  
19 few FMPs reviewed every year, there is a schedule for all of  
20 them. So what you get, is about every meeting, you get one  
21 species that we have done a review on and the department is  
22 proposing modifying this review process and instead of doing a  
23 few fishery management plans a year, and bringing you before  
24 you, we already provide legislative updates on all of the  
25 fishery management plans that we have to the legislature every

1 year.

2           So this is a requirement of the FMP law 4215 that we  
3 have to provide these updates. So we are already doing this.  
4 In your binders, somewhere, I hope, somewhere there are --  
5 there are examples of two of them. So these are 2014  
6 legislative updates. I put stripe bass in there because that  
7 is what most people care to look at but also I put the red  
8 drum FMP update in there because then you could compare what a  
9 legislative update looks like and what kind of information  
10 you get in there as compared to what you just got in the  
11 review process.

12           So like last meeting you had a white perch review,  
13 we gave a presentation. Today we opted not to do the  
14 presentation on red drum, but that is what you have been  
15 getting is this summary of hey here is all of the information  
16 that we have up until this point on the species and whether or  
17 not it needs an update. Most of the time, it doesn't but there  
18 are things that trigger updates either through the review or  
19 just because of ASMFC action.

20           Sometimes there is a new assessment, sometimes there  
21 is a new management action, like eel. You know, Sarah just got  
22 done telling you we need to update the eel FMP based on  
23 action from ASMFC. So, there is a lot of things that cause an  
24 update to a fishery management plan. But what we are  
25 suggesting is that instead of going through four of these a

1 year and looking at them as we have in the past with  
2 presentations to the commission, we would be providing the  
3 commission with all of the legislative updates that we have in  
4 draft form before they are submitted to the legislative  
5 services. We would submit -- we would provide these to the  
6 commission, probably around the time frame of December and  
7 then be asking the commission to look at those and provide us  
8 comments back at your January meeting.

9           Then after that we could submit them again as  
10 required for the report. So this is kind of an efficiency  
11 issue where you know, we have been doing a lot of work but I  
12 don't think most people realize that we have these updates on  
13 FMPs. That we do an update on every species and that  
14 information is available online. But -- there is a lot of  
15 good stuff in there. We would like to try using that as the  
16 review process rather than one species at a time.

17           And this way you would hit every species every year  
18 and then you would still have that opportunity to comment back  
19 to the department with concerns or requests for updates. So I  
20 know that is a lot in summary and I am not sure if you had  
21 time to look at the legislative update, but if you have  
22 questions or why we would consider moving this process?

23           (No response.)

24           MS. HUNT: The only other thing I would add is that  
25 if we do chose to do a update or a new FMP, the public process

1 that we have in place right now for developing new FMPs or  
2 changing them would still remain. The only thing that would  
3 be changing is the review process. So that is all we are  
4 proposing. And feel free to digest all that. Again if I  
5 could just get comments back by October 30th on your thoughts  
6 of modifying this review process.

7 MR. RICE: I don't see any hands up, so I think you  
8 are good.

9 MS. HUNT: Okay.

10 MS. VINCENT: As far as the resourcing time, how  
11 much time and --- do you think you -- to be able to change  
12 this review process?

13 MS. HUNT: To just do these and not do -- well,  
14 Nancy, Sarah?

15 MS. : I didn't hear the --

16 MS. HUNT: She wants to know if we don't do those  
17 like four, six species a year and the review process can do  
18 the legislative updates that we are already doing, how much  
19 time does that save us?

20 MS. BUTKOWSKI: It really depends on the species and  
21 I would say -- it sounds like a cope out but it depends on the  
22 species. If it is one that -- like one that we are really  
23 interested in like stripe bass, blue crabs, those take much  
24 longer, oysters. Something that is kind of marginal for  
25 Maryland which would be tautog or red drum or -- less time.

1 So, I am not sure. And actually we have -- usually we are  
2 proposing to do at least six reviews each year and then some  
3 meetings we have brought forth two reviews each time. So that  
4 would be variant too.

5 MS. VINCENT: I am just thinking that -- assuming  
6 the best thing would be reviewing everything every year.  
7 Which is the goal eventually right?

8 MS. HUNT: But we are doing it anyways. We are doing  
9 this anyways. We are not getting -- those legislative reports  
10 are happening whether we modify this review process or not.  
11 We are going to do that work because we are required by law to  
12 do an update every year. The other difference is is that --  
13 so right now with red drum, you will see this new information.  
14 Hey look there is some new information available, we put it  
15 out there for the review but because we are not updating the  
16 FMP, the FMP that is on the books, the one that is our  
17 authority for management is still the 1993 Fishery and  
18 Management Plan.

19 We were proposing using these legislative updates  
20 once every body's reviewed them, we are going to send them to  
21 legislative services. We are also going to incorporate them  
22 by reference into the regulation. So they are literally going  
23 to be like added to the FMP. So if anybody wants to go see  
24 what is going on with red drum, this is going to be there and  
25 available too and then any new information habit, anything

1 else that is in there, is going to be updating. You are not  
2 going to see just the old FMP.

3           You know, it sometimes gives the appearance that we  
4 haven't gone back and looked at these, well we have, they are  
5 just -- wasn't a need to update it. So that is the other  
6 benefit of this.

7           MS. VINCENT: It would be more accessible if  
8 somebody looked -- they get more information than they are  
9 right now. But --

10           MS. HUNT: I hope so. Because we have been doing  
11 these for as long as I can remember and I don't know anybody  
12 that you know, not too many people realize that that  
13 information is available.

14           MS. BUTKOWSKI: And that information is on the Web  
15 and has been on the Web every year. You can go to any species  
16 you want and look up the update. I will just make a -- the  
17 difference really between them is a snapshot for the updates  
18 or a snapshot of what has happened in the year before in the  
19 updates and the review would be more comprehensive holistic  
20 approach to the review.

21           MS. HUNT: Okay, so one other item I guess we will  
22 bring up now. Just because I am sitting here and not because  
23 it fits with that agenda item. I wanted to mention so that  
24 the commission was aware that we have had a pound net  
25 activation requirement to activate, register or activate your

1 pound net with the state, since I believe like 2011 or 2012.  
2 And again the purpose of that was back with menhaden  
3 management to be able to determine what the actual effort of  
4 pound nets is in the bay as opposed to just all the  
5 registered sites that we have out there.

6           So that was the intent of that registration. When  
7 the 2013 legislation went in with fees, there was the  
8 requirement to pay \$20 for every pound net that you have  
9 activated. So there is currently a \$20 activation fee. You can  
10 pay it at any time, you don't have to do it at license renewal  
11 but you are required to pay that and activate your pound net  
12 before you can fish it. It is not an activated net. It is an  
13 illegal net.

14           So the problem is is that -- and again so this has  
15 been the case since August of 2013, the problem is when we go  
16 back and look at the information and I looked at it just  
17 recently for the past licensed year, so for September through  
18 August. Meaning this -- most of this summer, during that time  
19 period we had a 109 waterman reporting harvest out of pound  
20 nets.

21           Only 17 of those watermen had activated pound net  
22 sites. And just to be clear, it is not legal to harvest out of  
23 somebody else's net. So they were harvesting out of nets that  
24 are not activated. Now it is a couple here and there, but  
25 this is a really big discrepancy. The other issue is is that

1 we actually had during that same time period, 39 activated  
2 sites. But only 17 of them were from active watermen. So now  
3 we have activating sites but not using them. Which again is  
4 against the intent of this requirement because the whole idea  
5 is please tell us when you are going to set a net so we can  
6 know the accurate amount of effort out there.

7           And if you are activating sites because oh well, I  
8 will just do it and maybe I will fish it later. You are -- we  
9 are overestimating that effort. And again on the other side  
10 where we have people actually fishing on nets that aren't  
11 activated, we are underestimating it. So no and I don't think  
12 it is a wash. It seems that we mostly have people with  
13 unactivated nets. So I want to bring this to the attention of  
14 the commission and see if you had any recommendations on how  
15 we should proceed with this issue. And again it isn't(sic)  
16 law, it is not a policy.

17           MR. GILMER: Question just to make sure my numbers  
18 are right down here. You had 109 people report landings. You  
19 say it is 39 nets that are activated now. And what was the  
20 17?

21           MS. HUNT: Of that 109, only 17 had activated sites.

22           MR. GILMER: 109 people but only 17 of the people  
23 had --

24           MS. HUNT: Right, so it is not 109 people and 39 of  
25 them had activated sites, because we had the opposite problem



1 where all of these people have activated sites that don't fish  
2 or report fishing.

3 MR. GILMER: Okay all right.

4 MS. HUNT: So we have problems with both sides.

5 MR. GILMER: Okay, all right, I just wanted to make  
6 sure what I was writing down was correct. I don't have an  
7 answer for you but --

8 (Laughter)

9 MR. GILMER: I just wanted to make sure my  
10 information was correct.

11 MS. HUNT: All right.

12 MR. GILMER: I got to think for a minute --

13 MS. DEAN: Can I ask a question? If the sites are  
14 being fished but not activated, wouldn't that be easy to  
15 determine which sites hadn't paid the \$20?

16 MS. HUNT: Yes.

17 MS. DEAN: That would be easy enough to do.

18 MS. HUNT: It is very easy. In fact, in the data  
19 system, so when you go into licensing, to activate your pound  
20 net, they have all of -- so the person has a maximum of 8,  
21 maybe they don't have 8, but they have a maximum of 8 sites.  
22 They go into that license system, all 8 of their sites pop up,  
23 they tell the license person in fact there is a form that they  
24 can fill out. But they tell the license person, which site do  
25 I want to activate and it is \$20 per site. So they click on

1 the site in the license system when you are in DNR and that  
2 activates the net.

3 MS. DEAN: So there is no penalty from our penalty  
4 work group associated with not activating your site right now?

5 MS. HUNT: Well, you are fishing in an unactivated  
6 net, I don't know. Is it just fishing illegal gear?

7 MS. : It would be --- site to that  
8 specifically.

9 MS. HUNT: Right, but I don't know, there is no  
10 additional penalty is there?

11 MS. : Not as far as --- no, it is just the  
12 fine thing.

13 MS. HUNT: Yes, you are just going to get the fine.

14 MS. DEAN: And then the other question I guess I had  
15 is why are we against allowing another men to take fish out --  
16 letting guys pool resources, why are we against that?

17 MS. HUNT: Well, that is another totally different  
18 topic but we actually have a regulation that is scoped in the  
19 upper coast. I think we scoped it here at the last meeting and  
20 actually -- yeah I remember, the reason it came up was last  
21 year's gill net season I believe that we had this issue where  
22 folks were -- you had a stripe bass guy on board but he has no  
23 gear. He is just maybe lack of a better term, couch fisherman.  
24 He doesn't actually own gear.

25 He goes out on the boat with the guy, the gill

1 netter, who has gear but obviously his gear is marked with his  
2 license number. Do you remember this issue last year?

3 MS. DEAN: I do and we talked about it but I guess  
4 what I am hearing then, is gill nets and pound nets are thrown  
5 into the same category?

6 MS. HUNT: No, let me finish though. So that issue  
7 came up last year and then what we did was basically said --  
8 let's -- because the guy who was getting on that boat, it was  
9 illegal for him to fish this other guy's gill net, even if  
10 that other guy was on board, right, saying hey it is okay. It  
11 still wasn't legal because that is what the law says. This  
12 requirement is in law that you cannot fish another person's  
13 gear.

14 So it -- we basically did kind of like a little test  
15 study, said okay let's let it go for this winter, come back  
16 and ask the stripe bass work group if they care. If this is a  
17 big issue for them to allow these guys who don't own gear to  
18 come out and fish somebody else's gear. And in the end, they  
19 said it was fine and we came back to this commission and said,  
20 here we are going to scope this reg. It allows you to fish  
21 another person's gear and we were limiting it to gill nets,  
22 trying to think how many gear -- there were a few gear types  
23 that we were going to expand to, it wasn't just going to be a  
24 gill net issue.

25 At this point, we haven't proposed it, it would be

1 proposed before our December cut off. Well, we are still  
2 thinking that we will be proposing it before our December cut  
3 off with regs. So in the end, by next summer, when pound nets  
4 are getting set, yes it may be legal to field(sic) fish  
5 somebody else's pound net.

6 But at this point, you know, still has to be an  
7 activated pound net. The only reason I really bring that up  
8 that it is illegal to fish somebody else's gear, is because I  
9 don't want you thinking that 109 people went to you know,  
10 these other people's -- these 39 people's pound net site.

11 MS. DEAN: You are saying there is nets out there  
12 being fished?

13 MS. HUNT: Yes. I mean, you know, it is more likely  
14 that they just didn't activate their site and so, that you  
15 know it is that issue. This whether or not you can fish  
16 another person's gear, hopefully we will have addressed by  
17 this time -- by next pound net season.

18 MR. RICE: Well, Gina, it is kind of hard to hide a  
19 pound net. I mean, it is not like an illegal craft -- fishing  
20 coil. So wouldn't the solution possibly be as simple as  
21 mailing a notice to everybody that is reporting a catch that  
22 doesn't have an activated net and say in the notice, we have  
23 records to indicate that you are harvesting fish via a pound  
24 net, but we also have records saying that you have not  
25 activated this net and you have 20 days, 30 days whatever days

1 may be to activate your net. And if that net hasn't been  
2 activated and seen fishing activity, you will be liable for a  
3 fine or whatever it is.

4 MS. HUNT: Well, I mean, we have sent notices to all  
5 of the pound netters. Back when we did it, we sent it out  
6 with the stripe bass information. But I think in this case,  
7 you are talking about a more directed audience. Now we know  
8 these are the people that aren't doing it. So yeah, we can do  
9 that. It is 90 some people, it is not that unreasonable.

10 MR. RICE: Mike?

11 MR. LUISI: Mike Luisi and I will just weigh in  
12 quickly on this. We have reached out to pound net owners,  
13 people who have registered sites to inform them of this. The  
14 issue with a directed mailing to people who are reporting --  
15 so one of the things that could happen, because the reports  
16 don't contain any specific information about the actual site  
17 that is being fished, you could have somebody who has one site  
18 activated, has four nets set.

19 We don't know if that person -- we don't know how  
20 many nets that person is fishing -- I guess we have the number  
21 of nets but we don't -- there is an overlap --

22 MS. HUNT: I pulled the data though these people  
23 don't have any nets activated.

24 MR. LUISI: We could go to the people who haven't  
25 had at any at all.

1 MS. HUNT: Some people only activated one site.  
2 That is a good chunk of them. Some people two or three but a  
3 lot of people only activated one site. So this actually is  
4 just -- this data is just -- these are people that didn't  
5 activate any.

6 MR. LUISI: There is also a concern out there that I  
7 have heard about -- there is an interest, you know we have a  
8 lot of registered sites around the bay. I think there is  
9 1,100 registered pound net sites. And people are -- fishermen  
10 are relatively somewhat fearful of the fact that if they don't  
11 register their sites, that eventually someday they are going  
12 to be told that they don't use them so they are going to be  
13 gone.

14 And so I think you have the case where people may  
15 only know they are going to fish one or two but register all  
16 eight just to register all eight and then -- it detracts from  
17 the information that we are trying to get but there is a  
18 behavioral element that I don't think we are going to be able  
19 to get away from, so, the messaging needs to be clear and that  
20 is something that we can do moving into next year for the  
21 purposes of obtaining that information.

22 MS. : I was going to move on to something  
23 else, you go first.

24 MR. RICE: I was just going to re-emphasize Mike's  
25 point. You know, the goal of this is really to get the effort

1 data so that we can track -- you know that was to me the  
2 understanding of the whole idea. You can register eight but  
3 you activate the ones that you are going to use so that we get  
4 better information and data, especially when they are some of  
5 the --- species.

6 MS. DEAN: I just wanted to make sure that this  
7 conversation isn't overlapping another one that I am hearing  
8 which is that there are aquaculture sites that are competing  
9 for these areas and because there is pound net sites and some  
10 are active and some are not and they can't put their  
11 aquaculture cages -- this isn't part of that conversation?  
12 Okay.

13 MR. LUISI: Not to me.

14 MS. HUNT: No, no.

15 MS. DEAN: Okay.

16 MS. HUNT: No, that is not how this came up. I  
17 mean, a registered site still has precedence an aquaculture  
18 lease that is in the law.

19 MS. DEAN: Okay.

20 MS. SINDORF: So Gina, you have a feel for what you  
21 might like to do with this?

22 MS. HUNT: I think you know, Billy that is a good  
23 idea. Like Mike said we have reached out to these folks over  
24 and over again and I think sending someone a letter that says  
25 you reported harvest but from a net that wasn't activated, and

1 that is not legal is a whole different kind of letter. Maybe  
2 it will get their attention and say this is what you need to  
3 do. But then the messaging does have to be really delicate  
4 because we do not want people running in and saying well I am  
5 going to pick all of them then. That way because -- because  
6 \$20 for some folks, \$20 like well what the heck? I will sign  
7 up for four then never mind. It doesn't detract you from  
8 signing up for more than what you need.

9 I think the fee is low enough that people may just  
10 do too much but I think we can reach out to those folks that  
11 we know are on this end of the spectrum that are not  
12 activating and try to make sure that we get that issue  
13 resolved for next year. I really, at some point between --  
14 sometime next year and our -- NRP has the ability to look at  
15 a map if they have a computer in the field, they can look at a  
16 map and see if it is an activated site.

17 So we just want to make sure that folks are again  
18 warned again before they are going to start getting these  
19 tickets. Because this is an important enough issue to get  
20 that effort information that we really feel like NRP is going  
21 to have to start taking some action.

22 MR. RICE: I mean, these sites -- they are like  
23 lining up with --- or gave way to somebody's else, I mean, you  
24 got lat and longs on them right?

25 MS. HUNT: We have lats, longs, beginning of the



1 net, end of the net, who it is registered to and again whether  
2 or not it is activated is in the -- this awesome little  
3 system. You can go in there and see activated sites,  
4 registered sites on the map. So NRP can see them if they stop  
5 by a pound net or just in part of their normal patrols if they  
6 are going by.

7 But it is not in something that they have been  
8 looking for but I think given the disparity in numbers that we  
9 have now, it is going to be a suggestion for next season.

10 MR. RICE: Okay, thank you. Do you have something  
11 to go on?

12 MS. HUNT: Yes, I do -- unless you want a motion? Or  
13 that is just an action item?

14 MR. LUISI: I got it.

15 MS. HUNT: It is an action item. Okay, I am good.

16 MR. RICE: Thank you. Lynn? Can you talk to us  
17 about menhaden management please.

18 ***Estuarine and Marine Fisheries Management and Planning***

19 ***Menhaden Management***

20 ***By Lynn Fegley***

21 MS. FEGLEY: I have a little -- I am really try to  
22 go through this pretty quickly but I had a couple of things  
23 that I really wanted to talk about with you guys. So first  
24 thing I wanted to do is update you on our in state menhaden  
25 management and then talk a little bit about what is going on

1 at ASMFC. I don't know Paul can you full screen that?

2 (Slide)

3 So the graph that is sitting up there is showing our  
4 menhaden harvest and just to be clear, the blue line is the  
5 harvest to date. So that is as of I think October 10 was our  
6 last update, our team updates the staff daily -- weekly --  
7 recognizing that we are supposed to get daily harvest. So to  
8 date our reported harvest is 6.4 million pounds. We closed  
9 the fishery on October 29 and what we are seeing is that our  
10 harvest prior to the closure from what we know now, was  
11 approximately 5.4 million pounds. So we were about 230,000  
12 under the quota. So our by catch harvest to date is just a  
13 million pounds.

14 And it is still possible that the quota can be  
15 exceeded because we still have some reports from that  
16 preclosure period that are outstanding. So, I wanted to walk  
17 through this a little bit because it was -- you know in the  
18 interest of transparency and how this is working, I really  
19 want for you to understand what is happening here. So when  
20 you look at this graph, what you see are two lines. There is  
21 the lower line, the straight line across, the orange line.  
22 Sits at about 5.1 million pounds. That is our -- what we call  
23 our pound net target.

24 The line above that, the red line, the straight line  
25 going across sitting at 5.6 million pounds, that is our quota.

1 When we implemented this menhaden management system, when  
2 ASMFC took action, we understand that in Maryland 92 percent,  
3 very steadily over time, 92 percent of our menhaden harvest  
4 in Maryland is taken from pound nets. There aren't very many  
5 pound netters.

6 We didn't have the resources or the wherewithal to  
7 implement a daily reporting system for all of the couple of  
8 thousand people who could harvest pound nets out of any gear.  
9 So recognizing that 92 percent of our harvest is coming from a  
10 few people, we require that pound netters tell us every day  
11 what we catch. What they catch. Every day we want to know.  
12 So recognizing that they are 92 percent of the catch, we  
13 assume we can close the fishery when they are within 9 percent  
14 of the quota.

15 And then the other 8 percent will be filled in by  
16 the gill netters and the fyke netters and all those other  
17 little gears that are working out there. This year we closed  
18 August 29 and there was some consternation as to whether or  
19 not we were correct in that. One of the issues -- and what we  
20 see now is that we were pretty close. But I put that dark  
21 line up there, the lowest line on the graph going up, that is  
22 the harvest information that we have when we were deciding  
23 whether or not to close that fishery.

24 So what I did was I just moved back in time. And at  
25 that time, we were pretty shy of our mark. We had a long way

1 to go. But we also recognized we had a lot of non-compliance  
2 from the pound netters in the daily recording. So if you can  
3 move the graph forward --

4 (Slide)

5 So not only do we have to -- so here it is this is  
6 what we knew -- go ahead forward, so this is the other piece  
7 of information that we have to look at when we are determining  
8 where we are in the fishery and this is the number of people  
9 reporting. So back in that week, leading up to August 29,  
10 what you see in this graph is the week is on the bottom axis,  
11 the number of people reporting is on the Y axis. So prior to  
12 July 4, we had a window, you know May and June when the  
13 menhaden fisheries are starting to kick, we had a consistent  
14 29 people sending reports.

15 And some of those were paper coming in late. And  
16 some of those were daily. But in that time period, we had  
17 this consistent number. And then in -- on that week of July  
18 4th, that number went down almost by half. We lost a bunch of  
19 people. And the reason is is because those are people who are  
20 not reporting daily. Those were reports that were still on  
21 the paper reports that either had not been sent to the  
22 department or were still being processed.

23 So we looked at that and we went wow, so here we are  
24 August 29th, we are pretty far away from the pound net target  
25 but we are missing half of our people. And we can make two

1 assumptions. We can assume that they left the fishery and  
2 they pulled up and they stopped. Or we can assume they are  
3 still fishing. So at that point, we start to do some math.  
4 And we project from what we know about the seasonality of the  
5 fishery and what people have been catching and we basically  
6 fill in. And we project a number. And when we did that, on  
7 August 29, we thought oh man, we can hit it, so we closed. So  
8 as you saw from the first graph, we actually weren't too far  
9 off. So go down one.

10 (Slide)

11 So here is where we are. So now this is the same  
12 graph but what I did was I added in the number of people  
13 reporting that we know now. So imagine all of these paper  
14 reports are flowing in and we are filling in the gaps as we  
15 go. So you can see what happened -- there is your red line on  
16 July 4. Our consistent number of people before July 4th that  
17 was a consistent 29 people, that went up to about 40. That is  
18 about consistent with the number of people we expect.

19 July 4, that week, we still had that steep -- there  
20 was still a drop so there was something happening there where  
21 people just weren't fishing. Interestingly too, just as you  
22 know, when that -- when we saw that number back before in  
23 July, drop down, we sent letters -- those of you who have  
24 pound nets would have gotten them, we sent letters to every  
25 pound netter and said hey guys, please remember to report

1 daily because we were kind of freaking out because we weren't  
2 getting daily reports. And you can see the blue line jumped  
3 up and that filled in but the concern that I have is you can  
4 see -- oh maybe, can you scroll down?

5 (Slide)

6 So what you can see if you look at August 8, it is  
7 about three dots back from the green line, there it is -- that  
8 blue line, that is what we know now. There is still that sharp  
9 decrease. So that tells me that there is still reports  
10 sitting out there, there is about 18 people reporting for  
11 those three weeks where arguably there should be about 30  
12 people reporting.

13 So if those people 18 minus 30, if those 12 people  
14 harvested more than 230,000 pounds, we are going over. And  
15 we are going to have to pay it back. So that is kind of  
16 complicated but I feel really strongly because this is just  
17 the showcase example of what we have to deal with and why it  
18 is so important for you, for us to get this information.  
19 Honestly we would really like simply to let this fishery go as  
20 long as we can and for every one to get their harvest in but  
21 right now, it is very difficult.

22 So anyway, that is that, if there are any questions  
23 and I will move on to ASMFC.

24 ***Questions and Answers***

25 MR. MANLEY: On those figures that you got there, do

1 you notice that people were fishing in that you are saying  
2 that don't report it? Because the only reason that I am saying  
3 is -- look I am not a pound netter, so I don't have a dog in  
4 this hunt, I know a lot of times at home, guys they hike their  
5 nets up because they are getting --- and not catching no fish.  
6 You know you wouldn't be getting no reports from them --

7 MS. FEGLEY: Well, that is exactly the problem. So  
8 Paul if you can go back to that graph that shows the -- yes,  
9 so either one of those graphs, so that line right there  
10 (indicating) that is the number of people reporting what we  
11 knew right up to the closure. So you can see right after that  
12 red line, there is that drop. We sitting in our office have  
13 no way to know if those people didn't report because they are  
14 not fishing or if they didn't report because we just haven't  
15 gotten their information yet.

16 MR. MANLEY: Right, I mean, I am just saying --

17 MS. FEGLEY: We don't have any way to sort that out.  
18 And so if we assume that everybody stopped fishing, no you  
19 know, we are -- we know some -- we figure that no some of  
20 those people are still fishing but if we assume that they all  
21 stopped fishing, then we would have let the fishery run and we  
22 would be way over the quota.

23 MR. MANLEY: Well, I am just saying, if you are  
24 sitting in the office and don't have nobody to check and see  
25 if the nets are up and --

1 MR. RICE: Bill, what she is saying is they got no  
2 report. It is a pull your net up, it is --- catch you are  
3 supposed to send the report. So --

4 MS. FEGLEY: We have no way to know. We have  
5 absolutely no way short of following you around or --

6 MR. GILMER: Are there harvest reports on this like  
7 anything else, if you don't fish you still send in a report in  
8 that you are not fishing.

9 MS. FEGLEY: We -- for the pound netters for the  
10 daily reporting, we do not require pound netters to contact us  
11 every day they fish. We don't require that and maybe we  
12 should. But we didn't want to be that onerous. I mean, we  
13 did it for yellow perch. For yellow perch, we said you call  
14 us every single day whether you are bringing in fish or not.  
15 Because we want to know -- this is what we want to know.

16 But for menhaden we didn't go down that road and  
17 this is the result.

18 MR. RICE: Well, maybe in a quota based system like  
19 that, the fishermen should be put on notice that their quota  
20 is in jeopardy if you leave us in the dark and don't tell us  
21 you are not fishing.

22 MR. GILMER: Right or you can set it up on where you  
23 have to report -- I mean, do they call in? Is that how -- how  
24 do they report daily?

25 MS. FEGLEY: They can either text or they can send



1 it in on a web based -- it is just a quick -- they don't have  
2 to do it from the water, but it is a little web page or a text  
3 message. Either way.

4 MR. GILMER: And then I can understand but maybe  
5 somewhere down the line you can set up where you are required  
6 to at least once a week, at least that would give you a better  
7 idea of what is --

8 MS. FEGLEY: Well, we really need it -- we need it  
9 daily really. We need it daily for our fishery.

10 MR. GILMER: I understand that, if you are not -- so  
11 maybe somewhere in this process if you are not fishing, you  
12 still report that you are not fishing once a week.

13 MS. FEGLEY: Right. So that brings me back to it  
14 and I am going to say it, at the risk of you know we have this  
15 electronic reporting system that will be on line in 2016 which  
16 is a hailing system. And when you use the hailing system, if  
17 you hail, we know you are fishing. And you don't have to do  
18 anything the days you are not fishing because when you are not  
19 hailing, you are not fishing. So it solves the problem. But I  
20 will just put that out there.

21 MR. RICE: Mike, did you have something?

22 MR. LUISI: I can add it after questions if somebody  
23 has a question.

24 MS. DEAN: I was just going to say it is 10 people,  
25 have we picked up the phone?

1 MS. FEGLEY: Oh yeah.

2 MS. DEAN: And what are they telling you? They are  
3 not answering?

4 MS. FEGLEY: No, they have a lot to say.

5 (Laughter)

6 MS. FEGLEY: I am not going to give you my numbers  
7 because you are going to shut us down. Well -- they have a  
8 lot to say. It is a fair point though.

9 MR. LUISI: To the point that -- or to the question  
10 or concern about how do we know somebody didn't just pull  
11 their nets up? And how do we know they are not reporting?  
12 Well, we run a side by side comparison after the lag goes by  
13 of when reports are supposed to be here so that over the  
14 course of the year, we can look at individual harvest records  
15 that are reported on paper and the same -- those are pound  
16 netters that are required to report electronically on a  
17 particular day and we see all of the red flags pop up as to  
18 where those two lines don't cross right.

19 Where reports are coming in on -- there are paper  
20 reports on days when no electronic report was submitted and  
21 then there are electronic reports on days when no paper report  
22 was submitted on that same day. So that is where this  
23 management, we call it management uncertainty comes in. We  
24 know that they are reporting people missing days and so that  
25 is what adds to this -- the uncertainty that we have and that

1 is what we have to factor into those projections.

2 MR. GILMER: I understand what you are factoring --  
3 I am just trying to -- maybe I am looking for a cure that --  
4 but if you are -- and so are you saying that in the 2016 --  
5 next year's fishery will be different -- on how you have to  
6 report?

7 MS. FEGLEY: No, next year's fishery we would like,  
8 I mean, the pound netters are required to report every day.  
9 Not for -- and I think the requirement is to start sometime in  
10 April, the very beginning of the season we don't' make them do  
11 that, but starting sometime in April. And everybody is going  
12 to get letters. There is also a provision in the regulation  
13 where we can not issue a pound netter a by catch permit if  
14 they are not complying with the daily reporting.

15 But the problem is, the only way we can enforce it,  
16 because we are not asking people to call when they are not  
17 fishing, is we have to have some sort of proof that they were  
18 on the water at a given day and which means we need somebody  
19 out there to see that they weren't on the water on that day.  
20 And not have a report that day and that is pretty hard to do.

21 MR. GILMER: Right.

22 MS. FEGLEY: So we are not proposing any changes  
23 right now in 2016, we are just you know, the point to this is  
24 just to demonstrate it was a very painful and -- was painful  
25 for the industry and it was painful for us and it was very

1 time consumptive. And a lot of mistrust on what our numbers  
2 are. And so I just felt really compelled to demonstrate to  
3 this group, this is what we are working with, this is the  
4 problem and I think we have the tool, people just have to use  
5 it. If people are having -- I know we had a couple of people  
6 who had some problems, they fished together and they were  
7 having trouble submitting two -- you know they harvest  
8 together on the same text, I think we got that fixed for them.  
9 But you know, call us if you are having any problems we need  
10 to --

11 MR. GILMER: But still your other graph shows that  
12 as reports come in, the fishing was actually going on, you  
13 just -- the reports were just like getting there.

14 MS. FEGLEY: Yes.

15 MR. GILMER: Okay.

16 MS. FEGLEY: And it also shows that our projection  
17 were --

18 MR. GILMER: Were pretty close.

19 MS. FEGLEY: -- pretty on the money so you know and  
20 that is -- I would not -- I would say a lot of that was  
21 probably luck on our part. I think we are doing --

22 MR. GILMER: Yes, but any time you are estimating  
23 with this. But I understand where you are coming from.

24 MR. LUISI: We think we got lucky this year still.  
25 Because we still don't have all the reports in but the risk of

1 our projections and being wrong to the industry can be -- it  
2 can be a great risk. If we don't project -- if our projections  
3 don't come in right on the money or if we are allowed an extra  
4 few weeks to happen before the closure, we could find  
5 ourselves a million pounds over the quota and then next year,  
6 there is -- we will have a million pounds less to start with  
7 and that is a domino effect.

8 MS. FEGLEY: And then we start to snowball --

9 MR. LUISI: And then things can really go bad.

10 MR. RICE: Mike?

11 MS. FEGLEY: Oh, no I am not done, sorry. So can  
12 you move forward -- I am just going to segway from this into  
13 ASMFC.

14 (Slide)

15 MS. FEGLEY: So this is really important because I  
16 think you are all up to speed that part of the issue that we  
17 have in monitoring this menhaden quota is that we do have this  
18 quota which is arguably difficult to manage with pound nets.  
19 So, we have an allocation issue with pound nets, with Maryland  
20 that is troublesome to say the least.

21 The state of Maryland, based on harvest history is  
22 allocated 1.37 percent of the coast wide quota. That is based  
23 on our historical reported catch. We -- when this all came  
24 from ASMFC, the state of Maryland put in this 6,000 pound by  
25 catch basically as a Hail Mary pass to keep the pound netters

1 basically afloat. So now we have made it abundantly clear at  
2 the commission that this is a big problem specifically for  
3 pound nets.

4           In response to that, the ASMFC put together a board  
5 subgroup to revisit allocations. In other words, what is a  
6 better way to split up this fishery. At the November meeting,  
7 there will be no decisions made but that allocation subgroup  
8 has finished its work and one of the things that is going to  
9 happen is that the board is going to discuss all of the  
10 allocation options that this group came up with. So go ahead.

11           (Slide)

12           So the list is fairly long and it starts as always  
13 with status quo, so remember, this whole list is going to the  
14 board for board discussion. And then what happens is the  
15 board forwards it all to go into a public document for a  
16 public comment. So this is the beginning of a very long public  
17 process that we will keep you updated on.

18           So here is the list of options. The way we have it  
19 now, we can just get rid of any allocation and have a coast  
20 wide quota. That means the whole coast gets to catch x pounds  
21 and what that means is you are going to have big purse seiners  
22 running up and down the coast arguably sucking up all the fish  
23 before they even get to the bay, the Maryland pound nets.

24           So regional quotas, quotas split between the bait  
25 fleet and the reduction fleet. The most interesting ones are

1 these fleet capacity quotas. There is two of them. There is  
2 a three category -- three category option which puts pound  
3 nets and gill nets together. I think it is frankly sort of  
4 absurd. But then there is a two category a purse seine and a  
5 non-purse seine split. And so if you can forward -- go  
6 forward Paul.

7 (Slide)

8 This is right now the current department supported  
9 option. This libs(sic) back to the discussion we just had  
10 about our pound net effort. This is -- this would solve so  
11 many problems with menhaden management but I will tell you  
12 straight up that there is hesitancy on parts of the states  
13 because one of the things that they want to know is the growth  
14 potential of our pound net industry in Maryland.

15 I spend a lot of time on the phone arguing that we  
16 do not -- our pound net industry is not a growth industry.  
17 It, I do not believe that it is. But when they ask me hard  
18 questions about how many pound nets are being fished, what is  
19 our limit on pound nets? I can't answer those very well  
20 because all I can say is well we have thousand and some odd  
21 sites registered and some of those are being fished and if we  
22 grew to a 1,000 pound nets, that is a growth industry. It is  
23 never going to happen.

24 But having that information is going to become very  
25 important as we start to move through this. So this is really

1 what those two capacity option would look like. So, the --  
2 basically the red and the numbers on the Y axis is a  
3 percentage of the quota and those are to be ignored because  
4 they are not -- they are just my numbers that I made up. They  
5 would change. But essentially you would give the purse seines  
6 a chunk of the quota. It would be a big chunk. So the lines  
7 bait fisheries, the big boys who are trolling the oceans,  
8 Omega, those purse seiners would have the lion's share of the  
9 quota.

10           The rest of it, would be coast wise. So we are no  
11 longer state by state. Pound nets, gill nets, the little  
12 floating fish traps and weirs up in New England. Everybody is  
13 fishing on a small capacity soft quota. And that soft quota  
14 is allowed to fluctuate and in some years when fish are  
15 available, so here is an example. If the coast wide pound net  
16 harvest doubled in a year, assuming the purse seiners are  
17 catching 94 percent of the coast wide catch, if we doubled the  
18 pound net harvest, it would cause a total quota overage of  
19 less than 4 percent.

20           It is highly unlikely that pound nets who do catch  
21 the majority of this small capacity fleet is highly unlikely.  
22 Pound nets can even double their harvest. It mean, so really  
23 you have to have one of those really available years, so the  
24 idea is you would let these little capacities flux and they  
25 would be monitored. There would still be this monitoring and



1 you would set triggers in case of growth, in case the small  
2 capacity fleet started to exceed the quota too much or too  
3 long, you can set triggers that would say, you know, if we are  
4 over the quota by more than 10 percent for 2 years all small  
5 capacity vessels have to have a trip limit of --- right? And  
6 then that brings every body down, or we go back to state by  
7 state quotas for the small capacity fleets.

8 I am telling you this because this is going to be  
9 discussed by the board in November. I am assuming the board  
10 is very willing to sort of put all options on the table, but I  
11 would really like is for -- for you guys to tell me does this  
12 work for you? And it would be nice to go into the board with  
13 this is really Maryland's position rather than this -- you  
14 know, let's not be trying to work against each other on this  
15 if it is possible. So that is the where we are right now.

16 So that is that. And then one more thing, the other  
17 thing that is going to happen at the board in November, so as  
18 the same time this was going on, the board also put together a  
19 work group to look at ecosystem reference points. There was a  
20 work group that sat down together with the scientists. It  
21 was a facilitated work shop to set goals for the ecosystem.  
22 It was very well done.

23 Then the scientists took what they heard from the  
24 managers and went back to look at their models that they could  
25 use to develop reference points for those ecosystems

1 objectives. What we are starting to hear is that it could  
2 take them three years to finalize those models. I don't know  
3 for a fact that is what we hear but that is what we are  
4 starting to hear. Here is the ticket with that. This whole  
5 thing is amendment three. That is the process we are starting.

6 I think that we were hoping that amendment three  
7 which includes allocation in ecological reference points could  
8 be completed so that we would have on the ground  
9 implementation in 2017. Right now, if it is a three year  
10 horizon to even get the models done, we are looking at 2018,  
11 2019. So that is the other thing that I put before you today  
12 is that I think from our perspective from the department, it  
13 is unacceptable to wait three years to solve this allocation  
14 problem.

15 So I don't -- that is again, there is not going to  
16 be any decision on that in November but I am sure the  
17 conversation will begin. That is all I have.

18 MR. RICE: Thank you, Lynn. Does anybody have  
19 anything to add or questions for Lynn.

20 MS. DEAN: Of course I do. You said that it would  
21 go over by 4 percent -

22 MS. FEGLEY: Less than.

23 MS. DEAN: The small capacity. Are you talking  
24 about coast wide that it would only go over by 4 percent or --

25 MS. FEGLEY: Yes, yes. See that little green line,

1 so the pound nets -- and I am talking about coast wide pound  
2 nets now.

3 MS. DEAN: So that might not even trigger an action  
4 with the soft cap?

5 MS. FEGLEY: Right, that is exactly the idea. And  
6 frankly the idea would be because I think -- so the concern  
7 obviously when you start to talk about this on behalf of the  
8 seiners, the big guys and the Omegas and the lunds(sic) is you  
9 guys want to work on the set aside well it is coming out of my  
10 hide. So no. They are going to fight it. But you could  
11 start to talk about well all right guys, if we let you fish on  
12 like -- you can trade them a little more if we are the  
13 flexibility for the small capacity. And whether or not that  
14 is something -- and we need some help from the scientists from  
15 that too. But I think that is possibly would be an  
16 attractable conversation to have.

17 MR. GILMER: And you are talking about you would  
18 almost have to be over for x number of years before it --

19 MS. FEGLEY: And so really the question is, if the  
20 biological question is how much can you exceed that total  
21 quota and for long without causing a risk to the stock.  
22 Because really you know, a fairly large change on the small  
23 capacity side just turns into a little blip on the total. So  
24 how do you capitalize on that, how do you use that?

25 MR. GILMER: So outside of Maryland and I guess

1 Virginia, has a fair amount of pound nets, how many other  
2 states really are in this fishery?

3 MS. FEGLEY: New Jersey.

4 MR. GILMER: New Jersey.

5 MS. FEGLEY: New Jersey apparently has high meadows  
6 that can carry -- catch like 35,000 pounds in a trip. So New  
7 Jersey -- Delaware has pound nets.

8 MR. GILMER: North Carolina.

9 MS. FEGLEY: North Carolina has pound nets. Not  
10 many but they have pound nets. And then up in -- when you get  
11 up in New England and you get into the weirs and the fish  
12 traps.

13 MS. : But even if all of those ---

14 MR. GILMER: I mean, I understand totally and it  
15 looks good to us but I guess the big discussion -- okay now  
16 did this scenario include the gill netters and pound netters  
17 combined or just pound netters?

18 MS. FEGLEY: No, this scenario includes everybody.  
19 Includes everybody who is not a purse seiner.

20 MR. GILMER: Okay.

21 MS. FEGLEY: Pound netters take -- I don't have the  
22 numbers in front of me and I should, pound netters they are --  
23 they are like the purse seiners of the --

24 MR. GILMER: Right, yes they are.

25 MS. FEGLEY: -- I mean, they are taking 95 percent

1 of the small capacity and so the other -- and then gill nets  
2 are next.

3 MR. GILMER: Right, okay. So for I guess the support  
4 you probably need is a meeting with the pound netters over  
5 this?

6 MS. FEGLEY: Yes, I think that is going to be the  
7 next step. And I think you know, what everybody needs to  
8 understand is that I don't know that this is going to be an  
9 easy sell. Like I said this is something --

10 MR. GILMER: Right, but at least you would go into  
11 the meeting knowing how your people felt?

12 MS. FEGLEY: Yes, that is right.

13 MR. GILMER: I mean, that is how I see it. I mean,  
14 this looks like a pound net issue to me.

15 MR. RICE: Absolutely.

16 MS. FEGLEY: So the action would be to meet with  
17 pound netters which absolutely we can do.

18 MS. DEAN: And the worst case scenario, if they take  
19 away the 6,000 pound by catch and we are on our hard cap.

20 MS. FEGLEY: Yes, that is the worst case scenario  
21 although I don't think any of that would happen -- I don't  
22 think any of that would happen until amendment three -- is  
23 initiated and that is going to be a couple of years. But you  
24 know I always worry and I have said it over and over again  
25 when we exceed that quota so much with that -- we are at a

1 million pounds of by catch. So basically what we have now --  
2 we have some -- we have a soft quota right now because we have  
3 the by catch that doesn't count in the quota. So we are  
4 already doing this. All the states are doing this but it is  
5 not controllable, it is not orderly. It is sort of chaotic.  
6 So, yes, that would be the worst case scenario.

7 MR. RICE: Okay, you all good?

8 MR. GILMER: Just one more thing while you are at  
9 the table, or whoever does this yellow perch report.

10 MR. RICE: Mike is going to talk about that.

11 MR. GILMER: All right, good enough. You are off  
12 the hook for a minute.

13 ***Estuarine and Marine Fisheries Management and Planning***

14 ***Additional Species***

15 ***By Mike Luisi***

16 MR. LUISI: So just to add very quickly to this.  
17 You know, what Lynn just said was absolutely correct. We are  
18 already fishing on a soft cap because we have a hard quota  
19 that we are allowing by catch to happen afterwards. One of  
20 the provisions of something like this option could potentially  
21 be the establishment of a moderate triple amendment(sic) that  
22 isn't entirely restrictive but something to keep this line  
23 from bouncing too much.

24 Something that our fishermen can live with but it  
25 wouldn't necessarily trigger a 6,000 pound by catch limit that

1 we currently have. So there is a lot to be discussed and we  
2 will be working on that after the meeting in November. So I  
3 just have a couple of updates for you guys for a few meetings  
4 that are upcoming. The first -- well this is not a meeting  
5 but the first thing I wanted to bring up you have it in your  
6 packets of information for which was just mentioned which is  
7 the 2016 commercial yellow perch fishery --- reporting and  
8 tagging program.

9           We were asked to consider moving forward in some way  
10 to allow for yellow perch harvesters the option to tag crates  
11 or boxes of fish rather than individual fish. We have done  
12 that for a number of years and we never -- we were never able  
13 to do that given the level of accountability that we expected  
14 in the yellow perch fishery as an agreement years ago when the  
15 fishery re-opened. There was this commitment for having an  
16 accountable fishery for which we considered an individual fish  
17 tag to be that level of accountability.

18           Now that we have a functional hailing and electronic  
19 reporting system that informs enforcement and managers of  
20 fishing activity on daily basis, we feel that that  
21 accountability of an individual tag is met given this new  
22 pilot idea of allowing a fisherman to crate, box and tag those  
23 fish with a box tag which would contain the information about  
24 what is in that box until it hits a dealer.

25           And at that point, the tag would be removed and

1 returned to the department and the individual would be using  
2 our electronic hailing and reporting system, they would have  
3 to agree to use that system and follow the guidelines of that  
4 incentive for box tagging. So the purpose of bringing that up  
5 here tonight or today was to let you all know that we are  
6 continuing to move forward with the development of this pilot  
7 program. We expect the declaration for yellow perch permit  
8 which is an open access permit, not limited to anyone. The  
9 declaration period ends at the end of this month.

10           So therefore the first of November, early in  
11 November we are going to reach out to all of those people who  
12 declared for a yellow perch permit and offer this incentive,  
13 offer this pilot program to them. If they select the pilot  
14 program, we will have training opportunities throughout the  
15 rest of the year into November and December, preparing them  
16 for the first of the season.

17           If they chose to just stay the course, and  
18 individually tag fish, they will have that same opportunity  
19 available to them. They won't have to use the electronic  
20 system, they will receive individual fish tags and a permit  
21 card and will be required to just go through the motions as  
22 they had before where they have to call us each and every day  
23 of the season beginning in January and we track their catch  
24 through that mechanism, so I can take it if you have any  
25 questions on that at this point. I can answer questions on



1 the pilot program.

2 MR. GILMER: I know you and Steve worked on that  
3 this morning.

4 MR. LUISI: Steve does a really good job of keeping  
5 me, making sure -- he called me this week and he is just  
6 making sure that we are moving forward and I keep telling him  
7 that we are.

8 MR. GILMER: Your T's are crossed and your i's are  
9 dotted, I guarantee that with Steve.

10 MR. LUISI: Normally I wouldn't even put stuff like  
11 this together but I figured, if it is in the packet then you  
12 know what we are doing. So that is the first thing. The  
13 second thing that was mentioned earlier but we are having a  
14 commercial industry stripe bass workgroup meeting on Tuesday.  
15 Next Tuesday, the 20th I should have confirmed the date but I  
16 believe that is -- okay.

17 This is a meeting where we intend to discuss a  
18 number of things with the industry. We wanted to provide an  
19 update on this recent declaration period. August and  
20 September was a point in time when all stripe bass permit  
21 holders needed to declare their intent to fish. We had an  
22 issue -- we changed some rules this year where, if you did not  
23 declare, you were out completely. There was no every other  
24 year, every third year declaration tolerance and I want to go  
25 through with the industry -- the process we went through about

1 informing people.

2           We sent letter after letter after letter after  
3 certified letter after postcard, after certified letter to  
4 people who weren't going to the service centers to get their  
5 paperwork done. And in the end, I believe only one or two  
6 people may just not be here anymore or around in order to  
7 complete this process. But I have to get an update from staff  
8 on that and I won't be reporting it.

9           Back to the group, also talking this was the first  
10 time this summer where we allowed for the permanent sale of  
11 quota and shares. And permits between individuals with  
12 commercial licenses. So we want to go over what transpired as  
13 a result of that. We did have a little over a 100,000 pounds  
14 change hands permanently.

15           Which is about 8 percent or so of the quota and I  
16 believe there were a little over a 100 actual transactions of  
17 permanent sales of permits or quotas and shares to one another  
18 through that time period. It is closed now and you know, the  
19 industry decided to only allow for a small window of time this  
20 summer to allow for that happen. Next year it will be open  
21 again and we can consider whether or not we extend that open  
22 period at some point in time.

23           The common pool as have reported before, is  
24 something that we are going to be discussing kind of where we  
25 go forward with the common pool fishery. And how we are going

1 to continue to manage it given that the quotas are continually  
2 smaller and smaller with less and less people throwing their  
3 quotas into that common pool. And a number of other things,  
4 the charter boat and ITQ issue which was brought up earlier  
5 today we can absolutely discuss at that meeting. And I expect  
6 that I would be reporting back to you on what happens at that  
7 meeting at the January meeting of this commission. So we  
8 would have some maybe some action items to move forward with  
9 at that point.

10           The blue crab committee, we are working right now to  
11 get a meeting together, it is likely going to be the middle of  
12 November, either the 17th, 18th or 19th. Brenda is working on  
13 getting the blue crab committee together to discuss options  
14 that were asked to be put together regarding the extension or  
15 the five inch crab issue.

16           And so staff are working to put information together  
17 for that meeting, so just you know, again what transpires  
18 during that meeting will likely be brought to the commissions  
19 attention if any actions will be necessary as a result of the  
20 recommendations from the committee. I don't know if it was  
21 mentioned and I wasn't here right at the beginning of the  
22 meeting but in a couple of weeks, the Atlantic States Marine  
23 Fisheries Commission will be meeting in St. Augustine, Florida  
24 for the week.

25           In review of the agenda, there isn't anything

1 commercially -- there isn't any thing of commercial interest  
2 that is very controversial in nature in any way for Chesapeake  
3 Bay related fisheries. There are some things that will come  
4 up that are a little bit more of a hot button item for folks  
5 on the coast, that fish off of the -- in the Atlantic.

6           And so I am not going to go through the details of  
7 that today but we are meeting with the -- we have stakeholder  
8 meetings set up for tomorrow, where a number of us from the  
9 office are going down to sit with -- we have a commercial  
10 meeting set up for a few hours and then we have the  
11 recreational stake holder meeting in the evening to go over  
12 some of the things that will be transpiring at the ASMFC  
13 meeting in few weeks.

14           That will more so effect the commercial interest on  
15 the coast and the recreational interest on the coast. Those  
16 are my four updates and I can take any questions before we  
17 move on to the next agenda.

18           MR. JEFFRIES: Do you have the numbers on our  
19 reduction?

20           MR. LUISI: There -- stripe bass?

21           MR. JEFFRIES: Yes. I know it has to be way more  
22 than 20.5 percent is what I am asking.

23           MR. LUISI: We don't have a way of determining that  
24 at this point right now.

25           MR. JEFFRIES: Not even for the spring?

1 MR. LUISI: For the spring fishery, so okay, I will  
2 just back everybody up for a second. We were required to take  
3 a 25 percent reduction in the recreational landings for the  
4 stripe bass for the spring trophy fishery because the trophy  
5 fishery is considered the coastal migrant stock for when they  
6 enter into the bay, we are harvesting them. So a 25 percent  
7 reduction was required in the bay or in spring trophy and then  
8 a 20.5 percent reduction for the summer/fall.

9 We only have a preliminary look at the spring given  
10 the data lag of the MRIP program and our own staff's time,  
11 putting together the grill survey information as it folds  
12 together with the spring trophy -- with the wave data that  
13 comes from MRIP for that time period in the spring. The  
14 preliminary look puts us in and around the 30ish percent  
15 reduction. It is like zoned of what it appears to be as a  
16 result of that slot limit that we implemented.

17 Now we talked about this on Tuesday when the sport  
18 fish commission was together. And what I heard back from them  
19 while your report is going to say this, it wasn't necessarily  
20 what happened. And that there was -- the reductions were felt  
21 a lot more severely than what your report is going to  
22 indicate. And I understand that and that is what I heard as  
23 well. That is what we all heard.

24 MR. : It has doubled 30 percent easy.

25 MR. LUISI: And we have some more work to do. When

1 we talk about the recreational harvest as a whole, we can't  
2 separate out -- the data that comes to us from the  
3 recreational harvest as the whole recreational harvest is an  
4 MRIP driven data source. There are in some cases, great  
5 amounts of variation with what comes from that MRIP program.  
6 And therefore, we are limited -- we don't collect harvest  
7 information from each and every recreational angler. Now we  
8 do have charter boat information that is submitted to us that  
9 we need to do a little additional work to determine what kind  
10 of data we received from them in comparison to previous years.

11 I do understand that there is a -- that the -- what  
12 was felt was more than 25 percent. I mean, that is clear.  
13 Now there is two things about moving forward. Right now there  
14 is no intention to change that level of reduction for 2016.  
15 There isn't anything -- we are not -- no matter what  
16 transpired, no matter what our report says, we are not going  
17 to be asked to cut back anymore or liberalize in any way. The  
18 intention would be to maintain the status quo approach on that  
19 reduction moving forward.

20 MR. JEFFRIES: Is that the states' approach or the?

21 MR. LUISI: That is the ASMFC's approach. Now, we  
22 are -- we have a lot of questions to ask the board in November  
23 when we meet. There could potentially be -- although I would  
24 say that there is not very -- there isn't real good likelihood  
25 of any relief coming in this upcoming year. We intend to work

1 with the board and the technical committee in advancing the  
2 work that has been done regarding the biological reference  
3 point issue into 2016 for hope -- hopefully for implementation  
4 of those reference points for the 2017 fishing year. That is  
5 going to be a process that takes almost a year to come  
6 together and I mentioned the other day too, that is not the  
7 savior in all of this. Biological reference points can really  
8 go either way, it all depends on what the assessment  
9 information that comes out as far as bench mark or updated  
10 assessment information as it -- as we learn of what has  
11 happened in past years, we could be looking at being in a  
12 favorable position or an unfavorable position. Even with the  
13 Chesapeake Bay reference points.

14           So -- but we feel that the Chesapeake Bay reference  
15 points puts us in a better position for the longer term,  
16 management of stripe bass in the bay and therefore we will  
17 continue to press the board and press the T.C. to getting that  
18 work done.

19           MR. JEFFRIES: So how long before we get the  
20 results? The numbers? Because the point of it all is, if it  
21 is going to be another two or three months, we are going to be  
22 just like last year two weeks before the season not even  
23 knowing what we are allowed to catch. Or not being able to  
24 put more options in front of you. Because when we had a  
25 meeting last time, we were down to can we keep a filet a

1 person, regardless of the size of the fish, that is how  
2 desperate we are. Not a fish per person. Can we keep a  
3 frickin filet per person.

4 MR. LUISI: So since Tuesday when we talked about  
5 this with Sports Fish Commission, we have a question to ask  
6 the board. And that question is, are we going to be allowed  
7 to modify our recreational seasons whether it is season, size  
8 limit, career limit, are we going to be able to modify our  
9 2015 rules? In some conservationally equivalent way that we  
10 can take the options and the menu that were on the table for  
11 you guys a year ago now, are we going to be able to take that  
12 menu and select something else or what I was informed after  
13 this meeting -- after our meeting on Tuesday, there may be a  
14 case for which the board made a commitment to maintaining the  
15 same approach for two consecutive years so that it can be  
16 analyzed and it can be determined without jumping.

17 It gets very technical and it is above my mind how I  
18 can think that through but there might have been a commitment  
19 by the board to stay --whatever you put in for 15 is what you  
20 go forward with and 16 as well for consideration of changes  
21 and 17. And I have to -- we have to figure that out in  
22 November. We are going to ask the board that question and get  
23 some answers. So we might be looking at coming back from that  
24 meeting and being able to go back and rerun some options for  
25 you guys.



1           We had hundreds of options available last time and  
2 we had to whittle them down, we ultimately selected the slide  
3 limit for the trophy fishery and the 20/2 for the spring,  
4 summer, fall. It would be -- if we could come back and offer  
5 additional options for the recreational fisheries then that is  
6 what we will do. If the board directs the rest of the states  
7 to just hold the line for one more year, then we will be in  
8 the position to have to do that.

9           It is our expectation that we would ask a stripe  
10 bass update, a stock assessment update to be conducted next  
11 summer for an evaluation of what actually was the fishing  
12 mortality in 2015. 2015 is the hang year for when we -- where  
13 all states made these cuts. And I think it is going to be  
14 very important for the board to see what results happen as an  
15 update takes place. So we are going to be asking for that as  
16 well.

17           But the expectation going into 2016 is you know, we  
18 are looking at the same level reductions, both commercially  
19 and bringing in the -- the quota will be maintained as it was  
20 this year. And recreationally we will be looking at that same  
21 level of reduction, it could just be a different option.

22           MR. MANLEY: You guys are going to be hurting -- the  
23 charter boat industry in the trophy season. Because I know  
24 myself last year, most days it was 75 percent throwing them  
25 back. And I know Chuck Clark, my brother in law, had a family

1 on there, had a girl about 15 years old, wound in a 38 inch  
2 fish, biggest fish she had ever seen. Chuckie said we got to  
3 throw it back. The father said you are kidding me. He said we  
4 can't keep that fish, the biggest fish that is ever caught in  
5 her life. He said I will never be back here again to do this.  
6 And this is not just one instance, this is all over. I mean,  
7 when you go there all day and you only four or five fish and  
8 you have to throw them all back or keep one out of five, that  
9 kind of stuff. People aren't going to spend money to do that.

10           And last year when this was all done, and they said  
11 oh this is going to be one year and it is going to be done, we  
12 will be all right then. And I remember Ed O'Brien, in  
13 February last year --- was at the charter boat, he said boys  
14 they have told us one year but I am telling you don't hold  
15 your head on it. That is what we were told that it was going  
16 to be one year and then be all done. Now it is two years now  
17 and it might be three years.

18           You know how this is. There is no guarantee it will  
19 be done next year. And you know that is going to kill the  
20 trophy season for a lot of people. Me might be one of them, I  
21 might just say the hell with it and just lay off until the  
22 16th. When you can keep whatever you catch. Because people  
23 are not going to be happy coming down to pay to get on charter  
24 boat and have to throw most all of them back.

25           MR. LUISI: Mortality right now and -- 19 inch fish

1 is --

2 MR. MANLEY: And that is another thing too, I went  
3 with --- one day ready with him, I didn't have a trip and he  
4 didn't have a mate and we caught 7 fish and kept 3. And out  
5 of the 40 we threw back, three of them had blood running out  
6 of their gills, not nothing we did wrong but just the nature  
7 of what we do and you can figure those fish are probably going  
8 to die. And if we could have kept the first four fish, we  
9 could have come back again and the other three would have been  
10 gone -- they wouldn't have been hurt at all. So I mean, we  
11 didn't do a damn thing by throwing them back. Yes, they think  
12 just throw them back there, fine. It just don't happen like  
13 that.

14 MR. LUISI: We understand that.

15 MR. MANLEY: Yes, but they don't, apparently.

16 MR. LUISI: I think the managers around the table  
17 understand that, the people at the board understand the  
18 concerns and the issues. I guess the best thing that can come  
19 out of this meeting is we are given the opportunity to explore  
20 additional -- other options but we are not going to be able to  
21 go back to one fish at 28 inches for the trophy fishery, it is  
22 going to have to be equivalent in some way to the slot limit  
23 that we had from last year.

24 So, I think some of the options on the table was a  
25 36 inch cut off of a minimum size and we debated that.

1           MR. MANLEY: Yes, but you guys come back up there at  
2 the AFC or the north states I should I guess say and they  
3 were complaining that there wasn't no fish up there. And this  
4 year in the summer there, the market went to hell when they  
5 opened it up because they had so many fish up there they were  
6 catching and putting them on market. So it was a bunch of  
7 crap that they didn't have fish. You know that is what it was  
8 sold as, they were so short fish up the whole Atlantic coast  
9 that we had to cut back to help -- and if you look at the  
10 market, it don't tell that.

11           MR. LUISI: Which is the reason why we continually  
12 pursue the biological reference points issue in the Chesapeake  
13 Bay because then we are set aside from what is happening along  
14 the coast.

15           MR. MANLEY: Apparently maybe we had a chance last  
16 year and it never happened. They wouldn't accept it or  
17 whatever. I mean, you are dealing with a bunch of people that  
18 just want us to keep the bays as an aquarium for them, or  
19 hatchery (sic). I mean, it really is.

20           MR. RICE: Well, Mike, let's hope that they will  
21 come out with a better plan. Why don't you tell us something  
22 more positive before we move on. Give us a -- tell us a  
23 little bit about the --

24           MR. LUISI: Like I have a whole lot of positive --

25           MR. RICE: Young of the Year.

1 MR. LUISI: The Young of the Year as you all read,  
2 the Young of the Year index was great this year. The number I  
3 believe was over 24 -- between 24 and 25 fish per haul which  
4 is double what the time series average was. So we are looking  
5 at now -- and this all plays into it as much as this all  
6 factors into these discussions with stripe bass because over  
7 the last two years as we have debated these issues -- around  
8 the ASMFC board table, every one was focused on the 2011 year  
9 class being all that there was for the future and there was  
10 that concern over the 2011 year class as to whether or not  
11 they would be over harvested and not allowed to grow into that  
12 spawning stock to increase that level of spawning stock.

13 Well now we have another good year class and it  
14 factors into those discussions and hopefully will benefit --  
15 it will provide a little relief. Every one can take a deep  
16 breath, we have had a couple of good year classes over a  
17 couple of years. And hopefully that will help these  
18 discussions as we move forward.

19 MR. RICE: Well even in the heyday, we didn't have  
20 good year classes every year. Totally normal. You have so  
21 many variables. Water temperature, fresh water, the whole  
22 nine. So if anybody thinks you are going to have a strong  
23 year class every year, then they don't know much about  
24 fishing. Do you have any like specifics of how the certain  
25 areas did like the upper bay, Nanticoke, Potomac, that kind of

1 thing?

2 MR. LUISI: It was a very robust survey completely  
3 around the bay. It wasn't just in the Potomac, it wasn't just  
4 in the upper bay, it was every where. So the fish were  
5 everywhere which was a good sign as well.

6 MR. RICE: Okay, thanks.

7 MR. LUISI: You are welcome.

8 MR. RICE: I wasn't --

9 MR. LUISI: No, it is great. I appreciate that.

10 MR. RICE: We appreciate your report.

11 MR. GILMER: One more thing before Mike -- you said  
12 you are going to Ocean City and the coastal bay. We had a  
13 meeting back a little while ago on the coastal clamming. I  
14 don't know who else is going with you on that meeting but  
15 Jody Baxter is here somewhere, she had -- she is hiding behind  
16 me. Her and Robert --- and I met with -- and a couple of other  
17 people met with some people over a proposing getting a coastal  
18 clamming open and again.

19 And I don't know who is going with you or -- I just  
20 want to know if that can be talked about there at that  
21 meeting?

22 MR. LUISI: It is on the agenda for discussion.

23 MR. GILMER: Okay, all right, good enough.

24 MR. LUISI: And I think we were going to -- we  
25 planned to provide just the background and then what it would

1 require -- it would require legislation in order to change  
2 that but at least give everybody there -- anyone interested,  
3 at least give them the information as to how to pursue  
4 something like that.

5 MR. GILMER: Yes.

6 MR. LUISI: And I don't do clams.

7 MR. GILMER: I do --

8 MR. LUISI: I don't do oysters and I don't clams.

9 MR. GILMER: While you were mentioning the ocean,  
10 that is the reason I brought it up. I wasn't putting it on  
11 you.

12 MR. LUISI: No, we have a pretty full agenda with  
13 the ocean folks and it is hard because there are a lot of  
14 quota cuts and other things that have come down on the ---  
15 folks. You might even hear from some of them on their oceans  
16 about it. But we are going to talk about it tomorrow and  
17 hopefully be able to get through it.

18 MR. GILMER: Okay, just didn't want that left out.

19 MR. RICE: Okay, are you good Moochie?

20 MR. GILMER: Yes, I am good.

21 MR. RICE: Well, Dave, you have had an opportunity  
22 to soak all this in, now you can take the forefront.

23 MR. LUISI: I have -- there is another item on the  
24 agenda. I think right --

25 MR. RICE: Where is this at?

1 MR. LUISI: Top of the next page.

2 MR. RICE: I am sorry, I am trying to move the  
3 meeting along and I may be moving a little bit too fast. I  
4 didn't realize that you had an -- I apologize.

5 MR. LUISI: It won't take very long I don't' think. I  
6 can probably keep you under your agenda clocks. But anyway,  
7 as a request from one of the commissioners, we were asked to  
8 look at and have a discussion at the commission level on how  
9 we could do a better job potentially of allowing for the  
10 strength, the full stripe bass quota to get caught each year.

11 So what you guys all have in front of you and what  
12 is up on the screen here is a summary of harvest, the percent  
13 of quota caught by month and the cumulative catch per year  
14 over the last few years from 2012 on to 2015. So just to give  
15 you a sense, the catch is simple. It is a simple summary of  
16 harvest by month during the open months of the season. We  
17 have a total catch and then the quota that was established for  
18 the commercial fishery for that year.

19 If you wanted to compare catch per month by year --

20 MR. : You still don't know --

21 MR. LUISI: -- you can look at the second block of  
22 data and just look at differences in how the quota was caught  
23 by month over the course of those years. But the most -- the  
24 thing that is most interesting I think, would be most  
25 interesting to everybody, is that cumulative catch. So as the



1 quota is caught throughout the year, how is the catch compared  
2 from year to year?

3           And so, there are two places that I wanted to point  
4 you to and then I wanted to ask Paul to zoom in, Paul if you  
5 could zoom in just on this -- the graph and then this area  
6 where there might be a little easier to see and include those  
7 numbers right here where the circles are, yes that is perfect.  
8 So this is 2012, 13, and 15. I plotted those lines below on  
9 this graph and they came in out of order but the top line here  
10 is your 2013 catch over the course of the year where we  
11 achieved 99.25 percent of the quota that was set for that  
12 year.

13           And in 2013, we caught 99 percent -- it was lower  
14 throughout most of the year but then spiked at the end. That  
15 was under our old derby fishery. That was under the old style  
16 of fishery other management system that we had where we had  
17 monthly quotas. Those monthly quotas were managed until they  
18 were caught and then we shut the fishery down and reopened  
19 again the following month.

20           Under the new ITQ and common pool fishery, we --  
21 what I think is interesting is how very similar it operates  
22 throughout the year. You know, with the 21st year of the ITQ  
23 is this red line here and this second year ends in September.  
24 We don't have any information past September at this point.  
25 But what you can see as far as the difference here and the

1 reason why this was brought up, it asked to be brought up as  
2 part of a discussion, was that we used to operate around 99  
3 percent, we came in under that five and a half percent here,  
4 short of the quota which ended up equaling a little over a  
5 100,000 pound, 107 pounds I think is what we came in shy last  
6 year under the ITQ.

7           The reason for that was because there were people  
8 who held permits that had individual allocations that for  
9 whatever reason chose not to catch those fish. There were  
10 mechanisms for them in place to transfer those to people who  
11 were actively fishing but for whatever reason they chose to  
12 hold them, they didn't catch the fish and we came in short.

13           Now in -- this is a pretty high number and it was  
14 actually something that I wasn't expecting the first time  
15 through this ITQ process. Now if we look at 2015, we are in  
16 September now and in comparison to the two month -- of the two  
17 months from the prior year, we are slightly -- we are 3  
18 percent higher, you know the blue line is just a little bit  
19 higher than the red line here but we are tracking very  
20 similarly along this line.

21           And so, we expect to be in and around the high 90s,  
22 90 to mid to high 90s at the end of this season as well which  
23 would equate to around 100,000 pounds short. Again, we have  
24 the mechanisms in place for those -- for that quota to get  
25 transferred to people who are fishing but people for whatever

1 reason have chosen not to catch, not to fish. And so that is  
2 the information, I guess I can -- Mr. Chairman I can turn it  
3 to you as far as brainstorming some ideas perhaps. The one  
4 thing that we could do, is overallocate the fishery which  
5 would mean giving more to people than what we have available  
6 as a state.

7           Knowing we are projecting and predicting that we are  
8 going to come in short each year, when overallocation would be  
9 a mechanism for the active anglers to catch the quota while  
10 some people still hold those -- their permits back. But there  
11 is a risk to that. And we all know the risk of that is that  
12 if you overallocate the resource of what we are available --  
13 that is available, there is a potential for catching more and  
14 then having to pay that back in some way in the future years.

15           MR. RICE: Well, you can look at it like this, if  
16 you overallocate by 5 percent, there is no way you are going  
17 to pay back more than 5 percent, if you quote 105 percent. So  
18 the only gamble -- if you can gamble with a nickel, that is  
19 like playing a nickel slot machine versus a dollar slot  
20 machine. You can stand to lose that nickel, you just can't  
21 lose 95 pennies.

22           MR. LUISI: Okay.

23           (Laughter)

24           MR. LUISI: So here is --

25           MR. GILMER: I am with you, Bill.

1 MR. RICE: I knew Moochie would understand.

2 MR. LUISI: So let me -- I will just -- there is a  
3 concern that I have over an overallocation scheme would be if  
4 we gave everybody their permits, everybody had their  
5 allocations and then nobody caught more than their allocation  
6 on their card. Everybody caught right up to the number,  
7 right? But what we went over by 5 percent so next year we  
8 would have to take 5 percent off the total quota when we  
9 redistribute it.

10 It was going to be very -- it was going to be a  
11 challenge for the department to explain to someone why when  
12 the quota hasn't changed, their individual allocation given  
13 that they did nothing wrong went down by 5 percent in the  
14 following year. And so there will be an impact to each person  
15 as part of that risk. And it is one of those things -- yes, 5  
16 percent isn't a great deal of extra and --

17 MS. DEAN: I just want to point out that we already  
18 did overallocate last year. So to reach that 94 percent, we  
19 have already done it, so we might not have gotten to 94  
20 percent had we not overallocated, right?

21 MR. LUISI: Not -- we did not overallocate last year.

22 MR. RICE: No, that is an issue that we are in right  
23 now.

24 MR. LUISI: We overallocated by one and a half  
25 percent this year --

1 MS. DEAN: This coming year?

2 MR. LUISI: No, in the season that we are in now.  
3 Because of that emergency regulation --

4 MS. DEAN: But that is not automatically -- what I  
5 am saying is that is not automatically factored in for 2016?  
6 So we could technically that same amount we could do it for  
7 2016

8 MR. RICE: What was the percent for this year?

9 MR. LUISI: It is at the bottom of your page. One  
10 and a -- it is very small. 1.45 percent.

11 MR. RICE: So a percent and a half?

12 MR. LUISI: A percent and a half.

13 MR. RICE: But we still make it with a percent and a  
14 half. We are back to gambling again and with -- I don't  
15 know, 9,000 pounds short. May get 3 percent until we get it  
16 right. I mean, if Lynn can explain the menhaden deal over the  
17 telephone you certainly should be able to explain the  
18 process --

19 (Laughter)

20 MR. LUISI: So, if there is about -- so Lynn said  
21 that there were 30 people that catch menhaden right? There is  
22 1,100 of them. Look at the difference in the gray hairs. No,  
23 I -- it is not -- so again, we don't have a -- the state -- we  
24 are not taking a position as to whether or not we  
25 overallocated the --

1 MR. RICE: Well, there is another avenue that you  
2 can take. We are having an election and we elect the  
3 regional representatives. Your answer could be this was  
4 decided at the stripe bass work group level, why don't you ask  
5 your local representative why you get 5 percent less this  
6 year?

7 MR. LUISI: I like that even better.

8 MR. : This could be something if you  
9 want, we can bring this up at the meeting next week.

10 MR. RICE: Ken and then Rachel.

11 MR. JEFFRIES: I don't even know why we are  
12 discussing this. It is called an individual fishing quota.  
13 If a person has a quota and he chooses to let that fish swim,  
14 why are we discussing this? I don't care that the state has  
15 allocated the funds. If we went through these individual fish  
16 quotas -- if I had my individual quota and I wanted to swim,  
17 I shouldn't -- my fish should not go to someone else. Just as  
18 so the way that you guys split up the quotas, some people got  
19 5,000 pounds and other people got 400 pounds, I mean I don't  
20 even know why this is even open for discussion.

21 MR. RICE: Rachel?

22 MS. DEAN: This is dangerous. We were given our  
23 reductions based on our 2012 harvest. So if we were to look  
24 at any future reductions, they would go back and they would  
25 look at our harvest and they would see that we were not

1 meeting this and they could use that against us in the future.  
2 So if we have people that are sitting on their quota because  
3 they don't need it, they choose not to. Then in the future,  
4 if ASMFC looks at us and says you know what you need another  
5 reduction, let's take it from such and such year's harvest.  
6 We are looking at even another reduction.

7 I mean, our reduction this year was 20 and a half.  
8 No it was 25 and a half, you know, you can add this as part  
9 of our reduction. I appreciate Ken, that you don't make your  
10 money on that but there is people that are making their money  
11 on it and this is important to them.

12 MR. JEFFRIES: It doesn't matter, it is that  
13 person's individual quota. That is the problem like your  
14 gambling. You go to these individual quotas and it is not  
15 derby style, you are not closing the season when you have  
16 caught your quota. You go to these individual quotas. That  
17 is what the flippin I stands for. If it is an individual  
18 quota, why is someone other than this individual right here  
19 catching my fish.

20 MS. DEAN: I guess you would have to ask whether or  
21 not the department's intent with this ITQ system was a  
22 conservation.

23 MR. JEFFRIES: It doesn't matter what it was -- the  
24 intent, the I stands for individual. I mean, that is why some  
25 people got 5,000 pounds. Some got 300. And then if you

1 bought a license before the season, that quota didn't transfer  
2 and now three years later we are saying the quota now when you  
3 buy a license goes with the license where three years ago, the  
4 quota didn't go with the license. We are running around in a  
5 circle here.

6 MR. RICE: Well, Mike, in the procedure, we will go  
7 from a work group back to this group. So if that is the case,  
8 there is people in this room that are all in the work group,  
9 so we will hit it around Tuesday and then it is going to come  
10 back during the debate, maybe a more finished product.

11 MR. LUISI: Okay, that sounds good.

12 MR. RICE: Okay, all right.

13 MR. LUISI: Now I am done.

14 MR. RICE: Yes, now you are done. Now, Dave, I  
15 won't give you this big introduction this time. Can you move  
16 forward with explaining to us about the MDOT.

17 MR. BLAZER: Yes.

18 ***Recap of 2015 MDOT Expenditures***

19 ***By Dave Blazer***

20 MR. BLAZER: Luckily I used to work for MDOT and for  
21 the port and they were the ones that provided the \$2 million  
22 in MDOT expenditures for the oyster program. Behind tab 6,  
23 you have some of the reports that were generated for this  
24 year's money for the oyster program. The first section there  
25 is kind of a review, the comprehensive report for fiscal year



1 15, about how the money was spent previously and hopefully you  
2 have had a chance to read through it or can read through it on  
3 about the fourth page back, there was also kind of an  
4 expenditure report. It gives you kind of where the money went  
5 in relationship to the county oyster committees. So I wanted  
6 to kind of highlight that.

7           One of the things when I was at MDOT and we were  
8 working on this was trying to get better information because I  
9 will be honest with you, while I was at MDOT, it was difficult  
10 to justify finding \$2 million to come for the oyster program.  
11 So that is -- we started to ask for these reports over the  
12 last couple of years so that we could justify to the MDOT  
13 folks and the port folks why this spending this \$2 million was  
14 valuable and why it was a good idea.

15           So, this is kind of a work in progress to be honest  
16 with you. This report I think is excellent, it is quite an  
17 upgrade from what we have had in the past. And again in kind  
18 of the transparency that I think we are trying to achieve, I  
19 think a lot of this was brought to this committee before. We  
20 will bring these every year. The comprehensive report. When  
21 the timing is right and some of the other projects that are  
22 there. Also in this is a pilot study that some of the money  
23 is going to be used for.

24           And then also, the last three pages of -- that are i  
25 that tab, is the work plan for federal fiscal year 2016. I

1 believe this was brought to the tidal fish commission  
2 previously and this gives kind of an outline now that I am  
3 wearing the DNR hat of how the money is going to be expended  
4 in the future and again we were looking for that from the MDOT  
5 side of things as well. How these funds were going to be  
6 used. The original intent of these funds when they started  
7 some 16 or 17 years ago, I don't remember the exact time line  
8 was for the port because there was an impact from dredging and  
9 the shipping channels and so forth that this was an investment  
10 in the bay as kind of a community enhancement to help because  
11 of the impact of dredging and we were going forward.

12           So, the Department of Transportation wanted to see  
13 more of a work plan. And this was part of the provisions,  
14 this is a memorandum of understanding between MDOT and DNR.  
15 Of how this money exchanges between the two state agencies.  
16 The last time that the MOU was negotiated, we did it for five  
17 years and the contingent was, we wanted to see how the money  
18 was spent. We wanted better tracking, we wanted better  
19 information and excuse me, I am speaking for MDOT now because  
20 that is where I was at the time.

21           MDOT wanted a better tracking and how the money was  
22 going to be spent and what the benefit was, so that they could  
23 justify and explain but also what is the spending plan for the  
24 year, we wanted some detail so that we knew that the MDOT  
25 money, the \$2 million was going to spent well. And was going

1 to be kind of a big bang for the buck.

2           A couple other things that I do want to highlight  
3 was about four years ago, it was an increase in the funding  
4 from 1.6 to 2.0 million dollars. That increase and there was  
5 a change in the MOU because back then if you remember, there  
6 was an emphasis on restoration sanctuaries, aquaculture, those  
7 things started to enter into the oyster program. So the  
8 increase in that \$2 million mark was to help with some of  
9 those activities but the idea was to keep the public fishery  
10 funds at or about the same level of that \$1.2 million.

11           The -- so MDOT was willing to give more money  
12 because DNR was expanding the oyster program. They needed  
13 funds to be able to help manage the sanctuaries, the fishery,  
14 the department and now that I am on the fishery side of  
15 things, there is a lot of money being pumped into oysters from  
16 the Corps of Engineers, from NOAA and from others. But they  
17 don't provide administrative funds that we can hire people and  
18 provide the resources to be able to do these things that we  
19 have.

20           The only real source of money for staffing and  
21 administrative work is really the MDOT money. So if you look  
22 at that, DNR and Fisheries really doesn't have other sources  
23 of funds to be able to pay staff and to be able to pay for  
24 those types of programs that are there. So again, back in  
25 2011, when oyster management was kind of changing, MDOT kind

1 of agreed, okay well we will help pay for some of that  
2 administrative costs and that was less some of the increase  
3 that was there.

4           So, hopefully you know, please look over the work  
5 plan. We will be bringing this back to you at the time that  
6 we have to renew the MDOT grant. We will be bringing the work  
7 plan back to you and then the end of the year report if you  
8 will, the comprehensive report of how the money was spent and  
9 where it went and all of those other things. So, we will keep  
10 coming back to this group with that information. So does  
11 anybody have any questions?

12           MR. RICE: What keeps MDOT bound to this obligation?  
13 Is this something that we have to be concerned will go away?

14           MR. BLAZER: You know, it is hard to predict the  
15 future. I can tell you that I know the last time we re-  
16 negotiated it, we re-negotiated for five years. It used to be  
17 a three year memorandum of understanding. We put it through a  
18 five year program. So it goes until 2019. You know, MDOT is  
19 happy because they are getting kind of a pat on the back for  
20 helping oysters in the state, so it is kind of a good thing  
21 for them to be involved in.

22           But with budgets what they are, that -- I can't say  
23 for 2019 or 2020 -- I will tell you that the day I left, I  
24 told them that I would be back early before 2019 to re-  
25 negotiated the next MOU and they kind of said oh great, but

1 they were kind of mad at me too for leaving. So I am hoping  
2 that they forget some of that.

3 MR. RICE: I appreciate your report. Charles, you  
4 have --

5 MR. MANLEY: I just want to say something on that. I  
6 was at a caucus meeting a few weeks ago and they brought those  
7 figures and I think the oyster industry itself got like  
8 \$600,000 to them in pocket. And they were -- it was tossed  
9 around about how some of the stuff was wrote in and how the  
10 public fishery was just a take and the figures they brought  
11 last year was that at \$600,000 Maryland landed \$14 million  
12 worth of oysters. So anytime you take \$600,000 and bring back  
13 \$14 million, that is a damn good investment in most people's  
14 eyes. It is well spent money is all I am saying.

15 MR. BLAZER: Yes, and I can tell you, I don't know  
16 if there is a correlation between the direct harvest and this  
17 funds here but it helps. And I think that is you know, I can  
18 tell you while I was with MDOT, you know, some of the things  
19 that we talked about was you know, one -- MDOT is very happy  
20 and they get positive reinforcement about this but also you  
21 know one of the things that is being looked at was -- that I  
22 kept pushing for was can we get mitigation or water quality  
23 credits towards total maximum daily loads for you know  
24 investing in the oyster program.

25 So, you know there is an effort to try and study

1 that and get some data with that, because then I think if you  
2 can quantify that oysters really are cleaning the bay and  
3 addressing some of the nutrient pollution and you can quantify  
4 that, then I think -- I know for a fact that port state  
5 highway administration, they are looking for ways because of  
6 all of their mitigation requirements, for all the construction  
7 and if there is a way to get credit for some of this towards  
8 TMVLs, I think the investment in oysters would be much greater  
9 in the future. So maybe some of that plays in to Billy's  
10 question with 2019 in the future. But that is my hope.

11 MR. RICE: Moochie?

12 MR. GILMER: Okay, so I see this \$400,000 for the  
13 management side. And it was in place in 2011 which means it  
14 was in place when done our last cost recovery budget or  
15 whatever you want to call it. The ugly thing that -- we dealt  
16 with. And so without this \$400,000 going towards support of  
17 the public fishery, I guess we would -- it would almost have  
18 to come from our side then for funding.

19 MR. BLAZER: Well, I don't have all of the details  
20 on the cost recovery. But from what I -- what basically I  
21 understand and know and Gina, Lynn, you guys can correct me if  
22 I am wrong but the idea was for commercial fishery to pay for  
23 their side of things and recreational for their side.

24 MR. GILMER: Yes, so this \$400,000 is pretty  
25 important to us in that whole issue from what I can see. So,

1 okay.

2 MR. BLAZER: We haven't broken it down to that  
3 level, Moochie, but just the concept wise I think it is  
4 something valid.

5 MR. GILMER: Yeah okay. I was just --

6 MR. RICE: Thank you. Anybody else? I especially  
7 thank you for your report because we are involved right now at  
8 the fishery commission in seeking out some private partners in  
9 hopefully hanging up some money for oyster rehabilitation and  
10 the way you presented this is pretty much exactly how we  
11 decided to approach the people --- and they said well what is  
12 in it for us? Why should we give you money for oysters? And  
13 basically we said, well you have interrupted our commercial  
14 activities on the --- since you became a naval(sic) testing  
15 facility. And this is the way you can help put something  
16 back.

17 It is just like everybody else, they are smiling and  
18 more willing to talk to you but at the end of the day that  
19 money has to come from somewhere, it doesn't drop out of the  
20 sky. So right now, oysters are a way that people can feel  
21 like they are doing something good and let's hope that things  
22 keep moving forward. Okay. Dave? You -- once you get  
23 started, you have to keep on going. If you can tell us about  
24 the meeting you all had with the gill net people -- the summer  
25 time gill net people and the charter boat captains, I would

1 appreciate it.

2 ***Summer Gill Net/Charter Board User Conflict Update***

3 ***By Dave Blazer***

4 MR. BLAZER: Okay, thank you. An issue came to our  
5 attention a few weeks ago related to the summer gill net and  
6 charter boat, that was kind of a user conflict. They were  
7 looking for the same space if you will. And there was -- we  
8 were getting a lot -- some feedback from areas around the bay,  
9 Chesapeake Beach, Tangier Sound, and so forth. Where there  
10 was conflicts with the gill netter coming into areas that  
11 charter boats were fishing and charter boats some of the gear  
12 conflicts, some of the user conflicts that were there.

13 So, the department decided to put together what we  
14 thought was going to be a pretty small meeting. We had  
15 invited four people who were active in the gill net fishery  
16 and four people that were charter boats that had brought this  
17 issue up to us. We invited them in, figuring that let's get  
18 the two parties talking about the issues so that they could  
19 explain kind of what the issue is, where they were coming from  
20 and maybe they could come up with a solution related to that.

21 The department kind of pulled the meeting together  
22 and facilitated it for a couple of different reasons. One, we  
23 don't have the regulatory authority to change regulations for  
24 gill nets, the General Assembly has not given us that  
25 authority for us to make gear type changes on gill nets. And



1 then on the other side because they are targeting spot, white  
2 perch and croaker, there is no conservation need if you will,  
3 that ASMFC or any of our stock assessments had indicated that  
4 there was a conservation reason for doing something with this.  
5 And we kind of decided that it was basically a gear conflict,  
6 again let's get the people involved in it and see if we can  
7 come up with some resolution.

8           We had the meeting here. I guess about a week and a  
9 half and two weeks ago. We ended up having our invited eight  
10 people but we also got another 40 gill netters who came to the  
11 room. One of the hazards if you have a department sponsor  
12 meeting, it is open to the public. So we got a lot of extra  
13 people here and again trying to be transparent, we weren't  
14 going to keep anybody out, kick anybody out.

15           But I commend the charter boat captains that were  
16 here and the gill netters that were here, they expressed their  
17 opinions, they had a good dialogue, they had a good  
18 discussion. And basically the solution that they came up with  
19 was that they need to have better communication and when these  
20 incidents come up that there is some communication process  
21 that they can talk about and work through this.

22           So I think that the two groups that were here, kind  
23 of agreed that they would do that. Instead of having the  
24 department do something that maybe nobody would be happy with,  
25 I think the two groups have worked it out. Rachel and Phil

1 Langley have been communicating and I think the charter boat  
2 captains and the gill netters that were there continue to  
3 communicate and address this particular issue. So we are  
4 hoping that the communication is going to work for us.

5 Rachel, I don't know if you have anything to add or anybody  
6 else that was at the meeting? If you have any comments? Any  
7 questions?

8 MR. RICE: You good? Nothing. Dave you must have  
9 hit on the details so there are no questions, that is good.  
10 That is good if the two groups can work it out. George? You  
11 been sitting back there a long time. Would you like to come  
12 up here and first off -- I would really like to commend you  
13 on, I have heard nothing but good things about you.

14 MR. O'DONNELL: My goodness, you haven't been  
15 listening closely.

16 MR. : Who have you been talking to? Let's  
17 get this straight.

18 MR. O'DONNELL: You haven't been listening closely  
19 enough.

20 MR. RICE: Maybe --

21 MR. O'DONNELL: I guess.

22 MR. RICE: No, if you can kind of like walk us  
23 through this list and we are not going to go into any detail  
24 of course on any one item but just tell us what you have been  
25 hearing from the people around the state, things that they

1 have concern about.

2 *Field Report*

3 *By George O'Donnell*

4 MR. O'DONNELL: Well, thank you, I appreciate that.  
5 I have been with the department here for a little over three  
6 months and I was hired as the -- name has been changed a  
7 little bit but it is the Fishery's Customer Relations Manager.  
8 And everybody that is a chairman who's name is Bill, I was  
9 there the other day and he is Bill, you are Bill -- you got to  
10 named Bill to be a chairman here.

11 MR. RICE: Well, if you think you got problems, at  
12 one time on the --- fishery, there was six of us on a  
13 commission before we got eight members, three of us were  
14 Williams. Myself, William Prick\*, and William Hudman\*. You  
15 remember. So when you called on William, you had to be  
16 specific but we only got one George.

17 MR. O'DONNELL: So we are seven kings, so you are  
18 staying well represented. What I have been doing and what  
19 this list represents is sort of a collection of issues and  
20 concerns brought to my attention through the meetings that I  
21 have had with stake holders around the bay. Some of you of  
22 course in this room. And I will be giving these -- what is  
23 going to be referred to as a field update at the sport fish  
24 meeting which took place in this room on Tuesday and now this  
25 room, of course, tidal fish. And for your future

1 considerations as to when the timing of these issues would  
2 appear on a preliminary agenda to be worked out with the staff  
3 when they are comfortable to inform you and so forth.

4           So this is sort of like an ongoing list that will be  
5 adding to and correcting and as several items that I will  
6 touch on briefly that they just touched on one of them, were  
7 heard in this agenda. So this is going to be an ongoing  
8 process at each one of these meetings that come up and it has  
9 been very fascinating going around seeing the whole picture  
10 from the dam to the ocean. In fact, we will be going to Ocean  
11 City tomorrow to meet with our friends that fish offshore and  
12 in the coastal bays.

13           So all of this information is -- I think very useful  
14 in helping to ensure the stakeholders issues are addressed.  
15 The first thing I have on the list is water column leases.  
16 They continue to come up. I was with Karl Roscher yesterday  
17 at a meeting to mitigate a concern between a complaint over a  
18 potential lease in Chester River, I think we are moving in a  
19 direction to resolve that. They have to go back and forth a  
20 little bit but both parties have been willing to work on those  
21 things.

22           So the -- the leases in general are an issue in some  
23 places but water column leases, even though that is a very  
24 small part of the program, only several percent it fully  
25 utilizes that one area for one person and you can't do other

1 things in that area typically.

2 Man of war shoal permit. Its upcoming hearings are  
3 going to be held on that. That is -- it has already received  
4 much opposition. The secretary and others have heard much on  
5 that. Thinking about this being listed on here is the fact  
6 that should that not go ahead, then what might be another site  
7 to be looked at in another proposal and realize that to be  
8 another proposal permit where they would have to be surveyed  
9 and takes several years probably.

10 But every one I talk to, whether you go to Horn and  
11 Point and talk to Mutt, whether you talk to folks in  
12 Aquaculture or Karl, the public fisheries certainly, the MDOT  
13 money and so forth. It is paramount to the future of the  
14 oyster industry to look into shell stocks. And certainly if  
15 you can derive those from the bay, as opposed to bringing in  
16 these small amounts from down south or some shells in New  
17 Jersey or other places, it will save money and most people are  
18 willing to tell you the Langenfelder shells are premium. They  
19 just dredged a million bushels in Virginia. I have seen the  
20 spat that are caught on some of those shells already, it is  
21 truly amazing.

22 Langenfelder folks are heading out of business.  
23 That was the last shell dredge in the country. It was only  
24 two before that, so what becomes of that and the program, I  
25 think the state got out of that program in 2006. So, that is

1 something many people are interested in talking about and  
2 looking into. It is anticipated due to the success of the  
3 last several oysters seasons, more people were going to power  
4 dredging starting the first of the month.

5           Looking into the notion of what other areas can that  
6 be expanded into to prevent too much harvesting concentrating  
7 in the existing areas to have other areas perhaps look into  
8 the idea of rotational harvest and not harvested down to where  
9 you can't make gas money on the place before you would  
10 actually go somewhere else. So those are things that I hear  
11 from time to time about what is the potential for looking into  
12 expanding areas for power dredging.

13           Before this oyster season opened, I heard in several  
14 areas that I travel to that there were concerns about how many  
15 small oysters have been sold in the previous season. They  
16 felt there was a problem, so I had already spoken to  
17 Lieutenant Windemuth about that and that he had realized that  
18 as well as Major Sewell and they have already tried to  
19 allocate additional human resources in those areas.

20           And I have heard about the police being present in  
21 some areas in a greater way than they had been in former  
22 years. So -- and most people were fairly clear that they  
23 weren't saying there was a flaw and that the police were in  
24 the field, that this was more so of a resource issue leading  
25 to the amount of people they have seen and so forth. That is

1 something that they would look into addressing.

2           Lynn touched on menhaden. Obviously the ASMFC  
3 meeting is coming up. There are many folks that think  
4 Maryland should be looked at as deminimis in the nature of  
5 the 1.3 something percent of a -- the overall quota. They  
6 think that Maryland should be independent of the ASMFC on that  
7 and we should manage the fishery ourselves. Dave touched on  
8 the gill net meeting and there were several of you were here  
9 in attendance for that. I thought it was very good and it is  
10 one of the things that I particularly want to concentrate on,  
11 the communication between groups.

12           Talking about each other is never as good as talking  
13 to each other and you don't usually resolve your problems  
14 reading about things in the paper and so forth. It is always  
15 better to sit down and this was a good meeting. Meetings like  
16 that have a potential to go very bad. This was good. Dave  
17 did a good job of running that meeting and I thought that it  
18 cleared the air and hopefully laid the ground work for  
19 communication for the group, so they don't have to look into.  
20 We sort of assured them, you don't want us to put a permanent  
21 solution in place for a temporary problem.

22           Just about any fishing group that I met with don't,  
23 even though it was agreed to to some degree to go to the 20  
24 inch fish in the last cycle, nobody likes that very much  
25 because that upcoming year class didn't get to become quite 20

1 inches and it doesn't sound like a very big difference in the  
2 measurement, but what it means is the difference between  
3 having a banner season as we spoke about before the meeting  
4 and having an off season. So most folks that I talked to  
5 about striped bass, thinks it should be an 18 inch standard  
6 harvest size and the slot fish was not very popular either.  
7 With 36 to 40, they felt very simply it killed a lot of fish  
8 and hurt their businesses.

9           And that was almost throughout I heard that from  
10 just about everyone. It is the idea that Maryland or that  
11 Virginia allows the harvesting of the egg laden striped bass  
12 going to the spawning grounds to be harvested is something  
13 that many think should be -- Maryland should have more of a  
14 dialogue about that to see what if anything could be done  
15 about that.

16           If you want to target that fish, it makes more sense  
17 after they were spawned so you get the benefit of the spawn.  
18 A conservation measure that came up was the type of hook that  
19 was being used. Typically the J or treble hook is being used  
20 and the notion of that is the versus the circle hook that they  
21 were suggesting as a conservation -- some don't like the idea  
22 of the circle hook because they say it is too hard to catch  
23 the fish.

24           Others say that the fish mortality from the catch  
25 and release of those other hooks and add and increase the



1 mortality that is something that may be able to be looked at.  
2 A question came up as to why the common pool fish were striped  
3 bass was gear restricted. And the ITQ was not. The pound net  
4 restriction was of concern to pound netters and I think that  
5 is going to be referred to the striped bass group that  
6 has --- Billy.

7           There is many more pound net locations in the bay  
8 that aren't being used than are and it has come up to the  
9 thought of the use it or lose it provision much like oyster  
10 leases. Karl will tell us that it was 7,000 acres of oyster  
11 leases and many of them not being used until they required  
12 that. Now there is 4,300 with 2,600 more pending in the  
13 application. So that is something that may be able to be  
14 considered.

15           Many think fishing tournaments should not be allowed  
16 until after May 15. This would allow the striped bass to  
17 spawn. The remaining four items, I think I saw Brenda here, a  
18 blue crab advisory committee. These are going to be referred  
19 to them. When you go particularly down the bay where the  
20 crabs run smaller, they would love to see a 5 inch minimum  
21 size as you know Aubrey. And extend that -- and extend the  
22 female harvesting season.

23           I talked to one gentleman this morning that called  
24 from -- one of your colleagues, Morgan, called me and was  
25 asking about the notion of extending the crab season and --

1 MS. : Would be beneficial for your picking  
2 facilities as well.

3 MR. O'DONNELL: Well, there you -- precisely. Every  
4 one of the picking facilities, Smith Island, Hookers Island,  
5 Claytons, every one sings that same song. Once you get  
6 particular from the Choptank down where crabs run smaller,  
7 they support the 5 inch and of course the notion of the female  
8 harvesting season being extending to a Thanksgiving time  
9 frame, some say down the bay that before the crabs even get to  
10 them it is cut off, and they don't get the benefit of that, so  
11 they have to seek those crabs from other areas.

12 Eliminate the prohibition of possession of sponge  
13 crabs which are legally called in other states for picking  
14 harvesting, competitive reasons. Ongoing concerns in regard  
15 to the death rate of crabs by auto dippers on trot line boats.  
16 I have been hearing that some buyers have told me that they  
17 will not buy crabs that have been caught with an auto dipper.  
18 The crab gets stressed and essentially gets drowned as the  
19 water is forced through them. So that is a potential  
20 conservation issue.

21 And the last thing I have is to revisit the time  
22 limit or restrictions on crab harvesters to allow harvesting  
23 to occur earlier than one hour -- one half hour before  
24 sunrise. The concern is that crabbers are forced to work  
25 later and then that hot sun obviously takes a burden on the

1 crab mortality as well. Some buyers will tell you if you are  
2 not in here by a certain time, or if you can't start until 3  
3 or 4 hours later than I used to go out, then you know, when  
4 are you going to catch your crabs becomes the issue.

5 MS. VINCENT: It narrows that window pretty  
6 considerably.

7 MR. O'DONNELL: Pardon me?

8 MS. VINCENT: I said it narrows that window pretty  
9 considerably if you have to be in by noon but you can't start  
10 until --

11 MR. O'DONNELL: Well, precisely -- some of them  
12 won't let you stay until noon. When it is in July and August  
13 and if you don't have your crabs in there by 11:00, don't'  
14 bring them to me -- down at Harrison's one day and watched 10  
15 bushels on the dolley get wheeled right to the dumpster. That  
16 was \$1,100 right then.

17 MS. VINCENT: Yes, I figure 10 to 20 percent when it  
18 is hot like that, a bare minimum.

19 MR. O'DONNELL: That is exactly the figure that they  
20 used. Now obviously it is worse in the warm weather months  
21 than if you have a little bit of bay water to go with that and  
22 so forth and force the water --

23 MS. VINCENT: Then they put it on the dipper and  
24 then you are in trouble.

25 MR. O'DONNELL: And that is exactly right. That is

1 what the list -- the list will be updated and changed as the  
2 time goes on. So if anyone has any questions, I would be happy  
3 to answer them.

4 MR. BLAZER: I just want to commend George too, he  
5 is doing a great job of getting out and talking to people and  
6 bringing these issues back. When George brought us the list  
7 of comments that he was hearing and you know, we were looking  
8 at like a six page tidal fish agenda. So we were like we  
9 don't have enough time to do that. So we kind of did a little  
10 bit of a triage and we are going to ask George to keep coming  
11 back to report out to you all what are we hearing, what is  
12 going on so that you guys are informed about what we are  
13 hearing and maybe you guys can give us some ideas about what  
14 to do or how to go about some of the stuff.

15 And then also what you are hearing. One of the  
16 things that you know, we need to hear things but as we tell  
17 you all some of the limitations that maybe you have, we hope  
18 that you all are taking some of that back to your constituents  
19 and try to help explain and let them know what some of the  
20 discussion is. You know, I like George's comment before about  
21 talking about each other as opposed to talking to each other.  
22 I thought that was really good. We want to make sure that we  
23 are talking to each other, trying to come up with solutions  
24 and George is a critical link in that.

25 So again, we will have George on the agenda coming

1 back and kind of giving new updates on a lot of this stuff.  
2 And as we look at this, we will farm it out to the blue crabs  
3 advisory committee or others as we go through.

4 MR. RICE: And also everybody has a copy so our  
5 next meeting when George comes up, you can say oh well I went  
6 back and I talked to my people and they are really concerned  
7 about A, B, or C or D or whatever. Give the opportunity to  
8 weigh in.

9 MR. BLAZER: Billy I think that is great idea is if  
10 you go back and start talking to your folks and they say well  
11 this is really, really important. Don't wait until the next  
12 meeting, give us a call and say look we are hearing this too  
13 and so we can know and be prepared for the next meeting and  
14 everything.

15 MR. GILMER: George, can we have a contact number?  
16 So you know if we bring this up at a meeting instead of  
17 waiting for so long to get back to you at the next meeting  
18 and --

19 MR. O'DONNELL: A contact number for me?

20 MR. GILMER: Yes.

21 MR. O'DONNELL: Yes, let me see -- I got a  
22 smartphone and dumb phone. 410-980-7838 and thank you for  
23 asking, that is a very good point. Please call me at any  
24 time.

25 MR. GILMER: I thought I had it but I wanted it for

1 everybody.

2 MR. O'DONNELL: Yes, absolutely. And some ask  
3 George where did these items come from on this list? Well the  
4 short answer is the stakeholders but some of these items were  
5 broadly supported by many and a few of these items might have  
6 been from one person. So that is why it is always good to go  
7 out and why would you put one person -- well, I saw when I was  
8 county commissioner many times the very -- you can't discount  
9 an idea because it came from one person instead of 100.  
10 Sometimes the person in the back of the room got the best  
11 idea. So that is what leads this here and that is why it  
12 would be a preliminary agenda for -- and to be considered as  
13 these meetings move ahead at the right time or -- and I  
14 realize all of these certainly aren't maybe pertinent issues  
15 for this committee but I think two things.

16 One it is going to go to the right committee and be  
17 triaged out. The other thing I think it is important just as  
18 we did with the sport fish for you to hear all of these items  
19 because so many of these issues are interrelated with the  
20 decisions and advice comes from this board or another. So that  
21 is why. Yes, Bill?

22 MR. SIELING: Well, I just want to complement George  
23 of having been one of the persons who suggested some of these  
24 items that were on this list. But George is really a great  
25 addition to the department and we found his services to be

1 really, really helpful. So I just want to compliment him for  
2 being -- creating this position and -- found George to take  
3 it.

4           And I do have one question for you, Dave, before we  
5 hang up here today. Two questions. One is there a phone  
6 number that we can reach you at other than the DNR labyrinth?  
7 And then secondly is there an e-mail that we can reach you at?

8           MR. BLAZER: Yes and yes. E-mail is David.Blazer  
9 @maryland.gov.

10          MR. SIELING: And Maryland is MD?

11          MR. BLAZER: No, spell out Maryland. First name,  
12 last name, with a period in between at Maryland, spelled out,  
13 dot gov. And then my cell phone number is 443-676-7208.

14          MR. SIELING: And I promise you, I won't abuse that  
15 but I -- sometimes the DNR labyrinth just you know, it breaks  
16 down. You never get there.

17          MR. BLAZER: That is okay, somebody called me Sunday  
18 morning at 7:00, so I know that comes with the territory  
19 because when I was here 20 years ago, I got those calls a lot  
20 too. And I am actually looking forward to the trip down to  
21 Ocean City tomorrow because I lived there, so I know a lot of  
22 the folks who are going to be there. And they all have my  
23 phone number already.

24                   (Laughter)

25          MR. BLAZER: Call me, call staff, call George. Just

1 again we want to make sure we are talking.

2 MR. RICE: All right, well, that brings us near the  
3 end of our agenda. But we do need to discuss our upcoming  
4 meeting schedule. Right now preliminary we are scheduled for  
5 a meeting on January 28, April 28, July 21, and about a year  
6 from now, October 20. I know that is reaching out but that is  
7 our preliminary schedule. If any --

8 MS. SINDORF: The July 21, the 3:00 -- I know that  
9 was argued by many because they couldn't get here by 2:00,  
10 there was an issue with that, I think.

11 MR. RICE: Yes.

12 MS. SINDORF: I would assume that everyone wanted to  
13 keep that at 3:00 if at all possible?

14 MR. RICE: For the summer meeting --

15 MR. SIELING: Bill, I have one more issue. I know  
16 that we are losing one of our really -- I think, one of our  
17 good commission members, David Young, because he really felt  
18 badly about the 2:00 starting time. That that just --

19 MR. RICE: Richard Young.

20 MR. SIELING: Richard Young. So I just wanted to, if  
21 the starting time is something that you know the new  
22 administration and our new director of tidal fisheries, that  
23 maybe that is something. Personally I don't -- that doesn't  
24 make a difference to me because I don't work on the water for  
25 a living, but I know for a lot of people, that really is an



1 issue, that early starting time.

2 MR. RICE: Well, it is days like today it is an  
3 issue there is no doubt but we all showed up. So, I don't  
4 know is that something, Dave, that you feel would be up for  
5 somewhat of --

6 MR. BLAZER: Whatever you guys decide. I know when  
7 I was here 20 years ago, we had them at night. 6:30 or 7:00.  
8 I don't necessarily prefer that but I am not also not looking  
9 to change. But whatever you guys want.

10 MR. RICE: Honestly I am not too keen on getting  
11 home at 11:00 at night. We only got -- I think you have to  
12 look at it from this perspective. We went from about 8  
13 meetings a year back to four. So we have made a sacrifice  
14 there and a lot of sacrifices, actually we are getting more  
15 done in less time. So how many of us on this committee?

16 MS. : We don't know.

17 MR. RICE: Not discounting Richard's problem, but  
18 if we only had one person that had this huge problem, maybe  
19 we are not doing all that -- so I guess that for the time  
20 being we will go as it is, is that acceptable?

21 MR. GILMER: Yes. Can you make that meeting, I just  
22 want to make sure because I don't want to have to run a  
23 meeting.

24 MR. RICE: I tell you what, I am not going to make  
25 any promises.

1 MR. : Change the July to 3:00 p.m.?

2 MR. RICE: Yes, I think the July meeting -- are we  
3 good with the 3:00?

4 MS. SINDORF: Yes, I think 3:00 really helps  
5 everybody out.

6 MR. RICE: Because that runs from 3:00 to 6:00  
7 instead of 2:00 to -- and it gets darker later then, so those  
8 of us that go to roost with the chickens still might make it  
9 home in time. So. All right. Well, that wraps me up. Dave,  
10 do you have anything else?

11 MR. BLAZER: No, nothing.

12 MR. RICE: No, don't nobody say nothing. I jinxed  
13 us once already and no further business, we stand adjourned.  
14 Thank you.

15 (Whereupon, the meeting adjourned at 4:51 p.m.)

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